



LYNFIELD COLLEGE

PHYSICAL RESTRAINT POLICY

RATIONALE

Lynfield College provides an environment that supports the achievement of all students' and which is safe for every member of the College community.

On occasions, students exhibit behaviour that is challenging. This can pose a risk to that student and to other students in terms of their learning. This can also be a health and safety risk to the emotional and physical safety of that student, other students, staff and the public.

Lynfield College adopts the five principles from the Ministry of Education Guidelines for Registered Schools in New Zealand on the use of Physical Restraint, August 2017, in relation to the use of physical restraint as part of the College's processes and systems to manage challenging behaviour:

Principle 1: Physical restraint is a serious intervention. The aim is 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.

USE OF PHYSICAL RESTRAINT

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 the employer (e.g. board of trustees, sponsor or manager). All teachers are automatically authorised to act under the legislation.

Authorised staff members are employees of a school authorised by their employer to use physical restraint.

AUTHORISING STAFF MEMBERS

Boards, sponsors of partnership schools kura hourua and managers of private schools must follow the procedure for authorising staff members, who are not employed as teachers, to use restraint in accordance with Rule 5.

GUIDELINES

1. Where a student has a known behavioural issue or previous behaviour problems have arisen during the student's schooling, the College asks and encourage the student's parent/caregiver to make that information known to the College at the time of enrolment. This enables the College to:
 - (a) Provide the best support it can for the student to enable the student to achieve to his or her academic potential

- (b) Minimises the risks of outbursts or issues which may negatively impact the student's academic and/or social development
 - (c) Put in place an individual behaviour plan if required, in consultation with the student and his/her parent/caregiver.
2. If physical restraint is an element of any student's individual behaviour plan, the Principal must ensure that the parent/caregiver of the student is notified when that plan is created
 3. The College manages all student behaviour in accordance with its pastoral care systems, the Safe School Policies and the applicable law. This places emphasis on preventative or de-escalation techniques, with alternatives to physical restraint to be used in preference. Seclusion is not an acceptable practice, although the use of time out is an acceptable and useful technique in the management of challenging behaviour
 4. In accordance with the Education Act 1989 and the Education (Physical Restraint) Rules 2017, only senior leadership and guidance staff may use physical restraint to manage a student's behaviour
 5. Only the Board of Trustees (the Board), may authorise a staff member for the purposes of section 139AC Education Act 1989 and the Education (Physical Restraint) Rules 2017. That authorisation will be recorded in Form 1 appended to this policy. A copy of the authorisation will be provided to the relevant staff member and kept on file by the Principal together with a list of authorised staff which is available for inspection. The Board of Trustees may revoke authorisation at any time.
 6. In accordance with section 139AC Education Act 1989 (as amended by the Education (Update) Amendment Act 2017):
 - (a) Physical restraint may only be used if there is **a reasonable belief the safety of the student or of any other person is at serious and imminent risk**
 - (b) If such risk is considered to exist, **the physical restraint used must be reasonable and proportionate to the circumstances**
 7. 'Physical restraint' means the use of physical force to prevent, restrict, or subdue the movement of the student's body or part of the student's body
 8. In Appendix 1, examples of conduct that do not amount to 'physical restraint' are reproduced, as is guidance on circumstances which amount to a 'reasonable belief that safety of the student or of any other persons at serious and imminent risk', and recommendations about types of restraint
 9. Where physical restraint has been used in relation to a student, the following steps must be taken:
 - (a) The student who was physically restrained must have their physical and psychological well-being monitored for the rest of the school day (Rule 7(1))
 - (b) The parent/caregiver of the student is notified as soon as possible on the same day of the use of any physical restraint (Rule 6(3))
 - (c) The incident is reported to the Ministry of Education on the form in Appendix 1 of the Education (Physical Restraint) Rules 2017 (Rule 8(1))
 - (d) The staff member who used physical restraint must have their physical and psychological well-being monitored for the rest of the school day (Rule 7(1))
 - (e) The staff member who used physical restraint must complete a staff physical restraint incident report. This report is to be provided to the Principal
 - (f) A copy of the staff physical restraint incident report will be:
 - i. placed on the student's file
 - ii. provided to the student's teacher/s
 - iii. provided to the student's parent/caregiver

- (g) Written records of any instance of physical restraint of a student must be kept for at least 7 years. (Rule 9).
10. The Board of Trustees recommends the use of the template documents from Ministry of Education: Guidelines for Registered Schools in New Zealand on the use of Physical Restraint, August 2017 for the reporting/records required by Guideline 9.
 11. The police will be called when a student cannot be managed safely and the imminent danger to students, staff or themselves remains, after all alternatives have been explored.
 12. The Principal is to analyse all records of physical restraint at least once each year so that any trends can be promptly identified.
 13. The Principal is to:
 - (a) Report to the Board any incidents of the use of physical restraint at the Board's meeting immediately following the incident. The Principal's report will include an assurance that the Principal has checked the documentation regarding the incident is complete and that the steps in guideline 9 above have been carried out.
 - (b) Report to the Board annually on the Principal's analysis of the use of physical restraint so the Board may consider any trends.
 14. The Principal will ensure adequate training is provided to staff who may be involved in the physical restraint of students.

Signed on behalf of the Lynfield College Board of Trustees:

Chairperson Date

RELATED DOCUMENTATION AND INFORMATION

- Ministry of Education (Physical Restraint) Rules 2017 <https://www.education.govt.nz/news/new-rules-for-using-physical-restraint-in-schools/>
- Ministry of Education (Physical Restraint) Rules 2017 <https://www.education.govt.nz/news/new-rules-for-using-physical-restraint-in-schools/>
- Ministry of Education: Guidelines for Registered Schools in New Zealand on the use of Physical Restraint, August 2017
- Bill of Rights Act 1990 <http://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html>
- Student Guidance and Support Systems, the Safe School Policies