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Education Report: Minimising physical restraint and stopping seclusion in New Zealand Schools

Recommendations

We recommend that you:

- a. **note** the Secretary for Education wrote to all schools stating her expectation that they should cease the practice of seclusion;
- b. **note** the guidance and support provided to schools to minimise the use of physical restraint and eliminate seclusion;
- c. **note** the findings from a self reporting survey of schools on their use of seclusion; and
- d. **note** that all schools in New Zealand have confirmed with the Ministry of Education that they are not using seclusion.



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Encl



Hon Hekia Parata
Minister of Education

25/11/16

Education Report: Minimising physical restraint and stopping seclusion in New Zealand Schools

Purpose of report

1. This paper provides information on:
 - the guidance and support to schools to minimise the use of physical restraint and eliminate seclusion
 - the findings from a self reporting survey of schools on their use of seclusion, and the Ministry's actions to support them to eliminate seclusion
 - a summary of the Ministry's understanding on the current use of seclusion practice.

Background

2. In late December 2014 the Ministry commissioned an independent inquiry into a complaint about the use of seclusion at a special school. The February 2015 report from this inquiry recommended that the Ministry convene a working party to consider the use of seclusion and restraint in schools to investigate best practice models. Since June 2015 the Advisory Group (made up of representatives from the School Trustees Association, Education Unions, principals groups, Ministry of Health, Child Youth and Family - High and Complex Needs Unit, and Ministry of Education behaviour specialists) has worked to develop a guide to eliminate seclusion and minimise the use of physical restraint in New Zealand schools. School visits and evidence from the literature on restraint and seclusion have informed the guide.
3. The guidance provides alternatives to seclusion, and makes it clear the practice of seclusion should no longer be used in our schools. The Advisory Group proposed to progressively reduce the use of exclusion over a three year period.
4. Following the identification of the use of this practice in Miramar Central School, you directed the Ministry to undertake work to end the practice of seclusion in New Zealand schools as soon as possible.

How does the guidance define seclusion?

5. Seclusion is when a child or young person is involuntarily placed in a room from which they cannot freely exit, or believe they cannot exit, at any time and for any duration. The door may be locked, blocked or held shut.
6. Placing a child alone in a room from which they cannot freely exit can be physically and psychologically harmful.

7. Seclusion is not the same as 'time out'. This is where a child or young person voluntarily takes themselves to an agreed space or unlocked room, typically a low sensory place, to de-stimulate or calm down, or when a teacher prompts a disruptive child or young person to work in another space. It is important to make the distinction between 'seclusion' and 'time out' as the terms should not be used interchangeably.

Survey of the use of seclusion in New Zealand schools

8. Following the Advisory Group's clarification on the definition of seclusion and in order to work with schools to cease the practice of seclusion, the Ministry of Education undertook a survey of all 2529 state, state integrated, partnership schools and private schools in New Zealand. On the basis of the guidance definition, the purpose of the survey was to identify what schools were using seclusion practice (as opposed to time out) and to work with those schools to eliminate its use.
9. Stage 1 of the survey involved schools *self identifying* they may have seclusion facilities. Following this, Stage 2 was to work alongside the schools who self identified as potentially using seclusion to visit and identify the use of the facilities, and to discuss current practice. All schools have been surveyed and responded to Stage 1.
10. Out of the 36 schools self identifying as potentially using seclusion, five self reported as not using seclusion in 2016.
11. The Stage 2 process focused on working alongside the 31 schools that had self-reported as using seclusion in 2016.
12. After further discussions and visits with these schools we have concluded:
- two have not used seclusion in 2016,
 - 12 were considered to have used appropriate time out behaviour management practices that did not constitute seclusion, and
 - 17 were considered to have been using seclusion, and have agreed to stop using seclusion and revise their practice.
13. Given the reliance on self reporting by schools, there remains a risk that some schools have not reported the use of seclusion. This could be for a variety of reasons as in the past the terms time out and seclusion have been used interchangeably. We will continue to work with schools and their communities to reinforce what practices are appropriate.
14. The Education Review Office (ERO) has introduced in its reviews of schools specific questions on how schools manage children/students with behavioural difficulties. ERO has always checked every school's complaints policy and, where there has been a reason, also checks the complaints register and the Board of Trustees' "in committee" minutes. ERO has also updated the Board Assurance Statement for Boards of Trustees to attest that they are developing policies to reflect the Ministry of Education's *Guidance for New Zealand Schools on Behaviour Management to Minimise Physical Restraint*.

15. In conclusion, the Ministry is aware of 17 schools having used seclusion in 2016. Following further work with the schools, all 17 have confirmed that they have ceased the practice, and are now using appropriate behaviour management techniques.
16. The Ministry will respond to any new incidences or concerns on a case by case basis, and is working with a number of schools to support the change of practice including the provision of independent expert advice where required.
17. The names of the 17 schools that have used seclusion practice during 2016 are provided in Appendix 1. This list has been provided to the Education Review Office.

Guidance for New Zealand Schools on Behaviour Management to Minimise Physical Restraint

18. The Secretary for Education wrote to all schools on 3 November 2016, stating her expectation that they should cease the practice of seclusion. Schools were offered support to enable the change of practice immediately, and any assistance around particular children and young people of concern.
19. This was supported by the release of the *Guidance for New Zealand Schools on Behaviour Management to Minimise Physical Restraint* and a PowerPoint presentation for school leaders to introduce the guide to their staff to reinforce the importance of not using seclusion and to minimise the use of physical restraint as part of their approach to managing behaviour.
20. As part of the development of the *Guidance for New Zealand Schools on Behaviour Management to Minimise Physical Restraint*, the Ministry has developed an Understanding Behaviour, Responding Safely workshop. This is being made available for schools with priority given to schools using seclusion or physical restraint.
21. We are also updating our advice and guidance for parents, including questions they should put to schools if they have concerns about their practice, where to seek further advice, and what supports are available from the Ministry.

Appendix 1

Schools that have used seclusion in 2016 but have now ceased the practice

Awatapu College
Bamford School
Banks Avenue School
Elmgrove School
Fairhaven School (Napier)
Halswell Residential College
Highfield School
Karoro School
Levin East School
Linwood North School
Miramar Central
Timaru South School
Waimate Main School
Wainoni School
West End School (Palmerston North)
Westbridge School
Westport South School