

# SAFE AND SUPPORTIVE SCHOOLS POLICY PROCEDURES A and B

These procedures must be read in conjunction and interpreted in line with the [Safe and Supportive Schools](#) policy.

## SAFE AND SUPPORTIVE SCHOOLS PROCEDURE A

### PREVENTING AND ADDRESSING BULLYING, HARASSMENT AND VIOLENCE IN CANBERRA PUBLIC SCHOOLS

**Publication date: 9 November 2016**

#### 1 OVERVIEW

- 1.1 This procedure applies to all school staff, parents/carers and students attending Canberra Public Schools and all other Education Directorate (the Directorate) staff.
- 1.2 Canberra Public Schools are safe environments in which to work and learn. The Directorate is committed to promoting the health and wellbeing of all staff and students ensuring that schools are safe and supportive.
- 1.3 Principals have a responsibility to ensure safe and supportive school procedures are in place. These procedures should include mechanisms for:
  - 1.3.1 reporting incidents (by students, parents, carers and school staff);
  - 1.3.2 intervening in incidents (by students, parents, carers, teachers and other school staff);
  - 1.3.3 ensuring students, parents/carers, teachers and other schools staff are supported to seek assistance;
  - 1.3.4 providing professional learning for school staff; and
  - 1.3.5 ensuring school staff understand and fulfil their responsibilities to make a report where there is evidence of abuse or neglect, in line with mandatory reporting responsibilities under the *Children and Young People Act 2008* and in line with the *Child Protection and Reporting Child Abuse and Neglect in ACT Public Schools* policy and procedure.
- 1.4 All members of a school community are responsible for contributing to a safe and supportive school environment where bullying, harassment and violence are not tolerated.

#### 2 RATIONALE

- 2.1 There is a strong interconnection between student safety, student wellbeing and learning. Effective student learning and wellbeing is promoted through a safe and inclusive school climate in which students, families and staff feel a sense of belonging.

- 2.2 This procedure outlines the responsibilities all schools have to prevent and address bullying, harassment and violence.

### 3 DEFINITIONS

- 3.1 In addition to the definitions detailed in the overarching *Safe and Supportive Schools* policy and *Critical/ Non-Critical Incident Management and Reporting* policy, the following definitions are specific to this procedure.
- 3.2 A **bystander** is a person or group of people who witness or know about any type of bullying or harassing behaviour and are not directly involved. Any member of the school community can be a bystander and can act to prevent or stop bullying, harassment and violence.
- 3.3 **Bullying** (refer to the policy)
- 3.3.1 **Covert bullying** describes a set of non-physical bullying behaviours that are more subtle or easier to hide than other forms of bullying. Covert bullying behaviours may include threats to an individual's reputation and/or sense of safety, threatening gestures, manipulation, spreading rumours or repeatedly ostracising others. These bullying behaviours aim to inflict harm by reducing a person's connection to peers. Covert bullying behaviours are unacceptable.
- 3.3.2 **Physical bullying** is repetitive, unwanted, physical contact or threats of unwanted physical contact with a person, group of people or their property. It can include hitting, kicking, pinching, pushing or tripping. Physical bullying behaviours are unacceptable.
- 3.3.3 **Verbal bullying** is repetitive spoken or written comments directed at a person or group of people. It can include using put-downs, name-calling and insulting language. Verbal bullying behaviours are unacceptable.
- 3.4 **Gender based violence** refers to any "harm that is perpetrated against a person's will, and that results from power inequalities that are based on gender roles... this may include violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life" (United Nations, 1993). While gender-based violence against men does exist, violence against women has a significantly greater incidence and is not something occurring to women randomly, but rather an issue affecting them because of their gender. For this reason the term "Gender-based Violence" is often used interchangeably with the term "Violence against Women".
- 3.5 An **intersex** person is a person who has physical, hormonal or genetic features that are not fully female or fully male; or a combination of male or female; or not female or male. When necessary, specific reference should be made to 'intersex', an 'intersex person', and 'intersex people'.
- 3.6 **Primary Prevention** uses environmental and system-level strategies, policies and actions to prevent a health risk; it aims to effect social, behavioural and attitudinal change. Primary prevention activities are focused on populations rather than individuals and can occur in a range of social settings, including the Education setting. Primary prevention approaches are usually described as universal approaches.
- 3.7 **Racism** refers to any belief, attitude, behaviour or practice that reflects an assumption, stated or implied, of superiority of one cultural group over another. It is expressed through

prejudice, discrimination and harassment. It can be obvious (overt) or hidden (covert) and directed against individuals or groups. Racism can also be institutionalised into policies, practices and structures. Racism is directed towards individuals or groups on the basis of their culture, colour, descent, nationality, and/or ethnicity. It can be based on actual or supposed features of body, culture, language, religion, history or other attributes.

