

Managing difficult behaviours

“I always say to the students, I’ve got three jobs in the school. One is to keep you safe, one is to keep you happy and one is to keep you learning, and it’s in that order.”

– **Bentleigh West Primary School**

Why is managing difficult behaviours important?

“If a student behaves dangerously and is a threat to themselves or others, we may have a conversation with families. We’ll try and work in a positive reinforcement space rather than a consequential space.”

– **Rosebud Secondary College**

Every student should be supported to participate in their education to the greatest extent possible. Sometimes this will be challenged when a student displays difficult or disruptive behaviour and the school must decide how to respond.

Schools are expected to consider and implement positive and non-punitive interventions to support student behaviour before considering disciplinary measures. These can provide a safer classroom environment and result in better behaviour and improved staff-student relationships over the long term. For instance, providing multiple means of communication like pictures or hand signals can allow students to communicate when they are dysregulated, reducing disruptive behaviours. Implementing frameworks such as **School Wide Positive Behaviour Support** has been shown to increase positive and respectful behaviours, create safe, orderly and supportive school environments, and allow more time for learning in the classroom.¹

Some disciplinary action may exacerbate the challenging behaviour and is less likely to result in positive behaviour change.² If disciplinary responses are deemed appropriate, they should be consistent with a whole school approach to behaviour support. Consequences for behaviour should always be proportionate to the nature of the behaviour and are most effective when they identify and address the causes of the behaviour.³

The use of exclusionary discipline, such as **suspension and expulsion**, and the use of restrictive intervention, such as **restraint and seclusion**, are disproportionately used on students with disabilities, particularly students with intellectual disabilities and neurodiverse conditions.⁴ These practices must only be used in limited circumstances after careful consideration of the student’s human rights.

Importantly, the more work that is done to provide an inclusive culture, both on an individual and a school-wide level, the less likely it is that these practices will be required.

CASE STUDY

Background

Tom has an intellectual disability and has difficulty regulating his emotions.

When he moved from primary school to secondary school, his new school was informed that Tom had regular violent outbursts and presented a danger to other students. The primary school advised that Tom's teachers regularly had no choice but to restrain him until he calmed down. When restraint had not worked, his primary school had called his parents and sent him home for the rest of the day.

School's response

During school transition, the secondary school inclusion team prioritised their efforts, including consultations with Tom and his family, to better understand what he needed to succeed and what tended to lead to the outbursts.

They used the Department of Education's resources and received the protective intervention training so that any staff member working with Tom had a good understanding of what they should and should not do.

After making changes to the classroom space to reduce the amount of sensory stimulation and adjusting learning tasks to provide a breakdown of tasks for Tom to follow, the school identified that there was a lack of an appropriate calm space for Tom to de-escalate.

The school requested a staff member from the Department of Education to come to the school and evaluate potential safe de-escalation spaces around the college.

The school installed extra windows so that teachers would always have a line of sight to Tom and ensured there were multiple exits from classrooms.

Together with Tom and his family, the inclusion team developed visuals, protocols and hand signals, chosen by Tom, so he could communicate without needing to speak. They also provided him with calm spaces where he knew he could go if he felt dysregulated.

Tom is now in Year 10 and no longer needs the calm spaces. The school's process of consultation and implementing a plan allowed him to feel safer and develop the skills to control his emotions, ultimately setting the school up for inclusion and Tom up for success.

“Behavioural skills are teachable skills – and every student can learn them when given the right opportunities to practise. When we prioritise teaching and strengthening positive behaviours, like cooperation, communication, and conflict resolution, we often see a natural reduction in behavioural challenges. Teaching, modelling, and recognising positive student behaviour is not only effective - it's transformative.”

– Dr Erin Leif, Associate Professor in the Faculty of Education, Monash University



What the law says

Students with disability have the right to take part in education on the same basis as their peers without disability.

Under *Victoria's Charter of Human Rights and Responsibilities 2006*, the use of restrictive interventions and exclusionary discipline may engage a number of rights, such as:

- the rights of a student to enjoy their human rights without discrimination
- protection from cruel, inhuman or degrading treatment
- freedom of movement
- the right to liberty and security of person
- the right of children to such protection as is in their best interests.

Restrictive practices are only permitted within government schools 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.

Under the *Equal Opportunity Act 2010* (the EO Act), education providers have a **positive duty** to take reasonable and proportionate steps to eliminate discrimination, sexual harassment and victimisation as far as possible.

This means that schools must take positive measures to prevent discrimination, regardless of whether someone has made a complaint.

Discrimination can include direct and indirect disability discrimination in the provision of education.

Direct discrimination means treating, or proposing to treat, a student unfavourably because of a disability. This might include using a disciplinary process because a student has a disability or because of behaviours caused by that disability.

Indirect discrimination means imposing an unreasonable requirement, condition or practice on all students that has, or is likely to have, the effect of disadvantaging students with a disability. This might include expectations about punctuality, classroom behaviour, attentiveness and requirements around completion of work that students with disabilities may not be able to comply with, or rules around disciplinary actions that disproportionately impact people with particular disabilities.

Both direct and indirect discrimination of students with disabilities are unlawful.

