

# Consultation on draft rules and guidelines

Minimising physical  
restraint in New Zealand  
registered schools

**Summary of feedback**

**July 2022**

# Foreword

Over the past few months, the Ministry of Education has been consulting on the draft rules and guidelines for physical restraint in schools.

It's clear that physical restraint is a complex area for school communities to navigate. However, finding the right balance for ākongā, whānau and kaiako is a worthy challenge. By finding such a balance, we generate trust, impart dignity and uncover the immense value and potential of our tamariki.

As shown by the feedback on this consultation, such a balance is not easy to find. 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. This is an important issue for our tamariki, whānau and kaiako. Your contribution is valued and is being genuinely considered as we finalise the rules and guidelines over the next few months.

# Contents

<b>Foreword</b> .....	<b>1</b>
<b>Executive summary</b> .....	<b>4</b>
Feedback on the draft rules .....	4
Developing support plans .....	4
Notifying and debriefing parents .....	4
Reporting on the use of physical restraint .....	4
Training requirements .....	4
Feedback on the draft guidelines .....	5
<b>Introduction</b> .....	<b>6</b>
Context .....	6
Consultation process .....	6
<b>Who we heard from</b> .....	<b>8</b>
<b>Feedback on the draft rules</b> .....	<b>9</b>
Developing support plans .....	9
Reasons for supporting the requirement .....	9
Reasons for opposing the requirement .....	10
Comments on the use and content of support plans .....	11
Notifying and debriefing parents and caregivers .....	12
Reasons for supporting the requirements .....	12
Reasons for opposing the requirements .....	12
Other comments on the notification requirement .....	13
Other comments on the debrief requirement .....	13
Reporting requirements .....	13
Reasons for supporting the requirements .....	14
Workload concerns .....	14
Required information .....	15
Use of reported information .....	16
Other comments .....	16
Training requirements .....	16
Reasons for supporting the training requirements .....	17
Reasons for opposing the training requirements .....	17
Online modules .....	18
Training in identifying stress triggers, understanding unmet needs, and preventing, minimising and responding to student distress .....	18
Training in safe physical holds .....	18
Other comments on training .....	19
Other comments on the rules .....	20

Rule 3: Interpretation.....	20
Rule 4: School policies.....	20
Rule 6: Information to be made available.....	20
Rule 7: Keeping records.....	20
Rule 10: Monitoring the use of physical restraint .....	21
<b>Feedback on the draft guidelines .....</b>	<b>22</b>
Understanding how to prevent and respond safely to student distress .....	22
Theme 1: Culture and relational approaches .....	23
Theme 2: Training and support.....	23
Theme 3: Accountability .....	24
Acceptable physical contact.....	24
Theme 1: Consent .....	25
Theme 2: Students with learning support needs.....	25
Theme 3: Training and support.....	25
When and how physical restraint can be used .....	27
Theme 1: Lack of te ao Māori perspective.....	27
Theme 2: Subjectivity .....	27
Theme 3: Clarifying when and how physical restraint can be used .....	28
Theme 4: Equipment, assistive devices and mechanical restraints .....	29
Scenarios .....	30
Key comments on scenarios .....	30
Suggestions for improvements to the guidelines.....	32
Presentation of the guidelines.....	32
<b>Feedback on the proposed training approach .....</b>	<b>34</b>
Access, support and funding.....	35
Responsiveness to neurodiverse and disabled learners.....	35
Method of delivery .....	36
UBRS .....	36
Safe holds training.....	37
Other comments about training .....	37
<b>Other comments .....</b>	<b>38</b>
The legislative framework .....	38
Learning support and inclusive education .....	38
Physical restraint in early learning.....	38
<b>Thank you for your feedback.....</b>	<b>39</b>
<b>Appendix 1: List of organisational submitters .....</b>	<b>40</b>
Schools .....	40
Other organisations .....	40

# Executive 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.

## 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.

# Introduction

## 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 rules and guidelines on using physical restraint in schools. In doing so, the Secretary must consult with children and young people, particularly those who are Māori and those with disabilities or learning support needs, parents, whānau and caregivers, and organisations representing the interests of teachers, principals, governing bodies of schools, parents and the disability community.

The Physical Restraint Advisory Group (the Advisory Group) was established in September 2020 to help the Ministry of Education update the rules and guidelines. The jointly agreed purpose of the Advisory Group is to develop workable and sustainable rules and guidelines on physical restraint in schools that:

- uphold the rights of children, whānau and school staff
- prevent the use of physical restraint except as a last resort
- provide clarity and support as to when and how physical restraint can be used.

The Advisory Group includes representatives from the following organisations:

- Autism New Zealand
- Disabled People's Organisations Coalition
- IHC
- New Zealand Educational Institute Te Riu Roa
- New Zealand Pasifika Principals' Association
- New Zealand Principals' Federation
- New Zealand School Trustees Association
- Office of the Children's Commissioner
- Post Primary Teachers' Association Te Wehengarua
- Secondary Principals' Association of New Zealand
- Special Education Principals' Association of New Zealand
- Te Akatea Māori Principals' Association
- Teaching Council of Aotearoa New Zealand
- VIPS – Equity in Education New Zealand.

## Consultation process

The Ministry published the draft rules, guidelines and a summary of the proposed changes on 23 November 2021 on [www.conversation.education.govt.nz](http://www.conversation.education.govt.nz), alongside an online survey. We translated the summary into te reo Māori and nine Pacific languages and uploaded these translations to the website in January. Throughout February and March 2022, we made Easy Read, large-print, New Zealand Sign Language, audio and braille versions of the summary available on the website.

We sent a link to the survey to key stakeholders in November 2021 and promoted the consultation process in the first three months of 2022. This process included the School Bulletin, social media, and a radio campaign on Pacific and Iwi radio stations (see table below).

<b>Māori radio listeners</b>	<b>Māori Facebook</b>	<b>Pacific radio listeners</b>	<b>Pacific Facebook</b>
61,100 weekly 26,400 breakfast 19,000 drive show 3pm	Approximately 247,000 followers weekly	48,000 weekly 15,000 breakfast 20,000 drive show 3pm	Approximately 120,000 followers weekly

The Ministry also met with the parent/family/whānau network hosted by the Office for Disability Issues and held two other online meetings with parents of disabled children involved in the VIPS – Equity in Education New Zealand network. Submissions closed on 3 April 2022.

The Ministry also contracted Litmus to undertake 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. We received the findings from this engagement in May 2022 and we are considering them alongside the consultation feedback to inform changes to the draft rules and guidelines.

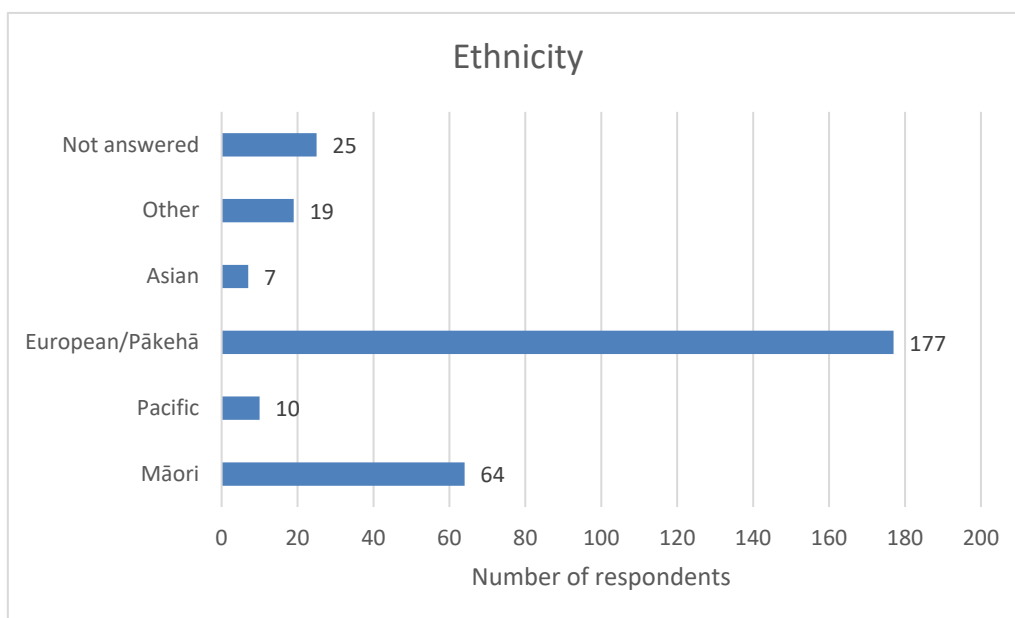
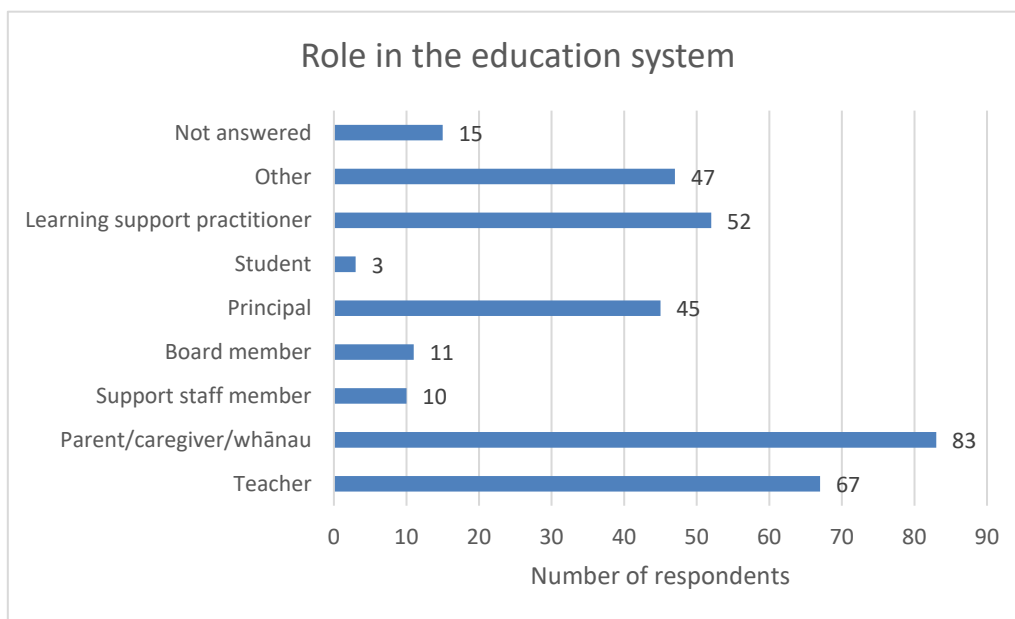


# Who we heard from

We received 267 responses to the online survey from 59 organisations, including 24 schools and 207 individuals. See Appendix 1 for a full list of the organisations that submitted.

The largest number of responses came from parents/caregivers/whānau (83), followed by teachers (67), learning support practitioners (52) and principals (45).

Most respondents identified as European/Pākehā (177), with 64 identifying as Māori, 10 as Pacific, 7 as Asian and 19 as another ethnicity. (Note that respondents could select more than one role and ethnicity). Nine respondents identified as being disabled.



