

Call for Views: Restraint & Seclusion in Schools Bill

Introduction

A private members' Bill has been introduced by Daniel Johnson MSP with the aim of tackling inappropriate use of restraint and seclusion in schools.

Calls for Views have been issued by two parliamentary committees, the Education, Children & Young People Committee and the Finance & Public Administration Committee. These are open **until 11 July**.

This briefing gives an overview of the Bill and the consultation questions.

Context

In January 2015 a parent, Beth Morrison, [petitioned the Scottish Parliament](#) asking for national guidance on restraint and seclusion in schools after her son, Calum, sustained injuries while being restrained at the special school he attended.

The Scottish Government updated its existing guidance in 2017 to include the use of restraint and seclusion in education settings. Organisations including the Children & Young People's Commissioner and Enable Scotland, said that too many children, especially those with Additional Support Needs (ASN) were experiencing the use of restraint. These organisations called for statutory guidance to replace the existing guidance, which was seen as insufficient.

The Scottish Government published a further updated version of its guidance in 2024, but this remains non-statutory. The MSP proposing the Bill believes statutory guidance is important for:

- reducing incidents of seclusion and restraint;
- ensuring that appropriate restraint techniques are used only as a last resort and that the focus is on the use of de-escalation techniques by trained staff.
- improving training for school staff;
- improving communication with parents;
- tackling the lack of recorded data on these practices.

The draft proposal for the Bill was consulted on in 2024. The consultation found 92% of respondents supported the proposals. Reasons given in support included personal experience of inappropriate use of restraint in schools, and that statutory guidance would increase accountability and improve enforcement and clarity around appropriate use of physical intervention.

KEY POINTS:

- **A Bill aimed at tackling the inappropriate use of restraint and seclusion in schools has been introduced.**
- **The Bill places a duty on the Scottish Government to produce statutory guidance on the use of restraint techniques and seclusion.**
- **A Call for Views on the Bill is now open.**
- **UNISON will be responding and branches are asked to forward their views by 20 June.**



Contact UNISON's Bargaining & Campaigns team:

Stephen Low
s.low2@unison.co.uk

Susan Galloway
s.galloway@unison.co.uk

Fiona Montgomery
f.montgomery@unison.co.uk

Reasons given by those against include that the education system requires additional resources and funding especially for ASN, that the consultation frames restraint as punitive and not a valid response to violence or aggressive behaviour, that legislation would not improve support for school staff in the face of challenging behaviour.

In proposing the Bill, Daniel Johnson MSP acknowledges the longstanding problem of under-resourcing of support for children with ASN in schools. He says that “progressing the Bill should not preclude further action being taken to tackle educational resourcing concerns and improved support” for staff.

What will the Bill do?

The Bill will apply to all publicly funded primary, secondary and special schools including grant-aided schools, and independent schools. The Bill aims to improve things through:

- Creating duties in relation to the use of restraint and seclusion in schools.
- Placing a **duty** on the Scottish Government to issue **statutory** guidance on the use of restraint and seclusion in schools and on education providers to have regard to this. The Bill contains a detailed list of what should be included.
- Placing a duty on schools to inform the parent of a child or young person subjected to restraint or seclusion about the incident and to provide details of it, as soon as possible, but within 24 hours.
- Placing a duty on education providers to record all incidents of restraint or seclusion in their schools. This data must be collated and reported annually to the Scottish Government and in turn to Parliament.
- Requiring the Scottish Government to maintain a list of training providers on the use of restraint and seclusion in schools and to put in guidance the required standards for training of school staff according to role.

While these provisions will apply to all children, the Equality Impact Assessment identifies disabled children and young people as the main beneficiaries. The Financial Memorandum (FM) (p4) notes “the clear correlation between children having ASN in some form and being involved in incidents of seclusion and/or restraint by school staff.”

Financial Memorandum

The Bill policy memorandum acknowledges that “Resource limitations for education authorities and by extension, schools, will be a real consideration in the implementation of the Bill if passed.” It notes that “Limits to staff numbers, including those with a specialism, impact on the ability to provide the level of support needed for effective de-escalation.” It also notes other measures in the Bill likely to be undermined by resourcing/staffing issues.

An Audit Scotland report in February 2025 found 40% of all pupils receive ASL but government funding for councils has not kept up with the continued growth in the number of pupils with ASL needs.

Additional reading:

- [Restraint & Seclusion in Schools \(Scotland\) Bill - bill documents](#)
- [Call for Views online portal](#)
- [SPICE article: should schools record and report use of restraint? – May 2025](#)
- [Proposed Restraint and Seclusion \(Prevention in Schools\) \(Scotland\) Bill - 2024 Consultation Summary](#)



Contact UNISON's Bargaining & Campaigns team:

Stephen Low
s.low2@unison.co.uk

Susan Galloway
s.galloway@unison.co.uk

Fiona Montgomery
f.montgomery@unison.co.uk

The FM says that, as far as is known, the 2024 non-statutory Scottish Government guidance has not been specifically costed, and no targeted additional funding was provided to implement it.

However, the FM says, "it is assumed that the (Scottish Government) education agreement with COSLA is intended to finance the work required to implement the existing guidance, among the other priorities for supporting children with ASN." An agreement on education funding reached between the government and COSLA in December 2024 included an additional £28 million for 2025/26 to develop the ASL education workforce (p4).

The estimated cost to local authorities of implementing the Bill measures in schools is between £1.6m - £3.3m.

Consultation questions

The Education, Children & Young People Committee asks:

1. Do you agree with the Bill's approach? Why?
2. Do you think this timescale for informing parents is reasonable?
3. Do you agree this information should be recorded, collated and reported to Parliament annually?
4. What do you think about maintaining a list of training providers on the use of restraint and seclusion in schools?
5. Any other comments?

The Finance & Public Administration Committee asks specifically about the Financial Memorandum for the Bill:

6. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?
7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

Action for branches

To help inform UNISON's response to the Call for Views:

- Please share this briefing with your pupil support staff members.
- Please feed back the views of your branch no later than Friday 20 June.
- Please send responses direct to s.galloway@unison.co.uk

Additional reading

- [Briefing 151: Accounts Commission report on Additional Support for Learning March 2025](#)
- [UNISON response: Additional Support for Learning – Dec 2023](#)
- [UNISON response Scotland's strategy for the learning provision for children with complex additional support needs 2017-2026 – Aug 2017](#)
- [UNISON response - ASL further evidence, Feb 2019](#)



Contact UNISON's Bargaining & Campaigns team:

Stephen Low
s.low2@unison.co.uk

Susan Galloway
s.galloway@unison.co.uk

Fiona Montgomery
f.montgomery@unison.co.uk