

# Restrictive Practices Reduction and Elimination

Direction and guidance on the use of restrictive practices in NSW public schools and government preschools, including reporting requirements, and outlines the practices that are never permitted. Staff acting in accordance with this policy and the Restrictive Practices Framework, Restrictive Practices Planning Procedures, Environmental Restraints Planning Procedures and other supporting documents are acting with the authority of, and are supported by, the NSW Department of Education.

## 1. Policy statement

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.
2. The safety of children, young people and staff is paramount in all circumstances. All students and staff have the right to be treated fairly and with dignity in an environment free from intimidation, harassment, victimisation, discrimination and continued disruption.
3. The department acknowledges that restrictive practices may be necessary to meet the health, safety and/or wellbeing needs of a student, other students and staff. Staff work together with students, parents and/or carers and external partners to support student learning, wellbeing and independence.
4. In line with non-delegable legal obligations, NSW public school and government preschool staff must:
  1. take reasonable steps to reduce the risk of reasonably foreseeable harm to students under their legal duty of care
  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](#)External link.
5. In line with department policy and guidelines, all NSW public school and government preschool staff must:

1. obtain and document consent from parents and/or carers before planning and using a restrictive practice
  2. use the 6 principles outlined in the [Restrictive Practices Framework \(PDF 6 MB\)](#) when deciding on the use of restrictive practices
  3. only use restrictive practices as originally recommended or prescribed by an external medical practitioner, allied health professional or external behaviour support practitioner
  4. plan the use of restrictive practices in consultation with the student, their parents and/or carers, and support staff, and when necessary, an external medical practitioner, allied health professional or external behaviour support practitioner
  5. have evidence that the use of restrictive practices has been planned, consulted and consented to. This may include documenting the use of restrictive practices in individual student support plans
  6. immediately notify the principal or delegate if they are involved in or witness the use of a restrictive practice as an emergency or crisis response, the inappropriate use of a planned restrictive practice or a prohibited practice.
6. The following practices are prohibited in NSW public schools and government preschools. Prohibited practices include:
1. planned seclusion or seclusion used outside of an emergency or crisis response. This includes seclusion used for behaviour management, punishment or discipline
  2. denial of key needs such as food and water
  3. use of restrictive practices as a form of discipline, punishment, threat or for reasons of convenience
  4. life threatening physical restraints. This includes physical actions that threaten the life of a person, including prone restraint. See the [Prohibited practices fact sheet \(PDF 338 KB\)](#) for further guidance
  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

6. the use of any restrictive practice that hasn't been planned, consulted and consented to (except in an emergency or crisis where there is a duty of care obligation).

## 2. Audience and applicability

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

## 3. Context

1. This policy complies with the [Education Act 1990 \(NSW\)](#)[External link](#), [Disability Discrimination Act 1992](#)[External link](#) and [Disability Standards for Education 2005](#)[External link](#).
2. This policy reflects the legal and policy responsibilities of schools in a range of departmental policies and procedures and should be read in conjunction with relevant policies and procedures.
3. The [Restrictive Practices Framework \(PDF 6 MB\)](#) describes the department's commitment to reducing and eliminating the use of restrictive practices, wherever possible, in all NSW public schools and government preschools.
4. Government preschools also need to comply with the [Education and Care Services National Regulations](#)[External link](#). Regulations 155 and 156 specifically relate to behaviour and prohibited practices.
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 2011](#)[External link](#) 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

1. Principals:
  1. ensure whole school and individual planning reflects the 6 principles for decision-making outlined in the [Restrictive Practices Framework \(PDF 6 MB\)](#)
  2. ensure the school maintains comprehensive records in line with the department's policies, procedures and standards of records management related to restrictive practices
  3. must ensure that a restrictive practice used in response to new or escalating behaviours, or as an emergency or crisis

response, is reported to the Incident Report and Support Hotline as per the Incident Notification and Response policy

4. must ensure that a restrictive practice used outside of an individual behaviour response or risk management plan, as an emergency or crisis response, is reported to the Incident Report and Support Hotline as per the Incident Notification and Response policy
5. must report the use of prohibited practices to Professional and Ethical Standards (PES) by consulting the PES Reporting Guide and following its advice, in accordance with the Responding to allegations against employees in the area of child protection (PDF 391 KB)
6. must provide details of any incident where the principal is of the reasonable belief that a planned restrictive practice has been used inappropriately, may amount to misconduct and/or be a reportable allegation, to Professional and Ethical Standards (PES) by consulting the PES Reporting Guide and follow its advice in accordance with Responding to allegations against employees in the area of child protection (PDF 391 KB) and the Code of Conduct
7. continue to use the Mandatory Reporter Guide<sup>External link</sup>, 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 Policy Guidelines: Responding to and reporting students at risk of harm
8. must notify parents and/or carers of the use of a prohibited practice or crisis or emergency use of a restrictive practice, on the same day as the incident, or as soon as practical (within 24 hours), and document that notification has occurred
9. 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 Employee Assistance Program Supporting You.
10. must notify the Approved Provider within 24 hours where the incident has occurred in a department preschool class, at earlylearning@det.nsw.edu.au

11. undertake an incident review following the use of a restrictive practice as an emergency or crisis response, or a prohibited practice. This includes reviewing and/or modifying individual student support plans, school procedures and revising risk assessments and/or behavioural strategies, where necessary. It also includes re-evaluating staff training and skills. The review process is critical if an emergency or crisis response 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 and/or carers.

2. All school staff:

1. must immediately notify the principal or their delegate of the use of a restrictive practice as an emergency or crisis response, an inappropriate use of a planned restrictive practice or a prohibited practice. Staff must also report any incidents to the Incident Report and Support Hotline, in line with the Incident Notification and Response policy. 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
2. should do what they reasonably can to keep all students safe during the use of a restrictive practice as an emergency or crisis response 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.

3. Directors, Educational Leadership:

1. in consultation with principals, lead and monitor the implementation of this policy in their network schools, and ensure that schools comply with their obligations under the Work Health and Safety (WHS) policy
2. support principals to resolve complex issues relating to restrictive practices.

4. Executive Directors, School Performance:

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 (section 3.5 of this policy).

5. Local asset management units:

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.

6. School Infrastructure:

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
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**

1. The Director, Disability Strategy monitors the implementation of this policy, regularly reviews its contents to ensure relevance and accuracy, and updates it as necessary.

6. **Contact**

Director, Disability Strategy

[Correspondence-DisabilityStrategy@det.nsw.edu.au](mailto:Correspondence-DisabilityStrategy@det.nsw.edu.au)

This policy is not in force and this document is subject to change