

October 2007

Practice Guidelines for the Management of Serious and Challenging Behaviour

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EXECUTIVE SUMMARY

Purpose

This guideline paper on the use of Time-out and/or Physical Intervention/Restraint is for Ministry of Education, Special Education staff internal use only and not for external distribution.

This paper provides guidance for Ministry of Education, Special Education staff who are working with children/young people who present with serious and challenging behaviour in Early Childhood or School setting.

The intention of these guidelines is to support staff to reduce any inappropriate use of time-out in Early Childhood or School settings as well as provide guidance to staff on the appropriate use of time-out within the context of a home-based parenting programme. In addition, the guidelines aim to support staff to minimise the use of any physical intervention/restraint in Early Childhood or School setting, through promoting the use of less intrusive, alternative means of managing serious and challenging behaviour.

The guidelines emphasise the importance of using pro-active, non-intrusive, preventative strategies, prior to considering the inclusion of any form of time-out or physical intervention/restraint in an individual behaviour management plan.

The guidelines recognise that under certain circumstances the use of some type of time-out maybe appropriate and that under exceptional situations the use of a physical intervention/restraint procedure could be necessary, to ensure the safety of an individual child/young person and/or others at immediate risk of physical injury.

The guidelines aim to support staff to ensure that in the rare circumstance when a physical intervention procedure is necessary it is

implemented in an informed, safe, and respectful manner.

The guidelines address the issues of time-out and physical intervention/restraint within the parameters of current New Zealand law. Relevant legislation considered in the writing of this policy includes The Education Act, 1989, The Education Amendment Act, 1990, The Crimes Act, 1961, The Human Rights Act, 1993, The New Zealand Bill of Rights Act, 1990, The Education (Early Childhood Centres) Regulations 1998, and The New Zealand Standards, "Restraint Minimization, and Safe Practice" (Ministry of Health 2001).

This guideline paper should be read within the context of other relevant Ministry of Education policies and procedures for example the staff Code of Conduct and policies on reporting abuse.

Paramount consideration has been given to the health, safety, and well-being of Ministry of Education, Special Education staff, children/young people, and their families who may be involved in time-out or Physical Intervention procedures, in the development of these guidelines.

Background

Ministry of Education, Special Education staff in the course of their work may encounter children/young people who engage in incidents of serious and challenging behaviour such as; punching, kicking, biting, hair pulling, and using objects as weapons to harm themselves or others. These behaviours have the potential to place the child/young person and/or others at significant risk of physical injury. Ministry of Education, Special Education staff must be knowledgeable in the appropriate responses to these situations and be able to provide guidance to staff in Early Childhood/School settings on

the appropriate management of these behaviours.

All Early Childhood and Schools facilities should have a policy on how to manage serious and challenging behaviour as part of their wider behaviour management policy. The policy must be in accordance with New Zealand law and developed in consultation with family/whānau, staff, and the local community, as well as ratified by their management committees/ Board of Trustees. Any individualised behaviour management plan recommended by Ministry of Education, Special Education staff must be developed in collaboration with parents/caregivers, the Early Childhood or School and be inline with the facilities policies.

Introduction

The practice guidelines are divided into three main sections with an Appendix. Section 1 provides general guidance on developing an individualised behaviour management plan and emphasises the importance of using pro-active, non-intrusive, preventative strategies, prior to considering the inclusion of any form of time-out or physical intervention as part of a comprehensive individualised behaviour management plan. Section 2 (A) provides a definition of time-out and looks at the different types of time-out which may be appropriate, under certain circumstances, in an Early Childhood or School setting. Section 2 (B) Explores the use of time-out as part of a comprehensive home based parenting programme. Section 3 provides a definition of Physical Intervention/restraint and discusses when it may be appropriate to use a physical intervention procedure to ensure the safety of the child/young person and/or others at immediate risk of physical injury.

SECTION 1: DEVELOPING AN INDIVIDUALISED INTERVENTION PLAN

The guidelines paper is not an intervention guide for the management of serious and challenging behaviour. The safe management of serious and challenging behaviour must always occur within the context of an individualised intervention plan, based on a comprehensive assessment, and analysis of the behaviour of concern within the environment in which the behaviour is present.

An intervention plan should always be prepared within a framework that achieves positive and educative outcomes for the child/young person. This means an emphasis on teaching and reinforcing desired behaviour to replace the behaviours of concern, and introducing preventative strategies that minimise the occurrence of any inappropriate behaviours, (modification, and adaptation of the child/young person's physical and social environment, daily tasks and activities, and instructional methods).

It is beyond the scope of this paper to provide a comprehensive guide to developing an individualised behaviour management plan. However, the following paragraphs are included to provide Ministry of Education, Special Education staff general guidance on key elements to consider, when working collaboratively with Early Childhood or School staff to develop an individualised behaviour management plan for a child/young person presenting with serious and challenging behaviour.

Positive, Preventative, and Non-intrusive Strategies

The best way to manage serious and challenging behaviour is to prevent it from occurring in the first place, therefore positive, preventative, and non-intrusive strategies should always be used prior to considering time-out or any physical intervention procedure. The use of positive, preventative, and non-intrusive strategies communicates respect and preserves the dignity

of the child/ young person. The use of punitive strategies will not teach the child/young person how to perform the desired behaviour and will often only escalate challenging behaviour.

The Importance of the Culture of the Early Childhood Facility/School

The culture of the Early Childhood facility or School plays an important role in preventing serious and challenging behaviour. A culture based on mutual respect, fairness, and a commitment to meet the needs of the individual will promote quality teaching and enhance learning opportunities for the child/young person, thereby decreasing the likelihood of serious and challenging behaviour.

