

Andy Smith

From: Olga Berezovsky
Sent: Wednesday, 7 November 2018 4:34 p.m.
To: 'winnifredmorris@icloud.com'; 'principal@tauraroa.school.nz'; 'principal@parkside.net.nz'; 'Stephanie.Mills@nzei.org.nz'; 'Bella_Ansell@moh.govt.nz'; 'tom@merivale.school.nz'; 'Gerard Direen'; David Wales; Shelley Dean; Mary Pupich; 'J Nel'; 'Belle Tuimaseve-Fox'; 'simon.king@police.govt.nz'; David Pluck; 'Mary Hall'; 'Jack Boyle'; 'JamesTh@wpgcollege.school.nz'
Subject: Physical Restraint Guidelines - draft working document not for wider circulation
Attachments: Physical Restraint Guidelines Redraft (004).docx

Kia ora koutou

Please find attached a working draft of the refreshed physical restraint guidelines. We considered the feedback received, and made some changes. We will work through these and other ideas not incorporated in this current draft, at the session. This draft is circulated for use at the meeting. Please note there will be a fully edited/proofed penultimate draft after Friday's workshop.

The agenda for the session is:

- Welcome
- Minutes from the last meeting and general update
- Scenarios activity, identifying the response (the Acts, the defence)
- Update of the guidelines (alignment with the rules), and what's changed
- Reporting requirements vs reviewing
- Additional Resources (Q n A; Scenario Resource)
- Testing understanding of the resource
- Roll out plan

See you at the meeting.

Olga

Olga Berezovsky | Senior Advisor
 DDI 9(2)(a) Ext 9(2)(a)
 33 Bowen Street, Wellington

education.govt.nz | Follow us on Twitter: @EducationGovtNZ

We get the job done *Ka oti i a mātou ngā mahi*
We are respectful, we listen, we learn *He rōpū manaaki, he rōpū whakarongo, he rōpū ako mātou*
We back ourselves and others to win *Ka manawanui ki a mātou, me ētahi ake kia wīkitoria*
We work together for maximum impact *Ka mahi ngātahi mō te tūkinga nui tonu*

Great results are our bottom line *Ko ngā huanga tino pai ā mātou whāinga mutunga*



Guidelines for Registered Schools in New Zealand on the Use of Physical Restraint

November 2018

Released under the Official Information Act 1982

DRAFT

These guidelines are issued by the Secretary for Education under section 139AE of the Education Act 1989.

Ministry of Education

Mātauranga House

33 Bowen Street

PO Box 1666

Wellington 6140

www.education.govt.nz

© Crown copyright, 2017

All rights reserved.

All enquiries should be made to the publisher

ISBN

New Zealand.govt.nz

Released under the Official Information Act 1982

Contents

Foreword	E
xxx Principles	
Legislation.....	Error! Bookmark not defined.
Responsibilities of Boards of Trustees, Sponsors of Partnership Schools Kura Hourua, Managers of Private Schools	Error! Bookmark not defined.
Good practice guidance	K
Student and staff wellbeing come first	K
Identifying when you may need to apply physical restraint.....	K
Use physical restraint only where safety is at a serious and imminent risk	K
What is serious and imminent risk to safety?	K
These examples do not pose a serious and imminent risk to safety.....	L
Acceptable Physical Contact	L
Use preventative and de-escalation techniques first	M
Preventative techniques.....	M
What may escalate the behaviour.....	O
Guidance if you have to use physical restraint	P
What to do if prevention and de-escalation do not work.....	P
Monitor wellbeing throughout when applying physical restraint.....	Q
Good practice following an incident involving physical restraint.....	Q
Debriefing the incident	Q
Promote the minimisation of physical restraint.....	S
Reporting and documenting the incident	S
Individual Behaviour Plan.....	T
Adapting the Individual Behaviour Plan	U
Training in safe responses	U
For the whole school.....	Error! Bookmark not defined.
For the team supporting the student	Error! Bookmark not defined.
Reporting templates for physical restraint.....	U
Appendix 1: Staff physical restraint incident report form.....	V
Appendix 2: Information for the Ministry of Education and the employer – in accordance with Rule 8(1) of the Education (Physical Restraint) Rules 2017. Error! Bookmark not defined.	
Information for the Ministry of Education and the employer form	Error! Bookmark not defined.

Appendix 4: Debriefing form for staff involved in physical restraint incident BB
Appendix 5: Physical restraint debriefing form – parents or caregivers, student.....CC
Developing the guidelines: expertise from throughout the sector..... 1

Released under the Official Information Act 1982

Foreword

Student and staff wellbeing is at the heart of these guidelines. Safe physical and emotional environments are of greatest importance for all students, and support teachers in their professional role. Minimising the use of physical restraint is important. Research tells us that physical restraint compromises the health and safety of students, and those using it.

The guidelines are a resource issued under section 139AE of the Education Act 1989 to help schools understand their responsibilities under the legislation on the use and reporting of physical restraint, and the prohibition of seclusion (sections 139AB –sections139AE). They also explain the associated Physical Restraint Rules 2017¹.

The legislation requires all schools to have regard to these guidelines. The guidelines also make it clear that under the legislation seclusion is prohibited and must not be used in New Zealand schools.

