

Cabinet Secretary for Education and Skills submission of 21 June 2022

PE1548/SS: National Guidance on Restraint and Seclusion in Schools

Further to my letter of 8 June 2022, which provided an update on the above petition, I am pleased to confirm to the committee that the public consultation on the draft physical intervention in schools guidance launched today.

The draft guidance, Included engaged and involved part 3 - A relationship and rights based approach to physical intervention in Scottish schools, is available [here](#) and the consultation [here](#). An accessible, Easy Read version of the draft guidance and consultation has also been made available on the Scottish Government's website.

As the committee is aware, the draft guidance is a result of our 2019 agreement with the Children and Young People's Commissioner Scotland (CYPCS) and the Equality and Human Rights Commission in 2019 that non-statutory guidance be developed as a first step to improve practice in this area. We also committed in 2019 to exploring options to place the guidance on a statutory basis if it does not have the desired effect.

The draft guidance has been developed carefully, over time, with extensive input from over 30 working group members and partners, including the CYPCS, young people, parents, staff, local government and third sector organisations. I am very grateful for the commitment and input of working group members throughout this process. The draft guidance focusses on preventative support that should be in place to minimise restraint and provides detailed advice and safeguards that should be followed if restraint is used. The draft guidance also outlines restraints that should never be used on children and young people, such as prone and other high risk physical restraints. The draft guidance reflects the latest advice within the National Guidance for Child Protection, commitments in The Promise Implementation Plan and is compliant with the Human Rights Act (1998), UNCRC and UNCRPD rights.

The consultation period has been extended to 25 October to allow all those with an interest in this sensitive area, including children and young people, to feedback their views. We will work closely with partners, following final publication, to ensure the guidance is followed.

In addition to the publication of non-statutory guidance, we will explore options to strengthen the legal framework in this area, including placing the guidance on a statutory basis.

I have also written to the Education, Children and Young People Committee to update them on this work.

I hope the committee finds the response helpful.