# The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools

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## Preamble

We know that students do best at school when they learn in a safe and
healthy environment.

As a part of maintaining such a learning environment, restraint and seclusion are not permitted within Victorian government schools, except:

* in situations where the student’s behaviour poses an imminent threat of physical harm or danger to self or others;
* where such action (i.e. to physically restrain or seclude) would be considered reasonable in all the circumstances; and
* where there is no less restrictive means of responding in the circumstances.

Restraint or seclusion should be discontinued as soon as the immediate danger
has dissipated

The Victorian Department of Education and Training (The Department) has developed 15 Principles to help staff working in Victorian government schools to manage behaviour that poses a risk to the safety of other students or school staff.

Drawing on international best practice, the Principles initially developed by the U.S Department of Education, have been adapted for use in Victorian government schools. They are underpinned by the relevant legislation, including the Victorian Charter of Human Rights and Responsibilities Act 2006 (The Charter).

**There is no evidence that using restraint or seclusion is effective in reducing the occurrence of problem behaviours.**

There is no evidence that using restraint or seclusion is effective in reducing the occurrence of problem behaviours, and it is important to note that restraint and seclusion can have serious consequences including injury or death.

The 15 Principles set the framework within which restraint or seclusion can be used, remembering that these are measures we want to avoid wherever possible. They make clear that the safety, dignity and human rights of students must be upheld. They ensure that the Department continually revises its policies and practices to ensure that young Victorians continue to have the best possible environment in which to learn.

These Principles set a course to reduce and eventually eliminate, the use of restraint and seclusion in Victorian government schools.

## Fifteen Principles

1. Department policy (School Policy and Advisory Guide – Restraint of Student) restricting the use of restraint or seclusion applies to all students in Victorian government schools.
2. Physical restraint or seclusion must not be used except in situations where the student’s behaviour poses an imminent threat of physical harm or danger to self or others; where such action (i.e. to physically restrain or seclude) would be considered reasonable in all the circumstances; and where there is no less restrictive means of responding in the circumstances. Restraint or seclusion should be discontinued as soon as the immediate danger has dissipated (see Regulation 25 in Legal Obligations for further information).
3. Every effort should be made to prevent the need for the use of physical restraint or seclusion.
4. Schools should never use mechanical restraints or a drug/medication that restricts a student’s freedom of movement or to control behaviour.
5. Any behavioural intervention must be consistent with the Charter of Human Rights and Responsibilities Act 2006 and also the student’s rights to be treated with dignity and to be free from abuse.
6. Physical restraint or seclusion must never be used as punishment or discipline (e.g. placing in seclusion for non-compliant behaviour); as a means of coercion or retaliation; or as a convenience.
7. Physical restraint or seclusion should never be used in a manner that restricts a student’s breathing or harms the student.
8. Any use of physical restraint or seclusion must trigger a review and, if appropriate, a revision of behavioural strategies currently in place to address behaviour that causes harm to self or others. If positive behavioural strategies are not in place, staff should develop them.
9. If students demonstrate behaviour that causes physical harm to self or others necessitating the use of physical restraint or seclusion, strategies to address this behaviour should address the underlying cause or purpose of
the behaviour.
10. Teachers, and relevant school staff should be trained regularly on the appropriate use of effective alternatives to physical restraint or seclusion, such as positive behaviour supports (PBS).
11. In every instance in which physical restraint or seclusion is used, the student must be carefully and continuously monitored to ensure that the physical restraint or seclusion is being used appropriately, and that the student, other students and staff are safe.
12. Parents/carers should be informed of the Department’s policy (School Policy and Advisory Guide – Restraint of Student) on restraint and seclusion.
13. Parents/carers should be notified as soon as possible following each instance in which physical restraint or seclusion is used with their child/student.
14. The Department will regularly review and update, as appropriate, policy regarding the use of physical restraint or seclusion.
15. Each incident involving the use of physical restraint or seclusion must be documented in writing and specific data collected to add to staff understanding of the application of the Principles and to inform the review of the policy.

## Key points about restraint and seclusion

Restraint and seclusion must only be used as a last resort in an emergency
where there is an imminent threat of physical harm or danger to the student or
others and should not form part of a behaviour management strategy or support
plan for a student.

Every instance of restraint or seclusion must be reported to enable data collection, monitoring and review of the effectiveness of existing strategies and the need for any additional resources.

Prone restraint (holding a student face down) and supine restraint (holding a student face up) is not permitted within Victorian government schools. All restraint or seclusion incidents must trigger a review of the student’s behaviour support
plan (BSP).

In every instance of restraint, breathing must be visually monitored.

Every instance of restraint or seclusion can undermine the professional
relationship between the student and school staff and the quality of the student’s educational experience.

Every instance of restraint or seclusion has the potential to place the student and staff member in a harmful situation, which can include injury and death.

Every instance of seclusion must be visually monitored throughout by a staff member to ensure that the seclusion is justified, time limited and that the student, and other students and staff are safe.

Restraint and seclusion are not permitted within Victorian government
schools, except:

* in situations where the student’s behaviour poses an imminent threat of physical harm or danger to self or others;
* where such action (i.e. to physically restrain or seclude) would be considered reasonable in all the circumstances; and
* where there is no less restrictive means of responding in the circumstances.

Restraint or seclusion should be discontinued as soon as the immediate danger
has dissipated.