The guidelines take into account current international research and directions, and relevant legislation and international conventions including the New Zealand Bill of Rights Act 1990, Education Act 1989, United Nations Convention on the Rights of the Child, United Nations Convention on the Rights of Persons with Disabilities Vulnerable Children Act 2014, Health and Safety at Work Act 2015, and the Crimes Act 1961.

Expertise from throughout the sector helped inform the development of the guidelines. We thank representatives from the Special Education Principals' Association of New Zealand, New Zealand Principals' Federation, New Zealand Educational Institute Te Riu Roa, New Zealand School Trustees Association, Secondary Principals' Association of New Zealand, New Zealand Post Primary Teachers Association, Ministry of Health, High and Complex Needs Unit, the Children's Commission, New Zealand Police and the Ministry of Education.

¹ The *Guidelines for Registered Schools in New Zealand on the use of Physical Restraint* (the guidelines) are issued by the Secretary for Education under section 139AE of the Education Act 1989 (The Act). They supplement the legislation relating to limits on the use of physical restraint and the prohibition of seclusion. They explain the legislation (sections 139 AB to 139AE of the Education Act 1989) and the associated Education (Physical Restraint) Rules 2017 (the rules).

Introduction

The guidelines are a resource to help schools understand their responsibilities under the legislation on the use and reporting of physical restraint and the prohibition of seclusion. The guidelines also aim to support staff to safely manage potentially dangerous behaviour.

The guidelines support these objectives by describing:

- key principles to help ensure all schools and learning environments are safe for all children and adults
- who can apply physical restraint and under what circumstances (as defined by the legislation)
- the roles and responsibilities of school leaders (Boards, Sponsors and Managers)
- advice about identifying when physical restraint can be applied
- safe ways to manage potentially dangerous situations when a student may need to be physically restrained. These include preventative or de-escalation techniques to avoid the need to physically restrain a student. Options for managing behaviour, if prevention or de-escalation does not work, are also provided
- how to incorporate physical restraint into an Individual Behaviour Plan if necessary, and who to involve in the decision making process, including parents and caregivers
- how to review situations involving restraint to provide information or new learning to prevent future occurrences and provide support for staff and children affected
- how to report incidents of physical restraint, and
- examples of physical contact and physical restraint policies.

Using these guidelines will help staff respond to the uncertainty they can experience when faced with a student exhibiting difficult behaviour that may escalate into a dangerous situation, and prevent future occurrences.

Guiding principles

The guidelines are built on a number of fundamental guiding principles.

Principle 1: Physical restraint is a serious intervention. These guidelines aim to minimise the use of physical restraint.

Principle 2: If there is an alternative to physically restraining a student, use the alternative. Behaviour strategies to respond to dangerous behaviour should address the underlying cause or purpose of the dangerous behaviour.

Principle 3: Schools staff should have access to resources or training on appropriate, effective alternatives to physical restraint and seclusion such as positive behaviour interventions and supports, and for cases involving imminent danger or serious harm, on the safe use of physical restraint for children.

Principle 4: All schools are required to provide a safe physical and emotional environment for students and staff. Parents, students and the public have a legitimate expectation that the school environment will be a safe environment that supports learning.

Principle 5: The Education Act 1989 provides for the circumstances when teachers and authorised staff members may physically restrain a student. In exercising these powers, teachers and authorised staff members must act reasonably and proportionately in the circumstances to achieve a safe environment for students and staff.

Principle 6: Students' rights are protected under the Bill of Rights Act 1990.

Principle 7: Each restraint incident provides an opportunity for reflecting to develop understanding about the child and circumstance to prevent restraint.

Principle 8: Schools should develop clear behaviour policies that incorporates guidance on safe appropriate, physical contact to support staff.

Physical contact with children

Physical contact is part of a teacher's expression of care for a student. Teachers should and do respond to children and young people in a way that gives expression to an appropriate level of care. Teachers who work with younger students, for example in junior primary, are faced with different situations than teachers in upper primary and secondary schools. They are more likely to have physical contact with younger students, for example, when offering comfort, guidance and in daily aspects of their teaching. This may involve assisting students who have soiled themselves or who need help dressing or undressing at appropriate times. Such contact should be defined within a school's acceptable physical contact.

New Zealand Legislation

What is physical restraint?

The Act defines physical restraint as using physical force to prevent, restrict, or subdue the movement of a student's body or part of the student's body.

Who can use physical restraint in schools?

Physical restraint can only be used by teachers or authorised staff members. Teachers are people employed in a teaching position at a school. This includes a person with a Limited Authority to Teach, and a relief teacher employed by the employer (e.g. board of trustees, sponsor or manager). All teachers are automatically authorised to act under the legislation.

When can physical restraint be used in schools?

The Act limits the use of physical restraint by teachers or authorised staff members in schools to situations where:

- they have reasonable grounds to believe that there is a serious and imminent risk to the safety of a student or of any other person; and
- the restraint used is reasonable and proportionate in the circumstances.

How does the legal framework for physical restraint work?

Physical restraint is regulated via a combination of the Act, the rules and statutory guidelines. It is a legal requirement for schools to:

- comply with the Act and rules
- have regard to the guidelines.

