# Foreword

The Ministry of Education has been consulting on the draft rules and guidelines for physical restraint in schools.

While in general we’ve been told that the rules and guidelines are helpful and needed, we’re navigating a range of views about the practical details. This report outlines those views and practical suggestions. They will inform and shape the final content of the rules and guidelines.

Our thanks go to those who shared their experiences and knowledge with us and took the time to make thoughtful and detailed submissions.

## Context

The Education and Training Act 2020 (the Act) included changes to the law around using physical restraint in schools. These changes made it clear that teachers and authorised staff members must not use physical restraint unless it is necessary to prevent imminent harm to the health, safety or wellbeing of a child, young person or another person, and they reasonably believe there is no other option available in the circumstances to prevent the harm.

The Act requires the Secretary for Education to develop and consult on rules and guidelines on using physical restraint in schools

The Physical Restraint Advisory Group (the Advisory Group) was established in September 2020 to help the Ministry of Education draft a new set of rules and guidelines. The Advisory Group is made up of members of the education and disability communities.

## Summary

Between November 2021 and April 2022, the Ministry of Education, supported by the Physical Restraint Advisory Group, publicly consulted on draft updated rules and guidelines on using physical restraint in schools. We received 267 responses from individuals and organisations, including parents, whānau and caregivers, teachers, principals and learning support specialists. This report summarises the feedback we received.

## Consultation process

The Ministry published the draft rules, guidelines, and a summary of the proposed changes on 23 November 2021, alongside an online survey. The summary was made available in te reo Māori,nine Pacific languages Easy Read, large-print, New Zealand Sign Language, audio and braille.

The Ministry also met with the parent/family/whānau networks and commissioned a separate engagement with children and young people and their whānau about what helps them to feel safe, calm and included at school, what gets in the way of this and what helps.

## Feedback on the draft rules

### Developing support plans

Eighty-two percent of submitters agreed with the proposed requirement for schools to develop support plans for particular students. These people praised the focus on prevention. They commented on the value of taking a collaborative approach that is tailored to the individual child’s needs and ensures that everyone is on the same page. Those who opposed the requirement for a support plan either objected to any use of physical restraint in schools or had concerns about workload and a lack of resources to provide support.

### Notifying and debriefing parents

Eighty-eight percent of submitters agreed with the requirement to notify and debrief parents and caregivers after an incident of physical restraint. They commented that parents had a right to know about this and that parents needed to be able to support their child’s recovery. The debrief was seen as a useful opportunity to learn from an incident and share insights between home and school to prevent such an incident from happening again. Some submitters expressed concerns about risks to staff or student safety if parents reacted negatively to being notified about the use of physical restraint. Some submitters expressed concerns about the workload implications for school staff.

### Reporting on the use of physical restraint

Sixty-eight percent of submitters agreed with the requirement for schools to report on the use of physical restraint. They commented on the importance of transparency and accountability and being able to identify trends and target support. Some submitters expressed concerns about the administrative burden of reporting, particularly for specialist schools. Some supported moving to an automated reporting mechanism.

### Training requirements

Seventy-four percent of submitters agreed with the training requirements for teachers and authorised staff members. They commented on the importance of training for supporting a preventative approach as well as for helping to ensure staff and student safety when restraint is used. Submitters had differing views about whether training in safe physical holds should be limited to only some staff or provided to all. Several submitters commented on the need for training to be funded, including paid time for staff to complete it. Others commented on the need for regular refreshers.

## Feedback on the draft guidelines

The following key themes emerged across the submissions.

* Physical restraint shouldn’t be needed if whole-of-school practices, individualised strategies and relational approaches are implemented.
* Denial or removal of mobility equipment and communication devices is a form of physical restraint and needs to be considered within the guidelines.
* The guidelines need to incorporate te ao Māori and disability perspectives.
* The guidelines are not enough on their own. They need to be supplemented with training, resources and support.
* Improvements are needed to address feedback related to the definitions and terminology, including 'significant emotional distress'.
* Improvements are needed to the guidelines themselves, including reworking and restructuring them to address feedback about their tone, complexity, length and readability.
* In conjunction with the guidelines, accountability, performance monitoring, a complaints process and quality improvement frameworks are needed to minimise the use of physical restraint.

## Thank you for your feedback

To those who provided feedback, thank you for sharing your experiences and knowledge with us and for taking the time to make thoughtful and detailed submissions. Your contribution is valued and is being genuinely considered as we finalise the rules and guidelines over the next few months.

We are using your feedback to continue to shape and develop the rules and guidelines for physical restraint in schools. We will also carry what we have heard from you through to the next phases of our work as we support schools across Aotearoa to implement the new rules and guidelines. You can find a link to the full consultation and engagement findings reports, and keep updated with our next steps and what we are up to, here: [Minimising physical restraint in New Zealand schools](https://www.education.govt.nz/school/student-support/special-education/behaviour-services-to-help-schools-and-students/minimising-physical-restraint-in-new-zealand-schools-and-kura/#sh-physical%20restraint).