# Feedback on the draft rules

The rules set out the policies and procedures that schools must follow with regards to physical restraint. We asked specifically about the proposed requirements to:

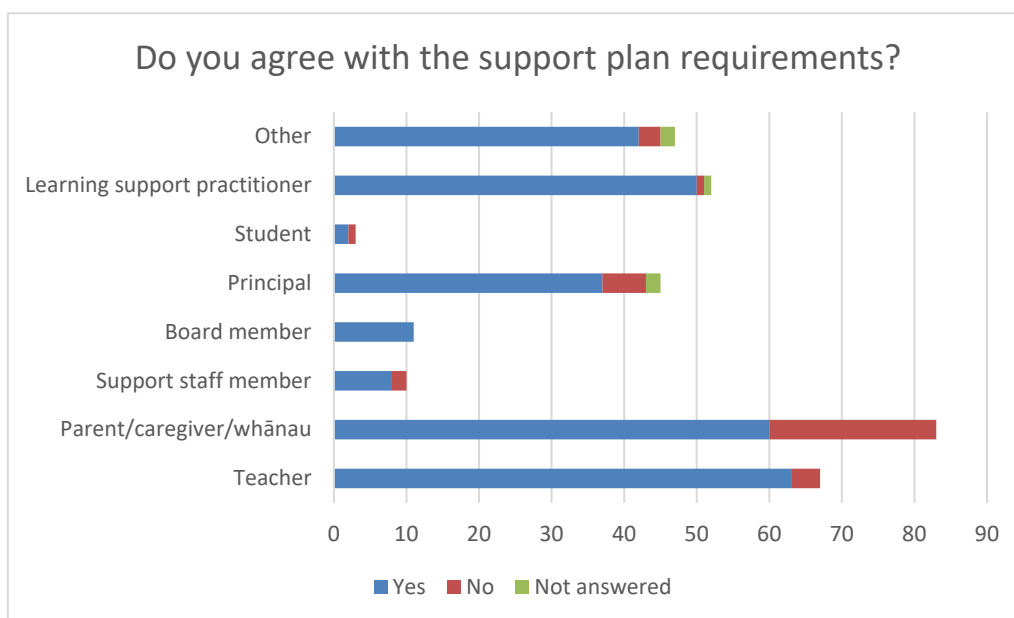
- develop support plans for particular students
- notify and debrief parents and caregivers after an incident of physical restraint
- report on the use of physical restraint
- ensure that teachers and authorised staff members receive training and support.

## Developing support plans

Rule eight would require schools to develop support plans for preventing student distress and for de-escalating crisis situations:

- for any students whom schools/kura identify as being at higher risk of physical restraint
- for any students who are subject to physical restraint more than once a term
- at the request of the student's parents/caregivers.

A total of 220 submitters (82%) indicated that they agreed with the proposed requirement while 37 (14%) disagreed. Ten submitters did not provide a response to this question. The graph below shows a breakdown of responses to this question by role.



## Reasons for supporting the requirement

The main reasons given for agreeing with the requirement to develop support plans included that it would:

- ensure that staff would know how to prevent and de-escalate situations
- reduce the use of physical restraint
- help keep staff, students and their peers safe.

*"All staff need to understand the triggers and appropriate responses to a child's behaviour. Proactive prevention of distress is much better than reacting to a crisis."* (Principal)

*"If a student has had to be restrained once, we need to minimise the need for it to happen again. Without a comprehensive assessment of what triggers [stress] for the child, what their distress signals are, what helps them to regulate [and] what it is in the school environments that need to change, staff will continue to use restraint and apart from being an undignified intervention, it is dangerous. A comprehensive plan with strategies to prevent the behaviour from occurring in the first place, and to*

*de-escalate when it does, is critical. Not to have a plan for a child with high levels of distress is unethical.*" (Learning support practitioner)

Submitters who agreed with the requirement also commented on the benefits of taking an individualised approach by tailoring responses to the needs of the student. A few submitters commented on the need for this to include cultural considerations.

*"Students have different needs, behaviours and ways to self-regulate, some strategies that work for one student would not work for another, it is important to look at each student as an individual."* (Teacher)

*"The support plan needs to include the culture and cultural identity of the student to remind the teacher/staff of the importance that culture/identity plays in relationships, and challenge bias and discrimination."* (Learning support practitioner)

Other comments related to the value of collaboration and drawing on the knowledge and expertise of students, whānau, teachers and learning support specialists to understand what would work best.

Some submitters emphasised that student and/or parent voice was a necessary part of the process of developing a support plan, with some recommending this be made an explicit requirement in the rules.

There were also comments about the importance of specialist input. One submitter suggested requiring support plans to be submitted for review by a learning support manager or behaviour practitioner to ensure a genuine focus on prevention and de-escalation, and to provide an opportunity for proactive support.

*"Everyone does better with the opportunity to come together to share understandings and co-design responses that are best suited ... distress in one is a community responsibility, not that of the young person."* (Trauma-informed specialist educator)

## **Reasons for opposing the requirement**

Many of those who disagreed with the support plan requirement were parents/caregivers/whānau who opposed any use of physical restraint in schools. Other submitters opposed the requirement due to concerns about workload for teachers and/or learning support staff and a lack of available resourcing to provide the support required. A few did not believe that support plans would make a difference to how often physical restraint was used.

*"Teachers are already expected to plan, design tasks, organise learning for a wide range of student levels across the curriculum [and] assess and document learning progress. Support plans and subsequent meetings outside of classroom contact time for one child out of 26+ adds to the teacher workload that contradicts [the] NZEI focus of ensuring teacher workload and wellbeing is sustainable in th[e] workplace."* (Teacher)

*"I don't believe that schools in NZ currently have the physical resources to guarantee such support. I also think the emphasis on the one child at the centre of an event is misplaced. The emphasis should be on the children and adults around them and how they are to be protected."* (Teacher)

The Teaching Council opposed the requirements for support plans to be developed if requested by a student's parents/caregivers or if the student was subject to physical restraint more than once a term. They recommended instead that there be flexibility for schools to decide whether a support plan was needed.

*"Teachers and kaiako seek to know and understand the learners they have responsibility for, and in most cases that will be sufficient."* (Teaching Council of Aotearoa New Zealand)

Four other submitters, including PPTA Te Wehengarua, expressed explicit support for the requirement that support plans be developed at the request of parents/caregivers.

*“Our personal experience is that teachers and principals are resistant to putting effective support plans in place (and following them). It is also our experience that lack of appropriate support and inappropriate actions by school staff creates situations in which teachers and school staff feel restraint is necessary. To break this negative cycle, it is essential that a plan must be put in place at the request of the parents or caregivers.” (Parent/caregiver/whānau)*

## **Comments on the use and content of support plans**

Submitters also commented that support plans needed to be regularly reviewed and kept up to date and should be shared with all the people who work with the child or young person.

*In our line of work, we work with a range of different young people from all backgrounds and experiences which sometimes are not always disclosed to us as an organisation. Sometimes we are [informed] and then other times we have no idea who we are working with until we meet the young person. Having a support plan in place would protect the young person and especially our teacher.” (Tuilaepa Youth Mentoring Service)*

A couple of submitters commented on the need to ensure support plans were followed, with one suggesting they be made enforceable.

NZEI Te Riu Roa suggested an editable template be provided to help reduce workload requirements and that data be collected on the number of support plans to help identify where additional support may be required.

There were also a few comments about the need for clarity about the relationship between support plans and Individual Education Plans and Safety Plans.

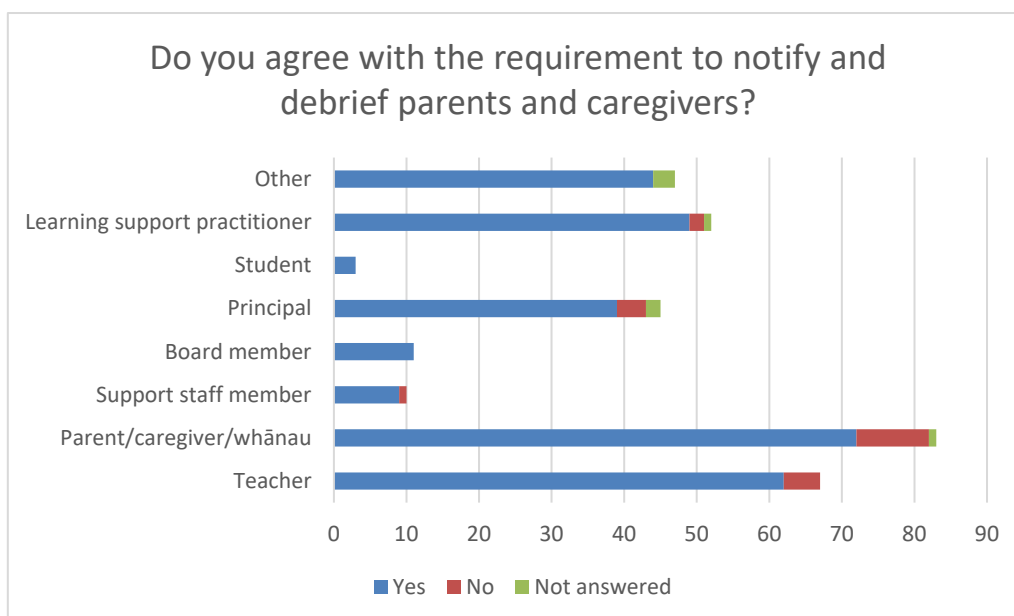
There were several comments about including physical restraint in a support plan. These included concerns that it might increase the use of physical restraint and a desire for safeguards to ensure that “students and family are not pressurised, manipulated, coerced or threatened into authorising the use of physical restraint as a part of these plans”. YouthLaw Aotearoa considered that informed consent should be given in writing.

Other submitters disagreed with the requirement that consent be given if physical restraint is to be included in a support plan. Some wanted the guidelines to clarify that, if consent was not granted or a support plan had not yet been put in place for a child, physical restraint could still be used under the conditions set out in the Act.

## Notifying and debriefing parents and caregivers

Rule 9 would require schools to notify a student’s parents/caregivers about an incident of physical restraint as soon as possible and provide a reasonable opportunity to attend a debrief about the incident within 72 hours – or later by mutual agreement.

A total of 234 submitters (88%) indicated that they agreed with the proposed requirement, while 20 (7%) disagreed. Thirteen submitters did not provide a response to this question. The graph below shows a breakdown of responses to this question by role.



### Reasons for supporting the requirements

Many submitters who supported the notification requirement said that parents and caregivers had a right to know about any use of restraint on their child. They noted the importance of knowing about any incidents of physical restraint so that the parents/caregivers could support their child at home.

*“It would be unsafe for children and whānau not to, eg an injury could become apparent later, understanding children’s distress, children could report stories that parents do not receive, parents could receive inaccurate reports from people in the community (eg other children who witnessed it). Parents have a right to know of anything of this significance which occurs for the child.”* (Learning support practitioner)

*“Physical restraint can cause significant emotional and physical harm to those being restrained, and if parents and caregivers are not provided [with] all relevant information about what has happened to our child, [they] can’t support their child appropriately and adequately, to recover from the traumatic incident. My own daughter is non-verbal and so this is particularly important because she is unable to express herself or report back to me about her perspective or experience.”* (Parent/caregiver/whānau)

Submitters considered that the debrief requirement provided a useful opportunity to learn from the incident and share insights from both the home and school environments that could help prevent future incidents.

