



Restraint and Seclusion Procedure

1 INTRODUCTION

These procedures set out the way in which restraint and seclusion is addressed at Mary MacKillop Catholic Regional College (**MMCRC**) Leongatha and in schools operated by the Diocese of Sale Catholic Education Limited (DOSCEL). It establishes the responsibilities of staff when determining whether it is appropriate to use any form of restraint or seclusion.

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

2 PROCEDURES

2.1 The use of restraint or seclusion does not form part of an Intensive Support Plan and should not be identified as an appropriate intervention. Restraint and seclusion are permitted only in limited emergency situations. Further explanation and procedural details can be found in Diocese of Sale Catholic Education Limited (2019) "Whole School Approach to Positive Behaviour Support: Intensive".

2.2 Use of Restraint and/or Seclusion

Every effort should be made to prevent the need for the use of restraint or seclusion. It is important to remember that prevention is the best strategy. In planning that any form of restraint or seclusion is required, staff should be aware that their actions may directly increase the risk of injury and trauma, both for the student and staff member.

Rooms or areas designed specifically for the purposes of seclusion or used solely or primarily for the purpose of seclusion are not permitted.

2.3 Three Conditions for Restraint and Seclusion

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

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

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

a) **Imminent threat of physical harm**

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

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

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

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

b) **Reasonable in the circumstances**

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

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

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

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

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

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

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

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

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

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

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

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

2.4 Dynamic Risk Assessment

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

2.5 Monitoring

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

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

2.6 When Restraint/Seclusion Should Not be Used

a) Behaviour management

Restraint or seclusion must not be included in an Intensive Support Plan and must not be used as a routine behaviour management technique or routine first response. Rooms or areas designed specifically for seclusion or used primarily for seclusion are not permitted.

Restraint or seclusion should not be used to punish or discipline a student.

Unless the Three Conditions for Restraint and Seclusion are satisfied, restraint/seclusion should not be used:

- to respond to a class/school disruption
- to maintain good order
- as a response to:
 - a student's refusal to comply
 - verbal threats from a student
 - a student leaving the classroom/school without permission
 - property destruction caused by a student.

b) Dangerous forms of restraint

Any form of physical intervention that restricts a student's breathing, that relies on locks or pain for control, or causes undue discomfort should not be used. If, during an intervention, the presence of any of these is noticed, the technique should be ceased or modified at the soonest/safest opportunity.

d) Mechanical and chemical restraints

Staff should not use mechanical or chemical restraints as a means of controlling student behaviour in an emergency situation. Such action would not be considered reasonable in a school setting.

2.7 Reporting and Recording Requirements

Staff involved in an incident of restraint or seclusion must, as soon as practicable, notify the principal. As with any serious incident, the principal must contact the student's parents as soon as possible following any incident of restraint or seclusion. The principal is advised to document that the parents have been notified. Depending on the circumstances, the principal may also need to contact the parents of other students involved in the incident.

Once calm has been restored/the incident is over, the principal (or delegate) should:

1. Provide immediate support to staff and students (e.g. organise medical checks, ensure basic needs are met, offer reassurance, monitor as required, give an opportunity to calm down).
2. Contact the student's parents as soon as possible.
3. Contact the Manager: Learning and Teaching at DOSCEL, to determine the next phase of response.
4. Contact other parents, where required by circumstances (e.g. if other students were affected). In some situations, the principal may need to release a general communication.
5. Consider approach regarding student (e.g. restorative practices).
6. Review if necessary the student's behaviour support plan.

After any incident of restraint or seclusion, staff must follow the incident management processes and complete a Record of Restraint/Seclusion and complete the DOSCEL Incident Form.

The principal will retain a copy of the Record of Restraint/Seclusion for the school and provide a copy to DOSCEL's Occupational Health and Safety Team, and the Manager of Learning and Teaching. This should be provided to the Office on the same day as the incident.

DOSCEL, and the principal, will consider whether the use of restraint or seclusion amounts to 'reportable conduct' and therefore needs to be reported to the Commission for Children and Young People (CCYP) under the Reportable Conduct Scheme.

The DOSCEL Board will be informed in relation to any reportable conduct and the statistics in relation to the use of restraint and seclusion within schools of the Diocese of Sale. DOSCEL will also share available data on incidents of restraint and seclusion with the CCYP.

2.8 Delegation of Authority for the Use of Restraint and Seclusion

The Board of DOSCEL has resolved that restraint and seclusion can only be used by registered teachers or authorised staff members and in a manner consistent with this Policy.

The Board of DOSCEL delegates authority to the principal to determine which staff other than registered teachers are authorised to use restraint and seclusion.

2.9 Training for Authorised Staff

Authorised school staff will undergo training on an annual basis regarding recommended prevention and intervention measures for students exhibiting aggressive and violent behaviour that has the potential to inflict injury or harm on themselves and/or others.

Training at Mary MacKillop Catholic Regional College involves the application of developing and supporting positive behaviours with transformative coursework, to provide an accredited training framework designed to focus on positive behaviour support approaches. This coursework is based on specialised behaviour support training offered by Team Teach Australia and New Zealand.

2.10 Specific training for MMCRC staff

- Two Level 2 staff trainers – Refresher course each March offered by Team Teach Australia New Zealand.
- Staff rotate through Level 1 training in Terms 2 and 4 each year.
- 12 staff per training session – with planned updates every 3 years.
- 24 new staff trained per year.

This training is to focus on:

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

3 REVIEW

This Procedure has been reviewed and ratified by the Principal

Implementation Date: October 2023

Reviewed:

Next Review Date: September 2026