

March 2022

**New Zealand Principals' Federation (NZPF) Submission on
Physical Restraint
Closing Date 31 March**

To: physicalrestraint.convo@education.govt.nz

Personal Details:

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The New Zealand Principals' Federation (NZPF) is the largest professional organisation for lead educators representing the interests of over 2,000 Principals of Primary, Intermediate, Area and Secondary Schools. Principals are from public, integrated and independent schools and are spread throughout New Zealand. NZPF aims to be the most influential advocate for school principals to enable high quality, well supported leadership for school learners in New Zealand.

General Comments

1. NZPF welcomes the opportunity to submit comments on the physical restraint guidelines. We have sought the views of our own executive committee in constructing this commentary. Over time, principals have reported that the guidelines for restraint are confusing and unhelpful. We welcome the opportunity to examine and comment on the guidelines as a whole, besides commenting on the proposed changes to definitions associated with restraint.
2. NZPF supports the set of principles guiding physical restraint. The rights of students are protected under the Bill of Rights and restraint is viewed as a serious intervention to be used when other alternatives have been exhausted. We also agree that schools have an obligation to provide a safe physical and emotional environment for students and staff and where restraint is necessary, that staff would act reasonably and proportionately in the circumstances to achieve a safe environment for all.
3. NZPF supports the proposed changes to the definition of physical restraint to include “against the student’s will”. This change will clarify for teachers and staff that this does not refer to contact with a student or child, when the child welcomes the contact, such as when the child is upset or wants a hug.
4. NZPF supports the proposed new definition of “harm” to include “significant emotional harm”. We support that this will apply equally to other persons than just the student involved. We agree that episodes requiring restraint affect all involved physically and emotionally and that this should be a consideration for restraint.
5. NZPF welcomes the change from assessing “serious and imminent risk” to assessing “imminent harm”. Again, this change takes account of the emotional as well as physical threat to other students and staff.
6. We accept that only teachers and authorised staff may restrain a student and that these staff

require special training to perform physical restraint. On this issue we would suggest that insufficient resource is applied to providing equitable access to training so that all teachers and other authorised staff are confident and competent in restraining practices.

7. De-escalation is recommended as best practice to avoid restraint. NZPF believes that de-escalation training should be made easily available to school staff and not restricted just to dealing with particular students.
8. 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 students, and therefore restraint, this is unreasonable.
9. NZPF takes issue with the legal and reputational risks if a student is harmed and if an unauthorised person employed restraint. Physical restraint is not an option that any staff member takes lightly. Already there is the reality of threat and/harm to the student themselves, the staff member(s) dealing with the student and other students in the vicinity of the incident. Principals have reported to us on multiple occasions that they and their teachers have been physically harmed by a violent outburst from a student. Inevitably this also incurs emotional harm. That there can also be legal and reputational risks if a student is harmed in the act of restraint, is unreasonable and this clause should be removed.
10. NZPF accepts the benefits of requiring staff who restrain students to be authorised. This means they will have received the training to restrain competently. Schools however are dynamic places and students can spontaneously take dangerous actions that put themselves at severe risk. For example, where a very young child has run from a class or playground and is about to run out on a busy highway, or a student suddenly moves to injure another student with a weapon, we believe any staff member, authorised or not, should be empowered to restrain the child. The Education Act 1989 should cover the intervention of an unauthorised staff member taking action to save a life or prevent a student putting themselves at risk of serious harm.
11. NZPF supports the need to monitor a student after a restraint incident and for those involved to reflect on the incident with a view to prevention of further incidents. The guidelines outline a series of debriefing sessions post-restraint. These include debriefing staff involved together with the principal, another uninvolved staff member, any Ministry or RTLB practitioners or Police involved. Notes are to be written and next steps established. In addition, there is a separate debriefing to hold for the parents/caregivers at which the student may attend. Further notes are written, and next steps established. Any complaints from parents must be dealt with and the Ministry may be involved in the process.
12. Staff must complete a 'Staff Physical Restraint Incident Report', which is made available to all the debriefing groups already discussed above.

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13. These processes take an excessive amount of time and distract staff from progressing with their core role of teaching and learning.
14. NZPF recognises the value of having an individual behaviour plan for repeat restraint students. We would however note that this is yet another time-consuming task to add to the debriefing and reporting processes to Boards of Trustees and the Ministry, already required.
15. In total there is a minimum of 5 different forms to be completed for a single restraint incident. Principals report that this is excessive and that much of the information could be reduced or eliminated.

NZPF Recommendations

1. NZPF recommends that there be a review of the restraint reporting process involving five separate form filling processes to significantly reduce the unreasonable amount of time it takes to submit a restraint report.
2. That increased resource is applied to providing equitable access to restraint training so that all teachers and other authorised staff can be confident and competent in restraining practices. Training should be freely available. A simple restraint training booking system should be easily available to every school.
3. That de-escalation training be made freely available to all schools.
4. That the legal and reputational risks to a staff member, if a student is harmed in the act of restraint, be deleted.
5. That in the event of a student about to act dangerously and put their own lives at risk, any staff member, authorised or not, should be empowered to restrain the child, without fear of repercussions legally or reputationally. The Education Act 1989 should cover the intervention under such circumstances.
6. That the debriefing process after a restraint incident and reporting processes be truncated to be more reasonable and manageable.
7. That the change recommended to the definition of “physical restraint” to add “against the student’s will” is supported.
8. That the change to the definition of “harm” to include “significant emotional harm” is supported.

Ngā manaakitanga

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