- 3.8 **Racial harassment** can be verbal, physical or written. It is any unwelcome comment or conduct including threats, abuse and insults towards a person (or persons) based on their culture, nationality or ethnicity or a characteristic belonging to, or generally believed to belong to, a particular group. Racial harassment can be directed towards individuals or groups. If these words or actions are repeatedly directed towards the same person it is called racial bullying.
- 3.9 **Sexual assault** and **sexual abuse** is any unwelcome sexual contact. Sexual assault or sexual abuse are criminal offences.
- 3.10 **Sexual harassment** can be verbal, physical or written. It is any unwelcome comment, advance, request or other unwelcome conduct of a sexual nature which makes a person or group feel offended, humiliated or intimidated.
- 3.11 **Trans:** The term 'trans' is a general term for a person whose gender identity is different to their sex at birth. A trans person may take steps to live permanently in their nominated sex with or without medical treatment.
- 3.12 **Social Data** is a term that refers to data that reflects behavioural and social information about students. Examples of this type of data include: suspension, attendance, surveys and student safety information.
- 3.13 A **weapon** is an object designed or used for intentionally inflicting or threatening to inflict bodily harm or physical damage.

## 4 LEGISLATION

- 4.1 The legislation underpinning these procedures relates to students and to those working in education contexts. Commonwealth and ACT legislation firmly establish the principles of equality and non-discrimination in Australian law. This procedure builds on these fundamental principles and seeks to reduce inequality of access to education by strengthening the education and engagement of all children and young people.
- 4.2 The *Education Act 2004 (ACT)* applies these principles in relation to the government school system. Section 18(a) in Part 3.1 of the *Education Act 2004 (ACT)* establishes that "the ACT government school system is based on the principles of equity, universality and non-discrimination".
- 4.3 This procedure is consistent with the foundational principles of the *Education Act 2004 (ACT)*, *Education and Care Services National Law Act 2011 (ACT)* and the obligations imposed on public authorities by the *Human Rights Act 2004 (ACT)*, *Discrimination Act 1991 (ACT)*, *Disability Discrimination Act 1992 (CTH)*, *Racial Discrimination Act 1975 (CTH)*, *Sex Discrimination Act 1984 (CTH)* and the *Information Privacy Act 2014 (ACT)*.
- 4.4 All school community members are expected to comply with Australian law including the *Crimes Act 1900 (ACT)*, especially in relation to unlawful behaviour involving weapons,

alcohol, drugs, dangerous acts, vandalism, violence, harassment, digital technology and sexual misconduct.

## **5 PROCEDURES**

- 5.1. All Directorate staff will assist to develop a culture of respect through demonstrating and modelling respectful communication and behaviour in their interactions with other staff, students, families and other school visitors.
- 5.2. All Directorate staff will model behaviour and contribute to intentionally developing student's critical thinking skills to promote a culture of equality. For example, challenging stereotypes, not tolerating discrimination and understanding the impact language can have in building or impeding respectful relationships.
- 5.3. All Directorate staff will develop an awareness that a primary prevention approach including building students' skills to develop respectful relationships can have far reaching effects. For example, promoting gender equality and respect can assist to prevent gender based violence.
- 5.4. Principals must ensure that schools are organised in a way that properly provides a duty of care and to have procedures that reduce the likelihood of bullying, harassment and violence occurring.
- 5.5. Principals must establish a regular meeting to monitor the learning and wellbeing progress of students. The meeting will identify and coordinate the support mechanisms required to meet the educational, pastoral care, safety and health needs as well as coordinating planning and review processes. This meeting will provide an avenue for teachers to discuss and develop plans for a particular student's learning and wellbeing needs, as well as identifying issues that may be affecting groups of students in the school. Please also refer to the *Students with a Disability: Meeting their Educational Needs* policy.
- 5.6. When planning, principals must actively respond to particular groups who may be at particular risk of bullying, harassment or violence, such as students who are same sex attracted, intersex or trans, have a disability or belong to diverse racial, national or cultural groups.
- 5.7. Schools must have clear procedures for staff to address bullying (including cyber bullying), harassment and violent behaviours.
  - 5.7.1 Staff, students and the wider school community will be consulted in the development and review of these school procedures.
  - 5.7.2 Schools will use data to inform the review of these procedures.
- 5.8. Schools will develop and document a bullying and violence response procedure to be implemented for students who repeatedly display these unacceptable behaviours.
- 5.9. Schools will report the possession of a weapon that is designed to inflict bodily harm or physical damage to the police.
- 5.10. Schools will develop and document a support procedure to assist students who have been subjected to bullying (including cyber bullying), harassment and violence.
- 5.11. Schools will include developmentally appropriate teaching and learning activities that increase the social skills and problem solving skills of students, including bystander behaviour; and extends their understanding and valuing of diversity.

