

# Citizen Participation and Public Petitions Committee

13th Meeting, 2022 (Session 6), Wednesday  
28 September 2022

PE1927: Install CCTV cameras in all  
additional support needs schools

## Note by the Clerk

<b>Petitioner</b>	Claire Mooney
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to install CCTV into every additional support needs school in the country
<b>Webpage</b>	<a href="https://petitions.parliament.scot/petitions/PE1927">https://petitions.parliament.scot/petitions/PE1927</a>

## Introduction

1. This is a new petition that was lodged on 8 March 2022.
2. The petition follows on from a previous petition (PE1709), submitted by the petitioner in Session 5, and seeks the introduction of CCTV in every additional support needs school as a way of ensuring pupil safety and assisting in the investigation of injuries incurred while at school. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected to collect this information. 1,157 signatures have been received.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.

6. Following the Scottish Government's response, Members may wish to note that draft guidance on physical intervention in schools is has been made available for public consultation. Further information is available on the [Scottish Government's consultation website](#).
7. The Committee has also received submissions from Patricia Hewitt and Elaine M. These can be found in **Annexe D**.

## Action

The Committee is invited to consider what action it wishes to take on this petition.

**Clerk to the Committee**

## Annexe A

# PE1927: Install CCTV cameras in all additional support needs schools

## Petitioner

Claire Mooney

## Date lodged

08/02/22

## Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to install CCTV into every additional support needs school in the country.

## Previous action

I have previously petitioned Scottish Parliament in regards to the same matter PE1709. This petition was closed and since then lots of new cases have risen including CCTV footage in England of children being mistreated within these schools. I have spoken to all 74 councillors in North Lanarkshire, I've had conversations with old MSP as well as new one in post, I have discussed this with MP, I've complained to almost every government body possible.

## Background information

My family member was badly injured due to being restrained on a concrete floor for 1 hour 20 mins and placed in a seclusion room. They are severely disabled and very vulnerable. They were admitted to hospital with their injuries and staff stated they had never seen anything like it. Unfortunately, my family member was not able to tell police exactly what happened and there was a very bad first investigation, which I complained about.

A second investigation took place where staff were charged with culpable and reckless conduct. I believe that disabled children are being left with no safeguards in place and only the words of staff being listened to in these horrendous situations.

There has been a huge increase of injuries to children within schools especially those who use restraint and seclusion rooms. These children often are unable to tell their parents/carers exactly what's happened.

These should be the safest of place to nurture, encourage and make our children and families feel comfortable.

## Annexe B

The logo for SPICe, featuring the text 'SPICe' in a white, sans-serif font on a dark purple background.The logo for The Information Centre, featuring the text 'The Information Centre' and 'An t-Ionad Fiosrachaidh' in a white, sans-serif font on a dark blue background.

## Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1927](#): Install CCTV cameras in all additional support needs schools, lodged by Claire Mooney

### Previous petition

This petition is in similar terms to a previous petition, Ms Mooney lodged in November 2018. [PE1709](#) called on “the Parliament to urge the Scottish Government to install CCTV cameras and establish full time social work presence in all additional support needs schools in Scotland.”

The then Petitions Committee explored the petition over three meetings and the petition was closed on 30 January 2020, “on the basis that from written submissions received, there is limited support for the action called for in the petition”.

The Committee received the following submissions—

- [PE1709/A: UNISON Scotland submission of 17 December 2018](#)
- [PE1709/B: NASUWT Scotland submission of 20 December 2018 \(141KB pdf\)](#)
- [PE1709/C: Scottish Government submission of 21 December 2018 \(127KB pdf\)](#)
- [PE1709/D: Scottish Secondary Teachers' Association submission of 21 December 2018 \(125KB pdf\)](#)

- [PE1709/E: Petitioner submission of 11 June 2019 \(140KB pdf\)](#)
- [PE1709/F: COSLA submission of 18 December 2019 \(103KB pdf\)](#)
- [PE1709/G: Petitioner submission of 16 January 2020 \(160KB pdf\)](#)

Submissions from UNISON and NASUWT highlighted concerns they had in relation to how children with ASN were supported, but the submissions questioned whether CCTV would be beneficial. The Scottish Government highlighted that decisions to install CCTV would normally be taken by local authorities or managers of independent schools; it also highlighted that there would be human rights considerations around privacy. COSLA's submission echoed some of these concerns. The Scottish Government's submission noted a number of pieces of policy work around supporting disabled children and child protection. The petitioner's submissions noted the potential for CCTV to support accountability and convictions.

