

PE1709/E

Petitioner submission of 11 June 2019

I would like to address the submissions made to Petition PE01709 by the following party's Unison, SSTA ,NASUWT and the Scottish Government. I would make it clear at this time, that I agree and accept many of the points raised in relation to the legal statutes in force, Policies and procedures relating to the rights of children and adults within the ASN settings. I would also concur with the identified shortfalls within the current funding provision affecting LA's especially within Special Needs Education across all Scottish Local Authorities.

While these issues and others may or may not be pertinent to Special Needs education, in the whole they fail to address the very failures, breaches and inadequacy of statute and procedures. These failures have resulted in the injuries to over 600+ children within ALN schools that have occurred over the past several years. It was for this reason that motion that was put to North Lanarkshire Council meeting on the 20th June 2018 calling for additional CCTV to be installed in buildings and on transport to protect addition support needs pupils.

The consistent failure by Local Authorities to acknowledge, accept and address these failures inherent within our education system are an affront. Our most vulnerable children are at continued risk of harm for this reluctance of the Corporate parent to act, this is the reason for this petition calling for CCTV as a safeguard for both child and staff.

CCTV would have the potential to provide the corroboration that the Crown requires in complaints of physical or other abuse in place of a child they deem to be without capacity. CCTV would further provide a staff member a shield from malicious allegations. It cannot and should not be ignored any longer, the 600 notified cases of alleged physical abuse / assault/ battery caused whilst at school in the care of teaching & support staff are testament that for all the Law's, Practices and procedures a child with Special needs, is inherently at risk within a school environment. Those children with an ASN/ ALN are viewed by the Crown not to be credible witnesses due to their conditions and needs.

I have taken what I feel are the pertinent clauses from each of the respondents responses to the Petition. I will address each statement before summing up why there is a need for CCTV in Special need Schools

UNISON

In response to Union's written submission—

- PE01709 in no way seeks to instigate/ foster a culture of blame/ punishment. Its aim is to provide CCTV as an impartial electronic witness which can be used to corroborate where there is evidence or belief of injurious action against a child.

- With regard to the question “How many cameras would it take to provide blanket coverage”, there is no intention to have “blanket coverage” the term itself is inappropriate in the circumstances to which PE01709 seeks to address.
- In relation to the question Unison asks (What atmosphere would hundreds of cameras create?), I find this statement unhelpful and inflammatory, it is misrepresenting the aims of the PE01709, there is no question of the need for hundreds of cameras within a single school. also be able to use the limitations of camera’s scope to avoid detection. The above statement may have relevance in a mainstream environment, the purpose of the CCTV is not as a modifier of individuals behaviour.
- UNISON believes that better staffing ratios, including chaperones during intimate care and toileting, alongside individualised training are a much more effective way to protect children and staff. My response would be that if this was true then no injuries would have been sustained by Children. I am aware of an incident where there was no shortage of staff as 4 members were involved in the excessive restraining of a child -and secondly it involved the member of staff responsible for restraint training at that council.
- With regard to the comment that schools are struggling to meet the needs of pupils because of budget cuts and CCTV will not change that – I find this to be a very strange opinion and would suggest as previously noted that Unison are not addressing the actual reasons for bringing forth PE01709. The logic of that statement according to Unison, cctv would not help ASN ALN children in our special needs schools, as the assaults injuries are due to budget cuts.
- With regard to the data provided about the number of incidents recorded in local authorities, the above figures are not accurate and misleading in this case as they relate to mainstream Primary and Secondary schools. Violence is most definitely not a minor issue all the more so when it is carried out by an adult on a child within the school setting, it is also important that the child and families be given adequate and ongoing support.
- In terms of UNISON’s suggestion that that there are more effective routes to meeting the petitioner’s aims than installing CCTV cameras, I would ask what would these be as all else has failed, the service has turned a blind eye to it, the teaching profession has closed ranks on these incidents and whistleblowers have been isolated, forced out.
- UNISON have stated that it would fully support the introduction of not just social work but also educational psychologists and nursing staff into all schools. This would require substantial additional funding. I agree with this point.

NASUWT

The submission makes the following statement—

Installation of CCTV is an extremely sensitive issue. As with all technology it can be helpful but it is also open to abuse. The installation of CCTV would require a significant financial investment and therefore a cost benefit analysis would need to be carried out. If CCTV is installed then its purpose and use must be clear and there must be an agreed written protocol about how it will be used and it must clearly set out the rights and entitlements of staff, pupils and parents about when it is used, where it is used and agreed with the NASUWT and other unions:

It is my view that this can be seen in the original motion where a proposed format to access and manage the CCTV system was suggested.

In terms of the statement made that the NASUWT has significant experience of the use of CCTV in school settings. It is our experience that CCTV serves little useful purpose in the vast majority of circumstances, in what circumstances did it prove of benefit? and were any of these circumstances the same as others injured at school?

With regard to the statement “It can be helpful in grounds and building monitoring for security purposes but only if it is being monitored by appropriate staff and if staff are able to respond if an incident occurs”, this is not relevant to the Petition they are responding to.

