Restraint and Seclusion Policy information for parents/carers

The following information about physical restraint and seclusion is for parents/carers of students attending Victorian government schools.

Overview

- All students have the right to be safe at school.
- The rights of students are protected by laws and policies.
- School staff have a duty of care to their students.
- School staff have the right to work in safe environments.
- The law allows school staff to stop a student from doing things that are dangerous.
- Differences in laws and policies can sometimes mean that schools cannot do the same things that families can do at home.

Advice

What are physical restraint and seclusion

The Department defines physical restraint as the use of physical force to stop a student moving.

If a staff member holds part of a student's body, and the student cannot move away, this would be physical restraint. If a staff member blocks a student's movement, but the student can move away from the staff member, this would not be physical restraint.

The Department defines seclusion as leaving a student alone in a room or area from which they are not allowed to leave. Special seclusion rooms or other areas of a school that were built for seclusion, or that are used for seclusion, are not allowed in schools. Schools must not prevent students from leaving areas of the school normally used by students.

If multiple students are left in a room or area this does not meet the definition of seclusion. Sending a student from a classroom, suspending, or expelling a student is not seclusion.

The use of physical restraint and seclusion in schools

School staff are only permitted to use physical restraint and seclusion when they need to protect someone because a student is about to hurt themselves or another person and there is no other way of keeping them safe. These situations are considered emergencies.

School staff must stop physical restraint and seclusion as soon as the danger has stopped.

If a student is secluded, then staff must watch them the whole time.

No one – not doctors, health specialists, or you as parents/carers or your child – can ask school staff to use physical restraint or seclusion.

Physical restraint and seclusion must not be included in a student's Behaviour Support Plan, Safety Plan, Individual Education Plan, or any document about a student's learning or safety.

If your child receives support through the National Disability Insurance Scheme (NDIS), some practices used at home may not be allowed at your child's school because the NDIS operates under differed laws to those for schools.

If your child is restrained or secluded at school, the school will:

- make sure everyone, including your child, is safe
- tell you what happened and why physical restraint or seclusion was used
- report the incident to the Department
- try new things to stop the situation happening again
- talk to you about what they think might be helpful for your child.

For more information

If you would like more information about an incident or the Department's policy on physical restraint and seclusion:

- talk to the staff at your child's school
- go to the Restraint and Seclusion Policy on the Department of Education and Training's website.

Complaints

If you would like to make a complaint about an incident of physical restraint or seclusion in a school, follow these steps:

1. speak to the school first
2. if you are not happy with what the school staff say or do, contact your closest regional office
3. if you are still not happy, contact the central office.

All these details are on this webpage: https://www.education.vic.gov.au/parents/going-to-school/Pages/school-complaints.aspx

For further support

Parent Line: https://parentline.com.au/ or call 1300 30 1300

Related policies or advice

Child Safe Standards

https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/safeenviro.aspx

Duty of Care Policy

https://www.education.vic.gov.au/school/principals/spag/safety/Pages/dutyofcare.aspx

Restraint and Seclusion

https://www2.education.vic.gov.au/pal/restraint-seclusion/policy

Sensory Rooms

https://www2.education.vic.gov.au/pal/sensory-rooms/policy

Relevant legislation

Charter of Human Rights and Responsibilities Act 2006

https://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006/014

Child Wellbeing and Safety Act 2005

https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/030

Education and Training Reform Regulations 2017 (Vic) Regulation 24, Corporal punishment not permitted

Education and Training Reform Regulations 2017 (Vic) Regulation 25, Restraint from danger

https://www.legislation.vic.gov.au/in-force/statutory-rules/education-and-training-reform-regulations-2017/002

Advice last updated

May 2021

Scope

For schools

Who makes sure this form is correct?

Principal Behaviour Support Adviser

Email: restraint.seclusion@education.vic.gov.au