*“It is important that whānau are notified so that both the kura and whānau can address the root of the problem – children lash out in anger and frustration – we need to keep one [another] safe but we also need to address as to why this is happening and how can we all work together to put other systems into place for that child to help deal with this behaviour – find ways of dealing with their anger and frustration.”* (Teacher)

### Reasons for opposing the requirements

Those who opposed the proposed notification and debrief requirements either did so because they did not support any use of physical restraint (primarily parents/caregivers/whānau), or because of concerns about workload or risks to the safety of the students or staff involved in the incident. Some suggested that there should be space for exceptions to be made in these circumstances.

*"Yes in principle, however, this decision needs to take into account the family situation and if this information may increase [the] risk of harm for the tamariki in the home environment."* (Learning support practitioner)

*"I think 'requirement' might be improved on by consideration of 'best effort' given that it is sometimes difficult and/or problematic and/or a risk of harm to school staff and/or students involved. ... Some parents advocate that the[ir] children should use violence. Some parents will threaten other parents where the children have been in altercations. Allowance for sensitivity to these risks should be factored in."* (Support staff member and ex-board member)

### **Other comments on the notification requirement**

VIPS, Parent to Parent and the Inclusive Education Action Group considered that the rules should specify that the notification needs to happen before the end of the school day. They also suggested that the notification to parents/caregivers needs to be done both verbally and in writing so that there is a record of what has been shared. However, Special Education Principals' Association of New Zealand (SEPANZ) considered that a phone call was generally more appropriate, stating that "if restraint reports are going home to whānau frequently because of an ongoing situation with a student this could be stressful and demoralising for the parents or carer."

### **Other comments on the debrief requirement**

There were different views about the timeframes in which the debrief should be held, and the extent to which this should be specified in the rules. One submitter did not think holding the debrief within 72 hours was realistically achievable for schools. SEPANZ also considered that, while essential, debriefing "needs to be manageable in the school context". They said that "getting the team involved together to debrief is often challenging" and expressed a preference for the guidelines to recommend a debrief within 72 hours. On the other hand, VIPS, Parent to Parent and the Inclusive Education Action Group thought that the rules should require the debrief to be held as soon as possible within 48 hours. PPTA Te Wehengarua supported the draft requirements in the rules and considered that 48 hours should be considered best practice. YouthLaw Aotearoa suggested changing the timeframe for the debrief to three school days to take account of weekends and school holidays.

Some submitters noted that parents/caregivers would often not have the time available to attend a debrief in person and suggested that there should be flexibility around how the debrief is conducted.

*"Debriefs' and what that might look like should be discussed in plan development stage, for some it may look like a face to face, for others it might be phone calls, [for] others it might be via email. Whānau should determine that, not the school."* (Learning support practitioner)

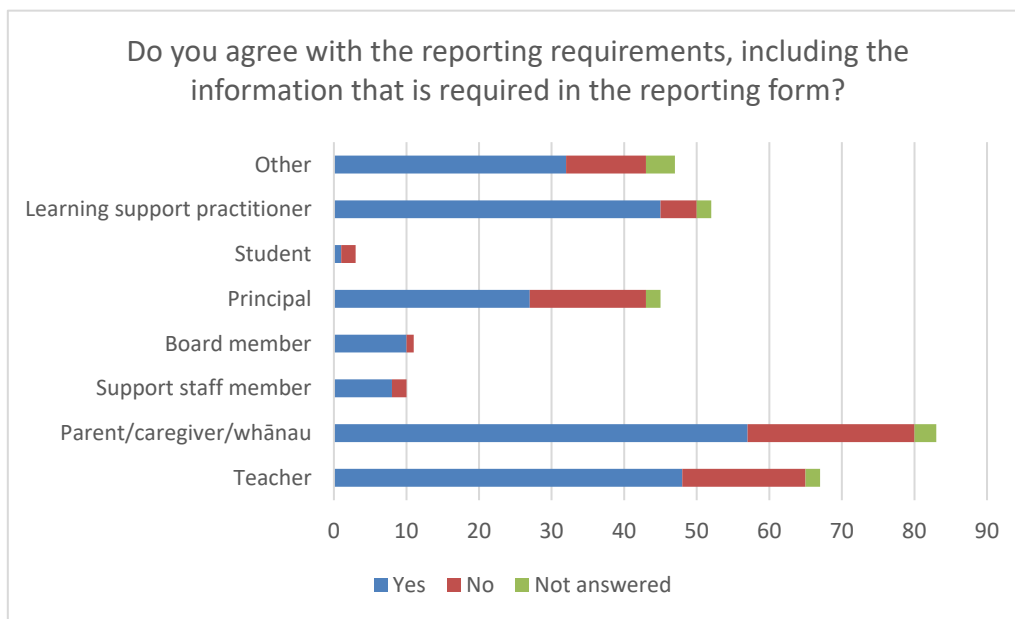
PPTA Te Wehengarua and SEPANZ stressed that paid time was necessary to enable staff to contact the family and organise and prepare for the debriefing session.

NZEI Te Riu Roa commented that there needed to be a dedicated learning support staffing component in all schools to contact parents and complete the administrative tasks associated with the debrief.

## **Reporting requirements**

Rule 11 would require schools to report every incident of physical restraint to the Ministry of Education using a prescribed form, either through email or using the school's Student Management System.

A total of 182 submitters (68%) indicated that they agreed with the proposed requirement, while 66 (25%) disagreed. Nineteen submitters did not provide a response to this question. The graph below shows a breakdown of responses to this question by role.



### Reasons for supporting the requirements

Reasons for supporting the requirements mainly focused on ensuring that there was transparency and accountability for using physical restraint and that reporting would help identify where support was needed. A few respondents noted that, by documenting the incident, reporting provided a form of protection for school staff in the case of possible future grievances.

*“Transparency is vital. It protects the mana of all involved. It is helpful if we are all to learn about the best methods that bring the best outcomes for everyone.” (Teacher)*

*“Yes, this will add greater clarity and accountability. It [w]ill also enable better information-gathering about frequency and patterns, so that specific details can be better considered and wider needs (eg in-house PD) can be considered sooner.” (Learning support practitioner)*

### Workload concerns

Many submitters (including both those who agreed and those who disagreed with the requirement) expressed concerns about the administrative burden of reporting. Some warned that this could affect compliance.

Workload was raised as a particular issue by specialist schools.

Some submitters considered that the form was too lengthy and needed to be simplified, while others suggested limiting reporting to severe incidents only.

There was some support for moving to an automated reporting mechanism to help streamline the process.

*“I am not totally sure if I agree with the reporting requirements, some parts of the report system are not meaningful and it can be a time-consuming process.” (Teacher)*

*“Too burdensome. If you can't make it streamlined, don't bring it in until you do. An SMS automated system may alleviate most of our concerns.” (Principal)*

*“We acknowledge that reporting on the use of physical restraint is necessary, but we do not agree that the current reporting process is practical. Principals say that the reporting requirements are*

*unreasonable, hugely time-consuming and seek information that is not critical to the incident. Principals have cited cases where reporting has taken as much as 9 hours per case and with the increase in violent and severe behaviour [by] students, and therefore restraint, this is unreasonable.”* (New Zealand Principals’ Federation)

The Teaching Council suggested that only statistical information should be collected at the system level, and that this could be complemented by periodic reviews by the Education Review Office into the use of de-escalation strategies and physical restraint.

*“We are concerned that in practice, many schools and kura will struggle to meet these reporting requirements, and that a more effective approach would be to combine simple statistical information with a national evaluation on use of de-escalation strategies, physical restraint and learning support for learners that is periodically undertaken by ERO. This is more likely, in our view, to give a realistic picture and recommendations for improvement.”* (Teaching Council of Aotearoa New Zealand)

## Required information

Three submitters, including PPTA Te Wehengarua, stated their support for including information on a student’s learning support needs in the reporting form. Some concerns were expressed about protecting the privacy of staff involved in an incident, due to lack of clarity about what information is included in the incident report and what is reported to the Ministry.

There were several recommendations for additional information to be required in the reporting form, including:

- the time and place that the incident occurred
- the type of physical restraint hold that was used, and how long for
- what necessitated the use of physical restraint
- the de-escalation strategies that were used
- the severity of the incident (for example, traumatic incident)
- whether the parents/caregivers had consented to the use of physical restraint
- how many other people (students or staff) were hurt by the student requiring restraint
- whether using physical restraint was considered justified and if not, whether it had been reported to the Teaching Council.

Other suggested changes to the reporting form included:

- replacing the term ‘Board of Trustees’ with ‘school boards’ to align with the Act
- in relation to who made the principal aware of the use of physical restraint, separating ‘staff member’ into ‘the staff member who restrained the child’ and ‘other staff member’
- expanding the training question to include:
  - the online modules and Understanding Behaviour Responding Safely (UBRS)
  - safe holds training
  - an indication of whether the staff member requires additional training or support
- changing the debrief question from whether a debrief had been held to whether it had been offered, and whether it had been taken up
- removing the duplication of the question about the role of the staff member who applied the restraint.



## Use of reported information

There were several comments about the need for the Ministry to follow up on reported incidences of physical restraint and analyse the data collected to identify trends. Some submitters considered that, for staff reassurance, there needed to be more clarity about what would happen with the information reported.

*“My experience suggests that some schools/staff are reluctant to report their use of restraint due to concerns about staff privacy and the potential for disciplinary action to be taken (even though restraint has been used appropriately, as a last resort, using a pre-taught hold). Schools need to be reassured that reporting will be a safe and constructive practice which results in more support, not disciplinary action. As it stands, incidents of restraint appear to be under-reported and this makes it difficult for Learning Support staff to advocate for the appropriate level of support required for schools and individual students.”* (Learning support practitioner)

Some submitters commented that the report should also be provided to the student’s parents/caregivers. However, others considered that the report should be provided only on request, not as a matter of course.

*“For some families with excellent relationships with [the] school, they are comfortable with phone conversations and find formal paperwork arriving home upsetting or not necessary. Forcing the paperwork on them would only be damaging to the relationship.”* (Learning support practitioner)

## Other comments

A few submitters, including YouthLaw Aotearoa and Parent to Parent, suggested that the rules should include a timeframe within which reporting must be done, for example within three school days of the incident.

