



## Restraint and Seclusion Policy

OakTree College ('the College') is an independent co-educational specialist senior secondary school providing education opportunities for young people of migrant backgrounds who are at risk of disengaging from education.

OakTree College ('the College') seeks to provide a safe and supportive environment where all students can safely participate in the educational experiences offered by the College.

### 1. Purpose

The purpose of this policy is to ensure the College Board, staff and the College community understand the College's responsibilities when a student's behaviour reaches the point where it threatens the safety of themselves or others.

Physical restraint and seclusion are only permitted in exceptional circumstances where it is immediately required and reasonably necessary to protect the safety of a student or another person. Physical restraint and seclusion are **not** permitted at any other time.

This policy details the protocol for staff members to follow in such a case.

### 2. Obligation

As part of the College's duty of care obligations, the College will ensure that, in the application of this policy, staff members will:

- Focus on protecting the safety of all students (including the student at risk of causing physical harm, injury or danger to self or others), themselves and other staff;
- Use intervention that is reasonable and proportionate to the situation and has regard to the dignity of the student;
- Seek help from the Executive Principal, Assistant Principal/Curriculum Leader and other qualified staff members to manage the incident;
- Move all other students in the vicinity to a safe distance away from the student exhibiting concerning behaviour, if safe to do so, remove objects that may be used to cause harm away from the student;
- Follow response procedures set out in the College's Emergency and Critical Incident Management Plan, including calling Triple Zero '000' if necessary;
- Provide appropriate support to all affected students;
- Report every instance of physical restraint and seclusion to the Executive Principal;
- Protect the privacy of the student at risk when managing incidents of physical restraint and seclusion.

### 3. Legal Requirements

The regulatory basis for compliance includes:

- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations (2017)

- Victorian Registration and Qualifications Authority (VRQA) Minimum Standards for School Registration
- Child Safe Standards Ministerial Order 1359
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Equal Opportunity Act 2010 (Vic)
- Occupational Health and Safety Act 2004 (Vic)
- Privacy and Data Protection Act 2014 (Vic)

#### 4. Responsibility

It is the responsibility of the Executive Principal to ensure this policy is complied with at all times. The Executive Principal will ensure that staff are reminded about this policy annually through discussion at staff meetings, professional development, or training sessions. The Executive Principal will ensure that all impacted staff are provided with appropriate support.

After an incident involving physical restraints or seclusion, the Executive Principal will review this policy (otherwise annually) and consider any preventative and de-escalation strategies that might reduce the likelihood of an incident happening again.

The Executive Principal will ensure that this policy is communicated to new staff on induction and on the College's website for the school community. The Executive Principal will report back to the College Board annually on the application of this policy (as applicable).

#### 5. Physical Restraint

Physical restraint is the use of physical force to prevent, restrict or subdue movement of a student's body or part of their body. Students are not free to move away when they are being physically restrained. Physical restraint should only be used as a last resort and in situations where:

- the student's behaviour poses an imminent threat of physical harm, injury or danger to self or others, and
- the physical restraint is reasonable in all the circumstances, and
- there are no less restrictive measures available in the circumstances (for example, if de-escalation techniques have been employed but have not been effective).

##### **Key considerations for the use of physical restraint:**

1. Staff must use the minimum force needed to protect the student against the risk of harm or injury to themselves or others.
2. Staff must only apply the physical restraint for the minimum duration (time limited) required and must stop once the imminent risk has passed or the student is in a calm state. Staff should ensure the type of restraint used is reasonable and proportionate with a student's individual needs and circumstances, including:
  - the age/size of the student,
  - any impairment of the student, for example, physical, intellectual neurological, behavioural, sensory, or communication,
  - any mental or psychological conditions of the student, including any experience of trauma,
  - any medical or other conditions,

- the likely response of the student,
  - the environment in which the restraint is taking place.
3. A staff member must monitor the student for any indicator of distress or pain. Where possible, the staff member must communicate with the student throughout the incident, making it clear why physical restraint is being applied, and calmly explaining that the restraint will stop once it is no longer necessary to protect the student or others.
  4. Wherever possible, only staff trained in using physical restraint should use physical restraint on a student, and at least one other staff member should be present to witness the restraint being used and monitor the wellbeing of the student being restrained.
  5. Physical restraint is not permitted to be used to vaccinate a student.
  6. Physical restraint must not be included in a student's Individual Behaviour Plan or management techniques for convenience, or as retaliation, or to punish or discipline a student. Physical restraint must also not be used to respond to:
    - a student's refusal to comply with a direction, unless that refusal to comply creates an immediate risk to the safety of the student and/or others;
    - a student leaving the classroom or the College without permission, unless that conduct causes an immediate risk to the safety of the student or others;
    - verbal threats of harm from a student, except where there is a reasonable belief that the threat will be immediately enacted;
    - property destruction caused by the student unless that destruction is placing any person at immediate risk of harm or injury.
  7. The decision about whether to employ any type of physical restraint rests with the professional judgement of the staff members involved. The staff member will need to take into account:
    - their duty of care obligations,
    - their right to protect themselves and others from harm or injury,
    - the advice in this policy on when restraint can be applied,
    - their obligations under the Charter of Human Rights and Responsibilities Act 2006 (Vic).
  8. Where physical restraint is used as a last resort, this must be reported to the Executive Principal.
  9. Parent, carer or guardian consent is not required for the use of physical restraint. Restraint may only be used in a situation where there is an imminent threat of physical harm, injury or danger to the student or others. However, use of physical restraint must be communicated to the student's parent, carer or guardian as soon as practicable after the incident, preferably on the same day.

