



Mount Eden Normal

PRIMARY SCHOOL

Te Whare Akoranga o Maungawhau

POLICY

Restraint, Seclusion & Minimising Student Distress

Rationale

The founding principle of the Policy is that restraint should be an option of last resort, to be used only by authorised staff members when necessary to prevent imminent harm. Accordingly, any authorised person using restraint must reasonably believe that there is no other option in the circumstances to prevent the harm.

In accordance with legislative requirements, the Board of Trustees has a responsibility to ensure a physically and emotionally safe environment for all students and staff.

Under the [Education & Training Act, 2020](#) (the Act), rules on the use of physical restraint set clear requirements for employers, principals, teachers and authorised staff members relating to the use of physical restraint in registered schools.

The legislation provides a foundation for understanding, recognising and safely responding to

student distress, and to minimise the use of physical restraint.

This Policy enacts the Education (Physical Restraint) Rules, 2023, pursuant to Section 100 of the Education and Training Act, 2020, with reference to Aramai He Tētēkura | Minimising Physical Restraint (Ministry of Education, 2023).

Purpose

The purposes of the policy include:

- Promoting de-escalation strategies as an alternative to restraint;
- Ensuring that restraint is only used as a last resort in situations involving imminent danger;
- Ensuring that intentional seclusion of students is prohibited at all times;
- Ensuring legislative reporting requirements are met, including reporting incidents of restraint

The School will:

- Follow all legislative requirements in relation to use of physical restraint
- Ensure staff are informed and appropriately trained in order to comply with the Policy and all legislative requirements, including obligations under the Privacy Act, 2020;
- Promote the goal of minimising the use of physical restraint through a professional development and support focus on alternative strategies;
- Monitor and report the use of physical restraint within the school (including gathering and analysing information, identifying trends, documenting and meeting reporting requirements following any incident);
- Collate information about physical restraint and share data on physical restraint regularly with the Board;
- Manage any complaints and feedback
- Follow guidance from and, where appropriate, seek support from the Ministry of Education in relation to physical restraint

Definitions

Physically restrain means to use physical force to prevent, restrict, or subdue the movement of a student (or any part of their body) against their will

Teacher means a person holding a teaching position at a registered school and has the same meaning as in section 13 of the Legislation Act 2019

Seclusion, under section 98 of the Education and Training Act, 2020, is putting students alone in

a room they can't leave (or think they can't leave) against their will.

Imminent harm refers to situations where there is an immediate threat that a person will cause and/or suffer harm which jeopardises the health and safety of themselves or others if protective action is not taken immediately

*The following situations do **not** constitute imminent harm:*

- *behaviour that is disrupting the classroom but not putting anyone in danger of being hurt;*
- *disobedience/refusal to comply with an adult's request;*
- *verbal threats;*
- *a student trying to leave the classroom or school without permission;*
- *damaging property, unless this could potentially cause injury*

Requirements:

1. Physical restraint is a serious intervention. The first aim is to avoid needing to use physical restraint, unless there is no alternative
2. **Seclusion is prohibited under section 98 of the Education and Training Act 2020 at all times and for any reason.** For clarity, seclusion does **not** refer to the use of 'timeout' de-escalation strategies, such as:
 - 2.1. a student being asked to leave an activity or area because of their behaviour and go to another specified area where they must stay until told they can return;
 - 2.2. a student voluntarily taking themselves to an agreed space or unlocked room (part of a planned intervention) to de-stimulate or calm down, or;
 - 2.3. they take themselves, or are asked, to go to a quiet area in or near the classroom to calm down
3. Teachers, including relief teachers and teaching staff with a Limited Authority to Teach, are automatically authorised to use physical restraint in specific circumstances under the Act. Any employee of the Board who is not a teacher may be granted authorisation to use physical restraint by the Board in accordance with section 99 of the Act, subject to the following requirements;
 - 3.1. Every authorisation under sub-clause (1) must be in writing;
 - 3.2. The employer must give the employee a copy of the authorisation, and;
 - 3.3. The employer may, by written notice to the employee, revoke an authorisation at

any time

The only employees permitted to use physical restraint when necessary are teachers and authorised staff who have completed the relevant training (no later than February, 2024, as per legislative requirements)

4. Physical restraint can only be used by teaching staff or other authorised staff members if the following conditions are met (and only as a last resort);
 - 4.1. The physical restraint is necessary to prevent imminent harm, including significant emotional distress to the student or another person;
 - 4.2. The staff member reasonably believes there is no other option available in the circumstances for preventing the harm, and;
 - 4.3. The physical restraint is reasonable and proportionate in the circumstances. This means only applying as much force as is necessary, and for the minimum time necessary

