

Minutes of Physical Restraint Advisory Group**Friday, 14 September 2018, 9am – 1am****Ministry of Education, 33 Bowen St, Rm 2.04****Attendees**

Deidre Alderson (NZ Principals' Federation), Grant Burns (Area Schools Association of NZ), Doug Clarke (NZ Post Primary Teachers' Association), Judith Nel (Special Education Principals Association), Karene Biggs (SPANZ), Lorraine Kerr (NZ School Trustees Association), Tom Paekau (Te Akatea NZ Māori Principals' Association), Winnifred Morris (NZEI Te Riu Roa), Bella Ansell (Ministry of Health), Belle Tuimaseve-Fox (Office of the Children's Commissioner), Gerard Direen (Education Council of Aotearoa NZ), Tute Porter-Samuels (NZEI Te Riu Roa), Stephanie Mills (NZEI Te Riu Roa), David Wales (National Director of Learning Support), David Pluck (National Manager, IWS), Shelley Dean (Specialist Service Lead), Mary Pupich (Manager, Learning Support), Bruce Cull (Performance and Quality Lead).

1 Welcome and purpose of meeting	David Wales
<ul style="list-style-type: none"> • Together, discuss insights from restraint data and consider some proposed changes to the restraint guidelines. • Timely to do so, one year on. • Legislation and rules out of review scope. There is a clear steer from Ministers that legislation will not be revisited at this stage. 	
2 Introductions	All
Questions and concerns raised by attendees at the start of the meeting	By attendees
<ul style="list-style-type: none"> • Bigger question of how workable the guidelines are, in the context of broader concerns around the physical restraint legislation, resourcing and the reality of what schools and teachers face. (NZ Principals', Area Schools, SEPANZ, SPANZ, NZEI). • NZEI stressed its view that the legislation is unworkable, needed review, and would continue to pursue this. • Education Council supported the focus of the meeting. • Ministry noted that broader concerns can be feedback to Ministers. 	
3 What is the data telling us?	Shelley Dean
<ul style="list-style-type: none"> • Ministry presented compliance information reported by schools. Caveated with 'we don't know what we don't know'. <p><u>Responses from attendees:</u></p> <ul style="list-style-type: none"> • Would have liked data in advance to analyse (NZEI) – noted by Ministry, and this will be done for any future information. 	

Belief that there is under-reporting

- Belief that physical restraint numbers are likely to be four times as great (NZ Principals’).
- As not all schools are reporting, it seems likely that schools may not complying with the reporting requirements. This means the data is likely to under-reporting physical restraint.
- Schools also finding other ways of intervening that are not reported e.g parents are being asked to ‘reset’ their kids.
- Older kids are physically intervening (NZ PPTA).

It would be useful to understand the data better

- Who/what is the ‘unknown group’ in the reported data presented? (NZ Principals’, NZ PPTA)
- Who/what is the ‘other’ in the figure which describes the role of staff member who applied restraint?
- What data do we have about who did not receive follow up?
- Do we know about the number of schools where there have been complaints about the misuse of physical restraint? (NZEI)
- What is the number of schools reporting physical restraint, and what does this tell us? (NZEI)
- What does the complaints data tell us about parental concern about when schools use restraint? (NZ Principals)
- Increasingly, girls are coming in with the most severe behaviour issues but the data does not show that. Is there a gender bias in reporting or the nature of the intervention? (Ministry, NZEI)
- We need to dig into the data more, to better understand who is being restrained and to get the right responses in place. Who are these kids, and what are their needs? (Education Council)

Schools would value having compliance data

- It would be useful for schools to receive nationally collected restraint data.

Data as evidence

- Data is important to supporting resourcing decisions with Treasury, so this is a reason schools should be encouraged to support it. (NZEI)

4 Feedback themes and proposed changes

Shelley Dean

The Ministry briefly described known stakeholder concerns about:

- technical aspects of the law
- confusion about what staff members can and can't do
- language and structure of guide
- what happens with data, and
- training and support for teachers.

