



Douglas Ross MSP  
Convener  
Education, Children and Young  
People Committee  
c/o Clerk to the Committee

Daniel Johnson MSP

8 September 2025

Dear Douglas

**Restraint and Seclusion in Schools (Scotland) Bill**

I understand that the Restraint and Seclusion in Schools (Scotland) Bill, for which I am the Member in charge, has been referred to your Committee for Stage 1 scrutiny.

The Non-Government Bills Unit (NGBU) has provided support to me in the preparation and drafting of the Bill. As part of that role, NGBU has carried out an Equalities Impact Assessment (EQIA) for the Bill in order to ensure that best practice has been followed and that the Bill's impact has been appropriately identified and considered. I have added my comments to the EQIA.

The EQIA is attached at the Annex for the Committee's information.

Yours sincerely

Daniel Johnson

## Annex

### Equality Impact Assessment

Restraint and Seclusion in Schools (Scotland) Bill	
(1) Aims of the Policy	
What is the purpose of the proposed policy?	<p>The Bill will require the Scottish Government to issue statutory guidance on the appropriate use of restraint and seclusion in schools and place a duty on education providers to have regard to that duty.</p> <p>It will also require:</p> <ul style="list-style-type: none"><li>• schools to inform parents of the use of restraint or seclusion as soon as possible;</li><li>• education providers, to record all incidents of restraint or seclusion in their schools;</li><li>• the Scottish Government to publish a report and lay it before Parliament on an annual basis, detailing the number of incidents of restraint or seclusion in schools in Scotland; and</li><li>• the Scottish Government to maintain a list of training providers on the use of seclusion and restraint that meet standards set by the Scottish Government, and to publish the list.</li></ul> <p>The issuing of statutory guidance, combined with the other provisions in the Bill, are intended to minimise the use of restraint and seclusion of children and young people in schools.</p>
What are the anticipated outcomes of the policy?	<p>The anticipated outcome of the Bill will be that instances of seclusion and restraint in schools be minimised, as statutory guidance will help to ensure minimal appropriate use of accepted techniques, with an emphasis on de-escalation wherever possible.</p> <p>The Bill will also ensure that parents and carers are made aware of incidents of seclusion and restraint as soon as possible. The Member in charge of the Bill, Daniel Johnson, believes that this will lead to more dialogue between the</p>

	<p>school and the parents.</p> <p>The duty will also provide parents with reassurance that there are no incidents taking place that they are not being informed about.</p> <p>The collection and publication of data in relation to incidences of seclusion and restraint will ensure that areas of concern can be identified, and improvements can be made where required.</p>
Who will be affected by the policy?	<p>The Bill will affect children in publicly funded primary schools, secondary schools and special schools, including grant-aided schools. The Bill will particularly impact upon children with additional support needs, including children who are disabled. The Bill will impact upon the parents and carers of young people. The Bill will also affect teachers and support staff in publicly funded primary schools, secondary schools and special schools, including grant-aided schools. In addition, the Bill will impact upon education authorities, including by requiring them to have regard to the statutory guidance on seclusion and restraint and by requiring them to record all incidents of restraint or seclusion in their schools.</p>
<b>(2) What is known about the diverse needs of those who will be affected by the policy</b>	
Gender* (including transgender, maternity and pregnancy)	<p>Organisations, such as ENABLE Scotland the Children and Young People's Commissioner Scotland have found that for many children, especially for those with additional support needs (ASN), the use of restraint and seclusion is a regular part of their experience at school. The Children and Young People's Commissioner Scotland report, <i>No Safe Place, Restraint and Seclusion in Scotland's Schools</i><sup>1</sup>, noted that: "The information provided to us by families [throughout the duration of the case study] suggests that restraint and seclusion are used disproportionately with children with disabilities or Additional Support Needs." This includes pupils with a disability.</p> <p>Scottish Government statistics suggest that male pupils are</p>

<sup>1</sup> [No Safe Place: Restraint and Seclusion in Scotland's Schools | Restraint and Seclusion in Scotland's schools - The Children and Young People's Commissioner Scotland](#)