Student/Teacher Relationships

The child/young person's relationship with their teacher plays a vital role in the prevention and management of serious and challenging behaviour. Children/young people are more likely to comply for teachers with whom they enjoy a positive relationship. Therefore, it is important for teachers to model appropriate social and behavioural skills at all times and access support if they feel their relationship with a child/young person is deteriorating.

Early Childhood/School Behaviour Management Policies

Early Childhood facilities and Schools should have a written behavioural management policy. The facility behavioural management policy should include:

- ▲ a statement concerning the rights of the child/young person
- ▲ recognition of cultural issues relevant to the community
- ▲ guidelines for family/whānau involvement in preparing plans and policies

- ▲ positive procedures for preventing serious and challenging behaviour
- ▲ a clear set of behavioural expectations for staff and children/young people
- ▲ procedures for managing serious and challenging behaviour
- ▲ guidelines for the use of any form of time-out
- ▲ guidelines for imposition of suspension and expulsion
- ▲ guidelines for the use of physical intervention/restraint
- ▲ identified support services available to help the Early Childhood Education Service/School support the child/young person who presents with serious and challenging behaviour.

(Dunckley, 2006, pg 6)

Early Childhood and School Staff Training in Behaviour Management

Early Childhood/School behavioural management policies need to be regularly reviewed and all staff should be trained on the management of serious and challenging behaviour on a recurring basis to ensure that these policies and procedures are understood and adhered to by all staff.

The Intervention Plan

Children/young people who present with serious and challenging behaviour require an Individualised Intervention plan. "The intervention plan is clear, outcome-focused and recorded in writing. Any updates are systematically recorded in writing within the child's or young person's individual plan" (Ministry of Education, Quality Specialist Service Provision, 2006 p18). The intervention plan includes:

- ▲ motivating experiences that are meaningful to the child/young person

- ▲ identification of special learning needs and strategies to promote pro-social behaviour
- ▲ identification of special learning needs and strategies to promote achievement
- ▲ identification of strategies to defuse difficult situations
- ▲ strategies to address mismatches between the child/young person and their environment
- ▲ strategies to promote maintenance and generalisation of new skills
- ▲ s clearly identified monitoring and evaluation system
- ▲ plans to support any upcoming transitions for the child/young person.

(Quality Specialist Service Provision, May 2006)

Preventing Serious and Challenging Behaviour

It is easier to prevent serious and challenging behaviour occurring than to intervene after the event has occurred. The following guidance is provided to help Ministry of Education, Special Education staff support Early Childhood/School staff to identify and manage the early warning signs of serious and challenging behaviour:

- ▲ get to know the child/young person and identify potentially difficult times or situations that may be stressful or difficult for the child/young person
- ▲ identify the child's/young person's individual signs of stress or unhappiness and intervene early in a manner most likely to reduce the child's/young person's levels of stress or unhappiness
- ▲ monitor wider classroom/playground behaviour carefully for potential areas of conflict
- ▲ respond to minor behavioural difficulties quickly and consistently

- ▲ maintain reasonable behavioural expectations at all times.

De-escalation and Managing Potentially Serious and Challenging Behaviour

When managing potentially serious and challenging behaviour, “effective interventions are likely to have been planned, implemented early and will follow a sequence, starting with the least intrusive” (Dunckley, 2006, pg 26). The following guidance is given when managing potentially serious and challenging behaviour:

- ▲ keep it simple
- ▲ ensure everybody is safe
- ▲ stay calm, monitor your body language and allow the student the opportunity to move out of the situation with dignity
- ▲ focus on communicating respect and your desire to help the child/young person.
- ▲ give the child/young person clear choices and/or directions when appropriate to help the child/young person feel more secure and regain control
- ▲ constantly reassess the situation and send for assistance if necessary.

(Dunckley, 2006)

SECTION 2 (A): TIME-OUT

The aim of time-out is to reduce the future occurrence of a specified behaviour through removing the child/young person from what is reinforcing that behaviour for a specific time. For the purposes of the practice guidelines, time-out is defined as:

“The withdrawal of opportunity to receive positive reinforcement or the loss of access to positive reinforcers for a specific period of time”

(Ewing, 1999)

Time-out is a behavioural technique for reducing challenging behaviour maintained by either attention or tangible reinforcers. For time-out to be effective, the time-in environment must be rewarding for the child/young person. It is also important that an analysis of the function of the behaviour and the environment in which the behaviour is occurring is undertaken prior to considering time-out and that time-out is only one element of a comprehensive approach designed to teach, nurture, and encourage positive social behaviour.

Appropriate Age Range for the use of Time-out

There is considerable variation in the literature when it comes to identifying the appropriate “developmental” age range for the use of time-out. The minimum suggested age range varies between 2 to 3 ½ years (Nelson, 2006, Sanders, Markie-Dadds & Turner, 2001, Webster-Stratton, 2006). The key issue in determining the appropriateness of any form of time-out for this age group is the child’s developmental level. Ministry of Education Special Education staff should always conduct a comprehensive assessment of the individual child’s needs, their behaviour, and the environment in which it occurs, before implementing any time-out

strategy. As part of this assessment, practitioners need to identify the child’s **developmental age**, their ability to communicate their needs, and the ability of the environment to meet the child’s needs. Strategies aimed at improving parental/caregiver supervision and using distraction to avoid problem behaviours escalating are more appropriate for very young children than time-out and should be considered first.

For older children the literature suggests that time-out becomes inappropriate at approximately 8-10 years of age. Strategies such as a response cost procedure are generally more appropriate for older children (Church, 2003).

NB When considering the age appropriateness of any interventions it is vital that staff assess the “developmental” age of the child/young person rather than the chronological age.

