



Restraint and Seclusion Policy

Purpose

This policy for Black Hill Primary School outlines when physical restraint and seclusion are permitted to be used in Victorian government schools and lists practices that are not permitted to be used in Victorian government schools. This policy details reporting and notification requirements and the responsibilities school and Department staff have in relation to incidents of physical restraint and seclusion.

Summary

- Physical restraint and seclusion are only permitted within Victorian government schools in exceptional circumstances where it is immediately required and reasonably necessary to protect the safety of a student or another person. Physical restraint and seclusion are not permitted at any other time.
- No person – including a parent/carer, clinician, practitioner, or student – can authorise, consent to, or approve the use of physical restraint or seclusion in a school.
- Every instance of physical restraint and seclusion must be reported to the Incident Support and Operations Centre (ISOC) on 1800 126 126.
- Every instance of physical restraint and seclusion require schools, regions, and central office to undertake specified actions according to the severity rating of the incident.

Implementation

This policy applies to all Victorian government schools, school staff, external practitioners and volunteers working closely with students. Schools must ensure non-school Department staff working with students are provided with a link to this policy.

Schools must not develop local policies to replace this one.

It is the responsibility of the school principal to ensure that this policy and associated guidance are complied with within their school. Principals and staff are encouraged to revisit this policy on an annual basis through discussion at staff meetings, professional development, or training sessions.

Schools must ensure that this policy is communicated to new staff on induction and included as a link in staff handbooks/manuals.

Schools must comply with existing obligations to protect the privacy of students and data when managing incidents of physical restraint and seclusion.

Schools may communicate this policy to their school community by placing a link to it on their website or their local student wellbeing and engagement policy – refer to the School Policy Templates Portal: Student Wellbeing and Engagement (login required) for a template policy.

This policy is supported by the Restraint and Seclusion Guidelines and Resources.

What is physical restraint?

Physical restraint is the use of physical force to prevent, restrict or subdue the movement of a student's body or part of their body. Students are not free to move away when they are being physically restrained.

Physical restraint does not include protective physical interventions which use physical contact to block, deflect or redirect a student's actions, or disengage a student's grip, but from which a student can move freely away.

What is seclusion?

Seclusion refers to leaving a student alone in a room or area from which they are prevented from leaving by a barrier or another person. This includes situations where a door is locked as well as where the door is blocked by other objects or held closed by another person.

Seclusion does not include supervised situations such as time-out, in-school suspensions, detentions, or exam situations; other situations where the student can freely exit an area, or suspension and expulsion from school.

Authorisation to use physical restraint and seclusion

Regulation 25 (Restraint from danger) of the Education and Training Reform Regulations 2017 provides that a member of staff of a Government school may take any reasonable action that is immediately required to restrain a student of the school from acts or behaviour that are dangerous to the member of staff, the student or any other person. The Restraint and Seclusion Policy authorises school staff to use physical restraint and seclusion when reasonable and immediately required to protect the member of staff, the student or any other person from acts or behaviour that might be dangerous to them. The primary purpose of using physical restraint and seclusion is to prevent harm to a student or someone else. Children cannot consent to being physically restrained or secluded.

Parents/carers cannot consent to the use of physical restraint or seclusion.

Clinicians or practitioners cannot authorise, consent to or approve the use of physical restraint or seclusion in a school. If this occurs contact the Principal Behaviour Support Adviser by email:

restraint.seclusion@education.vic.gov.au

Use of physical restraint and seclusion to prevent immediate harm

Victorian government school staff may only use physical restraint and seclusion where:

- there is an imminent threat of physical harm or danger to a student or others and
- the physical restraint and seclusion are reasonable in all the circumstances and
- there is no less restrictive measure available in the circumstances.

During physical restraint and seclusion incidents, the student/s must be visually monitored for signs of distress and pain to ensure the student's physical health is not jeopardised and that the student, other students and staff are safe.

Staff must ensure that the use of physical restraint and seclusion is time limited and that it stops as soon as the immediate threat of harm or danger to the student or others has passed.

When physical restraint and seclusion are prohibited

School staff must never use physical restraint and seclusion as behaviour management techniques, for convenience, as retaliation or to discipline or punish a student.

