

## Gwybodaeth Ychwanegol at y Cyfarfod Llawn Information Further to Plenary

*Cyhoeddir ymatebion yn yr iaith y'u darparwyd, gyda chyfieithiad Saesneg o ymatebion yn y Gymraeg.*

*Responses are published in the language in which they are provided, with a translation into English of responses provided in Welsh.*

**Gwybodaeth ychwanegol at y Datganiad am Gyngor Sir Penfro a gyhoeddwyd gan Gwenda Thomas, y Dirprwy Weinidog Plant a Gwasanaethau Cymdeithasol, ar 31 Hydref 2011**

**Information further to the Statement on Pembrokeshire County Council issued by Gwenda Thomas, the Deputy Minister for Children and Social Services, on 31 October 2011**

**At/ To Angela Burns:**

### **Physical Restraint Policy**

During the debate on Pembrokeshire County Council on 20 September you raised issues around the Booth and Munday report commissioned by Pembrokeshire County Council about practices in the Pupil Referral Unit and the apparent confusion over legislation and guidance.

The Welsh Government has actually issued two guidance documents on physical restraint:

***i. Framework for Restrictive Physical Intervention Policy and Practice***

The *Framework* was issued in 2005 to professionals who work with children, young people, adults and older people in health, education and social care settings to ensure that they share a common framework of principles and expectations. It does not advise on individual actions required in specific circumstances or specific service settings, nor does it recommend specific methods of restraint. It is clear in that the legal and human rights of service users is paramount and advocates preventative strategies.

***ii. Safe and Effective Intervention – Use of Reasonable Force and Searching for Weapons***

This guidance, published in late 2010, replaced *Welsh Office Circular 37/98: The Use of Force to Control or Restrain Pupils*. This guidance is aimed principally at education authorities, maintained and independent schools and pupil referral units. The document provided more comprehensive guidance than Circular 37/98—as well as on new powers for searching for pupils for weapons introduced by the Violent Crime Reduction Act 2006—whilst also emphasising the rights of children and young people and promoting prevention.

While neither document specifically addresses detention in a locked room, both are clear that physical restraint should not be used as a form of punishment and emphasise the importance of monitoring and recording and of consideration of lasting effects of a particular form of restraint. Whatever methods of restraint are used in particular circumstances they should only be used with the minimum force necessary to achieve the desired result and be subject to continued review, with the service user, to assess impact and effectiveness.

While the guidance documents are consistent in term of principles and approach, some details contained in the *Framework* guidance need to be updated to ensure that it is of contemporary value and consistent with our current understanding. I have already announced in my Written

Statement on *Safeguarding and Protection of People at Risk* on 18 October that it is my intention to consult on a range of safeguarding measures early in 2012 and that as part of that work we will also undertake a review of the framework for restrictive physical intervention.

I understand that the more recent education document is still relevant, though it will require some attention to address the issue on the use of locked rooms, and we will of course ensure that this issue is addressed consistently in both documents.

I am copying this letter to Assembly Members so they are aware of these arrangements.