

	<p><b>Carlton Gardens Primary School</b></p>	<p><b>Authorisation 2023</b></p> <p><b>Review 2025</b></p>
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<b>Restraint and Seclusion Policy</b>
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## Policy

This policy outlines when physical restraint and seclusion are permitted to be used in Victorian government schools and lists practices that are not permitted to be used in Victorian government schools. This policy details reporting and notification requirements and the responsibilities school and Department staff have in relation to incidents of physical restraint and seclusion.

## Summary

- 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. Physical restraint and seclusion are not permitted at any other time.
- No person – including a parent/carer, clinician, practitioner, or student – can authorise, consent to, or approve the use of physical restraint or seclusion in a school.
- Every instance of physical restraint and seclusion must be reported as an incident on eduSafe Plus, the department’s online incident reporting and hazard management system, or by calling the Incident Support and Operations Centre (ISOC) on [1800 126 126](tel:1800126126).
- Every instance of physical restraint and seclusion require schools, regions, and central office to undertake specified actions according to the severity rating of the incident.

## Details

### Application of this policy

The Restraint and Seclusion Policy and [Guidelines](#) applies to all Victorian government schools, school staff, external practitioners and volunteers working closely with students. Schools must ensure non-school Department staff working with students are provided with a link to this policy.

Schools must not develop local policies to replace this one.

It is the responsibility of the school principal to ensure that this policy and associated guidance are complied with within their school. Principals and staff are encouraged to revisit this policy on an annual basis through discussion at staff meetings, professional development, or training sessions.

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

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

Schools may communicate this policy to their school community by placing a link to it on their website or their local student wellbeing and engagement policy – refer to the [School Policy Templates Portal: Student Wellbeing and Engagement](#) (staff login required) for a template policy.

This policy is supported by the [Restraint and Seclusion Guidelines](#) and [Resources](#).

## What is physical restraint?

Physical restraint is the use of physical force to prevent, restrict or subdue the movement of a student's body or part of their body. Students are not free to move away when they are being physically restrained.

A plain English version of this definition is that physical restraint is when someone physically stops a student from moving.

Physical restraint does not include protective physical interventions which use physical contact to block, deflect or redirect a student's actions, or disengage a student's grip, but from which a student can move freely away.

## What is seclusion?

Seclusion refers to leaving a student alone in a room or area from which they are prevented from leaving by a barrier or another person. This includes situations where a door is locked as well as where the door is blocked by other objects or held closed by another person.

A plain English version of this definition is that seclusion is when a student is in a room or space on their own that they cannot get out of.

This definition of seclusion does not include supervised situations (where student activity is overseen or watched over by a staff member) such as:

- where one or a few students are taught away from their peers
- exiting a student from their class for the purposes of supporting the student's ability to re-engage with the class at a later point
- the temporary removal of a student from their regular classroom activities because their behaviour significantly interferes with the learning of other students, the capacity

of a teacher to teach all students, or where the student's behaviour creates a risk of harm to themselves or others

- a behaviour intervention strategy that directs a student away from an activity in one area to another to prevent an escalation of behaviour
- the suspension, detention, or expulsion of a student
- exam and other situations where a student can freely exit an area.

## Authorisation to use physical restraint and seclusion

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. The Restraint and Seclusion Policy authorises school staff to use physical restraint and seclusion when reasonable and immediately required to protect the member of staff, the student, or any other person from acts or behaviour that might be dangerous to them. The primary purpose of using physical restraint and seclusion is to prevent harm to a student or someone else.

Children cannot consent to being physically restrained or secluded.

Parents/carers cannot consent to the use of physical restraint or seclusion.

Clinicians or practitioners cannot authorise, consent to, or approve the use of physical restraint or seclusion in a school. If this occurs, contact the Principal Behaviour Support Adviser by email: [restraint.seclusion@education.vic.gov.au](mailto:restraint.seclusion@education.vic.gov.au)

## Use of physical restraint and seclusion to prevent immediate harm

Victorian government school staff may only use physical restraint and seclusion where:

- there is an imminent threat of physical harm or danger to a student or others and
- the physical restraint and seclusion are reasonable in all the circumstances and
- there is no less restrictive measure available in the circumstances.

