



UNISON Scotland Response
Call for Views: Restraint & Seclusion
in Schools (Scotland) Bill
July 2025

Introduction

UNISON is Scotland's largest trade union with more than 150,000 members across the public, private and voluntary sectors. We welcome the opportunity to respond to the Education, Children and Young People Committee's call for views on the Restraint and Seclusion in Schools (Scotland) Bill.

UNISON members work in schools and early years settings in a wide range of posts. Many of our schools and early years members are classroom-based support staff, or nursery staff, of whom a good number have general or more specific ASL responsibilities. Posts include, but are not limited to: classroom assistants, child development officers, early years workers, support for learning workers, attainment practitioners, pupil support assistants and more, some of whom work exclusively with children with Additional Support Needs (ASN). UNISON social work members work in the independent school sector within secure residential care settings supporting children and young people whose behaviour presents a risk to themselves or others.

Consultation questions

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

We are generally supportive of the bill's approach to achieving standardisation and consistency in encouraging the use of de-escalation techniques and the minimisation of restraint and seclusion.

We note that the bill embraces aspects of UNISON's campaign for better support for our members working in school support staff roles including improved training and support for staff and better recording. Consistency is important as currently there are varied practices in place across local authorities and establishments when it comes to issues such as recording and staff training. The approach builds upon ongoing work to introduce a standardised national recording system to increase transparency and support learning and improved practice.

We support guidance being put on a statutory footing. We believe that statutory guidance is required not only for reporting and recording, but also for debriefing and post-incident welfare, as these areas remain patchy and inconsistently supported. It is vital that appropriate support is available to staff after a restraint incident. Debriefing is sometimes not enough.

It is school support staff and early years workers who are most in contact with and who primarily hold the relationship with children presenting or with the potential to present with dysregulated and complex challenging behaviours. The Government's 2023 Behaviour in Schools report confirmed this. These are also the staff with the lowest pay and status and least access to training and support. Yet these are the staff who are held directly accountable.

It is important that the statutory guidance addresses the question of accountability at a school level. First and foremost, it needs to set out requirements and monitoring systems in relation to the responsibility and accountability of school management. It must make head teachers accountable for fully implementing the guidance and for ensuring that the correct resources and staffing, and support for staff are in place in their school to make this possible. This includes making sure that risk assessments are in place, and the correct staffing ratios in line with assessed risks, to allow for their mitigation. The practical issues of implementation at school level must be addressed by school management, for example making sure that appropriate environments are available for managing behaviours using de-escalation techniques.

And as the Policy Memorandum states, it must also be backed by resources.

The bill documents recognise the very long standing and growing problem of under-resourcing of the mainstreaming of ASL in schools, set out most recently in Audit Scotland's [Feb 2025 briefing](#). The resources needed to implement Getting it right for every child (GIRFEC) have not been put in place. The Policy Memorandum acknowledges the resource implications for local authorities presented by the bill (pp19-20). A major issue for schools is that individual pupils whose needs are best met in an ASL school are in mainstream because an alternative place that would best meet their needs, or the budget for that, is not available. Mainstream schools are now having to face the need for CALM training in physical intervention to keep the child safe, to keep other children safe, and to keep the staff safe.

The scope of this issue is wider than ASN pupils. Fifteen years of austerity cuts, growing socio-economic inequality and the associated childhood adversities are key factors in rising levels of aggression and violent behaviours within the general school population. The need for resources is paramount.

2. Do you think this timescale for informing parents is reasonable? (note: this doesn't apply to early years)

We support in principle the 24-hour timescale for informing parents. However, we think there are practicalities around the processes for informing parents, particularly at secondary school level. These are acknowledged in the Policy Memorandum and need to be reflected and addressed in the statutory guidance. We think it is unclear what the consequences are if the 24-hour timescale is not met.

In primary and secondary schools, the person informing parents and answering their questions will be reliant upon the written incident report completed by the member of staff directly involved. The time pressures and practical barriers involved in these processes, such as an ASN or school transport liaison worker having access to an iPad or PC, and time off the floor or post-shift to do this, must be acknowledged and reflected in the statutory guidance.

In primary schools, teachers generally don't have school gate contact with parents, so other processes need to be in place for informing parents. If a Support for Learning Assistant is involved in the incident, they will write it up, but it will be the head teacher or deputy, who was not present at the time, who will speak to the parent(s)/carers, not the support staff member who was directly involved.

In secondary schools, there are different practicalities around informing parents depending on whether the incident occurred in an ASN base, or in a mainstream class. The timetable and pressures within the secondary system mean that if an incident occurs in one class, the pupil involved may have moved on to another class before the class teacher who dealt with the incident is able to write it up. There can be lengthy delays with reporting in secondaries, because of the school environment. Recording and informing parents within a 24-hour timeframe may be more challenging.

Transport escorts are not based in schools and are detached from school processes, but incidents do occur on transport. Escorts generally do not have access to and are detached from school systems.

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

Yes, we agree this is needed not only for transparency and accountability, but also to support learning and improvement. The latter will require further research resources to contextualise and make sense of differences in the recorded data.

It would be helpful if recording of incidents considers equality issues, e.g. the protected characteristics of children and young people being restrained. There should also be recording of whether violent incidents leading to restraint involve discriminatory language or other communication towards staff.

But the starting point must be a clearly understood common definition. Restraint and seclusion are defined in the bill in broad terms. They refer to things done by a member of staff 'with the intention of' restraining or secluding a child or young person i.e. it builds in a degree of intention or purpose rather than something that has just has the effect of restraining or secluding, without that being the intention."

We note the intention is that the statutory guidance will not change this definition just provide illustrative examples. The practical experience of our school support staff and social work members will be valuable for developing these examples.

"There is a fine line between restraint for imminent danger – grabbing a child's arm when they're about to dash into the road – and restraint for the sake of it."

"In nursery now just lifting a child, unless they are in immediate danger, that's seen as physical intervention. You're not allowed to lift them...we're going from one extreme to another."

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

We agree it is useful to maintain an authoritative list of training providers. However, this alone will not address the practical issues around the training of staff including the questions of funding and time off for training on an ongoing basis to maintain accreditation. We note it is envisaged that the statutory guidance will detail the required standards of training for school staff, including distinct levels and forms of training for staff in different roles, and that it is also appreciated that adequate time will need to be made available for school staff to undertake training on a regular basis and not just on one occasion (Policy Memorandum p12).

The statutory guidance needs to address current inconsistencies e.g. within the same authorities, school staff in specialist ASL schools are trained and accredited in programmes like CALM, but not staff in mainstream schools, despite the presumption for mainstreaming of ASL. Increasing numbers of children with complex needs are in mainstream, but the staff aren't trained.

The roll out of training needs to acknowledge and address the practical repercussions for staff of becoming trained and accredited. Again, there needs to be an appreciation that many of the workers most likely to be in these situations are amongst the lower paid posts.

5. Any other comments?

We want to raise two matters of concern to members. One is the issue of fair pay for those workers who are trained in, and at risk of having to be involved in, restraint,

recognising the risks of physical injury and mental and emotional trauma, as well as the skill level required.

The second issue is the lack of support and understanding for workers who have to make difficult choices around whether or not to implement restraints, who are then subject to allegations and complaints, and as a result of appropriate support and a transparently fair process, may feel let down by their employers, with the result that colleagues may be hesitant to apply restraint techniques, which may place them and service users at risk.

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