

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2201](#): Introduce a legal requirement to notify parents and carers by the end of the school day when an incident involving their child occurs, lodged by Tamara Giacopazzi

Brief overview of issues raised by the petition

The petitioner is concerned with schools providing parents or carers information on incidents involving their child which “affects their safety, wellbeing or dignity”.

Schools will routinely provide parents or carers with information if a child has an accident or has suffered injury. Serious [injuries may be required to be reported to the Health and Safety Executive under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations](#).

Schools and local authorities are expected to develop and support strong links with parents and carers. The [statutory guidance on](#) duties under the Scottish Schools (Parental Involvement) Act 2006 states:

“Education authorities must promote the involvement of parents in the education provided generally by their child's school. Schools should have a clear policy in place which recognises that parents and staff are partners in education and which welcomes and encourages the involvement of parents in the work of the school.”

Schools and local authorities must consider the law of delict, which deems certain conduct wrongful and may allow a claim for damages (financial compensation) in a civil court against an individual or organisation.

Negligence is a central aspect of the law of delict and can arise from unintentionally causing harm, including personal injuries. A person or body can be found negligent where various legal tests are satisfied, including that there is a ‘duty of care’ owed by the person or body being sued. The requirement that an education authority take reasonable care for the safety of pupils and provide reasonable supervision has been recognised by the courts in this context.

In addition, the Schools (Safety and Supervision) (Scotland) Regulations 1990 provide that:

“Without prejudice to any duties of education authorities arising under any statute or rule of law, every education authority . . . shall take reasonable care for the safety of pupils when under their charge.”

Separate from any possible claim for negligence, the law of delict can also enable a court action for breach of a statutory duty in some circumstances. However, it is far from the case that all statutory duties allow such court action; courts apply various principles of statutory interpretation and other legal tests to decide in each instance.

Restraint and Seclusion

The petitioner expressed concerns around parents or carers being informed following incidents where staff members are involved. The Scottish Parliament is currently considering the Restraint and Seclusion in Schools (Scotland) Bill. Section 3 of that bill would provide for a duty to inform parents of the use of restraint or seclusion. The Bill reflects [current non-statutory national guidance which says](#):

“Parents and carers of the child or young person who was subject to restraint or seclusion should be notified at the earliest possible opportunity. This must take place as soon as possible during the school day and, exceptionally, within 24 hours of restraint or seclusion being used where it has not been possible to make contact or unless alternative contact arrangements have been agreed.”

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Senior Researchers

21/11/2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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