



10 Lacey's Rd, PO Box 140, Cottles Bridge VIC 3099 Phone: 9718 1481
info@learningcooperative.vic.edu.au www.hurstbridgelearningcoop.vic.edu.au

Learning Co-operative Restrictive Interventions¹ Policy

1. Purpose of this policy

- 1.1 The Learning Co-operative affirms that a culture of positive behaviour, high levels of student engagement and respectful relationships are essential as prerequisites for student learning. The school is committed to avoiding the need for restrictive interventions or seclusion, but understands that, in exceptional circumstances, the use of such interventions as a last resort may be necessary to protect the student or others from harm.
- 1.2 The purpose of this policy and related policy implementation documents is to provide students, staff, and parents with clarity as to the application of any restrictive intervention within the context of the school's duty of care statement, behaviour policy and other related policies.
- 1.3 This policy sets out the principles and framework governing the school's approach to restrictive interventions. The policy, together with the policy implementation documents listed in section 10, should be read, and understood by all those connected to the school.

2. Principles²

- 2.1 Restrictive practices or interventions restrict the freedom of movement or rights of a student with the main purpose of protecting the student or others from harm³.
- 2.2 Restrictive practices will always be applied within the context of the school's duty of care, its behaviour policy and individual positive behaviour plans. In applying any restrictive practices, the school is committed to treating every student with dignity.
- 2.3 Except in an emergency in which life and death may be in jeopardy, restrictive practices will never be used on their own and will only ever be applied as a last resort. However, the school is not able to guarantee it will never use restrictive

¹ In the literature, the words 'restrictive interventions', 'restrictive practices' and 'restraint' appear to be used interchangeably. Restrictive practices are also taken to include seclusion.

² See also *The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools*, by The Victorian Government Department of Training and Education (Vic DET): <https://www.education.vic.gov.au/Documents/school/principals/participation/15Principals.pdf> (sic) (accessed 21 August 2019).

³ As defined in *Safe and Supportive Schools Policy and Guidelines*, ACT Government Education, 2016, pg.7.

practices or seclusion because it also has a duty of care to protect all students and staff from harm.

- 2.4 The application of a restrictive intervention must not itself do harm.
- 2.5 Restrictive practices will not be used as a punishment, as a form of control or to gain compliance in students.
- 2.6 Restrictive practices will be non-discriminatory in their application.
- 2.7 The frequency, duration and intensity of any restrictive practices will be minimised. Every incident of restraint must be discontinued as soon as possible.
- 2.8 Corporal punishment is not permitted⁴. Although not strictly a restrictive practice, its inclusion in this list of principles is for the avoidance of doubt.

3. Aims of the policy

- 3.1 To clarify the purpose of restrictive interventions and the circumstances under which they may or may not be applied.
- 3.2 To identify types of restraint strategies that are legal, and which are permitted by the school.
- 3.3 To comply with the requirements for the registration of schools as set out by the Victorian Registration and Qualifications Authority (VRQA)⁵.

4. Legal and regulatory basis for compliance

- 4.1 Duty of Care
- 4.2 Education and Training Reform Regulations (2017)⁶
- 4.3 'A member of staff of a government school may take any reasonable action that is immediately required to restrain a student of the school from acts or behaviour that is dangerous to the member of staff, the student, or any other person.'
- 4.4 VRQA Minimum Standards

⁴ VRQA *Guidelines to the Minimum Standards and Requirements for School Registration* pg. 23

⁵ VRQA *Guidelines to the Minimum Standards and Requirements for School Registration* pg. 20

⁶ Education and Training Reform Regulations 2017, Regulation 25, [http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/b05145073fa2a882ca256da4001bc4e7/A8FC5A716DBFB118CA25813F001DE88C/\\$FILE/17-044sra%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/b05145073fa2a882ca256da4001bc4e7/A8FC5A716DBFB118CA25813F001DE88C/$FILE/17-044sra%20authorised.pdf) (accessed 21 August 2019). Although this clause applies explicitly to government schools, it provides clear guidance for non-government schools.

