

Investigation of Parent Complaint at Miramar Central School Wellington

September 2016

Description of Services

Terri Johnstone from Catalyst for Change will conduct an investigation which covers the following Terms of Reference:

1. Processes and procedures for the use of the 'timeout / saferoom' or such space in the school in accordance with the school's policies
2. The school's use of a 'timeout' space in the school and its lawfulness
3. The practice used at the school to determine whether a student should use the time out room
4. Use of the 'timeout' specifically related to the complainant's child

Background to Investigation

The following report is tabled in response to the Terms of Reference outlined in the Contract with the Ministry of Education dated 10th of August 2016. This review has been requested by Debbie Hughes (Regional Manager, Ministry of Education) in response to a complaint lodged to the Chairperson of the Board of Trustees at

s 9(2)(a) OIA Miramar Central School on the 22nd of July, 2016. This complaint was lodged by [REDACTED] in relation to the use of a timeout room at Miramar Central School. s 9(2)(a) OIA

This complaint was in reference to [REDACTED] who has s 9(2)(a) OIA
the diagnosis of [REDACTED] This, in essence, means s 9(2)(a) OIA
that [REDACTED] is [REDACTED] s 9(2)(a) OIA

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In the complaint, [REDACTED] refers to an incident on Thursday the 7th of July, 2016, s 9(2)(a) OIA
where a support worker found that [REDACTED] had been locked in a small dark room s 9(2)(a) OIA
for 10 minutes, or possibly longer. [REDACTED] is of the understanding that this was not s 9(2)(a) OIA
the first time that [REDACTED] had been locked in such a room, and that he had also s 9(2)(a) OIA
been placed there on Tuesday the 5th of July. Additionally, [REDACTED] was told about a s 9(2)(a) OIA
timeout room log spreadsheet that documented [REDACTED] was locked in the timeout s 9(2)(a) OIA
room on 13 entries over 9 consecutive days. [REDACTED] voiced concern for [REDACTED] s 9(2)(a) OIA
safety and wellbeing in association with a "timeout dark room – solitary confinement
in a locked room for a young [REDACTED]. [REDACTED] was concerned

after a meeting with Georgina Miles on the 4th of August (Board Chair of Miramar Central School), where she claims it was relayed to her that the Board believed that the timeout room was “approved and signed off by the Ministry”. There appears to be some confusion between the time out room sign off, and protocol sign off. The Board Chair and the Principal of Miramar Central School are of the understanding that the Ministry of Education signed off the remodelling of the Kowhai Unit around 2005, which would have included the time out room. Miramar Central School has not been able to find evidence to this effect. Regardless of this lack of evidence around signoff, even if it did occur, it must be viewed within a historical context. 10 years is a long time, and with literature and research on best practice constantly being updated, significant changes have occurred in approaches to timeout rooms. In recognition of the variance of practice, the Ministry of Education has recently developed National Guidelines around the use of locked timeout rooms (now defined as seclusion). They are currently in the process of being ratified and socialised, and will assist schools in the development of best practice around timeout rooms.

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From reading the correspondence from the Board Chair and [REDACTED] there is evidence that the school board were proactively working towards resolution. For example, the school fully supported the need for an independent review surrounding the use of the timeout room, as they saw this as an opportunity to critique and improve school-wide systems and practices. In addition, The Board Chair acknowledged and understood [REDACTED] concerns, offering assurance that the timeout room would not be used for [REDACTED]. Their overall aim was to resolve issues so as not to disrupt [REDACTED] schooling at Miramar Central School. However, [REDACTED] felt it was best to remove [REDACTED] from the school until the investigation was completed. This was noted in an email from the Board Chair to [REDACTED], summarising meeting notes dated the 4th of August.

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Investigation Approach

The process of this investigation predominantly relied upon interviewing teachers and support staff that worked directly and indirectly with [REDACTED] In addition, [REDACTED] ([REDACTED] mother) was consulted, as well as Ministry of Education specialists, and an ABA therapist employed by the [REDACTED] family.

In total, 19 face-to-face interviews were undertaken. The list of interviewees is as follows:

- [REDACTED]	Mother of [REDACTED]
- [REDACTED]	ABA Therapist (Employed by [REDACTED] family)
- [REDACTED]	Ministry of Education Lead Worker, Speech and Language Therapist
- [REDACTED]	Lead Specialist Teacher
- [REDACTED]	Teacher Aide
- [REDACTED]	Teacher Aide
- [REDACTED]	Teacher
- [REDACTED]	Teacher
- [REDACTED]	Teacher Aide
- [REDACTED]	Teacher Aide
- [REDACTED]	Teacher
- [REDACTED]	Teacher Aide
- [REDACTED]	Teacher Aide
- [REDACTED]	Head of Kowhai Unit
- [REDACTED]	Teacher Aide
- John Taylor-Smith	Principal
- [REDACTED]	Teacher Aide
- [REDACTED]	Teacher
- [REDACTED]	Teacher

Validity

As an investigator, one is always mindful of validity, reliability and credibility. The validity of the report was assisted through the exclusion of hearsay. The integrity of this report has been maintained through the cross referencing of information from 19 interviews, and documentation. It is through this analysis that I base my conclusions on a balance of probabilities basis ("more likely than not" in laypersons' terms). This is a civil standard of proof and a lower threshold than beyond reasonable doubt. This report has also been peer-reviewed by David Beck, an independent lawyer from SB Law based in Christchurch, who has extensive experience within the education law sector.

Documentation

To ensure the health and safety of all students and staff, schools are required to operate within the parameters of legislation and a common law duty of care. As well as the school's Charter (the BOT Governance document), Boards of Trustees should have Policies and Procedures in place, which comply with the:

- *NZ Education Act 1989*
- *New Zealand Bill of Rights Act 1990*
- *Human Rights Act 1993*
- *Race Relations Act 1971*
- *UN Convention on the Rights of the Child (1989)*
- *National Administration Guidelines (NAG 5)*
- *Health and Safety at Work Act 2015*
- *Health and Disability Act (2000)*
- *Vulnerable Children Act (2014)*

In addition, I visited Miramar Central School on the 15th, 16th and 17th of August 2016, which included an orientation of the Kowhai Special Education Centre.

Term of Reference 1:

Processes and procedures for the use of the 'timeout / saferoom' or such space in the school in accordance with the school's policies

Miramar Central School *Discipline – A Framework for Teaching and Learning Booklet* outlines processes, policies, and frameworks that direct the school in their management of students. One of these documents is *Discipline – A Framework for Learning and Caring* (Appendix A) which addresses the management of behaviour through policy, classroom management strategies and individual student programmes. The school behaviour policy on discipline aims to encourage students to take pride in themselves, their work and their school through adherence to clear expectations and rules (Appendix B). The policy refers to consequences as being a “learning opportunity” when rules are broken. It also refers to the involvement of parents in the formulation of discipline plans. *Responses to Misbehaviour – Consequences* (Appendix C) are also made explicit in relation to an escalating scale of intervention from least intrusive to most intrusive. The most intrusive consequences outlined include “allow cool-off time”, “put it right”, and “restitution”. A document also exists for *Difficult to Manage Individual Children* (Appendix D), which focuses on promoting positive self-esteem, confidence, security, and co-operation through the application of the previously mentioned principles and interventions. From reading this booklet, the use of a timeout room does not feature, nor are there links to any other guidelines relating to students with special needs.

Whilst not part of the *Discipline - Framework for Teaching and Learning Booklet*, Miramar School has supporting guidelines titled *Use of the Time-Out Room* (Appendix E). The justification for the use of the timeout room is described as when a student is deemed to be out of control or displaying extremely aggressive behaviour. The guidelines state that it is only used when the safety of the student, staff or property is at risk. This policy is general to all students at Miramar School, and does not mention specific programmes that reference students with special needs. For example, the guidelines recommend that a student spends 1 minute in

the timeout room per each year of their age (e.g. 10 minutes for a 10 year old student). It also leaves the decision as to whether the light is on or off to the staff member placing the student in timeout.

