

The Commissioner for Children and Young People (NICCY)
Advice to the Department of Education
on the
Draft Statutory Guidance on
the Reduction and Management of Restrictive Practices
in Educational Settings in Northern Ireland: Understanding
and Responding to Behaviour in Crisis Situations

10 November 2023



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Summary

General comments

- We welcome progress made in drafting this guidance which provides direction on many of the key elements that are integral to the reduction, management and elimination of restrictive practices. We consider further work is needed on a number of areas, including in relation to clarity of definitions, position taken in relation to seclusion, training and monitoring. Overall, we consider the guidance requires further development and refinement prior to its implementation.
- We welcome that the guidance is framed by children's rights, and the Department has undertaken a Child Rights Impact Assessment (CRIA), but consider that clearer direction should be given as to how these rights are upheld in practice in the use of restrictive practices.
- It is our view that the overall tone of the guidance needs to be improved by reducing the focus on 'force' and increasing references to nurture, care and children's rights, including participation, and the right to be treated with dignity and respect. The principle of last resort should be re-iterated throughout the guidance.
- It is important that the guidance is found clear, engaging and easy to understand by users. We appreciate that the guidance is still in draft and suggest that the inclusion of infographics, flowcharts and other visual aids, as appropriate, will significantly enhance understanding and clarity.
- Effective implementation of the statutory guidance will be contingent on adequate financial resourcing and training provision. A clearer commitment from the Department is needed in this respect.

Key recommendations

General

1. Greater detail in section 1 is necessary including, as a minimum, reference to the safe use of supportive practices, the principle of last resort, prevention of harm, and children's rights, in particular, their best interests.
2. The guidance needs to be adequately contextualised. Within the introductory sections, there should be a stronger emphasis on the disproportionate use of restrictive practices on children with additional needs and the potentially harmful and enduring physical, social and emotional impacts for children, their families, their peers and educational staff involved.
3. Reiterate within the list of bullet points at p5 that restrictive practices must only be used as a last resort. The second bullet point states that '*the emphasis should be on the reduction and minimisation of the use of restrictive practice*'. We recommend that '*and elimination*' is added after 'minimisation'.
4. The guidance must apply to all students in grant aided schools, regardless of their age.
5. We recommend the inclusion of a footnote specifying categories of schools that are grant-aided.
6. We recommend that 'educational settings' should be defined and that it should be clarified whether the guidance applies to taxi drivers and escorts supporting children's travel to and from educational settings.
7. We recommend that that a specific section entitled 'key principles' should be incorporated within the introductory sections of the guidance, detailing the key principles that underpin the use of restrictive practices. This will enhance understanding and clarity for the user.
8. Emphasis on the 'use of force' should be reduced throughout the guidance and reference to nurture, care and children's rights increased. The principle of last resort must be clearly communicated and reiterated throughout.

9. The guidance should include a specific sub section outlining in detail key elements of a child rights-based approach (CRBA).

Definitions and guidance on use of restrictive practices

10. Clearer definitions of restrictive practices are needed. These should be clearly delineated from caveats or direction around their use, and from practices that are not considered to be restrictive.
11. We recommend that the definition of restrictive practices is revised to capture 'intentionality' that is reflected in the definition used in our Review. For clarity, the definition should be de-coupled from practices that are not considered to be restrictive.
12. The guidance should include clear and appropriate case study examples of crisis situations. Case study 7 should be replaced with a more appropriate example.
13. The terms 'enforced' and 'involuntarily' should be removed from the definition of seclusion. The definition should also be revised to recognise psychological barriers.
14. We strongly advise that the final sentence is removed from the definition of seclusion and that the guidance is clear that seclusion must never be used in educational settings.
15. The guidance must make clear that it is the nature of the act, rather than how it is described, that is relevant to whether that act is considered restrictive.
16. We advise that the definition of mechanical restraint is replaced with the definition used in NICCY's '*Neither Seen, Nor Heard*' (NSNH) review. Examples of this form of restraint should be included within the guidance.
17. The definition of chemical restraint requires re-drafting, including the removal of the current caveat, to ensure clear understanding by users of practices that may constitute chemical restraint. We recommend that the definition of chemical restraint reflects the wording used in NICCY's '*NSNH*' Review.

18. The guidance must clearly emphasise that chemical restraint is not permissible in educational settings under any circumstances.

Children's Rights and the Use of Restrictive Practices

19. We advise that the following should also be referenced in this section: UNCRC Articles 23, 24, 37 and Un CRPD Articles 7 & 15

Policies and procedures in educational settings

20. For clarity and to ensure understanding, it would be instructive to separate guidance on 'procedures' from the general points on what policies should include/consider.

21. Include a 'key procedural safeguards' section in the statutory guidance to ensure that users understand what is required as a minimum, to mitigate the risk of harm and ensure the best interests and welfare of the child underpin any decision to use restrictive practices.

Use of Reasonable Force

22. We strongly recommend that the first paragraph of section 8 should be very clear on the use of force being a last resort, that the minimum force, if any, should be used, and expressly state that force as a form as a punitive or disciplinary measure must never be used.

Supportive and Regulatory Sensory Spaces

23. We recommend that pupil's use of supportive spaces should be recorded, including frequency and duration of use. A recording a pro-forma should be provided in this respect, and provision should be made to inform parents of use of supportive spaces by their child.

Recording, Reporting and Monitoring

24. The guidance must make clear that the recording and reporting of all incidents involving the use of restrictive practices in educational settings is mandatory.

25. We recommend that the use of restrictive practices must be agreed in advance with parents/carers, and where appropriate, the child / young person, and agreement is recorded.

26. The guidance should clarify that parents must be informed of any use of restrictive practices 'immediately' or as soon as practicably possible.
27. Recording of incidents involving the use of reasonable force/restrictive practices should be standardised to ensure the collection and analysis of reliable data for monitoring purposes.
28. The incident recording template should be revised to ensure that all necessary information is recorded including any protected characteristics and additional needs of children involved, such as SEN and Free school Meal Entitlement (FSME).
29. Alternative measures for assessing compliance must be specified by the guidance to ensure that monitoring responsibilities can be met in full in the context of current and ongoing barriers to inspections by ETI.
30. To monitor impact, we recommend that the Department must commit to ensuring the collation, analysis and publication of disaggregated data on the use of restrictive practices in educational settings, within the guidance.

Training

31. The guidance should include the provision for mandatory training on restrictive practices as a last resort, alongside training on supportive and early intervention practices aimed at supporting children and minimising the need to use any form of restraint.
32. The guidance should detail how the effectiveness of training and related outcomes will be evaluated.
33. The guidance should specify mandatory training required by Boards of Governors to ensure they can effectively undertake their responsibilities in relation to monitoring, periodic review and investigation of complaints.
34. The guidance should detail information sessions that will be made available to parents/carers to understand the use of de-escalation and therapeutic interventions, as well as restrictive practices.