Definitions and Types of Time-out

A review of the time-out literature highlights inconsistencies in the definitions used to identify the types of time-out; therefore, the reader is advised to read the description of the following categories of time-out carefully to avoid any confusion over the terms used. The terms used in the current practice guidelines are consistent with the terms used in “Consultants Guide for the use of time-out in the preschool and elementary classroom” (Turner & Watson 1999). There are three main types of time-out identified in this paper: isolation, exclusionary, and non-exclusionary time-out.

ISOLATION (SECLUSION)

Sometimes when teachers refer to time-out, they are referring to a procedure, which involves removing the child/young person to a “time-out room”. This is one type of time-out and is

discussed in these guidelines under the heading of isolation. Isolation involves placing the child/young person in an environment such as a room, by him or herself for a specified period. This type of time-out is sometimes used as part of a comprehensive home base parenting programme (See: parenting programmes below).

The Ministry of Education, Special Education does not recommend any form of time-out procedure in an Early Childhood /School setting, which involves a child/young person being shut in a room, or screened area, by him or herself without any way of getting out unless someone comes to release them. This is a form of isolation (seclusion) and is not an appropriate practice in an Early Childhood/School setting.

EXCLUSIONARY TIME-OUT

Exclusionary time-out is a planned procedure implemented within the same environment that the behaviour of concern has occurred. This procedure involves removing the child/young person from the reinforcing situation (activity) but not from the environment (e.g. classroom). The child remains in the immediate environment, however the time-out place is in a location where the child "cannot" observe or participate in the activity for a set period. For example, if the activity is a mat based activity at the front of the classroom, the time-out location could be a cushion or seat at the back of the class.

NON-EXCLUSIONARY TIME-OUT

Non-exclusionary time-out is similar to exclusionary time-out however; the time-out location allows the child to **observe** the activity, but not participate in the activity. An example of this type of time-out is when a child is asked to move out of a group activity but is still allowed to watch what the group is doing. One of the advantages of non-exclusionary time-out is that the child/young person is able to observe appropriate behaviour and see this behaviour being reinforced by the teacher/parent. There are three sub-categories of non-exclusionary time-out: contingent observation, removal of stimulus conditions, and ignoring (Harris 1985).

- ▲ contingent observation is when a child is required to sit on the periphery of the activity and observe the appropriate behaviour of peers for a brief period.
- ▲ removal of stimulus conditions involves the removal of a reinforcing stimulus such as work, play material, or the opportunity to earn tokens for a period. The identified stimulus is returned once the child is demonstrating the appropriate behaviour.
- ▲ ignoring involves withholding social attention when inappropriate behaviour occurs. This approach is difficult to implement in a classroom environment for the following reasons: the behaviour may be interfering with the learning of others, peer attention may be maintaining the behaviour, and some behaviours are potentially dangerous and therefore it would be unsafe to ignore this behaviour.

NB Non-exclusionary time-out covered above, is sometimes referred to as "inclusionary" time-out in the literature, because the child/young person remains in the environment where the activity is occurring.

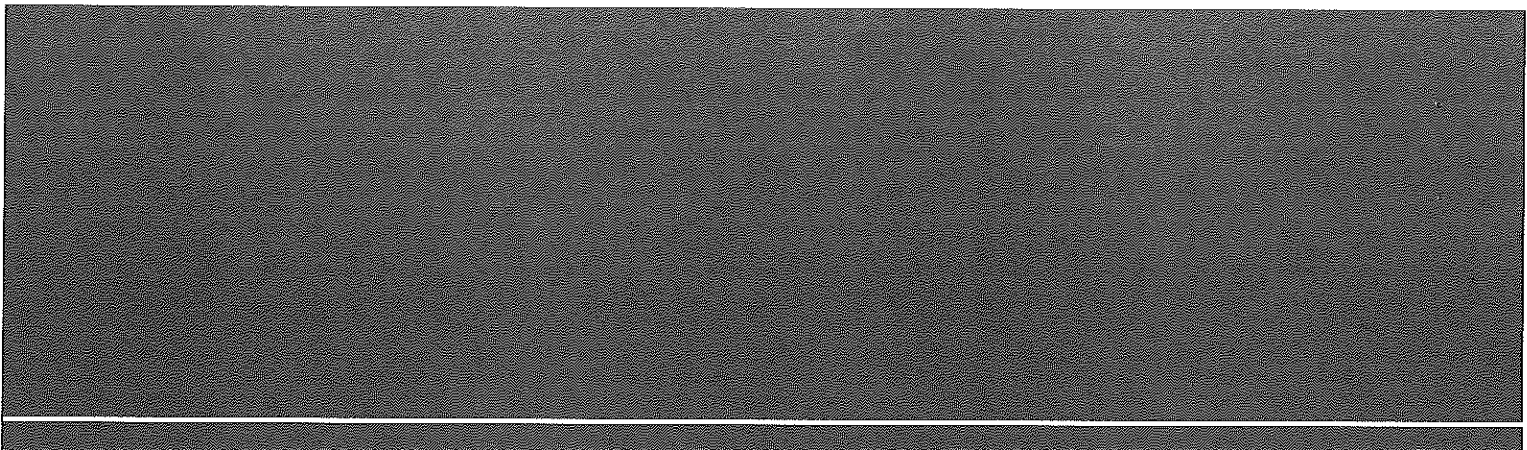
For guidelines on the use of time-out and a sample document for recording when time-out is used, please see Appendices 1 and 2.

Time-out with an Added Positive Teaching Component

One of the major criticisms of time-out is that it does not teach the child/young person alternative appropriate behaviours.