The EO Act also requires schools to make **reasonable adjustments** for students with disabilities so they can participate in or derive any substantial benefit from an educational program. This might include the use of de-escalation spaces, physical adjustments to classrooms or predetermined signals between students and teachers when a student is becoming dysregulated. For more information, see fact sheet on 'making adjustments'.

There are exceptions that may allow discriminatory actions in limited circumstances. This includes action that is reasonably necessary to protect the health and safety of any person or property. Furthermore, adjustments are not required by the law if the adjustments are not reasonable or the student could not participate in or derive any substantial benefit from the educational program even after the adjustments are made.

In managing difficult behaviours, these recommendations should be considered along with other relevant laws, including OHS laws, the *Disability Standards for Education 2005* (Cth), federal discrimination laws, criminal laws and other education-related laws and policies.

"There is usually a reason, a cause or a trigger for the behaviour, and you can't always know what it is and suspension isn't going to fix that."

– Bentleigh West Primary School

The Disability Royal Commission

Between 2019 and 2023, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disabilities (the Royal Commission) heard from the voices and experiences of people with disability about their treatment in various settings. This included detailed evidence about the use of restrictive and exclusionary practices in education settings.

The final report made 222 recommendations on how to improve laws, policies, structures and practices to ensure a more inclusive and just society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation.

The Victorian government has accepted in principle the recommendations relating to restrictive and exclusionary practices in education settings, so the Royal Commission's commentary on when these measures can be used is important to take note of as the recommendations are implemented.

The Royal Commission outlined that restrictive practices should never be used in education settings:

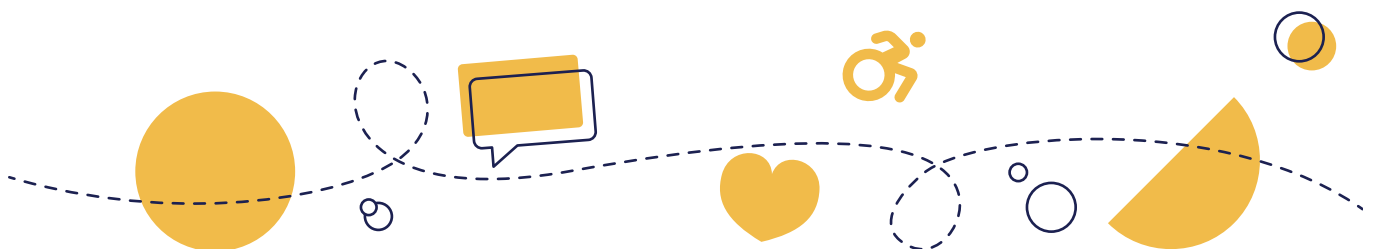
- as a form of discipline, punishment or threat
- as a means of coercion or retaliation
- in response to property destruction
- for reasons of convenience.

The Royal Commission recommended that restrictive practices should only be used:

- as a last resort, in response to a serious risk of harm to a person with disability or others, and only after other strategies, including supported decision-making, have been explored and applied
- as the least restrictive response possible to ensure the safety of the person with disability or others
- to the extent necessary to reduce the risk of harm and proportionate to the potential negative consequences from the use of restrictive practices
- for the shortest time possible.

The Royal Commission also recommended that schools:

- should avoid the use of exclusionary discipline on students with disability unless exclusion is necessary as a last resort to avert the risk of serious harm to the student, other students or staff
- in considering the use of exclusionary discipline, consider the student's disability, needs and age, and the particular effects of exclusionary discipline for young children
- require steps to be taken before exclusion to ensure an individual behaviour plan and reasonable adjustments have been implemented for the student, including consultation with the student and their family, carers or supporters.



What Department of Education policy says

Department of Education policy complements Victoria's discrimination and human rights laws, and should be read together for the benefit of all students and staff. Both legislation and policies must be considered when making decisions about inclusive education.

The Department's **policy on managing and responding to behaviour incidents** outlines the process of deciding if it's appropriate to discipline a student.

This policy highlights that "before moving to a disciplinary response, schools should consider whether more effective and appropriate strategies can be put in place for the student, such as wellbeing, engagement and mental health supports."

The use of restrictive practices is detailed in the Department's **Restraint and Seclusion Policy**. Under this policy, physical restraint and seclusion are only permitted within Victorian government schools in exceptional circumstances where it is immediately required and reasonably necessary to protect the safety of a student or another person.

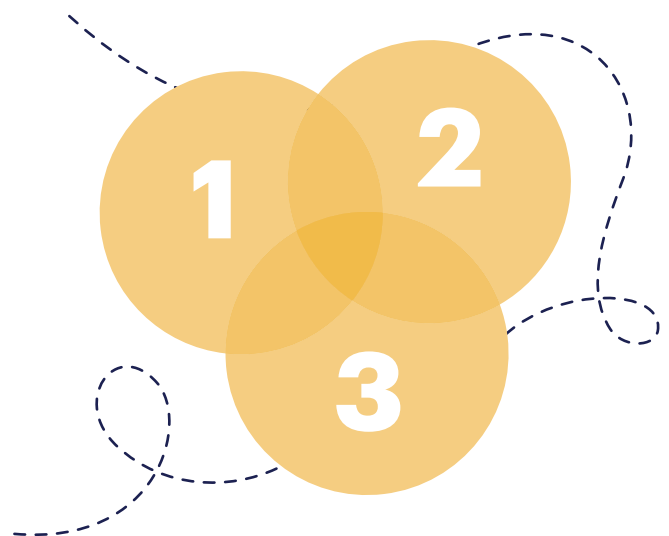
The use of exclusionary practices can be found in the Department's policies on **Expulsions** and **Suspensions**.