1.0 Introduction

The Commissioner for Children and Young People (NICCY) was established in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland (NI). Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities.

Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons. The Commissioner's remit includes children and young people up to 18 years, or 21 years, if the young person has a disability or experience of being in the care of social services. In carrying out his functions, the Commissioner's paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising the functions of the Office, the Commissioner is to have regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

NICCY welcomes the opportunity to provide advice on the draft statutory guidance on the Reduction and Management of Restrictive Practices in Educational Settings.

2.0 Background

2.1 NICCY's Rights Based Review on the Use of Restraint and Seclusion in Educational Settings

In December 2021, NICCY published our Rights-Based Review on the Use of Restraint and Seclusion in Educational Settings – '*Neither Seen Nor Heard*' (NSNH).¹ The Review was produced in accordance with the statutory powers and functions set out in the NICCY Order 2003. At the time of undertaking our Review, there was no statutory obligation on schools in Northern Ireland to record incidents involving restraint or seclusion,² despite this being recognised internationally as critical to ensuring that practice is rights compliant and appropriately monitored and scrutinised.³ There was also no statutory requirement to inform parents when restraint or seclusion was used on their child, although Department of

¹NICCY '[Neither Seen Nor Heard](#)' Report

² Restraint and seclusion are collectively known as 'restrictive practices'.

³ See NICCY's '[Neither Seen Nor Heard](#)' Report (p.12) for definitions of 'restraint' and 'seclusion' used in the Review.

Education (DE) guidance specified that informing parents of incidents involving their children is always advisable.⁴

Our NSNH Review identified an urgent need for urgent changes in policy, guidance, and legislation on the use of restraint and seclusion within educational settings. Although our Review found that the use of a restrictive practice often results in extremely negative, long-lasting traumatic experiences for the child who experiences it, the majority of schools surveyed had never received guidance on creating a policy on physical interventions.

NICCY made 15 recommendations to improve policy, legislation, training, communication, reporting and monitoring of restrictive practices.⁵ We strongly recommended that restraint should be used only as a measure of last resort, after all alternative therapeutic interventions have been exhausted, and only when there is a direct risk to the child or another individual. We also recommended a ban on the use of seclusion in educational settings.

In March 2022, DE published its review of the use of restraint and seclusion in educational settings, which included a direct response to each of NICCY's 15 recommendations.⁶ A key recommendation of their Review was that DE should issue statutory guidance in the 2022/23 school year on the use of restrictive and support practices for educational settings under Article 18 1(c) of the Education and Libraries (Northern Ireland) Order 2003. It was agreed that the guidance would take a rights-based, child-centred focus, with the overarching aim to protect all children and young people from harm in educational settings.

Importantly, it was also recommended that DE must repeal Article 4 (1)(c) of The Education (NI) Order 1998 – which enables the use of reasonable force to “prevent a pupil engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils” - at the earliest legislative opportunity.

The Department's review outlined their response to NICCY's NSNH recommendations, including a commitment that the statutory guidance would provide:

- clarity on the definition of seclusion and its use in educational settings;
- a definition of restraint stating that this should only be used as a last resort and not as a means of maintaining good order and discipline;

⁴ DE (2021) Circ/2021/13 Interim Guidance on the Use of Restraint and Seclusion in Educational Settings.

⁵ See Appendix 1

⁶ [Report on the Review of Restraint and Seclusion in Educational Settings.pdf \(education-ni.gov.uk\)](#)

- clarity that the use of any restraint techniques must not inflict pain on children and young people; and
- a requirement for the mandatory recording and reporting of all incidents of restrictive practices by educational settings;

The Department further committed to,

- undertaking periodic review and to publish a report on the use of restrictive practices in educational settings;
- secure agreement that the Education and Training Inspectorate will examine if the use of supportive and restrictive practices, by educational settings, follows any related statutory guidance issued by the Department;
- commission the Education Authority to undertake a training needs analysis to ensure that teaching and non-teaching staff in educational settings are able to comply with the statutory guidance;
- engage with teacher training institutions on how/if training on restrictive practices might be embedded within initial teacher education courses; and
- consider how/if training on restrictive practices could be embedded into Early Professional Development (EPD) and Continual Professional Development (CPD) within its strategy for teacher professional learning - Learning Leaders. ⁷

2.2 Concluding Observations of the Committee on the Right of the Child

The UN Committee has previously expressed concerns about the use of restraint and seclusion on children with psychosocial disabilities, including children with autism, in schools.⁸ More recently, their Concluding Observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland, published on 22 June 2023, recommended that the State Party,

12(c) Regularly collect, analyse and publish disaggregated data on the use of stop-and-search checks, harmful devices, seclusion, restraint, solitary confinement and isolation on children;

30(a) Take legislative measures to explicitly prohibit, without exception, the use of: (i) harmful devices, including spit hoods, plastic bullets and taser guns, attenuating energy projectiles and other electrical discharge

⁷ Ibid.

⁸ CRC/C/GBR/CO/5 (2016).

weapons, against children; (ii) strip searches on children; and (iii) solitary confinement, isolation, seclusion and restraint as disciplinary measures in schools and alternative care and health-care settings;

30(b) Develop statutory guidance on the use of restraint on children to ensure that it is used only as a measure of last resort and exclusively to prevent harm to the child or others and monitor its implementation;

47(j) Explicitly prohibits the use of restraint and seclusion in educational settings and adopts a child rights-based approach to addressing violence or other disturbances in schools, including by prohibiting the presence of police in schools and providing regular training for teachers on relevant guidance for addressing such disturbances in a child-sensitive manner;⁹

The next section of this advice paper details our advice and recommendations on the draft Statutory Guidance on the Reduction and Management of Restrictive Practices in Educational Settings in Northern Ireland. As requested, our advice refers to the Department of Health's guidance on the use of restrictive practices where relevant.¹⁰

3.0 NICCY's Advice on the Draft Statutory Guidance

3.1 Purpose, status and context of the guidance (Sections 1 to 3)

The purpose of the draft Guidance is set out on page 2 as *'to provide clarity on the use of restrictive and supportive practices in educational settings. This guidance has been written with the aim of reducing and minimising the use of restrictive practices, wherever possible'*.

