

# Briefing: National Guidance on Restraint and Seclusion in Schools



Scotland's Commissioner  
for Children & Young People

The Commissioner recently commented on [Petition PE1548 on national guidance on restraint and seclusion in schools](#) at the Public Petitions Committee. In his comments, he stressed that clear guidelines around seclusion and restraint are especially important where disabled children and young people are concerned.

Children with learning difficulties or language and communication needs may not be able to express themselves effectively, and may also find it difficult to understand what's being said to them.

This puts them in a vulnerable position, where they are reliant on highly skilled staff who are trained to understand them. Guidelines would help staff to communicate in an appropriate, positive and effective way.

Children with learning difficulties or language and communication needs are at significantly greater risk of physical, sexual and emotional abuse and neglect than others are. At greatest risk are children:

- with behaviour or conduct disorders
- with learning difficulties or disabilities
- with speech and language difficulties
- with health-related conditions
- who are Deaf.

## Current practice

At the moment, the Commissioner hears of too many cases of poor practice around restraint and seclusion in Scotland's schools. Staff often lack the training and skills to understand children with learning difficulties or language and communication needs, and may not always appreciate when a child is trying to communicate a particular need. Because of this, a staff member's response can sometimes unintentionally scare a child, which may result in injury to both. The Commissioner thinks that national guidance would:

- help make sure standards around seclusion and restraint are consistent across the country
- help make sure training around behaviour management was more rigorous
- help raise awareness of children's rights.

## Restraint and seclusion- a children's rights issue

Like all children, those with disabilities have the right to protection from abuse. Key articles of the UN Convention on the Rights of the Child (UNCRC) on this subject include:

- [Article 2](#), which says all children have the rights the Convention lays out, and that no child should be discriminated against
- [Article 3](#), which says the best interests of a child should always be considered in all actions that concern them
- [Article 19](#), which says children should be protected from all forms of violence and injury
- [Article 23](#), which says children with disabilities should enjoy full lives in conditions that ensure their dignity
- [Article 29](#), which says a child's education should allow them to develop their personality, talents and mental and physical abilities to their fullest potential.

Additionally, the 2008 Concluding Observations of [the UN Committee on the Rights of the Child](#) urged the UK to make sure that "restraint against children is used only as a last resort and exclusively to prevent harm to the child or others

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and that all methods of physical restraint for disciplinary purposes be abolished”.

## Is restraint or seclusion ever acceptable?

The Commissioner believes that restraint and seclusion can be used in exceptional circumstances and must:

- always be used for the right reasons
- always be applied by trained and skilled professionals
- be used as an exception rather than a rule
- be used for the shortest time possible
- never be used as a form of punishment.

He supports guidance which says restraint or seclusion must not be used as forms of punishment, but are acceptable when used to protect against serious injury or death.

The Commissioner emphasises, however, that the practices should always be used only as a measure of last resort. They should be used as part of a wider behaviour management strategy which ultimately seeks to reduce and eliminate restraint and seclusion. Such a strategy should place an emphasis on supporting and understanding behaviour within educational settings, and should have development of a child's personality, talents and abilities as its main aim.

For a strategy like this to work, the Commissioner thinks it will need to work within established frameworks that recognise a child's specific needs. For example, a child who is a BSL user should be supported by proficient BSL teachers or support assistants.

Ultimately, the main focus should always be on understanding the child, rather than managing the problem.

## The use of seclusion

In his comments, the Commissioner emphasises that **seclusion** should not be confused with **time out**: while seclusion always involves the physical removal of a child to a separate room, time out does not. The Commissioner feels that **physical restraint** and **seclusion** are both terms that need to be clearly defined in any guidance created in this area.

## A need for National Guidance

Current guidance around restraint and seclusion in childcare is not designed with children with disabilities in mind. This has meant that local authorities have developed their own individual behaviour management and physical intervention strategies, leading to inconsistencies in practice.

Because of this, the Commissioner thinks separate policy and guidelines are required for them. He would be happy to be involved in giving advice around how these could adopt a rights based approach.

## A need for training

The Commissioner also thinks that people who care for children with disabilities must be trained in understanding challenging behaviour. Lack of confidence by staff along with limited knowledge can result in restraint and seclusion being used as a first resort.

The Commissioner thinks that training should be ongoing, and that untrained staff should only employ restraint in emergencies. Any physical restraint techniques should only be performed by trained staff— if used inappropriately or by untrained individuals, restraint can cause serious physical or mental harm to children and young people.

## Further information

For further information on any issues raised in this briefing, please contact Máire McCormack, Head of Policy: [maire.mccormack@scryp.org.uk](mailto:maire.mccormack@scryp.org.uk)

For more detail on the Commissioner's position on this issue, [\*read his response to Petition PE1548.\*](#)