At Miramar Central School, all ORS funded students have *Individual Education Plans*. In addition to this, these students have a *Behaviour Support Plan*, which outlines specific behaviour and behavioural strategies. The *Behaviour Support Plan* also has an evaluation/reflection section to monitor progress and allow for the adjustment of the plan. It is within this *Behaviour Support Plan* that one would find the timeout room process that is tailored to the needs of the particular student.

An example of a process includes the following sequential steps:

1. Challenging Behaviour is identified
2. De-escalation techniques used, including visuals



3. A timeout chair is used
4. If behaviour continues, visuals are used again
5. The student is taken to the timeout room. The student either walks unassisted, or if resistant, the staff direct the student to the room using an arm restraint hold.
6. An egg-timer is placed on the window opening. The window slider is left open. The light is left on. The door is closed and locked by a latch (depending on student's height) from the outside to prevent the student from leaving.



7. The door is opened after the timer has run out. The student is shown the visuals.
8. If the student has calmed, they are reintegrated into the classroom. Wherever possible, the student is encouraged to vocalise the desired behaviour (e.g. gentle hands). If the behaviour does not de-escalate, the procedure is revisited. This may include taking the student back to the least intrusive intervention (i.e. the chair), and if the student still is not settled, in the timeout room.
9. The timeout report is completed when the student is in the room, or after the procedure. A staff member stays outside the room at all times.



Time Out Room Report	
Name	
Class	
Date	
Incident	
Signed	



10. The information from the card is entered onto a timeout room log. As of the beginning of Term 3 2016, it is required that all staff complete a behavioural incident report (red card). This information is then entered into the school guidance system via eTAP.

Prior to this sequence, 'red cards' were used only for students who were non-ORS funded, as it was deemed that IEPs and associated management plans individualised responses for these students.

Timeout Room Description

The dimensions of the timeout room are approximately 1.45m x 2.30 m x 2.30m high. It has a full 2m x 0.9m window at 1.6m height along one side, which lets daylight in. It also has a light which can be turned on and off. The floor and walls are carpeted for safety reasons. The room does not have a sprinkler and is ventilated as per the rest of the unit. The room has no soft furnishings, however it presents as a well-maintained, clean environment. The door has a latch lock from the upper right hand corner on the outside of the door that is locked for students who can reach the

upper door handle from inside. The usage and design of this room demonstrates that when it is in use with the door shut, it would be defined as a locked space as the student would be unable to exit without assistance.

The room is located within the Kowhai unit of the school, also referred to as Room 10. It is understood that the timeout room was used to address negative behaviours, through removing the child from positive stimuli. It was also a place where a child could voluntarily take themselves for self-regulation purposes.

Photographs of the Timeout Room



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Term of Reference 2:

The school's use of a 'timeout' space in the school and its lawfulness

Use of the 'Safe Area'

The safe room is used when a student is deemed to be out of control or for extremely aggressive behaviours. As the safety of students and staff is important, the school uses the safe room to remove acting-out students from an environment where they are at risk of causing harm others, and where alternative less-intrusive de-escalation techniques have been unsuccessful. In the discipline framework booklet, there is evidence that the school uses proactive reward and reinforcement systems.

Wherever possible, the staff are encouraged to utilise less intrusive methods, before resorting to measures such as use of the timeout room. However, the *Discipline - A Framework for Teaching and Learning* references responses to misbehaviour and consequences. This booklet does not have any differentiation between management of mainstream students, and students with special needs. My professional opinion is that when working with students with special needs, it is important to understand behaviour from a functional analysis perspective. Without contextualising the behaviour there is a risk that behaviour can be misinterpreted as non-compliance or misbehaviour.

In the documentation, there was opportunity for greater emphasis to be put on de-escalation of behaviours. De-escalation does not feature in *The Use of the Timeout Room* guidelines. For example, the incident report template only asks for the details of the incident and the consequence and does not require the listing of antecedents. If the template included antecedents or influencing factors that lead up to the incident, it would allow for a more proactive approach.

Table 1 shows a spreadsheet detailing the use of the timeout room at Miramar Central School between 2015 and 2016. The section in green relates to students within the mainstream and the section in blue relates to students in the special unit. It should be noted that interviews referenced four additional students who had been

placed in the timeout room without any incident log record. Three of these students have since left the school but one remains in the unit. The records of the students who have left no longer exist, as the school's practice is that these records are summarised and are passed on to the student's next school. Of the student who remains, there is no record of the timeout room in incident reports, *IEPs* or *Behaviour Support Plans*.

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Table 1

Incident Room Log

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Student	Date	Time	Incident	Time in Room
	7/11/2014			Placed in time out room for 5 minutes
	12/11/2014			Placed in time out room for 5 minutes
	17/11/2014			Placed in time out room for 5 minutes
	18/11/2014			Placed in time out room for 5 minutes
	19/11/2014			Placed in time out room for 5 minutes
	19/11/2014			Placed in time out room for 5 minutes
	17/12/2014			Placed in time out room for 5 minutes
	12/02/2015			5 minutes time out in quiet area.
	12/02/2015			He had five minutes timeout/thinking time
	19/02/2015			5 minutes repeat x4

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	23/02/2015			Time out x2
	24/02/2015			Time out room - 5 minutes.
	2/03/2015			Time out room
	24/03/2015			5 minutes there
	4/05/2015			Time out for 10 minutes
	4/05/2015			Time out 25 minutes
	5/05/2015			
	20/05/2015			in time out room for 5 minutes. Repeated 2 more times as

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				student wasn't ready to go back to class	s 9(2)(a) OIA
	26/05/2015	2.45pm		in timeout for 5 minutes. Repeated two more times.	
	27/05/2015	11.35am		5 minutes in Timeout room	
	29/05/2015			5 minutes in timeout room.	
	8/05/2015			in the timeout room for 5 minutes	s 9(2)(a) OIA
	2/06/2015			5 mins.	
	2/07/2015			Total time 15 minutes in timeout in total.	
	3/07/2015			5mins.	
	21/10/2015			Time out x1 5mins	
	27/10/2015			Time out given - 5mins	
	8/12/2015			Time out 5 minutes	
	10/03/2016			Time out x2 5mins	
	14/06/2016			s 9(2)(a) OIA	
	7/04/2016			Time out x2 5mins	
				s 9(2)(a) OIA	
				5mins	

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	13/04/2016			Time out x1 5mins.	
				s 9(2)(a) OIA	
	20/06/2016			Time out x1 5mins.	
				s 9(2)(a) OIA	
	21/06/2016			Time out x1 5mins.	
				s 9(2)(a) OIA	
	4/08/2016			Time out	
	15/06/2016			time	
		out.			s 9(2)(a) OIA
	2/06/2016			time out	
	2/06/2016			time out.	
					s 9(2)(a) OIA
	8/04/2016			time out.	
					s 9(2)(a) OIA
	25/06/2015			time out.	
	11/06/2015			time out.	
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	4/06/2015			time out.	
	20/02/2015			Taken out for 5 minutes to time out room	

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				5 minutes repeat.
			s 9(2)(a) OIA	5
	27/02/2015			minutes repeat
	23/03/2015			5 minutes in time out room
	23/04/2015			5 minutes in time out room
	24/04/2015			5 minutes in time out room
	3/09/2015			Time out for 15 minutes
	2/08/2016	11.45am		Time out x5
				Time out - 1 min x 2 times
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	20/06/2016			1 minute
	24/06/2016	12.40pm		1 minute in time out room
	24/06/2016	12.41pm		Time out again 4 mins
	24/06/2016	12.45pm		1 minute
	24/06/2016	12.46pm		1 minute

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	24/06/2016	12.47pm		1 minute
	27/06/2016			Time out 1 minute repeated x3
	28/06/2016	Lunchtime		Put in time out room 5 times for 1 minute s 9(2)(a) OIA
	28/06/2016	Lunchtime		Time out room x2- needed time to process and say why in time out room. [REDACTED]
	29/06/2016	Lunchtime		10 mins time out s 9(2)(a) OIA
	4/07/2016	Lunchtime		Put in time out room x10 [REDACTED]
	5/07/2016	Morning Tea		Put in Time out room x3
	7/07/2016	Lunchtime		Time out room 10 minutes. [REDACTED]
	8/07/2016	8.45am		s 9(2)(a) OIA Time out room for 3 minutes