This overall aim is welcome but we consider that **greater detail in this section is necessary including, as a minimum, reference to the safe use of supportive practices, the principle of last resort, prevention of harm, and children's rights, in particular, their best interests.**

We also recommend that section one acknowledges the disproportionate use of restrictive practices on children with additional needs and the potentially harmful and enduring physical, social and emotional impacts for children, their families, their peers and educational staff involved.¹¹

⁹ tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en

¹⁰ [doh-Regional-Policy-on-the-use-of-Restrictive-Practices-in-Health-and-Social-Care-Settings-March-2023.PDF \(health-ni.gov.uk\)](#)

¹¹ [niccy-restraint-and-seclusion-main-report-final-16-dec-21.pdf](#)

Section 2 (status of the guidance) notes that the guidance will be ‘issued under Article 18 (1)(c)₂ of the Education and Libraries (NI) Order 2003. For the purposes of this guidance children includes everyone under the age of 18’. We are concerned that the guidance will not apply to students aged 18 years and over in education settings. **The guidance must apply to all students in grant aided schools, regardless of their age. Clarification is needed of whether the guidance will apply those aged 18 years and over, and if not, how this legislative gap will be addressed.**

Page 2 notes that the guidance places a duty on Boards of Governors of grant-aided schools to have regard to the guidance. **We recommend the inclusion of a footnote specifying categories of schools that are grant-aided.**

On page 3 the first bullet point states, ‘*Boards of Governors must ensure all staff working in their educational setting are aware of this guidance and of their individual responsibility to follow this guidance*’. It is unclear whether the guidance applies to those involved in home-to-school transport, including taxi drivers and school escorts. NICCY considers that there is a gap in policy, procedure and training in this area. **We recommend that ‘educational settings’ should be defined and that it should be clarified whether the guidance applies to taxi drivers and escorts supporting children’s travel to and from educational settings.**

Under section 3 (context), a list of bullet points is provided at the bottom of page 5. It should be reiterated here that restrictive practices must only be used as a last resort. The second bullet point states that ‘*the emphasis should be on the reduction and minimisation of the use of restrictive practice*’. **We recommend that ‘and elimination’ is added after ‘minimisation’.**

Additionally, we consider that that a specific section entitled ‘key principles’ should be incorporated within the introductory sections of the guidance, detailing the key principles that underpin the use of restrictive practices. Currently, reference to these is dispersed throughout sections of the guidance. Bringing these together and naming these as key principles will provide greater clarity to the user and reflects the approach taken in the DoH guidance.

An example of ‘guiding principles’ can be found in the Scottish guidance on physical restraint.¹² These include a strong focus on children’s rights, nurture and understanding all behaviour as communication and/or as indicative of unmet needs. **NICCY recommends that a similar approach is taken in the statutory guidance, with a view to not only improving clarity, but also improving the overall tone of the guidance, and setting this out clearly at the start.** Currently, the guidance contains an over emphasis on the use ‘force’. This emphasis should be reduced and redressed with greater reference to nurture, care and children’s rights, including the right to be treated with dignity and respect. The principle of last resort must also be reiterated in the guiding principles.

3.2 Child Rights Centred

NICCY welcomes references to a number of principles considered integral to a child-rights based approach, including best interests, treating everyone with dignity and respect, and accountability, which are dispersed throughout the guidance. However, for greater clarity and emphasis, **we advise that the guidance should include a specific sub section that brings together and presents in greater detail key elements of a child rights-based approach (CRBA).** This would also align with the approach taken in the DoH guidance, which includes a specific sub-section setting out a rights-based approach.

UNICEF advise that a child-rights based approach to policy and practice requires adherence to seven key principles. These include the four general principles of the UNCRC (best interests; life, survival and development; non-discrimination; and participation) and three general human rights principles (dignity; inter-dependence and indivisibility; transparency and accountability).¹³ By working through each of these principles, UNICEF advise that ‘those using a CRBA will find that their decisions are rooted in children’s rights and, as a result, deliver better outcomes’.¹⁴ **NICCY recommends that these seven principles should be addressed by the guidance within a specific sub-section that provides guidance to the reader on a child-rights-based approach and reinforces the rationale for doing so.** In addition to explanatory text, presentation of a CRBA diagrammatically will help to enhance understanding by users who may be unfamiliar with children’s rights and related concepts. UNICEF provides an example which we have attached at Appendix 2.

¹² [Included, engaged and involved part 3: A relationship and rights based approach to physical intervention in Scottish schools \(www.gov.scot\)](http://www.gov.scot)

¹³ [A child rights-based approach - Child Friendly Cities & Communities \(unicef.org.uk\)](http://www.unicef.org.uk)

¹⁴ Ibid.

More broadly, we consider that the guidance overall would be improved by presenting information and key points diagrammatically, or through use of infographics or flowcharts, where relevant. This will promote understanding of key elements and help the reader to engage with different concepts and how they inter-relate. The DoH guidance is a good example of this.

We note that the DoH guidance also has a stronger emphasis on a rights-based approach throughout their guidance. We consider that the draft statutory guidance could be improved by greater frequency of reference to specific children's rights throughout, and by linking these to different elements of the guidance, as relevant.

3.3 Definitions (Section 5)

General Points

Several of the definitions provided in the guidance include caveats or direction around their use, within the definition itself. This approach does not align with that taken in the DoH guidance which provides clear stand-alone definitions, followed by general principles around the use of restrictive practices and detailed guidance on the use of each individual restrictive practices. To ensure clarity and understanding **we advise that definitions should be clearly delineated from caveats or direction around their use.**

Definition of Restrictive Practices

Restrictive practices are defined on page 9 as,

... any activity that limits a person's movement, day to day activity or function.

In the context of this Guidance Restrictive practices are **not** practices that are prescribed, monitored and delivered through medical or Allied Health Professional (AHP) advice:

- for postural management and physical development;
- to increase mobility and movement; and/or
- that support inclusive practice and increase the quality of life for the child.

NICCY's 'Neither Seen Nor Heard' Review (2021) used the following definition,

'Restrictive practices (also known as restrictive interventions) are those that intentionally limit or compel a person's freedom of movement or function. This can be through restraint (chemical, mechanical, or physical – with or without the use of force), or seclusion.'

We recommend that the definition provided in the statutory guidance is revised to capture 'intentionality' that is reflected in the definition used in our Review. It should

also include reference to different forms of restraint, and seclusion, as per our definition above. **For clarity, we also advise that the definition is de-coupled from practices that are not considered to be restrictive.** Different forms of non-restrictive interventions or practices should be addressed elsewhere in the guidance as appropriate (for example, within supportive practices).

Definition of a Crisis Situation

The guidance defines crisis situations as *'when pupils display behaviour that requires intervention to ensure their safety and that of those around them. When alternatives are not an option (i.e., as a last resort), this may take the form of the use of restrictive practices'*. We welcome that the guidance advises that restrictive practices can only be used in crisis situations when it is necessary and proportionate to do so in order to keep children, young people, and others from coming to harm.