## 6. Risks of Physical Restraint (prohibited forms of physical restraint)

Restraint has been associated with increased trauma to the student and to the staff member responsible for the restraint, and has at times, caused injury or death. Unreasonable use of physical restraint may breach this policy, the Human Rights Charter and may amount to assault under criminal law.

Physical restraint must never be used where it has the effect of:

- covering a student's mouth or nose, or in any way interfering with breathing,
- taking a student to the ground into the prone or supine position,
- putting stress on a student's joints,
- applying pressure to the neck, back, chest or joints,
- deliberately applying pain to gain compliance,
- intentionally causing a student to fall,
- having a person sitting, lying, or kneeling on a student.

## 7. 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 freely move away.

Protective physical interventions should not be confused with physical restraint. Physical restraint involves the use of physical force to prevent, restrict or subdue the movement of a student's body or part of their body. Students are not free to move away when they are being physically restrained.

Examples of protective physical interventions include:

- using your arm to block a student from hitting you or others,
- physically redirecting a student who is aggressively running towards you.

The particular physical intervention chosen must be the least invasive way available of protecting those involved. The Executive Principal must be notified. The Executive Principal will notify the student's parents, carers or guardians as soon as practicable on the same day the incident occurred.

### Guiding principles for the use of protective physical interventions:

In deciding to use protective physical interventions, staff should be guided by the following principles:

- A protective physical intervention must only be used when other less restrictive interventions have been ineffective and not feasible, or would not be sufficient for the staff member to discharge their duty of care responsibilities to all students;
- Where a protective physical intervention is required, the least restrictive approach must be used;
- The behaviour does not need to be completely resolved for protective physical intervention to stop, but the intervention must cease as soon as the risk has been managed.

## 8. Intervention in Student Fights

Duty of care obligations require school staff to use their authority and to be proactive where students are fighting, causing physical harm or danger, or threatening harm to others. In the event of a physical fight, the same considerations apply as they would with an individual student with behaviours of concern leading to physical harm or danger to self or others.

Intervention does not always have to be physical and can involve verbal intervention, physically approaching students (without being in striking distance), calling for support from other staff and contacting police. Extra care should be taken under these circumstances to ensure that the staff member is not placing themselves at risk (for example stepping between two students involved in an altercation). Staff are required to take reasonable care for their own health or safety, balancing this with their duty to intervene. Fights need to be reported to the Executive Principal whenever they constitute a safety risk or if a student is harmed. The Executive Principal will notify the student's parents, carers or guardians as soon as practicable.

## **9. Seclusion**

Seclusion refers to leaving a student alone in a room or area from which they are prevented from leaving by a staff member.

Designated seclusion rooms or areas that are primarily used for the purpose of seclusion are prohibited within the College. Preventing a student from leaving an area with a locking mechanism is also prohibited.

## **10. Time Out**

There may be occasions where it is appropriate to support a student whose behaviour is escalating, to move away from the source of their distress or their peers for the purposes of de-escalating their behaviour. Time out is initiated by the teacher and in response to signs of escalation. Time out is different from seclusion.

In these situations, the student should be provided with a location where they can be continuously observed by a staff member (to monitor their wellbeing and administer first aid if needed) and supported until their behaviour has de-escalated, in an area from which they can freely move or leave.

For some students, learning to manage their own emotions by asking for a break may be a useful strategy to promote their self-regulation. Taking a break is differentiated from 'time out' as it is student initiated and proactive.

Where a form of time out is identified as an appropriate behaviour support or de-escalation technique for a student, it could be included in the student's Individual Behaviour Plan but in consultation with the student parents, carers or guardians (refer to Appendix 1 – Individual Behaviour Plan). The circumstances under which the form of time out will happen needs to be made explicit and be tailored to the student and their needs. This must be consistent with Human Rights Charter as any use of time out needs to be reasonable, necessary and proportionate.

## **11. Staff Misconduct**

The use of physical restraint or seclusion by staff outside this policy may constitute reportable conduct in circumstances where the restraint or seclusion could also be an allegation of:

- physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or psychological harm to a child;
- significant neglect of a child.

## **12. Communication**

The College will communicate this policy to the school community via the College website and referenced in the Student & Parent/Guardian Handbook.

In addition, College staff will be informed of their duty of care and supervision obligations as part of their induction requirements and in the Teachers' Handbook and Staff Handbook.

The College Board will also be informed of this policy as part of their induction requirements.

### 13. Related policies

- Child Safe Policy
- Complaints Policy
- Delegations Policy
- Duty of Care Policy
- Emergency and Critical Incident Management Plan
- Occupational Health and Safety Policy and Procedures
- Student Behaviour Management Policy

### 14. Approval and Review

Document Owner:	Executive Principal
Approved by:	College Board
Approval date:	25 May 2024
Next review date:	May 2025 (and every 12 months thereafter)

## Appendix 1 – Individual Behaviour Plan

Name and contact:		Age:	
Teacher/s:		Class:	
Executive Principal or Assistant Principal:		Date:	

Background information	
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### Discussion

<b>Strengths</b> What is the student good at, what do others like about them?	
<b>Academic/Social/Other Concerns</b> Identified issues which need to be addressed?	
<b>Setting events / Antecedent</b> Events or circumstances that make the behaviour more likely including identified trigger and behaviour.	
<b>Target/agreed behaviour</b> Describe the targeted/agreed behaviour including preventative strategies and techniques.	
<b>Function/Recognition</b> What the student gets or avoids as a result of meeting the targeted behaviour.	

Date completed:

Date to be reviewed:

Student signature:

Parent/Carer/Guardian signature:

Executive Principal or Assistant Principal/Curriculum Leader signature: