

Restraint and Seclusion in Schools (Scotland) Act 2026

2026 asp 19

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Restraint and Seclusion in Schools (Scotland) Act 2026

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The Bill for this Act of the Scottish Parliament was passed by the Parliament on 24th March 2026 and received Royal Assent on 26th May 2026

An Act of the Scottish Parliament to make provision about the restriction of the physical movement of, or isolation of, pupils by education providers in schools.

Restraint and seclusion

1 Restraint and seclusion

(1) In this Act—

(a) "restraint" means 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,

(b) "seclusion" means anything done by a member of the staff of an education provider with the intention of isolating a pupil from other pupils and preventing them from leaving the place where they are isolated.

(2) References in this Act to "the use of" restraint or seclusion are references to the doing of anything that would constitute restraint or, as the case may be, seclusion.

(3) In subsection (1), "member of the staff of an education provider" includes anyone acting under the authority of an education provider.

(4) The Scottish Ministers may by regulations modify the definitions of restraint and seclusion in subsection (1) where they consider it necessary to do so in order to—

(a) prevent the definitions capturing actions which do not carry a significant risk of harm,

(b) allow the definitions to capture additional actions which carry a significant risk of harm.

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

2 Guidance on restraint and seclusion in schools

(1) The Scottish Ministers must issue guidance to education providers about the use of restraint and seclusion in schools.

(2) The guidance must include in particular guidance about the following matters—

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

(b) appropriate and inappropriate forms of restraint and seclusion,

(c) alternatives to restraint and seclusion,

(d) action that might be taken to prevent or minimise the use of restraint and seclusion,

(e) matters to be taken into consideration with a view to safeguarding pupils subject to restraint or seclusion,

(f) legal requirements, and any other legal considerations, that might apply or be relevant to the use of restraint or seclusion,

(g) action to be taken following an incident resulting in the use of restraint or seclusion,

(h) the recording, reporting and monitoring of incidents involving the use of restraint or seclusion,

(i) inspection of the practice of restraint and seclusion,

(j) the training of staff in the use of restraint and seclusion,

(k) compliance with the duties under this Act,

(l) processes for the making of complaints about the use of restraint and seclusion, and the provision of information about the making of such complaints,

(m) action to be taken to resolve or remedy complaints.

(3) The Scottish Ministers must keep the guidance under review and may issue revised guidance from to time to time.

(4) Guidance under this section may elaborate upon the definitions of "restraint" and "seclusion" in section 1.

(5) Guidance under this section may make different provision for different purposes, including different provision for different education providers or different schools.

(6) Before issuing guidance or revised guidance under this section, the Scottish Ministers must consult—

(a) education providers,

(b) persons or bodies appearing to the Scottish Ministers to be representative of the interests of parents of pupils,

(c) any trade union appearing to the Scottish Ministers to be representative of the staff in schools,

(d) children and young people,

(e) the Commissioner for Children and Young People in Scotland,

(f) such voluntary organisations and other persons as the Scottish Ministers consider appropriate.

(7) For the purposes of subsection (6), it is immaterial that anything done by way of consultation in relation to the first guidance issued under this section was done before this section comes into force.

(8) An education provider must have regard to guidance and revised guidance issued under this section.

(9) Guidance and revised guidance issued under this section must be published in such manner as the Scottish Ministers consider appropriate.

3 Duty to inform parents of use of restraint or seclusion

(1) Where a pupil is subject to restraint or seclusion in a school, the responsible person for that school must inform the parent of the pupil of—

(a) the fact that the pupil has been subject to restraint or seclusion, and

(b) details of the incident giving rise to the use of restraint or seclusion in relation to the pupil.

(2) The responsible person must inform the parent as soon as possible and, in any event, no later than—

(a) the end of the school day on which the incident giving rise to the restraint and seclusion took place, or

(b) where it is not reasonably practicable to inform by then, 24 hours after the occurrence of the incident giving rise to the restraint or seclusion.

(3) 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.

(4) The duty under this section to inform the parent when a pupil is subject to restraint or seclusion in a school does not apply to types of restraint or seclusion specified in regulations under section 4(9).

(5) In this section—

the "responsible person" for a school is—

(a) in relation to a school under the management of an education authority, the headteacher of the school or another member of the school staff authorised by the headteacher,

(b) in relation to an independent school, the proprietor of the school,

(c) in relation to a grant-aided school, the managers of the school,

"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.

4 Duty to record and report on use of restraint and seclusion

(1) Each education provider must record all incidences of the use of restraint or seclusion in its schools.

(2) The proprietor of an independent school and the managers of a grant-aided school must inform the Scottish Ministers, by such time as they may specify, of the number of incidences of restraint and seclusion in the school.

(3) Each education authority must inform the Scottish Ministers, by such time as they may specify, of the number of incidences of restraint and seclusion in schools under its management.

(4) 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.

(5) Regulations under subsection (4) 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.

(6) Regulations under subsection (4) may—

(a) make different provision for different types of education provider,

(b) modify any enactment (including this Act).

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

(8) The Scottish Ministers must, for each year—

(a) prepare a report setting out the number of incidences of the use of restraint and seclusion in schools in Scotland in the year, and

(b) lay the report before the Scottish Parliament as soon as practicable after the end of the year.

(9) 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 (4).

(10) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (9) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.

(11) In subsection (8), "year" means—

(a) the period beginning with the date on which this Act comes into force and ending on the following 31 July, and

(b) each subsequent period of one year beginning on 1 August.

5 Training standards

(1) 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.

(2) The Scottish Ministers must publish any standards developed and any lists maintained under subsection (1) in such manner as they consider appropriate.

General

6 Interpretation

(1) References in this Act to an "education provider" are references to—

(a) in relation to a school under the management of an education authority, that education authority,

(b) in relation to an independent school, the proprietor of the school,

(c) in relation to a grant-aided school, the managers of the school.

(2) The following terms have the meanings given in section 135(1) of the Education (Scotland) Act 1980 (and plural or other related forms are to be construed accordingly)—

"area" (in relation to an education authority),

"child",

"education authority",

"grant-aided school",

"independent school",

"managers",

"parent",

"proprietor",

"pupil",

"school" (but here the expression does not include a nursery school or a nursery class in a school within the meaning of that section),

"young person".

7 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 8(1)) are subject to the affirmative procedure.

(3) This section does not apply to regulations under section 9(2).

8 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 may modify any enactment (including this Act).

(3) 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.

9 Commencement

(1) This section and sections 6, 7, 8 and 10 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.

10 Short title

The short title of this Act is the Restraint and Seclusion in Schools (Scotland) Act 2026.

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

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An RRD Company

Published by TSO (The Stationery Office), part of Williams Lea, and available from:

Online
www.tsoshop.co.uk

Mail, Telephone & E-mail
TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries: 0333 202 5070
E-mail: customer.services@williamslea.com
Textphone: 0333 202 5077

ISBN 978-0-10-590463-2

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