

## Physical restraint

Every situation where physical contact occurs between staff and students has the potential to be interpreted, reinterpreted and misinterpreted in any number of ways.

The Board has a responsibility to provide a healthy and safe environment for all staff and students. Inevitably, physical intervention may be required where there is an immediate risk of harm or damage to individuals or property. Any physical contact should always be seen as a LAST RESORT and only after all other alternative responses have been exhausted.

Any contact must be compliant with current legislation as well as, for registered teachers, the requirements of the NZ Education Council.

As the **Teaching Council** reminds us:

*The Education and Training Act 2020 directly impacts you as a teacher. Here is a brief overview of the changes to when a teacher can use physical restraint.*

*Under the new Act, as a teacher or authorised staff member you must not physically restrain a student unless:*

- *that physical restraint is necessary to prevent imminent harm to the student or another person,*
- *you reasonably believe there is no other option available in the circumstances to prevent the harm,*
- *the physical restraint is reasonable and proportionate in the circumstances.*

*Physical restraint is defined as “use of physical force to prevent, restrict, or subdue the movement of a student’s body or part of the student’s body against the student’s will”.*

There are some key changes that help clarify things for teachers:

- the definition of “physical restraint” is the same wording as the current Act, except it adds “against the student’s will” - this addition clarifies that physical contact such as hugging or contact with a student when it is not against their will is permissible.
- the new definition of “harm” includes “significant emotional harm” - we are pleased with this inclusion as it supports the intent of the *Code and Standards | Ngā Tikanga Matatika Ngā Paerewa* to consider a student’s overall well-being, including physical and emotional safety.
- the definition of harm applies not only to the student but also to other persons – this better reflects the responsibility you have for all learners and allows you to consider the impact on others.
- the current requirement to assess “serious and imminent risk” has been changed to “imminent harm” - we believe this will help you make quicker decisions about whether to act in what are often very quick-moving and fluid situations.

The Act also includes a requirement that rules and guidelines that support the physical restraint framework in a practical way be developed through consultation with teachers, principals, parents and the disability community - this means the current guidelines, which you have told us are confusing and unhelpful, will be replaced.

In the meantime, the rules and guidelines introduced in 2017 apply.

All School leaders need to be conversant with the [2017 Ministry Guidelines](#)

Within the guidelines and repeated here:

***Reporting and documenting the incident***

» *Staff must complete an incident report. [Use the ministry guidelines on page 13](#), or other suitable template.*

» *The staff members involved in the physical restraint should sign the incident report, as well as the principal or principal's delegate.*

» *Put the completed forms on the student's file and make them available to the student's teacher and parents or caregivers.*

» *All incidents of physical restraint must be reported to the Ministry of Education and the employer. This reporting contributes to the self-review and monitoring process. [Use the form attached to these guidelines.\(Pg:11\)](#)*