

DSM Policy

Restrictive Interventions

Deutsche Schule Melbourne Inc, ABN 52 936 931 854



Statement

Deutsche Schule Melbourne (DSM) – A German English Bilingual School vision is to help students realise their own potential and become creative and confident participant in the global community. The school caters for children from diverse cultural and linguistic backgrounds. The school’s mission includes the element of nurture: nurturing the whole child in a multicultural community, nurturing mutual respect, understanding and caring for the individual and nurturing inclusive classrooms in which everyone feels pride and belonging.

DSM is committed to the safety, wellbeing and support of all children and young people in the school and has an important role to play in supporting children and their families and in protecting their students.

DSM is committed to embed an organizational culture of child safety in the school and adopts a vigilant zero tolerance policy in regards to child abuse.

This policy should be read in conjunction with the Serious Incident and Mandatory Reporting Policy.

Rationale

Deutsche Schule Melbourne (DSM) affirms that a culture of positive behaviour, high levels of student engagement and respectful relationships are essential as prerequisites for student learning. The school is committed to avoiding the need for restrictive interventions or seclusion, but understands that, in exceptional circumstances, the use of such interventions as a last resort may be necessary in order to protect the student or others from harm.

The purpose of this policy and related policy implementation documents is to provide students, staff and parents with clarity as to the application of any restrictive intervention within the context of the school’s duty of care statement, behaviour policy and other related policies.

This policy sets out the principles and framework governing the school’s approach to restrictive interventions. The policy should be read and understood by all those connected to the school.

Scope

The application of the policy is relevant to the governing board, principal, to school staff, students and parents.

Definitions

- i. The school has a **duty of care** to ensure the safety and wellbeing of students. In discharging this duty, the principal, teachers and other school staff are held to a high standard of care with regard to students. The duty requires the principal and teachers to take all reasonable steps to reduce the risk of harm to students, including the implementation of strategies to create a culture of positive behaviour. The duty is non-delegable, meaning that it cannot be assigned to another party.

Any restraint practices implemented within the school must meet this higher duty of care.

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- ii. The school has access to a comprehensive range of **strategies to encourage positive behaviour** in the classroom, outside the classroom, when travelling to and from school, when engaged in activity programs and online.
- iii. The circumstances under which it may be **necessary to use restrictive practices** to protect the safety of a student and members of the school community are:
 - a. when there is a high or immediate risk that the student's behaviour will result in harm to themselves or to others
 - b. where such action would be judged to be reasonable
 - c. as an intervention of last resort, when there is no other less restrictive intervention available or deemed likely to be effective in the circumstances.
- iv. Examples of behaviours that might give rise to the need for restraint could include:
 - a. self-injuring behaviour, such as hitting or kicking walls, head-banging
 - b. aggression towards other students or staff, including hitting, biting, kicking, hair pulling
 - c. throwing furniture or other objects at students or staff
 - d. a verbal threat of harm that you reasonably believe a student will immediately enact
 - e. running onto a road or near some other hazard.
- v. **Physical restraint:**
 - a. '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.'¹
 - b. Physical restraint is different from protective physical interventions. Protective physical interventions 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.'²
 - c. The school does not permit the use of prone restraint (holding a student's face down) and supine restraint (holding a student's face up).
 - d. Parent consent is not required for the use of physical restraint.

¹ *The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/principalparticipation/15Principals.pdf> (accessed 20 November 2019) pg.26

² *The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/principals/participation/15Principals.pdf> (accessed 20 November 2019) pg.26

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vi. Seclusion:

- a. Seclusion is the solitary confinement of the student in a room or area from which their exit is prevented or from which the student believes they cannot leave.
- b. 'Seclusion does not include time-out, 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 that are not a response to behaviours of concern.'³
- c. The school does not allow rooms or areas to be designed or used solely or primarily for the purposes of seclusion.

vii. Neither **mechanical** restraint nor **chemical** restraint are considered a reasonable response to an emergency within a school context. The school will not use mechanical restraints, except for seatbelts when travelling, drugs or medication to restrain or control a student.

viii. Pre-agreed restrictive interventions

- a. The school may include pre-agreed restrictive interventions within an individual behaviour plan when a student is known to have specific behaviour patterns. For example, a student with ADHD whose behaviour can include throwing furniture may have within their behaviour plan a de-escalation strategy (seclusion), whereby it is agreed that they will sit quietly at the back of a parallel class for 10 minutes.
- b. The school will communicate pre-agreed restrictive practices to parents as part of the student's individual behaviour plan discussions.

ix. The school will provide staff with appropriate **training**, raising awareness through discussion and the sharing of good practice. Special school practitioners often have expert knowledge and experience in relation to effective restrictive practices, and so can be a good resource.

x. In the application of restrictive practices, the school will proactively identify and consider the needs of **vulnerable students** or **students with a disability**:

- a. Disability discrimination law requires the school to make reasonable adjustments for students with disabilities. Restrictive practices 'may amount to discrimination as a form of unfavourable treatment of a student because of their disability where reasonable adjustments have not been made'.⁴

xi. The school will **record and monitor** the use of restrictive practices and seclusion, using every use of restraint as an opportunity for review. The written and detailed account of the incident will be retained and may be called upon in response to a complaint or legal action.

