



Physical restraint policy and procedure

At Pukekohe North School, we have procedures and guidelines in place to positively guide and manage the wellbeing and care of ākonga/student. [NELP Objective 1] At the heart of these procedures and guidelines is the mana and wellbeing of our ākonga/students and kaimahi/staff that align with our school values to provide barrier free access to learning for all ākonga/students. [NELP Objective 2] These guidelines and procedures deal specifically with the physical restraint of ākonga/students when all else has failed. [NAG 5]

Definition

The Education and Training Act 2020 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** and should be used only as a last resort.

Introduction

1. The board prioritises an inclusive, safe, physical and emotional environment for all ākonga/students and kaimahi/staff. [NAG 5]. The board agrees with the principles of this policy and delegates the responsibilities, implementation and monitoring under the legislation to the principal.
2. The board ensures that the physical restraint procedures and guidelines, a clear complaints process and the review of these procedures as part of the school's regular review cycle are available for all ākonga/students, whānau, parents and caregivers via multiple modes of communication. [NAG 2]
3. The board requires the principal to analyse and report the use of these guidelines in monthly reporting on all incidents using physical restraint to the board and to the Ministry of Education to ensure continuous improvement in our health, safety and welfare performance including staff training. [NAG 2 & 5]

Procedures

- All kaiako/teachers and authorised kaimahi/staff are required to familiarise themselves with Ministry of Education guidelines for registered schools in New Zealand on the use of physical restraint, and to undertake appropriate professional development. [NAG 3]
- All kaimahi/staff will be capable in prevention and de-escalation strategies used to limit the need to physically restrain a ākonga/student.
- Use of physical restraint is limited to kaiako/teachers or authorised kaimahi/staff members and only where:
 - there are reasonable grounds to believe that there is a serious and imminent risk to the safety of a ākonga/student or of any other person, including harm caused by significant emotional distress and
 - the restraint used is reasonable and proportionate in the circumstances
 - there is reasonable belief there is no other option in the circumstances to prevent harm.
- 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.



- All kaiako/teaching staff are authorised to apply restraint under the legislation. This includes a person with Limited Authority to Teach, and a relief teacher employed by the School. However, relief staff are to follow all directions of permanent staff.
- Non-teaching kaimahi/staff must be authorised by the board, in writing, before they can restrain ākonga/students. Physical restraint applied by an unauthorised staff member is not covered by the Education and Training Act 2020. In this case, other legislation or common law may apply.
- A written record of all authorised kaimahi/staff will be kept updated by the administration officer in the office.
- After any incident of physical restraint, the appropriate kaimahi/staff are to debrief the incident, focusing on the lead-up to it, the different interventions used that were unsuccessful in de-escalating the behaviour, and what could have been done differently.
- During the debrief, the principal will complete employer forms in the resource Guidelines for Registered School in New Zealand on the use of physical restraint, Appendices 2,3 and 4.
- Leadership will notify whānau, parents and caregivers immediately to arrange a time to explain the use of physical restraint. A written copy of the physical restraint debriefing form for ākonga/students, whānau, parents, caregivers Appendix 5 from Guidelines for Registered School in New Zealand on the use of physical restraint will be given to whānau, parents and caregivers. Leadership will keep a copy of this form for their records.
- The principal is to report, in writing, to the board of all incidences when physical restraint is used.
- The principal will report each incident to the Ministry of Education using Appendix 1 in the resource, Guidelines for Registered School in New Zealand on the use of physical restraint.
- The board shall monitor the use of physical restraint, looking for trends and any action that could be taken at a governance level to support reducing such incidents.
- Seclusion of ākonga/students is prohibited. Seclusion of ākonga/students is defined as placing a child or ākonga/student in a room involuntarily, alone and from which they cannot (or believe they cannot) freely exit.

What is a serious and imminent risk to safety?

The physical restraint provisions are intended to deal with the upper end of the spectrum of situations where kaiako/teachers and authorised kaimahi/staff members have physical contact with a ākonga/student. It is clear that, in these situations, the restraint is in response to a serious and imminent risk to safety. Kaiako/teachers and authorised kaimahi/staff members will need to use their professional judgement to decide what constitutes "a serious and imminent risk to safety".

These situations are examples.

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

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

- to respond to behaviour that is disrupting the classroom but not putting anyone in danger of being hurt



- for refusal to comply with an adult's request
- to respond to verbal threats
- to stop ākongā/student who is trying to leave the classroom or school without permission, unless there is a risk to safety
- as coercion, discipline or punishment
- to stop ākongā/student who is damaging or removing property, unless there is a risk to safety.

Seclusion definition

Seclusion of ākongā/students is defined as placing a child, ākongā/student in a room involuntarily, alone and from which they cannot (or believe they cannot) freely exit. New guidelines are clear that under the legislation seclusion is prohibited and must not be used in New Zealand Schools or ECE Centres.

Preventative techniques

Understand the ākongā/student:

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

Respect the ākongā/student:

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

Guidelines

- The senior leadership team will incorporate physical restraint professional learning and discussions into kaimahi/staff meetings and kaimahi/staff development days and consult with kaimahi/staff on any changes to legislation.
- Kaimahi/staff involved will be supported and encouraged to debrief.
- Kaimahi/staff, leaders and external support will incorporate physical restraint into an individual behaviour plan (when required for ākongā/students) to include whānau, parents and caregivers.
- This plan will detail the ākongā/student's needs and the plan for managing the ākongā/student's behaviour as agreed with the whānau, parents, caregivers and the school.

Complaints

All complaints regarding physical restraint will be dealt with in a confidential and professional manner. Complaints should be directed to the principal who will document the version of events with the relevant kaimahi/staff members and present the report to the board. Whānau,



ākonga/student, kaimahi/staff, parents or caregivers wanting to complain about the process will be shown the Pukekohe North School's complaints policy, procedures and flowchart.

Review

This policy will be reviewed every three years or when legislative changes require a review. See the policy review schedule.

Relevant Pukekohe North School policies and procedures:

Child Protection
Positive Guidance
Complaints

Resources:

[Guidelines for registered schools in New Zealand on the use of physical restraint](#)
[National Administration Guidelines](#) [NAGs]
[National Education Learning Priorities](#) [NELPs]

Relevant legislation and regulations:

Education Act 1989
Education (Physical Restraint) Rules 2017
New Zealand Bill of Rights Act 1990
Vulnerable Children Act 2014
Health and Safety at Work Act 2015
Crimes Act 1961.

Approved by the Board on (date) December 8th 2021

Signature of Board Chair

Name (print)

Dr Shane Edwards

Date: 8th December 2021

Next review date: December 2024