- 5.12 Schools will use the Australian Curriculum to plan for and guide students' development of the general capabilities, including personal and social capability and intercultural and ethical understanding, in school and classroom learning.
- 5.13 Schools will provide staff with training to identify and respond to bullying, harassment and violent behaviours.
- 5.14 Schools will maintain awareness raising activities to periodically reaffirm the school community's commitment to address bullying, harassment and violence.
- 5.15 Schools will identify at least one female and one male Safe and Supportive Schools Contact Officer (SASSCO) for students. Where there is a large student population, a further male and female SASSCO will be identified. The SASSCO will respond to complaints from and provide support to students who have experienced bullying, racial and sexual harassment. SASSCOs will be provided training to support them in their role.
- 5.16 Schools will record incidents of bullying, homophobic, transphobic, sexual and racial harassment on the designated system wide student administration system. These records will be used to analyse patterns of issues in schools and ensure that students are not being targeted repeatedly.

## **6 PROCEDURE OWNER**

Director, Student Engagement

## **7 RELATED DOCUMENTS**

*Beyond the Binary: legal recognition of sex and gender diversity in the ACT*

*Child Protection and Reporting Child Abuse and Neglect in ACT Public Schools*

*Complaints Resolution policy*

*Critical/ Non-Critical Incident Management and Reporting policy*

*Managing Behaviours Safely - A Risk Management Approach*

*National Safe Schools Framework*

*Playground Supervision of Students Policy*

*Safe and Supportive Schools policy*

*Student Accidents / Incidents Policy*

*Suspension, Exclusion and Transfer: ACT Public Schools policy*

*Students with a Disability: Meeting their Educational Needs*

## SAFE AND SUPPORTIVE SCHOOLS PROCEDURE B

### SAFELY RESPONDING TO COMPLEX AND CHALLENGING BEHAVIOUR IN CANBERRA PUBLIC SCHOOLS

**Publication date:** 2016

#### **1 OVERVIEW**

- 1.1 This procedure applies to all students attending Canberra Public Schools and all other Education Directorate (the Directorate) staff.
- 1.2 Canberra Public Schools are safe environments in which to work and learn. The Directorate is committed to promoting the health and wellbeing of all staff and students by ensuring schools are safe and supportive.

#### **2 RATIONALE**

- 2.1 Occasionally, students may behave in a way that threatens the safety of themselves or others. Incidents involving violent or dangerous behaviour can cause distress and physical injury for the students involved or witnessing the incident, their parents or carers and staff members.
- 2.2 Clear school procedures and practices based on school community consultation, as well as, staff preparation, planning, training and supervision are needed to respond effectively to potential or imminent dangers. Clear procedures and practices enable staff to manage a situation in a way that seeks safer outcomes for the individual concerned, themselves and others. They also provide clarity for new staff and provide consistency and predictability for students in relation to how behaviour is responded to in the school environment.
- 2.3 A focus on positive, proactive and preventive strategies for behaviour support will lead to improved long-term outcomes and reduce the need for reactive and restrictive practices. The aim of this procedure is to:
  - 2.3.1 assist schools to develop proactive strategies designed to safely support behaviour change and prevent the occurrence of challenging behaviours;
  - 2.3.2 reduce the necessity for protective action, including restrictive practice through the development and use of preventative strategies;
  - 2.3.3 ensure that when a student is displaying chronic patterns of challenging behaviour, responses to support positive behaviour change are put in place through the use of a Positive Behaviour Support Plan;
  - 2.3.4 ensure that when responses are developed to manage aggressive or violent student behaviour that they are recorded in a Protective Action Plan, which will accompany the primary document, the Positive Behaviour Support Plan;
  - 2.3.5 ensure that when the use of protective action is potentially required, there is prior planning and training to ensure safer outcomes for everyone involved;
  - 2.3.6 advise principals of the procedures to follow after the use of protective actions; and

2.3.7 advise of the planning, approval and reporting processes required when a restrictive practice is included in a Protective Action Plan.

