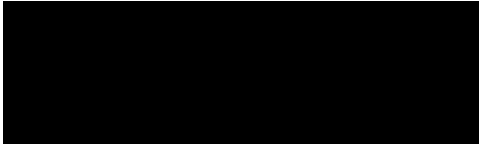




26 August 2021



Tēnā koe 

Thank you for your email of 1 July 2021 to the Ministry of Education, requesting the following information:

*Can we please get information on the following for each of Westbridge Residential School, Halswell Residential College, and Salisbury School:*

- 1. How many restraints of students there have been in the last three years, broken down by year;*
- 2. How many per student in the last three years, broken down by year;*
- 3. What approved technique, if any, the staff use;*
- 4. Whether the Ministry of Education is aware of any injuries related to restraint;*
- 5. Whether all incidents of restraint are reported, and if so how and to whom;*
- 6. Whether these schools still use seclusion, and whether they do or don't, when they last used seclusion;*
- 7. How many complaints if any there have been about seclusion in the last three years, broken down by year.*

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

The Ministry is committed to ensuring the safety of both students and staff in New Zealand schools. We provide a range of supports to assist schools to manage challenging behaviour. This support also 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.

However, there will be times where situations escalate and, possibly on very rare occasions, a student may need to be physically restrained to protect themselves and/or others. Ministry Learning Support specialists are available and provide support to schools for children and young people with high levels of challenging behaviour.

Physical restraint is now regulated via the Education and Training Act 2020 which replaced the Education Act 1989. Part 3, subpart 3 of the Education and Training Act 2020 includes several changes to the previous physical restraint framework to make it clearer that teachers and authorised staff members must not physically restrain unless it is necessary to prevent imminent harm to the health, safety or wellbeing of a child, young person or to another person, and the teacher or staff member reasonably believes there is no other option available in the circumstances.

The Education and Training Act 2020 defines physical restraint as “physical force to prevent, restrict, or subdue the movement of the student’s body or part of the student’s body against the student’s will.” The addition of “against the student’s will” clarifies that physical contact for guiding, comforting or communicating with a student, that the student does not resist, would not be subject to the conditions set out in section 99. Any restraint used must be reasonable and proportionate in the circumstances.

The Secretary for Education is considering new rules and guidelines relating to the use of physical restraint in the new Act. Until these are released, 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) must be followed. The Act and Rules set out what schools must do, and the Guidelines outline good practice in using, monitoring and reporting on physical restraint.

Under the Rules, registered schools must report every instance of physical restraint to the Ministry using the Incident of Physical Restraint Form (IPR Form) provided in the Rules. The Guidelines explains the purpose of the Ministry gathering this information as follows:

- *The Ministry will use the information to provide appropriate support to schools and student when there are instances of physical restraint on students.*
- *The Ministry will also use this information to update the rules and guidelines to reflect evolving practice or address areas of concern.*

Situations involving physical contact happen in schools every day. Under the existing Rules and Guidelines, 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.

I have addressed each of your questions separately below.

Please note, I have not provided the requested breakdown by individual school. This information is withheld under section 9(2)(ba)(i) of the OIA. Schools are compelled under the Rules to report incidents of physical restraint to the Ministry and it is in the public interest to protect the continued supply of that information to the Ministry to enable us to carry out our monitoring, support and oversight functions in this area. Releasing the names of schools could also adversely impact reporting and I am also conscious that there are less than ten students at each school and naming the school could identify the restrained student and their family.

**Q1: How many restraints of students there have been in the last three years, broken down by year**

The table below presents the number of physical restraints reported by the three residential schools since 2018.

School	2018	2019	2020	2021 YTD*
<b>TOTAL</b>	<b>503</b>	<b>568</b>	<b>125</b>	<b>18</b>

Note:

Data was extracted on 30 July 2021 (2021 YTD\*).

Data is live and subject to change.

Individual School level data is withheld under section 9(2)(ba)(i) of the OIA.

There has been a noticeable decrease in physical restraint notifications in 2020 and 2021 (year to date). This is partly due to a change in the way physical restraints have been recently reported by two of the residential schools. These schools have been reporting restraints occurring 'in-school' only, whereas their historical reporting included notifications of restraints in residences as well.