In addition to the initial SPICe briefing, the then Committee commissioned an additional paper on "whether CCTV is being used in similar settings in other countries" and "what evidence is there to suggest that the approach works well". The SPICe briefings can be found here:

- [SPICe Briefing \(300KB pdf\)](#)
- [Additional SPICe Briefing \(159KB pdf\)](#)

## Further developments

Supporting children with additional support needs, and particularly those with complex needs remains an area of policy focus. The Committee may wish to note two particular developments since the previous petition was closed.

The [review of Additional Support for Learning was published in June 2020](#). Its focus was on the support for children with ASN in schools. It made a number of recommendations and commentaries about how the support for children with ASN is delivered in practice. The report focused on the experience of children and young people, their parents and practitioners. It highlighted five common threads of that experience:

- a disconnect between policy intention and the practical experience
- significant challenges to meet the needs of children

- not all children and young people and those that support them are equally valued
- children and young people and the parents, carers and professionals working closest to them all express frustration at not being listened to by people within the system who they perceive to have the power to act or make changes
- there are a range of strategic and operational factors which create the disconnect between policy and practice.

The [Scottish Government published an Additional Support for Learning: Action Plan on 21 October 2020](#). The Scottish Government stated that it, COSLA and ADES are “collaborative partners in this action plan” and the recommendations were all accepted or in one case partially accepted. The [Scottish Government and COSLA published a progress report](#) on delivering the recommendation of the Review on 1 November 2021.

In January 2020, the Government established a [Physical Intervention Working Group](#). The purpose of this group is to “develop new national human rights based guidance to minimise the use of physical intervention and seclusion in Scottish schools” and “consider the approach taken by local authorities on the recording and monitoring of such incidents, and make recommendations to take forward the introduction of a standard dataset to help inform improvement at a local level”.

**Ned Sharratt**  
**Senior Researcher (Education, Culture)**  
1/4/2022

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at [spice@parliament.scot](mailto:spice@parliament.scot)

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

## Annexe C

### Scottish Government submission of 10 March 2022

#### PE1927/B - Install CCTV cameras in all additional support needs schools

1. Thank you for the opportunity to respond to the above petition. I note the petitioner lodged petition PE1709 on this matter in 2018 and that the Scottish Government provided a response at that time. I would like to respond on behalf of the Scottish Government to provide an update reflecting the range of policy interests in this important issue.

#### **CCTV use in education authority schools**

2. The Education (Scotland) Act 1980 places a statutory responsibility on all local authorities to manage and maintain their school estate and provide a safe school environment for all school users. They should make arrangements as they consider necessary for pupils residing at, or attending schools in their area. It would be for a local authority to decide whether or not to use CCTV cameras on their premises.
3. Where the use of CCTV is considered the rights of children and young people, as well as staff, must be a key consideration whilst striking a balance between privacy and protection.
4. There may be human rights implications as a result of the proposals within the petition. The right to private and family life contained in Article 8 of the European Convention on Human Rights (ECHR) is a qualified right, which means that reasonable restrictions or limitations can be placed on it in specified circumstances to achieve a legitimate aim. These are set out in Article 8(2):

“There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

5. Therefore, interference with the right to private life must be necessary and proportionate in order to achieve a legitimate public policy objective, within the overall context of a modern, democratic society. This would involve balancing potentially competing considerations, including both the rights of individuals and the wider public interest – in the considering of this petition relevant factors would include preventing harm and keeping children safe.
6. Due consideration would also need to be given to the United Nations Convention on the Rights of the Child (UNCRC) in particular Article 16 which covers the right to privacy and article 19 which covers the right to be kept safe from abuse, including physical abuse. Children's interests protected by these provisions would have to be balanced carefully.

### **Grant-aided Special Schools**

7. Grant-aided special schools are managed by a Board of Governors who are responsible for managing the day to day business of the school, including services provided within school. Grant-aided special schools receive annual grant funding from Scottish Ministers in exercise of their powers under the Special Schools (Scotland) Grant Regulations 1990. Such grants are subject to conditions determined by the Scottish Ministers and include a section on safeguarding and the protection of vulnerable groups. Conditions of grants to grant-aided special schools state that 'The Grantee must have robust safeguarding policies in place to protect vulnerable groups. The Grantee must also have in place clear processes which must be followed if it becomes aware of specific incidents, including referral to the relevant authorities where necessary' and 'The Grantee must report all and any cases of suspected abuse or malpractice relating to anyone involved in the delivery of the Project or any beneficiary of the Project to Scottish Ministers and the relevant authorities immediately'.
8. In addition, the Requirement for Teachers (Scotland) Regulations 2005 were amended in 2017 to require all teachers employed in grant-aided special schools to be GTCS- registered. The GTCS Standard for Full Registration applies to teachers employed and working in grant-aided special schools. Paragraph 7 above also refers.