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	8/07/2016	1.30pm		Time out room for 3 minutes.	s 9(2)(a) OIA
	8/07/2016	1.50pm		Timeout room for 3 minutes.	s 9(2)(a) OIA
	25/07/2016	9.50am		Timeout room for 3 minutes.	s 9(2)(a) OIA
	1/07/2016	9.55am		Timeout room for 3 minutes.	s 9(2)(a) OIA
	27/07/2016	10.15am		In hindsight should of been put in time out room by	s 9(2)(a) OIA
	27/07/2016	11.40am		Time out room for 3 minutes	
	27/07/2016	12pm		Time out room for 3 minutes	
	29/07/2016	1.15pm		Time out room for 3 minutes	
	9/08/2016	9.45am		3 mins time out	
	9/08/2016	10.15am		3 mins time out	
	11/08/2016	9.15am		3 min time out	

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	11/08/2016	12.20pm		3 minutes x3
	11/08/2016	12.25pm		3 minutes
	12/08/2016	1.10pm		Time out for 3 minutes
	2015			Time out Chair was mentioned. No record of time out room, but many incidents did not report what the consequence was.
	May			He was placed in the time out room. [REDACTED]
	4/07/2016	10.15am		[REDACTED] Timeout room for 3 minutes - [REDACTED]
	4/07/2016			[REDACTED] timeout room for 3 minutes

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	5/07/2016	10.45am		
	6/07/2016	9.05am		Put in time out for 7 minutes.
	6/07/2016	10.10am		3 minutes in Time out room.
	6/07/2016	11.30am		3 minutes in timeout room
	6/07/2016	12.10pm		3 minutes timeout room
	7/07/2016	10.30am		3 minutes in timeout room
	7/07/2016			3 minutes in timeout room
	7/07/2016			3 minutes in timeout room
	7/07/2016	10.50am		3 minutes in timeout room

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[REDACTED]	7/07/2016	12.05pm	[REDACTED]	3 minutes in timeout room
	7/07/2016	12.45pm		3 minutes in timeout room
	7/07/2016	1.40pm		No consequence reported
	8/07/2016	11.20am		§ 9(2)(a) OIA
	8/07/2016	12.40pm		Time out was for 3 minutes.
	28/07/2016	10.10am		Firmly told off and sat on the side of the pool for 1 minute
	29/07/2016	10.40am		3 minutes in Time out room.
	2/08/2016	9.25am		Time out room - 3 minutes

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	9/08/2016	10.50am		Time out for 3 minutes.
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Document Review


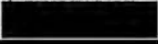
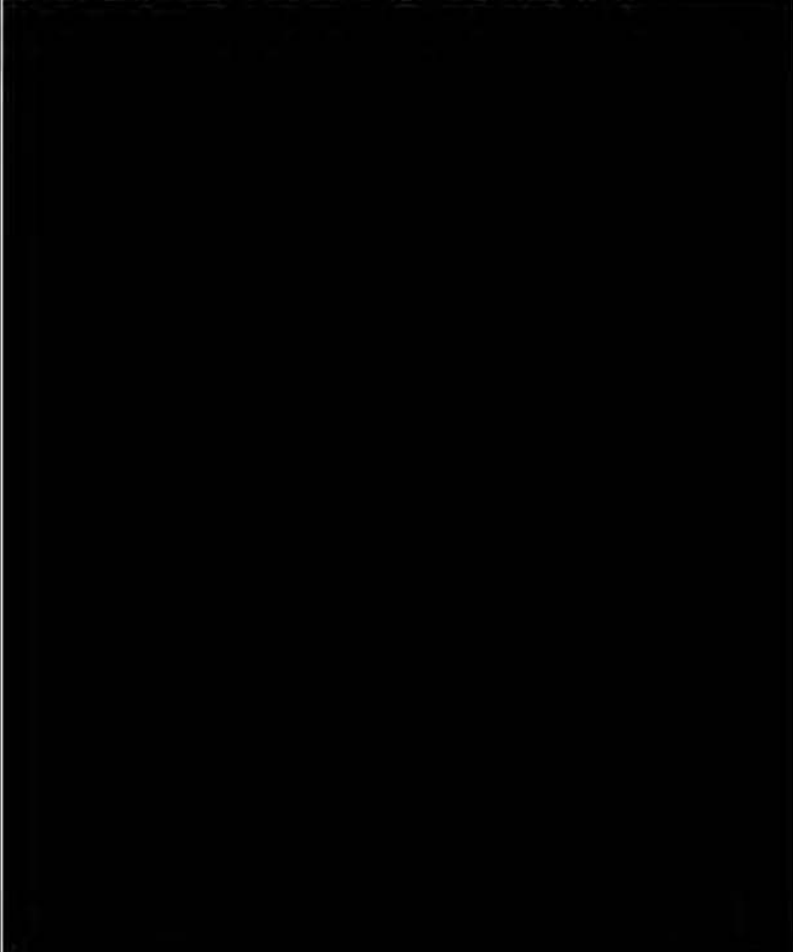
The review of documentation has been challenging throughout this review, due to the inconsistency of both the structure and the designation of documents. For example, all students have *IEPs* but not all students have *Behaviour Support Plans*. Some have similar information captured under *Behaviour Safety Plans*, *Behaviour Management Plans*, *Health/Special Needs Information*, *Behaviour/Safety Plans* and *Risk Management Documentation*. The format within these documents differs in both layout and content. In the *Behaviour Support Plan*, the student's progress is captured in an evaluation section. In many instances, strategy changes made in this section are not updated in the *Behaviour Support Plan*. This could create confusion for staff as the *Behaviour Support Plans* need to be current.

In relation to the mainstream students who have been placed in the time out room, a number of students do not have *Behaviour Support Plans*. This is of concern, as for the school to deem the use of the timeout room as appropriate, one would expect that the students would have a *Behaviour Support Plan* due to documented extreme challenging behaviours. The actions and behaviours are captured in the *IEP* and *Behaviour Support Plans* as summarised in Table 2.

Table 2
Analysis of IEPs and Behaviour Support Plans

Student	Date	IEP	Behaviour Support Plan (BSP)	Used Timeout Room (LOG)	Plan and Use Congruence
<div style="background-color: black; width: 50px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; padding: 2px;">s 9(2)(a) OIA</div>	30/04/2015	No reference to Time out Room or timeout. Not signed off by any parties.	Reference made to being brought to Kowhai, taken to the backroom to do timeout for 1-3 minutes. <div style="background-color: black; width: 100%; height: 150px; margin-top: 5px;"></div>	NO	YES

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			Not signed off by any parties.		
	23/03/2016	No reference to Time out Room	Reference made to being brought to Kowhai, taken to the backroom to do timeout for 1-3 minutes. 	YES	YES
s 9(2)(a) OIA		Not signed off by any parties.			

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	June 2015	No reference to Time out Room Not signed off by any parties.		NO	YES
	March 2016	No reference to Time out Room. Mention is made of timeout sitting with a teacher watching a timer. Not signed off by any parties.		YES	NO
	2015	No reference to Time out Room. Not signed off by any parties.		NO	YES
	2016	No reference to Time out Room. Not signed off by any parties.		YES	NO

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	05/02/2015	No reference to Time out Room. Not signed off by any parties.		NO	YES
	23/03/2016	No reference to Time out Room. Not signed off by any parties.		YES	YES
	2015			YES	NO

Timeout

In relation to the practice of timeout, there appears to be a continuum, from least intrusive (e.g. sitting on a chair), to most intrusive (e.g. being placed in the time out room with the door shut and locked). Throughout the documentation, timeout was also described as: sitting on the floor, time spent in the back room, removal to the Kowhai Unit, an enclosure in Room 10, or time out of class.

