



Restraint and Seclusion in Schools (Scotland) Bill

Children in Scotland

July 2025

Background

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do.

By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced, and independent voice. We create solutions, provide support, and develop positive change across all areas affecting children in Scotland.

We do this by listening, gathering evidence, and applying and sharing learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

Why we are responding to this consultation

Enquire¹ is the Scottish advice and information service for additional support for learning, delivered by Children in Scotland. Through this service, we provide advice and information to parents, carers, and professionals on the rights of children and young people to support with their education. We also provide advice and information for young people through our Reach² website and are partners in the My Rights, My Say³ service.

¹ [Enquire](#)

² [Reach](#)

³ [My Rights, My Say](#)

As covered in Children in Scotland and Enquire's joint response⁴, to the September 2023 consultation on the Proposed Restraint and Seclusion (Prevention in Schools) (Scotland) Bill⁵, the topic of restraint and seclusion in schools is raised by parents, carers, and professionals who contact us. We hear of the negative impact that the use of restraint and seclusion can have on children and young people, particularly when used too often, or used inappropriately and without due process.

In our [2023 response to the proposed Bill](#)⁶, we made clear our support for the aspirations of the Bill. However, we were concerned that the introduction of a Bill may delay the introduction of new guidance which could support children, young people, and families. We also recognised that there is a range of existing and proposed legislation which is relevant to the issue of restraint and seclusion in schools⁴ above⁴, and we sought reassurance that this Bill would bring new provisions. Finally, we raised the concern that statutory guidance and routes to redress must be clear and accessible for children, young people, families, and professionals. We have responded to this consultation to provide comment on Stage 1 of the Bill.

Our response

1. Do you agree with the Bill's approach? Why?

Children in Scotland agree with the Bill's approach, and the Bill as proposed at this stage has addressed some of the concerns we highlighted in our 2023 consultation response.

Through the Enquire advice and information service, we hear of the negative impact that the use of restraint and seclusion can have on children and young people, particularly when used too often, or used inappropriately and without due process. In our 2022 response to the Scottish Government's consultation on draft guidance⁷, and 2023 consultation response to the proposed Bill⁴, we shared several cases shared by parents and carers via Enquire's helpline which illustrate ongoing issues. Since then, the helpline has

⁴ Children in Scotland and Enquire. (2023). [Proposed Restraint and Seclusion \(Prevention in Schools\) \(Scotland\) Bill Enquire and Children in Scotland response](#).

⁵ The Scottish Parliament. (2023). [Proposed Restraint and Seclusion \(Prevention in Schools\) \(Scotland\) Bill](#).

⁷ Enquire. (2022). [Included, engaged and involved part 3: A relationship and rights-based approach to physical intervention in Scottish schools: Enquire response](#).

continued to receive calls relating to improper and overuse of restraint and seclusion, that demonstrate the negative impact this has on young people's learning and mental health. For this reason, we continue to firmly believe in the Bill's aspirations to minimise the use of restraint and seclusion and improve the experiences of children and young people with additional support needs.

In our response to the proposed Bill in 2023, we raised the concern that the process of bringing in new legislation relating to restraint and seclusion could delay practical and essential guidance being issued. Since then, non-statutory guidance⁸ was introduced in November 2024, which we have signposted to parents, carers, and professionals using the Enquire helpline. In our conversations on the helpline since the guidance was introduced, we have found that parents, carers, and professionals have found this guidance helpful in navigating challenges relating to the use of restraint and seclusion in schools. We would support the introduction of further guidance as indicated in the Bill, recognising new legal requirements for education providers.

We also had some reservations about whether the Bill would bring additional provisions to support children and young people subject to restraint and seclusion, or if the Bill would instead duplicate provisions in existing legislation and proposed legislation. Now outlined in stage 1, we are satisfied that these provisions would strengthen the existing legislative and policy framework supporting children and young people with additional support needs. Our position on specific provisions set out in the Bill will be explored in more depth in our answers to questions 2, 3 and 4.

However, we remain concerned about the potential overcomplication of routes to redress in cases of children and young people being subjected to improper or overuse of restraint and seclusion. As outlined in our 2023 consultation response, we understand that most children and young people subjected to restraint and seclusion in school have additional support needs as defined in the Education (Additional Support for Learning) (Scotland) Act 2004⁹. It has also been recognised that restraint and seclusion in schools is a human rights issue, with routes for redress via the UNCRC (Incorporation) (Scotland) Act 2024¹⁰ and the Equality Act 2010¹¹. This would mean that most

⁸ Scottish Government. (2024). [Included, engaged and involved part 3: A relationship and rights-based approach to physical intervention in schools](#).

⁹ [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#).

¹⁰ [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#).

¹¹ [Equality Act 2010](#).

children, young people, and families looking to raise concerns relating to restraint and seclusion could use several routes for redress.

To prevent this Bill from further complicating a system which we know can be challenging to navigate, it is important that routes for redress are made clear and accessible in updated guidance.

2. Do you think this timescale for informing parents is reasonable?

We fully support the 24-hour timescale for informing parents and carers of incidents of restraint and seclusion. As set out in our 2022 response to the Scottish Government's consultation on draft guidance⁷, and 2023 consultation response to the proposed Bill⁴, communication between parents, carers, and professionals is a key concern raised by callers to the Enquire helpline. Specifically, we have heard parents and carers cite instances of not being informed at all about instances of restraint and seclusion, and the impact this has had on their relationship with the school.

While we cannot comment on how realistic the 24 hour timescale for informing parents is, what we have heard from parents and carers calling the Enquire helpline illustrates how parents feel about not being informed in a timely manner:

"The parent was very distressed that the school had not informed them when the incident had occurred, and the parent felt the school was angry with them for involving the GP and subsequently other services becoming involved. The parent called us to ask what the laws and guidance said about this and whether the school should have told them straight away."

"When walking past the school, mum was told by another pupil that her son was locked in a room. Mum went into school to investigate and son was being secluded in a locked room. Mum had not been notified. She has kept son off school since."

We also understand from No Safe Place¹² that children and young people subjected to restraint or seclusion are often left with physical and mental trauma as a result. As set out in the non-statutory guidance⁸ issued by the Scottish Government in 2024, children and young people should be offered immediate support after any experience of restraint or seclusion, and subsequently, support should be provided. For support and after care to continue after the school day, we believe that it is essential that parents and

¹² Children and Young People's Commissioner Scotland. (2020). [No Safe Place](#).

carers should be informed about any incident of restraint and seclusion. This would better equip families with the information they need to adequately support and safeguard their children and promote relational based communications.

It should also be recognised that for many parents and carers, hearing that their child has been restrained or secluded could be upsetting and perhaps traumatic. Any future guidance should recognise this and encourage staff to take appropriate steps to employ a trauma-informed approach to reporting.

3. Do you agree this information should be recorded, collated and reported to Parliament annually?

We fully support the Bill's requirement for all incidents of restraint and seclusion in schools to be recorded, collated and reported to Parliament annually.

However, as stated in our response to the 2023 consultation response⁴, we suggest that data is also gathered on whether the child or young person has an identified additional support need/s, and indeed the nature of these needs/impact of any intersectionality. We believe that the availability of this information would both support and inform a more beneficial and accurate analysis of the use of restraint and seclusion in schools.

Following recent media coverage of behaviour in schools, we have some concern that the publication of data relating to restraint and seclusion could be portrayed to the detriment of inclusion (as a welcome and aspirational ideal). We understand that incidences of restraint and seclusion most often follow acute distressed behaviour of children with additional support needs, and we recognise that all behaviour is a form of communication. In the gathering and publication of any data, we would suggest that the language used in text descriptions of incidents is considered extremely carefully to minimise the propensity for misinterpretation.

4. What do you think about maintaining a list of training providers on the use of restraint and seclusion in schools?

We fully support the Bill's requirement to maintain a list of training providers on the use of restraint and seclusion in schools.

When planning approaches to staff training and development, it is important to recognise that a lack of training may contribute to the misuse and overuse of restraint or seclusion. We recognise the maintenance of an approved list of training providers may encourage local authorities and schools to increase staff training on this topic. However, with limited funding available to resource this, we are concerned that maintaining a list of training providers will not result in the level of uptake needed to effectively reduce the misuse of restraint and seclusion.

Further to the Bill's provisions at this stage, and aligned with the position we made clear in our 2023 consultation response⁴, we would suggest that training on restraint and seclusion is mandatory for all teachers and pupil support staff. Any training should focus, in the first instance, on the goal of minimising the use of restraint and seclusion, and provide staff with the skills and approaches needed for de-escalation and supporting a child or young person. We would also recommend that this type of training has an equal focus on staff awareness of their own attitudes, beliefs and states that can impact on the application of learned approaches. Where appropriate, teachers and pupil support staff should also be trained on safe approaches to restraint and seclusion with recognition that this should only be used as a last resort in an emergency, for the prevention of harm to all parties.

5. Any other comments?

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