- 4.5 The Victorian Charter of Human Rights and Responsibilities (the Charter)⁷
- a. The Charter requires government schools⁸ (and all other public bodies), to act consistently with the basic rights, freedoms and responsibilities of students.
 - b. The Charter includes ‘positive obligations to protect, respect and fulfil the rights of students in schools’⁹.

5. Key definitions

- 5.1 The Learning Cooperative has a **duty of care** to ensure the safety and wellbeing of students. In discharging this duty, the Principal, teachers and other school staff are held to a high standard of care with regard to students. The duty requires the Principal and teachers to take all reasonable steps to reduce the risk of harm to students, including the implementation of strategies to create a culture of positive behaviour. The duty is non-delegable, meaning that it cannot be assigned to another party.

Any restraint practices implemented within the school must meet this higher duty of care.

- 5.2 The Learning Co-operative has access to a comprehensive range of **strategies to encourage positive behaviour** in the classroom, outside the classroom, when travelling to and from school, when engaged in activity programs and online.
- 5.3 The circumstances¹⁰ under which it may be **necessary to use restrictive practices** to protect the safety of a student and members of the school community are:
- a. when there is a high or immediate risk that the student’s behaviour will result in harm to themselves or to others
 - b. where such action would be judged to be reasonable
 - c. as an intervention of last resort, when there is no other less restrictive intervention available or deemed likely to be effective in the circumstances.

⁷[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/LTObject_Store/LTObjSt8.nsf/DDE300B846EED9C7CA257616000A3571/87318807B8E7A33ACA257D0700052646/\\$FILE/06-43aa013%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/LTObject_Store/LTObjSt8.nsf/DDE300B846EED9C7CA257616000A3571/87318807B8E7A33ACA257D0700052646/$FILE/06-43aa013%20authorised.pdf) (accessed 21 August 2019).

⁸ The Charter states: ‘A non-government school in educating students may be exercising functions of a public nature but as it is not doing so on behalf of the State it is not a public authority for the purposes of this Charter’, 1(4)(c)

⁹ *The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/principals/participation/15Principals.pdf> (accessed 21 August 2019) pg.7

¹⁰ The three circumstances stated here are the basis for restrictive practices in government schools as principle number 2 of Vic DET 15 principles. <https://www.education.vic.gov.au/school/teachers/behaviour/restraint/Pages/guidingprins.aspx> (accessed 21 August 2019).

5.4 Examples of behaviours¹¹ that might give rise to the need for restraint could include:

- a. self-injuring behaviour, such as hitting or kicking walls, head-banging
- b. aggression towards other students or staff, including hitting, biting, kicking, hair pulling
- c. throwing furniture or other objects at students or staff
- d. a verbal threat of harm that you reasonably believe a student will immediately enact
- e. running onto a road or near some other hazard.

5.5 **Physical restraint**¹²:

- a. 'The use of physical force to prevent, restrict or subdue the movement of a person's body or part of their body. Students are not free to move away when they are being physically restrained'¹³.
- b. Physical restraint is different from protective physical interventions. Protective physical interventions involve 'physical contact that serves to block, deflect or redirect a student's actions, or disengage from a student's grip, but from which a student can move freely away'¹⁴.
- c. The Learning Co-operative does not permit the use of prone restraint (holding a student's face down) and supine restraint (holding a student's face up)]¹⁵
- d. Parent consent is not required for the use of physical restraint¹⁶.

¹¹ <https://www.education.vic.gov.au/school/teachers/behaviour/restraint/Pages/earlyintervention.aspx> (accessed 21 August 2019).

¹² *What is Physical restraint? Guidance for Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/teachers/studentmanagement/WhatisPhysicalRestraintPracticeGuide.pdf> (accessed 21 August 2019).

