

30 October 2023



Additional Educational Needs Team

Department of Education

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To whom it may concern:

Mid Ulster District Council welcomes the opportunity to provide its views and opinion on the Department of Education's Statutory Guidance on the Reduction and Management of Restrictive Practices in Educational Settings in Northern Ireland.

The Council is aware that this review is being undertaken within the context of the Equalities and Human Rights Commission 2021 review of the previous guidance which identified, "inconsistency and uncertainty about what should be included in school policies governing the use of restraint" and that schools' recording practices were "not consistent and they need a better understanding of what constitutes restraint, and what they should record".

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As such, while the Department's goal is to update the current statutory guidance in order to provide clarity on the use of restrictive practices, with a view to reducing and hopefully minimising the use of restrictive practices wherever possible, the Council is aware that the updated guidance had received strong criticism from parents. A Mid Ulster based parent who was previously impacted upon by restrictive practices claims that the proposed practices fail to not only protect children and adults from avoidable trauma, but also provided no accountability because of the associated information governance practices. In their case, because of the lack of information provided, no specific support could be availed off in the aftermath to ensure that those involved would be provided correct medical care and/or therapy to aid recovery from such misused practices. The updated guidance does not seem to thoroughly address this issue.

The Council would also have concerns regarding the impact on students who are aged 18 years and above who are pupils in secondary mainstream/special education. Any restrictive practices undertaken in relation to these students seems to currently require no documentation meaning students could spend the majority of a school day in a sensory room and they may not be able to communicate this inability to access the tailored education (which is their right when they are at school) to their parents/carers. The updated guidance also provides no banning of the use of any dangerous restraint holds (such as basket or prone restraint). There are also no minimum standards for what a "safe space" should look like. This means that while some schools may have large open areas, other schools may simply have an empty storeroom or something equally as basic. The update guidance also fails to mention

of how internal suspension and /or reduced timetables are used a form of restrictive practice.

Therefore, the Council would recommend that additional guidance and clarity on the use of restrictive practices in education settings is added to this current updated guidance. It is also imperative that the overall message of the guidance is that restrictive practices themselves are heavily restricted. As such, this guidance needs to be more prescriptive in order to ensure that absolutely everyone who has the authority to use restrictive practices only does so safely, lawfully and only when absolutely necessary, as stated within the document, *only when it is a measure of absolute last resort*. The relevant members of staff also need to ensure that when force is used, that it is used safely and effectively and that the schools record incidents in a detailed, clear and transparent and timely and accurate fashion.

The Council is also supportive of the recommendations to improve school policy, legislation, training communication, reporting and monitoring of restrictive practices, that were made by the Northern Ireland Commissioner for Children and Young People in the 2021 report, 'Neither Seen Nor Heard'. The overarching theme of these recommendations is that restrictive practices should only ever be used when it is necessary and proportionate to do so, in order to keep children, young people, and others from coming to harm. In order to ensure that this is the case within our schools and other educational settings, the Council would seek reassurance that lessons will be learned from previous failures. This could be taken forward by initiatives such as additional support and training being provided to the schools who

have previously struggled to implement the guidance in a way in which ensured their compliance with their duties to safeguard, support and promote the wellbeing of children and young people, including children and young people physical or neurological disabilities or neurodivergent conditions.

The Council welcome that this consultation is accompanied by an EQIA, Rural Needs Impact Assessment and a Child Rights Impact Assessment. However, it is disappointing that no Easy Read version of the consultation has been developed. This would have been helpful given the length and detailed nature of the consultation documentation.

Finally, the Council would encourage the Department, EA, school leadership teams and all other staff, to prioritise practices and initiatives that will minimise the need to use restrictive force while ensuring a safe environment is maintained. It is clear that the misuse of restrictive practices can have a significant and long-lasting effect on pupils, staff members and parents, thus creating the opposite of the calm, safe and supportive school environment the educational settings should be aiming for.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dominic Molloy', written in a cursive style.

Cllr Dominic Molloy

Chairperson, Mid Ulster District Council