

# Restraint and Seclusion in Schools (Scotland) Bill

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## Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 8

Long Title

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 1

#### **Daniel Johnson**

- 1 In section 1, page 1, line 6, leave out <anything done> and insert <physical contact>

#### **Daniel Johnson**

- 2 In section 1, page 1, line 7, leave out <with> and insert <which has>

#### **Daniel Johnson**

- 3 In section 1, page 1, line 7, after first <of> insert <significantly>

#### **Daniel Johnson**

- 4 In section 1, page 1, line 7, leave out <child or young person> and insert <pupil>

#### **Daniel Johnson**

- 5 In section 1, page 1, line 10, leave out <child or young person> and insert <pupil>

#### **Daniel Johnson**

- 6 In section 1, page 1, line 10, leave out <children or young people> and insert <pupils>

### Section 2

#### **Daniel Johnson**

- 7 In section 2, page 1, line 19, at end insert—

<( ) what is meant by significantly restricting physical movement for the purposes of the definition of restraint in section 1(1)(a),>

#### **Daniel Johnson**

- 8 In section 2, page 1, line 23, leave out <children and young people> and insert <pupils>

**Daniel Johnson**

- 9 In section 2, page 2, line 21, leave out <children and young people in schools> and insert <pupils>

**Daniel Johnson**

- 10 In section 2, page 2, line 23, at end insert—  
<( ) children and young people,>

**Section 3**

**Daniel Johnson**

- 11 In section 3, page 2, line 32, leave out <child or young person> and insert <pupil>

**Daniel Johnson**

- 12 In section 3, page 2, line 33, leave out <child or young person> and insert <pupil>

**Daniel Johnson**

- 13 In section 3, page 2, line 35, leave out <child or young person> and insert <pupil>

**Daniel Johnson**

- 14 In section 3, page 2, line 38, leave out <child or young person> and insert <pupil>

**Daniel Johnson**

- 15 In section 3, page 2, line 40, after <than> insert <—  
( ) the end of the school day on which the incident giving rise to the restraint and  
seclusion took place, or  
( ) where it is not reasonably practicable to inform by then,>

**Daniel Johnson**

- 16 In section 3, page 2, line 41, at end insert—  
<( ) If the parent indicates that information about whether a pupil has been subject to restraint  
or seclusion may be given to another person, the responsible person may comply with  
subsection (1) by informing that other person instead of the parent.>

**Daniel Johnson**

- 17 In section 3, page 3, line 2, leave out <or control>

**Daniel Johnson**

- 18 In section 3, page 3, line 6, at end insert—  
<“end of the school day” means, for any day on which the school is open to its pupils  
for the purpose of their school education, the time at which the pupils are dismissed  
from school.>

## Section 4

### Daniel Johnson

- 19 In section 4, page 3, line 11, leave out <education authority in whose area the school is situated> and insert <Scottish Ministers>

### Daniel Johnson

- 20 In section 4, page 3, line 11, leave out <the authority> and insert <they>

### Daniel Johnson

- 21 In section 4, page 3, line 15, leave out <in its area> and insert <under its management>

### Daniel Johnson

- 22 In section 4, page 3, line 15, at end insert—

<(3A) The Scottish Ministers may by regulations make provision for education providers to report incidences of the use of restraint or seclusion in schools to a person specified in the regulations.

(3B) Regulations under subsection (3A) may in particular include provision—

- (a) about the timescales for reporting,
- (b) about the form and content of reports,
- (c) requiring information about incidences to be provided by the person specified in the regulations to the Scottish Ministers,
- (d) about the timescales for providing that information,
- (e) about the form and content of that information.

(3C) Regulations under subsection (3A) may—

- (a) make different provision for different types of education provider,
- (b) include transitional, transitory or saving provision.

(3D) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (3A) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.>

### Daniel Johnson

- 23 In section 4, page 3, line 20, at end insert—

<(4A) The Scottish Ministers may by regulations specify types of restraint or seclusion which need not be—

- (a) recorded under subsection (1), or
- (b) reported to—
  - (i) the Scottish Ministers under subsection (2) or (3), or
  - (ii) a person specified in regulations made under subsection (3A).

- (4B) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (4A) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.>

## Section 5

### Daniel Johnson

- 24 In section 5, page 3, line 25, at end insert—

<(A1) The Scottish Ministers may—

- (a) develop standards for the provision of training on the use of restraint and seclusion in schools and maintain a list of persons who meet those standards,
- (b) maintain—
  - (i) a list of standards developed by other persons for the provision of training on the use of restraint and seclusion in schools that the Scottish Ministers consider appropriate, and
  - (ii) a list of persons who meet those standards.>

### Daniel Johnson

- 25 In section 5, page 3, line 26, leave out subsection (1)

### Daniel Johnson

- 26 In section 5, page 3, line 31, leave out <the list> and insert <any standards developed and any lists maintained under subsection (A1)>

## Section 6

### Daniel Johnson

- 27 In section 6, page 3, line 35, leave out <or control>

### Daniel Johnson

- 28 In section 6, page 4, line 10, at end insert—

<“pupil”,>

## After section 6

### Daniel Johnson

- 29 After section 6, insert—

#### <Regulation-making powers

- (1) A power to make regulations conferred by this Act includes the power to make different provision for different purposes or different areas.
- (2) Regulations under this Act (other than section (*Ancillary provision*)(1)) are subject to the affirmative procedure.

- (3) This section does not apply to regulations under section 7(2).>

**Daniel Johnson**

**30** After section 6, insert—

**<Ancillary provision**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.
- (2) Regulations under this section—
- (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act,
- (b) otherwise, are subject to the negative procedure.>

**Section 7**

**Daniel Johnson**

**31** In section 7, page 4, line 15, leave out from <Act> to end of line 16 and insert <section and sections 6, (*Regulation-making powers*), (*Ancillary provision*) and 8 come into force on the day after Royal Assent.

- (2) Sections 1 to 5 come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
- (a) include transitional, transitory or saving provision,
- (b) make different provision for different purposes.
- (4) The Scottish Ministers must make regulations under subsection (2) no later than 31 July 2028.>

**Long Title**

**Daniel Johnson**

**32** In the long title, page 1, line 2, leave out <children and young people> and insert <pupils>



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