Given the centrality of 'crisis situations' to the use of restrictive practices, it is crucial that this definition is further examined, for example, through relevant case studies, to ensure clarity and understating by users. Without suitable examples, the definition is open to subjective interpretation, increasing the risk of the misuse of restrictive practices. In the current draft, crisis situations are not clearly demonstrated by the case studies provided. We consider that case study 7, the only case study example that specifically refers to a crisis situation, is inappropriate (see our comments under 'seclusion'). **NICCY recommends that the guidance includes clear and appropriate case study examples of crisis situations.**

Definition of Seclusion

The draft statutory guidance refers to 'enforced seclusion' rather than seclusion and defines this as,

Placing a child or young person involuntarily in any environment in which they are alone and prevented from leaving. Physical prevention from leaving can include through the use of a locked door, a blocked door, or an exit held closed by a staff member. **Enforced seclusion must never be used in educational settings in Northern Ireland unless in a crisis situation where it is necessary for the prevention of serious physical harm to individuals.**

In contrast, NICCY's NSNH Review defines seclusion as,

. . . the placing and keeping of a person (alone) in a room or other space from which they are unable to leave. Inability to leave can arise from exits being locked or being otherwise obstructed; inference, instruction, or threat to the secluded person not to leave; belief on the part of the secluded person that they are being stopped from or

are otherwise not allowed to leave; reluctance or refusal to leave because of fear of consequences of doing so.

The rationale for the use of ‘enforced’ in the definition title is not clear. We consider that this is unnecessary and could in fact increase the risk that practices that would otherwise be categorised as seclusion are not recognised or recorded as such, for example, if a practice is not perceived as ‘enforced’. Furthermore, this term does not align with terminology that is used in other policies and guidance, including the UN Committee on the Rights of the Child’s Concluding Observations (June 2023), DoH Guidance, NICCY’s ‘NSNH’ Review and DE’s Review.¹⁵ Aligning as closely as possible with definitions used in other policies and reviews will help to avoid unnecessary confusion and to promote understanding. **We recommend that the term ‘enforced’ should be removed from the definition of seclusion.**

We do not agree with the inclusion of the term ‘involuntarily’ and recommend that this is removed from the definition. Placing a child in seclusion, that is, alone in an environment which they are unable to leave (due to fear, physical barriers, threat etc) is ‘seclusion’, irrespective of whether the child has, or is perceived to have, entered the space voluntarily. Depending on the specific context and individuals involved, some children, including younger children or those with severe learning difficulties, may lack the capacity or feel reluctant to freely express their views. It is crucial, therefore, that compliance with seclusion is not conflated with consent.

A key defining factor in ‘seclusion’ relates to the perceived or actual ability to leave. The definition used in NSNH recognised that actual (or perceived) barriers may be physical (such as a locked door) or psychological (such as a child’s belief that they are not allowed to leave and/or fear of consequences of doing so). **It is critical that the definition recognises psychological barriers to ensure understanding among guidance users that a practice may constitute seclusion even if no physical barriers are involved.** The potential for psychological barriers is particularly relevant to scenarios involving children and adults, given the power dynamics that may underpin the situation.

The final sentence of the definition of seclusion in the draft guidance provides the caveat that, ‘*Enforced seclusion must never be used in educational settings in Northern Ireland unless in a crisis situation where it is necessary for the prevention of serious physical harm to individuals*’. (Example scenario provided at Case Study 7). This is a notable shift from the

¹⁵ [doh-Regional-Policy-on-the-use-of-Restrictive-Practices-in-Health-and-Social-Care-Settings-March-2023.PDF \(health-ni.gov.uk\)](https://www.health-ni.gov.uk/publications/doh-regional-policy-on-the-use-of-restrictive-practices-in-health-and-social-care-settings-march-2023.pdf)

final sentence of the earlier definition (provided in May 2023 draft¹⁶) which stated that, '*Enforced seclusion must never be used as a punitive measure in educational settings in Northern Ireland*'.

Similarly to the recommendation made by the UN Committee on the Rights of the Child in its Concluding Observations in June 2023 to prohibit the use of seclusion in educational settings, NICCY's position is that seclusion must be banned in educational settings. This also reflects our NSNH recommendation,¹⁷ and aligns with the DoH statutory guidance which states that 'children and young people should never be subject to seclusion'.¹⁸

NICCY strongly advises that the final sentence is removed from the definition of seclusion and that the guidance is clear that seclusion must never be used in educational settings.

Furthermore, we do not agree that case study 7 is a suitable example of a crisis situation that would warrant the use of restrictive practices, including seclusion. In the selection of case studies, it is critical that these are reflective, as far as possible, of real-life situations that have arisen within schools in the context of the use of restrictive practices. **We advise that case study 7 should be omitted from the guidance.**

Finally, **the guidance must make clear that it is the nature of the act, rather than how it is described, that is relevant to whether that act is considered restrictive.**¹⁹

Accordingly, acts referred to as 'internal suspension', 'reflection', 'isolation' etc may still constitute a form of seclusion dependent on the specific circumstances.

Mechanical restraint

The guidance defines mechanical restraint as,

The use of mechanical aids such as belts, cuffs and restraints to control a pupil's movement or to control behaviour, where they are not prescribed by a Health and Social Care professional, and included as part of an agreed care plan. Where equipment that is recommended by a relevant Health and Social Care professional to enable the child or young person to access the curriculum, it should be used in line with the child's care plan and manufacturer's guidance. **This form of restraint must never be used in**

¹⁶ Shared with Reference Group members.

¹⁷ [niccy-restraint-and-seclusion-main-report-final-16-dec-21.pdf](#) Recommendation 1.

¹⁸ [doh-Regional-Policy-on-the-use-of-Restrictive-Practices-in-Health-and-Social-Care-Settings-March-2023.PDF \(health-ni.gov.uk\)](#)

¹⁹

educational settings in Northern Ireland to control behaviour or as a punitive measure.

NICCY advises that whether, or not, mechanical aids have been prescribed by a Health and Social Care professional, and included as part of an agreed care plan, is not relevant to the definition of mechanical restraint per se. As stated at the start of this section, a clear stand-alone definition is required, and explanatory information, including what is and is not acceptable, should be given thereafter.

NSNH defined mechanical restraint as,

...the use of a device, equipment, or other tool for compelling, controlling, or subduing the bodily movements of the person to whom such mechanical restraint is administered.

We consider this definition to be clearer and more appropriate, and recommend that this definition is used in the statutory guidance. We advise that the removal of an auxiliary aid, such as a wheelchair, can also be considered a form of mechanical restraint, and that this should be reflected in the guidance.²⁰ The inclusion of specific examples of mechanical restraint would also be helpful.

Chemical Restraint

The draft statutory guidance defines restraint as,

The use of medication, which is administered for the purposes of controlling or subduing acute behavioural disturbance, or for the management of on-going behavioural disturbance. This form of restraint must never be used in educational settings in Northern Ireland unless prescribed by a Health and Social Care professional and included as part of an agreed care plan.

NSNH, in contrast, defined chemical restraint as,

... the use of substances as ingested, inhaled, or injected for the purpose of compelling, controlling, or subduing the behaviour of the person to whom the medication is administered, regardless of whether such substance has been medically prescribed for the treatment of formally diagnosed physical or mental illness.