	more likely than female pupils to be assessed or declared as disabled. <sup>2</sup> It may therefore be more likely that male pupils are subject to restraint and seclusion in schools, and therefore more impacted by the Bill's policy.
Religion and Belief	There are not considered to be any particular needs relevant to this characteristic.
Age*	The purpose of the Bill is to minimise the use of restraint and seclusion on children and young people in schools. The Bill will therefore primarily impact on people under the age of 18.
Disability*	As noted above, research suggests that children with ASN, including disabled children, are disproportionately more likely to be subject to restraint and seclusion measures. The Bill will therefore primarily impact on children with ASN, including children who are disabled.
Ethnicity and Race	Data is limited. Further data collection is required to establish correlations. Findings from the Mental Welfare Commission for Scotland made a series of recommendations to improve data collection. <sup>3</sup> Qualitative and quantitative data collection could usefully consider further the experience of minority ethnic learners and intercultural engagement with parents.
Sexual Orientation	There are not considered to be any particular needs relevant to this characteristic.
Marriage and Civil Partnership	There are not considered to be any particular needs relevant to this characteristic.
<b>(3) Is there enough information to help understand the needs and/or experiences of those affected by the policy</b>	
Gender* (including transgender, maternity and pregnancy)	It is considered that sufficient information is available to understand, and be able to respond to, the needs and/or experiences of people of different genders who may be impacted by this Bill.
Religion and Belief	There are not considered to be any particular needs relevant to this characteristic.
Age*	It is considered that the Bill will primarily impact upon children

<sup>2</sup> [Part 2: Key Findings by Protected Characteristic - Independent Review of Qualifications and Assessment - SG response: equality impact assessment - gov.scot](#)

<sup>3</sup> [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.mwcscot.org.uk/sites/default/files/2021-09/Racial-Inequality-Scotland\\_Report\\_Sep2021.pdf](#)

	<p>and young people. There is considered to be valuable information available on the extent of use of restraint and seclusion in schools and on the impact that this can have upon children and young people. This includes reports published by the Children and Young People's Commissioner Scotland<sup>4</sup> and ENABLE Scotland.<sup>5</sup> A petition entitled <i>National Guidance on Restraint and Seclusion in Schools</i><sup>6</sup> has also been considered by Citizen Participation and Public Petitions Committee, the Education and Skills Committee (session 5), and the Education, Children and Young People Committee (session 6). The Scottish Government has undertaken its own research on the issue and issued non-statutory guidance on restraint and seclusion in schools.<sup>7</sup></p> <p>The Bill requires schools and education providers to record all incidents of restraint and seclusion in their schools and for the Scottish Government to publish and lay before Parliament a report detailing the number of incidents of restraint or seclusion in schools in Scotland. The Member considers that collecting data at education authority level could provide valuable insight to aid education authorities in identifying areas for improvement in particular schools. In addition, the report published by the Scottish Government on the incidents of seclusion and restraint across Scotland will enable parliamentarians and others to scrutinise the levels of restraint and seclusion in schools, including any trends suggesting an increase or a decrease.</p>
Disability*	<p>It is considered that the Bill will primarily impact upon children and young people, with evidence suggesting that those with ASN, including disabilities, are more likely to experience seclusion and restraint in schools.</p> <p>Similarly to the above, there is considered to be valuable research on the extent of use of restraint and seclusion in schools and on the impact that this can have upon children and young people. This includes reports published by the Children and Young People's Commissioner Scotland<sup>8</sup> and ENABLE Scotland.<sup>9</sup> A petition entitled <i>National Guidance on</i></p>

<sup>4</sup> [No-Safe-Place.pdf](#)

<sup>5</sup> [2019-12-19-09-20-56-InSafeHandsCampaignReport-30525.pdf](#)

<sup>6</sup> [PE1548 National Guidance on Restraint and Seclusion in Schools | Scottish Parliament Website](#)

<sup>7</sup> [Annex C: Legal framework for restraint in schools - Physical intervention in schools - a relationships and rights based approach: guidance - gov.scot](#)

<sup>8</sup> [No-Safe-Place.pdf](#)

<sup>9</sup> [2019-12-19-09-20-56-InSafeHandsCampaignReport-30525.pdf](#)

	<p><i>Restraint and Seclusion in Schools</i><sup>10</sup> has also been considered by Citizen Participation and Public Petitions Committee, the Education and Skills Committee (session 5), and the Education, Children and Young People Committee (session 6). The Scottish Government has undertaken its own research on the issue and issued non-statutory guidance on restraint and seclusion in schools.<sup>11</sup></p> <p>In addition, the Bill requires schools and education providers to record all incidents of restraint and seclusion in their schools and for the Scottish Government to publish and lay before Parliament a report detailing the number of incidents of restraint or seclusion in schools in Scotland.</p> <p>The member considers that collecting data at education authority level could provide valuable insights to aid education authorities in identifying areas for improvement in particular schools. In addition, the report published by the Scottish Government on the incidents of seclusion and restraint across Scotland will enable parliamentarians and others to scrutinise the levels of restraint and seclusion in schools, including any trends suggesting an increase or a decrease.</p>
Ethnicity and Race	As mentioned above, data is limited. Further data collection is required to establish correlations. Findings from the Mental Welfare Commission for Scotland made a series of recommendations to improve data collection. <sup>12</sup> Qualitative and quantitative data collection could usefully consider further the experience of minority ethnic learners and intercultural engagement with parents.
Sexual Orientation	There are not considered to be any particular needs relevant to this characteristic.
Marriage and Civil Partnership	There are not considered to be any particular needs relevant to this characteristic.
If not, what other information is required	N/A.