The legislation and rules set out what schools must do. The guidelines outline good practice in using physical restraint, and monitoring and reporting on the use of physical restraint. By following the Act, the rules and the guidelines when using physical restraint, a teacher or authorised staff member will minimise their risk of injuring a student or being hurt themselves, and mitigate their risk of legal liability.

When did the legislation come into effect?

The legislation has applied since 19 May 2017.

Seclusion

The Act bans the use of seclusion in schools and early childhood services including ngā kōhanga reo.

More information about seclusion can be found on the Ministry of Education website:

<https://education.govt.nz/school/managing-and-supporting-students/student-behaviour-help-and-guidance/seclusion/>

Responsibilities of Boards of Trustees Sponsors of Partnership Schools Kura Houra, Managers of Private Schools

Authorising Staff members

Boards, sponsors of partnership schools kura hourua and managers of private schools must follow the procedure for authorising staff members, who are not employed as teachers, to use restraint in accordance with Rule 5 of the Rules. The Rules are:

- An employer may authorise an employee, who is not a teacher, to use physical restraint.
- Every authorization must be in writing
- The employer must give the employee a copy of the authorization
- The employee may, by written notice to the employer, revoke an authorisation at any time.

Administration

Boards, sponsors and managers should ensure that:

- school practices are clear, follow the rules, are well-documented, explained to students in an age-appropriate way, and available to all
- teachers and authorised staff who are designated to physically restrain students are suitably supported and trained for this task.
- systems are in place to support the smooth running of the school. These include keeping written records and following requirements to notify, monitor and report on the use of physical restraint.

School policies on physical restraint

Each school should:

- develop policies on physical restraint that follow these guidelines and make these policies available for all students, parents and caregivers
- provide a clear complaints process for students, parents and caregivers
- review the policy as part of the school's annual review cycle.

Communicating with students and with the school community

It is the school's responsibility to ensure that parents, students, school staff and the community know about the school's plans and policies for managing challenging behaviour and using physical restraint.

This includes having processes in place to inform parents when physical restraint has been used.

Review

The Education Review Office may review a school's use of physical restraint, as it would any other school operation or procedure.

Released under the Official Information Act 1982

Good practice guidance

Student and staff wellbeing come first

These guidelines focus on staff and student safety and wellbeing. They provide staff with generic techniques for preventing and de-escalating potentially dangerous situations. Schools can request the Understanding Behaviour Responding Safely training which provides staff with further training in preventing and de-escalating behaviours (see page xxx).

Identifying when you may need to apply physical restraint

Use physical restraint only where safety is at a serious and imminent risk

Physical restraint is a serious intervention. The emotional and physical impact on the student being restrained and the person doing the restraining can affect the wellbeing of both the student and the staff member who applies it.

The first aim should be to avoid needing to use physical restraint. Use preventative and de-escalation techniques to reduce the risk of injury.

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.

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 serious and imminent risk to safety?

The physical restraint provisions are intended to deal with the upper end of the spectrum of situations where it is clear that, in these situations, the restraint is in response to an 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 where there is a possibility that they or others could be injured if cut or hit.

- A student is putting themselves in danger, for example running onto a road or trying to harm themselves.

These 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
- to stop a student leaving a school without permission (who has the developmental capacity to be safe walking on the footpath or crossing the road)
- as coercion, discipline or punishment
- to stop a student who is damaging or removing property, unless there is a risk to safety. School Trustees Association provides information for schools about property damage.

Acceptable Physical Contact

Staff may need to physically support students. The following situations involving physical contact to support students happen in schools every day:

- Physical contact, such as an open hand on the arm, back or shoulders to remove a student from a situation to a safer place.
- Staff may hold the hand of a young student who is happy to have their hand held for a short time.
- Staff may need to comfort a younger child when their parent leaves, or may pick a student up to comfort them.
- Younger students, especially in their first year of school, sometimes need additional help. For example, you may "shepherd" a group of younger students from one place to another.
- Physical contact to support a student to move them to another location, or help them to get in a vehicle or use the stairs.
- The practice of harness restraint, when keeping a student and others safe in a moving vehicle, or when recommended by a physiotherapist or occupational therapist for safety or body positioning.
- Assisting a student with toileting, including changing a nappy.

When there is serious and imminent risk to safety use preventative and de-escalation techniques first

Research tells us that many cases of restraint can be prevented through knowing the student, building trusting relationships and using effective de-escalation techniques.

De-escalation refers to a set of verbal and non-verbal responses which if used selectively and appropriately reduces the level of a student's anxiety or anger to prevent loss of control.

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. Analyse school reports and see if there are patterns of difficulty, such as conflict with peers at break times.
- Monitor wider classroom/playground behaviour carefully for potential areas of conflict. School-wide behavior supports offer a range of tools to support monitoring. School-wide positive behavior is a resource available to all schools.
- Identify skills that are developing for the student that might need additional support such as managing transitions. The ALSUP tool is a great resource for thinking through different scenarios where a child may need further support.
<https://www.livesinthebalance.org/sites/default/files/ALSUP%20060417.pdf>
- Identify the student's unique personal signs of stress. These behaviour cues are important predictors for a child's loss of emotional regulation or control and allow you to intervene early. They can be characterised by:
 - Breathlessness
 - Flushing of the face,
 - Talking fast, excitedly or loudly
 - Arguing
 - Making noises
 - Rigid posture, clenching of fists and jaws
 - Pacing up and down
 - Swearing, abusive and derogatory remarks
- Behaviour cues occur on a continuum e.g. from a flushed face, to arguing, to pacing. Know the signs and intervene early.
- Teach all your children skills to keep calm. Mindfulness games and breathing exercises are a fun way to build these.

- Build calming activities into your routines e.g. reading after energetic activities. Some students are more likely to escalate if their body is not calm.
- For students that have difficulty with their emotional regulation, develop plans with them where they can practice being calm. Have places in the classroom or nearby where this can occur, and where other students know not to disturb them or will not disturb them. Trust that calm students want to return to their learning activities.

Build trusting relationships

Research shows that students learn best when they experience positive relationships with their teachers.

The Ministry of Education supports the building of trusting relationships with access to the Incredible Years Teacher programme, and the Restorative Practice tools and resources kete.

The Incredible Years Teacher programme provides teachers with approaches to help turn disruptive behaviour around and create a more positive learning environment for their students. The programme is for teachers of children aged 3–8 years. The programme covers:

- building positive relationships with students
- proactively preventing behaviour problems
- using attention, encouragement and praise to turn behaviour around
- motivating students by giving them incentives
- helping students learn social skills, empathy, and problem-solving
- using appropriate consequences for undesirable behaviour.

Restorative Practice is a relational approach to school life grounded in beliefs about equality, dignity, mana and the potential of all people. The Positive Behaviour for Learning (PB4L) Restorative Practice model focuses on building and maintaining positive, respectful relationships between students and staff, and their peers. School staff are supported with best-practice tools and techniques to restore relationships when things go wrong. See here for resources: <http://pb4l.tki.org.nz/PB4L-Restorative-Practice/What-is-PB4L-Restorative-Practice>.

Restorative kete 2 contains resources that support teachers to develop effective communication skills. It focuses on listening, questioning and restorative scripts when things get tricky. See here: <http://pb4l.tki.org.nz/PB4L-Restorative-Practice/Restorative-Practice-Kete-Book-Two>

Explore additional resources on building trusting relationships on TKI “Putting student relationships first”. See here: <http://nzcurriculum.tki.org.nz/Curriculum-resources/NZC-Online-blog/Putting-student-relationships-first>

De-escalation techniques

Demonstrate a supportive approach. A supportive approach includes body position – to the side, relaxed, and with limited ‘direct’ eye contact.

- Standing side on to a student vs facing front on to a student, protects your body from harm and is less intimidating to others. Relax your shoulders and stay calm by breathing slowly to calm your body. A calm body conveys reassurance to the child.
- Maintain an appropriate distance. (Not too close, but close enough to provide presence and reassurance to the student).
- Limit eye contact. Direct eye contact can be challenging and intimidating for children. Be flexible in your responses: adapt what you're doing to the demands of the situations.
- Demonstrate a verbally calm, authoritative presence. Maintain a calm voice tone (quality and pitch) and cadence (rhythm and rate). Deliver messages calmly with an even 'rate' of words.
- Maintain an appropriate voice volume i.e. be aware of loudness and intensity (e.g. not shouting or whispering). Keep the volume appropriate.
- Redirect as needed a student's focus to the desired outcome. Use the child's name "I'm here to help. When you are ready we can xxx"
- Allow venting.
- Name the emotion in a calm even voice: "You look really angry", "I can see that you are very frustrated"...
- Use the child's name to gain attention.
- Say what you want the child to do: "When you xxx, then we can xxx", "walk slowly" (vs the words "don't", "stop that" etc.)
- Wait.
- Remove the audience – ask other students to take their work and move away.

Focus on communicating respect, your desire to help, what you want the child to do versus what they are doing. Keep verbal interactions respectful. When appropriate, give the student clear choices and/or directions to help them feel more secure and regain control. **Think ahead in case the situation escalates.**

Further escalation or intimidation

Take all threats seriously. **Avoid physical intervention unless there is no safer alternative.**

- If escalation occurs, move further away.
- Seek assistance.
- Make sure you have an exit plan.
- Constantly reassess the situation.

What may escalate the behaviour

- Tone of voice, arguing or interrupting.

- Not being able to stay calm and “over talking”.
- Contradicting what the student says – even if they are wrong.
- Challenging or threatening the student with a consequence.
- Trying to shame the student or showing your disrespect for the student.

Guidance if you have to use physical restraint

What to do if prevention and de-escalation do not work

- Physical restraint can be applied by teachers and authorised staff.
- If teachers and authorised staff members do not have the skills or confidence to safely restrain a student, call for help.
- Call the police when a student cannot be managed safely or does not calm after restraint and it continues to be unsafe for students, staff or themselves, after all alternatives have been explored.
- There may be situations when an unauthorised staff member intervenes and physically restrains a student, for example when there are no teachers or authorised staff nearby.
- Although the Education Act 1989 does not cover the intervention of an unauthorised staff member who physically restrains a student there may be other justifications for intervening available in legislation or common law that apply.

