Schools are encouraged to develop an ethos and environment where using physical contact to manage student behaviour is not necessary. However, at times, a situation may arise where physical contact or physical restraint is needed in order to ensure a safe school environment. This document is intended to assist and guide staff in managing those situations.

Principals must ensure staff are prepared and equipped with the knowledge and understanding about their responsibilities in relation to physical contact with students.

All staff play a part in ensuring the safety of their colleagues and students. The employer must ensure employees are familiar with policies and procedures about planned intervention, physical contact with students and professional conduct in order to support safety in schools.

This includes regularly reviewing (in conjunction with staff) culturally appropriate school procedures for planned intervention, and responding to student fights, inducting all new staff in these procedures, and providing training and equipment for staff to undertake appropriate intervention (such as mobile phones, high visibility vests and whistles for staff on playground duty).

Professional learning and support is available for schools to build the capacity and skills of staff. Information is available on the Statewide Support Services website.

This document provides information on:
- Key considerations
- Staff responsibility
- School Education Regulation 38
- Non-physical intervention
- Planned physical intervention
- Managing the risk
- Support and care for a student
- Physical intervention to maintain or re-establish order or to restrain a person
- Unacceptable practice
- Prohibited practice
- Case studies

**KEY CONSIDERATIONS**

Decisions to use any physical intervention must always take into consideration the environment, reasonably foreseeable risks and the culture, age, maturity, personal history, understanding and developmental capacity of the student, including any care plans that may be in place.

Different cultures may have different attitudes and traditions surrounding the concept of appropriate physical contact. It is important that school procedures account for, and staff appreciate, culturally specific expectations so that insult or unnecessary confrontation can be avoided.

Students identified as more likely to be aggressive due to fear, trauma, neurological disorders and/or mental health issues need to be supported and responded to in ways that recognise their needs and reduce the likelihood of adverse behaviour.

The starting point for any situation where a staff member is considering using physical contact with students is to use verbal and/or visual directions rather than physical contact (e.g. in the context of a dance, sport, music or drama class, ask a student to move in a particular way, rather than physically place the student in the required position).

Where physical contact is essential for safety reasons (e.g. with aquatic or gymnastic instruction), permission should be sought from the student to hold them in a particular way, rather than physically place the student in the required position).

Where physical contact is essential for safety reasons (e.g. with aquatic or gymnastic instruction), permission should be sought from the student to hold them in a particular way before doing so.

In some circumstances, staff may need to discourage younger students from inappropriate expectations of hugs or cuddles. This should be done tactfully so as not to embarrass or offend the student. It is inappropriate for staff to routinely hug students.

Where students have special and/or complex needs it is important to follow the negotiated strategy outlined in their documented plan/s. Where physical contact is required for the student to engage in their learning program (e.g. support is
required to maintain pencil grip or exchange a communication card), the least intrusive level of prompt should be implemented at all times.

**STAFF RESPONSIBILITY**

Under the *School Education Act 1999* (sections 63 and 64), principals must ensure the safety and welfare of students, and teachers must supervise students and maintain proper order and discipline.

Staff have a responsibility to minimise the risk of harm to another. They must take reasonable measures to protect students from harm that may reasonably be foreseen. This includes protection from known hazards.

Staff have a responsibility to intervene in situations where students may be at risk of harm. This does not mean that staff are required to put themselves in a situation where they are at unacceptable risk; only that responsibility requires prompt action appropriate for the circumstances.

Appropriate action may at times involve reasonable physical contact, although this will not always be necessary and will depend on the circumstances.

For instance, a staff member may be confronted with two students fighting. Depending on the relative size of the students it may be appropriate for the staff member to physically intervene to stop the fight. In other situations, the staff member may be at risk if they did this and a more appropriate action might include:

- issuing clear, loud and assertive verbal instructions to the students fighting and/or directly involved to stop
- attracting the attention of colleagues by blowing a whistle, using a mobile phone or by another agreed alert
- instructing clearly and loudly for bystanders to disperse.

**SCHOOL EDUCATION REGULATION 38**

Under Regulation 38 of the *School Education Regulations 2000* and the *Duty of Care for Students* policy, staff must take action that is planned, proportionate and necessary in the case of student fights.

Regulation 38 states that school staff may, under certain conditions, use physical contact with students.

Staff can take **reasonable** action, including physical contact with a student or a student’s property, to:

- manage or care for a student
- maintain or re-establish order or
- prevent or restrain a person from - placing at risk the safety of any person or - damaging any property.

The action taken must be proportionate to the circumstances of the situation.

When dealing with disciplinary appeals involving physical contact, the WA Industrial Relations Commission has applied the following principles in deciding whether the contact was reasonable:

- physical contact is not appropriate as a response to mere ‘bad behaviour’ by a student, unless there is an actual risk of self harm, or harm to others;
- physical contact is not to be used to discipline students;
- even ‘minimal’ physical contact can be unreasonable if there were reasonable alternatives; and
- even if a student initiates physical contact, the staff member must ensure that any response is limited to what is necessary to deal with the risk of harm, and not continued beyond a point where it is needed. This may include the staff member avoiding if possible any physical contact with the student.