### 3. DEFINITIONS

3.1 In addition to the definitions detailed in the overarching *Safe and Supportive Schools* policy and *Critical/ Non-Critical Incident Management and Reporting* policy, the following definitions are specific to this procedure.

3.2 **Behaviour support** refers to the intentional strategies used by teachers to support students to learn and demonstrate social expectations for desirable behaviour. When teachers consciously plan, model and implement strategies that structure or modify the environment, foster positive relationships or explicitly teach social and emotional skills, they are providing behaviour support to their students.

3.3 **Case Coordination** is a process that includes communication, information sharing, collaboration and involves activities that ensure families, the student (where appropriate), school staff, Directorate support staff and relevant agencies are involved in developing, implementing and monitoring plans to support a student. It can also involve directly arranging access; reducing barriers to obtaining services; and establishing linkages.

3.4 **Functional Behaviour Analysis (FBA)** - in the school context is a problem-solving process for understanding and addressing student problem behaviour. It utilises a variety of techniques to gather data which identifies the purpose/s of a specific behaviour, the conditions /environmental variables in which the behaviour is occurring; and to identify strategies to help school staff to develop programs and select interventions to directly address the problem behaviour and facilitate more appropriate behaviour to meet the person's needs.

3.5 An **incident** is an unexpected or unanticipated event. It may be: **critical** - causing severe impact such as significant disruption to the school routine or threat to safety of students and staff; or **non-critical** – outside the accepted social norm, for which the school has strategies and procedures in place to manage with little or no external assistance.

3.6 An **Individual Learning Plan (ILP)** identifies the student's individual needs, pathway, goals and priorities for learning. An ILP is designed by teachers in collaboration with parents/carers, relevant professionals and the student where appropriate; to inform the planning, delivery and evaluation of the student's personalised learning program. ILPs are regularly monitored and evaluated depending on the individual student's context.

3.7 **Non-physical intervention** describes all methods of student support that do not include or require physical contact between a staff member and a student

3.8 **Prone Restraint** involves an individual being placed face-down on the ground and being held in place by at least one other individual. As well as resulting in trauma to the individual and potential injury to the attendants, it is a highly dangerous manoeuvre. Use of prone restraint is prohibited in Canberra public schools.

3.9 **Time out or Withdrawal:** For the purposes of this procedure, Time out or Withdrawal refers to time away from classroom activity in a calming area where doors are not locked and a student is not prevented from leaving. Withdrawal may be teacher or self-directed.

### PROCEDURES

## **4 Planning and Prevention**

- 4.1 Principals must ensure that schools are organised in ways that provide duty of care and have procedures that reduce the likelihood that protective actions may be required.
- 4.2 This may be achieved through the development and implementation of appropriate strategies for students that:
- use a whole school, consistent approach to positive behaviour;
  - foster strong teacher-student relationships;
  - develop staff skills and capacity to respond to behaviour;
  - focus on student-centred practice;
  - facilitate environments, including physical space, conducive to student learning;
  - interpret behaviour as a communication attempt and support students to communicate needs in a different way;
  - involve students (using their preferred method of communication) and parents/carers in planning appropriate support;
  - develop Positive Behaviour Support Plans for students requiring targeted support;
  - include risk assessments for students at high risk of potentially harmful behaviour;
  - include regular opportunities for review and reflection, at least once a term, to ensure continuous improvement in meeting the needs of students.

## **5 Behaviour Support Planning**

- 5.1 Students who have demonstrated a pattern of behaviour that requires individualised planning and strategies to support their behaviour in the school environment should have a Positive Behaviour Support Plan developed.
- 5.2 Behaviour support planning must be done in collaboration with the student, the student's parent/carer and where the student is in the care of the Director-General of the Community Services Directorate, their delegate. Involved professionals, including professionals external to the Directorate, should be consulted.
- 5.3 A Positive Behaviour Support Plan should explicitly describe proactive strategies that school staff and the student can use to help develop positive behaviours as well as de-escalation strategies to safely respond to challenging behaviour.
- 5.4 Behaviour support planning should be based on data collected, and for students with patterns of severe behaviours, data should be obtained through Functional Behaviour Analysis to determine the reason for the behaviour.
- 5.5 Staff with appropriate skills, expertise and experience should be involved in developing Positive Behaviour Support Plans for individual students. In addition to involving parents/carers, planning could include a psychologist, an appropriate Network Student Engagement Team member, and other professionals as required.
- 5.6 Depending on Safety Concerns, a risk assessment may support the development of a Positive Behaviour Support Plan (refer to Managing Behaviour Safely: A Risk Management Approach).



