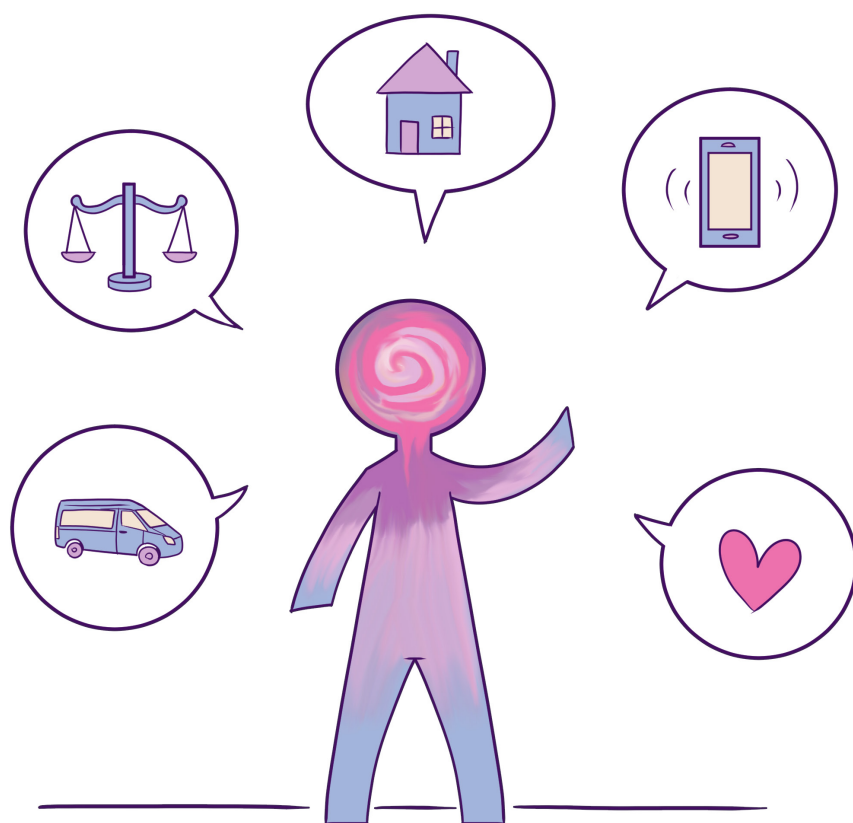


# Learning Disabilities, Autism and Neurodivergence Bill: **Restraint and Seclusion**



# Learning Disabilities, Autism and Neurodivergence (LDAN) Bill

## Restraint and Seclusion



### Easy Read



Neurodivergent children and children with learning disabilities have been restrained and secluded at school.



**Restrained** means being physically stopped from doing something.



**Secluded** means a person being taken away to a space and left alone.



Neurodivergent adults and adults with learning disabilities have been restrained and secluded in hospital and care settings.



Restraint and seclusion and other **restrictive practices** can be used when neurodivergent people and people with learning disabilities are distressed.

**Restrictive practices** include:

- **Chemical restraint**



An example, being given medicine to keep you quiet.

- **Environmental restraint**



An example, someone locking the door to stop a person from going out.



- **Mechanical restraint**

An example, removing the batteries from someone's wheelchair to stop them getting about.



- **Physical restraint**

An example, a person or group of people holding someone down on the floor.



- **Seclusion**

An example, when a person is taken to a room and left alone.



It is not right that neurodivergent people and people with learning disabilities are restrained or secluded.



This can lead to distress and trauma.

## Where do the Scottish Government want to get to?



Neurodivergent children and children with learning disabilities are not restrained or secluded.



Neurodivergent children and children with learning disabilities are only restrained or secluded as a last resort to keep them or others safe.



Neurodivergent children and children with learning disabilities have their needs met by people who understand them and have had good training.



For example, people understand what needs to change in the environment to lessen someone's distress.

## What rights do people have now?



Restraint and seclusion should only be used as a last resort to prevent harm.



The Scottish Government is working on new guidance for schools.





The new guidance for schools is **non-statutory**.

**Non-Statutory** means it is not in law.

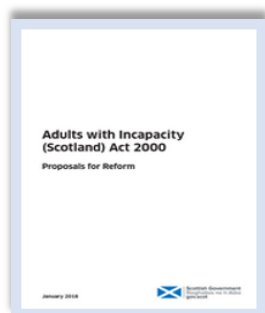


Scotland has some laws which protect neurodivergent people and people with learning disabilities from the wrong use of restraint, seclusion, and other restrictive practices.



These laws include:

- The Adults with Incapacity Scotland Act 2000





- Mental Health Care and Treatment Scotland Act 2003



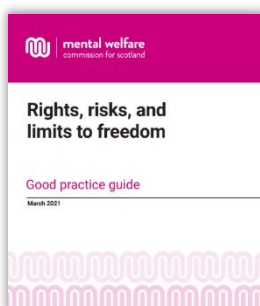
- Regulation of Care (Scotland) Act 2001.



Care providers must report any use of restraint to the Care Inspectorate.



The Mental Welfare Commission for Scotland has guidance on restraint.



The Mental Welfare Commission's report is called Rights, Risks and Limits to Freedom.



# What can the Scottish Government do about it?



## Schools



The Scottish Government have said they will look at options to create a law about restraint, seclusion, and other restrictive practices in schools.



Daniel Johnson, Member of the Scottish Parliament (MSP) is trying to make a new law about restraint.



This law would limit the amount of restraint that can happen in schools.



If this new law happens it will be called Calum's Law.

This is named after a young person called Calum who has a learning disability and autism.



Calum's Law wants schools to report any time restraint or seclusion is used.



## Adults

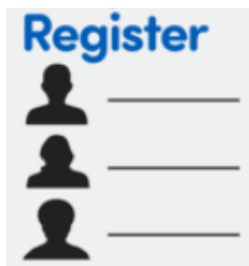


A report called the Rome Review says that the use of restraint and seclusion should be controlled for neurodivergent people and people with learning disabilities.



A report called the Scott review recommends setting up a national **register** of restraint.

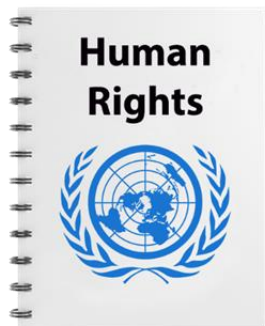
This register would keep a record of everyone who has been restrained.



A **register** is an official list.



The Scottish Government is going to set up a Mental Health and Capacity Reform Programme.



This programme aims to improve the protection of human rights across the mental health system.

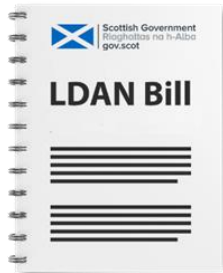


The Scottish Government funds the Restraint Reduction Scotland Network.



The Restraint Reduction Scotland Network is working to stop the misuse of restraint, seclusion, and other restrictive practices.

# What can the Learning Disabilities, Autism and Neurodivergence (LDAN) Bill do?



The Scottish Government does not think the LDAN Bill is the right place for Restraint and Seclusion to be.



The reason for this is because the laws for Restraint and Seclusion need to work for all children and young people.

## What do you think?

The image shows a survey form titled 'Questions'. It contains a question: '1. What do you think about it?'. Below the question are three checkboxes: 'Good', 'Bad', and 'Not sure'. The 'Not sure' option is checked. A hand is shown holding a pen, pointing to the 'Not sure' option.

1. Do you agree with our approach set out above? Please tell us.

