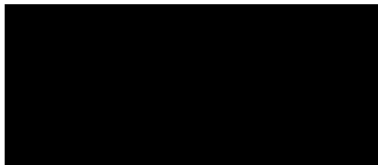




17 JAN 2018



Dear 

Thank you for your email of 30 November 2017 requesting the following information:

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

- I understand that since August 15 schools have had to report any use of physical restraint, and I would like to know how many instances there have been of this at Wairarapa schools to date.*
- I would like that information broken down into individual schools if possible, and I would also like national figures for comparison.*

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.

My responses to your particular questions are set out below.

Between 15 August 2017 and 30 November 2017, we received 809 notifications of incidents of physical restraint from schools. Six of these incidents occurred at schools in the Wairarapa region. The Ministry received at least one Incident of Physical Restraint form from 297 schools, five of which are in the Wairarapa region.

Please note that these figures:

- record incidents of physical restraint reported by schools
- represent a small percentage of the approximately 800,000 students and more than 2,500 schools in the school system.

I am withholding the individual school level data you have requested in full under sections 9(2)(a) and 9(2)(ba)(i) of the Official Information Act to protect both the privacy of the individual students concerned and the continued supply of this information to the Ministry. As required under section 9(1) of the Official Information Act, I have had regard to the public interest considerations favouring the release of this information. However, I do not consider the public interest in the release of this information is sufficient to outweigh the need to withhold it.

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