



The Scottish Parliament  
Pàrlamaid na h-Alba

## Education Children and Young People Committee

Shirley Anne Somerville MSP  
Cabinet Secretary for Education and Skills  
Scottish Government

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**Via E-mail**

Dear Cabinet Secretary,

### [PE1548: National Guidance on Seclusion and Restraint in Schools](#)

*Calling on the Scottish Parliament to urge the Scottish Government to*

- 1) *Introduce National Guidance on the use of restraint and seclusion in all schools; this guidance should support the principles of:*
  - *Last resort - where it is deemed necessary, restraint should be the minimum required to deal with the agreed risk, for the minimum amount of time*
  - *Appropriate supervision of the child at all times, including during “time out” or seclusion.*
  - *Reducing the use of solitary exclusion and limiting the time it is used for (e.g. maximum time limits)*
  - *No use of restraints that are cruel, humiliating, painful and unnecessary or not in line with trained techniques.*
  - *Accountability of teaching and support staff for their actions; this should include recording every incident leading to the use of seclusion or restraint and monitoring of this by the local authority.*

- *Regular training for staff in how to avoid the use of restraint.*
- *Where restraint is unavoidable training in appropriate restraint techniques by British Institute of Learning Disability accredited providers and no use of restraint by untrained staff.*

2) *Appoint a specific agency (either Education Scotland or possibly the Care Inspectorate) to monitor the support and care given in non-educational areas including the evaluation of the use of restraint and seclusion of children with special needs in local authority, voluntary sector or private special schools.*

### **PE1692: Inquiry into the human rights impact of GIRFEC policy and data processing**

*Calling on the Scottish Parliament to urge the Scottish Government to initiate an independent public inquiry into the impact on human rights of its routine gathering and sharing of citizens' personal information on which its Getting It Right For Every Child (GIRFEC) policy relies.*

The Committee considered the above petitions at its meeting on 4 May 2022.

In respect of PE1548, the Committee noted that the Scottish Government set up a working group to develop and agree new guidance in 2020, however, the progress of this work was delayed by the pandemic.

The Committee further noted that in February 2021, the Deputy First Minister and then Cabinet Secretary for Education and Skills [wrote to the Session 5 Education and Skills Committee](#) to explain that the guidance was to be finalised later in 2021.

In respect of PE1692, the Committee noted that, in January 2020, the Deputy First Minister and then Cabinet Secretary for Education and Skills stated that his officials were in the early stages of developing a package of products based on shared principles around how services should handle sensitive personal information.

At that time, the Deputy First Minister expected to publish these materials by the end of 2020; however, progress was delayed by the pandemic. In February 2021, the Deputy First Minister indicated that the guidance would be finalised later in 2021.

At present, the Scottish Government has not published the new guidance in relation to restraint and seclusion, nor in relation to the handling of personal information in regard to GIRFEC.

The Committee therefore agreed to write to you to seek an update on the progress of these pieces of work, including the anticipated timescales for publication of both sets of guidance.

The Official Report of the meeting will be available by 6pm on 6 May. A video of the meeting is available [online](#).

I would be grateful if you could provide a response by **Tuesday 7 June**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kerr', with a stylized, cursive flourish extending to the right.

**Stephen Kerr MSP**  
**Convener**