

## Governance Policy

Poipoi – Kauawhi – Tāuteute – Pūnaha Auaha – Ārahi  
Nurture - Include - Engage - Innovate - Lead

What guides us:

Living Te Tiriti o Waitangi  
Ensuring ākonga are at the centre of everything we do  
Delivering high-quality, future-focused teaching and learning

## RESPONDING TO ĀKONGA DISTRESS AND BEHAVIOUR, AND USE OF PHYSICAL RESTRAINT

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Date of approval	: June 2023
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Next review date (3 year cycle)	: June 2026
Owner	: DCE Learning Delivery
Who does this policy apply to	: All kaimahi

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### Outcome statement

This board is committed to a supportive and caring school environment where all ākonga and kaimahi are kept safe from harm and treated with dignity.

This policy covers best practice recognition and response to a range of behaviours; from initial signs of distress through escalation to behaviours that require the use of physical restraint. It also covers restoration and support practices following challenging incidents / events. In all cases, the focus must be on respect, caring and nurturing of the individual and safety of all.

Associated procedures will be developed to cover the range of responses and reporting processes. These are:

1. Recognising and Responding to Ākonga Distress – Hātepe Kaimahi
2. Responding to Behaviour – Hātepe Kaimahi
3. Use of Physical Restraint – Hātepe Kaimahi

Except as authorised under this policy, no kaimahi may use any form of physical restraint on our ākonga.

Kaiako and other authorised kaimahi are able to use Physical Restraint according to the Ministry of Education guidelines and if they have completed the online module on the Physical Restraint Guidelines by 7 February 2024.

The Board may authorise kaimahi who are not registered teachers, and who have completed the mandatory training, to use physical restraint in accordance with the Act.

Kaiako, and other authorised kaimahi can only physically restrain ākonga as a last resort, where:

- the use of physical restraint is necessary to prevent imminent harm to the ākonga or another person,
- there is a reasonable belief that there is no other option available in the circumstances to prevent the harm, and
- the physical restraint is reasonable and proportionate to the circumstances.

## Delegations

The Board delegates to the Chief Executive responsibility for:

- developing and implementing procedures and practices to prevent, plan for, and respond to ākongā distress that meet the requirements of the Education (Physical Restraint) Rules 2023 and its amendments (“the 2023 Rules”), and
- recommending eligible non-teaching kaimahi to the board for authorisation to use physical restraint according to requirements of the 2023 Rules.

Only the Board can authorise non-teaching kaimahi members to use physical restraint.

## Expectations

All kaimahi aim to respond early to signs of any ākongā in distress and if necessary to de-escalate behaviour, ensuring ākongā feel secure and safe.

Kaiako and authorised kaimahi will be trained to confidently apply prevention and de-escalation strategies, limiting the need to restrain ākongā physically according to the 2023 Rules and the relevant guidelines.

### Board

The board requires:

- compliance with the 2023 Rules on Reducing Student Distress and the Use of Physical Restraint, and
- an evidence-based assurance from their CE that this policy is being followed.

### Chief Executive

The Chief Executive shall ensure:

- the implementation and compliance of this policy, including the completion of best practice training by all kaimahi who are authorised to use physical restraint,
- operational compliance with the Education and Training Act 2020 and the 2023 Rules,
- all physical restraint incidents are immediately reported at the next board meeting,
- the board is informed of all relevant information (risks, trends, and impacts), and
- all non-teaching kaimahi who may use physical restraint on ākongā have been authorised by the board.

## Monitoring

The Chief Executive shall report to the board:

- on compliance, or the actions being taken to ensure compliance with this policy, the legislation, and the 2023 Rules on Reducing Student Distress and Use of Physical Restraint, and,
- at every board meeting, all incidents, matters, or risks relating to this policy, ensuring that the non-identification and privacy of individual ākongā is maintained.

The Board shall monitor the use of physical restraint, looking for trends and any action that could be taken at the governance level to support reducing such incidents.

Definitions	As defined in the Education and Training Act 2020:  <b>Physical restraint</b> is using physical force to prevent, restrict or subdue the movement of a student’s body or part of the student’s body against the student’s will.
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	<p><b>Harm</b> means harm to the health, safety, or well-being of the student or another person, including any significant emotional distress suffered by the student or the other person.</p> <p><b>Authorised staff member</b> means an employee of a registered school who is trained and authorised by the employer to use physical restraint in accordance with Section 99 of the Act.</p> <p><b>Seclusion</b> means placing ākonga in a room involuntarily, alone and from which they cannot freely exit, or believe they cannot freely exit. Seclusion is prohibited under section 98 of the Education and Training Act 2020.</p>
Legislation	<p><a href="#">Education and Training Act 2020</a> (Sections 99-101)</p> <p><a href="#">Education (Physical Restraint) Rules 2023</a></p> <p><a href="#">Health and Safety at Work Act 2015</a></p>
This policy is to be read in conjunction with the board's:	<ul style="list-style-type: none"> <li>• Health and safety policy</li> <li>• Child protection policy</li> <li>• Privacy policy</li> <li>• Emergency procedures</li> <li>• Concerns and complaints process</li> </ul>
Procedures/supporting documentation	<p><a href="#">The Ministry of Education's Physical Restraint Guidelines</a></p> <p>Appendix 1 of the <a href="#">Rules</a></p> <p>Suggested procedures/practices that cover:</p> <ul style="list-style-type: none"> <li>• the authorisation process</li> <li>• reducing and de-escalating ākonga distress</li> <li>• training and support for kaimahi</li> <li>• notifying and reporting on instances of physical restraint</li> <li>• monitoring the use of physical restraint</li> </ul> <ol style="list-style-type: none"> <li>1. Recognising and Responding to Ākonga Distress – Hātepe Kaimahi</li> <li>2. Responding to Behaviour – Hātepe Kaimahi</li> <li>3. Use of Physical Restraint – Hātepe Kaimahi</li> </ol>

Approved by Nicola Ngarewa, Chairperson, Te Kura Board of Trustees