"'time-out' is not an acceptable strategy in the early childhood education context. It does not encourage reflection or give children an understanding of the effects of their action on others, nor does it demonstrate a right way to behave"

(Providing Positive Guidance: Guidelines for Early Childhood Education Services, 1998 p28)



Two types of time-out (Stimulus Change Procedures) that do have a teaching component and are therefore preferable over traditional approaches to time-out are Mini Time-Out and Easy Change.

MINI TIME-OUT

Mini Time-out is a planned procedure where a child/young person chooses to remove him or herself to a specific space for a brief period, usually less than a minute. Mini Time-out allows an individual child/young person to monitor his or her own behaviour and shift out of a developing situation with minimal fuss before returning to the activity (Dunckley, 2006).

EASY CHANGE

Easy Change is a planned alternative activity in which a child/young person can be motivated to walk unassisted (but accompanied) from a room to engage in an alternative, previously practiced activity which has a calming effect e.g. a ball catching activity. This approach allows a child/young person to return to class after a short period of time and with minimum fuss (Dunckley, 2006).

SECTION 2 (B): PARENTING PROGRAMMES AND TIME-OUT

As part of a comprehensive behaviour management plan, Ministry of Education, Special Education Staff work with family/whānau to help parents/caregivers manage serious and challenging behavioural difficulties in the home. Many parenting programmes, including The Positive Parenting Programme (Triple P) and the Incredible Years Programme have a time-out procedure included as part of a comprehensive approach to addressing serious and challenging behaviours in the home setting. The following paragraphs will explore the use of time-out within the context of The Positive Parenting Programme (Triple P) and the Incredible Years Programme.

The Positive Parenting Programme (Triple P)

Triple P is a multi level system of family intervention for parents of children who are at risk of developing behavioural problems. This programme is positively orientated and aims to promote positive caring relationships between parents and their children. Triple P aims to enhance the knowledge, skills, and confidence of parents through helping them develop effective management strategies for dealing with a variety of childhood behavioural difficulties (Sanders, Markie-Dadds & Turner, 2001).

The Triple P Programme covers seven strategies for managing a child's misbehaviour including: ground rules, directed discussion, planned ignoring, giving clear and calm instructions, logical consequences, quiet time and time-out. The Triple P Programme stresses the importance of assessing the family's needs and developing an individualised comprehensive intervention plan for each family, of which quiet time and time-out are just one component of a much larger programme of support (Sanders, Markie-Dadds & Turner, 2001).

TRIPLE P: QUIET TIME

Quiet time involves removing a child from an activity when problem behaviour occurs and requiring the child to sit quietly for a short period. Quiet time is normally implemented in the location where the problem behaviour has occurred. Triple P recommends 1 minute for 2 year olds 2 minutes for 3-5 year olds and 5 minutes for children 5 – 10 years of age. Quiet time can be used with children from 18 months to 10 years of age (Sanders, Markie-Dadds & Turner, 2001).

TRIPLE P: TIME-OUT

The Triple P time-out strategy involves removing the child from all possible rewards when serious behavioural difficulties occur, by taking the child to another room until they have calmed down and been quiet for a short period. As with quiet time Triple P recommends 1 minute for 2 year olds 2 minutes for 3-5 year olds and 5 minutes for children 5 – 10 years of age. Triple P stress that parents should ensure that the time-out room is safe (i.e. childproof, well lit, and well ventilated). Triple P recommends using the less restrictive form of time-out first, however if a child leaves the time-out area without permission, a more restrictive approach may be recommended e.g. closing the time-out room door (Sanders, Markie-Dadds & Turner, 2001).

Triple P recognises that for some children time-out may not be an appropriate strategy and recommend that a thorough assessment and functional analysis of factors maintaining the problematic behaviour should guide the intervention plan developed for each family.

The Incredible Years Programme

The Incredible Years programme has been developed to assist parents with children between the ages of three and eight years who display challenging behaviour. There are a number of themes that run through the programme including: Improving interactions, a focus on providing positive attention, non-violent discipline, accepting each child's unique temperament, using parental power responsibly, encouraging parents to practice positive parenting strategies, acknowledging that all children have some behavioural difficulties, accepting that parents make

mistakes, and helping parents enjoy the parenting role (Webster-Stratton, 2005).

Incredible Years is a comprehensive programme covering areas such as how to play with your child, praise, tangible rewards, limit setting, ignoring inappropriate behaviour, natural and logical consequences, and time-out. The time-out procedure is only one component of a larger very comprehensive parenting programme (Webster-Stratton, 2005).

TIME-OUT TO CALM DOWN

The Incredible Years programme views time-out as a type of extended ignoring, which provides an opportunity for the child to calm down. The programme stresses that time-out is only effective if used selectively as part of a comprehensive approach to behaviour support that is designed to teach, nurture and encourage positive social behaviours. Furthermore, the time-out sequence is not finished until the child is reengaged in appropriate behaviour and given positive attention/praise for this behaviour. Effective use of time-out requires that parents have practiced planned ignoring, remain calm, and are aware of behavioural escalation associated with ignoring (Webster-Stratton, 2005).

