

Restraint and Seclusion in Schools (Scotland) Bill

[AS INTRODUCED]

CONTENTS

Section

Restraint and seclusion

- 1 Restraint and seclusion
- 2 Guidance on restraint and seclusion in schools
- 3 Duty to inform parents of use of restraint or seclusion
- 4 Duty to record and report on use of restraint and seclusion
- 5 List of approved training providers

General

- 6 Interpretation
- 7 Commencement
- 8 Short title

**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:
Explanatory Notes (SP Bill 61-EN), a Financial Memorandum (SP Bill 61-FM), a Policy
Memorandum (SP Bill 61-PM), a Delegated Powers Memorandum (SP Bill 61-DPM) and
statements on legislative competence (SP Bill 61-LC).**

Restraint and Seclusion in Schools (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision about the restriction of the physical movement of, or isolation of, children and young people by education providers in schools.

Restraint and seclusion

1 Restraint and seclusion

- 5 (1) In this Act—
- (a) “restraint” means anything done by a member of the staff of an education provider with the intention of restricting the physical movement of a child or young person, including restricting their freedom of movement or ability to move independently,
 - 10 (b) “seclusion” means anything done by a member of the staff of an education provider with the intention of isolating a child or young person from other children or young people and preventing them from leaving the place where they are isolated.
- (2) References in this Act to “the use of” restraint or seclusion are references to the doing of anything that would constitute restraint or, as the case may be, seclusion.
- 15 (3) In subsection (1), “member of the staff of an education provider” includes anyone acting under the authority of an education provider.

2 Guidance on restraint and seclusion in schools

- (1) The Scottish Ministers must issue guidance to education providers about the use of restraint and seclusion in schools.
- (2) The guidance must include in particular guidance about the following matters—
- 20 (a) appropriate and inappropriate forms of restraint and seclusion,
 - (b) alternatives to restraint and seclusion,
 - (c) action that might be taken to prevent or minimise the use of restraint and seclusion,
 - (d) matters to be taken into consideration with a view to safeguarding children and young people subject to restraint or seclusion,
 - 25 (e) legal requirements, and any other legal considerations, that might apply or be relevant to the use of restraint or seclusion,

- (f) action to be taken following an incident resulting in the use of restraint or seclusion,
- (g) the recording, reporting and monitoring of incidents involving the use of restraint or seclusion,
- 5 (h) inspection of the practice of restraint and seclusion,
- (i) the training of staff in the use of restraint and seclusion,
- (j) compliance with the duties under this Act,
- (k) processes for the making of complaints about the use of restraint and seclusion, and the provision of information about the making of such complaints,
- 10 (l) action to be taken to resolve or remedy complaints.
- (3) The Scottish Ministers must keep the guidance under review and may issue revised guidance from time to time.
- (4) Guidance under this section may elaborate upon the definitions of “restraint” and “seclusion” in section 1.
- 15 (5) Guidance under this section may make different provision for different purposes, including different provision for different education providers or different schools.
- (6) Before issuing guidance or revised guidance under this section, the Scottish Ministers must consult—
- (a) education providers,
- 20 (b) persons or bodies appearing to the Scottish Ministers to be representative of the interests of parents of children and young people in schools,
- (c) any trade union appearing to the Scottish Ministers to be representative of the staff in schools,
- (d) the Commissioner for Children and Young People in Scotland,
- 25 (e) such voluntary organisations and other persons as the Scottish Ministers consider appropriate.
- (7) An education provider must have regard to guidance and revised guidance issued under this section.
- (8) Guidance and revised guidance issued under this section must be published in such
- 30 manner as the Scottish Ministers consider appropriate.

3 Duty to inform parents of use of restraint or seclusion

- (1) Where a child or young person is subject to restraint or seclusion in a school, the responsible person for that school must inform the parent of the child or young person of—
- 35 (a) the fact that the child or young person has been subject to restraint or seclusion, and
- (b) details of the incident giving rise to the use of restraint or seclusion in relation to the child or young person.
- (2) The responsible person must inform the parent as soon as possible and, in any event,
- 40 no later than 24 hours after the occurrence of the incident giving rise to the restraint or seclusion.

- (3) In this section, the “responsible person” for a school is—
- (a) in relation to a school under the management or control of an education authority, the headteacher of the school or another member of the school staff authorised by the headteacher,
 - (b) in relation to an independent school, the proprietor of the school,
 - (c) in relation to a grant-aided school, the managers of the school.

4 Duty to record and report on use of restraint and seclusion

- (1) Each education provider must record all incidences of the use of restraint or seclusion in its schools.
- (2) The proprietor of an independent school and the managers of a grant-aided school must inform the education authority in whose area the school is situated, by such time as the authority may specify, of the number of incidences of restraint and seclusion in the school.
- (3) Each education authority must inform the Scottish Ministers, by such time as they may specify, of the number of incidences of restraint and seclusion in schools in its area.
- (4) The Scottish Ministers must, for each year—
- (a) prepare a report setting out the number of incidences of the use of restraint and seclusion in schools in Scotland in the year, and
 - (b) lay the report before the Scottish Parliament as soon as practicable after the end of the year.
- (5) In subsection (4), “year” means—
- (a) the period beginning with the date on which this Act comes into force and ending on the following 31 July, and
 - (b) each subsequent period of one year beginning on 1 August.

5 List of approved training providers

- (1) The Scottish Ministers must maintain a list of—
- (a) the names of persons who provide training on the use of restraint and seclusion in schools which meets such standards as the Scottish Ministers may approve, and
 - (b) the details of the courses or programmes of such training.
- (2) The Scottish Ministers must publish the list in such manner as they consider appropriate.

General

6 Interpretation

- (1) References in this Act to an “education provider” are references to—
- (a) in relation to a school under the management or control of an education authority, that education authority,
 - (b) in relation to an independent school, the proprietor of the school,
 - (c) in relation to a grant-aided school, the managers of the school.

- (2) The following terms have the meanings given in section 135(1) of the Education (Scotland) Act 1980 (and plural or other related forms are to be construed accordingly)—

“area” (in relation to an education authority),

“child”,

5

“education authority”,

“grant-aided school”,

“independent school”,

“managers”,

“parent”,

10

“proprietor”,

“school” (but here the expression does not include a nursery school within the meaning of that section),

“young person”.

7 Commencement

15

This Act comes into force at the end of the period of 6 months beginning with the day of Royal Assent.

8 Short title

The short title of this Act is the Restraint and Seclusion in Schools (Scotland) Act 2025.

Restraint and Seclusion in Schools (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision about the restriction of the physical movement of, or isolation of, children and young people by education providers in schools.

Introduced by: Daniel Johnson
On: 17 March 2025
Bill type: Member's Bill

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website -

www.parliament.scot

Produced and published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish Parliament website at:

www.parliament.scot/documents