Practical tips

These practical tips for building staff capacity have been informed by schools, for schools, to comply with their positive duty to eliminate discrimination and other legal obligations, and work towards full disability inclusion:

- Inclusive education is best achieved as a team – start by creating a dedicated group of school leadership, teachers, students and families to create pathways towards inclusion
- Prioritise positive behaviour support and implementation of the School Wide Positive Behaviour Support framework over disciplinary measures
- Work with students with disability and their families to plan ahead, ensuring the student's voice is heard

- Teach students new skills to replace disruptive or challenging behaviours, such as using alternative means to communicate when behaviour escalates, like pictures, writing on an electronic device or hand signals
- Identify triggers and seek to understand the reason behind the difficult behaviour by collecting data on when the behaviour most likely occurs: **Behaviour – Students: 8. Functional behaviour assessment | education.vic.gov.au**
- Consider an individual's strengths and capabilities when choosing strategies to support different children
- Use adjustments or accommodations to address common triggers and minimise the occurrence of difficult behaviours
- Review physical spaces and infrastructure for factors in the environment that may be contributing to behaviour, such as excessive noise, proximity to peers and distractions
- Train teachers and staff on best practice alternatives to restrictive practices and exclusionary discipline, including early identification, intervention and de-escalation
- Use data to inform practice and inform selection of appropriate behaviour supports, including data about enrolment, participation, student support services, attendance patterns, complaints and monitoring educational outcomes
- Create clear crisis management strategies
- Debrief with staff, the student and their family after incidents so that future issues can be anticipated.



Other supports and resources

Students: Advice | [education.vic.gov.au](https://www.education.vic.gov.au)

Functional behaviour assessment | [education.vic.gov.au](https://www.education.vic.gov.au)

Managing and responding to behaviour – consequences for students | [education.vic.gov.au](https://www.education.vic.gov.au)

Positive Classroom Management Strategies | [schools.vic.gov.au](https://www.schools.vic.gov.au)

School-wide Positive Behaviour Support | [vic.gov.au](https://www.vic.gov.au)

Restraint and Seclusion: Policy | [education.vic.gov.au](https://www.education.vic.gov.au)

Procedures for Suspension and Expulsion of Students in Government Schools | Ministerial Order

Behaviour Assessments and Supports in Schools (BASIS) | LearnED

De-escalation of student behaviour | LearnED

Disability rights and responsibilities in schools | [vic.gov.au](https://www.vic.gov.au)

Sensory Rooms and Equipment: Policy | [education.vic.gov.au](https://www.education.vic.gov.au)

Restraint and Seclusion: Policy | [education.vic.gov.au](https://www.education.vic.gov.au)

Risk controls – student challenging behaviours | [education.vic.gov.au](https://www.education.vic.gov.au)

Restraint and seclusion: fifteen principles | [education.vic.gov.au](https://www.education.vic.gov.au)

Reducing restrictive practices: A review of evidence-based alternatives | Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

‘Regulating restraint and seclusion in Australian government schools: a comparative human rights analysis’ | QUT Law Review

Minimising and eliminating seclusion and restraint | RANZCP

Restraint and Seclusion | Amaze

Breaking the culture of school suspension: alternatives to external suspension and exclusion for P-6 students | Taylor and Francis Online

Endnotes

- 1 ‘School-wide Positive Behaviour Support’, Victorian Government (web page) <<https://www.vic.gov.au/school-wide-positive-behaviour-support>>
- 2 ‘Minimising and, where possible, eliminating the use of seclusion and restraint’, Royal Australian and New Zealand College of Psychiatrists (position statement, last updated Aug 2021) <<https://www.ranzcp.org/clinical-guidelines-publications/clinical-guidelines-publications-library/minimising-the-use-of-seclusion-and-restraint>>
- 3 ‘Managing and responding to behaviour – consequences for students’, Victorian Department of Education (web page, last reviewed 6 March 2025) <<https://www2.education.vic.gov.au/pal/behaviour-students/guidance/managing-and-responding-behaviour-consequences-students>>
- 4 Tony McCarthy, ‘Regulating Restraint and Seclusion in Australian Government Schools: A Comparative Human Rights Analysis’ (2019) 18 QUT Law Review 192 <<https://lr.law.qut.edu.au/article/download/746/708/746-1-2568-1-10-20190306.pdf>>



**Victorian Equal Opportunity
& Human Rights Commission**

[humanrights.vic.gov.au](https://www.humanrights.vic.gov.au)

General enquiries enquiries@veohrc.vic.gov.au

Enquiry line 1300 292 153

