



05 FEB 2020

Bob McCoskrie
Family First New Zealand
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Dear Bob

Thank you for your email of 2 December 2019 to the Ministry of Education requesting the following information:

The number of school children who have been physically restrained while at school for each month since September 2017 until end of November 2019.

Please include details of:

- *The reason for the restraint*
- *The age and gender of the child*

Your request has been considered under the Official Information Act 1982 (the OIA).

The Ministry is committed to ensuring the safety of both students and staff in New Zealand schools. We provide a range of support to assist schools to manage challenging behaviour. This support includes the Understanding Behaviour, Responding Safely (UBRS) workshop, which is delivered as a whole day training or in modules for whole school staff groups. It focuses on prevention and de-escalation strategies and is delivered by regional staff experienced in behaviour management. Ministry Learning Support specialists also provide support for children and young people with high levels of challenging behaviour.

However, there will be times where situations escalate and, on rare occasions, a student may need to be physically restrained to protect themselves and/or others.

Physical restraint is a serious intervention and should be used only as a last resort. It is regulated via a combination of the Education Act 1989 (the Act), the Education (Physical Restraint) Rules 2017 (the Rules) and the *Guidelines for Registered Schools in New Zealand on the Use of Physical Restraint* (the Guidelines). The Act and Rules set out what schools must do and the Guidelines outline good practice in using, monitoring and reporting on physical restraint.

Section 139AC of the Act defines "physical restraint" as "*using physical force to prevent, restrict, or subdue the movement of a student's body or part of the student's body.*" Examples of physical restraint may include such things as preventing a student from running onto the road or breaking up a fight.

The Act limits the use of physical restraint by teachers or authorised staff members in schools to situations where:

- The teacher or staff member reasonably believes the safety of the student or of any other person is at serious and imminent risk; and
- The restraint used is reasonable and proportionate in the circumstances.

Under the Rules, which came into force on 15 August 2017, schools now need to notify, using the Incident of Physical Restraint (IPR form), the Ministry and the employer (board of trustees or manager of a private school) each time physical restraint is used. This new requirement will allow us to provide appropriate support to schools and students, and update the rules and guidelines if needed to address emerging issues.

Situations involving physical contact happen in schools every day. Examples of situations which do not constitute physical restraint, and do not have to be reported to the Ministry, include:

- Temporary physical contact (such as a hand on the arm, back or shoulders to remove a student from a situation to a safer place).
- Holding a student with a disability to move them to another location, or help them get into a vehicle or use the stairs.
- The practice of harness restraint, when keeping a student and others safe in a moving vehicle, or when recommended by a physiotherapist or occupational therapist for safety or body positioning.
- Younger students, especially in their first year of school, sometimes need additional help. For example, placing a hand on a younger student's back to guide them from one place to another does not need to be reported to the Ministry.
- Staff may hold the hand of a young student who is happy to have their hand held for a brief period of time.
- Staff may pick up a young student to comfort them briefly.

In response to your request, attached as **Appendix A** is the information requested detailing the number of restraint incidents each month from August 2017 to November 2019 and the number of restraint incidents by age and gender. The data provided was extracted on 6 December 2019.

The data is live and is subject to change (as schools can backdate incidents) and only includes restraints that have been recorded at the time this data was extracted.

The number of incidents reported use the date of the incident rather than the date lodged with the Ministry.

Data has been provided by incident of restraint and not by individual student. Students who were restrained more than once within or across years will be counted multiple times. This is consistent with data previously released to you.

I am refusing the part of the request for "... details of the reason for the restraint" under section 18(g) of the OIA as the information requested is not held by the Ministry. We have no grounds for believing that the information is collectively held by another agency.

Further information about the Rules and Guidelines relating to the use of physical restraint in schools can be found on the Ministry's website at the following link:

<http://www.education.govt.nz/news/new-rules-for-using-physical-restraint-in-schools/>

Thank you again for your email. Should you have any queries or concerns about this response I would encourage you to raise these with the Ministry's Media Team in the first instance. You also have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Katrina Casey
Deputy Secretary
Sector Enablement and Support

Appendix A

Number of restraint incidents each month August 2017 to November 2019

Month and Year	Number of Cases
2017	
Aug	107
Sep	287
Oct	124
Nov	316
Dec	113
2018	
Jan	10
Feb	272
Mar	372
Apr	98
May	325
Jun	267
Jul	142
Aug	380
Sep	284
Oct	156
Nov	250
Dec	91
2019	
Jan	8
Feb	235
Mar	332
Apr	177
May	289
Jun	269
Jul	128
Aug	334
Sep	239
Oct	112
Nov	257
Total	5974

**Number of restraint incidents by age
August 2017 to November 2019**

Age in Years	Number of Cases
5 or Under	743
6	672
7	653
8	706
9	721
10	734
11	511
12	325
13	223
14	217
15	131
16	65
17	25
18 or Over	24
Unknown	224
Total	5974

Number of restraint incidents by gender

Gender	Number of Cases
Female	840
Male	4910
Unknown	224
Total	5974