

General

Physical Restraint Policy

Rationale

The Guidelines for Registered Schools in New Zealand on the use of Physical Restraint (the guidelines) are issued by the Secretary for Education under section 139AE of the Education Act 1989 (The Act). They supplement the legislation relating to limits on the use of physical restraint and the prohibition of seclusion. They explain the legislation (sections 139 AB to 139AE of the Education Act 1989) and the associated Education (Physical Restraint) Rules 2017 (the rules).

Purpose

Student and staff well-being at St Andrew's College is at the heart of the 'Physical Restraint' policy. Inclusive practices and a safe physical and emotional environment are of greatest importance for all students.

The aim is to strengthen good practice and minimise the need to use physical restraint. The policy provides College staff with advice about safe ways to manage potentially dangerous situations when a student may need to be physically restrained. These include preventative or de-escalation techniques to avoid the need to physically restrain a student.

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.

Guidelines

The following guidelines will apply:

- 1.1 Physical restraint can only be used by teachers or authorised staff members. Teachers are people employed in a teaching position at a school. This includes a person with a Limited Authority to Teach, and a relief teacher employed by St Andrew's College i.e. Board of Governors. All teachers are automatically authorised to act under the legislation. Authorised staff members are employees of the College e.g. support staff, sports coaches etc. who are authorised by St Andrew's College to use physical restraint.



- 1.2 Authorisation of staff members who are not teachers (please refer to list attached):
- An employer may authorise an employee, who is not a teacher, to use physical restraint in accordance with section 139AC of the Act.
 - Every authorisation under sub-clause (1) must be in writing.
 - The employer must give the employee a copy of the authorisation.
 - St Andrew's College will maintain an up to date list of authorised staff members.
 - The employer may, by written notice to the employee, revoke an authorisation at any time.
- 1.3 Teachers or authorised staff members of St Andrew's College can use physical restraint if:
- that physical restraint is necessary to prevent imminent harm to the student or another person,
 - you reasonably believe there is no other option available in the circumstances to prevent harm,
 - the restraint used is reasonable and proportionate in the circumstances.
- 1.4 Teachers and authorised staff members will need to use their professional judgement to decide what constitutes "a serious and imminent risk to safety".
- Examples of these situations as follows:
- 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.
- 1.5 Prior to resorting to using physical restraint the teacher is required to assess whether de-escalation of the situation is possible e.g. speaking calmly to the student or putting yourself between the students.
- 1.6 Any teacher or authorised staff member who has had to restrain a student must immediately notify the Head of Secondary or Principal of the Preparatory School. This is to be followed up by a written statement.
- 1.7 An appropriate plan must be created and implemented that ensures the wellbeing of the student who had to be restrained. This also applies to anyone who was affected by the incident that led to the restraining.
- 1.8 The Head of Secondary or Principal of the Preparatory School will investigate the matter fully and then report / contact the Rector.



- 1.9 After a student is physically restrained, The Head of Secondary or Principal of the Preparatory School will inform the parents or caregivers on the day it occurs, so they can monitor the student's wellbeing at home.
- 2.0 A full incident report must be filled in and reported to the Ministry of Education (physical.restraint@education.govt.nz). The report must also be included in the Rector's report to the Board of Governor and entered into the individual student's 'Concern Tab' tab in synergetic.
- 2.1 All details to be discussed at the Pastoral Care Committee meeting. Appropriate information including; prevention, ongoing support and monitoring to be recorded in the 'Concern Tab' in synergetic.
- 2.2 The following forms will be filled out in accordance with the Education Ministry approved guidelines: Staff reflection form; Debriefing form for staff involved in physical restraint incident; Physical restraint debriefing form – parents or caregivers, student. All forms can be accessed through the following link -

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

Staff Training

School staff should be made aware of the following:

- 2.1 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.
- 2.2 The forms of physical restraint that may compromise health and safety, and the serious physical risks associated with some physical restraint techniques. These include the risk of asphyxia and sudden death.

Complaints

- 3.1 The school complaints procedure and this Physical Restraint policy will be made available to parents / whanau via the St Andrew's College website.
- 3.2 Parents / Whanau will have ready access to communicate with appropriate staff members after the physical restraint incident.



Review Leader	Evert van Florenstein
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Key Terms

1. Physically restrain - the use of physical force to prevent, restrict, or subdue the movement of the student's body or part of the student's body against their will.
2. Authorised staff members - any employee of the school who is trained and authorised by the board to use physical restraint in accordance with the section s99(4) E and T Act.
3. Harm – includes both physical and emotional harm and applies to the student and other persons.
 - the new definition of “harm” includes “significant emotional harm” - we are pleased with this inclusion as it supports the intent of the *Code and Standards | Ngā Tikanga Matatika Ngā Paerewa* to consider a student's overall well-being, including physical and emotional safety.
 - the definition of harm applies not only to the student but also to other persons - this better reflects the responsibility you have for all learners and allows you to consider the impact on others.

Refer To

1. Complaints Procedure (St Andrew's College).
2. The Guidelines for Registered Schools in New Zealand on the use of Physical Restraint (the guidelines) are issued by the Secretary for Education under section 139AE of the Education Act 1989 (The Act).
3. Legislation (sections 139 AB to 139AE of the Education Act 1989) and the associated Education (Physical Restraint) Rules 2017 (the rules).
4. Guidelines for Registered Schools in New Zealand on the Use of Physical Restraint.