

Restraint and Seclusion Policy and Procedure

1. Objective

This Policy:

- articulates how restraint and seclusion is defined and the circumstances for its acceptable use
- provides procedures to support staff in circumstances where restraint and/or seclusion is appropriately used to ensure the safety of all
- actively promotes student and staff safety

2. Scope

This Policy sets out the way in which restraint and seclusion is addressed in Cheshire School. It establishes the responsibilities of staff when determining whether it is appropriate to use any form of restraint and seclusion.

The use of restraint or seclusion in Cheshire School should only be used as **final recourse**. This Policy establishes the responsibilities of staff when determining whether it is appropriate to use any form of restraint or seclusion.

3. Context and Guiding Principles

- Every effort should be made to avoid the use of physical restraint or seclusion.
- Every person has a right to be safe.
- Staff have a duty of care to take reasonable steps to protect students from risk of injuries or any harm that is reasonably foreseeable.
- A whole school approach is adopted to support positive behaviour.
- Staff must take reasonable care for their own health and safety when confronted with challenging student behaviours and should only physically intervene if they are confident that they can do so without placing their own health and safety at risk. Staff will be provided with information, instruction and training on preventative measures and interventions controls.

4. Definitions

Word	Definition
<ul style="list-style-type: none"> • Dangerous forms of restraint 	<p>This is any form of physical intervention that restricts breathing, relies on locks or pain for control, or causes undue discomfort.</p> <p>Examples of dangerous forms of restraint include:</p> <ul style="list-style-type: none"> • any restraint which covers the student's mouth or nose, and in any way restricts breathing; • the application of pressure to a student's neck, chest, abdomen, joints or pressure points to cause pain or which involves the hyperextension of joints; • holding a student's head forward, headlocks, choke holds; • take-downs, which allow students to free-fall to the

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	<p>ground whether or not in a prone position (holding a student face down) or supine position (holding a student face up) or otherwise wrestling holds (including ‘full or half nelsons’), using a hog-tied position or straddling any part of a student’s body;</p> <ul style="list-style-type: none"> • basket holds, bear hugs, ‘therapeutic holding’
<ul style="list-style-type: none"> • Duty of Care 	<p>Every teacher and school authority owes students in their care a duty to take reasonable measures to protect them from risks of injuries or harm that are reasonably foreseeable.</p>
<ul style="list-style-type: none"> • Dynamic Risk Assessment 	<p>An on-the-spot assessment, informed by staff professional judgement, to determine whether to use restraint or seclusion.</p>
<ul style="list-style-type: none"> • Least Restrictive Intervention 	<p>This is a practice that:</p> <ul style="list-style-type: none"> • is not more restrictive or intrusive than necessary to prevent a person from inflicting harm on themselves or others; and • is applied no longer than necessary to prevent harm or danger.
<ul style="list-style-type: none"> • Mechanical and Chemical Restraints 	<p><i>Mechanical restraint</i> refers to the use of device to prevent, restrict or subdue a person’s movement for the primary purpose of influencing that person’s behaviour.</p> <p><i>Chemical restraint</i> refers to the use of medication primarily to control or subdue behaviour and which is not being used to treat an underlying physical or mental illness, or a physical condition.</p>
<ul style="list-style-type: none"> • Protective Physical Interventions 	<p>Protective physical interventions involve physical contact to block, deflect or redirect a student’s actions, or to disengage from a student’s grip. In these situations, the student remains free to move away.</p>
<ul style="list-style-type: none"> • Restraint 	<p>Unless otherwise stated, ‘restraint’ refers to ‘physical restraint’. Physical restraint means the use of physical force to prevent, restrict or subdue the movement of a student’s body, or part of their body, where the student is not free to move away.</p>
<ul style="list-style-type: none"> • Safe Place, Time Out, Chill Out Rooms 	<p>The practice of using a safe place, quiet place, time out or chill out room (referred to as a ‘safe place’ in this section) for students does not amount to seclusion. Exit to a safe place is a planned intervention to be used as part of an overall approach to supporting a student exhibiting complex behaviour. The use of a safe place should form part of a student’s Intensive Support Plan. It is used to assist students to settle and return to a state of calm, so they are more able to participate academically and socially. The use of a safe place can be either teacher-directed or self-directed and takes place in a setting that is not locked and enables visibility and supervision.</p>