## Legal obligations

**There are a range of legislative provisions that apply to managing
behaviours that may lead to physical harm or danger to self or others occurring in schools.**

**The following provides a summary of the relevant legislative and duty of
care requirements.**

### Duty of Care

School principals, teachers and all staff working with students in a school have a legal duty of care to students to take reasonable steps to protect students from risk of injuries or harm that are reasonably foreseeable. This duty of care cannot be delegated to others.

### Human Rights Obligations

There are several Human Rights Treaties, which impact on the day-to-day practice of Victorian government school staff (see below). These Treaties need to be translated into domestic law to be legally binding in Australia. Many of them have been so translated. For instance, legislation such as the Victorian Charter of Human Rights and Responsibilities Act 2006 (The Charter) and the Commonwealth Anti-Discrimination Acts. Others have formed the basis of national policy such as:

* The National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Service Sector (endorsed at a Commonwealth level in 2014).
* The United Nations Convention on the Rights of the Child (Convention ratified by Australia in December 1990)
* The United Nations Convention on the Rights of Persons with Disabilities (Convention ratified by Australia in July 2008 and the optional protocol relating to making complaints to the UN in 2009)
* The International Covenant on Civil and Political Rights, (Australia agreed to be bound in 1980 subject to certain reservations)
* The International Covenant on Economic, Social and Cultural Rights (Australia agreed to be bound in March 1976)
* The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (convention ratified by Australia 1989 – Australia is currently considering ratifying the optional protocol related to persons deprived of their liberty)

### The Victorian Charter of Human Rights and Responsibilities

The Charter is a Victorian Act of Parliament that requires public authorities (such as Victorian state and local government departments and agencies, and people delivering services on behalf of government) to act in a way that is compatible with human rights. This includes positive obligations to protect, respect and fulfil the rights of students in schools.

**Human Rights Principles permeate all areas relating to restraint and seclusion and strongly influence both proactive strategies to prevent, minimise and eliminate behaviours of concern, and reactive strategies in response to
those behaviours.**

There are a number of relevant rights and freedoms set out in the Charter,
including the:

* right to recognition and equality before the law (including the right to enjoy human rights without discrimination)
* right to protection from torture and cruel, inhuman or degrading treatment (including the right not to be treated or punished in a cruel, inhuman or degrading way)
* right to protection of families and children (including protection of the best interests of the child)
* right to privacy and reputation
* right to liberty and security of the person
* right to freedom of movement
* right to freedom of expression.

The Charter requires Victorian government school staff to act consistently with human rights and to give proper consideration to relevant human rights when making decisions - including decisions about responding to behaviours of concern. In accordance with the Charter, certain rights may be subject under law to reasonable limitations that can be demonstrably justified. It is important to note however, that limitations on some rights, such as the right to freedom from cruel, inhumane or degrading treatment or punishment, will rarely be justifiable.

### The Education and Training Reform Act 2006 (Vic)

A principle underlying the Education and Training Reform Act 2006 (Vic) is that all Victorians, irrespective of the education and training institution they attend, where they live or their social or economic status, should have access to a high-quality education that:

1. realises their learning potential and maximises their education and
training achievement
2. promotes enthusiasm for lifelong learning.

### Education and Training Reform Regulations (2017) – Physical Restraint and Seclusion

**Regulation 25 (Education and Training Reform Regulations 2007) states that:** “Restraint from danger: A member of the staff of a Government school may take
any reasonable action that is immediately required to restrain a student of the
school from acts or behaviour dangerous to the member of staff, the student or
any other person”.

Restraint should not be used:

1. in situations where there is no immediate risk of harm to the student or any other person
2. in situations where there are reasonable alternatives available to avoid the risk of harm
3. in situations where the acts or behaviour are not dangerous to the student or to another person.

All instances of restraint (and seclusion) need to be viewed through a human rights lens. That is, they should be the least restrictive option reasonably available in the circumstances, be justified and proportionate, and cease once the immediate threat of harm has passed.

**Regulation 25 applies only to physical restraint and seclusion.**

### Disability Discrimination Obligations

In broad terms, it is unlawful to directly or indirectly discriminate against a student on the basis of their disability. It is also a requirement that reasonable adjustments are made for students with disabilities. These obligations are outlined in the:

* Equal Opportunity Act 2010 (Vic)
* Disability Discrimination Act 1992 (Cth)
* Disability Standards for Education 2005 (Cth)

The definition of disability under discrimination legislation is wide and includes behaviour that is a symptom or manifestation of a disability. In some circumstances, physical restraint or seclusion may amount to discrimination as a form of unfavourable treatment of a student because of their disability where reasonable adjustments have not been made.

**Obligation to make reasonable adjustments:** Legislation requires schools to provide students with a disability with reasonable adjustments to enable participation in education on the same basis as students without a disability. The kind of reasonable adjustment that will be appropriate will depend on several factors including the disability of the particular student and what is reasonable in all the circumstances. For example, a student with vision difficulties might require large print textbooks to allow them to participate in class. Other examples of reasonable adjustment include modifications to the curriculum and provision of additional supports for students with communication, sensory or social difficulties.

**Direct discrimination** occurs when a person is treated unfavourably because of their disability. It is not necessary for the person who is discriminating to intend to act in a discriminatory way. For example, not allowing a student with a disability to participate in physical education classes because of their disability may constitute direct discrimination.