¹³ *The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/principals/participation/15Principals.pdf> (accessed 21 August 2019) pg.26

¹⁴ *The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/principals/participation/15Principals.pdf> (accessed 21 August 2019) pg.26

¹⁵ Prone and supine restraint are not permitted in Victorian government schools: *ibid.* pg.6

¹⁶ *Restraint and seclusion: incident intervention*, Vic DET, <https://www.education.vic.gov.au/school/teachers/behaviour/restraint/Pages/incidentintervention.aspx> (accessed 21 August 2019)

5.6 Seclusion¹⁷:

- a. Seclusion is the solitary confinement of the student in a room or area from which their exit is prevented or from which the student believes they cannot leave.
- b. 'Seclusion does not include time-out, safe space, or chill out rooms. It also does not include or refer to situations such as supervised in-school suspensions, detentions, exam situations, situations where the student can freely exit an area or other situations that are not a response to behaviours of concern¹⁸.'
- c. The Learning Co-operative does not allow rooms or areas to be designed or used solely or primarily for the purposes of seclusion.

5.7 Neither **mechanical** restraint nor **chemical** restraint are considered a reasonable response to an emergency within a school context. The school will not under any circumstances use mechanical restraints¹⁹, drugs or medication to restrain or control a student.

5.8 Pre-agreed restrictive interventions

- a. The school may include pre-agreed restrictive interventions within an individual behaviour plan when a student is known to have specific behaviour patterns. For example, a student with ADHD whose behaviour can include throwing furniture may have within their behaviour plan a de-escalation strategy (seclusion), whereby it is agreed that they will sit quietly in the office or resource room for 10 minutes.
- b. Pre-agreed restrictive practices will be communicated to parents as part of the student's individual behaviour plan discussions.

The Learning Co-operative will provide staff with appropriate **training**, raising awareness through discussion and the sharing of good practice. Training will be identified from the Victorian Government Department of Training and Education website, ISV and other external sources. The Learning Co-operative will create a record of training undertaken and participating staff.

¹⁷ *The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/principals/participation/15Principals.pdf> (accessed 21 August 2019) pg.26; as well as: *What is seclusion? Guidance for Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/teachers/studentmanagement/WhatisSeclusionPracticeGuide.pdf> (accessed 21 August 2019)

¹⁸ *The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/principals/participation/15Principals.pdf> (accessed 21 August 2019) pg.26

¹⁹ Except the use of seatbelts when travelling.

- 5.9 In the application of restrictive practices, the Learning Co-operative will proactively identify and consider the needs of **vulnerable students** or **students with a disability**:
- a. Disability discrimination law requires the school to make reasonable adjustments for students with disabilities. Restrictive practices ‘may amount to discrimination as a form of unfavourable treatment of a student because of their disability where reasonable adjustments have not been made’.²⁰
- 5.10 The Learning Co-operative will **record and monitor** the use of restrictive practices and seclusion, using every use of restraint as an opportunity for review. The written and detailed account of the incident will be retained and may be called upon in response to a complaint or legal action.
- 5.11 Parents will be **notified** as soon as possible following an intervention and any restrictive intervention will lead to ongoing discussion with parents (and, if age-appropriate the student) in relation to a behaviour support plan.

6. Scope

- 6.1 The application of the policy is relevant to the governing board, Principal, school staff, students and parents.

7. Roles and responsibilities

- 7.1 The governing board and all staff are responsible for discharging the school’s duty of care to prevent harm to students and to staff.
- 7.2 The governing board is responsible for overseeing the restrictive interventions policy.
- 7.3 The principal is responsible for ensuring that the policy is implemented by all staff.
- 7.4 The Principal is responsible for the provision of training and guidance in the use of restrictive practices.
- 7.5 The Principal is responsible for ensuring restrictive practice incidents are recorded, monitored and reported appropriately to the governing board.
- 7.6 All staff in the school are responsible for familiarising themselves with the policy and for following the school’s guidelines.

²⁰ *The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/principals/participation/15Principals.pdf> (accessed 21 August 2019) pg.9

8. Links to other policies

- 8.1 Duty of Care
- 8.2 Child Safety and Well Being Policy
- 8.3 Behaviour Management Policy
- 8.4 Student Welfare Policy
- 8.5 Record Management Policy.
- 8.6 Code of Conduct

9. Communication of the policy

- 9.1 The Learning Co-operative will publish a brief statement setting out the principles of restrictive interventions that have been adopted by the school for all parents and students in the enrolment pack/parent handbook. This statement may help to pre-empt situations in which parents and/or students seek to challenge the right of staff to use restraint.