Do not use these restraints

- Physical restraint that inhibits the student’s breathing, speaking or main method of communication, for example physical restraint that inhibits a student’s ability to use sign language.
- Prone (face-down) physical restraint
- Pressure points and pain holds
- Tackling, sitting, lying or kneeling on a student
- Pressure on the chest or neck
- Hyperextension (bending back) of joints
- Headlocks
- Using force to take/drag a student, who is resisting, to another location
- Restraint when moving a student from one place to another – trying to get them into a van or taxi, for example – when they are in an escalated state, as this may escalate them further.

Monitor wellbeing throughout when applying physical restraint

- The physical and psychological state of the student being restrained should be continuously monitored by the person performing the restraint and other people present.
- Apply physical restraint only for the minimum time necessary and stop as soon as the danger has passed.
- Monitor the physical and psychological wellbeing of both the student and the staff member who applied the restraint for the rest of the school day. Watch for shock, possible unnoticed injury and delayed effects.

Good practice following an incident involving physical restraint

After the event

After an incident involving physical restraint, take these steps to ensure everyone involved stays safe, future incidents can be prevented if possible, the parents or caregivers know, and the incident is reported.

- Check the student regularly and support them as necessary
- Tell the parents or caregivers the same day the incident occurred so they can monitor the student's wellbeing at home.
- If the student attends a residential school, ensure the residential team manager is told, so the student's wellbeing can be monitored after school.
- Check with the staff member that they have support before they go home and access to services as needed. Ensure they have someone that they can talk to if they want to, a partner, a friend, a colleague. Connecting with others supports people through a crisis. Employee Assistance Programme (EAP services) can provide additional support as needed.

Reviewing the incident

It is important to review situations with staff involved. Staff may be distressed by the event. They may realise that actions could have been prevented or someone was hurt. Others may be worried about the consequences, such as the needs of other children who saw the restraint, or complaints from parents or legal action.

The structured process outlined below can help provide reassurance and resolution, and allows planning for prevention and de-escalation if there is a risk of reoccurrence.

A team approach when reviewing allows a range of perspectives

- Hold a review session with involved staff, the Principal or Principal's delegate, and another member of staff not involved in the physical restraint incident. Hold it within a few days of the incident. If Ministry or RTLB practitioners are part of the student's team, involve them in the review process.

- Choose someone to lead the review. The person leading the review should be someone independent of the situation, who can respond with active, empathetic listening.
- If the police were involved in the incident, invite them to participate in the review session.
- Reflect formally on why the incident occurred. Consider what might have prevented it, and what might need to change to decrease the likelihood of it happening again.
- Consider whether all preventative and de-escalation strategies were used and whether the restraint used was safe.
- Review the Individual Behaviour Plan (if there is one) and make decisions as a team about what needs to be strengthened to minimise the likelihood of a similar incident.
- Write notes on the review along with agreed, next steps or actions.

Reflecting prompts

The way we reflect is important and prevents blame and other processes from preventing next steps or actions.

- Check the person/people involved and or applied the restraint is ready to review.
 - “Are you ready to talk about the incident”
- Orientate the team by focusing on the ‘lead up’ facts and patterns.
 - “Tell me what happened”
 - “What lead up to the incident, has it happened before?”
 - “What physical or verbal changes did you notice just before the escalation?”
 - “What interventions did you try to de-escalate the situation?”
 - “How could you tell things were escalating?”
 - “What worked well/what didn’t work well?”
- What can you suggest that might prevent this happening again in the future?
- What can we do to strengthen the things that worked well or improve the things that didn’t go so well?
- Do we need to agree on some actions for improvement? If so what are they?
- What help and support do you need to make these improvements?

Reviewing with parents or caregivers

- Offer the parents or caregivers a separate review as soon as practically possible
- At this meeting, give them the opportunity to discuss the incident. Invite them to become active partners in exploring alternatives to restraint. If appropriate, involve the student in this review session. Write notes from the review along with next steps or actions.

Managing complaints from parents

- It is understandable that some parents may feel upset if their child has been physically restrained. All schools will have a policy on responding to parent complaints.
- The school should also contact the local Ministry office if the complaint cannot be easily resolved. If further investigation is required then the Ministry can support the process.

Promote the minimisation of physical restraint

The Principal or Principal's delegate should be responsible for:

- promoting the goal of minimising the use of physical restraint through a focus on alternative strategies
- ensuring appropriate training is provided that aligns with the goal of minimising physical restraint in the school
- monitoring the use of physical restraint in the school (to include gathering and analysing information, identifying trends, and checking that documentation about each incident is complete)
- collating information about physical restraint in a report and sharing data on physical restraint regularly with the Board of Trustees via the Principal's report at Board meetings. Do this in a public-excluded session
- managing any complaints and feedback

Reporting and documenting the incident

- All incidents of physical restraint must be reported to the Ministry of Education and the employer. Complete the form attached as appendix 1 to do this.
- When you report the Ministry will contact your school to determine whether your school needs further support and what this support might look like.
- Staff must also complete a staff physical restraint incident report. You can use the form attached as appendix 2 to these guidelines, or other suitable template.
- Put the completed incident report on the student's file, and make them available to the student's teacher and parents or caregivers.

Individual Behaviour Plan

A student who regularly presents with high-risk behavior should have an Individual Behaviour Plan.