The law allows steps to be taken to protect the health and safety of a person where the steps can be justified as reasonably necessary.

**Indirect discrimination** occurs when a requirement or condition is imposed that disadvantages children with a disability in a way that is unreasonable. For example, if a school only provided access to classrooms by stairs, the school would be indirectly discriminating against students who have a disability that means that they are confined to a wheelchair, and therefore could not get to their classes.

### Occupational Health and Safety Obligations

The Occupational Health and Safety Act 2004 (Vic) imposes the following obligations, so far as is reasonably practicable, on principals of Victorian
government schools:

* Provide and maintain a working environment that is safe and without risks to health for his or her employees
* Monitor the health of employees
* Monitor the working conditions at the school
* Provide an environment where students, parents and visitors to the school are not exposed to risks to their health and safety.

To discharge their obligations under this Act, principals of Victorian government schools need to ensure that they have adequate safety policies and procedures in place to identify and manage risks.

Consistent with Human Rights Principles, safety policy and procedures involving students should include the least restrictive options and work proactively to identify and manage risk.

### Child Safe Standards

The Child Safe Standards (the Standards) are compulsory minimum standards for all Victorian schools, to ensure that they are well prepared to protect children from abuse and neglect. To implement the minimum standards in accordance with Ministerial Order 870, school governing authorities must:

* take account of the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable
* make reasonable efforts to accommodate such diversity.

It is important to note that children who have experienced abuse and trauma can
at times present with behaviours of concern, which may cause harm to themselves or others.

Further information on the Child Safe Standards can be found on eduGate at <http://www.education.vic.gov.au/about/programs/health/protect/Pages/childsafestandards.aspx>

## The Principles explained

### Principle 1:

**Department policy (School Policy and Advisory Guide – Restraint of Student) restricting the use of restraint or seclusion applies to all students in Victorian government schools.**

Behaviour that results in the use of physical restraint or seclusion (posing imminent threat of physical harm to self or others) is not limited to students with disabilities, students with a particular disability, or specific groups of students who do not have disabilities (e.g. gender, cultural and/or linguistic background, national origin, limited English proficiency, etc). Common law (duty of care) and relevant legislation such as the Victorian Charter of Human Rights and Responsibilities applies to all students. Therefore, the Department’s policy and guidance which relate to restraint and seclusion apply to all students in the school, all staff who work directly or indirectly with students, and across all settings under the responsibility of the school.

Physical restraint or seclusion should not be used as a response to inappropriate behaviour (e.g. disrespect, noncompliance, insubordination, out of seat) that does not pose an imminent danger of physical harm to self or others. Schools should use the least restrictive technique necessary and available to end the threat of immediate physical harm.

### Principle 2:

**Physical restraint or seclusion must not be used except in situations where the student’s behaviour poses an imminent threat of physical harm or danger to self or others; where such action (i.e. to physically restrain or seclude) would be considered reasonable in all the circumstances; and where there is no less restrictive means of responding in the circumstances. Restraint or seclusion should be discontinued as soon as the immediate danger
has dissipated.**

Other interventions could include planned behavioural strategies used to:

* de-escalate behaviour that has the potential to cause physical harm to self
or others
* identify and support competing positive behaviour to replace behaviour that causes physical harm to self or others
* support pro-social behaviour in class and throughout the school, especially if a student has a history of escalating behaviour that causes physical harm to self or others.

Rooms or areas designed specifically for the purposes of seclusion or which are used solely or primarily for the purpose of seclusion are not permitted in Victorian Government Schools.

In addition, prone restraint (holding a student face down) and supine restraint (holding a student face up) are not permitted within Victorian Government Schools. All instances of restraint must be reported.

### Principle 3:

**Every effort should be made to prevent the need for the use of physical restraint or seclusion.**

School should be a safe and healthy environment in which young Victorians can learn, develop, and participate in programs that promote academic achievement. All students and staff have the right to feel safe and supported in their school environment. All students should be educated in respectful and non-restrictive environments and should receive the instruction and other support they need to learn and achieve at high levels.

Behavioural interventions used in schools should be ethical and evidence-based. Priority must be given to preventing negative behaviour, developing positive behaviour (including communication skills, self-regulation and coping strategies) and creating a positive school climate. Interventions should always use the least restrictive alternative strategy possible.

Restraint or seclusion must not be used as routine school safety measures or as a routine first response. These measures should only be used in situations where a student’s behaviour poses an imminent threat of physical harm or danger to self or others and not as a routine strategy to address instructional problems or inappropriate behaviour (e.g. disrespect, noncompliance, out of seat). Neither must they be used as a means of coercion or retaliation, or as a convenience. Restraint or seclusion is not an acceptable educational strategy. They do not decrease inappropriate behaviour, and do not foster appropriate behaviour. They should never be used to discipline or punish a student.

Staff working with students with behaviours likely to lead to physical harm to self or others should be supported to implement prevention and de-escalation strategies.

In cases where a student has a history of behaviour that causes harm to self or others for which restraint or seclusion was considered or previously used, a school should have a plan in place for:

* teaching and supporting more pro-social behaviour
* determining positive methods to prevent behaviour escalations that have previously resulted in the use of restraint or seclusion.