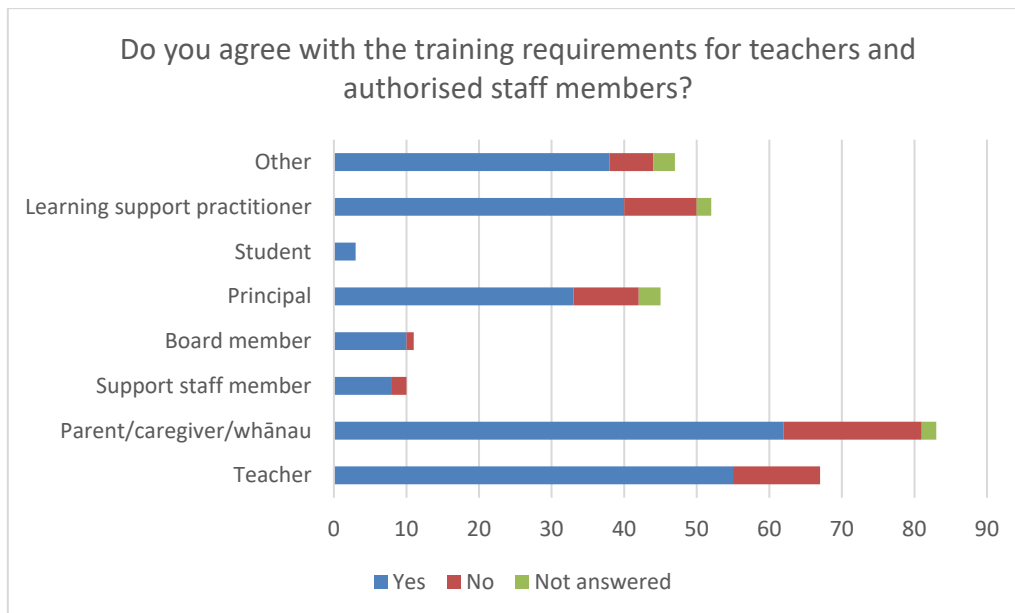
VIPS – Equity in Education and Parent to Parent suggested that there should be a mechanism for parents to report the use of physical restraint directly to the Ministry.

## Training requirements

Rule 12 would require schools to ensure that:

- all teachers and authorised staff members complete online modules on the content of the guidelines and are supported and trained in identifying stress triggers, understanding unmet needs and preventing, minimising and responding to student distress
- all authorised staff members and any teacher identified as having a high likelihood of needing to use physical restraint are trained in appropriate physical holds by accredited physical restraint practitioners.

A total of 197 submitters (74%) indicated that they agreed with the proposed requirements, while 52 (19%) disagreed. Eighteen submitters did not provide a response to this question. The graph below shows a breakdown of responses to this question by role.



### Reasons for supporting the training requirements

Those in favour commented that the training requirements would help prevent the use of physical restraint and reduce the risk of injury when physical restraint was used.

*“Yes. This cannot be implemented without training. The[re] are many ways to diffuse situations but that does require training in tense situations. Many incidents which lead to this type of consequence can be avoided by the use of body language, empathy, tone etc. This is something that if it is not a gift needs to be taught.”* (Parent/caregiver/whānau)

*“Absolute must! No staff member should put hands on a student restraining them without adequate training. Those of us trained have skills to keep ourselves and tamariki safe, we also tend to restrain kids far less or not at all because we fully understand the ramifications of the actions.”* (Principal and parent/caregiver/whānau)

### Reasons for opposing the training requirements

Those who disagreed with the training requirements mentioned concerns about the time that would be required to undertake training, the efficacy of training, and the limits on which staff members would be trained in physical holds. Parents/caregivers/whānau who opposed any use of physical restraint in schools also disagreed with the training requirements.

*“While this is not a bad idea, we simply do not have time for this! Teachers’ workloads are already far too onerous. This also adds another layer of responsibility to principals who simply do not have the time!”* (Principal)

*“Highly charged and stressful situations like these are never ones where teachers or support staff remember what they learnt in PD from four years before.”* (Teacher)

*“A teacher is there to teach not restrain – if a student becomes physical, call for parents to come and collect their child.”* (Parent/caregiver/whānau)

## Online modules

There were mixed views about the value of online modules. Those in favour commented that it was a good way to ensure consistency and enable the training to be undertaken when it was most convenient.

*"I think the idea of online training modules is a good way of ensuring the training is the same for all staff across the country. We will all get exactly the same information rather than hearing slightly different messages from face-to-face trainers."* (Principal)

Others were concerned that online modules could be interpreted differently by different people and completed without fully engaging with the content. Some submitters, particularly from specialist schools, suggested that the training needs to be tailored to each school's particular circumstances rather than applying a one-size-fits-all approach.

*"Online packages/training miss the opportunities for rich contextual discussion and in-school problem solving."* (Special Education Principals' Association of New Zealand)

## Training in identifying stress triggers, understanding unmet needs, and preventing, minimising and responding to student distress

Many submitters praised the emphasis on prevention and de-escalation and considered this should be the priority. However, a few did not think that this was necessary and wanted the training to focus more on physical interventions.

*"With reservation. Training is often seen as permission to intervene and restrain. This is the last resort. The training needs to be based on de-escalation and reduction through prevention."* (Learning support practitioner)

*"I am concerned that training modules may be excessively long or not have enough detail about the most important aspects ... please make sure the detail is on the restraint. Our staff are already quite expert in de-escalation."* (Principal)

PPTA Te Wehengarua stated that the training referred to in 12(b) must include paid professional learning that involves:

- culturally responsive and relational practice
- neurodiversity, disability, learning support and inclusion
- trauma-informed practice
- adapting environments and systems to respond to learners' individual needs.

NZEI Te Riu Roa commented on the need for the training to be culturally responsive.

VIPS Equity in Education, Parent to Parent and some individual parents/whānau/caregivers commented that the training should actively discourage programmes based on behaviourism as these can be harmful for disabled students. VIPS Equity in Education suggested the wording for this requirement be changed to "all teachers and authorised school staff must engage in ongoing PLD to build and develop their understanding of identifying triggers, de-escalation and relational approaches to respond to students in distress and prevent use of restraint."

Two submitters considered that the date for meeting this training requirement should be brought forward to 2023.

## Training in safe physical holds

While some submitters supported the proposed limitations on how many staff would receive training in safe physical holds, several others considered that this training should be provided for all teachers to ensure that there was always somebody available when an incident occurred.

*"Most definitely [agree], but I would like all teachers to have the training. At times the child develops a relationship with specific teachers (who may not have been involved with training), but the restraint plan strategies will need to be carried out by another teacher the child doesn't have a relationship with. Also behaviour is not prescriptive, it could erupt at any time, over any random trigger – we ALL need to be aware and be able/qualified/trained to respond responsively fo[r] the safety of that child and others around him/her."* (Principal)

*"While I understand the practical reasons for not training all (or most) staff in the appropriate holds for high-risk students, it can, in practice, contribute to exclusionary practices. I have known schools to limit students' attendance to only the time when MAPA/IDEAHs-trained personnel are present."*  
(Learning support practitioner)

There were several comments about the requirement that this training be delivered by 'accredited physical restraint practitioners'. A few learning support practitioners suggested that training in safe holds should be delivered via an accredited course such as Management of Actual and Potential Aggression (MAPA) rather than through an accredited trainer, as they were concerned that the latter resulted in a more "watered down" programme and was a "weak link in the chain of safety". Some specialist schools said that they currently use Team Teach or another specific programme. They wanted these to be recognised as meeting the requirements to avoid any double-up of training. They also wanted funding to be provided for schools to access these programmes.

There were also a couple of comments on the need for more clarity about how employers should determine which staff need to be trained in safe holds.

*"Is it only those teachers/authorised staff who are working directly with a child who has restraint in their support plan? Or is it any teacher/authorised staff member who is likely to need to use restraint, eg [a] SENCo/pastoral lead/TA who has contact with many children with challenging behaviour across the school? This has implications systemically for schools, eg attendance at workshops and organisation of staffing within school settings. It is impractical and disjointed to repeatedly deliver workshops in a reactive manner for small groups of staff linked to specific children. It is arguably easier for schools to plan workshops in advance thinking of their staffing at [a] school-wide level and train a core team of staff who are then written into safety plans for those who need them."* (Learning support practitioner)

### **Other comments on training**

Several submitters mentioned the need for regular refreshers (in relation to both prevention and de-escalation and safe holds training) to ensure that confidence and skills would be maintained over time.

*"Unless it is something that is used every day, teachers report that they fall back to their 'normal' practice soon after the workshop. How could practice sessions be built in without being an additional drain on teachers' limited resources?"* (Learning support practitioner)

There were also several comments about the importance of ensuring that the training is fully funded, including paid time for staff to complete it.

Some submitters commented that the training requirements for teacher aides needed to be clarified. A few considered that they should be subject to these requirements irrespective of whether they were authorised to use physical restraint.

There were comments about the need to ensure relief teachers were included and could access the relevant training.

A few submitters considered that training should also be made available to parents/caregivers.

There were several comments about the need to include more content on inclusion, trauma-informed practice, prevention and de-escalation in initial teacher education as well as ongoing professional learning and development.

*“Teachers should receive more training around this topic before they ever enter a classroom. Teachers will often make comments which highlight how they see the behaviour as 'naughty', rather than acknowledging that the behaviour is communicating something and there is something underneath this behaviour. This is not the fault of teachers. The bottom line is, teachers do not receive sufficient training.”* (Learning support practitioner)

## **Other comments on the rules**

VIPS Equity in Education and some individual parents/whānau/caregivers commented on the need for monitoring and enforcing compliance with the rules. They specifically referenced the need to implement the disputes resolution panels that are provided for in the Act. There were also comments about the need for additional resourcing to ensure that schools can meet the requirements of the rules.

*“SEPANZ believes that the Ministry of Education must assume the responsibility of adequately resourcing schools with appropriate staffing levels to set up the underlying processes that allow for things such as relationship building, effective monitoring of support plans, debriefing etc.”* (Special Education Principals' Association of New Zealand)

*“In addition to time required for creating and reviewing support plans, training, organising debriefing hui and reporting, paid time and guidance is essential to arrange regular safety planning meetings.”* (PPTA Te Wehengarua)

There were a few comments about the physical and psychological impacts of physical restraint on school staff as well as students and the need to ensure that staff involved have access to emotional support, medical advice and discretionary leave if needed.

VIPS – Equity in Education recommended that the rules should specify that “no students involved in a distress incident will be subjected to punitive consequences such as a stand-down, suspension or exclusion”.

### **Rule 3: Interpretation**

YouthLaw Aotearoa and NZEI Te Riu Roa commented that the definition of ‘employer’ should clearly state who the employer is in relation to a state integrated school. YouthLaw also recommended including “the commissioner, if that commissioner has been appointed to act in place of a state-school board”.

NZEI Te Riu Roa and another submitter suggested that the rules should either link to the relevant definitions in the Act or have them written out in full.

### **Rule 4: School policies**

PPTA Te Wehengarua stated its support for Rule 4.

Two submitters commented that the rule should indicate the time by which schools are expected to have a policy in place.

VIPS – Equity in Education and the PPTA considered that the rules should explicitly state that the policy should focus on preventing and reducing student distress. It was also suggested that a draft policy be developed to enable this requirement to be met more easily.

### **Rule 6: Information to be made available**

YouthLaw Aotearoa commented that information should be made available online, as this is the easiest way for the community to access the information.

### **Rule 7: Keeping records**

One submitter considered that records should be kept for longer than seven years.