- 5.7 Once a Positive Behaviour Support Plan is developed, a copy must be kept at the school on the student file and a copy provided to the parent/ carer.

## 6 Protective Action

- 6.1 Risk of harm can never be eliminated, but where it can be reasonably foreseen, staff have a legal responsibility under the Work Health and Safety legislation and under common law to take action to reduce the risk of harm to an individual or group. School staff have a responsibility to provide duty of care as described in the *Supervision of Students on Schools Sites* policy. Threatening or reckless behaviour must be managed to minimise harm to those concerned, which may necessitate *protective action*.
- 6.2 When dealing with situations that require protective action, the duty of care responsibilities of staff does not mean that the safety of one individual automatically overrides the safety of others (including staff members) placed at risk.
- 6.3 Protective action must only be used to reduce the level of risk to an individual's safety or the school community. Protective Action may include non-physical interventions, such as relocating students to an alternative location away from potential harm. Sometimes as a last resort, protective action may involve a physical restraint which is considered a *restrictive practice*.

## 7 Protective Action involving Restrictive Practice

When protective action involves a *restrictive practice* a number of concepts must be carefully observed and applied:

- 7.1 Any action that involves the restriction of choice and movement must be commensurate with the duty of care to the student and be **reasonable, proportionate and necessary** to the level of risk presented to all involved.
- 7.2 Restrictive practices such as physical restraint or seclusion are only used as a last resort, for the minimal amount of time possible and with clear supervision;
- 7.3 If a physical restraint is considered necessary, developmentally appropriate, non-physical interventions should be exhausted first. These may include but are not limited to:
- Giving short verbal instructions (such as directions to a safe place)
  - Talking quietly and in an even tone to calm or reassure a student
  - Giving students time out/ withdrawal in a quiet supervised space to cool down
  - Moving other students away from the risk
  - Sending a student to request assistance from another staff member
- 7.4 In extreme situations where a person is at immediate risk of serious harm it may not be possible to exhaust other interventions and a physical restraint may need to be applied without delay (for example where a student is violently assaulting another student). Restrictive action of this nature could form part of the ACT Government employee's duty of care responsibilities to prevent harm to the student, other students, staff and others.

7.5 If a student is secluded as a response to an extreme risk of imminent danger, the student must be closely monitored and supported and the seclusion ended as soon as possible while ensuring safety.

7.6 Not all physical contact with students should be considered protective action. In all school settings there can be situations during the routine work of teachers where appropriate physical contact may be utilised to assist or encourage a student. For example:

- Administering first aid or personal care;
- Physical therapy;
- Demonstration of some physical activities (such as gymnastics, to ensure the safety of a student and hand-over-hand learning);
- Gestures to respond to a student experiencing grief or loss;
- Gestures to encourage or congratulate a student (for example, a high-five or handshake).

7.7 Examples of behaviour that may require protective action that involves physical restraint include:

- significant violence directed towards others
- violence that arises from panic, distress or confusion
- self-directed violence or serious injury from self-harm
- a student running towards a busy road

7.8 In life-threatening or serious situations, the appropriate emergency services should be contacted.

7.9 Restrictive Practice must NOT be used:

- to maintain good order;
- in response to non-compliance;
- in response to verbal threats;
- to prevent property damage (unless there is an immediate threat to the student's or other's safety).

7.10 Physical restraint should not be used to:

- hold, carry a student or block an exit because they will not comply with directions
- punish, demonstrate power or to restrict movement where there is no risk to safety
- place a child in prone restraint-prone restraint is prohibited in Canberra Public Schools as this is a potentially life threatening form of physical restraint.

When physical force is used in situations where there is no immediate risk of harm to the student or others, this may amount to a criminal assault.

7.11 When a restrictive practice such as seclusion or restraint is used, specific reporting after the incident is required, including the development of a Positive Behaviour

Support Plan. A Protective Action Plan should be considered if the behaviour is part of a pattern of behaviour. Refer to sections 8 -12 of this procedure.

