

RESTRAINT AND SECLUSION POLICY

Help for non-English speakers

If you need help to understand the information in this policy, please contact Keysborough Secondary College.

Keysborough Secondary College must ensure that this policy is communicated to new staff on induction and included as a link in staff handbooks/manuals.

Keysborough Secondary College must comply with existing obligations to protect the privacy of students and data when managing incidents of physical restraint and seclusion.

Keysborough Secondary College will communicate this policy to the College community by placing a link to it on the College

When physical restraint and seclusion are prohibited College staff must never use physical restraint and seclusion as behaviour management techniques, for convenience, as retaliation, or to discipline or punish a student.

Physical restraint must never be used where it has the effect of:

- covering a student's mouth or nose, or in any way interferes with breathing
- taking a student to the ground into the prone or supine position
- putting stress on a student's joints
- applying pressure to the neck, back, chest or joints
- deliberately applying pain to gain compliance
- intentionally causing a student to fall
- having a person sitting, lying, or kneeling on a student.

The following behaviours are prohibited:

- headlocks, choke holds, basket holds, bear hugs, 'therapeutic holding' or wrestling holds (including 'full or half nelsons')
- using a hog-tied position
- straddling any part of a student's body
- dragging a student along the ground.

Physical restraint and seclusion must never be included in a student plan including behaviour support and student safety plans.

Designated seclusion rooms and areas that are primarily used for the purpose of seclusion are prohibited.

Provide Support to those Involved

Following the use of physical restraint or seclusion, appropriate supports must be offered to all affected students, including, but not limited to, physical and psychological needs and ongoing monitoring and recovery support.

Where an incident impacts on the health, safety, and wellbeing of staff, the principal or delegate must submit an eduSafe Plus report and consider whether a report to WorkSafe is required (contactable on [1800 136 089](tel:1800136089)).

Staff are encouraged to access the Employee Assistance Program for counselling support following an incident.

Document the Incident

Keysborough Secondary College must document every incident of physical restraint and seclusion. Written records must be added to the Computerised Administrative System Environment for Schools (CASES21).

Reflect, Review and Plan

Following an incident of physical restraint or seclusion, the school must consider any preventative and de-escalation strategies that might reduce the likelihood of an incident happening again.

Legal Framework for this Policy

Regulation 25 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.

The Restraint and Seclusion Policy and Guidelines translate the regulation for school use, outlining when physical restraint and seclusion are permitted to be used, identifying prohibited practices, and providing details on reporting and notification requirements of school staff.

Principals, teachers and all staff working with students at Keysborough Secondary College have a legal Duty of Care to students to take reasonable steps to minimise the risk of reasonably foreseeable harm to students. This duty of care cannot be delegated to others.

It is also unlawful to directly or indirectly discriminate against a student based on their disability. The definition of disability under discrimination legislation is wide and includes behaviour that is a symptom or manifestation of a disability. In these cases, physical restraint and 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.

The Victorian Charter of Human Rights and Responsibilities requires Victorian government school staff to act consistently with human rights and to consider relevant human rights, including the rights of students to be treated with respect and dignity, when making decisions, including decisions about student behaviour that poses an imminent threat of physical harm or danger to the student or others.

RELEVANT LEGISLATION

[Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#) (at Appendix A)

[Child Wellbeing and Safety Act 2005 \(Vic\)](#)

[Disability Discrimination Act 1992 \(Cth\)](#)

[Disability Standards for Education 2005 \(Cth\)](#)

[Education and Training Reform Act 2006 \(Vic\)](#)

[Education and Training Reform Regulations 2017 \(Vic\)](#)

- Regulation 24, Corporal punishment not permitted
- Regulation 25, Restraint from danger

[Equal Opportunity Act 2010 \(Vic\)](#)

[Health Records Act 2001 \(Vic\)](#)

[Ministerial Order 1038](#)

[Ministerial Order 1359 Child Safe Standards](#)

[Occupational Health and Safety Act 2004](#)

APPENDIX A

Human Rights Obligations

There are federal, state and territory laws in Australia to protect people from discrimination and harassment. There are several human rights treaties, which impact on the day-to-day practice of Victorian government school staff. These treaties need to be translated into domestic law to be legally binding in Australia. Many of them have been so translated.

These include legislation such as the Victorian Charter of Human Rights and Responsibilities and the Commonwealth Anti-

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.

Human rights principles permeate all areas relating to restraint and seclusion and strongly influence both proactive strategies to address behaviours that cause harm to self or others and reactive strategies in response to behaviours that cause harm to self or others.

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