²⁰ [Restraint in schools inquiry: using meaningful data to protect children's rights \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/our-work/2018/09/restraint-in-schools-inquiry-using-meaningful-data-to-protect-childrens-rights)

It is our view that the definition of chemical restraint provided in the Guidance requires re-drafting to ensure clear understanding by readers of practices that may constitute chemical restraint. As minimum, **we strongly advise that the sentence, ‘*this form of restraint must never be used in educational settings in Northern Ireland unless prescribed by a Health and Social Care professional and included as part of an agreed care plan*’ is removed from the definition.** This caveat is not part of the definition per se and it implies that chemical restraint is a practice that is permissible in educational settings, which is not acceptable. It also suggests that the question of whether medication that is administered to control or subdue behaviour is prescribed – or not – is relevant to whether a practice is considered chemical restraint, which is inaccurate. **We advise that the guidance must clearly emphasise that chemical restraint is not permissible in educational settings under any circumstances.**

The definition of chemical restraint in NSNH refers to ‘...*compelling, controlling, or subduing the behaviour of the person...*’ whereas the definition in the draft guidance uses the phrase ‘... *controlling or subduing acute behavioural disturbance...*’. In effect, the Department’s definition of chemical restraint could be interpreted as encompassing a narrower range of circumstances. **We strongly recommend that definition of chemical restraint reflects the wording used in NICCY’s NSNH Review (cited above).**

3.4 Children’s Rights and the Use of Restrictive Practices (Section 6)

The framing of the guidance in children’s rights and human rights at section six is welcome. This includes reference to UNCRC articles 3, 12, 19 and 28 on page 14. **We advise that the following should also be referenced:**

UNCRC Article 23 (right of a child with a disability to live a full and decent life in conditions that ensure dignity, promote self-reliance and facilitate active participation in the community);

UNCRC Article 24 (right of the child to the enjoyment of the highest attainable standard of health);

UNCRC Article 37 (right to protection from torture and cruel, inhuman or degrading treatment or punishment).

UN CRPD Article 7 (children with disabilities), in particular para 2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

UN CRPD Article 15 (Freedom from torture or cruel, inhuman or degrading treatment or punishment).

3.5 Policies and procedures in educational settings (Section 7)

Section seven addresses the following:

- What needs to be taken into consideration when writing the policy / procedures for the use of restrictive and supportive practices?
- What should the policies / procedures include?

The text within these sections relates to policies and procedures. **For clarity and to ensure understanding, it would be instructive to separate guidance on ‘procedures’ from the general points on what policies should include/consider.** The DoH Guidance for example, includes specific procedures in relation to seclusion. While we advise that seclusion must not be permitted in an educational setting, it would be helpful to outline procedural guidance in relation to the use of restrictive practices that are permitted as a last resort.

The EHRC’s framework on the use of restraint outlines ‘key procedural safeguards’ that must be taken when restraint is used to ensure legality and prevent harm.²¹ **We advise that a similar section in the statutory guidance would help to ensure that users understand what is required as a minimum, to mitigate the risk of harm and ensure the best interests and welfare of the child underpin any decision to use restrictive practices.**

3.6 The Use of Reasonable Force (Section 8)

We welcome the Department’s commitment to repeal Article 4 (1)(c) ‘To prevent a pupil engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils’, as soon as is practicable.

²¹ [Human rights framework for restraint \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/human-rights-framework-for-restraint)

We strongly recommend that the first paragraph of section 8 should be very clear on the use of force being a last resort, that the minimum force, if any should be used, and expressly state that force as a form as a punitive or disciplinary measure must not be used.

Section 8 provides details of The Use of Reasonable Force Legislation. Thereafter, this section addresses the question, '**When might it be appropriate to use restrictive practices?**'. This particular sub-section details when restrictive practices may be used and procedural elements such as de-escalation, risk assessment, support planning and participation of the child. We consider that it would be more suitable to include this sub section elsewhere within the guidance since it applies to the use of restrictive practices more broadly.

3.7 Supportive and Regulatory Sensory Spaces

This section details two types supportive spaces – 'supportive sensory spaces' and 'supportive regulatory spaces'. Examples would be helpful to clarify how these types of spaces differ. We welcome the inclusion of guiding principles, including 'choice to use' for children and that they should be actively involved in the design of supportive spaces. **We recommend that pupil's use of supportive spaces should be recorded and that recording processes should capture frequency and duration of use. The guidance should include a recording a pro-forma in this respect, and provision should be made to inform parents of use supportive spaces by their child.**

3.8 Recording, Reporting and Monitoring (Section 12)

Systematic recording, reporting and monitoring of the use of restrictive practices is fundamental to ensuring accountability, transparency and that children's rights are upheld in educational settings. The UNCRC advises that, in undertaking the recording and monitoring of restrictive practices, this requires the collection, analysis and publishing of disaggregated data.²² This will enable any significant trends to be identified, including the disproportionate, and potentially discriminatory, use of restrictive practices on groups of children with protected characteristics.

²² tbinetnet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en

NICCY's NSNH Review recommended '*a requirement for **mandatory recording** of all incidents of restrictive practices by educational settings*'. With regard to **monitoring**, we recommended that,

'the Education Authority undertakes an annual review on the use of restrictive practices across all settings which should include: the number of children who experienced restrictive interventions; the number of times each pupil experienced a restrictive practice; the type of de-escalation techniques and restrictive interventions used; how children and parents were involved and what support/training may be required.'²³

Given the importance of mandatory recording and reporting of restrictive practices, we welcomed the commitment, in the Department's Review, that '*the statutory guidance will provide for the mandatory recording and reporting of all incidents of restrictive practices by educational settings*'. In response to monitoring, the Department also agreed to '*commission a periodic review and publish a report on the use of restrictive practices in educational settings*'.²⁴

Section 12 of the draft Guidance sets out procedures for recording, monitoring and reporting. It states on p.30 that '*all educational settings should record and report the use of restrictive practices in accordance with the procedures set out in this section*'. It is not clear from this wording that recording is mandatory. **NICCY strongly advises that this section is amended to explicitly state that the recording and reporting of all incidents involving the use of restrictive practices in educational settings is mandatory.**

We also note the conflicting use of the term 'must' and 'should' in relation to recording, on pages 5 and 30. This should be addressed to ensure a consistent message is given throughout the guidance. At page 2 of the guidance, the Department clarifies that '*. . .we use the terms "must" and "should" throughout the guidance. We use the term "must" when the person in question is legally required to do something and "should" when the advice set out should be followed unless there is good reason not to*'. Amendments are needed to ensure a consistent message is given throughout the guidance on the requirement for recording.