De-escalation techniques should be used as alternatives to physically restraint of a student wherever possible and in circumstances that do not involve risk of imminent harm

5. There may be times when staff need to take proactive steps to ensure student safety. (For example, reaching out to prevent them from running onto a road or climbing somewhere that is unsafe). Any such reasonable actions will be precluded from the definition of physical restraint for the purposes of this Policy
6. In some circumstances, it may be appropriate to comfort and/or physically assist students. The following are **not** examples of physical restraint, and will be precluded from the definition of physical restraint for the purposes of this Policy;
 - 6.1. To assist with skills development, such as; guiding the hand of a student in the right position to hold a pen/demonstrating a technique or safe way to perform a task during physical education, physically supporting them to attempt something new — for example, climbing;
 - 6.2. To provide emotional support, such as; a pat on the top of the arm, back or shoulder to give reassurance, an arm around the shoulders of a distressed or hurt child, holding the hand of younger children to accompany them somewhere, a 'high-five', fist-bump or handshake to acknowledge an achievement;
 - 6.3. To aid and assist, such as; actions professionally prescribed for personal care,

- functional mobility and positioning, hygiene, nutrition or safety;
- 6.4. Administering first aid or helping an injured student, such as; helping them get down from playground equipment;
 - 6.5. Helping a child in need of support to change clothing or go to the toilet, and;
 - 6.6. Using aids and equipment intended to safely handle or transport a student — for example, hoists, transfer belts and boards, slings, car seats and harnesses

A staff member initiating physical contact as described above must always first explain to ākongā that they are going to initiate the contact and give them a reason why in order to ensure the child is aware and comfortable receiving the contact

7. Some forms of contact (and the context of when/where they occur), are considered unhelpful and potentially harmful, and do not meet the Teaching Council's standards and codes. Contact should not be used in the following situations;
 - 7.1. For the benefit of the teacher or staff member and/or to fulfil the emotional and physical needs of the teacher or staff member;
 - 7.2. To compel, punish or correct a student (this is considered corporal punishment and is prohibited by law);
 - 7.3. To deny, limit or remove prescribed equipment and assistive technology as a disciplinary action, or use these outside of their specific and approved purposes, and/or;
 - 7.4. When alone with a student in a room with the doors closed.
8. Following any incident involving physical restraint:
 - 8.1. Staff should reconnect and restore to help the student and staff member involved feel safe and calm immediately after the situation, monitoring their wellbeing, and the wellbeing of anyone else who may have been affected by the situation;
 - 8.2. Wellbeing and patterns of behaviour should be monitored in the days/weeks following the incident for the student concerned, offering any emotional support they may need;
 - 8.3. The wellbeing of affected staff member(s) should be monitored, offering any professional and/or emotional support that they may need;
 - 8.4. All those involved should be given time and space to settle, and be supported to resume normal activities as soon as appropriate;
 - 8.5. Students should be given access to what they need to self-regulate if possible, including known strategies, trusted connections and/or food or drink if required

- 8.6. The Principal (or closest available school leader in the first instance) should be informed as soon as possible to determine next steps, including any support that may be needed for those concerned;
- 8.7. Parents, whānau or caregivers must be contacted to share information about the situation and involve them in determining next steps;
- 8.8. Parents, whānau or caregivers who wish to raise concerns or complain about any incident of physical restraint will be provided with a copy of the school's Concerns & Complaints Policy;
- 8.9. The potential need for a student support plan should be considered, and;
- 8.10. School leaders and staff involved in the incident should debrief and reflect on how the school's policies and practices supported the situation, feeding back any recommendations for Policy review to the Board;
- 8.11. The Board Chair will be advised as soon as is reasonably practical following any application of physical restraint; Unless it should be reported sooner, regular information on physical restraint will be shared with the Board via the Principal's report at Board meetings, and;
- 8.12. **Notify the Ministry of Education when physical restraint has been used** as per legislative requirements (via the online incident reporting form or the Student Management System). A record of the incident/copy of the notification must be kept securely, as per the Privacy Act, 2020 and the Official Information Act, 1982

Related Policies & Procedures

- Concerns & Complaints Policy
- Privacy Policy

Signed: Annette Quesado, Presiding Officer

Policy review details

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