*"Depending on [the] circumstances and age of [the] child, it may take longer than 7 years for a child to grow into an adult with a voice who can address for themselves if any physical restraint incidents were enacted inappropriately. [The] record needs to be kept for longer in case [of] the need for redress."*  
(Parent/caregiver/whānau)

### **Rule 10: Monitoring the use of physical restraint**

YouthLaw Aotearoa stated their support for Rule 10 but questioned what monitoring would look like. They commented that it may be appropriate for parents and family members to monitor the child at home in some situations (that is, at weekends and if the child is stood down or suspended).

NZEI Te Riu Roa recommended that there should be guidance around how often the analysis of physical restraint records takes place.

One submitter commented that it would be useful to have some guidance about what 'adverse impacts' of physical restraint might look like so that school staff would know what to look out for.

# Feedback on the draft guidelines

The intent of the guidelines is to help schools know what to do to prevent, de-escalate and safely respond to student distress, including situations where physical restraint may be necessary to prevent imminent harm.

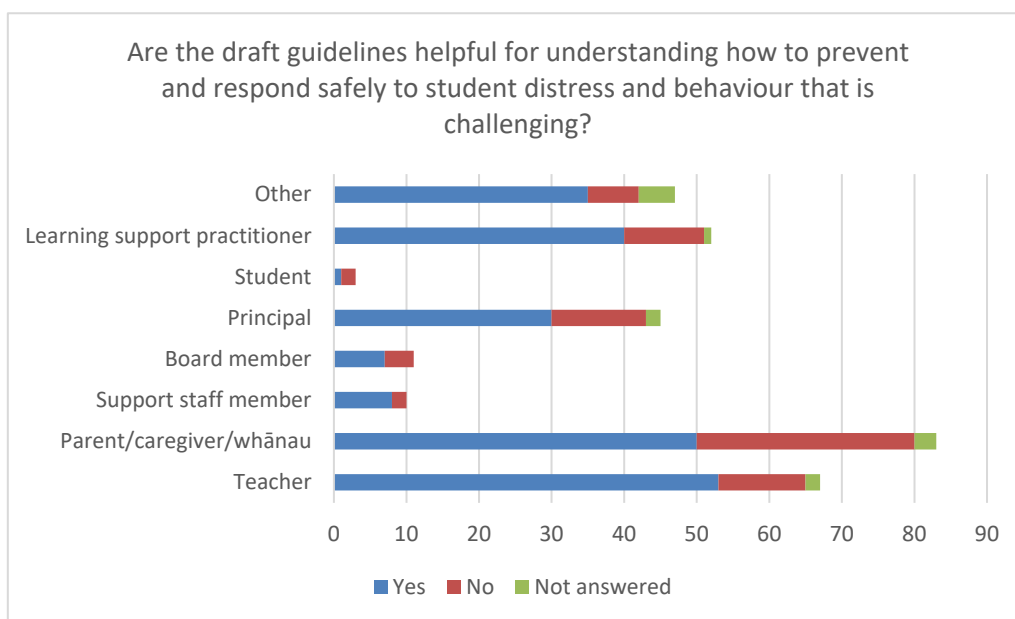
In the consultation we asked about:

- how helpful the guidelines are for understanding how to prevent and respond safely to student distress and behaviour that is challenging
- whether the guidelines provide clarity about what constitutes acceptable physical contact
- whether the guidelines provide clarity about when and how physical restraint can be used, including the threshold for significant emotional harm
- whether the scenarios in the guidelines are helpful, and if there are any missing scenarios.

We also asked how the guidelines could be presented so that they are as accessible as possible.

## Understanding how to prevent and respond safely to student distress

A total of 185 submitters (69%) agreed that the guidelines were helpful for understanding how to prevent and respond safely to student distress and behaviour that is challenging, while 69 submitters (23%) disagreed. Twenty submitters (8%) left this question unanswered. The graph below shows a breakdown of responses to this question by role.



Three main themes emerged from the responses to question one and are listed below. In general, people said they found the draft guidelines clear and easy to follow and thought they provided good guidance for understanding how to prevent and respond safely to student distress and behaviour that is challenging.

There was a strong appreciation for the focus on prevention, student/teacher relationships and school-wide approaches. However, there were many comments expressing concern that this was not considered within a te ao Māori perspective.

While 69% of submitters thought the guidelines were helpful, both those who agreed and those who did not agree said the guidelines were not enough on their own and needed to be supplemented with training and support. Submitters also suggested that the guidelines could include templates to support schools. Also, they considered that the guidelines on their own were not sufficient and needed to be underpinned with accountability, performance monitoring, a complaints process and quality-improvement frameworks.

## Theme 1: Culture and relational approaches

Comments from respondents related to:

- the context of cultural safety and relevance
- the need for relational school-wide approaches and practices that respond to wellbeing and distress in ways that are mana-enhancing and effectively minimise the use of physical restraint.

*"I like that the student/staff relationship is seen as key to preventing a crisis and knowing how to de-escalate or resolve a situation. I like how behaviour is being viewed as a form of communication by the student because their needs are not being met rather than being seen as naughty or uncooperative."* (Parent/caregiver/whānau)

*"I am pleased with the emphasis on it being a last resort, and the goal should be on creating a calm and safe environment first and developing a relationship with the child where all needs are met so they are less likely to react negatively."* (Parent/caregiver/whānau)

*"There is not enough space or emphasis given to support[ing] the prevention of restraining, there is not enough focus on the relational needs of students to support their learning. What is a te ao Māori perspective on what this is, why it is needed, and what it might look like? This document is devoid of anything that acknowledges a Māori world view or Māori-medium context."* (Learning support practitioner)

*"I would like the word 'behaviour' changed to 'actions'. Behaviour implies intention and a child with severe dyspraxia like my daughter has a body that does not obey her brain. Her actions are often in conflict with her intention. Her challenging actions are not intentional."* (Parent/caregiver/whānau)

## Theme 2: Training and support

Submitters commented on the need for the guidelines to be supplemented by:

- additional professional development and training for school staff
- better access to appropriate resources and supports when needed.

Submitters said that children need to be "wrapped around" by all services that are involved with them. They said that support needs to be provided in a timely way, so that students are not waiting for months on a learning support waiting list.

Submitters said that training and resourcing must consider the unmet needs of disabled students, students with sensory needs and students who are affected by trauma.

*"The guidelines are OK but they are not useful on their own. They need to be supported by positive school culture and practices, training and continued support for teachers ... This is a culture change and a lot more than the guidelines is needed to make this shift."* (Parent/caregiver/whānau)

*"...Positive Behaviour 4 Learning is not an appropriate preventative measure for reducing [the] likelihood of physical restraint incidents. It is not a learning support tool. It does not consider the individual needs of disabled and neurodiverse learners or promote their hauora or belonging."* (PPTA Te Wehengarua)

*"... genuine and ongoing support is needed around this to support this as an ongoing journey for schools and staff."* (Learning support practitioner)



### Theme 3: Accountability

Submitters commented on the need for schools to have supporting policies and procedures and good support from the Ministry to ensure that accountability, performance-monitoring, disputes-resolution and quality-improvement frameworks are in place to minimise the use of physical restraint.

*"We remain concerned about the lack of accountability and enforceability of the guidelines. What mechanisms does MOE have for ensuring compliance, and what will its threshold be for taking action against schools and individuals who are non-compliant? Furthermore, there is no mechanism for parents to take action against schools who are non-compliant, or where there is a dispute about the appropriateness of the use of restraint. While the Education Act allows for the establishment of dispute panels and gives the panel the authority to consider complaints about restraint, in reality these panels simply do not exist. As a matter of priority, MOE should ensure panels are operational within the same timeframe for staff to undertake training."* (Parent/whānau/caregiver)

*"The school policy for responding to student distress and use of physical restraint should align with holistic, school-wide, relational, trauma-informed approaches which are supportive of individual needs and consider the rights of all children, particularly inclusion of disabled children. The guidelines need to contain a sample policy, as an example of what the school ought to focus on and set a clear timeframe/deadline for all schools to ensure they have a policy on student distress."*

(VIPS – Equity in Education)

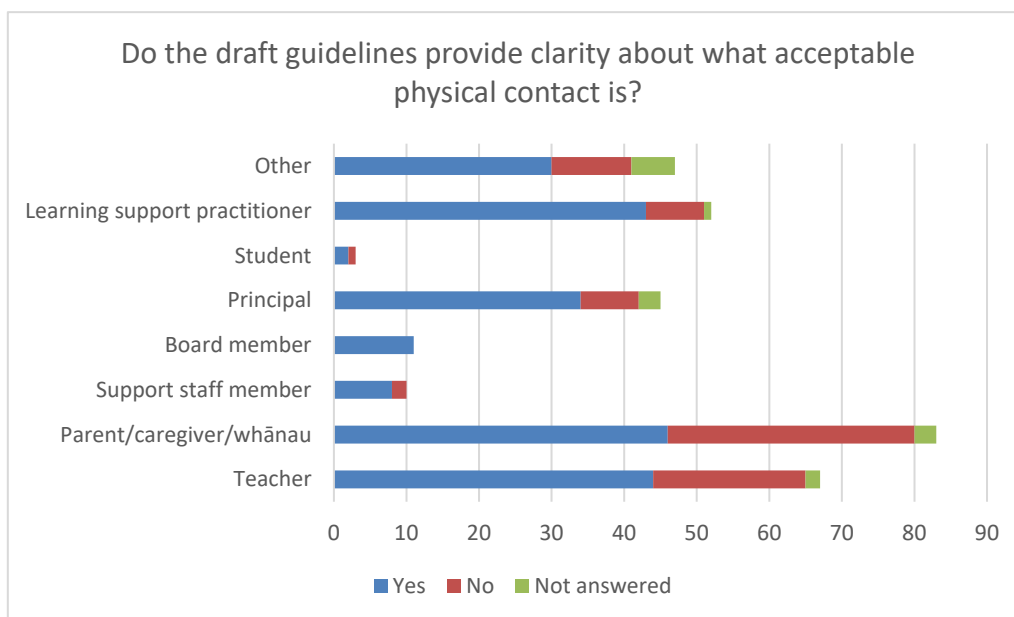
*"However, of course it is how they are received, understood and implemented, with accountability, responsibility and continuous support and guidance requested by school boards and principals in collaboration with school staff and whānau."* (Learning support practitioner)

*"[The guidelines] are not specific enough, they don't have exemplars of plans, policies and processes or procedures for schools. There is no process for the child that is being restrained multiple times."*

(Learning support practitioner)

### Acceptable physical contact

A total of 172 submitters (65%) agreed that the guidelines provided clarity about what acceptable physical contact is, while 70 (26%) disagreed. Twenty-five submitters (9%) left this question unanswered. The graph below shows a breakdown of responses to this question by role.



Three main themes emerged from the responses to this question and are listed below. In general, submitters said that the draft guidelines clearly explained what acceptable physical contact is, that they were clear, that they put the child's needs at the forefront, and that they were an improvement on the previous guidelines.

Submitters who disagreed thought clearer guidance was needed in the context of a student's cultural, disability, sensory and social needs. They also made suggestions relating to training and support to ensure that a range of scenarios were covered – for example, different educational environments, age ranges and levels of volatility.

