

PROCEDURE 20a: PHYSICAL RESTRAINT OF STUDENTS

Rationale

The Education and Training Act 2020 Section 669 (3) (b) 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.

The Education and Training Act 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.

Purpose

To comply with Section 669 (3) (b) Education and Training Act 2020 and provide an environment where all staff, students and parents are aware of:

- the use of physical restraint in schools
- the employees authorised to use physical restraint
- the circumstances in which physical restraint may occur
- the follow-up mechanisms should such an event occur.

Identification of when Physical Restraint may need to be used

Physical restraint is a serious intervention. The emotional and physical impact on the student being restrained and the person doing the restraining can be significant. There are legal and reputational risks if a student is harmed. 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.

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

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 as coercion, discipline or punishment
- to stop a student who is damaging or removing property, unless there is a risk to safety.

Who Can Use Physical Restraint?

- Physical restraint should only be applied by teachers and authorised staff.
- A non-teacher authorised by the Board to use physical restraint must be informed in writing by the Board. Note: 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. The Education and Training Act 2020 will not cover the intervention of an unauthorised staff member who physically restrains a student.
- If teachers and authorised staff members do not have the skills or confidence to safely restrain a student, call for help.
- After all alternatives have been explored, staff should call the police when a student cannot be managed safely, and the imminent danger to students, staff or themselves remains.

All staff need to be aware that physical restraint is a serious intervention to be used when no other, less severe options, are available.

Reporting

- Staff must complete an incident report.
- Use the form attached as appendix 1 to these guidelines, or other suitable template.
- The staff members involved in the physical restraint should sign the incident report, as well as the Principal or Principal's delegate.
- Put the completed forms on the student's file and make them available to the student's teacher and parents or caregivers.
- This must be completed as soon as possible and always within 24 hours
- All incidents of physical restraint must be reported to the Ministry of Education and the employer.
- Use the form attached as appendix 2 to these guidelines.
- Complete the form and email it to physical.restraint@education.govt.nz. Provide a copy of the form to the employer.
- Note: If the Principal applied the restraint, a delegated senior management team member should sign off the report.
- Debriefing forms should be completed by the Principal or delegate.
- Information on physical restraint incidents will be shared with the Board of Trustees via the Principal's report, in a session that excludes the public.

Follow Up

After an incident involving physical restraint:

- The staff member and the student are to be checked regularly to ensure they are not in shock.
- Parents or caregivers are to be informed the same day the incident occurred so they can monitor the student's wellbeing at home.

Debriefing the Incident

Debriefing staff

- A debriefing session will be held with staff involved, the Principal or Principal's delegate, and another member of staff not involved in the physical restraint incident, within two days of the incident.
- In the debriefing, focus on the incident, the lead-up to it, the different interventions used that were unsuccessful in de-escalating the behaviour, and what could have been done differently.
- If Ministry of Education or RTLB practitioners are part of the student's team, involve them in the debriefing process.
- If the police were involved in the incident, invite them to participate in the debriefing session.
- The principal is responsible for facilitating the debriefing unless they are the person who applied the physical restraint. If this is the case, a suitable senior leader in the school should take this role.

Debriefing parents or caregivers

- Parents or caregivers are to be offered a separate debriefing as soon as practically possible, preferably within two days of the incident.
- The principal is responsible for facilitating the debriefing unless they are the person who applied the physical restraint. If this is the case, a suitable senior leader in the school should take this role.

Managing concerns and complaints from parents

- *Refer to Procedure 01 Concerns and Complaints*
- It is understandable that some parents may feel upset if their child has been physically restrained. The school will follow the policy on responding to parent complaints.
- If the complaint cannot be easily resolved, the school will contact for advice and guidance, either the local Ministry of Education, Education Advisor, or School Trustees Association.

Reflection

- Reflect formally on why the incident occurred that resulted in the student being restrained. Consider what might have prevented it, and what might need to change to minimise the likelihood of it happening again.
- Consider whether all preventative and de-escalation strategies were used according to the Individual Behaviour Plan, if there is one, and whether the restraint used was safe.
- Review the Individual Behaviour Plan and make decisions as a team about what needs to be strengthened to minimise the likelihood of a similar incident.

Supporting Documents:

- Procedure 00: Concerns and Complaints
- Procedure 00: Student Behaviour Management
- Procedure 00: Prohibiting Use of Force
- Guidelines for Registered Schools in New Zealand on the Use of Physical Restraint

<https://www.education.govt.nz/assets/Documents/News/2017-Physical-Restraint-Rules-2017.pdf>

[2017-Physical-Restraint-Rules-2017.pdf \(education.govt.nz\)](#)



PRINCIPAL

Dated: February 1, 2022

APPENDIX 1: Review and Reporting Physical Restraint