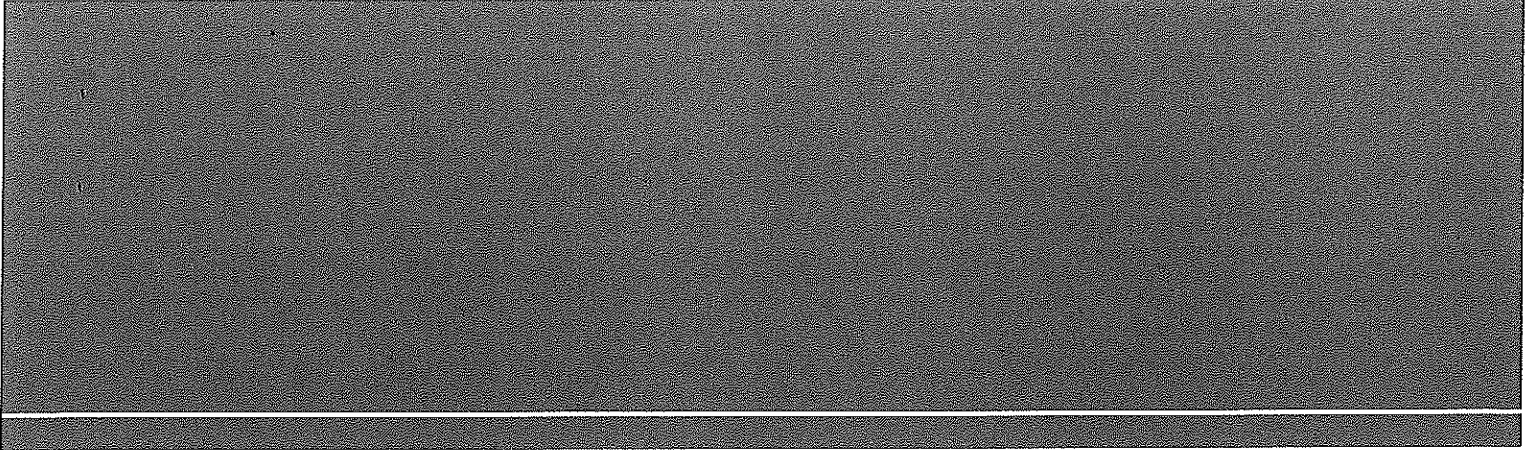
The Incredible Years programme encourages parents to prepare for using time-out by identifying a series of time-out spots in anticipation of resistance and practice how to give choices to avoid conflict and escalation.

For example, firstly, the parent identify a time-out place within the immediate environment (seat or place on floor), then a back up room is identified with the door open, and a further back-up option of the same room with the door shut. This preparation allows parents to deal with resistance by giving the child choices at each step. For example, if the child refuses to go to time-out the parent would say, "You can walk to time-out like a big boy or I will take you there" (choice). For older children (over 7 years) each refusal adds one minute to the time spent in time-out up to 9 minutes and then the parent would say "that is 9 minutes, if you don't go to time-out now you will lose a privilege. This requires parents to pre plan possible privileges that could be removed. If the child chooses not go to time-out at that point then parent simply states 'you have lost the identified privilege' and the time-out sequence is dropped.

If the child refuses to stay in the time-out place once there, the choice is "if you get off the chair again you will have to go to the time-out room". If the child keeps coming out of the time-out room, the parent says, "If you can't stay in the room with the door open I will need to close the door" and if child comes out of the room at this point, the door is closed.

The key thing about the Incredible Years time-out procedures is that it is **rehearsed** with the child at a calm time when an explanation is given about the specific behaviour (e.g. hurting, fighting) that will earn a time-out. Time-out is typically only recommended for these types of behaviours and is automatic after such behaviour occurs.

Time-out can also be used for non-compliance but only recommended if the non-compliance rate is extremely high i.e. more than 75% of time. In the case of non-compliance to a command, the time-out sequence starts with the warning "if you don't do... right now you will go to time-out" and follows the usual sequences for time-out. However after time-out is over the command is immediately repeated, so theoretically could be repeated many times until



child complies... and gets praised for complying to command.

The length of time a child stays in time-out varies depending on the child's age with three minutes for three year olds, four minutes for four year olds and five minutes for children over five. The programme recommends that a child should not be let out of time-out until there has been two minutes of quiet time (Webster-Stratton, 2005).

Triple P and Incredible Years are both comprehensive parenting programmes tailored to the individual needs of the family/whānau and the child. Both of these programmes focus on teaching parents positive strategies to help parents manage challenging behaviour and identify time-out as one strategy, which can be used when less restrictive strategies have failed to manage challenging behaviour.

SECTION 3: PHYSICAL INTERVENTION/RESTRAINT

The purpose of physical intervention/restraint is to ensure the safety of the individual child/young person and/or others. Physical intervention/restraint should always be seen as an intervention of last resort. For the purposes of these practice guidelines Physical Intervention/Restraint is defined as the use of a forcible control that:

- ▲ limits the actions of a person when he/she is at risk of injury and/or injuring someone else, and
- ▲ intentionally removes that person's normal right to freedom. Restraint should not be used to inflict pain, or used as a diversion, distraction, or punishment.

(Restraint Minimization and Safe Practice
NZS 8141:2001)

NB The above definition refers to an emergency or planned safety procedure used when an incident of serious and challenging behaviour is occurring and the child/young person and/or others is in immediate physical danger. It does apply to the use of positioning devices in wheelchairs or other positioning equipment that is intended to improve the physical status of the individual and therefore used for therapeutic purposes.

Types of Restraint

The following examples of restraint are included to demonstrate the definition. They are not listed as recommended practice, as in certain circumstances they would be considered aversive and therefore not recommended. Information in the following section based on the New Zealand: Restraint minimization and safe practice Standards (NZS 8141: 2001).

PERSONAL/PHYSICAL

- ▲ staff member physically holds a child/young person to restrict free movement.

MECHANICAL/ENVIRONMENTAL

- ▲ using equipment such as a bean bag, chair or wheelchair to place a child/young person in a situation that restricts their freedom of movement
- ▲ fastening doors so that a young person is not able to leave a room.

