



The Scottish Parliament
Pàrlamaid na h-Alba

SPICe

The Information Centre
An t-Ionad Fiosrachaidh

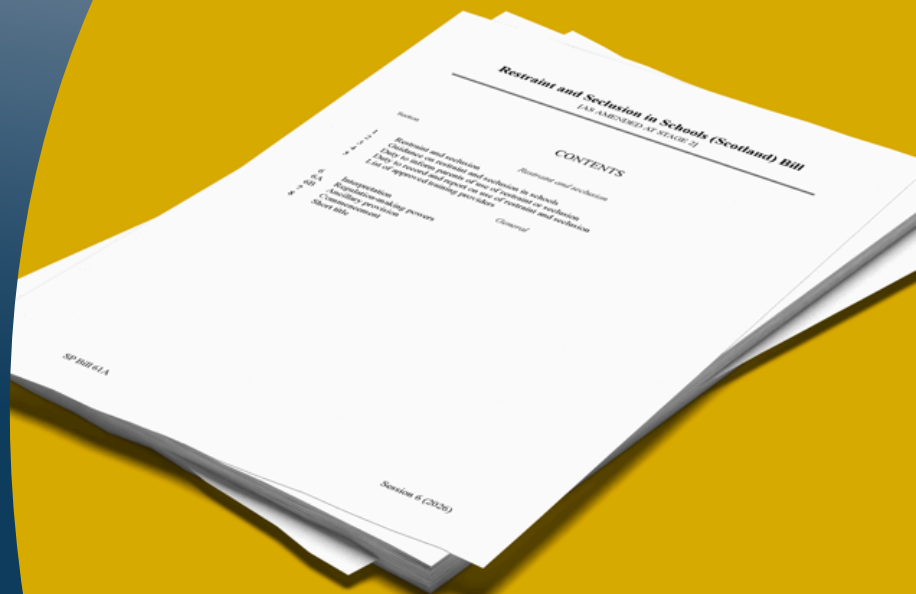
SPICe Briefing

Pàipear-ullachaidh SPICe

Restraint and Seclusion in Schools (Scotland) Bill - Briefing prior to Stage 3

Ned Sharratt

This publication briefs Members of the Scottish Parliament on the provisions of the Restraint and Seclusion in Schools (Scotland) Bill and the key debates and amendments in relation to the Bill during Parliament's consideration at Stages 1 and 2 of the Bill process.



10 March 2026
SB 26-16

Contents

Introduction and summary	3
Committee consideration at Stage 1	4
Committee consideration	4
Stage 1 debate	6
Amendments at Stage 2	7
Stage 3	9

Introduction and summary

The Restraint and Seclusion in Schools (Scotland) Bill ("the Bill") is a Member's Bill and was introduced by Daniel Johnson MSP on 17 March 2025. The Bill aims to improve the regulation and monitoring of the use of restraint and seclusion in Scottish schools. The Bill's provisions would apply to all pupils. The Bill defines restraint and seclusion and it has four further substantive sections.

These will create duties:

- on Scottish Ministers to issue guidance on the use of restraint and seclusion in schools
- on schools to inform parents/carers if their child is subject to restraint or seclusion
- to record and report on the use of restraint and seclusion in schools

The Bill (as amended) also provides that Scottish Ministers may develop standards for the provision of training on the use of restraint and seclusion, or list approved standards developed by others. Ministers may also maintain a list of those providers that meet these standards.

The use of restraint and seclusion in schools has been a topic of debates for some time. For example, a petition to the Scottish Parliament (PE1548) was lodged in 2015 and this called for new national guidance to be produced. In 2018 an investigation by the Children and Young People's Commissioner Scotland (CYPCS) highlighted inconsistent practices across local authorities and a lack of monitoring.

The Education, Children and Young People Committee was the lead Committee at Stage 1. It published its [Stage 1 report on 16 January 2026](#). The Committee agreed with the general principles of the Bill.

The Stage 1 debate was held on [29 January 2026](#). The Bill was passed at Stage 1 without division.

The Financial Memorandum accompanying the Bill estimated that the costs of the Bill would be between £1.7 million and £3.3 million annually. Parliament agreed to a Financial Resolution on the Bill on 5 February 2026.

The Bill was considered at Stage 2 by the Education, Children and Young People Committee on [4 March 2026](#). It considered 32 amendments, all of which were lodged by the Member in Charge and all were agreed to without division.

This briefing will focus on the passage of the Bill. For more information on the Bill as it was introduced, please refer to the [SPICe briefing published on 9 September 2025](#).

Committee consideration at Stage 1

The Education, Children and Young People Committee was the lead committee at Stage 1. The Stage 1 debate was held on [29 January 2026](#). The Bill was passed at Stage 1 without division. Some of the key issues raised during Stage 1 were:

- concerns about inconsistent practice
- whether the definitions in the Bill were appropriate
- parents/carers being informed of any incident promptly
- how any data collected on restraint or seclusion would be presented and used.