We welcome that the guidance includes the requirement to inform parents/carers of any instances of the use of restrictive practices (p.30). **We advise this is expanded to note**

²³ [niccy-restraint-and-seclusion-main-report-final-16-dec-21.pdf](#)

²⁴ [Report on the Review of Restraint and Seclusion in Educational Settings.pdf \(education-ni.gov.uk\)](#)

that parents must be informed ‘immediately’ or as soon as practicably possible thereafter.

The guidance does not include a provision for the use of restrictive practices to be discussed and agreed in advance with parents. **We recommend that, in line with the approach for supportive practices, use of restrictive practices must be agreed in advance with parents / carers, and where appropriate, the child / young person, and this agreement recorded.**

The guidance includes a template for the recording of restrictive practices that educational settings are encouraged to use. This implies flexibility around the format of recording which could lead to variable and inconsistent approaches to recording, thereby undermining the collection of reliable data. **We strongly recommend that recording of incidents involving the use of reasonable force/restrictive practices is standardised to ensure the collection and analysis of reliable data for monitoring purposes.**

The template at Appendix 4 requires revision to ensure that relevant data will be recorded by schools. We previously recommended to the Department that following details must be captured as a minimum when recording restrictive practices:

- the type of restraint used;
- the reason(s) for the use of restraint;
- where, when and by whom the restraint was used;
- the duration of the restraint;
- the impact on the child, including any injuries, and any risk to their physical or mental wellbeing;
- protected characteristics of the child (including age, sex, race, gender, disability – broken down by impairment type) and any additional need/s;
- the outcome of any incident review, including any measures that will be taken to avoid or minimise restraint and the risk of harm in future;
- the pupil’s and parent/carers involvement in the incident review;
- Communication with parents/carers, including date they were informed and any comments.

We advise that the template is revised to ensure that the above information is recorded as a minimum, including any protected characteristics and additional needs

of children involved such as Free School Meal Entitlement (FSME). All protected characteristics should be explicitly specified in the template so that users are made fully aware of the data that must be recorded, if relevant. Steps should be taken to ensure that views of the child involved, and their parent/carer, are accurately reflected and signed-off by them, in the incident review form.

With regard to monitoring, section 12 and Appendix 8 refer to roles and responsibilities in terms of monitoring compliance with the guidance, and monitoring impact of the guidance.

The draft guidance states that ETI are responsible for assessing compliance with the guidance. The Department, in turn, will '*monitor the outcome of ETI assessment on the implementation of the guidance*'. We are aware that ETI's work on the inspection of schools has been significantly and adversely impacted by industrial action short of strike for some time. This has prevented the effective evaluation of schools' arrangements for safeguarding pupils and of practices which may place pupils at risk. **Alternative measures for assessing compliance must be specified by the guidance to ensure that monitoring responsibilities can be met in full.**

We welcome that the guidance recognises, at p31, that the *impact of the guidance* will require monitoring but note that specific detail on how this will be undertaken in practice is lacking. To monitor the impact of the guidance in achieving its overall aim of reducing and minimising the use of restrictive practices in educational settings, **we recommend that the Department must commit to ensuring the collation, analysis and publication of disaggregated data on the use of restrictive practices in educational settings, within the guidance.**

At school level, the guidance makes provision for the periodic review of all incidents involving restrictive practices to be undertaken by Boards of Governors (BoGs), noting that records of these reviews should be made available to the ETI, EA and DE on request. **We recommend that the guidance specifies how frequently this periodic review should be undertaken.**

3.9 Training Provision (Section 11)

NICCY's NSNH Review emphasised the importance of training on the appropriate use of restrictive practices and alternative therapeutic approaches, to ensure seclusion is never

used and that any form of restraint is used only as a measure of last resort. Specific recommendations are summarised as follows:

- Provision of '**mandatory training** on restrictive practices - to be used as a last resort by all educational staff, including classroom assistants and non-teaching staff (where relevant)' - by Teacher training institutions and the Education Authority (EA). We further recommended that training should be accredited and/or subject to external independent training standards;
- New policy should be accompanied by **an accredited training framework and supportive infrastructure** to ensure schools have appropriate resources in place to support their pupils and staff in minimising the use of restrictive practices in educational settings;
- **Additional training** should be made available on areas complementary to reducing restrictive practices; and
- **Parents and carers should have an opportunity to receive support and training**, to understand the use of de-escalation and therapeutic interventions, as well as restrictive practices. They should have the opportunity to develop capacity to ensure they and their children can contribute to the development of personalised learning plans and be provided with information on the complaints process.

In relation to training the draft statutory guidance details existing training, services and supports provided by the EA on a range of areas and notes that '*the EA will review relevant training to support the implementation of this guidance.*' We consider that this lack of commitment to training will seriously undermine the effective implementation of the guidance and the extent to which the overall aim '*of reducing and minimising the use of restrictive practices, wherever possible*' is achieved. Minimising the use of restrictive practices will only be achieved if educational staff are supported to develop skills and knowledge in the use of supportive and early intervention practices, as well as restrictive practices as a last resort.

NICCY calls for a much stronger commitment to training to support the effective implementation of the statutory guidance. At a minimum, this should include the provision for mandatory training for all education staff on the use of restrictive practices as a last resort, alongside training on supportive and early intervention practices aimed at supporting children and minimising the use of any form of restraint. The guidance should also detail how the effectiveness of training and related outcomes will be evaluated.

We advise that training for BoGs, who have specific responsibilities including monitoring, periodic review, investigation of complaints, will be imperative to ensure their understanding of the appropriate use of restrictive practices and that they are fully cognisant of their responsibilities. **The guidance should specify mandatory training required by Boards of Governors.**

Training should go beyond best practice examples outlined by the Education and Training Inspectorate and draw on a wide range of evidence-based practice and practice-based guidance. **We advise that the guidance should detail information sessions that will be made available to parents/carers to understand the use of restrictive practices as well as de-escalation and therapeutic interventions.**

4.0 Conclusion

NICCY welcomes the collaborative approach that has been taken in developing this 'draft Statutory Guidance on the Reduction and Management of Restrictive practices in educational settings'. However, the draft statutory guidance is not fully reflective of the advice given to date and further work is needed to ensure that this vital statutory guidance is sufficiently robust to meet its overall aim of reducing and minimising the use of restrictive practices. A clearer commitment to the financial resourcing and training provision, which will be integral to the effective implementation of the guidance, is also needed from the Department. NICCY looks forward to engaging further with the Department to inform the final draft of the statutory guidance.

