Restrictive Practices Reduction and Elimination

Direction and guidance on the use of restrictive practices in NSW public schools.

1. **Policy statement**

1.1. The NSW Department of Education is committed to providing positive, inclusive, respectful and safe learning environments for all students and staff. Informed use of restrictive practices protects the rights, safety and freedom of children and young people, while balancing the safety of staff and others. This includes awareness of what practices are prohibited.

1.2. The safety of children, young people and staff is paramount in all circumstances.

1.3. In line with non-delegable legal obligations, NSW public school and government preschool staff must:

   1.3.1. take reasonable steps to reduce the risk of reasonably foreseeable harm to students under their legal duty of care
   
   1.3.2. ensure the health, safety and welfare of employees and other people in the workplace as far as is reasonably practicable under the Work Health and Safety Act 2011 No.10.

1.4. In line with department policy and guidelines, all NSW public school and government preschool staff must:

   1.4.1. obtain and document consent from parents/carers before planning and using a restrictive practice
   
   1.4.2. use the 6 principles outlined in the Restrictive Practices Framework when deciding on the use of restrictive practices
   
   1.4.3. only use restrictive practices as originally recommended or prescribed by a medical practitioner, health professional or specialist
   
   1.4.4. plan the use of restrictive practices in consultation with the student, their parents/carers, and support staff or specialists, as needed
   
   1.4.5. document the use of restrictive practices in individual student plans
   
   1.4.6. immediately notify the principal if they are involved in or witness the use of prohibited practices.

1.5. The following practices are prohibited in NSW public schools and government preschools. Prohibited practices include:

   1.5.1. planned seclusion or seclusion used outside of an emergency or crisis response. This includes seclusion used for behaviour management, punishment or discipline
1.5.2. denial of key needs such as food and water
1.5.3. use of restrictive practices as a form of discipline, punishment, threat or for reasons of convenience
1.5.4. life threatening physical restraints. This includes physical actions that threaten the life of a person
1.5.5. misuse of medication. This includes school staff administering medication to influence behaviour, mood or level of arousal contrary to (or without) the instructions of the prescribing medical practitioner
1.6. Any restrictive practice applied without planned positive behaviour support and where there is otherwise no imminent risk of harm to the child or others (no duty of care obligation) constitutes a prohibited practice.

2. Audience and applicability

2.1. All department staff, including all contractors, consultants, volunteers and visitors working with the department, including in government preschools.

3. Context


3.2. This policy reflects the legal and policy responsibilities of schools across a range of departmental policies and procedures and should be read in conjunction with relevant policies and procedures.

3.3. The Restrictive Practices Framework describes the department's commitment to reducing and eliminating the use of restrictive practices, wherever possible, in all NSW public schools and government preschools.

3.4. Preschools also need to comply with the Education and Care Services National Regulations. Regulation 155 and 156 specifically relate to behaviour and prohibited practices.

3.5. While the use of restrictive practices may be necessary in some circumstances to meet legal duty of care and Work Health and Safety Act obligations, schools must have a lawful purpose for using such practices. Failure to do so may result in potential criminal offences, a breach of duty of care obligations, and/or disability discrimination, for instance where a restrictive practice is used as a form of discipline, punishment, threat or for reasons of convenience.

4. Responsibilities and delegations

4.1. Principals:

4.1.1. ensure whole school and individual planning reflects the six principles for decision making outlined in the Restrictive Practices Framework
4.1.2. ensure the school maintains comprehensive records in line with the Department’s policies, procedures and standards of records management related to restrictive practices

4.1.3. must report the use of prohibited practices to the Incident Reporting and Support hotline as per the Incident Notification and Response policy

4.1.4. must notify parents/carers of the use of the prohibited practice on the same day as the incident, and document that notification has occurred

4.1.5. must consider the safety and wellbeing needs of all students and staff who have been affected by the use of a prohibited practice, or the events that preceded it and be satisfied that reasonably practicable steps have been taken to meet those needs. For example, principals should consider referring a student for school counselling, and staff should be reminded of the support available via the EAPS program.

4.1.6. must provide details of any incident where the principal is of the reasonable belief that a restrictive practice has been used inappropriately, to Performance and Ethical Standards by consulting the PES Reporter Guide and following its advice, in accordance with the Responding to Allegations Against Employees in the Area of Child Protection implementation document

4.1.7. use the Mandatory Reporter Guide, professional judgment and/or seek advice to help them decide if a situation is one of suspected risk of significant harm to the child or young person as per the Child Protection: Responding to and Reporting Students at Risk of Harm policy

4.1.8. must notify the Approved Provider within 24 hours where the incident has occurred in a department preschool class, at earlylearning@det.nsw.edu.au

4.1.9. undertake an incident review, following use of a prohibited practice. This includes reviewing and/or modifying individual student support plans, school procedures and revising risk assessments and/or behavioural strategies. It also includes re-evaluating staff training and skills. The review process is critical if a prohibited practice has been used multiple times, either within the same classroom or by the same individual. Principals need to document the review and undertake it in consultation with the student, where possible, and parents/carers.

4.2. All school staff:

4.2.1. must immediately notify the principal of the use of a prohibited practice or inappropriate use of a restrictive practice. Staff may become aware of this by direct observation or involvement, being told about the behaviour by another person, including another child or young person, or via a complaint; and/or a disclosure from the subject of the prohibited practice

4.2.2. should do what they reasonably can to keep all students safe during the use of a prohibited practice, including assessing any need for medical attention and promptly informing the principal; and prioritise the health, safety, and
wellbeing of students, staff, and others. This may require ringing emergency services.

4.3. Directors, Educational Leadership:

4.3.1. lead and monitor the implementation of this policy in their network schools

4.3.2. support principals to resolve complex issues relating to restrictive practices.

4.4. Executive Directors, School Performance:

4.4.1. ensure that any requests to School Performance for environmental restraints align with principles outlined in the Restrictive Practices Framework and legal duty of care and Work Health and Safety obligations at clause 3.5.

4.5. Local asset management units

4.5.1. ensure that any requests for environmental restraints within existing school facilities align with principles outlined in the Restrictive Practices Framework, on advice from School Performance.

4.6. School Infrastructure

4.6.1. ensure that new facilities align with the principles in the Restrictive Practices Framework, in consultation with the Project Reference Group, school principals, Directors, Educational Leadership and Delivery Support

4.6.2. ensure that any requests for environmental restraints in new facilities align with principles outlined in the Restrictive Practices Framework, on advice from School Performance.

5. Monitoring and review

5.1. The Director, Behaviour and Student Participation monitors the implementation of this policy, regularly reviews its contents to ensure relevance and accuracy, and updates it as necessary.

6. Contact

Student Behaviour and Participation
02 7814 3809
studentbehaviour@det.nsw.edu.au
Additional information for policy managers to provide

Implementation documents (if known):

Restrictive Practices Planning Procedures

<URL>

Related documents:

<Title>

<URL>

Document history and details

Approving officer:
<Title of the officer who approved the new or revised version of the policy>

Commencement date:
<Date the new or revised policy takes effect>

Superseded documents:
<List any documents this policy replaces>

Document history (for policy reviews):
<Brief description of the review – why it is taking place>

Main changes since previous version (for policy reviews):
<Summarise significant changes to the policy document>

Search keywords:
<Provide a list of keywords that people would use when searching for this policy>