

Managing challenging behaviour and physical restraint

Amendments to the Education Act 1989 prohibiting seclusion and creating a legal framework for physical restraint came into effect 19 May 2017.

New Education (Physical Restraint) [Rules](#) 2017 came into effect 15 August 2017 and amended [Guidelines](#) for Registered Schools in New Zealand on the use of Physical Restraint are now available.

All schools are required to have read the amended Guidelines for Registered Schools in New Zealand on the use of Physical Restraint

There are currently three levels of professional development available for school staff around responding to and managing students' behaviour, including actual or physical aggression, to minimise physical restraint. Whilst they are specifically tailored for use by school management and staff, boards should be aware of them:

- A PowerPoint presentation for school leaders (eg. Principals) to present to staff to assist in understanding MoE guidance on behaviour management
- An Understanding Behaviour Responding Safely (UBRS) workshop to be delivered school-wide by behavioural management professionals which focusses on prevention and de-escalation strategies. This workshop, which takes a full day to deliver, and on-going support are available on request from local MoE offices
- Management of Actual or Potential Aggression (MAPA) support delivered by MoE specialists to support schools where physical restraint may be required. This support is available to teams who are currently working with students who have an individual behavioural plan and with whom MoE staff are already involved. This support can be accessed via local MoE Learning Support Managers and teams must have already received UBRS professional development

Physical restraint is defined as using force to prevent, restrict or subdue the movement of a student's body or part of the student's body and is a serious intervention. Its use is limited to teachers or authorised staff members and only where there is serious and imminent risk to safety of students, staff or others. Authorised staff are employees authorised by their employer (the board of trustees) to use physical restraint.

Use of physical restraint by teachers or authorised staff is limited to where:

- there are 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

Responsibilities of Boards

It is a requirement for 'the employer' to ensure that any incident of physical restraint is notified to parents or caregivers. 'The employer' must also ensure that parents or caregivers are notified if physical restraint is an element in a student's Individual Behaviour Plan. In addition, 'every employer' must report every incident of physical restraint to the Ministry of Education using an Information for the Ministry of Education and the employer form. The board of trustees is the employer and, therefore, there are implications around the board being able, potentially, to identify students who have been physically restrained (the form requires the student's National Student Number to be given, not their name). The board may wish to consider delegation to its principal regarding these requirements.

Boards must ensure that school practices are clear, follow the rules, are well-documented and available to all, and explained to students in an age-appropriate way.

Boards must also ensure that teachers and staff who are authorised to physically restrain students receive suitable training and support.

Systems must be in place to support the recording, notification, and reporting of the use of physical restraint.

It is the board's role to monitor incidents of the use of physical restraint, looking for trends and any action that could be taken at governance level to support reducing such incidents. The board should be cautious around being able to identify individual students. If, for example, a student were to be suspended for gross misconduct, any prior knowledge of the student's behavioural record could place the board's suspension process at risk.

All boards of trustees are required to have a policy around Managing Challenging Behaviour and Physical Restraint that is consistent with the Guidelines.

Complainants with concerns regarding use of physical restraint will need to follow the school's prescribed concerns and complaints procedure. Should a complaint (having followed the prescribed procedure) be escalated to the board, the board will need to contact the school's insurer and NZSTA Employment Advisory Team 0800 782 435 (option 2) or eradvice@nzsta.org.nz.



nzsta.org.nz



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Where do I get advice?

The *Governance advisory and support centre* advisers can also assist and are contacted on 0800 782 435, option 1 or govadvice@nzsta.org.nz