We have now reconfirmed reporting requirements with these schools. As the board of a residential school is responsible for the residence, the reporting obligation under the Act applies at all times. This means the time present at the school and under the care of the board. These schools have now been asked to retrospectively complete and provide to the Ministry restraint notification forms for incidents that occurred outside of school hours. Schools have indicated that they have kept this record.

**Q2: How many restraints per student in the last three years, broken down by year**

The table below shows the average number of physical restraints per student in the three residential schools since 2018.

School	2018	2019	2020	2021 YTD*
<b>TOTAL</b>	<b>25.2</b>	<b>23.1</b>	<b>6.0</b>	<b>1.5</b>

Note:

Data was extracted on 30 July 2021 (2021 YTD\*).

The average number is calculated as the total number physical restraints in each year divided by the total number of students enrolled at any time in each year, which is different from the 1 July School Roll data published on the Ministry's Education Counts website.

Data is live and subject to change.

Individual school level data is withheld under section 9(2)(ba)(i) of the OIA.

**Q3. What approved technique, if any, the staff use**

Residential specialist schools use Safe Crisis Management (SCM). Further information on this program can be found at [safecrisismanagement.com](https://safecrisismanagement.com). All three schools can access the Ministry's Understanding Behaviour Responding Safely (UBRS) Training. This training can be accessed by schools contacting their local Ministry office. Further information is available at [education.govt.nz/school/student-support/special-education/behaviour-services-to-help-schools-and-students/behaviour-services-and-support/](https://education.govt.nz/school/student-support/special-education/behaviour-services-to-help-schools-and-students/behaviour-services-and-support/).

**Q4: Whether the Ministry of Education is aware of any injuries related to restraint; (no of injuries recorded on restraint forms)**

The table below show the number of physical restraint incidents that caused injuries reported by the three residential schools since 2018. An injury to a student or adult may have occurred during the restraint, or during the incident that led to restraint being used.

School	2018	2019	2020	2021 YTD*
<b>TOTAL</b>	<b>47</b>	<b>17</b>	<b>5</b>	<b>x</b>

Note:

Data was extracted on 30 July 2021 (2021 YTD\*).

Data is live and subject to change.

Values between five and zero have been concealed "x" under section 9(2)(a) of the OIA to protect the privacy of students involved.

Individual school data has been withheld under section 9(2)(ba)(i) of the OIA.

**Q5. Whether all incidents of restraint are reported, and if so how and to whom;**

The Ministry relies on schools to report each incident as it occurs. Schools are required to complete a restraint form following a restraint incident. The completed restraint incident report is sent to the Ministry. Information from the form is recorded in a database. The report is attached to the database. Restraint incidents are communicated to parents by the Residential Specialist Schools.

**Q6. Whether these schools still use seclusion, and whether they do or don't, when they last used seclusion**

Under the Education and Training Act 2020, the use of seclusion is **prohibited** in early childhood services, ngā kōhanga reo, schools and kura. Seclusion is defined as placing a child or student in a room:

- involuntarily
- alone and
- from which they cannot freely exit, or from which they believe they cannot freely exit.

An action must meet all three of these tests to be considered seclusion.

As far as we are aware, none of these schools currently practice seclusion.

The Ministry of Education does not hold aggregated information related to seclusion being used in schools prior to the practice being banned in May 2017, therefore I am refusing that part of your request related to these schools last use of seclusion under section 18(e) of the OIA as the requested information does not exist.

**Q7. How many complaints if any there have been about seclusion in the last three years, broken down by year.**

Schools are not required to report seclusion as part of mandatory reporting requirements required by the regulatory framework limiting the use of restraint. The Ministry of Education investigates complaints or concerns of seclusion when reported to it.

Since May 2017 when seclusion was banned, there has been one complaint of possible seclusion in a residential specialist school. This complaint, in 2020, was unsubstantiated.

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. If you have further questions, please feel free to contact our media team in the first instance at [media.team@education.govt.nz](mailto:media.team@education.govt.nz). If you are unsatisfied with my response, you have the right to ask an Ombudsman to review it. You can do this by writing to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Helen Hurst', written in a cursive style.

Helen Hurst  
**Tumu Te Hāpai o Rāngai | Te Hāpai o Rāngai**  
**Deputy Secretary**  
**Sector Enablement and Support**