As a result, it became difficult to determine what was meant by 'timeout' in different documents and for different students. Referring to supporting documents helped to clarify this for some students but not for others. This is relevant, as *Behaviour Support Plans* should be explicit, accessible, simple, concise, consistent in format, and current to ensure clear understanding. All staff working with the student should be cognisant of this plan, as should the student and their parents/caregivers. Parents/caregivers should also be required to sign both the *IEP* and *Behaviour Support Plans*. When analysing *IEPs* and *Behaviour Support Plans* currently in use at Miramar Central School, none of these documents have been signed off by parents/caregivers or staff members. The importance of clarity in documentation of timeout will become apparent in Section 4 of the Terms of Reference, the use of the timeout room is explored in relation to the complainant's son.

Timeout Inaccuracies

Other inaccuracies in relation to documentation include incongruent information. For example, the Timeout Room Log recorded [REDACTED] as being placed in the timeout room for 10 minutes. This differs from the student's *Behaviour Support Plan* evaluation section that stated that they were in the timeout room for 25 minutes. Analysing documentation also highlighted that the timeout room logs may be incomplete. An example of this was found through a comment in [REDACTED] 2016 *Behaviour Support Plan* that stated that he should not be placed in the timeout room [REDACTED]

[REDACTED] Despite this comment, there was no record in his 2015 *IEP* or

Behaviour Support Plan or in the incident log that this student had been placed in time out at any time in 2015.

A significant concern when analysing the documentation as illustrated by Table 1 is that many of the students that were placed in the timeout room, did not have this consequence written in their *Behaviour Support Plan*. The ramifications of this are not limited to staff. This also creates a lack of clarity for parents and highlights a risk in relation to transparency around *Behaviour Support Plans* and wellbeing of their students.

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The requirement of parental consent is not explicit, as it is not mentioned in documentation. [REDACTED]

Another inconsistency is around how long a student should be placed in the timeout room. *The Use of Time-Out Room* guidelines pinned to the wall outside the timeout room suggest 'no more than one minute per age of the child', but this is not suitable for all students, especially those with special needs. For special needs students, the staff take a more tailored approach for each student. However, this is poorly documented in these student's *Behaviour Support Plans*, if it is documented at all. Furthermore, there is no reference in *The Use of Time-Out Room* guidelines to suggest that there may be variations to this formula in individual plans. This highlights an area of potential risk to students, as there is room for staff to apply the wrong processes.

This inconsistency of practice became apparent during the interviews, when staff were contradicting each other in their understanding and practice in using the timeout room as an intervention. For example, staff referred to different sand-timers

(1 minute, 3 minutes, and 5 minutes) being used depending on the student, yet there is no mention of these recommendations in their *Behaviour Support Plans*. Others referred to differences in whether the light should be left on or off, or the door flap should be open or closed. In addition, some staff would stand directly outside the door in sight of the student, while others would remove themselves from line of sight by standing in the kitchen, and others would leave the student and check on them at 2 minute intervals.

The templates used to record incidents and the timeout log, do not provide sufficient clarity for valid analysis. For example, "timeout x2" is not explicit enough and does not state how long the student has been in the room. The templates do not encourage the teacher to think about antecedents to challenging behaviours, and consequently, become less useful when debriefing and looking for opportunities to prevent such behaviours occurring in the future. For example, in a *Behaviour Support Plan*, it highlighted that a student's behaviour would escalate prior and after a seizure, yet these details were not included in the incident reports. Had this been recorded, the debriefing conversation could become an opportunity to manage behaviour proactively as opposed to consequentially. A good incident report template becomes a tool in itself.

It would appear that the Kowhai Unit has been working hard towards establishing consistency. There are a number of examples of recent one page *Behaviour Support Plans* which are simpler to follow. Teaching staff acknowledged that there is opportunity for improvement in this area.

How Timeout is used at Miramar Central School

As seen in the table above, behaviours that initiate the use of the timeout room vary at Miramar Central School. The timeout room has been used with some mainstream students for: hitting, disruption, disobedience etc. In the Kowhai Unit, the timeout room has been used in response to challenging behaviours such as: biting, kicking, choking, slapping etc. The staff interviewed from the Kowhai Unit voiced the threshold for the use of this room to be where the behaviour presented risk to self, others, and/or property. Some staff saw the timeout room as an opportunity for students to self-regulate, while most saw it

as a consequence for an undesirable action. During the interviews, an example provided identified the difference between using the timeout room as a consequence, versus self-regulation. A mainstream teacher stated she would prefer to allow students to manage their behaviour by letting them run to release energy. She stated that the school did not support this, rather they preferred consequential intervention so as the student would associate the behaviour with a negative reinforce. Another example of using timeout as a consequence for doing something wrong was in a staff member's entry in an incident report, stating that a mainstream student "refused to come out from under the table until I threatened [them] with the time out room".

Guidelines

The second Term of Reference refers to the lawfulness of the use of the timeout room space. This report was sanctioned by the Ministry of Education, and has been undertaken by an independent investigator with a strong background in mental health, human resources, education, and mediation. However, as an expert in law has not carried out this investigation, it would be inappropriate for this report to make claims as to the legality of using the time out room.

In response to concerns about the use of such practices in the wider school sector, the Ministry of Education is currently in the process of publishing a set of transitional guidelines as it works towards the elimination of the use of timeout rooms/seclusion methods. These guidelines are the product of a collaborative multi-disciplinary approach and are based on the principles of safety, dignity, transparency, and best practice. Table 3 below can be used to compare the use of timeout at Miramar Central School with what is now considered best practice. These guidelines can provide future tools of reflection and guidance for Miramar Central School in their use of timeout. However, it is unfair to judge Miramar in relation to these guidelines as they are not yet published. This means that Miramar Central School, along with all New Zealand schools, would have been unable to reference these guidelines and therefore would have had few parameters from which to draw their timeout

room processes and policies. Therefore, please view the table below within this context.

Table 3

Miramar Central School in relation to unratified MoE Guidelines

Criteria	Meets Expectations?
Use seclusion only where there is “imminent danger of physical injury”	Sometimes
Guidance if you have to use seclusion	
Seclusion should be justifiable in the circumstances and it should be proportionate to the level of risk.	Sometimes
When a student has been placed in seclusion, work towards getting them out of seclusion as soon as possible.	Sometimes
Only permit designated staff members who are trained in physical restraint and seclusion procedures, and in emergency first aid, to seclude a student.	Sometimes
A staff member must monitor the student's physical and emotional wellbeing continuously. They must be able to see and hear the student at all times.	Sometimes
Offer water to the student during and after seclusion.	?
End seclusion as soon as the conditions or behaviours which caused the need for seclusion stop, and the imminent danger is no longer present.	Sometimes
Thank the student for calming down, ask if they need any help, and reassure them that they can come back to class when they are ready.	Sometimes
Monitor the physical and psychological wellbeing of both the student and the staff member who administered seclusion for the rest of the school day. There may be shock, possible unnoticed injury and delayed effects.	✓
As soon as possible on the same day, after the seclusion period is over, the staff member who secluded the student must complete an incident report. An example template is at the back of this guide.	✓
Contact parents or caregivers while their child is in seclusion, or as soon as possible afterwards. The only exception is if the student's Individual Behaviour Plan says they do not wish to be contacted during. If you cannot contact them during seclusion, contact them on the same day so they can monitor their child's wellbeing at home.	x
The seclusion room	
The seclusion room must have an unbreakable observation window so the student can be monitored, watched and heard continuously. It must have adequate ventilation and lighting.	✓
The room must be reasonably sized, have soft, fixed furnishings and be free of potential safety hazards.	?