³ *The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/principals/participation/15Principals.pdf> (accessed 21 August 2019) pg.26

⁴ *The Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools*, Vic DET, <https://www.education.vic.gov.au/Documents/school/principals/participation/15Principals.pdf> (accessed 21 August 2019) pg.9

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The school will create a record of training undertaken and participating staff.

- xii. Parents must be **notified** as soon as possible following an intervention. It would be expected that the occurrence of such a significant incident would also lead to ongoing discussion with parents (and, if age-appropriate the student) in relation to a behaviour support plan.

Principles

Restrictive practices or interventions restrict the freedom of movement or rights of a student with the main purpose of protecting the student or others from harm⁵.

Restrictive practices will always be applied within the context of the school's duty of care, its Positive Behaviour Policy and individual positive behaviour plans. In applying any restrictive practices, the school is committed to treating every student with dignity.

Except in an emergency in which life and death may be in jeopardy, restrictive practices will never be used on their own and will only ever be applied as a last resort. However, the school is not able to guarantee it will never use restrictive practices or seclusion because it also has a duty of care to protect all students and staff from harm.

The application of a restrictive intervention must not itself do harm. Restrictive practices will not be used as a punishment, as a form of control or to gain compliance in students. Restrictive practices will be non-discriminatory in their application.

The frequency, duration and intensity of any restrictive practices will be minimised. Every incident of restraint must be discontinued as soon as possible.

Corporal punishment is not permitted⁶. Although not strictly a restrictive practice, its inclusion in this list of principles is for the avoidance of doubt.

Goals

- To clarify the purpose of restrictive interventions and the circumstances under which they may or may not be applied.
- To identify types of restraint strategies that are legal and which are permitted by the school.
- To comply with the requirements for the registration of schools as set out by the Victorian Registration and Qualifications Authority (VRQA)⁷.

⁵ As defined in *Safe and Supportive Schools Policy and Guidelines*, ACT Government Education, 2016, pg.7.

⁶ VRQA *Guidelines to the Minimum Standards and Requirements for School Registration* pg. 23

⁷ VRQA *Guidelines to the Minimum Standards and Requirements for School Registration* pg. 20

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Roles

The whole school has a responsibility to ensure the safety and wellbeing of students.

The Board

- responsible for reviewing the restrictive interventions policy and ensuring its implementation.

The Principal

- ensuring that the policy is implemented by all staff.
- the provision of training and guidance in the use of restrictive practices.
- ensuring restrictive practice incidents are recorded, monitored and reported appropriately to the governing board.

Staff

All staff in the school are responsible for familiarising themselves with the policy and for following the school's guidelines.

Legal and regulatory basis for compliance

- i. Duty of Care
- ii. Education and Training Reform Regulations (2017)
- iii. 'A member of staff may take any reasonable action that is immediately required to restrain a student of the school from acts or behaviour that is dangerous to the member of staff, the student, or any other person' (Regulation 25, Education and Training Reform Regulations 2017)⁸
- iv. VRQA Minimum Standards
- v. The Victorian Charter of Human Rights and Responsibilities (the Charter)

The Charter requires schools⁹, to act consistently with the basic rights, freedoms and responsibilities of students.

The Charter includes 'positive obligations to protect, respect and fulfil the rights of students in schools'.

⁸ Education and Training Reform Regulations 2017, Regulation 25, [http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/b05145073fa2a882ca256da4001bc4e7/A8FC5A716DBFB118CA25813F001DE88C/\\$FILE/17-044sra%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/b05145073fa2a882ca256da4001bc4e7/A8FC5A716DBFB118CA25813F001DE88C/$FILE/17-044sra%20authorised.pdf) (accessed 21 August 2019). Although this clause applies explicitly to government schools, it provides clear guidance for non-government schools.

⁹ The Charter states: 'A non-government school in educating students may be exercising functions of a public nature but as it is not doing so on behalf of the State it is not a public authority for the purposes of this Charter', 1(4)(c)

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Policy communication

The restrictive interventions policy is available on the school's website. The school will communicate any policy changes to its members.

Revised, November 2019