

PE1548/UU Petitioner submission of 31 August 2022

In June 2022, after more than 7 years since the petition was lodged, The Scottish Government published [new guidance on the use of Physical Intervention in schools for consultation](#).

I was part of the Physical Intervention working group for the new guidance along with my colleague Kate Sanger and although we tried very hard to make sure the guidance had a legal basis, much to our disappointment, it is not statutory.

For over seven years, I have supported over 2500 families nationwide who were brave enough to trust me with their child's story. Many of the children were physically injured and emotionally traumatised because of their experience. Some parents sent me photos and videos of their child's injuries. I have personally travelled to schools all over Scotland to support parents in meetings and I have listened to education staff tell me that they just don't know what to do, to support children with additional support needs and disabilities.

Some of what's in the guidance is good. The team worked long and hard, however, I am extremely concerned that unless the guidance is statutory, nothing will change for the staff, or children affected.

There is a fleeting mention of children with ASN but no relevant "section" in the guidance which talks solely about those children. My research shows that children with ASN and disabilities are disproportionately affected by physical intervention when they use behaviour to communicate (because it's all they have).

This year, I released some Scottish family survey results involving 613 Scottish Children who had been subjected to physical intervention in Scottish Schools from September 2019 to October 2021.

The families all came to me independently for help and support. They completed a questionnaire (same as the one for The Reduce Restrictive Interventions and Safeguard Children (RRISC) Report launched in The House of Lords)

- 91% of the incidents happened in NURSERY and PRIMARY SCHOOLS.
- 74% of the children had Autistic Spectrum Disorder and ADHD
- 29% of the children were only 6 (SIX) years old
- The youngest child was just 4 years old
- We had NO children over the age of 14 years old.
- 56% were secluded "more than 3 times a week"
- 33% were restrained 1 to 5 times a week
- ALL of the children had additional support needs and disabilities
- 93% of the children had some kind of injury

These figures are absolutely shocking.

In my view the Scottish Government Non statutory guidance will do absolutely nothing to protect these children.

In 2017 I started campaigning in England and Wales for guidance. In 2019, I went to Northern Ireland again, campaigning for “guidance”.

In 2022, Northern Ireland committed to introducing “Harrys Law” which included mandatory recording and monitoring of incidents.

In 2020, I went to The House of Lords for the launch of the [RRISC Report](#) hosted by Baroness Sheila Hollins.

As a result, the Equality and Human Rights Commission launched a formal inquiry into the recording and monitoring of the use of restraint & seclusion in English and Welsh Schools.

Today (31st August 2022) The EHRC announced that the UK Government has committed to

- Provide new guidance on restraint in schools to promote de-escalation practices to avoid the need for restraint;
- Bring into force primary legislation, contained in the Apprenticeships, Skills, Children and Learning Act 2009, to make the recording of physical force mandatory in schools, and make it a legal duty to inform parents when restraint has been used; and
- Make it compulsory for all schools to have a restraint policy which includes data recording.

You can only imagine how I disappointed I am that after over 7 years, the Scottish Government has failed to protect children in law and are now trailing behind the rest of the UK despite saying that it wants to make children’s rights a priority.

The Scottish Government non statutory guidance is out for consultation till the 25th October.

I can only hope that those responding to the consultation will help The Scottish Government to make the guidance statutory.

The campaign in Scotland continues.