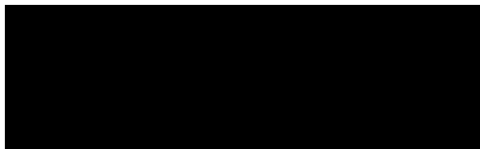




17 JAN 2018



Dear 

Thank you for your email of 22 November 2017 requesting the following information:

How many incidents of physical restraint have been reported to the Ministry since 15 August, broken down by:

- *School type (primary, intermediate, secondary, composite, special schools)*
- *Age of students*
- *Student gender*
- *Student ethnicity*
- *Students with or without Individual Behaviour Plans (IBPs)*
- *Whether anyone was or was not injured*
- *Whether the staff member who applied the restraint had or had not received training prior to the incident.*

Your request has been considered under the Official Information Act 1982.

The Ministry of Education is committed to ensuring the safety of both students and staff in New Zealand schools. We provide a range of support to assist schools to manage challenging behaviour. This support includes the Understanding Behaviour, Responding Safely (UBRS) workshop, which is delivered as a whole day training or in modules for whole school staff groups. It focuses on prevention and de-escalation strategies and is delivered by regional staff experienced in behaviour management. Ministry Learning Support specialists also provide support for children and young people with high levels of challenging behaviour.

However, there will be times where situations escalate and, on rare occasions, a student may need to be physically restrained to protect themselves and/or others.

Physical restraint is a serious intervention and should be used only as a last resort. It is regulated via a combination of the Education Act 1989 (the Act), the Education (Physical Restraint) Rules 2017 (the rules) and the *Guidelines for Registered Schools in New Zealand on the Use of Physical Restraint* (the guidelines). The Act and rules set out what schools must do and the guidelines outline good practice in using, monitoring and reporting on physical restraint.

Section 139AC of the Act defines "physical restraint" as "*using physical force to prevent, restrict, or subdue the movement of a student's body or part of the student's body.*" Examples

of physical restraint may include such things as preventing a student from running onto the road or breaking up a fight.

The Act limits the use of physical restraint by teachers or authorised staff members in schools to situations where:

- the teacher or staff member reasonably believes the safety of the student or of any other person is at serious and imminent risk; and
- the restraint used is reasonable and proportionate in the circumstances.

Under the rules, which came into force on 15 August 2017, schools need to notify the Ministry of Education and the employer (board of trustees, sponsor of a partnership school kura hourua, or manager of a private school) each time physical restraint is used. This new requirement will allow us to provide appropriate support to schools and students, and update the rules and guidelines if needed to address emerging issues.

Situations involving physical contact happen in schools every day. Examples of situations which do not constitute physical restraint, and do not have to be reported to the Ministry, include:

- Temporary physical contact (such as a hand on the arm, back or shoulders to remove a student from a situation to a safer place).
- Holding a student with a disability to move them to another location, or help them get into a vehicle or use the stairs.
- The practice of harness restraint, when keeping a student and others safe in a moving vehicle, or when recommended by a physiotherapist or occupational therapist for safety or body positioning.
- Younger students, especially in their first year of school, sometimes need additional help. For example, placing a hand on a younger student's back to guide them from one place to another does not need to be reported to the Ministry.
- Staff may hold the hand of a young student who is happy to have their hand held for a brief period of time.
- Staff may pick up a young student to comfort them briefly.

Between 15 August 2017 and 22 November 2017, we received 705 notifications of incidents of physical restraint involving 446 individual students. This represents a small percentage of the approximately 800,000 students and more than 2,500 schools in the school system.

The various break-downs you have requested are set out below.

Incidents of physical restraint notified to the Ministry between 15 August 2017 and 22 November 2017, broken down by:

School type

School Type	Number
Composite (Year 1-15)	7
Contributing	316
Full Primary	216
Intermediate	14
Restricted Composite (Year 7-10)	3
Secondary (Year 7-15)	6

Secondary (Year 9-15)	13
Special School	130
Total	705

Age of student at date of incident

Age	Number
5	97
6	95
7	81
8	77
9	125
10	70
11	50
12	28
13	17
14	48
15	8
16	4
17	1
18	3
19	1
Total	705

Your requests for gender and ethnicity data have been collated by number of students rather than incidents to prevent double counting.

Student gender

Gender	Number
Female	78
Male	368
Total	446

Student ethnicity

Ethnicity	Number
Asian	20
NZ European/Pākeha	269
Māori	181
MELAA*	11
Other	3
Pasifika	41

*Middle Eastern, Latin American or African

Note: Since students can be represented in more than one ethnicity, students identified in more than one ethnic group have been counted in each ethnic group identified. Ethnic groups should not be summed as this could lead to double counting of some students.

Incidents where student was reported to have an Individual Behaviour Plan (IBP)

IBP reported	Number
No	242
Field not completed	10
Yes	453
Total	705

Note: students involved in more than one incident may have a different IBP status at the time of each incident.

When a Learning Support practitioner is part of the team supporting a student on an Individual Behaviour Plan, and restraint has been agreed as a necessary part of their plan, the small team directly involved with a student will be taught safe restraint tailored to the needs of the student. A school must have completed the UBRs training in prevention and de-escalation before restraint will be taught. Ministry safe restraint instructors are all accredited Management of Actual and Potential Aggression (MAPA) instructors. MAPA instructors are trained in behavioural risk assessment which guides their decision making when considering restrictive interventions. Instructors are trained to teach a range of physical interventions tailored for the individual child or young person.

Incidents where injury was reported

Injury reported	Number
No	423
Field not completed on IPR form	7
Yes	275
Total	705

It is important to note that many of the injuries were reported to have occurred prior to the use of physical restraint.

The Incident of Physical Restraint Form includes a "free text" box inviting schools to describe the injury but does not require the school to categorise the injury by type, severity or recipient (student or others). However, I can advise that a range of physical injuries were reported in this field, including cuts, scratches and bruises.

Whether the staff member who applied the restraint was reported to have received training prior to the incident.

Staff member trained?	Number
No	294
Field not completed on IPR form	10
Yes	401
Grand Total	705

As outlined above, the UBRs training is available to all schools and all school staff should understand prevention and de-escalation techniques. However, for one-off incidents, professional judgment of what constitutes serious and imminent risk, and whether the authorised employee feels a student can be safely restrained, is required. The Ministry does

not provide training in generic restraint methods. Research suggests that generic physical restraint training is not effective and could potentially increase the risk of harm to the student or others.

Further information about the rules and guidelines relating to the use of physical restraint in schools can be found on the Ministry's website at the following link:

<http://www.education.govt.nz/news/new-rules-for-using-physical-restraint-in-schools/>

Thank you again for your email. Should you have any queries or concerns about this response I would encourage you to raise these with the Ministry's Media Team in the first instance. You also have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Susan Howan
Acting Deputy Secretary
Sector Enablement and Support