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## CONSIDERATION OF PETITION [PE1548](#) (National Guidance on Restraint and Seclusion in Schools)

20 October 2015

Dear Ned,

Thank you for your email of 23 September regarding the above petition.

The new guidance, 'Included, Engaged and Involved Part 2: A Positive Approach to Managing School Exclusions' will specifically refer to children and young people with additional support needs, which includes children and young people with complex additional support needs, in the context of the relevant legislation (Education (Additional Support for Learning) (Scotland) Act 2004 (as amended); Equalities Act (2010); and the Children and Young People (Scotland) Act 2014).

The Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) places duties on local authorities, and other agencies, to provide additional support where needed to enable any child or young person to benefit from education. Specifically, the education authority should make adequate and efficient provision for the child's additional support needs and may include a co-ordinated support plan.

In addition, the guidance will be clear that children and young people with disabilities have additional legal protection provided by equality legislation (Equalities Act 2010) that is designed to eliminate discrimination and promote equality. Disability is a protected characteristic under the provisions of equality legislation. The guidance will also set a clear expectation that incidents of restraint and seclusion be recorded, monitored and regularly reviewed.

I will be happy to share the draft 'Included, Engaged and Involved Part 2' guidance with the petitioner and relevant stakeholders in due course to seek comments and feedback, and I would be grateful if the petitions committee could share the relevant contact details with me.

Yours sincerely

Laura Farquhar  
Support and Wellbeing Unit