

**PARLIAMENTARY BUREAU**

**REFERRAL OF DRAFT PROPOSAL: RESTRAINT AND SECLUSION  
(PREVENTION IN SCHOOLS) (SCOTLAND) BILL**

1. A draft proposal for a Bill to ensure restraint and seclusion of children and young people in schools are only used as a last resort where there is an immediate risk of harm and using appropriate methods has been lodged. The proposed Bill was lodged on 19 June 2023 by Daniel Johnson MSP
2. The draft proposal is accompanied by a consultation document which runs from 20 June 2023 to 12 September 2023.
3. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee (or committees) within whose remit the subject matters falls.
4. This referral is for information only – there is no expectation that the committee will scrutinise or report on the draft proposal at this stage.
5. The proposal falls within the remit of the following committees.

<b>Committee</b>	<b>Remit and relevance</b>
Education, Children and Young People Committee	To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry and redress falling within the responsibility of the Deputy First Minister
Equalities, Human Rights and Civil Justice Committee	To consider and report on the following (and any additional matter added under Rule 6.1.5A)— a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and b. matters relating to human rights.

	<p>c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Home Affairs.</p> <p>“Equal Opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.</p>
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6. The proposal seeks to:

- Create statutory guidance on seclusion and restraint to be followed in schools
- Create a requirement to record and report all incidents of seclusion and restraint and to share this information with parents
- Ensure a government body monitors how physical interventions are used and has the power to change existing practices
- Establish national standards for training for teachers and others supporting children in our schools.

7. The proposal relates to a number of areas within the responsibility of the Cabinet Secretary for Education and Skills including:

- school standards, quality and improvement
- teaching profession
- removing barriers to education and supporting digital inclusion
- Protection of Vulnerable Groups (PVG)
- Education Scotland (ES)
- school learning and support
- education strategy and performance
- additional support needs, and support for learning
- inclusive education
- cross government support for learning disabilities, autism and neurodiversity

8. On that basis, the remit of the Education, Children and Young People Committee is clearly engaged.

9. Restraint and seclusion are disproportionately used with children who have an identified additional support need. Children with additional support needs will often have a disability. There is a disproportionate use of restraint and seclusion on children with additional support needs which may constitute discrimination on the grounds of disability. In this respect, the remit of the Equalities, Human Rights and Civil Justice Committee is also engaged.

10. Based on the above, it would appear that the remit most relevant to this proposal is the remit of the Education, Children and Young People Committee.

**Recommendation**

11. The Bureau is invited to refer the draft proposal on the prevention of the use of restraint and seclusion in Scottish schools to the Education, Children and Young People Committee.

**Non-Government Bills Unit  
June 2023**