- 7.12 While restrictive practices will engage the rights of children and young people under the *Human Rights Act 2004*, any limitation on those rights arising from restrictive practice is likely to be demonstrably justifiable—or proportionate—and therefore lawful, provided these concepts have been observed and applied.

## **8. Protective Action as a Planned Emergency Response**

- 8.1 In addition to protective action occurring as a *one-off event*, it is sometimes necessary to consider *protective action as a planned response* when all other behaviour support strategies have not achieved the outcome of maintaining the safety of the student and/ or others. Protective action may include a restrictive practice such as physical restraint.
- 8.2 Where a restrictive practice is proposed as a planned protective action as an emergency response, it will need to be:
- preceded by a Risk Appraisal assessment, using the Risk Appraisal Matrix, ie. this should be undertaken first (see *Managing Behaviour Safely - A Risk Management Approach*).
  - documented in a Protective Action Plan as an attachment to a Positive Behaviour Support Plan (refer to section 10 of this procedure)
  - subject to approval processes; (refer to section 11 of this procedure).
  - be reviewed in conjunction with the Positive Behaviour Support Plan at least once per term.
- 8.3 Restrictive practice as a planned protective action requires careful consideration of why this behavioural intervention may be necessary and how it sits in a continuum of other strategies, some of which will be used concurrently. Use of restrictive practice must:
- **only be used as a last resort and only where there is an imminent risk of injury to the individual or others;**
  - **not replace other behavioural strategies or become the sole strategy;**
  - **involve the least restrictive practice possible, as evidenced by input from appropriate professionals including a psychologist;**
  - **be employed for the minimal amount of time required to address the safety risk;**
  - only involve force that is reasonable, proportionate and necessary to the level of perceived risk (where a physical restraint is involved);
  - only be employed under direct supervision of the student by a school staff member.
- 8.4 When deciding on the use of protective actions, which may or may not include restrictive practice as part of the strategy for managing potentially harmful behaviour, consideration should be given to the following:
- all interventions are based on knowledge of the individual and their history;
  - the potential impact on staff and students;
  - the welfare and safety of all those involved;

- only staff trained in the correct use of the planned intervention are to apply it;
- professional transparency and accountability;
- all actions are appropriate and acceptable within recognised professional practice e.g. Teachers Code of Conduct;
- a case coordination approach is used.

## **9 Cultural and Individual Considerations**

- 9.1 Decisions to use any protective action, including restrictive practice must always take into account the environment, reasonably foreseeable risks and the culture, age, maturity, personal history, understanding and capacity of the individual(s).
- 9.2 Different cultures may have different attitudes and traditions surrounding the concept of appropriate physical contact. It is critical that school procedures account for and staff appreciate culturally specific expectations so that embarrassment or offence can be avoided for everyone, particularly for students.
- 9.3 Some students have experienced severe trauma, such as violence at home. The needs of these students and their families should be taken into account when considering the use of restrictive practice to ensure it does not lead to an increased risk of harm to the student or others.
- 9.4 Students may not be able to express their discomfort about physical contact, particularly if they are highly distressed or agitated. It should never be presumed that a student will respond positively to physical restraint. It is therefore critical staff use restrictive practice with care and consideration.

## **10 Protective Action Plan documentation**

- 10.1 Agreed protective action procedures including any restrictive practices should be outlined in a Protective Action Plan, which accompanies the Positive Behaviour Support Plan, including information about the circumstances under which they will be used.
- 10.2 The Protective Action Plan must document:
- advice from appropriate professionals on why the restrictive practice is necessary, illustrating how it is the least restrictive option available;
  - the informed consent of the child's parent or guardian is sought;
  - a plan to reduce or eliminate the use of the restrictive practice, through the use of other positive behaviour support strategies; and
  - details of oversight arrangements and timing for a scheduled review, which will need to occur at least once a term.
- 10.3 The Positive Behaviour Support Plan must correspond to the Protective Action Plan by recording the planned steps for reducing restriction and moving towards appropriate behavioural responses;
- 10.4 All staff who have a protective action role should have general training in behaviour support as well as training in the agreed procedures. Staff should not participate in a restrictive practice if they do not feel they have adequate training in the procedure or if their personal circumstances mean their safety or wellbeing would be put at risk.

10.5 It is important to seek parental support for any proposed restrictive practice. The school can seek support from the appropriate School Network Leader to help mediate differences between the school and the parent if there is a difference of opinion.