NB A clear distinction needs to be made between the use of a restraint to manage behaviour and the provision of harnesses to maintain postures that facilitate functional activities and limit the development of deformities. Taking advantage of a child/young person's physical limitations by deliberately putting them in situations that restrict their freedom of movement is unacceptable; examples of this might include:

- ▲ using a lap belt or harness on a chair or wheelchair for purposes other than therapeutic positioning
- ▲ disabling a wheelchair or putting something in front of a chair or desk to restrict the movement of a young person.

If a child/young person with significant physical needs is also displaying serious and challenging behaviours the appropriate use of positioning devices must be discussed with the therapists (occupational therapist/physiotherapist) involved with the child/young person. No changes should be made to equipment without this consultation. If a belt is being used as a restraint its use must follow recommended procedures in accordance with a plan and operational policies of the facility.

SECLUSION (SOLITARY CONFINEMENT)

A child/young person is secluded if he or she is shut in a room or screened area by himself or herself without any way of getting out unless someone comes to release them. The Ministry of Education, Special Education does not recommend any practices involving seclusion (solitary confinement) in Early Childhood/School settings.

CHEMICAL

This involves giving a child/young person medication to sedate the child/young person or to stop them moving around as easily as they normally would be able to. Medication must be prescribed and administered in accordance with medical advice and in line with facility policies.

Prohibited Practice

A prohibited practice is something which:

- ▲ knowingly induces pain to the child/young person
- ▲ makes fun of a child/young person, hurts their feelings, or makes them feel embarrassed e.g. making a child/young person sit in a public area as a punishment, where they are subjected to public scrutiny and often ridicule
- ▲ is counter to religious or cultural beliefs
- ▲ is degrading and involves loss of dignity
- ▲ involves denial of basic needs such access to normal level of food/ access to toilets.

No Ministry of Education, Special Education staff member should ever participate in or recommend a prohibited practice.

If a staff member is being assaulted by a child/young person, the staff member concerned should use only the minimum force necessary to prevent or deflect the assault.

When Physical Intervention/Restraint may be Appropriate

Physical intervention/restraint can only be used in an emergency or as part of a planned safety procedure when an incident of serious and challenging behaviour is occurring and the child/young person and/or others is in immediate physical danger.

Preventative as well as de-escalation strategies should have been identified and implemented as part of an individualised intervention plan, prior to employing any physical intervention/ restraint procedure.

The use of a physical intervention/restraint procedure to prevent serious property damage is a controversial issue. As stressed above the purpose of physical intervention/restraint is to ensure the safety of the individual child/young people and others. However, there may be circumstances where significant property damage could meet this criteria and the use of a physical intervention/ restraint could be considered warranted. For example:

- ▲ if the act of damaging property is highly likely to place, the individual or others at immediate risk, the use of physical intervention/restraint may be appropriate.
- ▲ if the child/young person has a documented history of significant property damage being ongoing and escalating to other serious and challenging behaviour that are likely to place the individual or others at immediate risk, the use of physical intervention/restraint may be appropriate.

When Physical Intervention/Restraint is not Appropriate

Physical intervention/restraint is not an appropriate intervention after an incident of serious and challenging behaviour has occurred unless it is necessary to prevent an immediate reoccurrence of the identified behaviour which will place the child/young person or others in immediate physical danger.

Physical intervention/restraint is not an appropriate response to verbally abusive behaviour or verbal threats. Inappropriate verbal behavior should result in a verbal (rather than a physical) intervention. Threats or profanity do not constitute immediate physical danger and cannot be considered as such unless the student has the means of carrying out the threat of physical harm to themselves or others at the time the threat is being made.

Physical intervention/restraint is not appropriate as a means of gaining compliance except where a failure to comply with an instruction would place the child/young person or others in immediate physical danger.

Physical intervention/restraint is not appropriate as a form of punishment.

Physical intervention/restraint must never be used to inflict pain on the individual.

Serious Risk Assessment

It is beyond the scope of this paper to provide a comprehensive guide to serious risk assessment; Ministry of Education, Special Education staff are referred to the Serious Risk and Management Practice Guidelines (Reducing Challenging Behaviour Initiative August 2006).

The behaviour components of the Specialist Service Standards clearly state what is expected of a Ministry of Education, Special Education staff member, when carrying out a serious risk assessment.

SERIOUS RISK

- ▲ Where there are serious safety risks an immediate response (*within 24 hours*) is required. This is documented in writing, dated and the action recorded against it.
- ▲ Where there are serious child care and protection concerns a referral to Child, Youth and Family is made. This is documented in writing, dated and the action recorded against it.
- ▲ Where there are serious mental health risks a referral to the child or adolescent

community mental health service is required. This is documented in writing, dated and the action recorded against it.

- ▲ Where the child or young person poses a serious physical risk to themselves or others, a risk assessment is undertaken with an experienced colleague or supervisor within five working days.
- ▲ These risks must be communicated to management and to family/whānau where appropriate. Appropriate specialist support from other agencies may be required.
- ▲ An interim plan to manage risk is developed in partnership with families and providers, documented and distributed to all relevant parties, and implemented.

(Quality Specialist Service Standards
May 2006)

NB Although Serious Risk occurs in the Specialist Service Standards as part of the Assessment and Analysis section, it is understood that a serious risk event or situation may occur at any time during the service pathway and across EI, ORRS, Com, and SBI services.

Safety Plan

An Individualised Safety Plan should be written for a child/young person with serious and challenging behaviour, where there is a history of behaviour that threatens the safety and wellbeing of themselves and/or others.

“The objectives of the safety plan are prevention, defusion, and management” (Dunckley, 2006 p37). Safety plans are collaborative documents developed in partnership between families, whānau, early childhood and school staff as well as other professionals involved. Safety plans must comply with the Early Childhood/School policies.

