

POLICY STATEMENT

REDUCING STUDENT DISTRESS AND USE OF PHYSICAL RESTRAINT

OUTCOME STATEMENT

In accordance with section 100 of the Education and Training Act 2020, every registered school must have a policy on reducing student distress and the use of physical restraint. The policy must take into consideration:

- (a) the limits on the use of physical restraint under section 99 of the Act,
- (b) the guidelines issued by the Secretary for Education under section 101 of the Act,
- (c) a process for managing complaints.

The board is committed to a supportive and caring school environment where all students and staff are kept safe from harm and treated with dignity.

Except as authorised under this policy, no staff member may use any form of physical restraint on our students.

Our principal, teachers, and board-authorised staff members can only physically restrain a student as a last resort, where:

- the use of physical restraint is necessary to prevent imminent harm to the student or another person,
- there is a reasonable belief that there is no other option available in the circumstances to prevent the harm, and
- the physical restraint is reasonable and proportionate to the circumstances.

DELEGATIONS

The board delegates to the principal responsibility for:

- developing and implementing procedures and practices to prevent, plan for, and respond to student distress that meet the requirements of the Education (Physical Restraint) Rules 2023 and its amendments (“the 2023 Rules”), and
- recommending eligible non-teaching staff to the board for authorisation to use physical restraint according to requirements of the 2023 Rules.
- ensuring that adequate staff training and support is in place.
- the reporting of incidents of physical restraint to parents, caregivers and the Ministry of Education.
- ensuring that parent (or caregiver) consultation, notification and consent are enacted if an element of physical restraint is in a student’s individual support plan.

Only the board can authorise non-teaching staff members to use physical restraint.

SCOPING

This policy applies throughout the school.

All staff are required to familiarise themselves with Ministry of Education guidelines for registered schools in New Zealand on the use of physical restraint and to undertake appropriate professional development.

The Board will ensure that any incident of physical restraint is notified to parents or caregivers and reported to the Ministry of Education. The Board will ensure that parents or caregivers are notified if physical restraint is an element in a student’s individual behaviour plan.

Complainants with concerns regarding use of physical restraint must follow the school's prescribed concerns and complaints procedure.

EXPECTATIONS

All staff subject to this policy are trained to confidently apply prevention and de-escalation strategies, limiting the need to restrain a student physically according to the 2023 Rules and the relevant guidelines.

Board

The board requires:

- compliance with the 2023 Rules, and
- an evidence-based assurance from their principal that this policy is being followed.

Principal

The principal shall ensure:

- the implementation and compliance of this policy, including the completion of best practice training by all staff who are authorised to use physical restraint,
- operational compliance with the Education and Training Act 2020 and the 2023 Rules,
- all physical restraint incidents are immediately reported at the next board meeting,
- the board is informed of all relevant information (risks, trends, and impacts), and
- all non-teaching staff who may use physical restraint on a student have been authorised by the board.

LIMITATIONS

1. A person holding a teaching position, or an authorised staff member must not physically restrain a student unless the following conditions are met.
 - (a) the physical restraint is necessary to prevent imminent harm to the student or another person; and
 - (b) the person holding a teaching position or authorised staff member reasonably believes that there is no other option available in the circumstances to prevent the harm; and
 - (c) physical restraint is reasonable and proportionate in the circumstances.
2. Nothing in this policy limits or affects s98 of the Education and Training Act 2020 and the 2023 Rules. Seclusion of students and corporal punishment are prohibited.

MONITORING

Any student or staff member involved in restraint will have their physical and emotional wellbeing monitored so that support can be provided. The school will analyse any trends to respond appropriately to any concerns.

The Principal shall report to the board:

- on compliance, or the actions being taken to ensure compliance with this policy, the legislation, and the 2023 Rules on reducing student distress and use of physical restraint, and
- at every board meeting, all incidents, matters, or risks relating to this policy, ensuring that the non-identification and privacy of individual students is maintained i.e. individual students cannot be identified.

The board shall monitor the use of physical restraint, looking for trends and any action that could be taken at the governance level to support reducing such incidents.

DEFINITIONS

As defined in the Education and Training Act 2020, and for the purpose of s99 – s101:

Physical restraint is using physical force to prevent, restrict or subdue the movement of a student's body or part of the student's body against the student's will.

Harm means harm to the health, safety, or well-being of the student or another person, including any significant emotional distress suffered by the student or the other person.

Authorised staff member means an employee of a registered school who is trained and authorised by the employer to use physical restraint in accordance with Section 99 of the Act.

Seclusion of students is defined as placing a child or student in a room involuntarily, alone and from which they cannot (or believe they cannot) freely exit.

Person holding a teaching position refers to all teaching staff including relief teachers and those on a LAT.

CLARIFICATIONS

1. Teachers, including relief and those on a LAT are automatically authorised to use physical restraint.
2. Non-teaching staff can be authorised by the Board so long as they have been trained in accordance with Rule 12 training and support. All authorisations must be in writing and the employee must hold a copy. This can be revoked at any time.
3. If physical restraint has been used the school has an obligation to notify the following people or organisations:
 - (a) Principal
 - (b) Parents or caregivers - at a minimum before the child returns home. Parents or caregivers must be provided with a reasonable opportunity to actively participate in a debrief within three (3) working days.
 - (c) Notify the Ministry of Education via the online incident report.
4. The following information should be made available to the school community:
 - (a) Guidelines (s101 Education and Training Act 2020)
 - (b) Names and positions of any authorised staff
 - (c) School policy (this policy)
5. A record must be kept for a minimum of 10 years for any incident involving restraint.
6. An individual support plan must be in place for any student:
 - (a) Who the school identifies as having a high likelihood of need for physical restraint
 - (b) Who has been subject to the use of restraint more than once in a term
 - (c) At the request of the parents/caregivers. Written consent from parents/caregivers is needed if physical restraint is appended to a student support plan.

LEGISLATION

Education and Training Act 2020 (Sections 99-101)

Education (Physical Restraint) Rules 2023

Health and Safety at Work Act 2015

PROCEDURES & SUPPORTING DOCUMENTATION

- Aramai He Tētēkura – A guide to prevent distress and minimise the use of physical restraint. Te Tāhuhu o te Mātauranga Ministry of Education (2023)
- Education (Physical Restraint) Rules 2023: Appendix 1. Te Tāhuhu o te Mātauranga Ministry of Education. (2023)
- How to report a physical restraint incident online. education.govt.nz. Te Tāhuhu o te Mātauranga Ministry of Education. (2023)
- Physical Restraint Support plan. <https://education.govt.nz> Te Tāhuhu o te Mātauranga Ministry of Education. (2023)
- Physical Restraint: Consent form. <https://education.govt.nz> Te Tāhuhu o te Mātauranga Ministry of Education. (2023)
- Checklist – following an incident of physical restraint. <https://education.govt.nz> Te Tāhuhu o te Mātauranga Ministry of Education. (2023)
- Physical Restraint: Sample debrief form. <https://education.govt.nz> Te Tāhuhu o te Mātauranga Ministry of Education. (2023)
- Physical Restraint - Understanding the Rules and Guidelines. <https://training.education.govt.nz> Te Tāhuhu o te Mātauranga Ministry of Education. (2023)
- Physical Restraint - Using the Online incident reporting form. <https://training.education.govt.nz> Te Tāhuhu o te Mātauranga Ministry of Education. (2023)
- Engaging with tamariki and whānau to inform the rules and guidelines. <https://training.education.govt.nz> Te Tāhuhu o te Mātauranga Ministry of Education. (2023)

Presented to the Board

Approved: **May 2023**
To be Reviewed: **Annually**