School-wide Tier Two Implementation Manual (section four) provides information on how to develop an Individual Behavior Plan. See here: <http://pb4l.tki.org.nz/PB4L-School-Wide/Support-material>. RTLB and/or MOE staff can work with the student's support team to develop the plan. An effective plan occurs when everyone works together over time to reduce unsafe situations, and builds the skills of the student and the team.

The Individual Behaviour Plan should outline situations where risk occurs, the preventative and de-escalation strategies which, if successfully implemented, would prevent the need for physical restraint.

Use of physical restraint within an Individual Behaviour Plan

Where a Ministry behaviour specialist is part of the team supporting the student, and where unsafe situations are continuing to occur frequently or are of such magnitude that physical restraint is the only option, the team will be taught how to safely restrain the student. These are likely to be situations where preventative and de-escalation strategies were not able to be implemented or have not been effective due to the child's on going level of elevation. Parents and caregivers who have to use physical restraint in the home environment may want to be part of this training.

Evidence tells us that an effective Individual Behavior Plan will build the skills of the child, support their needs and reduce the need to restrain.

Parents or caregivers should always be a member of the team developing the plan.

- Give parents or caregivers the opportunity to help make decisions about their child and agree to the interventions that will be put in place to support them.
- Inform parents or caregivers if physical restraint is identified in the student's Individual Behaviour Plan, including how it will be applied in accordance with these guidelines.
- Provide all relevant professionals and parents or caregivers with a copy of the Individual Behaviour Plan. It should be signed off by the Principal (or Principal's delegate) and the student's parents or caregivers.

The use of physical restraint

- The use of physical restraint should be regularly reviewed and monitored by the team supporting the student.
- Parents/caregivers should be told as soon as possible on the same day about the incident and how it was managed in accordance with the guidelines.
- If the student resides in a residential school or home, the residential team should be told so the student's wellbeing can be monitored after school.

Adapting the Individual Behaviour Plan

- Following an incident of physical restraint hold a meeting as soon as possible. Involve the team supporting the student, including the parents or caregivers, and the residential team manager if the student is enrolled in a residential school. Use the meeting to review the Individual Behaviour Plan and the physical restraint processes followed in the incident.
- In the updated plan, identify ways to prevent the need to use physical restraint in the future.
- Incorporate in the plan the suggestions of parents or caregivers and, if appropriate, the student.
- If a behaviour specialist from the Ministry or an RTLB is supporting the team around the student, involve them in the review of the plan.
- Put all relevant documentation in the student's file, and copy it to the student's teacher and parents or caregivers.

Training in safe responses

For the whole school

A training package, *Understanding Behaviour – Responding Safely (UBRS)*, provides training with a focus on preventative and de-escalation techniques. It is available to all staff and can be delivered in modules. Contact your local Ministry of Education office for information about this training.

School staff should be made aware of the following:

- physical restraint should only be used in emergency situations, and only when less restrictive interventions have not ended the serious and imminent risk to the safety of the student or others.
- the forms of physical restraint that may compromise health and safety, and the serious physical risks associated with some physical restraint techniques. These include the risk of asphyxia and sudden death.

Appendix 1: information for the Ministry of Education and the Employer – in accordance with Rule 8(1) of the Education (Physical Restraint) Rules 2017

If a student is physically restrained the incident must be reported to the Ministry of Education and the employer (board of trustees, sponsor of a partnership school kura hourua, or manager of a private school).

- Complete the form below and email it to physical.restraint@education.govt.nz.
- Provide a copy of the form to the employer. Information on physical restraint incidents should only be shared with the Board of Trustees via the Principal's report.
- Only share this information in a session that excludes the public.

Why is the Ministry collecting this information?

The Ministry will use the information to provide appropriate support to schools and students when there are incidents of physical restraint on students.

The Ministry will also use this information to update the rules and guidelines to reflect evolving practice or address areas of concern.

What is physical restraint?

The Act defines physical restraint as using physical force to prevent, restrict, or subdue the movement of a student's body or part of the student's body. Physical restraint is a serious intervention. The legislation limits the use of physical restraint on students to teachers or authorised staff members.

The following situations involving physical contact happen in schools every day. They are not examples of physical restraint and do not have to be reported to the Ministry:

- Temporary physical contact, such as a hand on the arm, back or shoulders to remove a student from a situation to a safer place.
- Holding a student with a disability to move them to another location, or help them to get in a vehicle or use the stairs.
- The practice of harness restraint, when keeping a student and others safe in a moving vehicle, or when recommended by a physiotherapist or occupational therapist for safety or body positioning.
- Younger students, especially in their first year of school, sometimes need additional help. For example, you may "shepherd" a group of younger children from one place to another.
- Staff may hold the hand of a young student who is happy to have their hand held for a short time.
- Staff may pick a young student up to comfort them briefly.

Information for the Ministry of Education and the employer form

Information for Ministry of Education and the Employer: completed by	Date of incident	Date of report
Name of School		
Student's National Student Number (no name)		
Date of birth	Year level	Gender M <input type="checkbox"/> F <input type="checkbox"/>
Ethnicity		
First time the student has been physically restrained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
The student was physically restrained more than once during the day?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, how many times?	
The student has an Individual Behaviour Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Physical restraint was a part of the plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Were parents notified?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Was anyone injured? If yes describe	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Was the staff member who applied the restraint a teacher or authorised staff member?	Yes <input type="checkbox"/> No <input type="checkbox"/> If no, provide details	
Role of staff member who applied the restraint?	<input type="checkbox"/> Teacher <input type="checkbox"/> Other If other, describe role	
Did the staff member who applied the restraint receive any training prior to the incident?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what training?	