Use preventative and de-escalation techniques first: Your first aim is to avoid the need to seclude the student.	✓
An Individual Behaviour Plan	
If seclusion is being considered as an emergency strategy, it should be part of a comprehensive Individual Behaviour Plan.	Sometimes
The team supporting the student, including the parents or caregivers, should all agree that seclusion is necessary before it becomes part of a student's Individual Behaviour Plan.	Sometimes
All relevant professionals, parents and caregivers must have a copy of the plan, signed off by the Principal (or Principal's delegate) and the student's parents or caregivers. If the student is enrolled in a residential school, the residential staff there must also have a copy.	x
Training in safe responses	?
Good practice following an incident involving seclusion:	
Reporting the incident	
Write up every seclusion incident in an incident report and reflect on it (see the example of a reporting template at the end of this guide).	Sometimes
Get the incident report signed off by the staff involved in the seclusion, and the Principal (or Principal's delegate).	✓
Debriefing the incident	
Debriefing Staff	?
Debriefing parents or caregivers	Sometimes
Adapting the Individual Behaviour Plan	Sometimes
School policies on seclusion	Insufficient

Term of Reference 3:

The practice used at the school to determine whether a student should use the time out room

Interviews

As part of this report I interviewed 19 relevant parties. The overwhelming theme that came from these interviews was that staff were operating with best intentions in relation to student wellbeing and the development of appropriate social skills. Staff however acknowledged inconsistencies in approach and practice. They expressed the difficulty of managing challenging behaviours, and in many cases the unpredictability of their escalation. They also acknowledged that some staff used the timeout room differently to what was detailed on the plan. Some of this was put down to the number of people that were involved, confusion over what behaviours warranted the use of the timeout room, and how current the consequences documented on the plan were.

Another significant theme related to who was ultimately responsible for the student's education within the school. Some believed it was the mainstream classroom teacher, while others believed it was the specialist teacher. Over the last six months, the classroom teachers interviewed stated that there was more clarity around this, and that they were working better in a partnership model. Another area of inconsistency relates to different personalities, skill sets, and teacher-student relationships. Although these can be both positive and negative, it can create confusion, especially in relation to the carrying out of instructions.

Training and good leadership are paramount in the establishment of good policies and procedures, and the oversight and adherence to these. The contracting of a Specialist Education Advisor has assisted this process, together with a Lead Specialist teacher. Mainstream teachers also recognised the contracting of a Point 1 Specialist Lead teacher within the Kowhai unit as institutional in the building of partnerships. As with any cultural change, there can be a transitional phase as some staff have been in the unit for years, and change can be unsettling.

When looking at the quantitative data in the tables, there appears to be significant room for improvement. The interviews allowed for balancing and contextualising of the quantitative data with the ethos of the unit. Staff acknowledged and were honest about the inconsistencies of systems and some practices, although it appeared that all had the students' best interests at heart. The Principal was transparent and helpful throughout the process, welcoming this review as an opportunity to improve practices within Miramar Central School.

Term of Reference 4:

Use of the 'timeout' specifically related to the complainant's child

s 9(2)(a) OIA

When interviewing staff and analysing documentation, there were a number of inconsistencies identified in the use of timeout for [REDACTED]. It became apparent when reading [REDACTED] progress notes that over the year of 2016, there had been an escalation of inappropriate behaviours. These behaviours included: [REDACTED]

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s 9(2)(a) OIA

Staff attributed that these [REDACTED] s 9(2)(a) OIA

changes of behaviour could potentially be due to [REDACTED] and [REDACTED]

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[REDACTED] and his class peers, and the number of staff who were working with [REDACTED]. In the period of a week, [REDACTED] had a classroom

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teacher, a specialist teacher, two teacher aides, and an ABA therapist employed by his family. He also worked in a classroom setting and within the Kowhai unit. The ABA specialist expressed that staff did not understand that [REDACTED] behaviours were not a consequence of aggression, but rather signs of [REDACTED] brought on by

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stress and anxiety. Staff in fact agreed with the ABA's explanation, however, [REDACTED] intent did not stop some staff feeling intimidated and fearful when, for example, [REDACTED]

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s 9(2)(a) OIA

There is no disputing that [REDACTED] has been placed in the timeout room. Table 3 shows that [REDACTED] has been placed in the room 13 times.

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Table 3 s 9(2)(a) OIA

Incident Log of [REDACTED]

Date	Time	Staff Member	Incident	Time in Room
			s 9(2)(a) OIA	
20/06/2016		[REDACTED]	[REDACTED]	1 minute
24/06/2016	12.40pm			1 minute in time out room
24/06/2016	12.41pm			Time out again 4 mins
24/06/2016	12.45pm			1 minute
24/06/2016	12.46pm			1 minute
24/06/2016	12.47pm			1 minute
27/06/2016				Time out 1 minute repeated x3
28/06/2016	Lunchtime			Put in time out room 5 times for 1 minute
28/06/2016	Lunchtime			Time out room x2- needed time to process and say why in time out room.

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29/06/2016	Lunchtime	T		10 mins time out s 9(2)(a) OIA
4/07/2016	Lunchtime	Z		Put in time out room x10 Time out 5 minutes
5/07/2016	Morning Tea	Z		Put in Time out room x3
7/07/2016	Lunchtime	W		Time out room 10 minutes. s 9(2)(a) OIA

Timeout Room Analysis

It would appear from the interviews that s 9(2)(a) OIA may have been placed in the room on other occasions not recorded in this log. For example, two staff members referred to an incident on the 5th of July, while another staff member believed he had been placed in the room on an average of 3 times a week over Term 3, 2016. In most of the logged events, it would appear that s 9(2)(a) OIA was placed in the room at one minute intervals. On the 24th of June, s 9(2)(a) OIA was placed in the room 5 times for a total of 8 minutes. Although some staff indicated that s 9(2)(a) OIA spent some of this time on a timeout chair, reading the log one would assume that after the door was opened and staff observed that the behaviours were continuing, they would have closed the door and begun the timer again. Observing the times recorded, it is

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unrealistic to expect that [REDACTED] was returned to the timeout chair between the times logged.

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Through the recording in the incident log, it appears [REDACTED] was placed in the timeout room for longer than this 1 minute period. Where the log dictates instances of "timeout room x10", it can be assumed that [REDACTED] behaviour was reassessed by staff at 1 minute intervals, before continuation. However, in some instances, the log reports entries such as "time out by P 5 minutes". This suggests that [REDACTED]

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was placed in the room for an additional 5 minutes without a break, however it should be noted that [REDACTED] may have had 1 minute interval breaks during this time, and this may simply be a case of poor incident time reporting. An incident on the 7th of July highlights a transgression from the plan. It would appear that the mainstream policy, stipulating a student should be placed in the timeout room for 1 minute for each year of their age, was applied to [REDACTED]. In this instance, [REDACTED] was placed in the timeout room with the lights off for at least 10 minutes continuously, without the door being opened at 1 minute intervals. The lead teacher was on leave for the week of the 3rd of July, and mainstream teachers including the Principal, were supporting the unit during breaks.

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It is these transgressions from the plan that highlight the need for robust and transparent procedures. In [REDACTED] 2016 *Behaviour Support Plan*:

"If non-compliant at play-times he is taken to time out – this can be the blue seat by Pod, Kowhai area – 1-3 minutes. If During class time he is brought to Kowhai and taken to the back room to do timeout – 1-3 minutes."

On the 20th of June 2016, there is an addition to the *Behaviour Support Plan*:

"Timeout chair for 1 minute – use timer. Once this minute is finished, he is asked 'What did you do – to be in timeout?' It is important [REDACTED] gives a reason. If he cannot answer he is told, then asked again, so he is clear as to the reason for timeout. Should he not sit in the chair and run away, he is to go into the timeout room for 1 minute. Once this minute is finished, he is asked 'What did you do – to be in timeout?' It is important [REDACTED] gives a reason. If he cannot answer he is to be told, then asked again, so he is clear as to the reason for timeout."

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It does not clearly specify if, or for how long, timeout should be repeated if [REDACTED] behaviour does not settle. This leaves the documentation and use of the timeout room open to misinterpretation and possible misuse.

s 9(2)(a) OIA An area of concern involves a lack of communication, understanding and agreement between [REDACTED] parents and the school. The lead teacher believed she had

s 9(2)(a) OIA approval from the parents based on an informal conversation that she had with [REDACTED] (mother) on the 20th of June. In that discussion, she recalls sharing the timeout room strategy, involving the 1 minute on the chair, followed by 1 minute

s 9(2)(a) OIA in the timeout room if behaviour were to continue. The teacher also recalls showing [REDACTED] the timeout room at this time. This differs from [REDACTED] recollection of events, as she is adamant that she has never discussed or consented to using a "dark timeout room".