9. Some grant aided special schools use CCTV within their schools. This maybe something that the Committee wishes to explore directly with the schools.

### **Independent Schools**

10. A number of registered independent schools in Scotland are special schools. The legislative framework for the registration and regulation of independent schools is contained within sections 98 to 103B of the Education (Scotland) Act 1980 with specific requirements related to safeguarding and promoting the welfare of a pupil attending the school. Independent Schools' child protection training requirements are set out in The Registration of Independent Schools (Scotland) Amendment Regulations 2021 ("the 2021 Regulations"). The 2021 Regulations, which came into force on 8 October 2021, amend The Registration of Independent Schools (Scotland) Regulations 2006. The 2021 Regulations insert into the 2006 Regulations a new requirement on the proprietors of independent schools to provide "A statement confirming that all persons employed by or in the school have undertaken appropriate child protection training within the previous twelve month period". The effect of this provision is, therefore, to mandate all persons employed in an independent school (be it a day or residential school) to undertake 'appropriate child protection training' each year. The statement is included in the proprietors' annual census returns to the Registrar.
11. The Scottish Council for Independent Schools (SCIS) provides the sector with support and professional learning on child protection.

### **The use of restraint in schools**

12. Our school exclusions guidance 'Included, Engaged and Involved Part 2: A positive approach to preventing and managing school exclusions' (IEI2) provides current guidance to education authorities in relation to physical intervention. Any incident where a decision is made to physically intervene within a school must be recorded and monitored. The guidance asks that each education authority include details of how this should be undertaken in their policy on de-escalation, physical intervention.
13. In response to the Children and Young People Commissioner's 2018 No Safe Place report, and Enable Scotland's In Safe Hands 2019 Campaign report, around the use of restraint in schools, the

Scottish Government established the physical intervention working group. Since 2020, its aim has been to develop new human rights-based non-statutory guidance to minimise the use of physical intervention, physical restraint and seclusion in schools. The scope of the new guidance includes all schools (education authority, independent, and grant-aided). New definitions and a standard dataset for recording and monitoring their use will be included in the guidance, which is currently being prepared for public consultation. Petition PE1548 – National Guidance on Restraint and Seclusion in Schools – is also relevant to this work. The aims of the guidance align to ongoing work to respond to The Promise Plan 21-24 and reflects the context of safeguarding children and young people within schools, which is outlined below.

### **Keeping children and young people safe in school**

14. All children have the right to be cared for, protected from harm and grow up in a safe environment in which their rights are respected and their needs met. Getting it right for every child (GIRFEC) values and principles, the National Practice Model and the SHANARRI wellbeing indicators provide the framework that enables the delivery of safe, positive nurturing learning environments where all pupils are included, engaged and involved. The Scottish Government is committed to developing new policy and practice guidance to provide confidence, clarity and practical support to deliver GIRFEC. Work has begun to deliver refreshed GIRFEC policy and practice guidance in partnership with key delivery partners across all sectors. This will be published in 2022.
15. The GIRFEC framework enables the joined up needs-based assessment, planning, implementation and review of support for pupils and helps prioritise early and staged interventions to support pupils' wellbeing. This framework is complemented by the provisions of the Additional Support for Learning Act (2004) and the accompanying statutory Code of Practice, which further enables pupils to receive the support they need to flourish in their learning.
16. Education authorities, the managers of grant-aided special schools and the proprietors of independent schools also have duties to make reasonable adjustments for their pupils under the Equality Act 2010. The reasonable adjustments duty under the 2010 Act is anticipatory in nature, requiring forward planning based on what

may be needed for the child or young person. The Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 also includes duties to develop and publish accessibility strategies to increase children and young people's access to the curriculum, access to the physical environment of schools and improving communication with pupils with disabilities.

17. The principles of safeguarding are also embedded throughout Curriculum for Excellence. This supports the development of children and young people's knowledge, skills and resilience to keep themselves safe, protect themselves and respond to a range of issues and potential risky situations arising throughout their lives. As such, safeguarding features strongly in children and young people's learning experience including leadership, values, vision, the curriculum, learning and teaching, positive relationships and building resilience.
18. The General Teaching Council for Scotland's Professional Standards aim to ensure and enhance public trust and confidence in the teaching profession. Teachers are expected to hold professional values that promote the health and wellbeing of children and young people in their care and highlight the importance of positive and purposeful relationships to provide and ensure a safe and secure environment for all learners respecting individual difference. The Standard for Full Registration expects teachers to demonstrate professional skills that value all learners and ensure every learner feels welcome and included, teachers should also demonstrate an understanding of wellbeing indicators, childhood development and the impact of additional support needs.
19. Following the commitment in the 2020/21 Programme for Government, the Scottish Government published the revised National Guidance for Child Protection in Scotland on 2 September 2021. The guidance replaces the 2014 National Child Protection Guidance, and reflects current practice, policy and legislative developments. The guidance is "for all practitioners who support children and families whether they work in health, police, third sector, local authority or education settings<sup>1</sup>." It describes the responsibilities and expectations of everyone who works with children, young people and their families in Scotland. All agencies and organisations working with children and young people are expected to have child protection procedures in line with local

multi-agency protocols, based upon the National Guidance for Child Protection in Scotland.