All Early Childhood/School staff need to familiarise themselves with the content of the safety plan and receive training to ensure they can implement the methods employed in a

competent and safe manner. All parties involved in implementing a safety plan should sign and date the plan to show that they have read and understood it. There also needs to be a clear documented process for ensuring that relievers and new staff have read the plan and understand its rationale.

The safety plan should include a range of preventative strategies to minimise the likelihood of any inappropriate behaviour occurring. This may include modifications and adaptations of the child's/young person's physical environment, timetable, programme, tasks, and instructional methods. A safety plan includes:

- ▲ a description of the behaviour that is causing concern
- ▲ the preceding and surrounding events associated with the behaviour (when it is more likely to occur)
- ▲ preventative strategies
- ▲ strategies for defusing and preventing incidents
- ▲ planned action for responding to acting out behaviour
- ▲ information on relevant cultural factors
- ▲ information on relevant disability factors (e.g.: ASD)
- ▲ scripts for staff to follow during an incident
- ▲ contingency plans (for example, management for when relievers are taking the class)

(Dunckley, 2006, pg 38)

Obtaining Informed Consent and Approval

Prior to any physical intervention/restraint procedure being included in a child's/young person's Individual Safety Plan, informed consent should be obtained from the parents/caregivers of the child/young person and

the principal or head teacher of the Early Childhood facility/School. The physical intervention/restraint procedure should also be clearly explained to the child/young person in a developmentally appropriate manner so that child/young person has an understanding of what the procedure will involve for them, and under what circumstances it will be used. It is important when explaining a physical intervention/restraint procedure to a child/young person to keep the focus on how staff will support the child/young person to keep themselves and others safe.

Ministry of Education, Special Education staff should also obtain approval from their Service Manager where the child/young person is a Ministry of Education, Special Education client. Any physical intervention/restraint procedure must also be developed and implemented in accordance with the policies of the Early Childhood/School setting.

Implementing a Physical Intervention/Restraint Procedure

All other positive, preventative, and non-intrusive strategies should have been attempted to de-escalate the situation prior to implementing any physical intervention/restraint procedure. Where possible, the senior management of the Early Childhood Education Service/School should be involved in the decision to use a physical intervention/restraint procedure on a child/young person.

Recognised and Approved Methods of Physical Intervention/Restraint

Only recognised and approved physical intervention/restraint methods should be used, **and these physical intervention/restraint methods should only be used by trained staff.** The Crisis Prevention Institute: Non-violent Crisis Intervention programme is a recognised programme that is widely used in New Zealand. It is beyond the scope of this paper to provide a description of the Non-violent Crisis Intervention programme however, Ministry of Education, Special Education have staff members who have been trained in the Non-violent Crisis Intervention programme, in most

Districts. Staff should approach their CPI registered trainer to gain more details of this programme.

De-Briefing

Debriefing should always be carried out following an incident with all parties involved, and the physical intervention/restraint documented for Early Childhood/School records (Please see appendixes 3, 4, and 5). The principal or head teacher of the Early Childhood Education Service/School, the child/young person's parents/caregivers, and The Ministry of Education, Special Education lead worker (where the child/young person is a client) should all be notified as soon as possible after the event. Debriefing should include an opportunity to discuss strategies aimed at promoting improvements in both staff and student behaviour, if the need for physical intervention/restraint is required in the future.

Ministry of Education, Special Education Staff Involvement in Physical Intervention/Restraint

If a Ministry of Education, Special Education staff member encounters an incident of serious and challenging behaviour involving a child/young person who is not their client, they should not physically intervene, unless there is an "immediate" physical danger. The staff of the Early Childhood/School concerned should follow their own procedures in accordance with their policy. The Ministry of Education, Special Education staff member should assist by directing other children away from the scene, and by assisting any children who are hurt if no one else is available.

Legal Issues

There are no legal rules setting out who can restrain a child and in what situation restraint can be used. In extreme cases where the restraint was not justified or reasonable, the use of a restraint could be regarded as unlawful assault or detention and could be the subject of legal action.

Legal grounds for justifying the use of a restraint include self defence or the defence of another person, and safeguarding persons or property under threat of real and imminent harm, as long as the restraint used was reasonable. This will depend on whether the circumstances of the particular incident warranted the use of force and whether the degree of force was proportionate in the circumstances.

The recent amendment to section 59 of the Crimes Act sets out a justification for the use of force by parents or people acting in the place of parents but this section does not apply to ministry staff working with students in schools.

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In developing this paper, the RCBI consulted with a range of Ministry of Education, Special Education staff. The RCBI project would like to acknowledge and thank these parties for their support and guidance in the development of this paper.

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<http://www.naspweb.org/pdf/BehInt2k.pdf#search=%22thomas%20Ewing%20NCSP%20time%20out%22>

Harris, K. R. (1985). Definitional, parametric, and procedural considerations in time-out interventions and research. *Exceptional Children*, 51, 279-288.

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Sanders, M.R., Markie-Dadds, C., & Turner K.M.T. (2001). *Practitioner's Manual for Standard Triple P*. Queensland, Families International Publishing Pty. Ltd.

Turner, S.T., & Watson, T.S. (1999). Consultant's Guide for the use of Time-Out in the Preschool and Elementary Classroom. *Psychology in the Schools* 36(2), 135-148.