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On the 21st of June, 2016, the specialist teacher sent [REDACTED] an email with two documents attached: *The Use of the Timeout Room* (Appendix E), and a summary of how the timeout room was to be used in relation to [REDACTED] – it was indicated that this would be added to his *Behaviour Support Plan* (Appendix F). In this email, the lead teacher writes "once we reach an agreement as to how it's written up, I will attach it to the Behaviour Plan and print it for you". [REDACTED] acknowledges that she received this email and viewed the Use of the Timeout Room document as archaic,

s 9(2)(a) OIA

s 9(2)(a) OIA and something that you would see in a psychiatric hospital – not something that you would use for [REDACTED] student. The lead teacher followed up this email with

s 9(2)(a) OIA [REDACTED] in person, and [REDACTED] apologised for not getting back to her. When [REDACTED] cited the document, she was sufficiently concerned as to call a Ministry of Education Lead Worker. The Ministry of Education Lead Worker was on holiday when this first call was made, thus [REDACTED] did not reply to the school in response to the email. The lead teacher mistook [REDACTED] silence as an understanding and agreement to the use of the timeout room.

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What is also concerning, is that none of the times that [REDACTED] spent in the timeout room were mentioned in the Team Communication Book that is sent home to [REDACTED] parents. On the 7th of July when [REDACTED] had been placed in the timeout room for 10 minutes, the Team Communication Book even contradicted this stating that he had "had a very good day". It is understood that there is usually an informal

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verbal handover when [REDACTED] collects him at the end of each day. It is important to note that during the week of the 3rd of July, when there were three incidents with [REDACTED] referencing the use of the timeout room, this lead specialist was away. This is significant as it highlights inconsistencies between staff handling students with challenging behaviours, and re-emphasises the need for robust and transparent verbal and written communication.

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During this period, [REDACTED] is adamant that she was not aware that her son was being placed in the timeout room, but had noticed changes in his behaviour. For example, [REDACTED] was [REDACTED]

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[REDACTED] At night, [REDACTED] would s 9(2)(a) OIA
s 9(2)(a) OIA also say "no dark room" and would refuse to have the bedroom or bathroom door shut. [REDACTED] became aware of the use of the timeout room following an incident on the 7th of July, where the ABA Specialist employed by the family referred to finding s 9(2)(a) OIA
s 9(2)(a) OIA [REDACTED] in a distressed state after being in a locked timeout room with the light off and the flap closed.

The use of a timeout room is a last resort intervention, and should only be used on very rare occasions as part of an evidence based programme. This intervention s 9(2)(a) OIA
s 9(2)(a) OIA should involve a multi-disciplinary team, and full consent from a parent. To place [REDACTED] in a timeout room on the same day as an alleged and brief informal conversation with [REDACTED] and a staff member is poor process. Especially considering documentation was not sent to [REDACTED] until the following day. s 9(2)(a) OIA

Through analysing this sequence of events, it is evident that communication failed in a number of areas. In addition, the recollection of events and conversations differ between parties. It has been suggested that some inconsistencies can be attributed to the school failing to complete timely and contemporaneous documentation. Others suggest that the inconsistencies are simply a result of a busy unit and stretched staff who work with students exhibiting challenging behaviours on a daily basis.

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In summary, [REDACTED] recollection of accounts differs from that of the staff. However, it can be concluded that there has been a complete breakdown in communication. This is evident through [REDACTED] unwavering insistence in explicitly and consistently

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stating that she would never allow [REDACTED] to be placed in the timeout room. This incident follows a history of poor communication, with [REDACTED] experiencing problems around [REDACTED] being taught in the unit instead of the preferred mainstream. This communication breakdown has resulted in [REDACTED] no longer having trust in the school.

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Conclusion

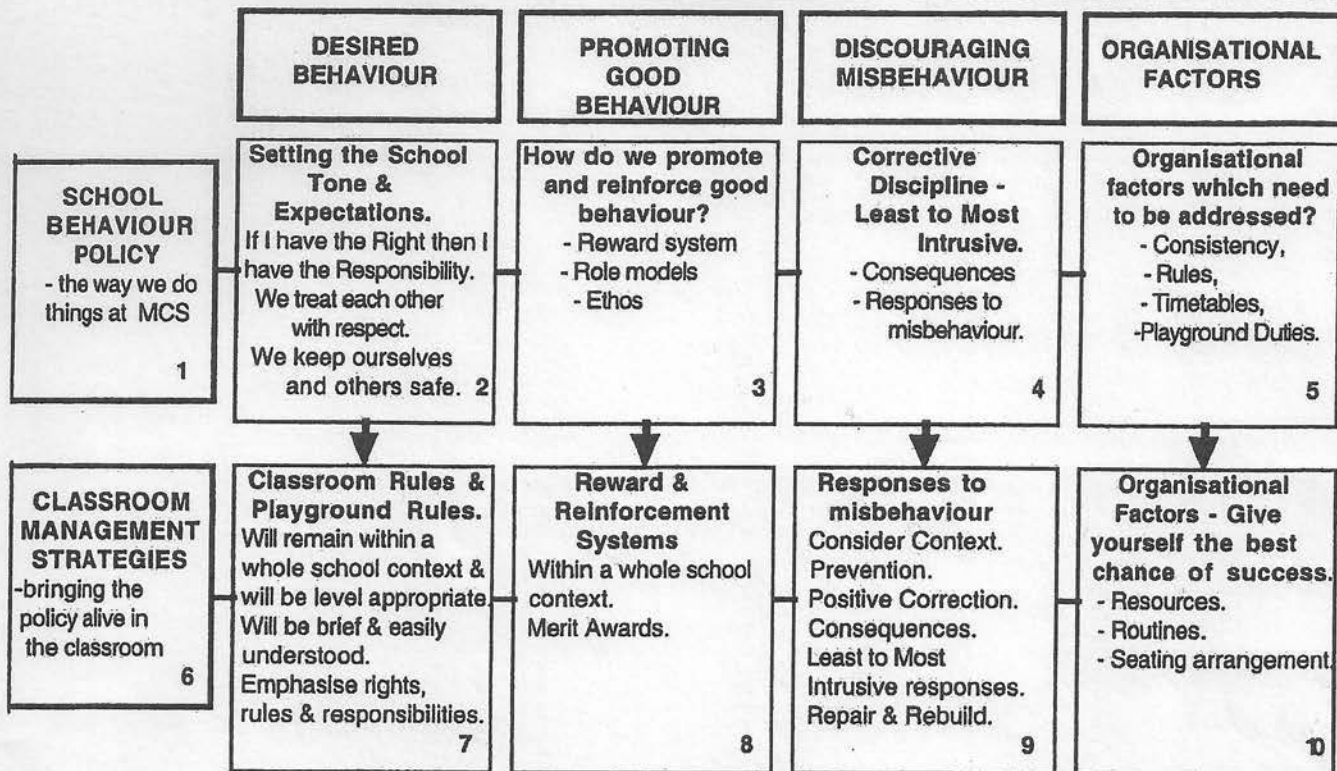
As previously cited, guidelines have been produced to protect students, school staff, and school boards. These guidelines are based on research which examines practice around the use of the timeout room internationally. Miramar Central School's systems and documentation need to be significantly overhauled and improved upon. From the school's perspective, they believe they have always had the children's best interests at heart, and have used the timeout room to balance the safety needs of others and staff. Regardless, some of their practices are outmoded and do not embrace inclusive and effective pedagogy. There is a disconnect between the overarching school policy and the special needs unit, as it cannot be assumed that policies that cater to mainstream students are also suitable for students with challenging behaviours. There is also a lack of transparency around both written and verbal communication between the school and parents. Parents have the right to know what is happening to their child within the school environment, as education is about partnerships. Schools also need to engage in robust and transparent conversations, processes, and need to produce coherent well thought out policies that are clearly documented and translated into actual practice.

