Scotland – key legislation and guidance with respect to behaviour management and the use of restrictive physical interventions

Children’s services

Legislation

- The Children (Scotland) Act 1995
- Education (Additional Support for Learning) (Scotland) Act 2004
- Protection of Children (Scotland) Act 2003
- The Regulation of Care (Scotland) Act 2001
- Standards in Scotland’s Schools etc. Act 2000

Good practice guidance

- Better Relationships, Better Learning, Better Behaviour 2013

- Clear Expectations, Consistent Limits – Good Practice in the Care and Control of Children and Young People in Residential Care. Glasgow: CRCC (can be purchased from a book shop or online retailer)

- Holding Safely: guidance for residential child care practitioners and managers about physically restraining children and young people 2005 (Updated 2013)

- National Care Standards 2011 Care homes for Children and Young People

- National Guidance for Child Protection in Scotland 2010

- Protecting Children and Young People in Residential Childcare. Scottish Commission for the Regulation of Care 2008
- The Residential Establishments – Child Care (Scotland) Regulations 1996
- Restrictive Physical Intervention and Therapeutic Holding for Children and Young People. Guidance for nursing staff
- Restrictive Physical Intervention in Secure Children’s Homes
- Supporting Children’s Learning Code of Practice (Revised edition)

**Adult services**

**Legislation**

- Adult Support and Protection (Scotland) Act 2007
- Adults with Incapacity (Scotland) Act 2000
- Autism Act (Scotland) 2009
- Equality Act 2010
- Health and Safety at Work etc Act 1974
- Human Rights Act 1998
- The Mental Health (Care and Treatment) (Scotland) Act 2003
- Protection of Freedoms Act 2012
- The Same as You? A review of services for people with learning disabilities

**Good practice guidance**

- The Keys to Life: improving quality of life for people with learning disabilities 2013
- National Care Standards 2011
- RIDDOR – Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- Rights Risks and Limits to Freedom 2013
- Safe to Wander 2007
- The Scottish Strategy for Autism 2011

**NB A review of National Care Standards is imminent**
Useful websites

- The Care Inspectorate
- Education Scotland
- Healthcare Improvement Scotland

The information and links on these pages are correct at the time of posting, May 2014. If you know of any new or additional legislation or guidance that should be included in this list, or if any of the links do not work, please email Tracey Tindell at BILD, t.tindell@bild.org.uk Thank you.

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