



## **PHYSICAL RESTRAINT POLICY**

### **POLICY CATEGORY: HEALTH & SAFETY**

**POLICY DATE: May 2023**

### **PURPOSE**

The purpose of this Policy is to minimise the effect of challenging behaviour, and to ensure the safety of students and staff.

The Physical Restraint Policy adds to existing behaviour management policies and procedures. This policy deals specifically with the use of physical restraint.

### **SCOPE**

Samuel Marsden is committed to provide a safe physical and emotional environment for all students and staff. In New Zealand students' rights are protected under the Bill of Rights Act 1990.

### **DEFINITION**

The Education and Training Act 2020 and its amendments defines physical restraint as using physical force to prevent, restrict, or subdue the movement of a student (on any part of the student's body) against their will.

### **GUIDELINES**

1. 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.
2. Physical restraint is defined as using 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, and is a serious intervention.
3. Staff shall be well versed in prevention and de-escalation strategies used to limit the need to physically restrain a student.
4. Use of physical restraint is limited to teachers or authorised staff members and only where:
  - there are reasonable grounds to believe that there is a serious and imminent risk to the safety of a student or of any other person, including harm caused by significant emotional distress, and;
  - the restraint used is reasonable and proportionate in the circumstances
  - there is reasonable belief that there is no other option in the circumstances to prevent harm.

5. Authorised staff are employees authorised by the Principal who has the responsibility by delegation of the Board, to use physical restraint.
6. Any incident of physical restraint is to be notified to parents or caregivers and reported to the Board and the Ministry of Education.
7. The Principal is to report, in writing, to the Board at the next board meeting of all incidences when physical restraint is used.
8. After any incident of physical restraint, the appropriate staff are to debrief the incident, focusing on the lead-up to it, the different interventions used that were unsuccessful in de-escalating the behaviour, and what could have been done differently.
9. The Board shall monitor the use of physical restraint, looking for trends and any action that could be taken at a governance level to support reducing such incidents.
10. Seclusion of students is prohibited. 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.

### **Who can restrain**

Restraint can only be used by teachers and other authorised staff members.

All teachers and authorised staff are to complete the mandatory Ministry of Education online learning module Physical Restraint – Understanding the Rules and Guidelines by 7 February 2024. Relief staff are to follow all directions of permanent staff.

### **Use physical restraint only when:**

The teacher or authorised staff member reasonably believes that the safety of the student or of any other person is at serious and imminent risk. Intervening to prevent harm can include harm to the health, safety and wellbeing of the student or any other person, including harm caused by significant emotional distress.

The physical restraint response must be reasonable and proportionate in the circumstances:

- Use the minimum force necessary to respond to the serious and imminent risk to safety
- Use physical restraint only for as long as is needed to ensure the safety of everyone involved.

### **What is a serious and imminent risk to safety?**

The physical restraint provisions are intended to deal with the upper end of the spectrum of situations where teachers and authorised staff members have physical contact with a student. It is clear that, in these situations, the restraint is in response to a serious and imminent risk to safety.

Teachers and authorised staff members will need to use their professional judgement to decide what constitutes “a serious and imminent risk to safety”.

These situations are examples.

- A student is moving in with a weapon, or something that could be used as a weapon, and is clearly intent on using violence towards another person.
- A student is physically attacking another person, or is about to.

- A student is throwing furniture, computers, or breaking glass close to others who would be injured if hit.
- A student is putting themselves in danger, for example running onto a road or trying to harm themselves.

The following examples do not pose a serious and imminent risk to safety. Avoid using physical restraint to manage behaviour in these situations:

- to respond to behaviour that is disrupting the classroom but not putting anyone in danger of being hurt
- for refusal to comply with an adult's request
- to respond to verbal threats
- to stop a student who is trying to leave the classroom or school without permission, unless there is a risk to safety
- as coercion, discipline or punishment
- to stop a student who is damaging or removing property, unless there is a risk to safety.