As a means of recommendations, I suggest the following:

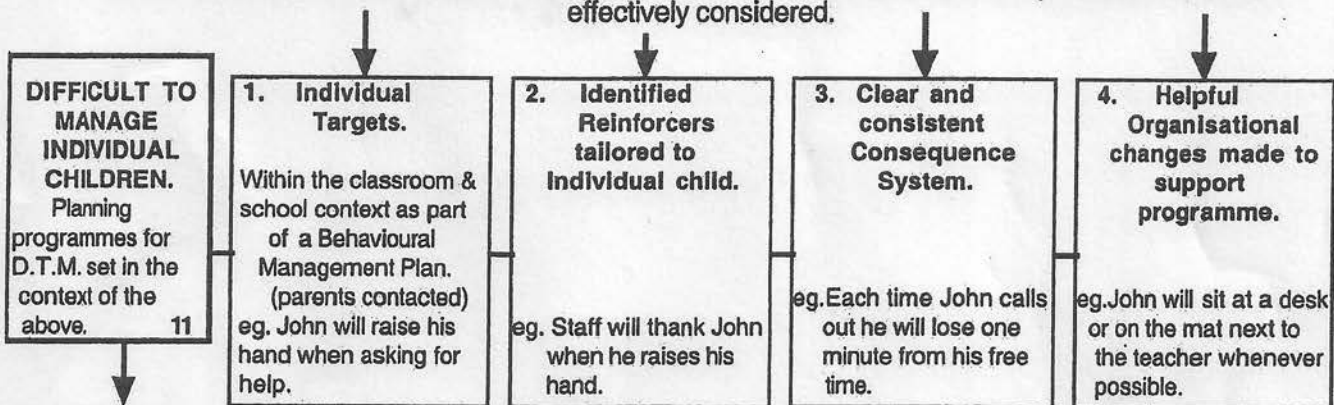
1. To adopt the Ministry of Education guidelines (once promulgated and socialised)
2. To review the overarching policies in relation to behavioural management, with links to the associated guidelines
3. To resource unit staff with the time and expertise to allow them to put these systems and processes in place (e.g. establishment of templates)
4. To update and reformat (where necessary) all of the current documentation pertaining to individual students. These documents need to be signed off by all parties, including parents.
5. The complaint process is easily accessible from the school website

6. Staff undertake training relevant to their area of expertise and the guidelines with the emphasis on de-escalating behaviours, and finding alternatives to the use of the timeout room
7. An offer of a facilitated meeting is extended to [REDACTED] family with the view of resolution and closure

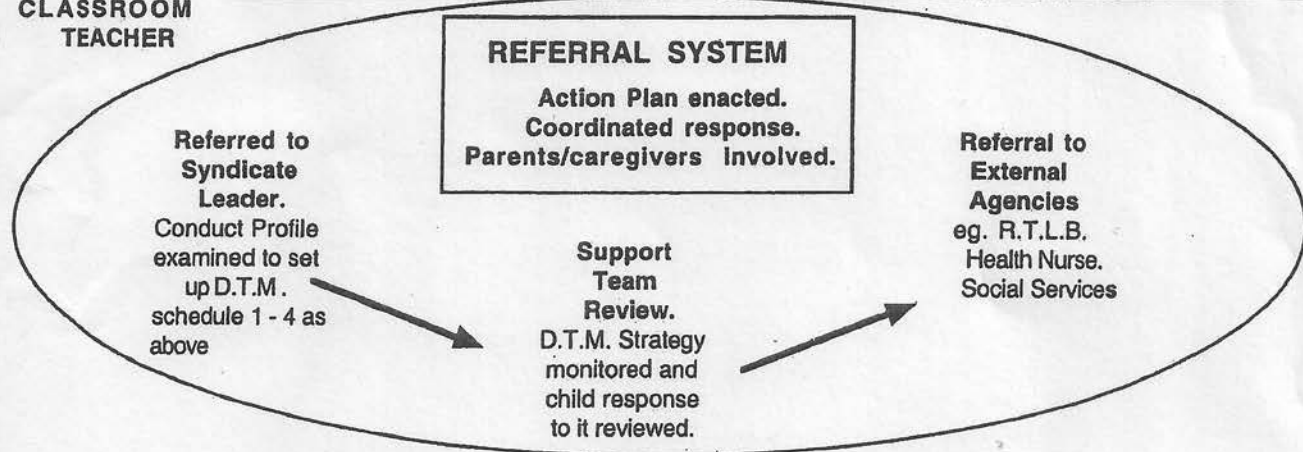
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**DISCIPLINE - A Framework for Learning and Caring**

Behaviour Management with individual children is much less effective if the aspects above are not effectively considered.



CLASSROOM TEACHER





Miramar Central School

Policy:

Discipline

Rationale:

It is essential that behaviour management procedures at MCS work towards the notions of self-discipline and mutual respect where children learn to accept responsibility for their own actions and conduct.

Purposes:

- To actively encourage children to take pride in themselves, their work and their school.
- To allow learning to take place with a minimum of disruption.
- To allow children to have the responsibility for making decisions and choices and to learn to appreciate the consequences of their actions.
- To role model and reinforce desired behaviour, respect and manners.
- To be consistent when managing behaviour.
- To involve and seek the support of parents in managing and shaping behaviour.
- To develop a mutually supportive school teaching and learning environment

Objectives:

- Children need to learn citizenship - to be social, tolerant, respectful and show courtesy to each other and adults.
- Adults as role models should show the same values to them.
- Recognise and acknowledge what a child does well.
- Expectations and rules should be known by all and developed cooperatively - ownership enhances commitment.
- Discipline should be regarded as a learning issue.
- Rules should be consistently applied.
- Where established rules are broken, the consequences need to be clearly spelt out.
- Putting it right rather than negative punishment is encouraged.
- Seek the support and involvement of parents in discipline plans.
- Staff and children need to mutually support each other.

RESPONSES TO MISBEHAVIOUR - CONSEQUENCES

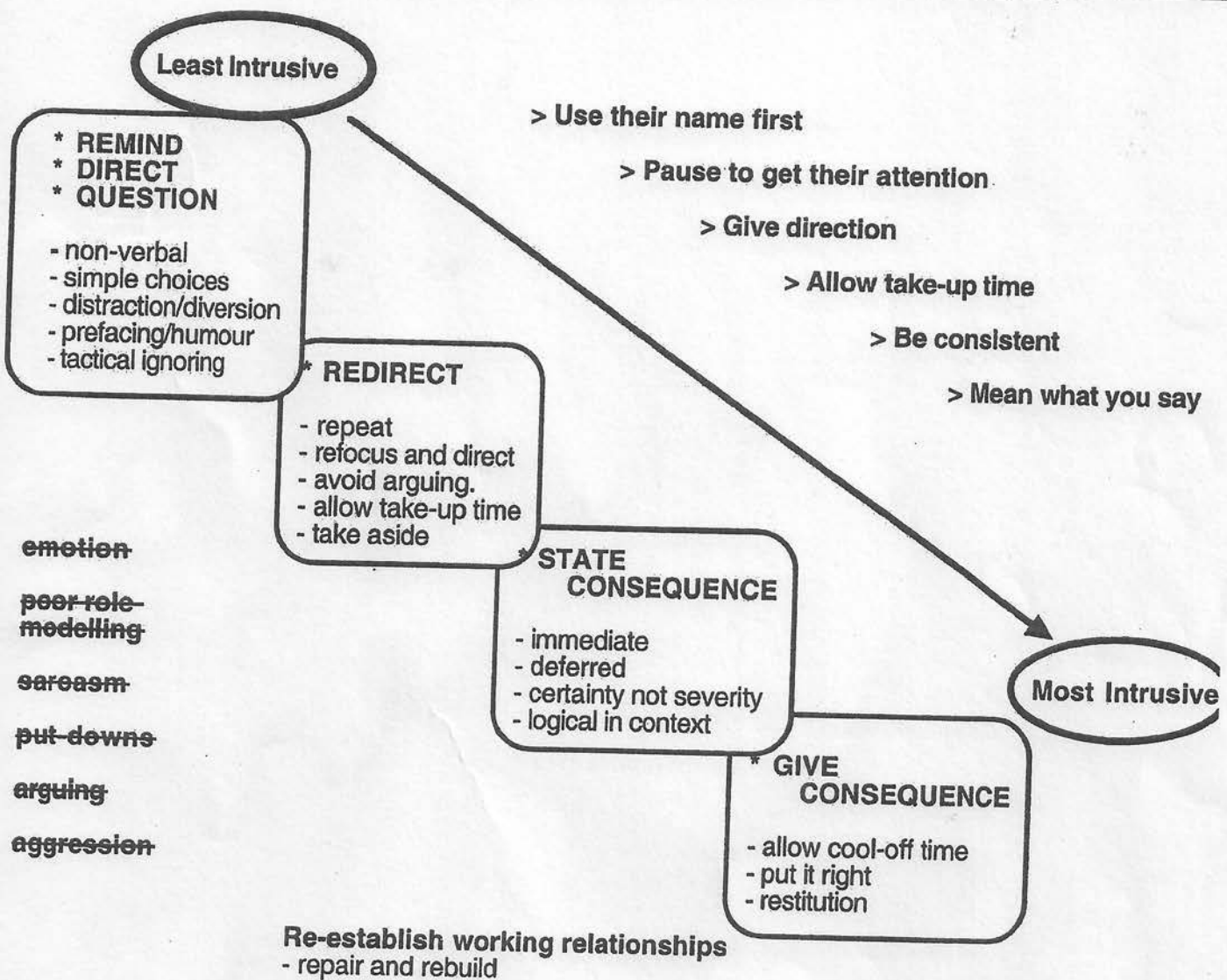
Consider the Context - playground, in class, up-front, on-task time, public...?