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<ul style="list-style-type: none"> ● Seclusion 	<p>Seclusion is the solitary confinement of a student in a room or area which their exit is prevented by a barrier or another person (and does not include any practice implemented in accordance with the definition of 'restraint'). Seclusion includes situations where a person is left alone in a room or area and reasonably believes they cannot leave that room or area, even if they may physically be able to (e.g. the door is not locked). In extreme circumstances, e.g. in response to behaviours that cause harm to self or others, teachers will respond by exiting other students from learning spaces to ensure their safety, thereby secluding an individual student.</p>
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5. Policy

Cheshire School chooses to use the DET policy and procedures as it is recognised as best practice in the educational system.

Cheshire School acts in accordance with the policies and procedures of the Victorian Department of Education and Training (DET). Regulation 25 of the Education and Training Reform Regulations 2007 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 dangerous to the member of staff, the student, or any other person.”

5.1 When physical restraint or seclusion should not be used

Physical restraint and seclusion should not be used unless immediately required to protect the safety of the student or any other person (refer to 5.2).

Rooms or areas designed specifically for the purpose of seclusion or which are used solely or primarily for the purpose of seclusion are not permitted at Cheshire School.

Restraint and seclusion must not be included in a Behaviour Support Plan or be used as a routine behaviour management technique, to punish or discipline a student or to respond to:

- a student’s refusal to comply with a direction, unless that refusal to comply creates an imminent risk to the safety of the student or another person
- a student leaving the classroom/school without permission, unless that conduct causes an imminent risk to the safety of the student or another person
- verbal threats of harm from a student, except where there is a reasonable belief that the threat will be immediately enacted
- property destruction caused by the student unless that destruction is placing any person at immediate risk of harm.

Types of physical restraint which must not be used include:

- any restraint which covers the student’s mouth or nose, and in any way restricts breathing
- the application of pressure to a student’s neck, chest, abdomen, joints, or pressure points to

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- cause pain or which involves the hyperextension of joints
- holding a student's head forward, headlocks, or choke holds
- take-downs, which allow students to free-fall to the ground whether or not in a prone position (holding a student face down) or supine position (holding a student face up)
- wrestling holds (including 'full or half nelsons'), using a hog-tied position or straddling any part of a student's body
- basket holds, bear hugs, 'therapeutic holding'

5.2 When Physical Restraint or Seclusion may be used

School staff may only use physical restraint on a student when there is an imminent threat of physical harm or danger to the student or others; and where such action (i.e. to physically restrain or seclude) would be considered reasonable in all the circumstances and there is no less restrictive means of responding in the circumstances.

As with physical restraint, seclusion should only be used when it is immediately required to protect the safety of the student or any other person, as permitted by Regulation 25.

The decision about whether to use physical restraint or seclusion rests with the professional judgement of the staff member/s involved, who will need to take into account both their duty of care to the students, their right to protect themselves from harm and obligations under the Charter of Human Rights and Responsibilities Act 2006.

6. Associated Procedures

The use of restraint or seclusion does not form part of a Behaviour Support Plan and should not be identified as an appropriate intervention. Restraint and seclusion are permitted only in limited emergency situations.

6.1 Use of Restraint and/or Seclusion

Every effort should be made to prevent the need for the use of physical restraint or seclusion. It is important to remember that prevention is the best strategy. In making a decision that any form of restraint or seclusion is required, staff should be aware that their actions may directly increase the risk of injury and trauma, both for the student and staff member. Physical restraint and seclusion are only permitted where these are immediately required to protect the safety of the student or another person.

6.2 Three Conditions for Restraint and Seclusion

Restraint and seclusion must not be used except in an emergency situation that satisfies the following three conditions:

- a) there is an imminent threat of physical harm;
- b) the restraint or seclusion is reasonable in the circumstances; and
- c) there is no less restrictive means of responding.

