

Stage 1 Debate: Restraint and Seclusion in Schools (Scotland) Bill

January 2026

'Scotland must strive to become a nation that does not restrain its children' (The Promise, pg. 85)

About The Promise Scotland

[The Promise Scotland](#) exists to support Scotland as it works to keep [the promise](#) to Scotland's children, families and care experienced adults following the conclusions of the [Independent Care Review](#).

Keeping the promise involves transforming the entirety of Scotland's 'care system', so that children, families and care experienced adults are at its centre. The Promise Scotland directly supports the work of multiple organisations and agencies, across many sectors working to make that happen by 2030 at the very latest.

[Plan 24-30](#) - Scotland's plan to keep the promise by 2030 - details **who** needs to do **what** by **when**, organised under 25 route maps which sit under the five foundations of the promise. In December 2025, detailed updates to all route maps were published to include milestones, commitments and clear outcomes, including the [rights and restraint route map](#) which includes the necessary steps required to ensure Scotland becomes a nation that does not restrain its children.

Key messages

The Promise Scotland strongly supports the key principles of this Bill, which aligns with the recommendations of the Independent Care Review and will ensure Scotland moves closer towards keeping the promise.

- The Independent Care Review concluded that **Scotland must strive to become a nation that does not restrain its children.**
- **The Promise Scotland urges all MSPs to support this Bill at Stage 1 and beyond in line with their broader commitment to keeping the promise by 2030 and** seek assurance that further steps will be taken by the Scottish Government to take a similar approach in all settings where children are.
- **There are opportunities to significantly strengthen the Bill through a number of amendments** at Stage 2 (outlined below), including:
 - A strong preventative focus and cultural change
 - Support for the workforce with supervision, reflective practice, and wellbeing supports

- Coherence and alignment of rights-based definitions and guidance across all settings of care
- Embedding of mandatory, trauma-informed and rights-based training
- Centralised, transparent data collection
- Ensuring that parents and carers are notified of instances of restraint and seclusion immediately.
- **If passed, the implementation of this Bill must align with a broader piece of work to develop a statutory framework for restraint across all settings for children.** The Promise Scotland considers that this will need to include as a minimum: early years, education, residential and secure care, health and mental health settings, and custody environments.
- There must be work carried out to **establish a clear and universal definition of 'restraint' and 'seclusion'**. Steps for how to achieve this are outlined in the Plan 24-30 route map for 'rights and restraint'.

The Promise Scotland's position on the Bill

The Promise Scotland urges all MSPs to support the main principles of this Bill at Stage 1 and beyond, in line with their broader commitment to keeping the promise by 2030.

The Promise Scotland strongly supports the key principles of this Bill, in particular the need for statutory guidance, consistent reporting and recording, and a national training programme relating to restraint in education settings, which aligns with the recommendations in the Independent Care Review and will ensure Scotland moves closer towards keeping its promise and upholding children's rights in line with the UNCRC.

The Independent Care Review heard from care experienced children and young adults that restraint was frightening, painful and embarrassing, and that they were often restrained in times of distress. It also heard of restraint being used not to keep children safe but rather as a punishment for perceived wrongdoing. **The promise is clear that Scotland must strive to become a nation that does not restrain its children (the promise, pg.85).**

Restraint must only be used when it is the only option to ensure a child's safety. The [rights and restraint route map](#) of [Plan 24-30](#) is clear that in order to keep the promise, Scotland must uphold a child's right to safety, dignity and relational support in all settings. Scotland must be a nation that does not restrain its children unless in exceptional circumstances, and when it is unavoidable it is co-regulated, trauma-informed, lawful, recorded and used only to keep a child safe.

Further detail on our positioning can be found in our [response](#) to the Education, Children and Young People Committee's call for views on this Bill.

Strengthening the Restraint and Seclusion in Schools (Scotland) Bill

This legislation has the potential to bring a transformative shift in how children in Scotland are supported, protected and respected. There are a number of areas that we have highlighted below which require further thought and strengthening in advance of Stage 2 of the Bill, in order to better uphold children's rights and keep the promise:

- A strong preventative focus and cultural change
- Support for the workforce with supervision, reflective practice, and wellbeing supports
- Coherence and alignment of rights-based definitions and guidance across all settings of care
- Embedding of mandatory, trauma-informed and rights-based training
- Centralised, transparent data collection
- Ensuring that parents and carers are notified of instances of restraint and seclusion immediately. But in rare and exceptional circumstances to delay informing parents or carers, this must be guided by existing child protection frameworks, subject to multi-agency decision making and must be clearly recorded and justified.
- Extending the term 'parent' in the Bill to consider informing people who may be caring for children such as kinship and foster carers, who may not have formal parental rights and responsibilities.

The Promise Scotland, alongside the Children and Young People's Commissioner Scotland, the Mental Welfare Commission for Scotland, the Scottish Human Rights Commission and the Equality and Human Rights Commission is clear that there must be an overarching statutory framework on restraint.

This Bill represents a significant step forward in putting this in place, but if passed, its implementation must align with the development of a broader framework of statute to ensure that the law around restraint and seclusion is robust, and children's rights are respected and upheld in all settings.

Efforts to reduce the use of restraint and seclusion in Scotland do not rest solely within education and must not be treated as such. The Promise Scotland considers that this will therefore need to include as a minimum: early years, education, residential and secure care, health and mental health settings, and custody environments. If the same statutory obligations with regards to reporting and recording do not apply in all settings, Scotland will not be able to understand the shifts in practice needed to support the changes required to become a nation that does not restrain its children.

Please do not hesitate to get in touch with The Promise Scotland's Senior Policy Officer, Emma Young, with any questions or comments about this briefing:
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