## **11 Approval and Review Processes for Positive Behaviour Support Plans and Protective Actions Plans**

11.1 The Principal will review and if appropriate approve Positive Behaviour Support Plans with a Protective Action Plan that has restrictive practice/s, informed by advice from their School Network Leader and relevant Network Student Engagement Team officers. The principal will discuss the rationale for including restrictive practice as an emergency response, including the consultations involved in developing the plan.

11.2 Where the School Network Leader determines further advice is required to determine if a restrictive practice detailed in the Protective Action Plan is appropriate for the context, a referral will be made to the Director of Student Engagement.

11.3 Once a Positive Behaviour Support Plan and attached Protective Action Plans are approved by the Principal, a copy must be kept at the school on the student file and a copy provided to the parent/ carer.

11.4 The principal is responsible for ensuring the Positive Behaviour Support Plan and Protective Action Plan are reviewed at least once a term, as well as, following the use of a restrictive practice (as outlined in section 12) or when a review is considered necessary to ensure the plans are still appropriate. Any significant changes to the plan will be communicated to the relevant School Network Leader.

11.5 Plans should be reviewed using the same criteria specified for their development, refer section 8.

## **12 Reporting, Recording and Follow-up for incidents involving Restrictive Practice**

12.1 In the first instance refer to the [Critical/ Non-Critical Incident Management and Reporting policy](#) and [Responding to Student Accidents/Incidents policy](#) for advice relating to reporting and recording.

- 12.2 Where a restrictive practice has been used and is **not** part of an approved Protective Action Plan:
- The *Critical/ Non-Critical Incident Management and Reporting* policy and procedures or the *Responding to Student Accidents/Incidents* policy, procedures and guidelines (as applicable) must be followed;
  - the School Network Leader (via Office for Schools email) and NSET Deputy Principal (via NSET network email) is notified, to enable patterns and support to be identified as required;
  - the restrictive practice is recorded as an incident on the student administration system, to enable system wide reflection on the usage of restrictive practices;
  - where the incident provides evidence of an ongoing pattern of behaviour, the process to develop (or review) a Positive Behaviour Support Plan is commenced **within 2 school days**, with the involvement of the student's family, student (where appropriate) and relevant teaching staff, allied health professionals and Network Student Engagement Team staff; and
  - where it is an isolated incident, with no identifiable pattern of behaviour, consideration may be given to using the school's regular processes and procedures to address student management issues as required to be developed in the Safe and Supportive Schools policy.
- 12.3 Where restrictive practice **is approved** as part of Positive Behaviour Support Plan and Protective Action Plan and used to intervene in an emergency situation:
- *The Critical/ Non-Critical Incident Management and Reporting* policy and procedures or the *Responding to Student Accidents/Incidents* policy, procedures and guidelines (as applicable) must be followed;
  - the School Network Leader (via Office for Schools email) and NSET Deputy Principal (via NSET network email) is notified, to enable patterns and support to be identified as required;
  - the restrictive practice is recorded as an incident on the student administration system, to enable system wide reflection on the usage of restrictive practices; and.
  - the process to review the Positive Behaviour Support Plan and Protective Action Plan is commenced **within 2 school days**, with the involvement of the student's family, student (where appropriate) and relevant teaching staff, allied health professionals and Network Student Engagement Team staff.
- 12.4 Following an incident where restrictive practice is used with a student, the student's parents/carers should be notified as soon as practicable. When the student is in the care of the Director-General of the Community Services Directorate, their delegate should be notified. The notification should include information as to:
- the behaviours exhibited by the student;
  - the perceived risk to safety of the student and/or other's safety because of the behaviour;
  - the non-physical intervention and strategies used prior to the physical restraint;

- the nature of the restrictive practice used including what physical contact was made with the student and the length of time;
- any injuries to the student, staff or others that occurred due to the behaviour or from the protective action and
- proposed planning to manage future incidents in a manner that reduces the likelihood of further restrictive practices.

12.5 Where possible, witness statements should be collected as soon as practical from staff and students.

12.6 The principal is responsible for monitoring and reviewing all incidents that involve restrictive practices, including the provision of post incident support for staff and student, and the review of school procedures to reduce the likelihood of further restrictive practices being needed.

### **13 Advice to Principals about selecting training for staff**

13.1 It is the responsibility of the Principal to ensure all staff are equipped with suitable training and skills to accomplish their required work duties.

13.2 When considering formal training opportunities in protective action strategies, principals can seek advice regarding professional learning options from Network Student Engagement Teams.

13.3 Increasing the skill base of staff to deal with potentially aggressive and violent situations with diffusion and de-escalation skills increases staff confidence and reduces the likelihood that protective action that includes physical restraints will be required.

