

Education Report: Physical Restraint and Seclusion

Date:	20 June 2016	Priority:	Medium
Security Level:	In Confidence	METIS No:	951339

Action Sought

Addressee	Action Sought	Deadline
Minister of Education	<p>Note the Ministry of Education is introducing new training for schools to support staff to manage challenging behaviour.</p> <p>Note the training will be piloted in August 2016 in each Ministry region.</p> <p>Note the Ministry will gauge feedback on the training and other resources, and advise you prior to making it available throughout the country.</p> <p>Agree, subject to feedback on the training and other resources, to participate in a launch of <i>Guidance for New Zealand Schools on the Minimisation of Physical Restraint and Transitional Guidance as we work towards the Elimination of Seclusion in New Zealand Schools</i>.</p>	
Enclosure: Yes		Round robin: No

Contact for telephone discussion (if required)

Name	Position	Telephone	1 st Contact
Katrina Casey	Deputy Secretary	9(2)(a)	
David Wales	Director		✓
9(2)(a)	Drafter		

The following departments/agencies have seen this report:

MOE

Minister to Complete (please circle)

1 = very poor 2 = poor 3 = acceptable
4 = good 5 = very good

Minister's Office to Complete:

☒ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by events

☐ See minister's notes

☐ Withdrawn

☒ Signed

10 JUL 2016

Education Report: Physical Restraint and Seclusion


Recommendations

We recommend that you:

- a. **note** the Ministry of Education (the Ministry) is introducing new training for schools to support staff to manage challenging behaviour;
- b. **note** the training will be piloted in August 2016 in each Ministry region;
- c. **note** the Ministry will gauge feedback on the training and other resources, and advise you prior to making it available throughout the country; and
- d. **agree**, subject to feedback on the training and other resources, to participate in a launch of *Guidance for New Zealand Schools on the Minimisation of Physical Restraint and Transitional Guidance as we work towards the Elimination of Seclusion in New Zealand Schools*.

AGREE / DISAGREE


Katrina Casey
Deputy Secretary
Sector Enablement and Support


Hon Hekia Parata
Minister of Education

10/7/16

Education Report: Physical Restraint and Seclusion

Purpose of Report

1. This report advises you about new training being introduced for schools to manage challenging behaviour. The training will be piloted in August 2016 in each Ministry region.
2. The Ministry is also working on resources to support the training. It seeks your agreement, subject to feedback on the training and other resources, to participate in a launch of *Guidance for New Zealand Schools on the Minimisation of Physical Restraint and Transitional Guidance as we work towards the Elimination of Seclusion in New Zealand Schools*.
3. The Ministry wants schools to feel confident they have the information and knowledge to manage incidents of challenging behaviour in an appropriate way. A working group is developing a universal training workshop for all school staff. It will support staff to understand behaviour and manage challenging behaviour.
4. The training will be piloted in August 2016 in each Ministry region.
5. A cross-sector Advisory Group made up of school leaders, union representatives, Ministry of Education and other agency representatives, has produced the restraint and seclusion guidelines. A list of the Advisory Group members is attached as Appendix 1.

Background

6. You were previously advised about this work in the 6 August 2015 version of the Education Weekly Update.
7. The work was prompted by complaints about the use of seclusion at two schools, and a request from the education sector for guidance. Schools and parents have, on occasion, asked the Ministry for advice in this area.
8. There are initiatives in place such as Positive Behaviour for Learning (PB4L) and Wellbeing@School, which are designed at a systems level to promote a positive school culture and pro-social behaviour. During the development of the resources to support the training it was noted anecdotally that schools participating in PB4L were less likely to use physical restraint.

Most Schools Use Good Practice

9. Most schools have good practices in place to deal with the escalating threatening behaviour of students.
10. The training is being developed proactively to support schools, rather than as a response to any perceived 'crisis' in the education sector.