### **Theme 1: Consent**

People acknowledged the importance of recognising the complexities of power imbalances in the school setting, particularly between school staff and students, and the impact this could have on consensual physical contact.

*"We support using the concept of consent to define 'acceptable physical contact', although it should always be acknowledged that when a power dynamic is at play (which it is between teachers and students) those with less power may feel compelled to agree to the contact, even if it is not wanted."* (Parent/caregiver/whānau)

*"... respectful, reciprocal relationships are key here. Acknowledging that both teachers and students learn and teach in partnership with each other is important for building trusting, respectful relationships."* (Parent/caregiver/whānau)

*"Tautoko the emphasis on the concept of consent. We can learn a lot from our ECE colleagues in the way it is good practice to talk through physical consent and read body language for consent even when working with very young babies."* (Behaviour support specialist)

*"More specific examples in context should be given. For example, physical contact with the intention of:*

- social/emotional communication (hug, tickle)*
- communication/direction (holding hand, gentle push on shoulder without holding)*
- low level restriction of movement etc*
- how do you know it is 'against the student's will?'* (Psychologist)

### **Theme 2: Students with learning support needs**

Another theme that came through the responses is the need for more and clearer guidance around the use of physical restraint with students who are neurodiverse or have disabilities and/or sensory needs.

*"... little if any detail on physical contact given the student's cultural needs, social and sensory needs, disabilities and conditions."* (Teacher/Learning support practitioner)

*"In our context we can often action physical contact and a student shows signs of being unwilling – use of standing frames or changing. The statement that we should 'stop immediately' if we 'sense a learner is no longer willing' can result in many of our students not accessing therapy or basic human rights. It's clearly of benefit to the learner and on appropriate areas of the body however this statement seems like it overrides the others without acknowledgement that it is consideration of all of these principles that allows us to act."* (Teacher)

### **Theme 3: Training and support**

As with the previous question, the training and support theme came through strongly. Submitters identified the need for training to cover a variety of situations and levels of volatility.

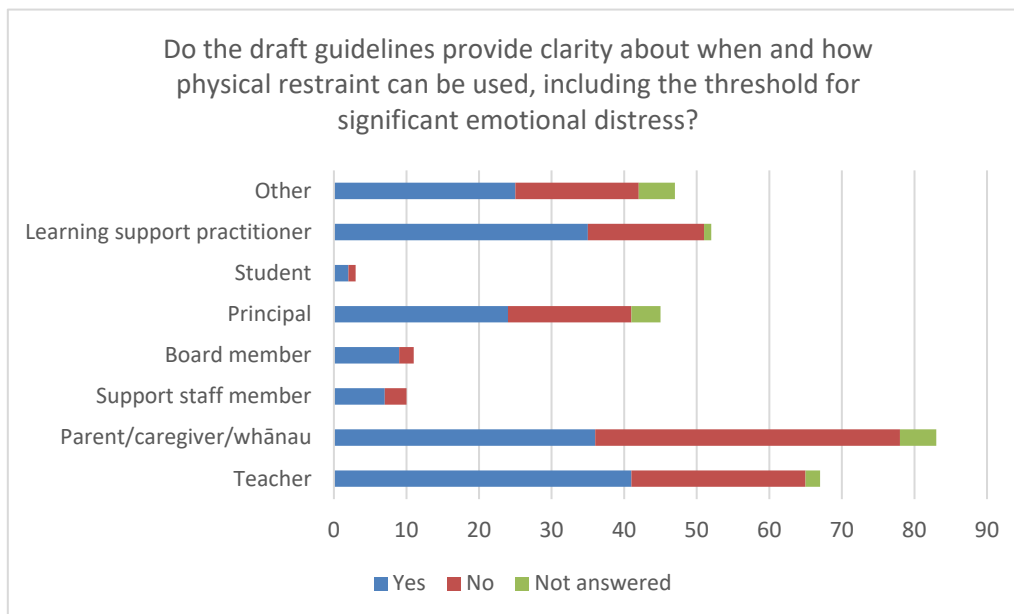
*"Again, more detailed information and support needs to be given, both in the documentation and through ongoing training."* (Learning support practitioner)

*"Many specialist schools support adult-sized, and extremely large or strong students who communicate their needs with physical aggression. We cannot safely use restraint as a last resort with these students as they are too big. There is no guidance for these scenarios, yet for many of our members this is their biggest challenge."* (SEPANZ)

One submitter said there needs to be one programme taught across all schools to ensure consistency.

## When and how physical restraint can be used

A total of 141 submitters (53%) agreed that the guidelines provided clarity about when and how physical restraint can be used, while 99 submitters (37%) did not agree. Twenty-seven submitters (10%) left this question unanswered. The graph below shows a breakdown of responses to this question by role.



Four main themes emerged from the responses to this question and are listed below. Submitters who agreed thought that the guidelines provided good guidance on a topic that could be perceived as a 'grey area'.

Submitters who did not agree thought more clarity was needed in the guidelines, supported by examples and evidence-based tools. They also thought that the guidelines needed to be supported by training and resources to build the needed knowledge, skills and competency.

Other submitters identified that the denial or removal of equipment and devices is a form of physical restraint, and the guidelines need to cover this. They also said that the guidelines need to provide guidance on mechanical restraint (involving prescribed equipment) and chemical restraint (involving medications).

### Theme 1: Lack of te ao Māori perspective

Again, the lack of te ao Māori perspective was highlighted. Submitters questioned whether emotional distress would only be determined and responded to in relation to western understandings of emotional distress.

*"In te ao Māori, that would be more that their wairua had been disrupted, their mana trampled, their whakapapa disconnected and their tapu violated – how has this been catered for in the guidelines?"*  
(Learning support practitioner)

*"Recognition of emotional distress is a necessary consideration and inclusion, as is the recognition/ acknowledgement of spiritual wellbeing and wairua."* (Stand Tū Maia)

### Theme 2: Subjectivity

The theme of subjectivity strongly came through in responses from submitters who both agreed and disagreed that the guidelines provided clarity around when and how physical restraint can be used. They acknowledged the term 'significant emotional distress' was subjective, and additional training and professional development were needed to support professional understanding and practice.

Submissions from school staff highlighted the dilemma they face from the subjectiveness of the term 'emotional distress', with one acknowledging that staff can feel at risk when intervening.

*"... whānau could claim that staff have unduly placed their child in [an] emotionally stressful situation when staff consider they were trying to keep the child safe from harm." (Principal)*

*"Every situation is different, and it is impossible to cover every possible situation. Distress and stress is a very personal thing and is different for everyone." (Principal)*

*"'No other option' is not a reasonable threshold. In the heat of the moment, choices need to be made rapidly in order to protect people. This language suggests a judgment based on the benefit of hindsight, which is an unrealistic judgment." (Dean)*

*"'Emotional distress' is a subjective term and so varied in how [it] presents across individuals – it is really hard to classify. It is risky opening out the use of restraint to incidents which don't pose imminent physical danger. It does not need to be caused by another person either – there can be internal and often unidentifiable triggers." (Principal, Deputy Principal and Lead Therapist)*

Submitters also acknowledged that 'emotional distress' needs to cover school staff, other students and those around the situation.

*"... emotional distress can be for teacher/teacher aide or student or those around the situation." (Deputy Principal)*

*"I had children in my classroom who were affected by the trauma inflicted by unpredictable bouts of rage from their peer. While they 'may' be able to recover it is not fair to expose them to this trauma rather than remove the student at the beginning of the episode. The rights of one troubled student [are] outweighing the rights of the many students within their class to an emotionally and physically safe environment." (Teacher)*

### **Theme 3: Clarifying when and how physical restraint can be used**

The need to clarify when and how physical restraint can be used came through strongly. In general, submitters wanted clearer guidance supported by examples, evidence-based tools, resources and training.

*"The 'when' needs to be explained giving examples of 'low' versus 'high' risk. The 'how' needs to be specifically described through a range of interventions going from 'least intrusive' to 'most intrusive'". (Psychologist)*

*"The heading is, 'When physical restraint can be used' but then the content proceeds to describe a 'must not be used unless' situation. Not easy to read or understand and I think the current wording won't help teaching staff at all." (Ministry employee)*

*"How do we define what a proportionate and reasonable response is? This is not mentioned in the guidelines – what is the threshold for significant emotional distress? Are examples from a wide range of education/care settings and student/client cohorts forthcoming?" (Principal)*

One organisation questioned where the evidence was behind the physical holds outlined in the guidelines, and how they align with the Crisis Prevention Institute's (CPI) Management of Actual and Potential Aggression (MAPA), and Team Teach courses.

*"... there are no levels for the disengagements. Before any disengagement is used, you should also always ask a student to let go first and for example, work out if it is a behavioural grab or just communication, which doesn't need a physical response. The section on the child hold – there is no clarity [on] how to get into this position and there is potential to break a wrist here. The two-person hold is also subject to interpretation and if incorrectly implemented, could cause harm. In CPI MAPA training, this is taught over time with robust evidence-based practice and with physical training for all participants." (Principal, Deputy Principal and Lead Therapist)*

Other submitters suggested that the guidelines should:

- provide a decision-making tool to support staff to objectively anticipate and mitigate any likely harmful consequences of implementing physical restraint
- include a tool for determining risk
- provide or refer to concrete examples in the section on when and how physical restraint can be used.

SEPANZ disagreed with the comment in the guidelines that an educational psychologist or health professional should explain the impacts and risks of physical restraint to parents/caregivers. They believed that “the members of the professional team working closely with the student are ideally placed” for this instead.

#### **Theme 4: Equipment, assistive devices and mechanical restraints**

Submitters suggested that the definition of physical restraint in all sections of the guidelines needs to include the denial, limitation and removal of enabling mobility equipment and assistive technology. This needs to be differentiated from mechanical restraints.

*“The denial, limitation or removal of assistive technology is inhumane and can be frustrating/triggering for students who depend on these disability aides significantly. Educators need to be made aware of it, and bear this in mind when using physical restraint as a last resort.” (VIPS – Equity in Education)*

A psychologist also highlighted potential practice issues with communication and mechanical devices being used for reasons other than to prevent imminent harm. These are examples of restraint that must never be used.