Physical restraint must never be used where it has the effect of:

- covering a student's mouth or nose, or in any way interferes with breathing
- taking a student to the ground face down or on their back
- applying pressure to the neck, back, chest or joints
- deliberately applying pain to gain compliance
- intentionally causing a student to fall
- having a person sitting, lying, or kneeling on a student.

The following behaviours are prohibited:

- headlocks, choke holds, basket holds, bear hugs, 'therapeutic holding' or wrestling holds
- straddling any part of a student's body
- dragging a student along the ground.

Physical restraint and seclusion must never be included in a student plan including behaviour support and student safety plans.

Designated seclusion rooms and areas that are primarily used for the purpose of seclusion are prohibited. Preventing a student from leaving an area normally used by students with a locking mechanism is prohibited.

Doors and door handles installed in such a manner as to prevent a student from leaving the room unassisted are prohibited.

Actions required after an incident of physical restraint or seclusion

Report the incident

Notify the principal. Staff members involved in the incident must immediately notify the principal or their delegate.

Every incident of physical restraint or seclusion must be reported to ISOC on 1800 126 126.

Notify parents/carers. The principal or their delegate must, as soon as practicable (for example, within the same school day), inform parents/carers following an incident in which physical restraint or seclusion has been used with their child.

Provide support to those involved.

Following the use of physical restraint or seclusion, appropriate supports must be offered to all affected students, including, but not limited to, physical and psychological needs and ongoing monitoring and recovery support.

Where an incident impacts on the health, safety and wellbeing of staff, the principal or delegate must submit an eduSafe Plus report and consider whether a report to WorkSafe is required (contactable on 1800 136 089). Staff should be encouraged to access the Employee Assistance Program for counselling support following an incident.

Document the incident.

Schools must document every incident of physical restraint and seclusion. Written records must be added to the Computerised Administrative System Environment for Schools (CASES21) or Student Online Case System case files of students involved in incidents of physical restraint or seclusion.

Reflect, review and plan

Following an incident of physical restraint or seclusion, the school must consider any preventative and de-escalation strategies that might reduce the likelihood of an incident happening again.

Legal framework for this policy

Regulation 25 of the Education and Training Reform Regulations 2017 provides that a member of staff of a Government school may take any reasonable action that is immediately required to restrain a student of the school from acts or behaviour that are dangerous to the member of staff, the student or any other person. The Restraint and Seclusion Policy and Guidelines translate the regulation for school use, outlining when physical restraint and seclusion are permitted to be used, identifying prohibited practices and providing details on reporting and notification requirements of school staff.

School principals, teachers and all staff working with students in a school have a legal duty of care to students to take reasonable steps to minimise the risk of reasonably foreseeable harm to students. This duty of care cannot be delegated to others.

It is also unlawful to directly or indirectly discriminate against a student based on their disability. The definition of disability under discrimination legislation is wide and includes behaviour that is a symptom or manifestation of a disability. In these cases, physical restraint and seclusion may amount to discrimination as a form of unfavourable treatment of a student because of their disability where reasonable adjustments have not been made.

The Victorian Charter of Human Rights and Responsibilities requires Victorian government school staff to act consistently with human rights and to consider relevant human rights, including the rights of students to be treated with respect and dignity, when making decisions, including decisions about student behaviour that poses an imminent threat of physical harm or danger to the student or others.

Definitions

Refer to the Guidance chapter on Definitions.

Related policies

- Child Safe Standards
- Duty of Care
- Medication
- Reporting and Managing School Incidents (including emergencies)
- Schools' Privacy Policy
- Sensory Rooms
- Student Engagement

- Managing Challenging Behaviours

Relevant legislation

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005 (Cth)
- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations 2017 (Vic)
- Regulation 24, Corporal punishment not permitted
- Regulation 25, Restraint from danger
- Equal Opportunity Act 2010 (Vic)
- Health Records Act 2001 (Vic)
- Ministerial Order 1038
- Ministerial Order 870
- Occupational Health and Safety Act 2004 (Vic)
- Privacy and Data Protection Act 2014 (Vic)

Evaluation and Review cycle

This policy was ratified by School Council in September 2021

It is scheduled for review in August 2024