NASUWT state “Simply installing CCTV and reviewing tapes afterwards is a limited value. It is of even more limited if any value in classrooms”. It is my view that if this was fact then there would be reasons for CCTV in town centres, on buildings and shops, offices and warehouses, Hospitals and prisons ambulances and taxis even Parliament itself. I would refer you to the note on Corroboration ()

NASUWT also state—

“Indeed there have been many occasions when it has in fact been detrimental in addressing a particular issue because it has for example been at a fixed angle distorting the view and/or has no or poor quality sound. Furthermore, as a result of General Data Protection Regulations (GDPR), where CCTV is intended to be used in a school, it must be clearly set out to employees and users what it will and will not be used for otherwise this could breach the legislation. The NASUWT believes that at a time when resources in schools are at a premium expenditure on expensive CCTV should not be a priority given its limited value. The NASUWT can provide more detailed examples of the use and abuse of CCTV if the Committee would find that helpful”.

I again would contest that the Petitions purpose is not being addressed in the answer given by the respondent but attempts to put barriers in the way to conflate issues which are not directly concerned with PE01709

With regard to Social Worker placements, as can be seen from cases where there is SW involvement it stops at the school gates. Had these incidents happened at home

or in public then those within the family and wider circle would have been scrutinised by SW, charges would have been brought and a section 47 passment and report carried out, because these happened in a school setting this procedure doesn't apply.

SSTA

The submission states—

“As highlighted the Association views CCTV cameras as a necessary and supportive tool in the security of school/educational environments but there needs to be serious consideration of all aspects of their use”.

It is my view that this can be seen in the original motion where a proposed format to access and manage the CCTV system was suggested

Scottish Government response

For all of the above Laws, procedures, reviews, groups and programmes that the Scottish Government has put in place or oversees, we still have too many instances that fall through the gaps and require addressing. Some of the concerns I believe were addressed by a court in India as per the following article reported in The Guardian in January 2018: <https://www.theguardian.com/world/2018/jan/18/delhi-cctv-classrooms-parents-monitor-children>.

With regard to recording and monitoring, within NLC there is or has been no overall monitoring this issue is one that has come to light through the officer member working group which resulted in response to the Motion put to NLC.

In terms of the Scottish Government's response, a substantial amount of the Laws Statutes and Procedures referred to and detailed did nothing to prevent injuries I am aware of. Children fall through the cracks in these legal protections because of who they are, how the judiciary sees them in regards to capacity and corroboration. The profession itself cannot be relied on as is often the case ranks close. Whistleblowing doesn't work, whistleblowers find they are often isolated within the workplace and victimised out of the service.

The situation in law can be summed up as protected in theory but not in practise, the legal system as administered and applied by the Crown office young adults and children with ALN, means that there are instances whilst in a school setting where they are vulnerable and potentially at risk of injury caused by a breach of a law or procedure which is meant to keep them from harm and thereafter without any recourse to the Justice system.

Why the need for CCTV?

In many cases where children have been injured due to restraining or other physical actions, these have resulted in criminal charges being brought that fail to reach court impart due to the Crowns reluctance to call as a witness a vulnerable child with a diminished mental capacity.

In Scots law we need corroboration to prove that a crime has been committed. I am aware of a case that because, it was felt by the PF that a young person didn't have capacity there was no corroboration and so no case was brought.

Concluding remarks

We are not alone in asking for CCTV in our ASN/ALN schools already there has been moves in India, Texas and Georgia with it being looked at for Nevada and Missouri ([see additional SPICe briefing](#)).

Several issues raised in the responses are covered by other petitions on restraint and whilst fully supportive of the petition it is separate and distinct from . In my own council area of North Lanarkshire as a result of the motion put to the council they are now looking at ASN /ALN schools and education however they are not looking at CCTV which in my opinion is seriously flawed, as it became known in March that a child who attended a special needs school had been restrained inappropriately by 4 members of staff and this was filmed on a school iPad. This happened in June of 2018 at the time the motion was to go before NLC, however the incident only became known about when the pupil was given the iPad to take home several months later and was able to show their parents. It has been reported that the restraining procedures and reporting system were not adhered to and many other questions over the incident remain unanswered at the moment due to the ongoing enquiry.

I strongly feel that this incident highlights the need for CCTV within these schools. CCTV can provide a system of safeguarding vulnerable children from injury and abuses of procedure by providing corroboration of any breach which causes injury or emotional distress, it could also provide the same safeguard for staff against any accusation of impropriety.

In a Mainstream school where there are 28 other children in a room that is 27 potential witnesses to corroborate any incident, that isn't so in a special needs school due to the learning capabilities of the children that is why CCTV as an impartial means of providing corroborative (video) evidence that a child couldn't or disprove any allegation of impropriety against a staff member or members.

The rights detailed in the responses from the parties should apply to all which they appear to do on the paper they are written on, however in practice, time and again we are witness to incidents which when legal redress is sought for those affected, it fails them. CCTV will provide the corroboration that the court requires but that the Crown says children and young adults do not have the capacity to provide.

Please support my Petition.