**NON-PHYSICAL INTERVENTION**

Non-physical intervention refers to de-escalating and managing inappropriate student behaviour without physical contact.

De-escalation strategies may include (but are not limited to):

- diverting away from confrontation
- remaining calm and repeating simple, clear instructions
- using reminders of student responsibilities
- remaining focused and objective • avoiding a spiral of the power struggle.

The use of clear verbal direction is always preferred to physical intervention. It is not appropriate to make physical contact with a student (e.g. tapping, pushing, grabbing, poking, pulling, blocking, slapping, punching) to ensure they comply with directions. An exception to this rule is if the student is placing themselves or others at risk.
Where it is apparent that a student’s behaviour is escalating, non-physical interventions may include:

• talking with the individual student (asking them to stop the behaviour, and telling them what will happen if they do not stop)
• instituting a time-out process which involves taking action against the student (if required) in the form of a warning or suspension, at a later point in time
• directing other students to move away from the situation
• following the school emergency plan
• directing students to a safe place
• sending for assistance from other staff, or in extreme cases, the police if all other avenues have been exhausted.

PLANNED PHYSICAL INTERVENTION

Planned intervention is the use of physical intervention as the last resort in managing student behaviour.

This type of intervention is based on the student’s history of behaviour and requires prior consultation with parents/guardians. This intervention must be fully documented in the student’s behaviour support plan.

Physical interventions should be seen as a last resort and only used when it is in the best interest of the child, and are reasonable, proportionate and necessary in the circumstances.

Information on developing a plan which may include physical intervention can be found on the Student Behaviour policy requirements website.

Employees who are required to potentially use physical intervention must be properly instructed as to the student’s behavior management plan.

General principles of planned intervention

• De-escalation strategies are always preferable to physical contact to maintain order, to manage, or to care for a student.
• The level of intervention needs to be appropriate for the circumstances.
• The level of intervention must be reasonable and proportionate to the circumstances of the incident or behaviour, or the consequences it is intended to prevent.
• Any physical intervention must be the minimum needed to achieve the desired result and must not be continued beyond a point where it is needed.
• Physical contact or restraint must not be used to provoke, punish or humiliate a student, or inflict pain.

MANAGING THE RISK

When physical contact is used, appropriate steps must be taken to minimise the risk of harm to both staff and students.

Often incidents requiring physical contact happen very quickly and staff need to act quickly to assess and manage risks and take appropriate action. Any response must be reasonable, proportionate to the circumstances and directed at reducing the risk of further damage to persons or property.

The overriding principles are:

• only use the minimum amount of physical contact needed to manage the risk
• do not continue physical contact beyond the point where it is necessary.

While the type and extent of physical contact will vary depending on such factors as the relative size of the student, the behaviour that is causing the risk, the developmental capacity of the student, the likelihood and severity of harm, and the physical surroundings. Staff members who apply these principles in a reasonable way will ensure that they are acting within the authorisation granted by Regulation 38.

Note: Reporting of the incident should be to the line manager or principal - verbal and in writing at the earliest opportunity.

SUPPORT OR CARE FOR A STUDENT

Staff members will at times be required to give assistance involving physical contact. Although not an exhaustive list, examples of appropriate physical contact may include:

• administering first aid
• supporting a student who has been injured
• non-intrusive touch, such as congratulating a student by shaking hands or a ‘pat on the back’ in an appropriate situation
• assisting with the toileting therapy, mobility and personal care needs of a student with a disability in accordance with an individual plan that has been negotiated with the student’s parents/carers
• assisting with the toileting and personal care needs of mainstream students where required.
Staff provide support to students with identified special and/or complex needs through individual care plans that are negotiated with the parents/carers of the student in consultation with other service providers. These plans involve documented strategies for physical contact, which can include strategies for toileting, therapy or mobility assistance and processes for changing clothes. It is important that staff familiarise themselves and work in accordance with these plans.

**PHYSICAL INTERVENTION TO MAINTAIN OR RE-ESTABLISH ORDER OR TO RESTRAIN A PERSON**

Staff may engage in physical contact if all nonphysical interventions have been exhausted or are impractical in the circumstances and a student is:

- attacking another student or adult
- posing an immediate danger to themselves or others, or
- damaging property.

Staff are to use physical contact only as a last resort and not to ensure compliance or in response to verbal threats.

**Can, or should, staff intervene when students are engaged in a physical altercation with each other?**

Members of staff have a responsibility to minimise the risk of harm to another and to intervene in situations where students may be at risk of harm.

This does not mean that staff are required to put themselves in a situation where they are at risk, only that they take prompt and appropriate action. This prompt and appropriate action may at times involve physical contact.

It may be reasonable for staff not to use physical intervention in a situation involving several students, or a physically larger student, where staff believe that doing so would increase the likelihood of injury to themselves. In such cases, the staff member should guide other students away from danger and seek immediate help from other staff or, in extreme cases, the police.

