



# Education (Physical Restraint) Rules 2017

Pursuant to section 139AD of the Education Act 1989, the Secretary for Education makes the following rules.

## Contents

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1. Title
  2. Commencement
  3. Interpretation
  4. Information to be made available
  5. Authorisation of staff members who are not teachers
  6. Notifying the use of physical restraint
  7. Monitoring the use of physical restraint
  8. Reporting on the use of physical restraint
  9. Keeping Records
  10. Training and support for staff
  11. School Policies
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## Rules

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### **1. Title**

These rules are the Education (Physical Restraint) Rules 2017.

### **2. Commencement**

These rules come into force on 15 August 2017.

### **3. Interpretation**

In these rules,—

**Act** means the Education Act 1989

**authorised staff member** has the same meaning as in section 139AC(2) of the Act

**employer** has the same meaning as in section 139AC(2) of the Act

**teacher** has the same meaning as in section 139AC(2) of the Act.

### **4. Information to be made available**

Every employer must ensure that the following documents are available for inspection at the school:

- (a) any guidelines issued by the Secretary under section 139AE of the Act; and
- (b) the names and positions of authorised staff members.

### **5. Authorisation of staff members who are not teachers**

- (1) An employer may authorise an employee, who is not a teacher, to use physical restraint in accordance with section 139AC of the Act.
- (2) Every authorisation under sub-clause (1) must be in writing.
- (3) The employer must give the employee a copy of the authorisation.
- (4) The employer may, by written notice to the employee, revoke an authorisation at any time.

### **6. Notifying the use of physical restraint**

- (1) Every employer must take appropriate steps to ensure parents or caregivers are notified if physical restraint is an element in a student's Individual Behaviour Plan
- (2) A notification under sub-clause (1) must include an explanation of how physical restraint will be applied in accordance with the Guidelines.
- (3) Every employer must take appropriate steps to ensure parents or caregivers are notified as soon as possible on the same day about any incident of physical restraint, including how it was managed in accordance with the Guidelines.

### **7. Monitoring the use of physical restraint**

- (1) Every employer must take appropriate steps to ensure that, for any student who has been physically restrained and for any staff member who has used physical restraint, their physical and psychological wellbeing is monitored for the rest of the school day following an incident of physical restraint.
- (2) Every employer must ensure that the records kept under clause 9 are analysed so that trends can be identified.
- (3) Every employer must check that documentation about each incident is complete.

### **8. Reporting on the use of physical restraint**

- (1) Every employer must report every incident of physical restraint to the Ministry of Education using the form attached to these Rules (Appendix 1).

- (2) Every staff member who uses physical restraint must complete a staff physical restraint incident report. The employer must place a copy of the form in the student's file and provide a copy to the student's teacher/s, parents and/or caregivers.

## 9. Keeping records

- (1) Every employer must keep written records of every instance of physical restraint of a student that is carried out under section 139AC of the Act.
- (2) Any record must be kept for a minimum period of 7 years.

## 10. Training and support for staff

Every employer must ensure teachers and authorised staff members are suitably supported and trained.

## 11. School Policies

- (1) Every employer must have a school policy on managing challenging behaviour and using physical restraint that is consistent with the Guidelines.
- (2) Every employer must take appropriate steps to ensure that parents, students, school staff and the community know about the school's policies for managing challenging behaviour and using physical restraint.

Dated at Wellington this 15 day of 08 2017.

I Holsted  
Secretary for Education.



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## Appendix 1

### Information for the Ministry of Education and the employer form

Information for Ministry of Education and the Employer: completed by	Date of incident		Date of report	
Name of School				
Student's National Student Number (no name)				
Date of birth	Year level	Gender M <input type="checkbox"/> F <input type="checkbox"/>		
Ethnicity				
First time the student has been physically restrained?	Yes <input type="checkbox"/> No <input type="checkbox"/>			
The student was physically restrained more than once during the day?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, how many times?			
The student has an Individual Behaviour Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Physical restraint was a part of the plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Were parents notified?	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Was anyone injured? If yes describe	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Was the staff member who applied the restraint a teacher or authorised staff member?	Yes <input type="checkbox"/> No <input type="checkbox"/> If no, provide details			
Role of staff member who applied the restraint?	<input type="checkbox"/> Teacher <input type="checkbox"/> Other If other, describe role			
Did the staff member who applied the restraint receive any training prior to the incident?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what training?			

Why was the use of physical restraint considered necessary?	
Serious and imminent risk to the safety of the student or any other person – describe	
Any other comments	