Behaviours of concern do not happen in isolation from the student’s environment and skills. These behaviours may be the most adaptive way the student knows how to communicate, or they may be the only way the student can communicate when they feel under pressure, or where they believe their needs have not been recognised. Environments can be structured to greatly reduce, and in many cases eliminate, the need to use restraint or seclusion. For example, providing the student with a designated safe space or individual learning area that they can go to when they require a lower stimulus environment—a place from which they can freely exit.

Behaviours leading to physical harm to self or others may occur following a period of escalation or may occur without easily observable indicators. Sometimes the behaviour can be associated with a student’s disability. However, it is important to note that a student’s disability by itself does not cause behaviours of concern. As with students who do not have a disability, the underlying concerns (for example: trauma from violence or abuse; communication or sensory difficulties; or understanding of expectations) need to be explored and addressed.

A student’s social behaviour can affect their academic learning. Effective academic instruction should be combined with effective behaviour supports to prevent concerning behaviour, maximise academic engagement and the
student’s achievement.

Students are more likely to achieve when they are:

1. explicitly taught school and classroom routines and social expectations that are predictable and contextually relevant
2. acknowledged clearly and consistently for their displays of positive academic and social behaviour
3. treated with respect by others

Building effective behavioural supports in schools also requires several ongoing interrelated activities, including:

1. investing in behaviour support for the whole school, rather than just students with problem behaviour
2. focusing on preventing the development and occurrence of problem behaviour, not simply responding to incidents when they occur
3. reviewing behavioural data regularly to adapt school procedures to the needs of all students and their families
4. providing additional academic and social behavioural supports for students who are not making expected progress

**The aim of school-based positive behaviour support strategies (PBS) should be to enhance students’ engagement with curriculum and opportunities to learn with peers.**

Effective PBS strategies are comprehensive and provide a well-researched, evidence-based framework for improving the engagement of all students. Such a framework can assist schools to adopt and organise evidence-based behaviour interventions that enhance academic and social/behavioural outcomes for
all students.

Schools that successfully implement comprehensive positive behavioural supports create school-wide environments that reinforce desired behaviours, while reducing instances of behaviour that may lead to restraint or seclusion.

**The Positive Behavioural Support (PBS) prevention-oriented framework or approach applies to all students, all staff, and all settings**



PBS provides school communities with an effective evidence based approach to creating positive, safe and engaging school environments and focuses on three levels of implementation.

1. **Primary Prevention** – the universal provision of school and classroom wide systems for all students, staff and school community members. The aim is to provide highly predictable school and classroom environments by establishing school wide expectations that apply to all members of the school community, and to implement school wide behaviour management strategies that focus on empowerment rather than control.
2. **Secondary Prevention** – specialised evidence-based actions and strategies to support students who demonstrate at risk behaviour.
3. **Tertiary Prevention** – specialised evidence based and customised actions and strategies to support individual students whose needs have not been adequately met through universal and secondary support.

PBS provides education leaders with a school improvement framework for ensuring that the learning environment of their school is focused on creating and maintaining a culture based on positive regard and engagement. The framework requires school leaders to establish school wide expectations that are collaboratively developed, explicitly taught prior to errors occurring, and reinforced with all school community members. PBS focuses on data and enquiry to drive continuous improvement in the school’s behaviour management processes and policies.

It is a proactive school-wide system of support that defines, teaches, and supports appropriate behaviours so that a positive school environment can be established and academic success achieved.

The PBS framework has been demonstrably successful internationally, as well as in specialist schools in Victoria and across other Australian jurisdictions including Tasmania, New South Wales and Queensland. While the successful implementation of PBS typically results in improved social and academic outcomes, it will not eliminate all problematic behaviour incidents in a school however, PBS is an important preventative framework that can increase the capacity of school staff to support all students, including students with the most complex behavioural needs, thus reducing the instances that require intensive interventions.

In schools that have put comprehensive positive behaviour supports in place, trained school staff use assessments, with multidisciplinary teams where appropriate, to identify where, under what conditions, with whom, and why specific behaviours may occur. As well, they have implemented de-escalation techniques to defuse behaviour that can cause serious physical harm to self or others.

**PBS Assessments**

Effective PBS assessments should include:

1. reviewing existing records
2. interviewing parents, family members, and students, as well as other professionals involved with the student (e.g. GP, psychologist or other allied health professional - where no such involvement is evident, initiating the involvement of such professionals would be advisable)
3. examining previous and existing behavioural intervention plans.

Using the data from such assessments helps schools to:

* identify the conditions under which inappropriate behaviour is likely to occur and the factors that lead to this behaviour
* develop and implement preventive behavioural interventions that teach appropriate behaviour
* modify the environmental factors that escalate the behaviour.

The use of comprehensive positive behavioural supports:

* significantly decreases the likelihood of needing to use restraint or seclusion
* attain more desirable behaviour
* when implemented as described, can help to improve academic achievement and behaviour.

The role of more intensive assessments as the basis for developing Behaviour Support Plans (BSPs) and Functional Behavioural Assessments (FBAs) is discussed in Principle 8.

**PBS Planning**

The ‘Six Core Strategies’ model (Huckshorn 2005), which guides the design of a plan to systemically prevent or reduce the use of restraint and seclusion is valuable in school settings.