13.4 Training in strategies, methods and techniques must include the potential health impact of the interventions, the importance of ongoing monitoring of individuals health when intervening and knowing how to respond appropriately should health problems occur.

13.5 Training may also include information about Human Rights and the impact of trauma on behaviour to help staff understand the impact of their actions on students.

13.6 Team-Teach is the Directorate endorsed training package for all staff. The Directorate has qualified trainers who are available to schools for training in diversion, diffusion, de-escalation and protective action. More information is available at the [Team-Teach website](#) .

### **14 Enrolment of students with a history of behaviours that may place staff or other students at risk**

When a student with a history of behaviour that could place staff and other students at risk is enrolled in a new school setting, the enrolling school should commence communication and transition planning with the new school at the earliest possible date. They should:

- work closely with the parents/ carers to determine relevant behaviour issues, school history and other relevant information;

- collect relevant documents such as the Positive Behaviour Support Plan, Protective Action Plan, Functional Behaviour Analysis and previous school's risk management plans as they relate to the student's behaviour. If the student is enrolling from a school outside the ACT Public School system, parental permission should be sought and information obtained from the student's previous setting;
- work with relevant people (e.g. parents/carers, the previous school, treating health professionals) to develop a transition plan. This plan should be developed before the student's first day of attendance and include a Positive Behaviour Support Plan;
- complete *Managing Behaviour Safely a Risk Management Approach* document if the school identifies that the enrolling student's history of behaviour may present a high risk for staff and students;
- where applicable, be guided by the enrolment sections of the *Disability Standards for Education (2005)*.

## **15 Legislative Obligations**

- 15.1 The *Education Act 2004* seeks to ensure that each child is given every opportunity and support to enable them to meet education participation requirements.
- 15.2 When managing potentially harmful student behaviour, including the use of protective action, all school staff must ensure that they are meeting their obligation under work health and safety legislation as described in the *ACTPS Managing Occupational Violence Policy*.
- 15.3 All staff have a legal obligation outlined in Part 2, Division 2.4 of the *Work Health and Safety Act 2011* to take reasonable care to ensure that their actions or omissions do not adversely affect their own health and safety, or the health and safety of others. If a teacher has serious personal safety concerns, it is reasonable in the circumstances to decline to intervene and to call for assistance.
- 15.4 The *Children and Young People Act 2008* aims to provide for and promote the wellbeing, care and protection of children and young people in a way that recognises their right to grow in a safe and stable environment; ensures that children and young people are provided with a safe and nurturing environment by organisations and people who, directly or indirectly, provide for their wellbeing, care and protection.
- 15.5 The *ACT Human Rights Act 2004* protects the right to privacy, including physical integrity, the right to liberty and security of the person and the freedom from torture and cruel, inhuman or degrading treatment. Generally, and in relation to all of these rights, it provides that every child has the right to the protection needed because of being a child, without distinction or discrimination of any kind.
- 15.6 The *United Nations (UN) Convention on the Rights of Persons with Disabilities* states that Parties must ensure the protection of the physical and mental integrity of people with disability on an equal basis with others.

## **16 PROCEDURE OWNER**

Director, Student Engagement



## 17 RELATED DOCUMENTS

[ACT Human Rights Act \(2004\)](#)

[ACTPS Managing Occupational Violence Policy](#)

[Child Protection and Reporting Child Abuse and Neglect in ACT Public Schools](#)

[Children and Young People Act \(2008\)](#)

[Complaints Resolution policy](#)

[Critical / Non-Critical Incident Management and Reporting policy and procedures](#)

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

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

[Education Act \(2004\)](#)

[Managing Behaviours Safely - A Risk Management Approach](#)

[Manual Handling Procedures \(for students with a disability\)](#)

[National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Service Sector](#)

[The National Safe Schools Framework](#)

[Network Student Engagement Team Referral form](#) (see quick links).

[Playground Supervision of Students policy](#)

[Responding to Student Accidents/Incidents policy, procedure and guidelines](#)

[Safe and Supportive Schools Policy](#)

[Student Accidents / Incidents policy](#)

[Suspension, Exclusion and Transfer: ACT Public Schools policy](#)

[Teacher Code of Professional Practice](#)

[Work Health and Safety Act \(2011\)](#)

*Workplace Health and Safety Procedures*

**The *Safe and Supportive Schools Procedures A and B* are effective from November 2016.**