<p>include: the number of children who experienced restrictive interventions; the number of times each pupil experienced a restrictive practice; the type of de-escalation techniques and restrictive interventions used; how children and parents were involved and what support/training may be required.</p>	<p>The Department will secure agreement that the Education and Training Inspectorate will examine if the use of supportive and restrictive practices, by educational settings, follows any related statutory guidance issued by the Department.</p>	<p>This will be progressed when the statutory guidance is issued.</p>
<p>2. The Department of Education must ensure that the legislative framework explicitly limits the use of restraint or force on a child so that it is only permitted to protect that child or others from immediate and serious harm.</p> <p>The Department must review The Education (NI) Order, 1998 repealing Article 4 (1)(c) ‘To prevent a pupil engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils’.</p>	<p>The Department of Education will ensure that, at the next earliest legislative opportunity, the legislative framework will explicitly limit the use of restraint or force on a child so that it is only permitted to protect that child or others from immediate and serious harm. The legislative framework will be reflected in statutory guidance issued by the Department.</p> <p>The Department will, at the next earliest legislative opportunity, repeal Article 4 (1)(c) of The Education (NI) Order 1998, which enables the use of reasonable force to “prevent a pupil engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils.”</p>	<p>This legislative change will be progressed when a new NI Executive is in place.</p>

NICCY Recommendations from 'Neither Seen Nor Heard' Report	DE Response	DE's input: Action taken or planned
<p>3. The Department of Education should issue mandatory guidance on the use of restrictive practices in educational settings detailing the legislative and policy context, and outlining the roles, responsibilities and accountabilities of school staff, external professionals, Principals, Board of Governors, the Education Authority, (or other Governing Bodies) and the Department itself. This Guidance should be developed in consultation with schools, professional bodies, parents/carers, and children. They should:</p> <p>Provide further clarity on the legal definitions of 'restrictive practices' which should</p> <ul style="list-style-type: none"> align to those of the Departments of Health and Justice; Change the use of terminology from 'challenging behaviours' to 'distressed behaviours'; Ensure the provision of training; and Outline the requirement to immediately inform parents/carers of the incident following up with a formal report which should include measures to support the child and staff and prevent further 	<p>The Department will issue statutory guidance on the use of restraint and seclusion in educational settings under Article 18 of the Education and Libraries (Northern Ireland) Order 2003 which places a duty on the Board of Governors of a grant-aided school to determine the measures to be taken at the school (by the Board of Governors, the staff of the school or other persons) to protect pupils from abuse (whether at school or elsewhere).</p> <p>The statutory guidance will:-</p> <ul style="list-style-type: none"> be based on the underlying principles outlined Department's report. Provide further clarity on the legal definitions of 'restrictive practices' which should align to those of the Departments of Health and Justice; Change the use of terminology from 'challenging behaviours' to 'distressed behaviours'; Ensure the provision of training; and Outline the requirement to immediately inform parents/carers of the incident following up with a formal report which should include measures to support the child and staff and prevent further incidents. detail the legislative and policy context, provide clear definitions of restrictive practices aligned as far as possible with those of the Departments of Health and Justice; outline the roles, responsibilities and accountabilities of 	<p>Draft statutory guidance is being developed for issue in the 2022-23 school year.</p> <p>DE's Safeguarding guidance has been updated to remove previous safe handling/reasonable force guidance and confirm new guidance is being drafted. It refers to the report on the review of restraint and seclusion and reiterates the underpinning principles of safe handling and the use of reasonable force should be in line with the rights of the child under the United Nations Convention on the Rights of the Child (UNCRC) and should never be used as a punitive measure, i.e. as a form of punishment</p>

incidents.	school staff, health professionals, Principals, Board of	
	<p>Governors, the Education Authority, parents/carers, children and young people and the Department itself;</p> <ul style="list-style-type: none"> • will provide for the mandatory recording and reporting of all incidents of restrictive practices by educational settings; • include exemplars of positive, preventative and early intervention practices identified by the Education and Training Inspectorate; • include details of training and resources available for educational settings, from the Education Authority, in relation to handling behaviours of concern; • outline the requirement for educational settings to immediately inform parents/carers of any incident followed up with a formal report which should include measures to support the child and staff and prevent further incidents; • outline whistleblowing procedures; and • be developed in consultation with schools, professional bodies, children and young people and parents/carers. 	
<p>4. The Department of Education must establish regional standards on restrictive practices in schools including how to minimise their use and eliminate the use of seclusion. The policy must incorporate a rights-based, child-centred focus, ensuring that all children are protected, regardless of their background, status, additional needs, or disability.</p>	<p>The statutory guidance issued by the Department will have a rights-based, child-centred focus, with an overarching aim that all children and young people in educational settings are protected from harm.</p>	<p>Draft statutory guidance is being developed for issue in the 2022-23 school year.</p>

NICCY Recommendations from 'Neither Seen Nor Heard' Report	DE Response	DE's input: Action taken or planned
Complaints		
<p>5. Within the revised guidance document for schools, the Department of Education should outline standards for responding to complaints, in line with Complaints Standards set out by Northern Ireland Public Service Ombudsmen (NIPSO). The guidance should also provide direction on providing pathways for staff (including health staff visiting the school) to raise concerns.</p>	<p>The statutory guidance issued by the Department will outline the complaints process and link to the Department's Safeguarding and Child Protection Guidance which includes advice on the escalation of safeguarding and child protection concerns.</p> <p>The Department's Guide for Governors is currently subject to a separate review including on how a schools complaint process should be operated.</p>	<p>Draft statutory guidance is being developed for issue in the 2022-23 school year.</p> <p>The Department's Guide for Governors is being updated presently.</p>
<p>6. Parents should be informed of independent advocacy and support services, including peer advocacy, to assist in their complaint.</p>	<p>The statutory guidance issued by the Department will outline the complaints process and link to the Department's Safeguarding and Child Protection Guidance including support available from the Education Authority.</p> <p>Signposting parents to independent advocacy and support services, including peer advocacy, is outside the scope of the Department's review of the use of restraint and seclusion in educational settings. However, the Department will consider this issue further as work to develop guidance is progressed.</p>	<p>Draft statutory guidance is being developed for issue in the 2022-23 school year.</p>

NICCY Recommendations from 'Neither Seen Nor Heard' Report	DE Response	DE's input: Action taken or planned
Understanding and Knowledge of Restrictive Practices in Educational Settings		
<p>7. Information regarding any policy, guidance and legislation on restrictive practices should be made publicly available and easy to understand, with alternative accessible formats available on request.</p>	<p>The statutory guidance issued by the Department will be published and made available in alternative accessible formats available on request.</p>	<p>Draft statutory guidance is being developed for issue in the 2022-23 school year.</p>
Training		
<p>8. Teacher training institutions and the Education Authority (EA) should provide mandatory training on restrictive practices to be used as a last resort by all educational staff, including classroom assistants and non-teaching staff (where relevant).</p> <p>This should be accredited and/or subject to external independent training standards and should begin at Initial Teacher Education (ITE), at Post-Graduate Certificate Education (PGCE) levels and continue into Early Professional Development (EPD) and Continuous Professional Development (CPD).</p>	<p>The statutory guidance issued by the Department will include details of training and resources available for educational settings, from the Education Authority, in relation to handling behaviours of concern. The statutory guidance issued by the Department will include exemplars of positive, preventative and early intervention practices, identified by the Education and Training Inspectorate.</p> <p>The Department will commission the Education Authority to undertake a training needs analysis to ensure that teaching and non-teaching staff in educational settings are able to comply with the statutory guidance. The Department will continue to engage with teacher training institutions on how/if training on restrictive practices might be embedded within initial teacher education courses. The Department will consider how/if training on restrictive practices could be embedded into Early Professional Development (EPD) and Continual Professional Development (CPD) within its</p>	<p>Draft statutory guidance is being developed for issue in the 2022-23 school year.</p> <p>Meetings are being planned between EA and Health colleagues to undertake an audit of current training provision across education and health.</p>