Focus on Primary Behaviour first

- try to avoid arguing and Secondary Behaviours.

Portray Expectation - Use Name.....Pause.....to get attention..
....allow Take Up Time.

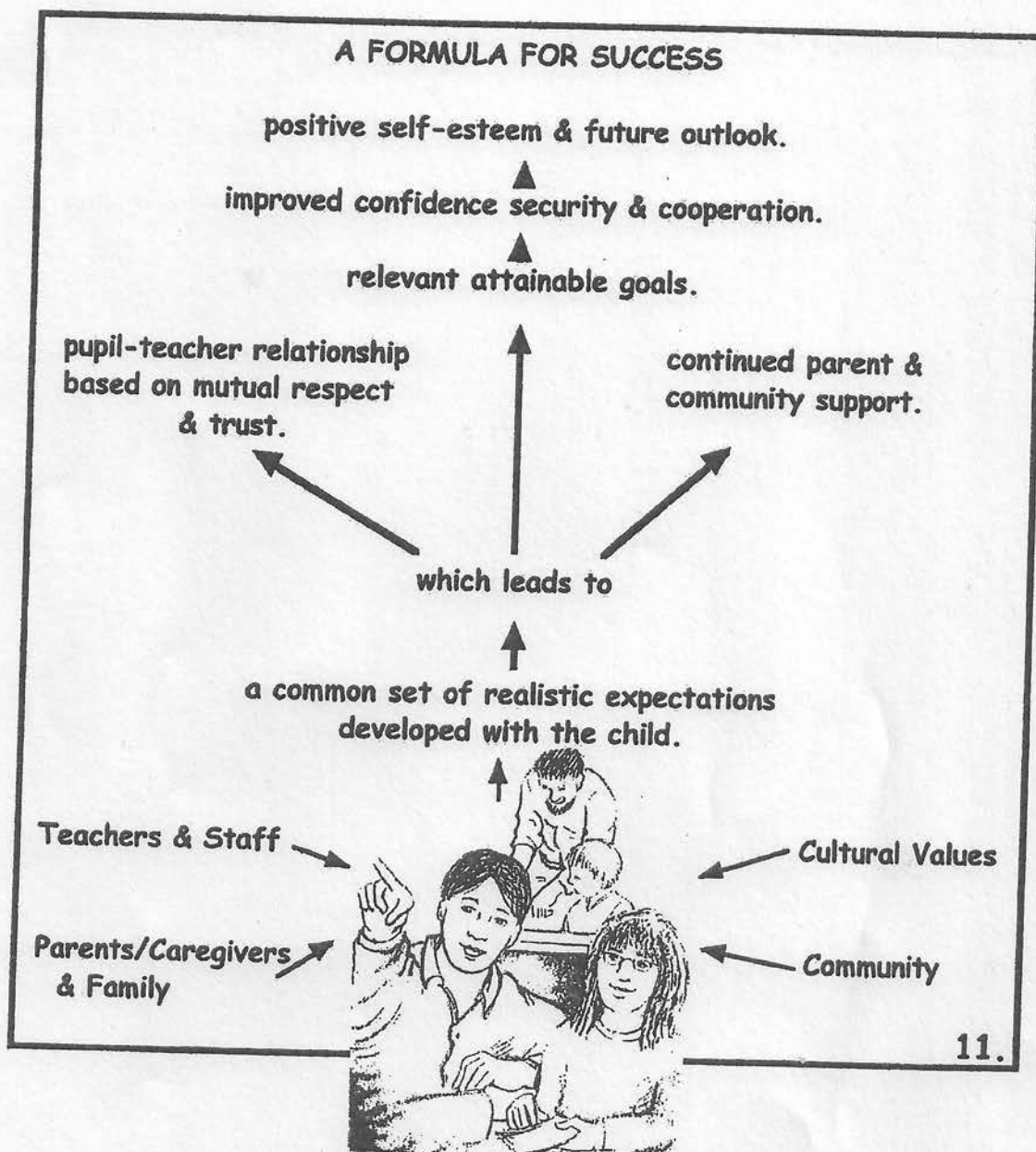
The more serious the problem the clearer and more direct the response



DIFFICULT TO MANAGE INDIVIDUAL CHILDREN

Children who have a behaviour problem have a learning problem and the same principles apply.

- Realistic expectations, attainable individual targets along with an identified reinforcement/consequence system needs to be developed for DTM children.
- Helpful organisational changes in school and at home will support and assist with the change process.
- The Referral System as per the Contents page must be used for identified DTM children.





USE OF THE TIME-OUT ROOM

Rationale: The Time-Out Room is used when a child is deemed to be out of control and for extremely aggressive behaviours. It is only used where the safety of the child, staff or property is at risk. The child is placed there and watched until they have calmed-down and then asked to cooperate. The room is designed so that it is difficult for the child to do harm to themselves or others.

GUIDELINES:

Only a teacher can make the decision to use time-out.

Students should only be placed in the Time-Out Room when:

- **They are out of control and violent representing a real risk to themselves, the safety of fellow students and staff.**
- School property (especially expensive items) is at risk of being destroyed.
- Students should first be given a warning that if their behaviour continues they will be put in time-out room.
- The teacher/staff member must fill out the yellow Time-Out Report stating clearly the date, time placed in room, the behaviours that caused this decision (in sufficient detail to assess safety issues involved) and the time the student was let out.
- Wherever possible remove heavy footwear and check pockets for potentially dangerous items.
- The student must be monitored at all times while in the time-out room. But for safety, no adult must stay with the student in the time-out room. If a teacher is needed in their classroom they should appoint an aide to monitor the student.
- It is not appropriate to attempt to counsel a student while they are in an "out of control" state.
- As soon as the student is calm let them out. Keep time-out as short as possible – rule of thumb is no more than a minute for each year of their age.. (eg 5 minutes for a 5 year old...10 for a 10 year old)
- The decision whether to leave the light on/off should be made with knowledge of the individual student and what works best for them.

NOTE:

Students sometimes choose to use the time-out room as a sanctuary. This is an excellent use of this facility and should be encouraged. Where a student chooses to have some "time-out" they may take cushions and books with them provided they are taken out when they leave.

Students should inform a staff member where they are going and leave the door open.

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Following using the time-out room there is a time out room report to be filled out – this hangs next to door. This is to ensure transparency when using the room. The policy surrounding using the time out room is alongside and must be read.