It includes the following six core components:

1. Leadership toward organisational change
2. Using data to inform practice
3. Workforce Development in-service training, supervision, and mentoring
4. Using assessment tools
5. Supporting roles for persons and advocates in programs
6. Debriefing tools

### Principle 4:

**Schools should never use mechanical restraints or a chemical restraint that restricts a student’s freedom of movement or to control behaviour.**

Schools should never use a mechanical device as a restraint to restrict a student’s freedom of movement. Neither should schools ever use a chemical restraint to control behaviour or to restrict a student’s freedom of movement.

All mechanical devices a student uses should be assessed and prescribed by an appropriate professional and be used only for the specific and approved purposes for which such devices were designed.

Any administration of medication to students by school staff must be undertaken in accordance with Department policy (School Policy and Advisory Guide).

While the responsibility for prescribing a medication is external to the school, it is recommended that school staff make themselves aware of potential side effects of some medications such as aggression and agitation, to avoid mistaking them for behaviours of concern.

Other side effects could include a lack of concentration, drowsiness and disengagement from curriculum activities. Students who do not use speech are particularly likely to present with such side effects as they lack the functional means to communicate them. School staff can also convey valuable observations about the student’s behaviours at school to the prescribing doctor through the parent or guardian during Student Support Group (SSG) and other meetings.

Medication should always be prescribed with an emphasis on the medication level being kept to a minimum and with the goal of phasing out and removing the medication as soon as possible. To this end, observations within the school setting of the behaviour that prompted the initial prescription will be helpful for the prescriber and family to make decisions on future care.

It is important to note that medications, in most instances, do not address the underlying causes of behaviour, and they may impede the capacity of the student to participate in school activities generally as well as educational activities designed to address behaviours of concern.

### Principle 5:

**Any behavioural intervention must be consistent with the Charter of Human Rights and Responsibilities Act 2006 and also the student’s rights to be treated with dignity and to be free from abuse.**

As set out in the Charter and relevant international Human Rights Treaties to which Australia is a signatory, all people are born free and equal in dignity and rights.
This includes freedom from cruel and degrading treatment, protection against discrimination, the right to privacy, liberty and security of the person, and protection of the child/student’s best interests.

Every student deserves to be treated with dignity, be free from abuse, and treated
as a unique individual with individual needs, strengths, and circumstances
(e.g. age, developmental level, medical needs etc).

Schools should consider implementing an evidence-based school-wide system of positive behavioural supports as a framework that promotes children’s individual needs. (Please see Principle 10 for further information on PBS).

### Principle 6:

**Physical restraint or seclusion must never be used as punishment or discipline (e.g. placing in seclusion for non-compliant behaviour); as a means of coercion or retaliation; or as a convenience.**

Restraint and seclusion are not acceptable educational interventions or strategies. They will not ‘improve’ the student’s behaviour. Their use could in fact cause the student to disengage from educational activities and contribute to further
behaviour deterioration.

Restraint or seclusion must not be used as routine school safety measures, that is, they should only be used in situations where a student’s behaviour poses an imminent threat of physical harm to self or others.

Restraint or seclusion must also only be used for limited periods of time and must cease immediately when the imminent threat of physical harm to self or others
has dissipated.

Restraint or seclusion must not be used:

* as a form of punishment or discipline (e.g. for non-compliant behaviour)
* as a means to coerce, retaliate, or as a convenience for staff
* as a planned or routine behavioural intervention in response to behaviour that does not pose imminent threat of physical harm to self or others

For example, it is not acceptable to use restraint or seclusion for failure to follow expected classroom or school rules, non-compliance with staff directions, the use of inappropriate language, or to “punish” a student for inappropriate behaviour.

### Principle 7:

**Physical restraint or seclusion should never be used in a manner that restricts a student’s breathing or harms the student.**

Restraint and seclusion are recognised as measures that place the safety and health of both students and teachers at risk and that can contribute to serious harm and/or death. Every instance of restraint or seclusion has the potential to place the student and staff member in a harmful situation.

Prone (e.g. lying face down) restraints or other restraints that restrict breathing should never be used because they can cause serious harm or death. Breathing can also be restricted if loose clothing becomes entangled or tightened or if the student’s face is covered by a staff member’s body part (e.g. hand, arm or torso) or through pressure to the abdomen or chest. Any restraint or seclusion technique should be consistent with known medical or other special needs of a student.

Every effort should be made to work proactively to structure environments and provide supports so that restraint and seclusion are unnecessary (see Principle 3 for further detail).

Any use of restraint must include visual monitoring of the student to ensure the child is breathing and has not come to any harm. This should include communicating with the student when safe to do so.

### Principle 8

**Any use of physical restraint or seclusion must trigger a review and, if appropriate, a revision of behavioural strategies currently in place to address behaviour that causes harm to self or others. If positive behavioural strategies are not in place, staff should develop them.**

In cases where a student has a history of behaviour that causes physical harm to self or others for which restraint or seclusion was considered or used, a school should have a plan for:

* teaching and supporting more appropriate behaviour
* determining positive methods to prevent behavioural escalations that have previously resulted in the use of restraint or seclusion.

The Behaviour Support Plan (BSP) should be based on relevant assessments, clearly indicate how it should be implemented, and include information about how it will be monitored and evaluated.

When restraint or seclusion is used with a student:

* a review of the student’s BSP must occur
* their BSP must be modified if needed (or developed if there is no plan) to proactively prevent further use of restraint or seclusion
* staff training and skills should be re-evaluated.