10. Policy implementation documents

- 10.1 The documents setting out the strategies and actions required to implement this policy are:
 - a. the school's 'Use of Restrictive Practices' for Parents
- 10.2 Staff will read this policy to understand the guidelines for physical restraint.

11. Policy Review

- 11.1 The governing board will review the Restrictive Interventions Policy every two years.
- 11.2 The governing board will require the Principal to report on the implementation of the Restrictive Interventions Policy as part of the board's review of the policy.

Evaluation

This policy was ratified by the board on: **11/10/2021**

This policy will be reviewed every two years as part of the ongoing overall policy review process.

Chairperson's signature



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(MYRA THEISZ)

Version and revision control record

No previous versions

Date	version	Approver	Next review
15/10/2021	V1	Name: MYRA THEISZ Position: Chairperson Signature: 	September 2023

Appendix 1

The school's 'Use of Restrictive Practices' for Parents (statement for enrolment pack/student handbook(adapted from [DET](#) accessed September 2021)

REDUCING AND ELIMINATING RESTRAINT AND SECLUSION IN SCHOOLS

All students have the right to learn in a safe, positive and supportive environment. Sometimes behaviours of concern or behaviours causing harm to self or others can be a challenge for schools. Teachers have a duty of care to protect the safety of all students and they also have the right to be safe themselves.

PREVENTING STUDENT BEHAVIOURS OF CONCERN

The best way to manage behaviours of concern is to prevent them from occurring in the first place. This is why the Learning Co-operative has a strong focus on positive behaviour support, effective planning, early intervention and de-escalation.

PHYSICAL RESTRAINT OR SECLUSION

There may be times when school staff need to use physical restraint or seclusion to protect the safety of your child, other students and/or themselves. The school Restrictive Intervention policy includes strategies for the reduction and elimination of restraint and seclusion.

POLICY AND THE LAW

The policy and the law permits school staff to take reasonable action to restrain a student from behaviour that poses a threat to their own safety and/or to the safety of others (Regulation 15 of the Education and Training Reform Regulations 2007 and common law duty of care). The policy also states that staff may only use physical restraint or seclusion when:

- there is an imminent threat of physical harm or danger to the student or others; and
- where such action (ie to physically restrain or seclude) would be considered reasonable in all circumstances; and
- there is no less restrictive means of responding in the circumstances.

WHAT CAN I EXPECT IF MY CHILD HAS BEEN RESTRAINED OR SECLUDED?

If your child has been restrained or secluded the school will:

- ensure the wellbeing of everyone involved

- notify you as soon as possible after the incident
- Discuss with you available supports and to review and/or develop a behaviour support plan.

Schools have a duty of care to protect all staff and students which means schools cannot guarantee that they will never use physical restraint or seclusion to keep your child or others safe from harm. However, you can work with your school in developing strategies to reduce the likelihood of a crisis arising.

I'M WORRIED ABOUT MY CHILD'S BEHAVIOUR

- You may wish to share your concerns with the school by contacting child's teacher, coordinator, the Child Safety Officer or Student Welfare Officer.
- You can ask your child's school about other appropriate professionals to help address behavioural problems.
- Your GP can eliminate any medical causes for the behaviour. They can also make referrals to psychologists and other professionals with expertise in mental health and behavioural issues.
- If you are concerned about your child's mental health, you may also contact your local headspace centre by visiting <http://www.headspace.org.au/headspace-centres>

I AM CONCERNED ABOUT THE SCHOOL RESPONSE TO MY CHILD'S BEHAVIOUR

- In the first instance, you should always raise your concerns with the teacher involved, and following this, with the Co-ordinator.
- If you are unhappy with the response, you can lodge a formal complaint using the process outlined in the Complaint and Grievance Policy.