20. The guidance strengthens and reaffirms the key role that the education workforce has in ensuring the safety and wellbeing of children. It highlights the additional and appropriate support that may be required by children and young people with disabilities as well as setting out the key messages and considerations for practice. The guidance emphasises that disabled children are children first and foremost, and that “their needs must be considered in the context of a holistic assessment of the child and the intersecting strengths and risks in their world.”
21. Following publication of the guidance, local area multi-agency partnerships have begun to consider how to adapt and change local processes, procedures and practice and then subsequently implement those adaptations and changes. A National Child Protection Guidance Implementation Group has been established for a period of 2 years to undertake detailed planning as a fuller picture of support needs for practitioners, managers and leaders emerges. It is expected that implementation of the Guidance will take 1.5 - 2 years. Membership of the group has been drawn from a range of statutory and third sector partners and national organisations. Education Scotland, the Association of Directors of Education in Scotland, and the Children with Disabilities Child Protection Network are represented.
22. The Scottish Government currently provides support for the Disabled Children Child Protection Network. This is an independent network for practitioners who work with and for disabled children and their families, and/or have responsibilities or special interest in child protection. The Network aims to provide practical peer support for members to access advice and acts to support local and national practice improvement in safeguarding disabled children and supporting their families.
23. I hope that the committee and petitioner find the information above helpful.

## Annexe D

### Patricia Hewitt submission of 3 March 2022 PE1927/A - Install CCTV cameras in all additional support needs school

I have a family member who was illegally restrained and secluded in a mainstream school. Unfortunately, due to a shocking lack of understanding of the Autism Spectrum in Scotland this young man wasn't diagnosed on the Autistic Spectrum till he was eighteen years of age, a year later recognised as having the PDA profile of Autism where specific strategies must be used. The long-term effects have proved devastating.

There has been Police Involvement in the past. This young man has been degraded, humiliated and denied a childhood and education he was entitled too. Incidents like this don't go away. They remain a lifetime.

The recent teacher child abuse case in the Scottish Borders highlights exactly what parents are up against if they complain. It has taken five years, three Court Cases and an Independent Enquiry by a QC. There is NO accountability which needs to be addressed from the top by the Scottish Government.

I was extremely disappointed that Claire's previous Petition, the discussion by Ministers and who they approached for comment was a very "one sided" affair all about Teachers Rights. Surely the most important aspect is protecting the most vulnerable children in our Society and their rights?

I totally agree with Claire Mooneys Petition. CCTV would work both ways it would protect staff against inaccurate claims, provide evidence why a child / young person needs additional support and most importantly protect vulnerable children many of which are non-verbal or with learning disabilities.

I wish to submit the above comment to this Petition.

## Elaine M submission of 12 February 2022

### PE1927/C - Install CCTV cameras in all additional support needs schools

As the parent of a child with complex learning needs and autism, I fully support the use of CCTV in ASN schools. Especially for those children who are nonverbal or delayed with speech and communication.

My family member is such a child whose story could have been avoided or had a different ending if CCTV was used in his education setting. We would have been able to see that it wasn't him that was the issue but more so the actions of staff who were not trained in dealing with children like him. Their bosses (the council) would also witness exactly how their staff were carrying out the job in which their paid to do.

It would prevent embellished or false testimony from staff in relaying your child's day in school. It would allow parents and staff to work together in providing the best outcomes for the child.

My family and child were a victim of such false testimony and we could only rely on his behaviour to tell us something was wrong. This behaviour was completely challenging and exhausting as my child was unable to verbalise how badly he was treated. You're playing a constant guessing game with a child who has to go to extremes to let you know something is just not right. My child was subject to overuse of inappropriate restraint carried out by untrained staff.

All this heartache could be avoided if parents could see any issues that arise during school time. School time that includes council provided bus transport which does have CCTV on it. Why not extend that protection to classes and communal areas of school?

In a society where we are actively encouraged to protect our cars and homes with the use of recording systems, why are the authorities refusing to use it in their schools? Schools that house our most vulnerable members of society. Why are they refusing to protect our children?