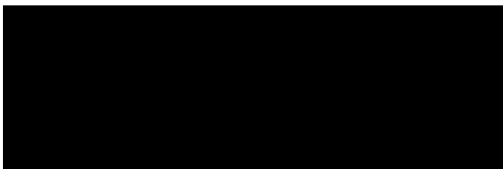




20 NOV 2017



Dear 

Thank you for your email of 27 September 2017 requesting the following information:

- *Would it be possible to get a tally of the number of [physical restraint] notifications the Ministry has received so far and from how many schools?*
- *If a breakdown of the types of restraint (ie. Breaking up a fight, restraining child with a weapon...) is possible, that would be great too...*

I am also in receipt of your subsequent email of 25 October 2017, confirming that you would like this information to be provided as at 25 October 2017.

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:

OIA: 1086585

National Office, Mātauranga House, 33 Bowen Street, Wellington 6011

PO Box 1666, Wellington 6140. Phone: +64 4 463 8000 Fax: +64 4 463 8001

- 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 now need to notify, using the Incident of Physical Restraint (IPR form), 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.

In response to your particular questions, I can advise that, as at 25 October 2017, the Ministry of Education received 423 Incident of Physical Restraint notification forms for incidents taking place between 1 August 2017 and 25 October 2017. These notifications came from 186 schools. This represents a small percentage of the approximately 800,000 students and more than 2,500 schools in the school system.

The majority (321) of these incidents occurred in Primary and Intermediate schools and 79 took place in special schools. More than half involved a student with an Individual Behaviour Plan in place. In all instances, the school reported that the use of restraint was necessary because of a serious and imminent risk to the safety of students, staff or others.

The IPR form, however, does not require schools to specify, and the Ministry does not centrally categorise, each incident by "type" of restraint. To breakdown the information in this way would require the manual assessment of free text fields on each of the 423 forms received by the Ministry in the period of your request, which may or may not include a description of the type of restraint. I am therefore refusing this part of your request under section 18(f) of the Official Information Act, as providing the requested information would require substantial collation and research.

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



Katrina Casey
Deputy Secretary
Sector Enablement and Support