Why was the use of physical restraint considered necessary?	
Serious and imminent risk to the safety of the student or any other person – describe	
Any other comments	

Complete the form above and email it to the Ministry of Education at physical.restraint@education.govt.nz Provide a copy to the employer (board of trustees, sponsor of a partnership school kura hourua, or manager of a private school)

Note: The information in this form may be the subject of requests made under the Privacy Act 1993 and the Official Information Act 1982.

Appendix 2: Staff Physical Restraint Incident Report form

If a student is physically restrained the incident staff must complete a *Staff Physical Restraint Incident Report*².

- Use this form, or some other suitable template.
- The form must be completed as soon as possible.
- The incident report should be signed off by the staff involved, any staff who witnessed the incident, and the Principal or Principal's delegate.
- If the Principal applied the restraint, a delegated senior management team member should sign off the report.
- Place a copy of the *Staff Physical Restraint Incident Report* and any other relevant forms, e.g. an injury form, in the student's file. Make the copied forms available to the student's teacher/s and the student's parents or caregivers.

² The reporting requirement is made in accordance with Rule 8(2) of the Education (Physical Restraint) Rules 2017.

Staff physical restraint incident report form

Report completed by	Date of incident		Date of report	
Name of student				
Date of birth			Gender M <input type="checkbox"/> F <input type="checkbox"/>	
Ethnicity				
Time restraint started				
Time restraint ended				
Name/s of staff member/s administering restraint				
Trained in safe physical restraint?	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Other staff /adults who witnessed				

Place where restraint occurred	
Classroom	
Corridor	
Assembly hall	
Outdoor area	
Toilet block	
Administration area	
Other (identify)	

Behaviour directed a	
Staff member – name	
Student – name	
Self	
Property – describe the serious and imminent risk to the safety of self or others	

Reason restraint was considered necessary	
Serious and imminent risk to safety – describe	
Actual injury – describe and attach injury form	

Signatures	
Principal or Principal's delegate	
Staff member involved	
Other staff (witnesses)	

Place a copy of this form on the student's file.

Note: The information in this form may be the subject of requests made under the Privacy Act 1993 and the Official Information Act 1982.

Appendix 3: Sample review form for staff involved in physical restraint incident

Date of incident	
Date of debriefing	Time of debriefing
Names of the people at the debriefing	
Findings of debriefing	
Next steps/actions	
Principal or Principal's delegate signature	

Note: The information in this form may be the subject of requests made under the Privacy Act 1993 and the Official Information Act 1982.

Appendix 5: Sample physical restraint review form, for parents, caregivers or student

Date of incident	
Date of debriefing	Time of debriefing
Names of the people at the debriefing	
Findings of debriefing	
Parent or caregiver – comments and suggestions	
Student – comments and suggestions	
Next steps/actions agreed	
Signatures	
Principal or Principal's delegate:	
Parents or caregivers:	
Student:	

Note: The information in this form may be the subject of requests made under the Privacy Act 1993 and the Official Information Act 1982.

Released under the Official Information Act 1982

Developing the guidelines: expertise from throughout the sector

An advisory group from across the sector contributed to the development of the guidelines. We sincerely thank this group for their contribution to the development of this guideline. The group included representatives from the Special Education Principals' Association of New Zealand, New Zealand Principals' Federation, New Zealand Educational Institute Te Riu Roa, New Zealand School Trustees Association, Secondary Principals' Association of New Zealand, New Zealand Post Primary Teachers Association, Ministry of Health, High and Complex Needs Unit, the Children's Commission, New Zealand Police and the Ministry of Education.

Released under the Official Information Act 1982

Refresh of 2017 Guidelines for Registered Schools in New Zealand on the Use of Physical Restraint

Released under the Official Information Act 1982

Agenda

Agenda

- Welcome
- Minutes from the last meeting and general update
- Scenarios activity, identifying the response (the Acts, the defence)
- Update of the guidelines (alignment with the rules), and what's changed
- Reporting requirements vs reviewing
- Additional Resources (Q n A; Scenario Resource)
- Testing understanding of the resource
- Roll out plan

Themes from minutes of the last meeting

Data

- National data important to share and helpful for policy
- More information wanted on the type of post restraint support given to schools, and if this was helpful
- Explore ways of sharing restraint information with MOE (electronic reporting?)

Compliance

- Teachers/authorised staff confused about what is permitted. Harder to apply common sense)
- Boards and teachers fearful of the law and rules
- Variable response to legislation (restraint used?) and the rules (restraint reported?)