NICCY Recommendations from 'Neither Seen Nor Heard' Report	DE Response	DE's input: Action taken or planned
<p>9. Any new policy should be accompanied by an accredited training framework and supportive infrastructure to ensure schools have appropriate resources in place to support their pupils and staff in minimising the use of restrictive practices in educational settings.</p>	<p>The statutory guidance issued by the Department will include details of training and resources available for educational settings, from the Education Authority, in relation to handling behaviours of concern.</p> <p>The Department will continue to engage with teacher training institutions on how/if training on restrictive practices might be embedded within initial teacher education courses. The Department will consider how training on restrictive practices could be embedded into Early Professional Development (EPD) and Continual Professional Development (CPD) within its strategy for teacher professional learning - Learning Leader</p>	<p>Draft statutory guidance is being developed for issue in the 2022-23 school year.</p> <p>The Department continues to meet regularly with initial teacher education providers and will provide a copy of the statutory guidance to them, when this is published, to allow them to consider within their initial teacher education programmes.</p>
<p>10. Additional training should be made available on areas complementary to reducing restrictive practices including on:</p> <ul style="list-style-type: none"> • Effective communication; • Mental health; • Trauma; • Disability awareness training (particularly focusing on Autism Spectrum Disorder (ASD) and learning disability); • Managing distressed behaviours; 	<p>The statutory guidance issued by the Department will include exemplars of positive, preventative and early intervention practices, identified by the Education and Training Inspectorate. The Department will commission the Education Authority to undertake a training needs analysis to ensure that teaching and non-teaching staff in educational settings are able to comply with the statutory guidance.</p> <p>Child protection training and resources, which are updated annually are available to all schools, and</p>	<p>The original response, shown in the DE response column, details what is available to meet this recommendation. The training available from the EA will be signposted in the guidance.</p>

<ul style="list-style-type: none"> Supporting children with additional needs with or without a Statement; and on Children's rights 	<p>Boards of Governors. Specific training is provided to members of the School Safeguarding Team. In addition, Trauma-Informed Practice training is available to all schools and Attachment training provided to primary schools by the EA's Children Looked After Service</p> <p>The joint Department of Education and Health 'Children & Young People's Emotional Health and Wellbeing in Education Framework' recognises our collective responsibility in supporting the emotional health and wellbeing of our children and young people as well as those who work with them. Implementation of this Framework covers a number of these complementary areas including resilience; creation of a positive school culture; coaching for school leaders; wellbeing resources; school nurses placed in pilot post primary schools; expansion of existing RISE NI provision to Key Stage 2; trauma and attachment informed practice; mental health awareness support and a whole school approach to wellbeing. The Education Authority and the Middletown Centre for Autism have developed an enhanced framework for Tier 1 and Tier 2 autism training for teaching and non-teaching staff (including specific courses for classroom assistants); parents/carers and children and young people. The training is accessible online; a hybrid model including face-to-face training, will be in place when public health guidelines permit.</p>	
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NICCY Recommendations from 'Neither Seen Nor Heard' Report	DE Response	DE's input: Action taken or planned
Experience and Perspectives of Restrictive Practices		
<p>11. Parents and carers should have an opportunity to receive support and training, to understand the use of de-escalation and therapeutic interventions, as well as restrictive practices. They should have the opportunity to develop capacity to ensure they and their children can contribute to the development of personalised learning plans and be provided with information on the complaints process.</p>	<p>The statutory guidance issued by the Department will include details of training and resources available for educational settings, from the Education Authority, in relation to handling behaviours of concern. The guidance will include the need for schools to work with parents to understand how the school will be promoting positive behaviour. Support and training for parents to understand the use of de-escalation and therapeutic interventions, as well as restrictive practices is outside the scope of the Department's review. However, the Department will consider how this might be addressed during development of its guidance on the use of restraint and seclusion in educational settings including through the Middletown Centre for Autism which provides parental training in relation to techniques to support children with autism.</p>	<p>The guidance is being drafted according to DE's original response. Further parental training and wider responsibility for this remain as per the original response</p>
<p>12. Learning support plans or 'communication passports' should be in place for all children with additional needs, with a particular focus on children who are at risk of exhibiting behaviours that are distressing.</p>	<p>The statutory guidance issued by the Department will include appropriate links to healthcare which is also currently being reviewed. It is envisaged this will include documentation, training and support to schools including the use of equipment and any required therapies recommended by health and social care staff in the school setting to meet and</p>	<p>Draft statutory guidance is being developed for issue in the 2022-23 school year. It will include links to</p>

	manage children's needs.	
NICCY Recommendations from 'Neither Seen Nor Heard' Report	DE Response	DE's input: Action taken or planned
13. Social, emotional and practical support should be provided for all individuals who experience, witness or apply restrictive practices in educational settings, especially children, siblings, parents/carers, and classmates, as well as the staff member involved.	The statutory guidance issued by the Department will outline the requirements for schools in relation to follow up actions after an incident to both pupils and staff.	Draft statutory guidance is being developed for issue in the 2022-23 school year.
Educational Culture and Accountability		
14. All educational settings should be informed by a UNCRC child's rights framework and embed a culture of school values underpinned by the principles of inclusion, the best interests of children and respect for their human rights.	The statutory guidance will be based on the underlying principles detailed in Section 5 of this report.	Draft statutory guidance is being developed for issue in the 2022-23 school year.
15. The Department Education and Education Authority should provide support to school leaders in school-based transformation work, as required, including changing culture and attitudes towards pupils with	The statutory guidance issued by the Department will include exemplars of positive, preventative and early intervention practices, identified by the Education and Training Inspectorate. The Department will commission the Education Authority to undertake a training needs analysis to ensure that	Draft statutory guidance is being developed for issue in the 2022-23 school year. Meetings are being planned between EA and Health to establish current training provision across education and health.

additional needs. Resources, training and sharing of good practice should be provided to ensure this happens.

teaching and non-teaching staff in educational settings are able to comply with the statutory guidance.

Appendix 2: Child Rights-Based Approach: The 7 Principles