*“Actions that inhibit a child's speaking or main method of communication [for example] ability to use sign (I would consider access to AAC device also). If a student is using their hands to cause harm or an AAC device to inflict harm, under this direction it would be impossible to make the situation safe without temporary removal of means of communication.”*

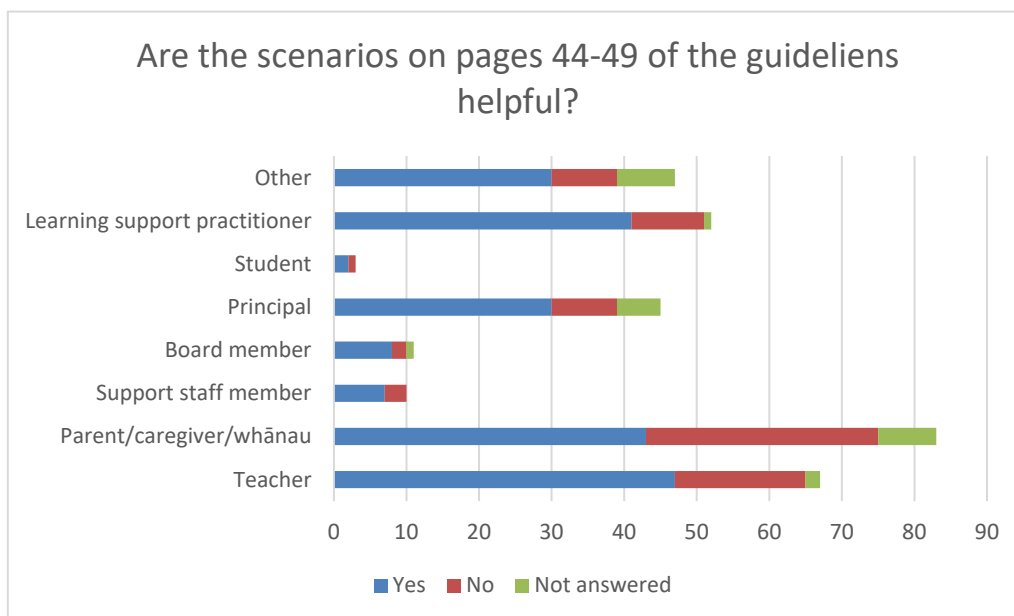
*“Mechanical restraints – some students are prescribed mechanical restraints from community and health services, such as wheelchair harnesses or special prams to prevent high-risk unsafe behaviour and enable access to the community. Harnesses and adaptations to seat-belt buckles may also be prescribed to ensure safe transport.”*

One submitter suggested that the guidelines need to differentiate some scenarios from being classified as physical restraint.

*“Not enough for students with disabilities and upholding their rights, [for example] special schools using tether straps (like a toddler walking harness). What about students who have learning/cognitive disabilities who don't understand safety or requests/commands – leading/guiding vs dragging...”*  
(Learning support practitioner)

## Scenarios

A total of 168 submitters (63%) found the scenarios helpful, while 67 submitters (25%) did not. Thirty-two submitters (12%) left this question unanswered. The graph below shows a breakdown of responses to this question by role.



In general, submitters found the scenarios helpful and well-thought-out. Most thought that the scenarios helped to guide decision making as well as reinforcing information provided in other sections of the guidelines. They acknowledged the limitations of the scenarios, including that they would only be useful within a supportive learning environment and when tailored to individual need.

Submitters who did not agree identified the need to cover a range of additional scenarios, including te ao Māori perspectives, scenarios based in Māori-medium contexts, and those involving the denial, limitation or removal of equipment or assistive technology.

*"[I]t is helpful for teachers and school staff to be given different scenarios to consider and [we are] of the view that the scenarios included in the draft guidance are appropriate and helpful."* (Independent Children's Monitor)

### Key comments on scenarios

Many submitters acknowledged that not all scenarios could be covered in the guidelines, while others suggested that more could be developed and incorporated over time.

*"... as we know, examples are a really good idea, however there will always be queries and misinterpretations. It will also come down to the individual and the support they receive, the culture of the school and the leadership."* (Learning support practitioner)

*"Scenarios can present themselves in many different ways. I don't think you could cover them all if you tried."* (Support staff member)

*In reality each child will have different needs in different situations. There is simply no point having a blanket approach. Partnerships with family and whānau to look at individual situations is the only way forward based on feedback we receive from parents."* (Disability organisation)

Submitters identified a broad range of additional scenarios, including examples of what school staff can do to comfort students and support students' safety and wellbeing. Other submitters identified the need to include scenarios that differentiate risk characteristics.

*"Teenagers' behaviour has very different characteristics from [that of] younger students and the potential for harm is much higher. This should be more of a focus."* (Principal)

Additional scenarios suggested by submitters included:

- use of equipment, assistive devices, and aids
- disability, neurodiversity and sensory needs
- health and mental health needs, including lifesaving restraints needed to administer medications
- how adults can trigger and escalate students' distress
- situations involving substance use and self-harm
- situations involving older students and those who are physically bigger
- intimidating and violent situations, including those that involve weapons
- children leaving school property to cross a busy road.

One organisation noted that te ao Māori perspectives and Māori-medium contexts had not been included in the scenarios.

Other submitters suggested that clarification and improvements could be made to the existing scenarios.

*"The scenarios are helpful, but there needs to be more clarity about the rationale behind the appropriate choices and decisions, and clear explanation about why restraint is acceptable or not in each situation. This will help teachers gain a better understanding of the good practices and prevent misunderstanding."* (VIPS – Equity in Education)

*"The fine print can be confusing and sometimes at odds with the scenario."* (PPTA Te Wehengarua)



## Suggestions for improvements to the guidelines

Submitters identified improvements and clarifications that could be made to strengthen the guidelines. Comments included that the guidelines were:

- too long, complicated, technical, and print-heavy
- not written for people
- patronising
- Pākehā-centric – “devoid of anything that acknowledges a Māori world view or Māori-medium context.”

*“The guidelines need to be explicit that punitive measures such as stand downs, suspensions and exclusions should never be used as consequences for students in distress or following an incident, because they are harmful and traumatic for the students and their whānau and prevent the development of mutually trusting, respectful relationships.” (VIPS – Equity in Education)*

Submitters suggested that the guidelines should:

- replace subjective, vague language with objective specific details
- clearly explain the threshold for ‘significant emotional distress’
- provide indicators of emotional arousal level and duration
- support school staff to consider possible underlying causes of emotional distress for non-verbal students.

*“There needs to be a clearer definition of emotional distress which allows teachers to identify emotional distress irrespective of their personal knowledge and understanding of the individual student and their needs. The guidelines should emphasise that if there is an option to remove a person who may potentially experience significant emotional distress from the situation, then this option must be used first, rather than use of physical restraint.*

*“Using force to take/drag a student against their will to another location – it is not always possible to evacuate classrooms, particularly when that may be triggering to neurodiverse students who may then themselves become highly distressed. It can be faster and less harmful to move a student a short space to a different area using trained, safe transports that are identified in a support plan [rather] than using prolonged holds in the presence of other students. The word ‘drag’ implies that transports cannot be achieved safely which is incorrect.” (VIPS – Equity in Education)*

Suggested improvements to the content included:

- exploring te ao Māori perspectives across the guidelines to ensure they are tamariki- and whānau-centred
- more scenarios involving physical contact with students using equipment and assistive devices
- including exemplars of plans, policies, procedures and processes
- acknowledging the need to uphold the rights of students, including people with disabilities
- providing examples of communication strategies that help to de-escalate situations
- providing additional examples of acceptable physical contact – for example, when engaging in personal care, such as changing continence products or administering lifesaving medications within educational settings.

## Presentation of the guidelines

Thirty-two percent of submitters stated that the guidelines needed to be placed online, while 25 percent requested that hard copies be provided to schools.

Submitters said there were accessibility and readability issues associated with the length and writing style of the guidelines (for example, being too technical or too negative), along with cultural accessibility issues for Māori and Pacific people.

*"The guidelines are too long and in places very negatively written. They don't speak to Māori whānau and Pacific families."* (Principal)

Submitters suggested that the guidelines would be easier to read and more engaging if:

- they were shorter
- negative language was reframed
- they included visuals and infographics, and the content was supplemented with videos
- a booklet was produced with a summary page for quick reference, identifying different pages for particular staff.

Submitters also suggested that the guidelines could be presented in multiple formats using quick reference sheets, flow charts, posters or A3s of key points, Easy Read format and opportunities to present content using a variety of media.

*"The guidelines need to be presented in multiple formats, so that they are accessible to various audiences including teachers, school staff, students, whānau and [the] wider community."* (Teacher)

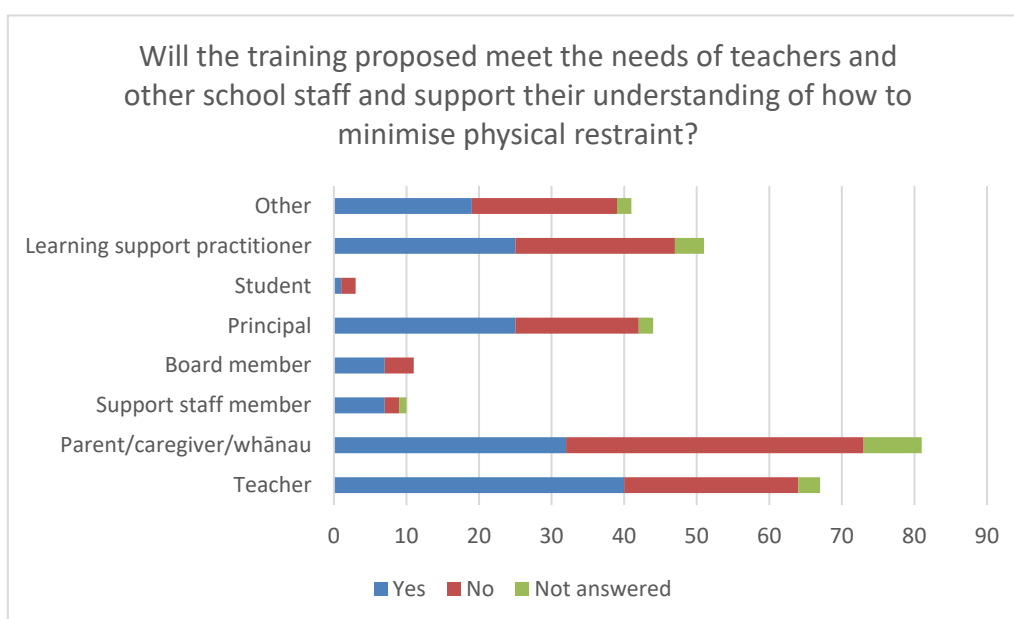
# Feedback on the proposed training approach

The consultation document outlined the following proposed training package to support schools to meet the requirements in the draft rules.

- Online training and webinars would be provided for school staff on the content of the guidelines, including identifying stress triggers, understanding unmet needs, and preventing, minimising and responding to students' distress. This training would provide practical strategies and approaches for use at both the school and individual student levels.
- Understanding Behaviour, Responding Safely (UBRS) would be refreshed to align with the new rules and guidelines.
- Safe holds training would continue and would be provided when a support plan indicates physical restraint may need to be used as a last resort.

We asked whether the proposed training would meet the needs of teachers and other school staff and if not, what other supports were needed.

A total of 127 submitters (51%) thought the proposed training would meet the needs of teachers and other school staff, while 103 submitters (42%) did not agree with this. Eighteen submitters (7%) left this question unanswered. The graph below shows a breakdown of responses to this question by role.



Most submitters agreed that teachers and other school staff needed training to minimise the use of physical restraint. However, some submitters said that the consultation document did not include enough information to enable them to comment on the proposed training.

Submitters who did not agree said that training needs to be supplemented with access to Learning Support practitioners and services and that training needs to respond to neurodiverse and disabled learners. There were mixed responses about the method of delivery.