Committee consideration

The Committee issued a call for views which was open between 28 May and 11 July 2025. It took formal evidence in four sessions in the autumn of 2025. These sessions were held on:

- [24 September 2025](#)
- [1 October 2025](#)
- [29 October 2025](#)
- [12 November 2025](#)

In addition, some members of the Committee visited the Donaldson Trust in Linlithgow as part of its evidence gathering on the Bill.

The Committee [published its report on on 16 January 2026](#). The Committee concluded that it agreed with the general principles of the Bill.

The Committee noted that, in November 2024, the Scottish Government produced guidance on the use of restraint and seclusion in schools, [Included, engaged and involved part 3: A relationships and rights-based approach to physical intervention in schools](#). The Government is reviewing the implementation of this guidance. The Committee noted that:

“ The Committee heard conflicting views on the nature of current practice. Some parents and organisations said that restraint and seclusion is commonly misused and causes harm to disabled children in particular. However, the Committee also heard from teachers, unions and local authorities that such techniques are used appropriately and only as a last resort.”

Paragraph 21 of the Stage 1 report

The current guidance is non-statutory. The Committee agreed that there is a "need to place guidance on a statutory footing to provide clarity on the use of restraint and seclusion and ensure a consistent approach is adopted across Scotland's schools." (Paragraph 85 of the Stage 1 report). The Committee noted that the guidance produced under the provisions of the Bill apply to schools but not to other children's services, such as nurseries or care settings. The Committee recommended that "the approach taken on

the use of restraint and seclusion in schools must align with practice expectations across all children's services, such as care settings." (Paragraph 89 of the Stage 1 report). The Committee also noted "concerns regarding the risk of dual reporting for residential care accommodation and secure care accommodation services". (Paragraph 184 of the Stage 1 report)

The Committee expressed concern that the definitions in the Bill "could lead to legal ambiguity or unintended consequences" and recommended that the Member in Charge work with the Scottish Government to refine the definitions in the Bill to "ensure practices of physical interventions that are not of obvious concern are not captured by the definition of restraint and provide clarity on the appropriate use of seclusion under the Bill, to ensure that it would not breach children and young people's human rights." (Paragraph 114 of the Stage 1 report)

The Committee recommended that timescales be tightened in relation to duties on schools to inform parents/carers of any incident of restraint or seclusion. It said that parents/carers should be informed by the end of the school day that the incident occurred and, in exceptional circumstances, no later than 24 hours after the incident (Paragraph 142 of the Stage 1 report).

The Bill (as introduced) would have required schools to record incidents of restraint or seclusion and report them to the local authority. This information would be collated and reported on nationally. The Committee welcomed this provision "to build an understanding of the scale of the use of restraint and seclusion in Scotland's schools and establish lines of accountability." (Paragraph 180 of the Stage 1 report). The Committee highlighted some concerns around how data from independent schools would be collected.

In terms of accountability and support, the Committee suggested that there is a role for His Majesty's Inspectorate of Education (HMIE) in the implementation of the Bill and called on the Member in Charge and the Scottish Government "to provide further clarification on what this role would be and any associated additional costs which may arise." (Paragraph 185 of the Stage 1 report).

The Committee said that it welcomed "the Bill's focus on alternatives to restraint and seclusion, and action which could be taken to prevent or minimise its use." It also welcomed the approach set out in the current Scottish Government guidance that "where the use of restraint training is required, schools should use training that is certified as complying with the Restraint Reduction Network Training Standards." (Paragraph 224 of the Stage 1 report).

[The Scottish Government's response to the Committee's report](#) accepted the majority of its recommendations. It partially accepted four recommendations and accepted in principle one recommendation. It indicated that the Government would work with Daniel Johnson MSP on a number of issues, including on definitions of restraint and seclusion, timescales for schools to report incidents to parents/carers, and the role for HMIE. The Government indicated that it would seek more flexibility in the provisions in relation to developing training standards and maintaining a list of training providers.

[Daniel Johnson MSP's response to the Committee's report](#) highlighted three topics of discussion during his engagement with the Scottish Government:

- the role of HMIE
- training

- concerns around the risk of dual reporting.

In relation to the role of HMIE, Daniel Johnson MSP's letter indicated that he had lodged amendments at Stage 2 to address the issues raised by the Committee.

Stage 1 debate

Parliament debated the Bill at [Stage 1 on 29 January 2026](#). There was broad support for the Bill and the Bill passed Stage 1 without division.