This follow up action is especially important if restraint or seclusion have been used multiple times within the same classroom, or used multiple times by the same individual. The need for the review is to be based on the individual needs of the student and should include input from the family. A review could also be necessitated by a single application of restraint or seclusion.

A BSP should be developed or reviewed with parents and relevant professionals (a multidisciplinary team where appropriate). In cases where there are continued incidents of behaviours that cause physical harm or danger to self or others, practices such as Functional Behavioural Assessments (FBA’s) and Functional Analysis by a person appropriately trained to undertake them should be considered.

“When a client [student] exhibits problem behaviour at a level that is disruptive to the environment or dangerous to the client [student] or others, a functional assessment is warranted.

Functional assessment refers to the overall process of identifying the aspects of the environment that may contribute to the development and continued occurrence of problem behaviour. That is, functional assessment is designed to identify where, when and the likely reasons why a problem behaviour occurs. Such information is then directly incorporated into the problem behaviour treatment plan (Behaviour Support Plan, BSP) in the form of a function-based intervention.

The functional assessment process typically includes multiple sources of information such as interviews with caregivers, structured ratings scales, collection of direct observation data and consideration of potential medical conditions that may impact problem behaviour.

Direct observation may take the form of assessment of ongoing interactions in the natural environment or the form of a functional analysis.

Functional analysis refers to directly changing environmental events and evaluating the impact of those changes on the level of problem behaviour via direct observation. Functional analysis can be complex and may require higher staffing ratios and more direction by the Behaviour Analyst.” (<http://www.apbs.org/files/fbapractice.pdf>)

The long-term goal of FBAs is to inform, develop and implement preventive or proactive, behavioural interventions often within a BSP, including increasing appropriate positive behaviours that reduce the likelihood that restraint or seclusion will be used with a student in the future.

In all cases, the reviews should consider not only the effectiveness of the plan, but also the capacity of school staff to carry out the plan, including resources available to them in the classroom and the school more broadly.

### Principle 9:

**If students demonstrate behaviour that causes physical harm to self or others necessitating the use of physical restraint or seclusion, strategies to address this behaviour should address the underlying cause or purpose of
the behaviour.**

Behavioural strategies, particularly when implemented as part of a school-wide program of positive behavioural supports, can be used to address the underlying causes of negative behaviours that cause harm to self or others. This approach can also reduce the likelihood that restraint or seclusion will need to be used. Behaviour is contextual and is associated with the conditions, events, requirements and characteristics of a given situation or setting.

For the majority of students, identifying the function, or reason for a student engaging in concerning behaviours can be determined by clearly defining the behaviour, and collecting data about the behaviour and analysing it to look for patterns. Recording charts such as STAR (Setting, Trigger, Action, Result) or ABC (Antecedent, Behaviour, Consequence) can be helpful in framing the data collection for direct observations of the student’s behaviour, but information should also be gathered from interviews with people who know the student well, other professionals and any available assessment reports.

This information can help in planning changes to the environment to prevent the behaviour from occurring and in teaching the student other ways to get their needs met. In a BSP, reinforcement of an alternative to the behaviour of concern should always be positive and motivating for the student.

A complete BSP should be developed in conjunction with the family, allied health professionals (e.g. psychologist, speech pathologist etc.), including Student Support Services Officers (SSSO’s, and any other relevant persons and describe
strategies for:

* addressing the characteristics of the setting and events
* identifying any communication or sensory needs
* removing antecedents that trigger behaviour that causes harm to self or others
* adding antecedents that maintain desired behaviour
* removing consequences that maintain or escalate behaviours of concern
* adding reinforcements that maintain desired behaviour
* teaching alternative behaviours, including self-regulation techniques, to replace the behaviour that causes harm to self or others.

For a small number of students, their behaviour will be more complex and may require people who are skilled in functional assessment and analysis to help (See principle 8 for explanation of FBA).

### Principle 10:

**Teachers and relevant school staff should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behaviour supports (PBS).**

Positive behavioural supports (PBS) should be in place in schools and every effort should be made to use positive behavioural strategies to prevent the need to use restraint or seclusion.

In addition, within a school there should be personnel trained in how to collect and analyse basic individual student data to determine the effectiveness of positive behaviour support in increasing pro-social behaviour and decreasing behaviours of concern. This data should inform the need for additional training, staff support, or policy change, particularly when data indicates repeated use of restraint or seclusion by staff. For more complex situations an appropriate professional or multidisciplinary team may need to be engaged.

School personnel should also be aware of the Department’s policy and procedures for the timely reporting and documentation of all instances in which restraint or seclusion was used.

Teachers and relevant school staff should receive training on appropriate behaviour management strategies such as school-wide programs of positive behavioural supports, including de-escalation techniques, for preventing behaviours of concern that lead to the use of restraint or seclusion. Training for principals ideally should cover how to develop, implement and evaluate the effectiveness of school-wide behavioural programs.

Training in Human Rights and PBS for teachers, allied health professionals and other personnel who work directly with students should be ongoing and include refreshers. Additionally, training on how to practically apply positive behaviour management strategies, proper use of positive reinforcement, the continuum of alternative behavioural interventions, crisis prevention and de-escalation strategies should be included in training schedules.

