# Mechanical Restraint

This guidance defines mechanical restraint, clarifies that mechanical restraints are not permitted unless they are being phased out and that devices used for therapeutic or non-behavioural purposes are not mechanical restraints and are therefore permitted

## Overview

## Mechanical Restraint is the use of a device to prevent, restrict or subdue a student’s movement for the primary purpose of controlling a student’s behaviour.

## The use of mechanical restraint in Victorian government schools is not permitted unless they are being phased out

## Devices used for therapeutic or non-behavioural purposes are permitted as they are not mechanical restraints.

## If a device is to be used for a therapeutic purpose, it must be prescribed by an appropriate professional; based on an assessment of the student’s need and evidence for how it will help the student, and accompanied by a plan (including goals, application guidance, review, assessment, and evaluation dates).

## Mechanical restraint must never be used in schools to restrict a student’s freedom of movement, except in the following limited circumstances where a device is in use but being phased out; used for a therapeutic purpose, and there is written evidence of a prescription or recommendation for the device and required to travel safely in a vehicle.

## Advice

Regulation 25 (Restraint from danger) of the Education and Training Reform Regulations 2017 provides that a member of 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 that are dangerous to the member of staff, the student, or any other person.

By their nature, mechanical restraints tend not to be designed for short term, quick use in emergency circumstances. As such, mechanical restraints is not consistent with Regulation 25. Examples of mechanical restraint can include:

* Belt/strap: an item of any material used to restrain any part of the body
* Glove: Any material that is placed on the hand and covers all or part of the hand and/or finger(s)
* Splint: A device that is applied or worn, in original or modified form, to a body joint (usually the elbow) that restricts movement of that joint in any way
* Helmet: Any type of headwear worn by the student to limit potential physical injury to self from self-injurious behaviour
* Restrictive clothing: An item of clothing that is applied in full or part, in original or modified form, or a specially designed device that is applied to or worn by a student that restricts their movement in any way, including to prevent the student accessing their incontinence/sanitary device or removing their clothing
* Stroller/wheelchair when a student can walk.

The use of such devices:

* only have a short-term impact (there is no change in long-term behaviour)
* don’t teach adaptive skills (the person does not learn to use other skills to obtain what they want through demonstrating the behaviour of concern)
* may restrict the human rights and dignity of the student being restrained
* may result in staff or others being hurt (the restrictive clothing may be difficult to apply and/or the person with a disability may not want to wear it and may become physically agitated)
* don’t address why a behaviour is occurring
* have inherent risks for people wearing them.

## Devices for therapeutic purpose

Some devices are considered ‘therapeutic’. If assessed and prescribed by an appropriate professional, used for the specific and approved purposes for which it was designed, some devices may be used by students at school. These include:

* 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
* temporary immobilisation for medical purposes (e.g., cast or splint to allow healing)
* orthopedically prescribed devices that permit a student to participate in activities without risk of physical harm.

The use of devices for therapeutic purposes must be:

* based on an assessment of need by a registered clinical professional
* based on evidence for how it will help
* be individually fitted for the student.

Devices used for therapeutic purposes must be accompanied by documentation that:

* explains how the device will be used, including the goals that the device will help to achieve, how long the device can be applied for and when it must be removed based on that assessment
* outlines what training staff need to be able to apply and take the device off safely and in line with the plan
* details when the use of the device will be reviewed and how and when the goals will be evaluated.

## Existing mechanical devices

A school must not remove a student’s mechanical device without agreement from the student’s parents/carers and not without a plan for the student to transition away from using the device. To do so without appropriate planning may impact negatively on the student’s welfare.

The school must ascertain what the purpose of the device is, for instance, is it to stop the student from hurting themselves or another person, to assist the student to improve their independence or help them heal. (If the device is to stop a student self-injuring or control or subdue a behaviour, this is mechanical restraint.)

A [transition plan](https://www.education.vic.gov.au/PAL/mechanical-restraint-transition-plan-template.docx) (template provided in Resources) must include strategies that address why a behaviour is occurring in the school environment, the function of the student’s behaviour, to support their transition away from using the device. The Transition Plan must be temporary and time limited. The Transition Plan must be endorsed by the Principal Behaviour Support Adviser: restraint.seclusion@edumail.vic.gov.au.

## Transportation and mechanical restraint

Australian law says that when in a moving vehicle you must have your seat belt fastened.

Seatbelts are not a mechanical restraint.

Devices used to allow safe transportation of people with a disability are not considered mechanical restraint if they are used to comply with road safety laws when a vehicle is in motion. For example, using a buckle guard on a car seatbelt is not considered mechanical restraint.

The only exception to this would be if a buckle guard is used while *not in transit* to prevent, restrict or subdue a student whose behaviour is considered to put themselves or others at risk of physical harm. If additional restraints are used within a vehicle in response to behaviour and not for a medical condition or physical disability (such as a lap belt on a wheelchair for postural support), this is considered mechanical restraint. For more information go to: [Transportation of children with disabilities who display behaviours of concern. Clinical reasoning guide for occupational therapists](https://www.bing.com/search?q=Transportation+of+children+with+disabilities+who+display+behaviours+of+concern&cvid=f5c9c99e0e324d399a289541f84deb97&aqs=edge..69i57.2317j0j1&FORM=ANNAB1&PC=U531)

## Contact

Principal Behaviour Support Adviser

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Legal Division

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