



Garin College - NAG 5 Health and Safety Policy NAG 5

5.5 SCHOOL POLICY - Use of Physical Restraint

Rationale

Garin College Board of Trustees complies with all relevant legislation and regulations concerning requirements for the operation of the school. The School endeavours to provide a safe physical and emotional environment for students and staff.

Parents, students, staff and the public have a legitimate expectation that the school environment will follow guidelines with the aim to strengthen good practice and minimise the need to use physical restraint. In order to achieve this, the School may, in accordance with the Education Act 1989, follow Guidelines for Registered Schools in New Zealand on the use of Physical Restraint as issued by the Secretary for Education under section 139AE of the Education Act 1989. This supplements the legislation relating to limits on the use of physical restraint and the prohibition of seclusion.

Student and staff well being is at the heart of these guidelines. Inclusive practices and safe physical emotional environment are of greatest importance for all students.

Purpose

The purpose of this policy is to take into account the guiding principles, legislation, responsibilities of Boards of Trustees and good practice guidance.

Guidelines The Ministry of Education "Guidelines for Registered Schools in New Zealand on the use of Physical Restraint" (August 2017) shall be followed.

<https://www.education.govt.nz/assets/Documents/School/Managing-and-supporting-students/Guidance-for-New-Zealand-Schools-on-Behaviour-Mgmt-to-Minimise-Physical-....pdf>

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.

Principle 3: 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 4: 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 5: Students' rights are protected under the Bill of Rights Act 1990.

Guidelines

1. **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.
2. **Who can use Physical restraint** - can only be used by teachers or authorised staff members. This includes Limited Authority to Teach and a relief teacher employed by the employer. All teachers are authorised by their employer to use physical restraint.
3. **When can physical restraint be used** - the Act limits the use of physical restraint by teachers or authorised staff members in schools to situations where: » the teacher or staff member reasonably believes that the safety of the student or of any other person is at serious and imminent risk; and » the restraint used is reasonable and proportionate in the circumstances.
4. **Physical restraint is now 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**
5. Legislations states, Section 139A **limits the use of physical restraint in schools.**
6. **Seclusion - the Act bans the use of Seclusion in schools.**

Administration

1. School practices are clear, follow the rules, are well documented, explained to students in an age appropriate way and available to all
2. Teachers and authorised staff who are designated to physically restrain students are suitably supported and trained for this task
3. Systems are in place to support the smooth running of the school, including keeping written records and following requirements to notify, monitor and report on the use of physical restraint.
4. A clear complaints process for students, parents and caregivers is available
5. Our restraint policy is part of our school's review cycle.
6. The school will communicate with parents, students, school staff and the community about the school's policy for managing challenging behaviour and using physical restraint.
7. Parents will be informed when physical restraint has been used.
8. The guidelines are used to identify when you may need to apply physical restraint only where safety is at a serious and imminent risk.
9. The guidelines describe what is acceptable physical contact and these will be adhered to .
10. Preventative and de-escalation techniques are used first to avoid needing to use physical restraint.
11. Students identified as being at risk of the potential to need physical restraint will have crisis behaviour intervention plans or individual behaviour plans, which suggest de-escalation strategies for this student, agreement from the team working with the student and the parents understanding on the type of restraint to be used, and that post any event of restraint that review of the plan, the restraint and crisis intervention

plan or Individual Education plan will be reviewed. All records will be kept on student file.

12. Restraint templates as Appendix in "Guidelines for Registered Schools in New Zealand on the use of Physical Restraint" (August 2017) shall be used.
13. In the event of physical restraint, documentation will be completed by the staff member who did the restraining, will be signed off by the principal, notified to the parent, and the Board of Trustees.
14. A Training Package, Understanding Behaviour - Responding Safely is available for schools through contacting local ministry of education offices.
15. Staff are made aware that 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. That physical restraint that may compromise health and safety, and the serious physical risks associated with some physical restraint techniques eg asphyxia and sudden death.
16. Reporting appendix will be attached to Behaviour or Crisis Plans of identified students.

Effectiveness Review

1. This policy will be reviewed every three years in accordance with the Board's self-review timetable.
2. The review will include opportunity for involvement by interested parents/caregivers and staff, in addition to Board members. Previously developed survey formats may be used as part of this review.
3. Review results will be formally noted in Board meeting minutes, and available to the school community.

Annual Review & Confirmation process completed:

Date:

Signed
Board Chair:

Review schedule Triennial