The Ministry asked how draft Q&As and draft scenarios could be used, how the guidelines could be changed in response to concerns, and any other necessary responses to improve their use and effectiveness. The group broke out to consider Q&As and Scenarios.

Responses from attendees re Q&As:

- Q&As are helpful.
- Could be placed on website rather than in guidelines.

Responses from attendees re scenarios:

- Scenarios are helpful. They would help staff get ahead of the situation. (Education Council)
- Suggest more primary scenarios cf secondary scenarios.
- How would the scenarios be different to those included in UBRS training materials? (NZ Principals')
- Scenarios should be part of ITEs. (NZ Principals')
- Scenario about using phone to illicitly film teacher irrelevant
- Scenarios should describe the dilemmas faced by school staff. What are those high frequency situations?
- Context is important, to help teachers make better decisions:
 - scenarios need to cover the range of contexts in schools e.g male/female, ability, cultural, primary/secondary (Ministry of Health)
 - scenarios could describe the student first (NZEI)
- Scenarios are irrelevant to Special Schools. Special Schools use a set of underpinning principals to understand their children and young people, and respond appropriately. Every child is unique.

Responses from attendees re guidelines:

- Content of the guidelines should be determined by the purpose of the guidelines: is the purpose to help schools understand the 'the bright line test' is for lawful action, or is it about improving practice? (NZEI)

Clarity in messaging

- Need to be really clear about what is lawful/what is not lawful. (SEPANZ, NZEI)
- Principals need to know how to keep staff and kids safe. (NZ Principals')
- Move the forward blurb to the back of the document. Start the document with a clear statement about what is restraint, and when it can be used. Follow this with how schools can restrain, and what to do to minimise its use. This will help busy school leaders access key messaging faster. SEPANZ's general view is that the guidelines are clear. (SEPANZ)

Gaps

- Guidelines need to acknowledge that the area is complex, and that responses require conversations between teachers and staff. Also, schools need clarity about what support will be provided by the Ministry. (NZEI)
- Guidelines don't refer to or take account of the "high heat" of response when staff or student safety is at serious and imminent risk. (NZ PPTA)
- Do we need to acknowledge in the guidelines that there has been a big shift in the expectations of parents and in the law towards the recognition of the rights of children? (NZEI)
- A rich cultural lens/perspective is missing in the context setting. Ideas of mana, taonga, and so on, could be introduced. (NZEI)
- Can we introduce a common language based on values and beliefs such as MoE values so that we can model of engagement to help carry and support the forum, and from which we can hang the guidelines and practice on? (Office of the Children's Commissioner)
- Where are our children and young people's voices? What are the positive outcomes for

children and their whanau when minimising or using restraint? How can we use these outcomes to support positive practice? (Office of the Children's Commissioner)

Alignment with other documents

- Bring key principles from the Code into the forward of the guidelines so that common messages are aligned. (Education Council)

What does our experience working with the guidelines tell us?

- What is actually working with the guidelines, where and why? What can this tell us about what we want to see happening? (NZEI)

Responses from attendees re reporting templates:

- Can data be inputted electronically, similar to SDS on ENROL? (NZ Principals')
- Section 3 is too wordy, and 'ego-centric' around the school (NZ Principals')
- Reporting to Boards and families important.
- Awhi is important.
- Can we reduce angst by reducing reporting where there are IEP plans with physical restraint agreed already ie we could change the rules? The Ministry to explore this point.

Ministry responses to conversation

- Ministry suggested that guidelines could be in two parts: the first part focused on what is permitted, and the second part describing a spectrum of scenarios which could aid judgement-based discussions in schools.
- There was broad support for scenarios from attendees, as well as support for a blank template which could be completed by staff to aid unpicking (potential) events and responses.
- General observation is that parents are becoming more assertive about what they will not tolerate from schools/teaching staff.

ACTION:

Ministry to send out scenarios and Q&As for direct input by those who wish to
Ministry to send out minutes/summary of the meeting

5 Broader issues that impact on the workability and effectiveness of the guidelines	General comment from attendees throughout the meeting
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There is confusion about what is permitted, and the consequences for schools if they don't get it right

- There is general confusion amongst staff about what to do under the new legislation and greater clarity is needed. Te Tai Tokerau principals' experiences tabled, and other examples shared (e.g. staff uplifting children from cars, holding a child's hand to remove them, removing class where a child is out of control in the class room).
- The general view is that it is harder to apply common sense now.
- Boards are fearful of the law and rules, and these are mirrored in school responses. (NZ School Trustees)
- The roll-out of the guidelines was rapid with insufficient support. School leaders may not have read the guidelines.

Effective Ministry follow-up is required after a restraint is reported. This will help schools meet the needs of their staff and students. Effective resourcing is important to do this

- What's the point of data reporting when it isn't followed up with timely or effective Ministry support? Example given of a Ministry letter as 'response', with no actual support.
- What's the best type of follow up following an incident? (Education Council)
- Follow-up should be needs based (Ministry)
- We need to understand that there is secondary trauma when incidents happen
- We need to understand that some teachers, leaders and schools need a lot of support alongside them. (Education Council)
- It comes down to resourcing to make it work. (NZEI, SEPANZ)

Prevention is required, and understanding causation is important

- Need to address causative factors (SEPANZ)
- Disconnect between what has happened prior to restraint and the event (NZEI)

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Feedback from the Restraint Advisory Group Meeting 14 August 2018 provided on yellow stickys and on resources– themed

A number of changes were suggested for the guidelines to highlight key practice points, and clarify a number of areas.

- The one page "At a glance" page is excellent.
- Don't clutter the guidelines with too much information – provide links to resources.
- Guideline changes - Put all the "blurb" to the back e.g. forward etc.
- First page should clearly state what restraint looks like and whether it may be used.
- Note about definitions: Health sector uses definition of restraint in HDS standards. Personal restraint is when a staff member uses their body to restrain. Physical restraint is when staff member uses equipment or furniture to restrain.
- 'Clear guidelines on what constitutes authorised person and how do you get authorised.' 'Schools need clear advice on how to manage authorised staff members.' 'Make it clear that is an authorised person is a person is one that....(clarify)'
- Perhaps freedom for BOT's to seek permission for parents for restraint.
- Add reflections as a leader.
- Provide reflective questions for teachers.
- Reinforce what you might review later.

It was suggested that the guidelines could be strengthened with a clear set of values, cultural values and competencies expected of all teachers.

- The teacher code includes a set of values and cultural competencies that could be built on in the guidelines.
- Guidelines could be aligned to the [Code of Professional Responsibility and Standards for the Teaching Profession](#).
- Consideration of tikanga in schools, particularly rumaki/kura a iwi/kura kaupapa needs to be included.
- The environment in these spaces is a Taonga TOW, Article 2. Makes for an unsafe space when physical restraint cannot be used when these are trashed.
- Support cohesive message to teachers and leaders x community.

Is there a need to include how the Health and Safety Act relates to physical restraint?

- Explore Health and Safety repercussions and the Education Act in relation to physical restraint?
- Need behaviour identified as a hazard.

Some general comments were made in relation to other resources that could be referenced, which might be helpful in guiding changes to the guidelines, changes to practice and the support offered to schools.

- Explore how Te Pou's Resource Towards restraint-free mental health practice supporting the reduction and prevention of personal restraint in mental health inpatient settings might build on the use of physical restraint guidelines.
- ERO research division could be charged to find and report on good practice examples as either a special research project or a NET. This is a quick and effective way to support the sector.
- Question and answer sheet can be used as supplementary document – placed on web site.
- Explore the Safe Practice Effective Communication (SPEC) training programme developed by DHB's to reduce restraint and inpatient mental health units. SPEC is delivered through a 'train the trainer' model. DHBs are working in regional alliances to support the development and implementation of the programme.

Several participants wanted to explore further questions in relation to the data.

- Who is being injured? (slide page, 9)
- PowerPoint data majority of ages 5-10?
- Who are the unknowns being restrained?
- No role of SENCO mentioned in restraint data?
- Who is getting injured and how?
- A lot of physical restraints in Special Schools would not be recorded
- Data should be collected on the negative consequences of following the guidelines. e.g. the 24 Northland principals examples
- How does the use of restraint differ for schools using school wide?

Some advisory group members could not see value in the data collected

- LESS reporting.
- Just a compliance administration exercise.
- Data needs to be analysed more deeply to be useful, data is a collection point.

Some advisory members could see added value in the data collected

- The data should/could inform resourcing.
- Community of learning – sharing of information for transparency.

Follow up support following the sharing of data was questioned, and some suggestions were made about the provision of timely support.

- What is being done to support schools who are reporting?
- It seems like few schools are getting further support (385 – additional support/304 training for school)
- A follow up letter is ticking a box in terms of support!
- We need contextualised, timely, targeted response when requests
- Seek feedback on the effectiveness of support and training directly from teachers – ERO could do this.
- UBRS for all staff of all schools.

The restraint scenarios were considered helpful, and could be included in the guidelines.

- Restraint scenarios are helpful.
- Add more Primary School scenarios if indeed we have more restraint in the primary sector.
- The scenarios would probably assist some teacher to be more relaxed about when to/not to use physical contact/restraint.
- Limit key points after the scenarios to a few – add notes on use.
- Other students cannot be asked to intervene – add physically.
- Question ? about having a plan to support a new entrant to schools
- Provide scenarios where teachers/leaders are having to make a judgement call about the needs of one, balanced over needs of others in terms of physical and emotional wellbeing/safety e.g. classroom setting/learning environment/there has been an escalation over time, wet and cold outside etc.,

The questions and answers were considered helpful and very clear.

- Questions and answers – very clear
- Maybe these should be added to the website rather than the guidelines

A number of comments were made in relation to specific questions in the Question and Answers.

Question 1.

- Add The legal framework...ensure the safety? – or to ensure compliance to protect staff from legal action. Less is best. Look forward, not back in terms of this work – don't reiterate why the law was changed! Reference the "code".

Question five.

- Not and do not need highlighting. They are **NOT** examplesand **DO NOT**

Question 6.

- Change wording unclear about employer e.g. An employer (e.g. BOT) may authorise an employee to sue physical restraint
- Situations where it **would be** (needs underlining)
- Agree totally that it is a serious and imminent risk to (don't need the repetition (Physical restraint is a serious intervention) – also occurs in question 9.

Question 11.

- Modify this and add to what support can be given – get more specific about this.

Question 16.

- May need more info re Crimes Act, and what you can and can't do.

Question 18.

- Unhelpful

Question 19.

- Focus on what can be done.

Several needs were identified around training on understanding of restraint, and further supports were suggested.

- Need ongoing training
- PPTa – Mahi Tika Aspiring Principals – supporting leaders with the act/all legislation.
- MAPA training available.
- Restraint should be in the school policy – parents agree (in agreement)
- Sharing of examples of plans.

A number of participants questioned the makeup of the current advisory group, wondering if it could be further strengthened with the voices from other members of the sector

- Where is alternative education input into the advisory group given they educate some of our most at risk students?
- Do RTLB have a role of input here?
- Get a teacher perspective?

Schools identified a number of staffing and learning needs in relation to the use of physical restraint in schools.

- Formalise and pay SENCO's in every school.
- More hours for beginning teachers.
- Support mentoring and coaching in schools.
- Agree insufficient preparation in teacher education and keeping yourself and others safe.
- Resources for "awhi" and monitoring
- Release time for support etc.

Some queries were made about the use of timeout and students following instructions.

- Does this mean that my school can no longer use time-out?
- The statement that a child can decide whether or not to follow a lawful instruction (see stand downs) is problematic. To de-escalate, children are often removed from the situation. If they refuse this may lead to an escalated situation. In other words children follow a lawful instruction.

This statement was made that sums up why we are working together

Kids love coming to school, they don't like the holidays, school is safe

The school can be a model to help with children

"Otahi te kohao o te ngira e kuhuna ai te miro ma, te miro pango, te miro whero"