Webster-Stratton, C. (2005). *The Incredible Years: a trouble-shooting guide for parents of children aged 3-8 years*. Toronto, Ontario: Umbrella Press

Internet Resources

Crisis Prevention Institute, Inc. <http://www.crisisprevention.com/>

The Incredible Years. <http://www.incredibleyears.com/>

The Werry Centre for child and adolescent mental health: Incredible Years.
<http://www.werrycentre.org.nz/?t=158>

Triple P: Positive Parenting Programme. <http://www.triplep.net/>

Examining the Safety of High-Risk Interventions for Children and Young People. An International Symposium (2005) <http://rccp.cornell.edu/symposium.htm>

APPENDICES

The following documents are provided to give Ministry of Education, Special Education staff guidance on developing a time-out procedure (Appendix 1). Some examples of what should be included when developing monitoring/recording forms for when Time-out or a Physical Intervention/Restraint is used, are included in Appendices 2-4.

APPENDIX 1: GUIDELINES FOR DEVELOPING A TIME-OUT PROCEDURE

Adapted from: Turner, S.T., & Watson, T.S. (1999). Consultant's Guide for the use of Time-Out in the Preschool and Elementary Classroom. *Psychology in the Schools* 36(2), 135-148.

APPENDIX 2: SUMMARY LOG FOR THE USE OF TIME-OUT

Adapted from: Guidelines for the Appropriate Use of Seclusion and Physical Restraint in Special Education Programs, Wisconsin Department of Public Instruction (WDPI) September 2005.

APPENDIX 3: SUMMARY LOG FOR THE USE OF A PHYSICAL INTERVENTION/RESTRAINT

Adapted from: Guidelines for the Appropriate Use of Seclusion and Physical Restraint in Special Education Programs, Wisconsin Department of Public Instruction (WDPI) September 2005.

APPENDIX 4: PHYSICAL INTERVENTION/RESTRAINT REPORT FORM

Adapted from: Guidelines for the Appropriate Use of Seclusion and Physical Restraint in Special Education Programs, Wisconsin Department of Public Instruction (WDPI) September 2005.

APPENDIX 1: GUIDELINES FOR DEVELOPING A TIME-OUT PROCEDURE

Assess the function/meaning of the behaviour.

1. Determine the function of the behaviour
 - ▲ If the behaviour is being maintained by attention or access to a tangible reinforcer/reward then the use of time-out may be appropriate
 - ▲ If behaviour is maintained by a desire to escape the setting/situation, time-out is not appropriate and other behaviour management strategies should be used.
2. Ensure that the time-in environment (classroom) is more rewarding than the time-out environment.
3. Ensure that there are high rates of reinforcement of appropriate behaviour in the time-in environment.

Setting up time-out procedures

4. Decide if warnings will be used prior to implementing time-out (be consistent)
5. Use a timer as a guide only – the parent / teacher should be in control of the length of time a child is in time-out.
6. Identify the time-out location
7. Predetermine the length of time-out
 - ▲ Use brief time-out initially (30s - 1 min) and extend to longer time-outs if necessary
8. Decide if a contingent release procedure will apply (e.g. two minutes of silence prior to being released from time-out).
9. Rehearse the procedure

Implementing Time-out

10. After parameters have been determined, explain and model the time-out procedure to the child
11. Sending a child to time-out
 - ▲ Send immediately on occurrence of target behaviour
 - ▲ Use neutral tone of voice and a brief statement "Because you, you must go to time-out".
 - ▲ Escort the child to time-out if necessary
12. Release from time-out
 - ▲ If using contingent release procedure, extend time-out until appropriate behaviour is displayed e.g. two minutes of silence.
 - ▲ If contingent release procedure is not used, release child from time-out at the end of predetermined time.
13. If child leaves time-out
 - ▲ Repeated returns may be used – time is reset.
 - ▲ Loss of privileges such as free time may be used for older children
14. After time-out has been completed, return child to activity and reinforce the first instance of an appropriate behaviour

(Adapted from: Turner & Watson, 1999)

APPENDIX 2: SUMMARY LOG FOR THE USE OF TIME-OUT

See Summary Log for the use of Time-out on
following page.

Summary Log for the use of Time-out

Student's Name	Date	Behaviour	Type of Time-out	Time-out started	Time in Time-out	Staff initials	Comments, including the student's behaviour after the time-out procedure has been used

(Guidelines for the Appropriate Use of Seclusion and Physical Restraint in Special Education Programs, Wisconsin Department of Public Instruction (WDPI) September 2005)

APPENDIX 3: SUMMARY LOG FOR THE USE OF A PHYSICAL INTERVENTION/RESTRAINT

See Summary Log for the use of a Physical
Intervention/Restraint on following page.

Summary Log for the use of a Physical Intervention/Restraint

Student's Name	Date	Behaviour	Time Physical Intervention started	Time Physical Intervention ended	Total time Physical Intervention used	Staff initials	Comments, including the student's behaviour after the restraint procedure has been used

APPENDIX 4: PHYSICAL INTERVENTION/RESTRAINT REPORT FORM

See Physical Intervention/Restraint Report
Form on following page.

Physical Intervention/Restraint Report Form

Student Name: _____ Age: _____ Year Level: _____

Teacher: _____ Gender (circle): Male
Female

Person making report: _____ Date of report: _____

Date/time of restraint: _____ Location: _____

Behaviour leading to Physical Intervention/Restraint:

Others involved (staff & students):

Behaviour during Physical Intervention/Restraint:

Duration of Physical Intervention/Restraint:

Desired alternative/replacement behavior:

Follow-up:

Parent contact (Date: _____ Method: _____ Initials: _____)

Discussion with student:

Conclusions of debriefing/follow-up with staff:

Individual Planning meeting needed? ☐ Yes ☐ No

(If yes, date scheduled: _____)

Additional action needed (specify):

(Guidelines for the Appropriate Use of Seclusion and Physical Restraint in Special Education Programs, Wisconsin Department of Public Instruction (WDPI) September 2005)