Training

11. A working group made up of Resource Teachers: Learning and Behaviour (RTLB), Ministry staff and special school staff is developing a universal training workshop for all school staff. It will support staff to understand behaviour, prevent challenging behaviour, and de-escalate potentially dangerous behaviour. The training will be piloted in August 2016 in each Ministry region. Participating schools will include primary, intermediate, and secondary schools, special schools, and possibly alternative education settings.
12. The training focuses on de-escalation and positive behavioural interventions. It will be evaluated and made available on request from September 2016.
13. It is recognised some students will, on rare occasions, potentially put themselves or other people at risk of physical injury and may need to be physically restrained. A more individualised approach to support the team around a student, including parents or caregivers, will be developed by September 2016. This training will be provided to the team supporting a student, who is receiving a Ministry Behaviour Service.
14. The Ministry will explore the possibility of an online programme to support schools by December 2016.

Other Options

15. The cross-sector Advisory Group considered other training options. The Ministry will not fund the use of specific programmes which aim to address escalating behaviour, such as Team Teach and Nonviolent Crisis Intervention (NVC). The Group does not consider that providing generic physical restraint training is an effective response.
16. There are some concerns about generic physical restraint training. These include:
 - an over-reliance on physical restraint, which has the potential to re-traumatise vulnerable young people
 - the difficulty maintaining the skills of people trained in these types of intervention, which are used infrequently
 - the programmes are not necessarily specifically designed for an education context
 - the absence of a strong evidence base, in the education context, for this type of training.

Other Resources

17. The cross-sector Advisory Group made up of school leaders, union representatives, Ministry of Education and other agency representatives, has produced *Guidance for New Zealand Schools on the Minimisation of Physical Restraint* and *Transitional Guidance as we work towards the Elimination of Seclusion in New Zealand Schools*.

18. The guidelines will be published in August 2016 to coincide with the availability of the universal training. The Ministry seeks your agreement, subject to feedback on the training and other resources, to participate in a launch of the guidelines.
19. The guidelines were written after consultation with schools, parents, education sector representatives, and agencies including the Ministry of Health and the New Zealand Police. They were also informed by visits to schools, and a literature review of best practice locally and internationally.
20. Physical restraint and seclusion are intended to be used only as last resort interventions. The guidelines have been written to assist schools in the rare instances when these types of intervention are needed, and to help minimise their use. They emphasise preventative measures and the use of de-escalation techniques. The wellbeing of students and staff are at the heart of the guidelines.
21. The Ministry has also developed a presentation for school principals and Boards to talk to school staff about the guidelines. It has identified people in each region who have been trained to support principals, and who will be the 'go to' people for Ministry staff, RTLB and special schools to understand the guidelines and promote the availability of the universal training.

Physical Restraint: Definition

22. Physical restraint is when a teacher or staff member uses their own body to intentionally limit the movement of a student. This does not include the practice of physical escort, which is defined as 'a person who temporarily has physical contact with an individual's hand, wrist, arm, shoulder, or back for the purpose of guiding them to another location'.
23. Physical restraint is a serious intervention, only to be used as a last resort in emergency situations when:
 - The student's behaviour poses an imminent danger of physical injury to themselves or others; and
 - Less restrictive interventions and techniques have already been attempted and would no longer be effective at reducing the potential for injury.
24. Physical restraint is not to be used in response to disruption to the education environment, refusal to comply, verbal threats, leaving the classroom/school, as coercion, discipline, punishment, or for property damage (unless the property itself could inflict bodily injury e.g. broken glass).

Seclusion: Definition

25. The Advisory Group agreed that seclusion, even in specialist settings, should be eliminated. The consensus from research is that this practice is risky, and potentially harmful in terms of physical and psychological trauma. The research emphasises that the elimination of seclusion is both desirable and achievable. In line with evidence-based practice the Ministry's focus is on providing strengths-based and positive behavioural interventions that prevent the need for seclusion. In addition the Ministry has Crown Law advice 9(2)(h)
26. For an extremely small number of students, however, seclusion may be the only option left until appropriate support for the student can be accessed, and in situations where neither proactive de-escalation strategies or physical restraint have been effective in managing serious risk situations.
27. Seclusion is when a student at any time is involuntarily placed alone in a room for any duration, from which they cannot freely exit (by use of a locked door, blocked doorway, held door etc.). Seclusion is not the same as 'time out', which is sometimes used by schools, e.g. sending a student to the principal's office, or sending a student to another room to complete their work.
28. Seclusion is a serious intervention. It may only be used as part of a fully sanctioned Individual Support Plan and, if considered likely to be needed, when prior parental/caregiver consent has been obtained. Even when a plan is in place, seclusion should be seen as a last resort strategy to be used in exceptional circumstances when:
- The student's behaviour poses an imminent danger of physical injury to themselves or others; and
 - Less restrictive interventions and techniques have already been attempted, and would no longer be effective at reducing the potential for injury.
29. Very few schools use seclusion. The seclusion guide will be focussed on a small number of specialist settings.
30. The guidelines are a transition measure on the path towards the elimination of seclusion.

