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1. About the RCPCH

The Royal College of Paediatrics and Child Health is the membership body for paediatricians in the UK and around the world. Founded in 1996 and now with approximately 22,000 members in the UK and internationally, we play a major role in postgraduate medical education, professional standards, research and policy. As well as our essential work in education and career support for paediatricians, our staff and members work on a range of programmes to improve child health - from quality improvement to workforce studies, from research in the UK to global child health programmes.

2. Introduction

The RCPCH will not seek to respond to all of the recommendations, but make specific comment on Sections 7, 8 and 13 of the proposed guidance on the use of restrictive and supportive practices for educational settings as identified in the Review of Restraint and Seclusion in Educational Settings as they relate to the physical and mental health, safety and emotional well-being of children.

3. Section 7

While the RCPCH broadly agrees with the provisions envisaged within the new guidance and are heartened by the case studies presented at Appendix 7 of the consultation document which are examples of good practice and ideally should be deployed regionally, in the current financial context as detailed in the Departmental notice of 26 October 2023¹ it is unclear how the guidance can be fully realised. The RCPCH has already raised concern in terms of the impact of cuts due to the financial instability to many support programmes² and the ability to implement the 'Every Child' Corporate Plan.³

Moreover, emotional and mental health complexity is acknowledged within the Department of Health Position Statement on the Mental Health Workforce Review,⁴ viz. 1 in 10 children and young people experiencing emotional problems, and anxiety and depression being 25% more common in children in Northern Ireland compared to other parts of the UK. While the Department of Health

¹ <https://www.education-ni.gov.uk/news/education-leaders-discuss-major-challenges-facing-education-sector>

² <https://www.rcpch.ac.uk/news-events/news/paediatricians-concerned-children-northern-ireland-are-being-left-behind>

³ https://www.rcpch.ac.uk/sites/default/files/2022-11/rcpch_de_every_child_consultation_response_-_nov_2022.pdf

⁴ <https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-mental-health-workforce-review-22-32.pdf>

states that NI's children and young people deserve every opportunity to experience their young lives free of mental illness and that the Mental Health Strategy provides a window of opportunity to make that happen, the fact that the associated Strategy received significantly less funding than required⁵ indicates that more of this complexity may be felt in schools.

Nonetheless, the RCPCH are encouraged by the developments toward delivering the joint Departmental Children & Young People's Emotional Health and Wellbeing Framework and the recent engagement of the National iThrive Centre. It is our hope that this Framework will be delivered in full. However, we would advise that the recommendation within the proposed guidance under this section which states the importance of 'working with other adults, including parents/carers, to develop a plan that meets the individual needs of a child or young person, actively reduces restrictive practices, and encourages good quality, safe, supportive practices' requires further clarification on those who should be engaged to advise upon and deliver the implementation of the guidance.

4. Section 8

In terms of the proposed provision to 'have a clear and consistent understanding of the policy and legislative context of restrictive and supportive practices in educational settings' and the acknowledged legal ambiguity pertaining to 'reasonable' force as well as the current inability of the Department to repeal Article 4 (1)(c) of the Education (NI) Order 1998, the RCPCH would assert that relevant staff should be explicitly aware of and deliver restrictive practices where they are necessary in line with obligations laid down in the Human Rights Act 1998, in particular the principles of proportionality as well as relevant international obligations such as the UN Convention on the Rights of the Child and the UN Convention on the Rights of People with Disabilities, core values, and key ethical principles.

5. Section 13

The detail set out at Section 13 and the associated appendices do not currently provide sufficient clarity in terms of whether or how a child or young person should be assessed post use of restrictive practices. In terms of secure settings, the RCPCH makes clear that children should receive support from a registered healthcare professional after restraint procedures, said professionals should attend to the physical and emotional impact of restraints as appropriate.⁶ Further consideration should be given to ensure the physical, mental and emotional wellbeing of children under this section.

Submitted by Anna McDaid, Head of Policy and Public Affairs (Devolved Nations)

For further queries pertaining to this response, please contact anna.mcdaid@rcpch.ac.uk

⁵ <https://www.northernireland.gov.uk/news/mental-health-strategy-delivery-plan-202324>

⁶ Healthcare Standards for Children and Young People in Secure Settings (April 2023) available at: https://www.rcpch.ac.uk/sites/default/files/2023-04/rcpch_healthcare_standards_for_children_and_young_people_in_secure_settings_2023.pdf