

# Consultation on the draft Rules and Guidelines on the use of physical restraint at registered schools and kura in New Zealand

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# Why are we consulting on the draft rules and guidelines on physical restraint?

Kia ora and welcome to the consultation on the draft rules and guidelines on physical restraint.

**We know happy, healthy children who feel safe learn better. We have heard from schools, parents, whānau, and the disability community that the current rules and guidelines on physical restraint need to provide more practical guidance and clarity about when physical restraint can be used and how to prevent it, to better protect children and young people from harm.**

The Physical Restraint Advisory Group (the Advisory Group) was established in September 2020 to help the Ministry of Education update the rules and guidelines following [changes to the law around the use of physical restraint in the Education and Training Act 2020](#). The Advisory Group includes representatives of parents, the education sector and disability communities.

The jointly agreed purpose of the Advisory Group is to develop workable and sustainable rules and guidelines on physical restraint in schools that:

- uphold the rights of children, whānau and school staff
- prevent the use of physical restraint except as a last resort
- provide clarity and support as to when and how physical restraint can be used.

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## How you can help

The Advisory Group has proposed a new set of draft rules and guidelines. Please read through these draft rules and guidelines first, and then tell us what you think. You can do this either by filling in our [online survey here](#) or by emailing your feedback to [physicalrestraint.convo@education.govt.nz](mailto:physicalrestraint.convo@education.govt.nz).

We want to hear from schools, kura, teachers, non-teaching staff, learning support specialists, disabled people, children and young people and their parents and whānau about whether these new draft rules and guidelines will work, what changes might be needed, and whether there are any gaps or other issues that need considering

**Submissions are open from 23 November 2021 until 31 March 2022.**

When the survey period has closed, the Ministry will work with the Advisory Group to consider everyone's feedback before finalising the rules and guidelines for publication.

# What are the draft rules on the use of physical restraint about?

The rules prescribe the practice and procedures to be followed by employers, principals, teachers and authorised staff members in relation to the use of physical restraint in schools.

Proposed changes compared to the 2017 rules include:

- **Requiring schools to develop support plans for students who are at greater risk of physical restraint.** This change supports individualised planning to prevent distress and behaviours that lead to crisis situations. It gives parents and caregivers more agency to support their child's education and wellbeing at school. Informed parental consent would be required if the use of physical restraint was appended to a child's support plan.
- **Requiring schools to provide parents with a reasonable opportunity to attend a debrief after an incident of physical restraint.** This reflects the importance of partnership between schools and parents in understanding why an incident has occurred and how to prevent it from happening again. Schools would be required to tell parents how the incident was managed in the debrief, rather than the initial notification. This would make it easier for schools to notify parents/caregivers as soon as possible.
- **Requiring that physical restraint incident reports include the following information:**
  - Who reported the incident of physical restraint. This information may help us understand the extent to which staff using physical restraint are aware of their actions and their responsibility to report it.
  - If the student has learning support needs. This information will help to monitor the use of physical restraint involving this population. This is intended as an interim solution until physical restraint reporting can be linked to the standardised Learning Support Register.
- **Allowing future reporting via schools' Student Management Systems** to make the process simpler and easier for schools.

Specifying the kind of training required for teachers and authorised staff members:

- All teachers and authorised staff members would be required to complete online modules on the content of the Guidelines and be supported in identifying stress triggers, understanding unmet needs, and preventing, minimising and responding to student distress. This reflects the objective of preventing the use of physical restraint except as a last resort.
- Teachers who are at higher risk of needing to use physical restraint, and all authorised staff members who are not teachers, would need to be trained in appropriate physical holds. This reflects a judgment that training all teachers in the use of physical restraint is impractical, but that those teachers who are most likely to need to use restraint should know how to do so in the safest way possible. All authorised staff members who are not teachers are required to be trained in physical restraint according to the definition of an authorised staff member in the Education and Training Act 2020.