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Further information regarding each of these conditions is set out below:

a) Imminent threat of physical harm

The first condition is that the student's behaviour must pose an imminent threat of physical harm or danger to the student or to others (violence between students or from students directed at others – e.g. meltdowns and fights). A verbal threat from a student would not usually be sufficient to meet this condition unless there is an associated risk of imminent harm.

For example, the first condition may be satisfied where a student is threatening to hit someone with a cricket bat and is holding the cricket bat. Where a student is making verbal threats, but the staff member does not believe there is a risk of imminent harm, the staff member should still take appropriate action, but this should not include restraint or seclusion.

The physical harm or danger must be to the student (i.e. self-harm) or to another person (e.g. staff or another student). Damage to property alone is not sufficient to meet this condition.

For example, if a student is damaging a classroom, the first condition is not satisfied. However, if a student is breaking windows and putting themselves, or nearby students, at risk of imminent harm from the broken glass, the first condition may be satisfied.

b) Reasonable in the circumstances

The second condition is that it must be reasonable in all the circumstances to restrain or seclude the student. 'Reasonable' is taken to mean proportionate and necessary. Staff should consider whether the restraint/seclusion is proportionate to the harm it is intended to prevent.

For example, it may be considered reasonable to restrain a student in response to an imminent attack with a cricket bat, but it would generally be considered unreasonable and not justified to restrain a student in response to low-level pushing. What is considered reasonable depends on the individual circumstances of each case and is a matter for professional judgement.

When making the decision as to whether restraint or seclusion is reasonable, staff need to take account of all the circumstances, including:

- the student's age, grade and developmental level
- the student's physical presentation – weight and stature
- the relevance of any disability, impairment (including psychological conditions) or medical condition
- the mental state of the student
- the anticipated response of the student
- the impact of the restraint on the relationship with the student
- the environment in which restraint/seclusion is taking place, including any specific hazards
- the form of restraint/seclusion that would be appropriate.

In general, responding to behaviour with restraint or seclusion on a regular or long-term basis would not be considered reasonable. Once a school has become aware of the behavioural risk, it should put in place other strategies to prevent reoccurrence. Continuing to restrain the student in response to a second and third occurrence, may mean that the restraint is no longer

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reasonable in the circumstances.

The restraint/seclusion should cease as soon as the immediate danger for the student or others is averted.

For example, the second condition may be satisfied where a teacher grabs a student's arm to prevent them running in front of a car and releases the student's arm once the danger has passed. However, the second condition would not be met if, in the same circumstances, the teacher continued to hold the students arm for an unreasonable time after the car had passed and no longer posed a threat.

c) **No less restrictive means of responding**

Restraint or seclusion must be used only as a last resort, when all less-restrictive alternatives will not effectively maintain the safety of all. This does not mean that the staff member must have tried every other available alternative, but that they have considered the options and judged that the alternatives were less likely to succeed in the circumstances.

For example, this condition would not be satisfied if, instead of restraint, a verbal direction would have sufficed to prevent the imminent harm.

In the event that restraint or seclusion is used, the least restrictive form of restraint/seclusion must be used for the minimum time possible. The restraint/seclusion should cease as soon as the immediate danger for the student or others is averted.

For example, the third condition may be satisfied where a teacher grabs a student's arm to prevent them running in front of a car and releases the student's arm once the danger has passed. If, in the same circumstances, the teacher tackled the student to the ground and held them there for five minutes, the third condition will not be met.

6.5 Dynamic Risk Assessment

The decision to use restraint or seclusion rests, and the nature of the restraint or seclusion to be used, is a matter of staff professional judgement. Such decisions are usually required to be made in times of high stress. Staff are encouraged to pause and conduct a 'dynamic risk assessment', that is, make an on-the-spot assessment of the likely outcomes of the available options before deciding which to choose. Staff are encouraged to balance the risks of any action they might take and assess which is the safest option in that particular circumstance.

6.6 Monitoring

Whenever restraint or seclusion is used, staff must monitor the student continuously to ensure that the restraint or seclusion continues to be used appropriately. For example, monitoring should be used to ensure that the restraint or seclusion is justified, time limited and that the student, and other students, are safe. In every instance of physical restraint, breathing must be visually monitored. Monitoring should also include communicating with the student when it is safe to do so.

