



### PURPOSE

The College's Restraint and Seclusion of Students policy is part of the suite of policies which are linked to the Child Safe Policy which mandates zero tolerance to child abuse.

This policy 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.

### SCOPE

This policy applies to all Victorian government schools, school staff, external practitioners and volunteers working closely with students.

### DEFINITION

In this policy, 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.

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.

### POLICY

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](mailto: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 into the prone or supine position
- putting stress on a student's joints
- 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 (including 'full or half nelsons')



- using a hog-tied position
- 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](tel:1800126126).

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](tel:1800136089)). 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.

### **ADDITIONAL POLICIES, GUIDELINES AND RESOURCES**

- Child Safe Policy
- Duty of Care Policy
- Student Wellbeing and Engagement Policy

### **REQUIRED METHOD OF COMMUNICATION**

- Portland Secondary College Council
- Staff Induction process
- Staff Knowledge base
- School Website



### REVIEW CYCLE

DATE	VERSION	RATIFIED BY	NEXT REVIEW
27/10/21	3	Portland Secondary College School Council	Sept 2023