[Click here for a full copy of the draft rules](#)

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## Questions

We are seeking people's feedback on the following questions about the draft rules:

You are welcome to copy and paste the Question Boxes and Tick Boxes as your email response, just send to [physicalrestraint.convo@education.govt.nz](mailto:physicalrestraint.convo@education.govt.nz)

Do you agree with the requirement to develop support plans for students who need one?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, why not?	
Do you agree with the requirements to notify and debrief parents and caregivers?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, why not?	
Do you agree with the reporting requirements, including the information that is required in the reporting form?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, why not?	
Do you agree with the training requirements for teachers and authorised staff members?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, why not?	
Any other comments on the rules:	

# What are the draft guidelines on the use of physical restraint about?

The draft guidelines provide clarity to schools around what their staff can do to prevent, de-escalate, and safely respond to student distress, including situations where physical restraint may be necessary to prevent imminent harm.

The guidelines recognise the importance of collaboration between teachers, children and young people, and their parents and whānau to prevent the use of physical restraint except as a last resort.

Proposed changes compared to the 2017 guidelines include guidance on:

- **understanding behaviour in terms of student distress and communication of unmet needs.** This change will help school staff better understand how to prevent behaviour that challenges others and promote more proactive and supportive approaches to behaviour.
- **how to plan and collaborate to identify a student's stress triggers and unmet needs, and then build individualised support plans to meet these needs.** This includes a support plan template that has been developed by whānau to be simple and easy to read, understand and implement. There is substantial evidence that collaboration between schools and parents supports positive outcomes for students.
- **acceptable physical contact.** This will support good practice in the use of physical contact, supporting better relationships between students and school staff.
- **what teachers and authorised staff can do if they need to use physical restraint holds as a last resort to prevent imminent harm.** This will help ensure that, if school staff do need to use physical restraint, they know which techniques are safest.
- **how to assess significant emotional distress.** This follows the changes to the legislation that allow the use of physical restraint to prevent imminent significant emotional distress when there is no other option available. This guidance will help school staff understand the new legislation and what kind of situations it might apply to.
- **practice scenarios** to support staff discussion and reflection on how to prevent, de-escalate and manage situations that may result in imminent harm.

[Click here for a full copy of the draft guidelines](#)

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## Questions

We are seeking people's feedback on the following questions about the draft guidelines:

You are welcome to copy and paste the Question Boxes and Tick Boxes as your email response, just send to [physicalrestraint.convo@education.govt](mailto:physicalrestraint.convo@education.govt).

Are the guidelines helpful for understanding how to prevent and respond safely to student distress and behaviour that is challenging?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, why not?	
Do the guidelines provide clarity about what acceptable physical contact is?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, why not?	
Do the guidelines provide clarity about when and how physical restraint can be used, including the threshold for significant emotional distress?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, why not?	
Are the scenarios helpful? What types of scenarios are missing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, why not?	
How do you want the guidelines presented so that they are most accessible to you?	
Any other comments on the guidelines:	

# Will training be needed?

We have allowed time for the development and rollout of a new training package that reflects the requirements in the draft rules.

The content and design of the training (online and through webinars) will walk participants through the new Guidelines and the expectations of the Rules. It provides practical strategies and approaches for use at a school and at an individual student level.

Understanding Behaviour, Responding Safely (UBRS) course delivery is proposed to continue and contains trauma informed approaches. The course will be refreshed so that it can be flexibly delivered to meet school needs and to align to the updated Rules and Guidelines and existing Ministry of Education funded supports and services.

Safe holds training will continue to be provided when a support plan indicates physical restraint may need to be used as a last resort. This will meet the requirement in the Rules for support plans and accreditation of staff.

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## Questions

We are seeking people's feedback on the following questions about the proposed training package:

You are welcome to copy and paste the Question Boxes and Tick Boxes as your email response, just send to [physicalrestraint.convo@education.govt](mailto:physicalrestraint.convo@education.govt).

Will the training proposed (online information and webinars, UBRS refresh and continuation of safe holds training) meet the needs of teachers and other school staff and support their understanding of how to minimise physical restraint?

Yes  No

If not, why not?