Risks

31. The training and other resources have a focus on de-escalation and positive behavioural strategies. The Advisory Group does not want the physical restraint and seclusion guidelines to be seen to be 'promoting' these types of interventions. They are intended to be used strictly as a last resort when other strategies have failed. If you agree to participate in a launch of the guidelines you may wish to stress the importance of other types of intervention to manage challenging behaviour.

32. The Advisory Group considers there is a risk that a high profile launch of the guidelines could have the unintended effect of increasing the use of physical restraint and seclusion, by providing a tacit justification for the use of these types of intervention, in situations where other de-escalation techniques should be used and would be more effective. Key messages will emphasise that these types of intervention are a last resort and that they have been jointly developed with the sector.
33. The Ministry proposes to deliver the training and release the guidelines on the Ministry's website alongside other resources which emphasise de-escalation and prevention.
34. At the same time the Ministry will target certain schools with additional training and support where the use of physical restraint and seclusion is more common, such as some special schools.
35. There are some training programmes on physical restraint that have been purchased by schools. The Advisory Group's view is that universal physical restraint training is not an effective response. This view may disappoint some of the providers of these programmes.

Consultation

36. During the development of the guidelines the Ministry consulted with representatives of the following parent and disability organisations:
- Parent to Parent
 - IHC
 - Inclusive Education Action Group
 - New Zealand Down Syndrome Association
 - Parents of Vision Impaired New Zealand
 - Autism New Zealand.
37. The Ministry will gauge feedback on the training and other resources, and advise you prior to full rollout.

Financial Implications

38. The Ministry will provide the training from within existing baselines.

Legal

39. 9(2)(h)
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Other Relevant Information

40. The Advisory Group is interested in exploring a consistent cross-agency approach to physical restraint. This work may be led by the High and Complex Needs Unit at Child, Youth and Family.

Key Messages

41. The Ministry has developed some key messages to support the release:
- Most schools already have good practices in place to deal with challenging behaviour.
 - A working group made up of RTLB, Ministry and special school staff is developing a universal training workshop for all school staff.
 - We will make workshops available for schools on request that promote preventative measures and de-escalation techniques. We will provide more specific training to support some individual students.
 - The training and other resources are to help schools manage challenging behaviour and keep students and staff safe.
 - The physical restraint and seclusion guidelines have been developed by a cross-sector Advisory Group made up of school leaders, union representatives, Ministry staff, and other agency representatives.
 - The physical restraint guidelines will support schools to manage the extreme end of behavioural incidents where there is imminent danger of harm to the student, or to others, and when appropriate proactive de-escalation strategies have not worked.
 - Very few schools use seclusion. The seclusion guidelines are a transitional measure on the path towards elimination of the practice.
 - We are publishing the guidelines with other resources which support wellbeing, and emphasise de-escalation and positive behavioural interventions in schools.
 - Use of the guidelines will reduce the risk of legal liability.

Advisory Group Members

Graeme Daniel	Special schools representative	Principal
Lorraine Kerr	New Zealand School Trustees Association	President
Murray Roberts	Ministry of Education	Regional Manager
Denise Torrey	Past President, New Zealand Principals' Federation	President
Patrick Walsh	Secondary Principals' Association of New Zealand	Principal of John Paul College in Rotorua
David Pluck	Ministry of Education	National Manager Intensive Wraparound Service, Positive Behaviour for Learning
Bruce Cull	Ministry of Education	Manager, Positive Behaviour for Learning
Colin Hamlin	Ministry of Health	Principal Adviser
Angela King	PPTA representative	Central Regional Health School
Justine Henderson	NZEI representative	Learning support Coordinator, Berhampore School
Bernadette Anne	High and Complex Needs	Manager
Di Thomas	Ministry of Education	Practice Leader, High Risk Issues
Brian Coffey	Ministry of Education	Group Manager, Strategy