**UNACCEPTABLE PRACTICE**

**School and classroom culture**

It is unacceptable practice to:

- attempt to physically prevent a student from entering or leaving a classroom, unless there is a concern for the safety of the student, other students or staff
- pursue and/or make physical contact with a student who is attempting to run away, unless that student is in immediate danger or is likely to harm another person (in this case, an appropriate strategy could include calling for assistance from other staff and following at a distance).

**Care and discipline of children**

It is unacceptable practice to:

- throw any object at a student to get their attention
- threaten students with physical punishment.

**Staff-student relationships**

It is unacceptable practice to:

- put your arms around students while instructing them on the computer
- develop a practice of cheek kissing as a greeting or for congratulating students
- repeatedly and unnecessarily use physical contact with students of any type
- allow a student to sit on your lap
- physically hold a student by the arm/wrist to gain compliance. An exception to this practice may be in the case of students with a documented care plan.

**Interaction with students with identified needs**

It is unacceptable practice to:

- use physical contact with a student by unnecessarily providing a physical prompt in place of a verbal instruction or a less intrusive prompt (e.g. modelling, gesture, or spoken help)
- use physical contact to force compliance
- fail to implement strategies negotiated and outlined in individual student management programs
- use physical contact to contain confrontational behaviour of students of all ages (particularly those with identified behaviour or conduct)
disorders) unless there is a concern for the safety of the student, other students or staff.

**PROHIBITED PRACTICES**

Physical punishment of students of any type is prohibited.

Under no circumstances are staff to engage in intimate, overly familiar or sexual relationships with a student/s. It is irrelevant whether the relationship is homosexual or heterosexual, consensual or non-consensual, or condoned by parents or caregivers.

Improper conduct of a sexual nature by a staff member with a student encompasses all forms of sexual activity including, but not limited to:

- kissing and/or caressing
- obscene language or gestures of a sexual nature
- suggestive remarks or actions
- jokes or humour of a sexual nature
- unwarranted and inappropriate physical contact
- undressing in front of students
- communicating or corresponding with students about sexual or personal feelings
- exposing students to sexual behaviour of others, other than in prescribed curriculum in which sexual and relationship themes are contextual.

**CASE STUDIES**

The following examples are not intended to be exhaustive, but to provide guidance as to what action would be reasonable to manage the risk in particular circumstances. These examples are based on real life situations.

Factors staff members should consider include, but are not limited to:

- the relative size, age and strength of the student
- the developmental capacity of the student
- the gender, age and health of the staff member
- knowledge of the student’s previous behaviour
- whether the student is armed
- the physical surrounds.

**Example 1**

A teacher sees two high school students fighting. Both students are taller than the teacher, and appear to be ‘out of control’. The teacher decides that physical contact would not help to de-escalate the situation and would put them at risk. They call for help from other staff members nearby.

In this situation, the teacher has acted reasonably by deciding not to take physical action. The teacher would have placed themselves at risk of harm by intervening, without necessarily reducing the risk. The teacher has fulfilled their responsibility to the students by seeking assistance to deal with the situation.

**Example 2**

A student is arguing with another student. The student draws back their fist to aim a punch at the other student. The education assistant intervenes by taking the hand of the student. Once satisfied that the other student is out of range, the education assistant lets go.

The education assistant has acted reasonably. The action prevented the student punching the other student, and the education assistant stopped the contact once the threat had passed.

**Example 3**

A student is arguing with another student. The student draws back their fist to aim a punch at the other student. The teacher grabs the student around the neck and drags them away before pushing them against a wall. The student does not struggle. The teacher holds the student against the wall for a while before letting the student go.

The teacher has not acted reasonably in this case. There are less forceful ways of managing the risk. The teacher should have stopped the physical contact as soon as the threat had passed. Grabbing the student around the neck and holding the student against the wall when they were not struggling was not reasonable.
Example 4

A non-verbal student with Autism Spectrum Disorder is learning to initiate communication by making a simple request using a visual communication card. The teacher holds up a highly motivating item and waits for the student to respond. The student tries to take it from the teacher. As the student reaches for the item the teacher gently guides the student’s hand to the communication card. When the student picks up the card the teacher gives the item to the student.

The teacher has acted reasonably. The teacher waited for the student’s independent response and used the least amount of physical contact required to prompt a response from the student.

Example 5

A student goes up to the principal’s desk and grabs a ruler. The principal asks the student to return it, but the student starts to run away. As the student reaches the door, the principal grabs the student by the collar and restrains them, so they can recover the ruler.

The principal has not acted reasonably in this case. It was not appropriate to use physical contact to either retrieve the ruler or prevent the student from running away because there was no risk to the safety of the student or anyone else as a result of these actions. It would be better to have allowed the student to leave and deal with the matter later.

MORE INFORMATION

More information about legislation, policy and supports, including professional learning, is available.

*School Education Regulations 2000*
*Student Behaviour* policy and procedures
*Duty of Care for Students* policy
*Behaviour and Wellbeing* website
*Keeping our Workplace Safe* guidelines

**Standards and Integrity Directorate**

The Standards and Integrity Directorate at the Department of Education offers general advice on matters related to staff conduct.

A: 151 Royal Street, East Perth WA 6004
T: 9264 4740 or 1800 655 985