**Acceptable Physical Contact - Refer to Staff and Student Professional Boundaries Policy.**

## **SECLUSION**

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.

New guidelines are clear that under the legislation seclusion is prohibited and must not be used in New Zealand Schools or ECE Centres. PHYSICAL RESTRAINT AND SECLUSION GUIDELINES FOR REGISTERED SCHOOLS IN NEW ZEALAND [www.education.govt.nz](http://www.education.govt.nz)

## **Preventative techniques**

Understand the student:

- Get to know the student and identify potentially difficult times or situations that may be stressful or difficult for them.
- Identify the student's personal signs of stress or unhappiness and intervene early.
- Monitor wider classroom/playground behaviour carefully for potential areas of conflict.

Respect the student:

- Demonstrate a supportive approach: "I'm here to help."
- Be flexible in your responses: adapt what you're doing to the demands of the situation.
- Be reasonable: a reasonable action, request or expectation deserves a reasonable response.
- Promote and accept compromise or negotiated solutions, while maintaining your authority.
- Take the student seriously and address issues quickly. Preserve the student's dignity

- Address private or sensitive issues in private. Avoid the use of inappropriate humour such as sarcasm or mocking.

## **PROCEDURES**

Samuel Marsden will incorporate physical restraint discussions into staff meetings and consult with staff on any changes to legislation.

Relevant staff will be trained in techniques to manage situations and how to apply restraint safely. We will incorporate training into staff development days and update staff with any changes to the policy in staff meetings.

When a situation involving physical restraint has occurred, a debrief and reporting of the situation will be required. The teacher involved should advise the HOD who will assist in making a written report for the Principal. The Board will be advised at the next available Board meeting of all situations involving physical restraint. Staff involved will be supported and encouraged to debrief.

We will incorporate physical restraint into an individual Behaviour Plan (when required for a student) to include parents and caregivers. This plan will detail the student's needs and the plan for managing the student's behaviour as agreed with the parents/caregivers and the School.

## **Complaints**

All complaints regarding physical restraint will be dealt with in a confidential and professional manner. Complaints should be directed to the Principal who will document the version of events with the relevant staff members and present the report to the Board.

## **The Principal**

The Principal shall ensure:

- The implementation and compliance of this policy, including the completion of best practise 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,
- Complete online mandatory reporting to the Ministry of Education.

## **Monitoring**

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 students 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.

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	<p>As defined in the Education and Training Act 2020</p> <p><b>Physical restraint</b> 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.</p> <p><b>Harm</b> 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.</p> <p><b>Authorised staff member</b> 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.</p>
Legislation	<p><a href="#">Education and Training Act 2020 (Sections 99-101)</a></p> <p><a href="#">Education (Physical Restraint) Rules 2023</a></p> <p><a href="#">Health and Safety at Work Act 2015</a></p>
This policy is to be read in conjunction with the Boards:	<ul style="list-style-type: none"> <li>- Health and Safety Policy</li> <li>- Child Protection Policy</li> <li>- Privacy Policy</li> <li>- Complaints Policy</li> </ul>
Procedures/supporting documentation	<p><a href="#">The Ministry of Education's Physical Restraint Guidelines</a></p> <p>Appendix 1 of the Rules</p> <p>Suggested procedures/practices that cover:</p> <ul style="list-style-type: none"> <li>- the authorisation process</li> <li>- reducing and de-escalating student distress</li> <li>- training and support for staff</li> <li>- notifying and reporting on instances of physical restraint</li> </ul>
Review Schedule	Annually
Last Reviewed	2020

**Consultation:** Board, Principal, SMT, HOD's, all staff.

**References:** Child Protection Policy, Bullying and Harassment Policy, Complaints Policy, Health & Safety Policy, Privacy Policy, Disciplinary Policy.

<https://www.education.govt.nz/assets/Documents/School/Managing-supporting-students/Guidance-for-New-Zealand-Schools-on-Behaviour-Mgmt-to-Minimise-Physical-....pdf>