

Outcome Statement

To minimise the effect of challenging behaviour the board of trustees shall ensure that effective procedures are in place around the management of student behaviour and the use of physical restraint.

Scoping

This policy applies throughout the school

All staff are required to familiarise themselves with Ministry guidelines for registered schools in New Zealand on the use of physical restraint, and to undertake appropriate professional development where possible.

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

1. The board will ensure that any incident of physical restraint is notified to parents or caregivers and reported to the Ministry of Education.
2. The board will ensure that parents or caregivers are notified if physical restraint is an element in a student's individual behaviour plan.
3. Complainants with concerns regarding use of physical restraint must follow the school's prescribed concerns and complaints procedure.

Delegations

The board delegates to the principal:

- Responsibility for ensuring that adequate staff training and support is in place.
- The reporting of incidents of physical restraint to parents, caregivers and the Ministry of Education.
- Notification to parents and caregivers if an element of physical restraint is in a student's individual behaviour plan.

Limitations & Expectations

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.

Staff shall be well versed in prevention and de-escalation strategies used to limit the need to physically restrain a student.

Use of physical restraint is limited to teachers or authorised staff members and only 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

Authorised staff are employees authorised by their employer (the board of trustees) to use physical restraint. The Board will annually give authorisation to staff members (other than teachers). Appendix A

Teachers and staff members who are authorised to physically restrain students shall receive suitable training and support.

Seclusion of students is prohibited. Seclusion of students is defined as placing a child or student in a room involuntarily, alone and from which they cannot (or believe they cannot) freely exit.

Associated Legislation

Education Act 1989

Education (Physical Restraint) Rules 2017

National Administration Guidelines (NAG 5)

Health & Safety at Work Act 2015

Associated Procedures

[Mimi School NAG 5 Procedures](#)

Monitoring

Reporting to the board shall form part of the principal's report to every board meeting, taking care that individual students cannot be identified.

The board shall monitor the use of physical restraint, looking for trends and any action that could be taken a governance level to support reducing such incidents.

Review schedule: **Annually**

Ratified by the Board:	_____	Signed Board Chairperson
	_____	Signed by the Principal
	_____	Date

Reviewed:	Reviewed:
Date: _____	Date: _____
Signature: _____	Signature: _____

Appendix A

Mimi School Board of Trustees give authorisation to _____ to use physical restraint in accordance with section 139AC(2) of the Act.

139AC(2) of the Act is as follows:

139AC(2) Limits on use of physical restraint in schools

(1) A teacher or authorised staff member must not physically restrain a student unless:

- (a) 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*
- (b) the physical restraint is reasonable and proportionate in the circumstances.*

*(2) In this section and in sections 139AD(2) and 139AE(2), **authorised staff member** means an employee of a registered school who is authorised by the employer to use physical restraint in accordance with this section*

employer means:

- (a) a board;*
- (b) the managers of a school registered under section 35A;*
- (c) the sponsor of a partnership school kura hourua*

- **physically restrain**, in relation to a student, means to use physical force to prevent, restrict, or subdue the movement of the student's body or part of the student's body

- **teacher means** a person who holds a teaching position (as defined in section 348(31)) at a registered school.

Section 139AC(2): inserted, on 19 May 2017, by section 96 of the Education (Update) Amendment Act 2017 (2017 No 20).