Themes continued

Guidelines

- Guidelines OK; Need to be clear about what is lawful/not lawful
- Opportunity to strengthen/add messaging
- Addition of Q and A's and scenarios helpful
- Addition of more primary examples needed
- Some teachers/leaders need more support on behaviour prevention and change strategies

Issues

- Insufficient support for the roll out of previous guidelines
- Inadequate follow-up support post restraint
- Legislative framework and associated rules

Scenarios

- Exercise

Released under the Official Information Act 1982



Scenarios

Anything that we have missed

Released under the Official Information Act 1982



Guidelines changes

- Provide a clearer reflection of the rules – H/O (Education Rules)
- The language has been reviewed (“too overly negative”, “jarring”)
- Provide more information on “what to do” and make clearer the role of physical contact vs physical restraint (not “common sense”; too many grey areas”)
- More information provided about what to do to prevent physical restraint
- Example policies (physical contact and physical restraint)
- Reporting requirements clarified and reflection invited

Are there supports missing?

Are there still some elements that are unclear?

Supporting materials

- Questions and answers
- Scenarios
- Training and supports

Testing and rollout plans

Released under the Official Information Act 1982



Scenario	No contact?	Physical contact?	Physical restraint?	What would the response look like, what would you recommend?
Sweeping books off shelves, tipping water, chairs and tables, ripping displays off walls, other children's work.				
Child who likes a particular seat each day keeps pushing other children off the chair when they sit on it.				
A child won't sit at their desk and work alongside peers and is always on the move. This is discussed with the parent and the parent says she has trouble at meal times and places them in a high chair and this works. She suggests something similar at school				
Two children that mock and tease each other frequently. This can escalate quickly to punching and hitting.				
Child crawling under tables and lying with feet in the air, banging on tables, making growling noises.				
Non-verbal child keeps biting and picking at skin making it bleed, some bites severe and distressing for other children.				
When teacher requests are made the child swears and shouts at the teacher.				

Released under the Official Information Act 1982

Child hurts other children by pulling their hair when he is seated near them.				
Child breaks other children's equipment and pens/pencils when he gets annoyed/angry at them.				
Child spits at other children when he gets annoyed. Will also spit at the teacher.				
Child gets argumentative when playing games and shouts at other children about rule violations. She/he will hit, trip, push others who he/she sees are in the "wrong".				
Child climbing on shelving in room and sitting on top of shelving.				
Child playing outside in the sandpit and refusing to come in when asked.				
Child starts crying when parent leaves in the morning.				
Child upset and running after parent in the morning. Parent asking you to do something as they need to get to work.				
Child upset and crying and refusing to join the group.				
Child hits another student then refuses to leave the classroom to see the principal.				

Released under the Official Information Act 1982

Child hits another student and refuses to go to time out to calm down.				
Child in wheel chair keeps bumping other children "on purpose" with the chair, hurting children despite being told to stop.				
Non-verbal autistic child loses control outside of NZQA hall doorway. Students inside started sitting exam. Child refuses to move and keeps screaming loudly.				
Child goes to time out but refuses to stay there and continues arguing and keeps coming back to class lesson and disrupting the class.				
Child refuses to sit at desk or do any activities. Scooters around on their hands and feet disturbing other children while they work				
Limited language, Down Syndrome boy loves cars and often talks with adults in the car park about their cars. Loves to hop inside cars to see how they work. Hops in a contractors car who is visiting the school and then refuses to hop out, sitting behind the wheel.				
Child new to the school refuses to sit on the mat with others for mat time and keeps inviting children out to play with him/her.				

Released under the Official Information Act 1982

Child keeps sitting on top of other children refusing to get off when asked.				
Child soils themselves and refuses to leave the mat/seat/classroom. Child smells and children start commenting.				
Child wets themselves and stays seated in the puddle refusing to get up.				
Child refusing to go with parent after the school day is ended.				
Child refusing to sit on the mat stating that they want to continue reading their book.				
Child saying that they don't want to join the class to go and visit class 9.				
Child inside the class laying waste to everything, swearing and yelling and throwing pencils, scissors anything at people. I walked in and promptly had a pencil thrown at me.				
Child tried punching teacher and using school bag to swing at others including teacher.				
Child threatening other children and staff with 'weapons' (baseball bat, wooden sticks, blocks of wood etc.).				
Child banging their head on the concrete repeatedly.				

Released under the Official Information Act 1982

Child punching walls of classroom and screaming.				
Eight year old boy smashed windows/punched holes in the bathroom walls during outbursts.				
Larger city school a student assaulted two other students and a teacher aide.				
Parent unable to get child out of their car, child clinging to parent, returning home with child.				
Child having a tantrum when the parent leaves.				
Child out of control or throwing a tantrum.				
Child locking themselves in the classroom or other rooms.				
Student throwing digital device across a crowded classroom				
Student climbing on the roof of a classroom and refusing to come down.				
Viscously assaulting other kids during class time.				
Student howling in (medical room) leaving and then screaming, lying down, and refusing to move in corridor outside main office.				
Child running away from teacher, who is following them, throughout the school grounds.				
5 year old punches, kicks and screams.				

Released under the Official Information Act 1982

Child refuses to come into school, from the top of his mother's car. He has missed 15 - 20 days of school already by refusing to attend school in this way.				
Student with special needs emptying out containers of dice, pens, crayons, mobilo and other equipment around the classroom, shouting aggressively, throwing objects, including picking up a laptop, upturning desks and chairs and becoming very physically intimidating at the end of the school day.				
A 7yr old starts running up a state highway, as he wants to run home.				

Released under the Official Information Act 1982