Behavioural strategies particularly when implemented as part of a school-wide program of positive behavioural supports, can be used to address the underlying causes of behaviours of concern and reduces the likelihood that restraint or seclusion will need to be used.

### Principle 11:

**In every instance in which physical restraint or seclusion is used the student must be carefully and continuously monitored to ensure that the physical restraint or seclusion is being used appropriately, and that the student, other students and staff are safe.**

School staff engaged in a restraint or seclusion should be knowledgeable about:

* effective alternatives to restraint and seclusion
* emergency and crisis procedures
* documentation and reporting responsibilities.

Staff should ensure that the use of physical restraint or seclusion does not harm the student or others. For example, those observing and/or engaging in the application of a restraint should confirm that the restraint does not cause harm to the student, such as restricting their breathing or causing pain.

Continuous monitoring of restraint includes, for example:

* continuous assessment of staff and student status, including potential physical injuries
* termination of restraint or seclusion when an imminent threat of physical harm to self or others has dissipated
* consideration of opportunities for redirection and defusing the behaviour that causes harm to self or others
* ensuring that the use of restraint is documented and reported.

Every instance of seclusion must be visually monitored throughout by a staff member to ensure that the seclusion is justified, time limited and that the student, and other students and staff are safe.

Such observations can be critical in determining when the imminent threat of physical harm to self or others has dissipated so that the restraint or seclusion can be immediately discontinued. Proper observation and monitoring and written documentation of the use of restraint or seclusion also helps to ensure that the least restrictive option is used, and that the continued safety of the student being restrained or secluded as well as the safety of other students and school personnel is maintained.

### Principle 12:

**Parents/carers should be informed of the Department policy (*School Policy and Advisory Guide—Restraint of Student*) on restraint and seclusion.**

All parents/carers of students at risk of behaviours of concern should be informed of the Department’s policy for restraint and seclusion (available on line at <http://www.education.vic.gov.au>). Consideration should be given to the family’s capacity to receive information in written English and provision made to communicate in a way suited to the family’s needs. Policy is reviewed centrally by the Victorian Department of Education and Training. If a significant change to the Department’s policy is made, staff and families should be notified of this change as soon as possible after the school is advised of the change. In addition, preventive strategies to reduce the likelihood that restraint or seclusion will need to be used with a student should be established, documented and communicated to the student’s parents/carers.

Parents/carers should also be encouraged to work with schools to ensure planned behavioural strategies are in place and used to:

* de-escalate behaviour that causes harm to self or others
* identify and support competing positive behaviour to replace behaviour that causes harm to self or others
* support pro-social behaviour in class and throughout the school, especially
if a student has a history of escalating behaviour that causes harm to self
or others.

### Principle 13:

**Parents/carers should be notified as soon as possible following each instance in which physical restraint or seclusion is used with their child/student.**

Parents/carers should be informed as soon as practicable after the event when restraint or seclusion has been used with their child.

Documenting that parents and carers have been notified as soon as possible (ideally on the same school day) when restraint or seclusion has been used ensures that parents/carers are fully informed about their child’s behaviour and the school’s response. This helps parents/carers to participate as informed team members who can work with their child’s teachers and other school staff to determine whether the behavioural supports at school and at home, (including prevention and de-escalation strategies) are effective. Parents and carers should be invited to be involved in reviewing existing strategies and developing new strategies to better support their child’s learning experience, and to ensure the safety and wellbeing of others.

### Principle 14:

**The Department will regularly review and update, as appropriate, policy regarding the use of physical restraint or seclusion.**

The Department’s policy on restraint and seclusion will be reviewed based on data and evidence. Data should identify:

* the student
* the school
* the type of restraint used
* the details and circumstances of that restraint or seclusion
* who was involved in the restraint or seclusion
* the outcomes.

Schools are required to collect the data in a way that is secure, in line with privacy legislation, and able to be analysed to identify trends and to influence policy, individual outcomes for students and continuing professional development
for schools.

The Department intends to periodically review and update its Policy and Guidance on the use of restraint and seclusion as informed by the data and evidence. The review should consider and examine:

* available data on the use of these practices and their outcomes
* the frequency of the use of restraint and seclusion across individual students, groups of students (e.g. gender, cultural and/or linguistic background, national origin, disability status and type of disability, limited English proficiency, etc), settings, as well as individual staff and programs,
to determine whether policies for restraint and seclusion are being
applied consistently
* the accuracy and consistency with which restraint and seclusion data is being collected
* the extent to which this data is being used to plan behavioural interventions and staff training
* whether procedures for using these practices are being implemented
with fidelity
* whether procedures continue to protect students and others.

The school should maintain records of its review of restraint and seclusion data and any resulting decisions or actions regarding the use of restraint and seclusion.

Data on the frequency of use of restraint and seclusion for all students is intended to be periodically reviewed at Department and school level. Such reviews are intended to be used to determine trends in the use of restraint and seclusion and influence training needs. The Department is working towards a process for making this data public, ensuring that personally identifiable information is protected.

### Principle 15:

**Each incident involving the use of physical restraint or seclusion should be documented in writing and specific data collected to add to staff’s understanding of the application of the Principles, and to inform the review of the policy.**

Each incident of the use of restraint and of the use of seclusion should be properly documented to contribute to preventing the need for the use of restraint or seclusion and to create a record to inform the development of plans to address the student’s needs and staff training requirements.