Submitters also raised concerns about timely access, costs, quality and standards of the whole-school UBRS and in-person safe holds training for teams supporting students.

## Access, support and funding

Submitters strongly agreed on the need for better access to training for all school staff, including teacher aides and support staff. They also wanted training, and funding to do the training, to be made more available. Concerns were expressed about the availability of Learning Support practitioners and physical restraint providers/trainers, and the ongoing costs associated with training. Submitters also said that training should be available to all school staff and board members.

*"Online training via modules, while a good idea, will require schools to provide time for these to happen. UBRS training is hard to get now, and safe holds [training] impossible. Often staff are put in this situation for a first time with no warning so there is no plan in place. Training needs to be much more extensive and ongoing ... for leaders".* (Principal)

*"Will help but access to it will be the problem. It is all very well to say to ask specialists for help in writing support plans and understanding behaviour but often these very difficult children are in the school for months before we can be assigned a worker to get any help."* (Principal)

*"If we take teachers and support staff out of the classroom, we then have to pay relievers to cover their hours. Will we have the budget for this?"* (Teacher)

*"In the past the training has been extremely difficult to implement due to relief and other costs and difficulties. A more online and self-directed pathway is required."* (Principal)

## Responsiveness to neurodiverse and disabled learners

Submitters commented on the lack of training that responds to neurodiverse and disabled learners. It was recognised that student behaviour and needs are wide and complex. Although training usually focuses on the techniques of de-escalation and physical intervention, it is often difficult for staff to apply those techniques if they do not understand behaviour and sensory needs.

*"By utilising a stronger relational framework and further understanding of the neuroscience of why we may do what we should do, then the strength of relationships will be clearer for all to see and lead to better achievement and attainment for our tamariki."* (Learning support practitioner)

*"Training on neurodiversities etc by professionals (not MOE – for example, psychologists, Autism NZ, etc) so that teachers can better understand what is behind behaviour."* (Board member and parent/caregiver/whānau)

One parent shared the following conversation they had with another parent: *"... there is a need for a whole-of-school approach to ensure that the use of restraint is both appropriate and the best method used. For example, one of [the] parents [shared with us] that after starting their disabled child at a specialist school, one of the recommendations of the Occupational Therapist was to introduce a transfer belt for guiding the child while they were walking, for getting them up off the floor, etc. At the previous mainstream school, it was considered entirely appropriate (and was standard practice) to grab the child by their shoulder/clothing. This was because neither parent nor teachers had been trained or had the appropriate input from a specialist to recommend the better, more dignified option of a transfer belt. This parent [told us] that "I would now consider it inappropriate for a teacher to grab him by the shoulder to guide him".* (Parent/whānau/caregiver)

## Method of delivery

Submitters supported face-to-face UBRS and safe holds training. Other submitters supported using online training with opportunities for conversation.

*"In the past the training has been extremely difficult to implement due to relief and other costs and difficulties. A more online and self-directed pathway is required." (Principal)*

*"Online training via modules, while a good idea, will require schools to provide time for these to happen." (Principal)*

*"Needs to be more, needs hands-on training giving real scenarios. Where are the use of visuals and explaining the importance of prevention?" (Teacher and Parent/caregiver/whānau)*

*"Online does not give this the 'dose' needed or allow for discussion. So much learning occurs through sharing the knowledge on the ground." (Teacher)*

Most of those submitters who were not in favour of online modules and webinars still agreed that professional development was needed to develop a deeper understanding of the concepts presented. They agreed that training in how to prevent and respond to situations in order to avoid distress needed to be repeated regularly.

## UBRS

Submitters said UBRS has been a great starting point and helped to encourage conversations and improve contact between schools with learning support staff. Other submitters said the training was too long, delivered outside of school hours, and that there was too much variability between the skills and facilitation of presenters.

*"UBRS is good but not the answer." (Teacher)*

*"UBRS is a great starting point, I think for any real change/support, there needs to be ongoing chances for schools and staff to reflect, problem-solve and discuss." (Learning support practitioner)*

*"... will additional MOE staff train in this delivery? Currently not able to meet demand." (Learning support practitioner)*

*"UBRS is not customised to specialist school settings. Our school has our own proactive behaviour approach, synthesised over years of experience and collaboration working with our reality. The presenters of UBRS admitted we would know more than them on the contents, yet we still had to sit through the requisite hours of training." (Principal)*

*"UBRS training needs to integrate with other Ministry supports." (Learning support practitioner)*

## Safe holds training

Submitters wanted to know more about safe holds training –for example, how is it accredited, who is accredited to deliver the training, what the training involves and the cost. One submitter expressed concern about the number of international training providers, the costs, and the absence of safe holds/physical restraint training standards, with generic training packages that do not take the New Zealand context into account.

*“Who are the accredited practitioners, and will there be a cost to schools to access the safe holds training? How is the MOE going to manage the demand for access to training?” (Teacher)*

*“These providers are based offshore, are expensive, with training and re-certification requirements that are frequent and expensive. They provide a generic training package that does not consider the physical restraint rules and regulations in New Zealand ... they do not have to abide by restraint training standards in New Zealand – as there are none. They state they have risk-assessed the physical disengagement and physical holds training sections but have not done this with appropriate boards in New Zealand.” (Learning support practitioner)*

*“MAPA has been costly to run and mid-way through last year they changed the content, renamed the course, doubled the price.” (Learning support practitioner)*

*“I think that school staff accessing an internationally accredited training programme is safe. I think 'accredited practitioners' cherry picking and adapting parts of an accredited programme to provide 'safe holds training', often quickly (not according to CPI teaching guidelines), as school staff do not have enough time/permission to attend the accredited course, and refusing to allow trainers to provide school staff with accredited training materials to support their learning and provide an aide-memoire promotes the likelihood that holds will not be used appropriately post-training. It is a risk to student safety.” (Learning support practitioner).*

## Other comments about training

Other thoughts from submitters about training included the following.

*“They [teachers] need to listen to people who have already been through the experience who are now adults who can describe what it was like for them, and what could have made the situation better and potentially resolve faster.” (Parent/caregiver/whānau)*

*“Schools need more training around how to prevent physical restraint, including trauma-informed approaches, identifying triggers, de-escalation techniques, [and] relational approaches to respond to learners in distress. This training needs to be ongoing.” (Parent/caregiver/whānau)*

*“I have a real wariness around training in restraint linked to specific students – as mentioned in previous comments this could increase negative biases around students where we are already more prone to holding negative views due to challenging behaviours. Psychologically this could serve to increase the view that these students are complex and challenging [and] require use of physical restraint, therefore we become more likely to use restraint with these students and that in itself reinforces a negative view of them commonly requiring restraint. I think a shift away to training accredited staff more generally in basic restraint and importantly training them in independent risk assessment could support a less biased independent assessment of a situation, which is likely to be better in the long run.” (Learning support practitioner)*

*“Safe holds training should be taught at some level to all staff given that they are able to use it as a last resort for any student.” (Principal)*

*“Safe hold training needs to be regular. Training needs to be readily available and clearly discussed.” (Principal)*

## Other comments

This section summarises comments made by submitters that are related to, but out of scope of the physical restraint rules and guidelines.

### The legislative framework

There were different views expressed about the conditions set out in the Act for using physical restraint. The New Zealand Principals' Federation and SEPANZ supported the inclusion of 'significant emotional distress' as part of the definition of imminent harm, while other submitters opposed this, stating that physical restraint should only be allowed when there is physical danger.

Several submitters expressed opposition to physical restraint being allowed in schools under any circumstances. This view was also prominent in comments made by whānau Māori on the social media campaign.

### Learning support and inclusive education

Many submitters considered that the physical restraint rules and guidelines would not be enough on their own to minimise student distress and the use of physical restraint, and that substantial improvements to learning support and inclusiveness in education are needed. There were several comments about the need for better resourcing to meet students' needs, including lower class sizes, a dedicated learning support coordination role in all schools, better job security for teacher aides, more access to specialists, and non-contestable funding for children and young people with learning support needs.

*"[T]he practical reality of not having adequate specialised support that meets all needs is that there are more incidents and issues for a teacher or kaiako to manage that may lead to physical restraint being considered ... [M]uch more upfront wrap-around support is needed for many learners/ākonga and their families/whānau."* (Teaching Council of Aotearoa New Zealand)

The New Zealand Down Syndrome Association considered that the need to draft rules and guidelines on physical restraint was "a direct reflection of the system-wide failure of the education system to deliver reasonable accommodation to ensure equitable access to inclusive education". They made several recommendations for change, including introducing an enforceable right to inclusive education and replacing the current policy and resourcing framework so that it better responds to the needs of disabled learners.

### Physical restraint in early learning

There were comments from the Teaching Council, YouthLaw Aotearoa, Te Rito Maioha and others about the need for rules and/or guidelines on the use of physical restraint in early learning services. This would need to be addressed through a separate piece of work as early learning services are subject to different regulations from schools.

# Thank you for your feedback

The Ministry of Education would like to say a big thank you to all the tamariki, whānau, parents, caregivers, kaiako, kaiāwhina, learning support staff, the school and disability communities, and the national and governing bodies representing the interests of parents, teachers, principals, and schools, who provided feedback during the consultation period on the draft rules and guidelines for physical restraint in schools.

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 keep updated with our next steps and what we are up to, here: [Minimising physical restraint in New Zealand schools](#).



# Appendix 1: List of organisational submitters

## Schools

Bloomfield Special School and Resource Centre  
Central Auckland Specialist School  
Hamilton West School  
Hutt Valley High School  
Ferndale School  
Ferndale Specialist Education School  
Kelston Intermediate School (Auckland)  
Kokopu School  
Kōwhai Specialist School  
Lincoln High School  
Mission Heights Junior College  
Mt Richmond Special School  
Papakura High School  
Paparangi School  
Patricia Avenue School  
Rhode Street Full Primary School  
Sancta Maria Catholic Primary School  
St Patrick's Primary Kilbirnie  
Tahunanui School  
Tauranga Special School  
Te Kura o Hau Karetu  
Viscount School  
Westport South School

## Other organisations

ADHD Foundation for Aotearoa NZ  
Disability Connect  
Hutt City Kindergartens  
Inclusive Education Action Group Inc (IEAG)  
Independent Children's Monitor  
New Zealand Down Syndrome Association  
New Zealand Nurses Organisation  
New Zealand Principals' Federation (NZPF)  
NZEI Te Riu Roa  
Parents of Vision Impaired NZ Inc  
Parent to Parent NZ  
PPTA Te Wehengarua Executive  
RTLB Otautahi Cluster 35  
Special Education Principals' Association of NZ (SEPANZ)  
Stand Tū Māia  
Teaching Council of Aotearoa New Zealand  
Te Rito Maioha  
Tuilaepa Youth Mentoring Service  
VIPS Equity in Education  
West Coast RTLB  
The Whanau Community Trust  
Whāraurau  
YouthLaw Aotearoa

We **shape** an **education** system that delivers  
**equitable** and **excellent outcomes**

He mea **tārai** e mātou te **mātauranga**  
kia **rangatira** ai, kia **mana taurite** ai ōna **huanga**