The Bill provides that the Scottish Government will produce statutory guidance. The Government published non-statutory guidance in 2024. The [Member in Charge, Daniel Johnson MSP, explained](#) that one of the key aims was "not to create something new; it is simply to put the guidance on a statutory footing and to ensure that long-standing inconsistencies are eradicated by ensuring that we have clear and consistent practice across Scotland". [The Cabinet Secretary for Education and Skills, Jenny Gilruth MSP, said](#) that any future statutory guidance produced under powers in the Bill would largely be based on the 2024 guidance and therefore be "familiar to teaching staff and those who work in our schools". [The Cabinet Secretary also said](#) that the review of the current guidance was ongoing and would report in March 2026 - this review "must inform how the act is delivered in practice in educational settings." She suggested that this may affect commencement of the Act (should the Bill be passed).

A number of Members referenced communication they had received from the Educational Institute of Scotland (EIS) which had raised concerns about the Bill. The [EIS's submission to the Education, Children and Young People Committee](#) argued against putting guidance on a statutory basis. It suggested that doing so could undermine efforts to create cultures of openness and partnership between schools and pupils and their families.

Members discussed whether the definitions of restraint and seclusion in the Bill were appropriate. [The Cabinet Secretary said](#) that "the statutory definitions of restraint and seclusion need to be workable, clear and aligned with children's rights." She continued:

“ It is important that a distinction is made between restraint and physical interventions that do not raise wellbeing concerns. Such distinctions will help to reduce the risks of over-reporting and overburdening on our school staff. I have agreed to work with Daniel Johnson to develop stage 2 amendments to address the concerns on that.”

A number of MSPs supported schools having duties to report any incident of restraint or seclusion to parents/carers in a timely manner. In relation to the collection and reporting of data, [the Cabinet Secretary said](#):

“ On national data collection, the committee is absolutely right that the reporting system must support transparency, accountability and learning. However, as the committee has acknowledged, the creation of league tables of restraint data needs to be avoided at all costs. I therefore welcome the committee's agreement with the Government's position that the publication of school-level data would not be appropriate.”

Amendments at Stage 2

The Member in Charge, Daniel Johnson MSP, lodged 32 amendments at Stage 2. No other Member lodged any amendments. The Education, Children and Young People Committee considered the Bill at Stage 2 on [4 March 2026](#). All of the amendments were agreed without division.

The following groups of amendments were debated and agreed:

Meaning, and recording, of restraint and seclusion

This group of amendments narrowed the definition of restraint to "physical contact by a member of the staff of an education provider which has the intention of significantly restricting the physical movement of a pupil, including restricting their freedom of movement or ability to move independently". Another amendment provided that Ministers may make regulations to specify types of restraint or seclusion which need not be recorded or reported.

Application of Bill to school pupils

There were a number of amendments that changed the terminology of the Bill from restraint or seclusion of a child or young person to a "pupil". Daniel Johnson MSP explained that the purpose of this change was to remove any dubiety over the application of the Bill to 4-year-old pupils.

Consultation

There was one amendment in this group which added "children and young people" to the list of statutory consultees during the Government's development of the statutory guidance under the Bill.

Informing parents/carers

The main changes made by amendments in this group was to provide that parents/carers would be informed of any incident of restraint or seclusion by the end of the school day. If this was not reasonably practical, parents/carers must be informed within 24 hours. 24 hours was the timescale in the Bill as introduced.

Regulations, commencement and minor

The key change here was to change the commencement of the Bill. As introduced the Bill would be commenced 6 months after Royal Assent. As amended, the substantive sections of the Bill would be brought into force by regulations. Ministers would be required to make such regulations by 31 July 2028.

Recording and reporting mechanisms

There were two notable changes to the Bill under this group. The first was that independent schools would provide data on the use of restraint or seclusion to Scottish Ministers, rather than the local authority in which the school is situated. The second notable change was to provide Ministers with the powers to make regulations to create a duty on education providers to directly report incidents of restraint or seclusion to "a person specified in the regulations". [Daniel Johnson MSP's letter in response to the](#)

[Committee's Stage 1 report](#) indicated that the intention of this power would be to allow for HMIE to be provided with such information.

Training standards

The Bill as introduced provided that Ministers would be required to maintain a list of training providers "which meets such standards as the Scottish Ministers may approve". Amendments in this group would provide Ministers with greater flexibility. Ministers would be able to either develop new training standards or adopt existing recognised standards.

Stage 3

Stage 3 is expected to take place on 19 March 2026.

Scottish Parliament Information Centre (SPICe) Briefings are compiled for the benefit of the Members of the Parliament and their personal staff. Authors are available to discuss the contents of these papers with MSPs and their staff who should contact Ned Sharratt on telephone number 85204 or ned.sharratt@parliament.scot.

Members of the public or external organisations may comment on this briefing by emailing us at SPICe@parliament.scot. However, researchers are unable to enter into personal discussion in relation to SPICe Briefing Papers. If you have any general questions about the work of the Parliament you can email the Parliament's Public Information Service at info@parliament.scot. Every effort is made to ensure that the information contained in SPICe briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

