

CYPE(5)-07-20 - Papur i'w nodi 3



Lynne Neagle AM
Chair of Children, Young People and
Education Committee

Wednesday 12 February 2020

Dear Lynne,

Subject: EHRC inquiry into the monitoring and analysis of the use of restraint of children in primary, secondary and special schools in England and Wales

I am writing to let you know that we will have launched an inquiry into the issue, to enclose the inquiry's terms of reference and to set out some of the background which I hope will be helpful to you.

Stakeholders have raised concerns about the use of restraint and the lack of data available of its use in schools, compared to other settings where there are requirements to record the use of restraint, such as in youth justice and mental health settings. Following these concerns, we have been discussing with members from the Education Directorate about plans to undertake work on how schools monitor the use of restraint and seclusion.

Our inquiry, which will be carried out under s.16 and schedule 2 of the Equality Act 2006 aims to understand the extent to which schools in England and Wales monitor and record the use of restraint and seclusion, and where they do, if and how they use this information to inform and improve their practices.

The inquiry is a tightly focussed inquiry, and will therefore not look at the prevalence of restraint and seclusion, nor how schools use restraint and seclusion.

We are aware our inquiry comes at a time when the Welsh Government is preparing a new framework to promote measures and practices that will lead to the reduction of restrictive practices in education, childcare, health and social care settings. Whilst recording and data collection is identified within the draft



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framework as an essential element in any reduction plan, there is a lack of data about schools' use of restraint and how they learn from using these approaches. Monitoring and recording restraint can act as an important safeguard for both pupils and teachers alike. Our inquiry also seeks to understand what learning may be applied to schools from a range of settings where restraint and seclusion of children is routinely recorded and analysed and has led to changes in approaches. We hope this work may help inform Welsh Government's framework for reducing restrictive practices.

We have spoken to a range of stakeholders to inform our terms of reference for the inquiry, including Estyn and the Office for the Children's Commissioner for Wales. We are very grateful to Welsh Government officials for their valuable contributions to the development of our thinking on this work.

I would very much welcome the opportunity to discuss this work further with you in person. I appreciate the pressure on your diary and my office will be in contact with yours to see what might be possible.

Yours sincerely,

Rev Ruth Coombs

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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Terms of Reference: Monitoring and Analysis of the use of Restraint in Schools.

Statutory inquiry under section 16 and schedule 2 of the Equality Act 2006 into the monitoring and analysis of the use of restraint on children in primary, secondary and special schools in England and Wales.

- i. To understand whether and how primary, secondary and special needs schools in England and Wales are collecting and using data on their use of restraint and restrictive interventions.
- ii. To understand what learning may be applied to schools from settings where restraint and restrictive interventions of children is routinely recorded, monitored and analysed and where data informed practice leads to changes in approaches.

Explanatory notes

‘Restraint’ is an act carried out with the purpose of restricting an individual’s movement, liberty and/or freedom to act independently. Restraint includes chemical, mechanical and physical forms of control, coercion and enforced isolation, which may also be called ‘restrictive interventions. For more information, please see the EHRC’s [Human rights framework for restraint: principles for the lawful use of physical, chemical, mechanical and coercive restrictive interventions](#)

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