During physical restraint and seclusion incidents, the student/s must be visually monitored for signs of distress and pain to ensure the student's physical health is not jeopardised and that the student, other students, and staff are safe.

Staff must ensure that the use of physical restraint and seclusion is time limited and that it stops as soon as the immediate threat of harm or danger to the student or others has passed.

## When physical restraint and seclusion are prohibited

School 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.

Preventing a student from leaving an area normally used by students with a locking mechanism is prohibited.

Doors and door handles installed in such a manner as to prevent a student from leaving the room unassisted are prohibited.

Physical restraint is not permitted to be used to vaccinate a student.

## **Actions required after an incident of physical restraint or seclusion**

### **Report the incident**

Notify the principal. Staff members involved in the incident must immediately notify the principal or their delegate.

Every incident of physical restraint or seclusion with a 'low' or 'medium' severity rating must be reported as an incident on [eduSafe Plus](#), the department's online incident reporting and hazard management system. Every incident of physical restraint and seclusion with a 'high' or 'extreme' severity rating must be reported to ISOC on [1800 126 126](#) who will lodge the eduSafe Plus report.

Notify parents/carers. The principal or their delegate must, as soon as practicable (for example, within the same school day), inform parents/carers following an incident in which physical restraint or seclusion has been used with their child.

### **Employee misconduct**

The use of physical restraint or seclusion outside the [Restraint and Seclusion Policy](#) may also constitute [reportable conduct](#) in circumstances where the restraint or seclusion could also be an allegation of:

- physical violence committed against, with or in the presence of a child
- behaviour causing significant emotional or psychological harm to a child
- significant neglect of a child.

The principal or regional director must:

- report such incidents on eduSafe Plus or by calling the Incident Support and Operations Centre (ISOC) in accordance with [Managing and Reporting School Incidents \(including emergencies\)](#)
- notify the Employee Conduct Branch (ECB) as soon as possible after becoming aware of a reportable allegation involving any employees, contractors, volunteers (including parents), allied health staff and school council employees. The ECB assess allegations and, if appropriate, report allegations to the Commission for Children and Young People. The ECB can be contacted by telephone on 03 7022 0005 or by email via [employee.conduct@education.vic.gov.au](mailto:employee.conduct@education.vic.gov.au)

### 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](#)). Staff should be encouraged to access the Employee Assistance Program for counselling support following an incident.

### Document the incident

Schools 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.

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 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.

Under the minimum standards for school registration (Minimum Standards) government schools are required to:

- follow the department's policy on Restraint and Seclusion and are not required to have a local policy on restrictive interventions. Government schools should acknowledge that they follow this policy by including a statement in their [Student Wellbeing and Engagement policy](#) (staff login required) or similar that 'restrictive interventions are measures of last resort and may only be used in situations consistent with the department's Restraint and Seclusion Policy'
- comply with the Child Safe Standards, which includes a requirement for schools to ensure that staff understand the diverse needs of students, provide support to vulnerable students, and pay particular attention to the needs of students with disability.

See [Minimum Standards and School Registration](#), [Child Safe Standards](#) and [PROTECT](#) for more information.

## Definitions

Refer to the Guidance chapter on [Definitions](#).

## Related policies

- [Behaviour – Students](#)
- [Child Safe Standards](#)
- [Duty of Care](#)
- [Medication](#)
- [Minimum Standards and School Registration](#)

- NDIS Funded Therapy in Schools
- Protecting Children – Reporting and Other Legal Obligations
- Records Management – School Records
- Reporting and Managing School Incidents (including emergencies)
- Reportable Conduct
- Schools' Privacy Policy
- Sensory Rooms
- Student Engagement
- Work-Related Violence in Schools

## Relevant legislation

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- 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 (Vic)
- Privacy and Data Protection Act 2014 (Vic)

Guidance