For example, a school staff member should prepare a record describing each incident that includes:

* details of the student’s behaviour that causes harm to self or others
* why this behaviour posed an imminent threat of serious physical harm or danger to self or others
* possible factors contributing to the behaviour of concern
* the effectiveness of restraint or seclusion in de-escalating the situation
* staff response to such behaviour.

Best practice and existing Department policies and procedures indicate that documentation of each use of restraint or seclusion frequently includes:

* start and end times of the restraint or seclusion
* location of the incident
* persons involved in the restraint or seclusion
* the time and date the parents were notified
* possible events that triggered the behaviour that led to the restraint
or seclusion
* preventative strategies that were used during the incident
* a description of the restraint or seclusion strategies that were used during the incident
* a description of any injuries or physical damage that occurred during
the incident
* how the student was monitored during and after the incident
* the debriefing that occurred with staff and the student following the
incident; and
* Follow-up that will occur to review or develop the student’s BSP.

For individual students, this data should be periodically reviewed by a team (that includes parents/carers) ideally with expertise related to PBS and educating and supporting students with behaviour that causes harm to self or others in schools and community settings.

The review should determine whether:

* strategies are in place to address the behaviour of concern
* the strategies in place are effective in increasing pro-social behaviours
* new strategies need to be developed, or current strategies need to be revised or changed to prevent re-occurrences of the behaviour of concern.

## Resources and further reading

**This document accompanies:**

* **Policy Guidance, Procedures and Resources for the Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools; and the**
* **School Policy and Advisory Guide**

**Both of which can be found on** [http://www.education.vic.gov.au](http://www.education.vic.gov.au/)

* Applied Behaviour Analysis Treatment of Autism Spectrum Disorder: Retrieved from [http://www.apbs.org/files/fbapractice.pdf](http://www.apbs.org/files/fbapractice.pdf%20) on 21 October 2016

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* <http://www.humanrightscommission.vic.gov.au/the-charter> US Department of Education Restraint and Seclusion Resource document, May 2012 www.ed.gov/policy/restraintseclusionNational Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Service Sector [https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-framework-for-reducing-and-eliminating-the-use-of-restrictive-practices-in-the-disability-service-sect](https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-framework-for-reducing-and-eliminating-the-use-of-restrictive-practices-in-the-disability-service-sect%20)

## Definitions

**It is important to note when applying these definitions that restraint and seclusion is not permitted within Victorian Government Schools, except:**

* **in situations where the student’s behaviour poses an imminent threat of physical harm or danger to self or others;**
* **where such action (i.e. to physically restrain or seclude) would be considered reasonable in all the circumstances; and**
* **where there is no less restrictive means of responding in the circumstances.**

**Restraint or seclusion should be discontinued as soon as the immediate danger has dissipated.**

**Behaviour of concern:**

Behaviour that can cause physical harm to the person or any other person

**Restrictive intervention:**

Any intervention that is used to restrict the rights or freedom of movement of a person including:

 (a) chemical restraint

 (b) mechanical restraint

 (c) seclusion

The Senior Practitioner as per s.150 of the Disability Act has included physical restraint in this definition.

**Physical restraint**

The use of physical force to prevent, restrict or subdue the movement of a person’s body or part of their body. Students are not free to move away when they are being physically restrained. Episodes of physical restraint must be reported.

Note: Physical restraint does not include protective physical interventions which 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 move freely away. Protective physical interventions should not be confused with physical restraint.

**Seclusion**

Seclusion is the solitary confinement of a person in a room or area (e.g. a garden) from which their exit is prevented by a barrier or another person. When used by a staff member in immediate response to behaviours of concern, seclusion may also include situations where a student is left alone in a room or area and reasonably believes they cannot leave that room or area even if they would physically be able to, i.e. it is not locked.

Episodes of seclusion must be reported.

Note: Seclusion does not include timeout, safe space, or chill out rooms. It also does not include or refer to situations such as supervised in-school suspensions, detentions, exam situations, situations where the student can freely exit an area or other situations which are not a response to behaviours of concern.

In the vast majority of cases, the only time that a student should be locked in a room on their own in response to behaviours that cause harm to self or others is when a room has been evacuated, leaving the student alone.

**Mechanical restraint**

Mechanical restraint is the use of a device to prevent, restrict or subdue a person’s movement for the primary purpose of influencing that person’s behaviour.

Note: This does not include devices being used by a student that have been assessed and prescribed by an appropriate professional and are used for the specific and approved purposes for which such devices were designed, such as:

* adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports
* vehicle safety restraints when used as intended for the safe transport of a student in a moving vehicle
* restraints for medical immobilisation (e.g. cast or splint to allow healing)
* orthopedically prescribed devices that permit a student to participate in activities without risk of harm

Mechanical restraint is not included in the definition of Regulation 25, as the use of a device would not be considered a reasonable action in response to an emergency situation within a school context. It is included here for awareness.

**Regulation 25 does not apply to Mechanical or Chemical restraint**

**Chemical restraint:**

Any medication primarily used to control or subdue behaviour and which is not being used to treat an underlying physical or mental illness or a physical condition.

Chemical restraint is not included within the definition of Regulation 25, as the use of a medication would not be considered a reasonable action in response to and emergency situation within a school context It is included here for awareness.