Restraint/seclusion should be discontinued when the imminent threat of harm has passed, the action is no longer reasonable in the circumstances, or a less restrictive means of responding becomes

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available.

6.7 Reporting, Recording and Follow-Up

The following table outlines the follow-up actions that must be undertaken after a student has been physically restrained or secluded:

Action	Description
Reporting the physical restraint/seclusion	<p>The staff member(s) involved in the incident must immediately notify the Head of School of Cheshire School of the incident.</p> <p>The Head of School (or delegate) should contact the student's parents and provide them details of the incident as soon as practicable.</p> <p>The incident may need to be reported to WorkSafe.</p>
Providing supports for those involved	<p>Following the use of restraint on a student, appropriate supports must be offered to the following people:</p> <ul style="list-style-type: none"> • The student who has been restrained or secluded and their parents, guardians and carers. This may include participation in decisions involving the student's behaviour management, Student Support Group meetings and the development or review of a Behaviour Support Plan. • Other students and staff members who were involved in or witnessed the incident. This may include a debriefing session in relation to the incident, and the offer of counselling support (e.g. EAP for staff).
Maintain records of the incident	<p>A written record of the incident and the physical restraint or seclusion used must be made as soon as practicable. This record should be added to a student's file as appropriate. This will be recorded on Compass, the School's student data management system.</p> <p>The record should detail:</p> <ul style="list-style-type: none"> • the name of the student/s and staff member/s involved

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	<ul style="list-style-type: none"> • date, time and location of the incident • names of witnesses (staff and other students) • what exactly happened (a brief factual account) • any action taken to de-escalate the situation • why physical intervention was used (if applicable) • the nature of any physical intervention used • how long the physical intervention lasted • the student's response and the outcome of the incident • any injuries or damage to property • immediate post incident actions, such as first aid or contact with emergency services • details of contact with the student's parent, guardian or carer • details of any post-incident support provided or organized <p>The Head of School should arrange for all staff who were involved/present at the incident to prepare a statement/record of their involvement or observations of the incident.</p>
<p>Post incident review</p>	<p>Post-incident, the School should consider the preventative and de-escalation strategies that might reduce the likelihood of an incident happening again.</p> <p>For example: reviewing and amending the student's Behaviour Support Plan; considering the training needs of staff working closely with the student/s involved in the incident, etc.</p>

6.7 Professional Learning and Staff Training

All staff at Cheshire School receive annual professional development and termly briefings on the school's Restraint and Seclusion Policy and Procedure. Particular focus is given to:

- Understanding behaviour warning signs

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- Handling provocation
- Responding to strong emotions
- Identifying preventative measures
- Maximising safety and minimizing risks
- Activating alert systems and seeking assistance from colleagues
- Understanding the 'three conditions for restraint and seclusion' outlined in this Policy
- Procedures for reporting circumstances or incidents of concern.

All staff are also trained in the Team Teach approach and regular briefings are maintained throughout the year at staff meetings.

At Cheshire School, all staff members will be fully trained in Team Teach practices. Completion of this training is a requirement of employment and forms an important part of staff induction on appointment.

Team Teach has been established since 2004, training staff across a range of education, health and care settings throughout Australia and New Zealand.

To support organisations in their commitment to reducing and eliminating restrictive practices, as outlined in the National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Sector, Team Teach APAC provides training in line with the state specific Student Behaviour procedures, and which expressly aligns with the United Nations Convention on the Right of the Child, which states that the welfare of the child shall be the paramount consideration.

The content of the programs is updated to reflect the latest research findings about the psychology of behaviour support, biomechanics and safe systems of manual handling. Team Teach commissions independent academic research into the effectiveness of the training and a comprehensive review of the legal framework in order to better protect staff working in challenging environments.

Team Teach accreditation renewal is every three years.

7. Relevant Legislation Sources

- [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.)
- [Equal Opportunity Act 2010](#) (Vic.)
- [Ministerial Order 870](#)
- [Occupational Health and Safety Act 2004](#) (Vic.) (OHS Act)