<sup>10</sup> [PE1548 National Guidance on Restraint and Seclusion in Schools | Scottish Parliament Website](#)

<sup>11</sup> [Annex C: Legal framework for restraint in schools - Physical intervention in schools - a relationships and rights based approach: guidance - gov.scot](#)

<sup>12</sup> [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.mwcscot.org.uk/sites/default/files/2021-09/Racial-Inequality-Scotland\\_Report\\_Sep2021.pdf](#)

<b>(4) What does the information given say about how the policy might impact positively and negatively on different groups</b>	
Gender* (including transgender, maternity and pregnancy)	As noted above, it is considered that more male pupils than female pupils are assessed or declared as disabled. Children and young people with ASN, including disabled pupils, are disproportionately more likely to be subject to restraint and seclusion.
Religion and Belief	There is considered to be a neutral impact on this characteristic.
Age*	<p>The Bill will primarily impact upon children and young people in schools.</p> <p>The Children and Young People's Commissioner Scotland 2018 report, <i>No Safe Place?, Restraint and Seclusion in Scotland's Schools</i> asked all 32 local authorities to provide information on restraint and seclusion in schools. It found 2,674 incidents of restraint and seclusion relating to 386 children.<sup>13</sup></p> <p>The report, as well as other research, found that children and young people who experience restraint and seclusion can be left be traumatised and/or with physical injuries. Parents and carers also told the Education, Children and Young People Committee that physical restraint can lead to lower attendance at school,<sup>14</sup> impacting upon children and young people's access to education.</p> <p>The Bill aims to reduce the incidences of restraint and seclusion in schools and ensure that it is used as a last resort. Under the Bill, when restraint and seclusion measures are used, appropriate measures should be taken, as set out in statutory guidance.</p> <p>In his consultation document for his proposed Bill, the Member noted that he believes "this will assist in ensuring Scotland promotes the rights and opportunities of our children and young people through clear, coherent, and consistent guidance to those charged with their education and well-being."<sup>15</sup></p>

<sup>13</sup> [No-Safe-Place.pdf](#)

<sup>14</sup> [asl-note-of-discussion-with-parents-and-carers-19-february-2024.pdf](#)

<sup>15</sup> [daniel-johnson-final-cd.pdf](#)

Disability*	<p>It is considered that the Bill will primarily impact upon children and young people, with evidence suggesting that those with ASN, including disabilities, are disproportionately more likely to experience seclusion and restraint in schools.</p> <p>Research has found that children and young people who experience restraint and seclusion can be left be traumatised and/or with physical injuries. This can be exacerbated when the child or young person, due to their disabilities, is unable to communicate<sup>16</sup> their feelings and may not fully understand what is happening and why.</p> <p>The Bill aims to reduce the incidences of restraint and seclusion in schools and ensure that it is used as a last resort. Under the Bill, when restraint and seclusion measures are used, appropriate measures should be taken, as set out in statutory guidance.</p> <p>The member envisages that, as a result of the guidance and the other measures in the Bill, school staff will be better equipped to understand the needs of children with ASN, including disabilities, and avoid using inappropriate techniques to manage their behaviour, therefore leading to an overall more positive school experience for children with ASN across Scotland. On that basis, the effective implementation of the Bill will have a positive impact on disabled children and young people.</p>
Ethnicity and Race	<p>The impact on this characteristic is dependent on the extent of any existing impact and, as set out above, data establishing the extent of this impact is very limited. Further quantitative and qualitative data in this area would be valuable.</p>
Sexual Orientation	<p>There is considered to be a neutral impact on this characteristic.</p>
Marriage and Civil Partnership	<p>There is considered to be a neutral impact on this characteristic.</p>
<b>Completed by the Non-Government Bills Unit</b>	

\*Although not a protected characteristic, carers should be given specific consideration in this category (e.g. the potential impact on those who care for older people)

<sup>16</sup> [No-Safe-Place.pdf](#)



Member's Comment on NGBU's Equalities Impact Assessment	
Evidence gaps identified	No evidence gaps were identified.
<b>Member's comment:</b> I am content with the analysis from the Non-Government Bills Unit including the data identified	
Adverse impacts identified	No adverse impacts of the Bill were identified.
<b>Member's comment:</b> I consider the Bill will, as opposed to having any adverse impacts, have a positive impact in relation to a number of characteristics.	
<b>Completed by: Daniel Johnson, 1 September 2025</b>	