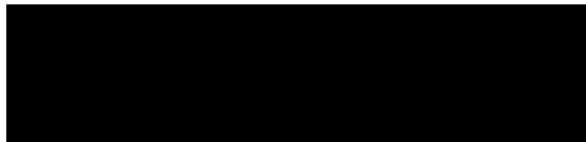




28 NOV 2017



Dear 

Thank you for your letter of 2 October 2017 requesting, amongst other matters, the following information:

A. Reporting on Physical Restraint

1. *How many completed "Staff Physical Restraint Incident Report Forms" has the Ministry received from 1 August 2017 to September 30 2017? Please supply the total data and data broken down by region.*
2. *In the same period, how many individual students were the subject of an incident report form?*
3. *In the same period, how many individual schools sent in report forms?*
4. *According to the information received from schools on the forms*
 - *In how many cases, was it the first time a student had been restrained?*
 - *In how many cases, was the student restrained more than once during the day*
 - *In how many cases did the student have an individual behaviour plan?*
 - *In how many cases, did injuries result?*
 - *How many teachers applied restraint?*
 - *Of those teachers, how many teachers designated as SENCOs applied restraint?*
 - *How many support staff applied restraint?*
 - *How many principals applied restraint?*
 - *How many staff members who applied restraint received training prior to the incident?*
5. *How many forms reported restraint being necessary because of a serious and imminent risk to:*
 - *the safety of the student?*
 - *the safety of other student(s)?*
 - *the safety of adults?*
6. *What other reasons were given for restraint being necessary?*

As advised previously, our response to Parts B, C and D of your request will be provided separately.

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 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.

My responses to your particular questions are set out below.

1. How many completed "Staff Physical Restraint Incident Report Forms" has the Ministry received from 1 August 2017 to September 30 2017? Please supply the total data and data broken down by region.

As at 12pm on 17 October 2017, the Ministry of Education had received 360 notifications of incidents of physical restraint that took place between 1 August 2017 and 30 September 2017. The majority of these incidents (276) occurred at Primary or Intermediate schools. This represents a small percentage of the approximately 800,000 students and more than 2,500 schools in the school system.

2. In the same period, how many individual students were the subject of an incident report form?

242 students were the subject of an IPR form regarding incidents that took place between 1 August 2017 and September 30 2017.

3. In the same period, how many individual schools sent in report forms?

In the same period, 166 schools sent IPR forms to the Ministry.

4. According to the information received from schools on the forms:

In how many cases, was it the first time a student had been restrained?

- 111 forms reported that it was the first time the student had been physically restrained.
- 244 forms reported that it was not the first time the student had been physically restrained.
- 5 forms did not have this field completed. The Manager, Learning Support ensures there is a follow up conversation with the School following each reported incident of physical restraint. Any incomplete fields on the form would be discussed during this conversation.

In how many cases, was the student restrained more than once during the day

- 92 forms reported more than one incident of physical restraint during the day. Ten of these forms are from follow-on incidents later in the day, and are identified as such.
- 263 forms reported there was only one incident of physical restraint during the day.
- 5 reports did not have this field completed.

In how many cases did the student have an individual behaviour plan?

- 233 forms reported that the student has an Individual Behaviour Plan.
- 123 forms reported the student does not have an Individual Behaviour Plan.
- 4 forms did not have this field completed.

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.

In how many cases, did injuries result?

- 136 forms reported injuries.

The IPR 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. We are not aware of any students being hospitalised as a result of physical restraint. It is also important to note that many of the injuries were reported to have occurred prior to the use of physical restraint.

- 219 forms reported no injuries.
- 2 forms did not have this field completed.

How many teachers applied restraint?

Of those teachers, how many teachers designated as SENCOs applied restraint?

How many support staff applied restraint?

How many principals applied restraint?

- 160 forms reported that individual teachers applied physical restraint.
- In 67 instances teacher aides applied physical restraint.
- In 57 instances multiple staff were involved in the application of physical restraint.
- 36 forms reported that principals (including deputy and acting principals) applied physical restraint.
- 1 form reported that a teacher designated as a SENCO applied physical restraint.
- 1 form support staff applied physical restraint.
- The remaining 38 forms reported that the physical restraint was applied by other staff members.

Under the Rules, a school may authorise an employee, who is not a teacher, to use physical restraint in accordance with section 139AC of the Act.

How many staff members who applied restraint received training prior to the incident?

- In 184 of the incidents at least one staff member had been trained prior to the incident.
- In 173 of the incidents none of the staff members had been trained prior to the incident.
- 3 reports did not complete the field.

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.

5. *How many forms reported restraint being necessary because of a serious and imminent risk to:*

- ***the safety of the student?***
- ***the safety of other student(s)?***
- ***the safety of adults?***

All 360 forms reported restraint being necessary because of a serious and imminent risk to the safety of the student or the others.

I am unable to break this information down further (i.e. by who the risk was to). To do so would require an analysis of the "free text" fields on each of the 360 forms submitted within the timeframe of your request. Undertaking this analysis would be very time consuming and would have a significant effect on the Ministry's ability to carry out its core functions. I am therefore refusing this part of your request under section 18(f) of the Act as a response cannot be provided without substantial collation and research.

6. *What other reasons were given for restraint being necessary?*

No other reasons were given for restraint being necessary. As outlined above, physical restraint can only be used in circumstances where there is a serious and imminent risk to the safety of 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



Katrina Casey
Deputy Secretary
Sector Enablement and Support