



MOUNT HAWTHORN EDUCATION SUPPORT CENTRE

Interacting with Students and Physical Contact Policy

2021-2023

Introduction

Mount Hawthorn Education Support Centre has developed an ethos and environment where using physical contact to manage student behaviour is rarely necessary. We prefer to see behaviour in terms of emotional regulation rather than bad behaviour. We use evidence-based techniques gained from various sources and regular professional learning with Team-Teach and others who promote the use of de-escalation profiles to minimise unwanted behaviours, encourage auto regulation of emotion and therefore minimise the need for handling students. However, even when good techniques are used, a situation may arise where physical contact or physical restraint is warranted. When handling does prove necessary, we use positive handling techniques.

The Department of Education's Behaviour Management in Schools policy specifies that school staff may, under certain conditions, use physical contact with students. Staff may take action, including physical contact with a student or a student's property, as is reasonable to:

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

Staff are to be aware of the following principles:

Duty of care

Staff have a duty of care to minimise the risk of harm to another. They must take measures to protect students from harm that may reasonably be foreseen. This includes protection from known hazards and harm. Under duty of care, staff also have a responsibility to intervene in situations where students may be at risk of harm. This does not mean putting themselves in a situation where they are at risk; only that duty of care requires prompt and appropriate action. This prompt and appropriate action may at times involve physical contact.

Reasonableness

Any physical intervention or contact must be reasonable considering the context of the situation. Any physical contact or degree of force deemed unreasonable may actually be considered unlawful.

Planned intervention

Planned intervention is defined as the use of physical intervention as the final step. 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 plan.

Physical contact with students

The General Principles of planned intervention are that:

- de-escalation strategies are always preferable to physical contact to maintain order or restrain students.
- there are different levels of intervention and an appropriate level needs to be chosen.
- restraint should only be used in an emergency.
- the level of intervention must be in proportion 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.

Physical contact or restraint must not be used to provoke, punish or humiliate a student or inflict pain. The principal is responsible for overseeing any response and recovery process that may occur following an incident.

Risk considerations

When the use of physical intervention is inevitable, appropriate steps should be taken to minimise the risk to staff and students.

Consider the risk involved and ask yourself: "Does the risk of NOT intervening (physically) outweigh the risk of intervening?"

Before any form of physical contact is used with a student, staff must consider the:

- age of the student
- situation in which it is used
- purpose of the physical contact
- likely response of the student

The misuse of physical contact or restraint increases the risk of complaints that may be regarded as potential misconduct

Apply Accountable and Ethical Decision Making to the situation:

- Am I doing the right thing?
- How would others judge my actions?
- How could my actions impact on others?
- Should I discuss this with someone else?

Code of Conduct for Interacting with Students

Employees and volunteers owe a duty of care to students. This duty of care is to take appropriate action to protect students from a reasonably foreseeable risk of harm. This duty applies equally to school based activities and out of school activities involving the students.

School based employees should note that the Interacting with Students and Physical Contact Policy is also to apply while escorting students on excursions.

Definition of Harm

Harm caused to a child is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing by any cause, other than confirmed accidental harm not involving negligence or misconduct. Harm to a child includes minor harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the child if allowed to continue. Harm can be caused by, amongst other things, physical or emotional abuse or neglect; or sexual abuse or exploitation.

Relationships between Staff and Students

It is expected that employees will be caring, compassionate adults who take an interest in their students and who set appropriate boundaries within those employee-student relationships. Employees must be aware that their interactions with students are based on relationships of trust, and that those relationships are open to scrutiny.

Respect

At Mount Hawthorn ESC generally we see students as needing guidance to produce the appropriate behaviours rather than as 'naughty'. Employees must always treat students with respect. There is no place for sarcasm, derogatory remarks, offensive comments or any other inappropriate conduct that may result in emotional distress or psychological harm to a student.

Some indicative behaviours that may cause psychological harm to a student include:

- targeted and sustained criticism, belittling or teasing

- excessive or unreasonable demands
- hostility, verbal abuse, rejection or “scape-goating”
- any form of harassment of students with disabilities or their associates
- using inappropriate locations or social isolation, outside of the school’s behaviour support policy, as punishment

Consistency

At Mount Hawthorn ESC we use applied behavioural techniques to modify behaviours. This technique requires absolute consistency in its delivery in order to be successful. Employees must always treat students in a consistent manner with the same consequences (positive or negative) for any behaviour.

There must be no inappropriate familiarity or spending ‘special time’ with a student.

Some indicative behaviours that may suggest a student is not being treated in a consistent manner could include:

- giving gifts to a child (for example, giving a birthday gift to a particular student when this is not the practice with other students, or asking the student to keep the gift a secret from others)
- showing special favours
- allowing a student to over-step rules, except where it is clearly articulated in a student’s Individual Education Plan or Individual Behaviour Management Plan
- sharing secrets with a student
- inconsistent consequences or allowances

Relationships with families

Employees must be conscious that their position places extra obligations on them and this requires them to model and encourage behaviours that minimise the risk of harm to students. It is required that employees do not engage with students in social activities outside of school. It is essential at all times that employees maintain appropriate professional boundaries with all students.

In schools where there are relationships between employees and students’ families, each employee should be conscious of the difference between professional and personal relationships and ensure appropriate professional conduct and boundaries are maintained at all times.

Professional Boundaries

Where appropriate, employees may seek guidance from and/or inform their Principal when a personal relationship exists with a student’s family. The Principal must give a general directive to employees at the beginning of each school year reminding staff of the need to ensure professional boundaries are maintained.

Some examples of when employees are to ensure professional boundaries are maintained and to seek guidance from their Principal include:

- visiting students at their home

- inviting students to visit the employee's home
- making telephone calls of a personal nature to students
- giving students employee's home phone number
- sending emails, sms (text) of a personal nature to students
- communication of a personal nature using social networking sites

Employees must avoid, as far as reasonably possible, situations where they are alone with a student. The nature of the work and duty of care may require an employee to be alone with a student. If this happens the employees should exercise caution.

Some examples when an employee should exercise this caution include:

- Transporting a student in their car An employee should not drive a student in their car unless they have specific permission, and do so in accordance with school policy. Prior approval must be obtained from the Principal when it is necessary to escort a student to an appointment. In the event of an emergency, employees should attempt to obtain parental consent and also report the matter to the Principal or other senior staff member, where possible prior to the journey commencing.
- Working with a student outside of school hours Employees should be aware that separate professional and student protection issues may arise in these circumstances and should continue to follow their obligations under this Policy.
- Counselling or interviewing students Ensure the setting is appropriate for the activity. For example, in all rooms where students are located and/or likely to be interviewed, there will be glass windows and/or glass panes in doors. At no time will doors be locked.
- Supervision in sleeping, dressing or bathing areas Supervision should be in accordance with school policies and procedures.
- For overnight and extended activities A minimum of two adult supervisors will supervise students. The gender and number of supervisors should be appropriate for the composition of the student groups. Prior approval from the Principal or delegate must be obtained when camps and excursions are conducted. Appropriate risk assessment and management procedures must be prepared and followed.
- Showering students at school This should be done at the request of parents/carers. Two staff should accompany the student if there is a need to be physically involved with the student such as showing them how to use soap or a flannel or sponge or helping them wash their hair. One staff member may be sufficient if they are able to allow the student to complete the activity independently.

Behaviour Management

Employees should be aware that the following behaviour management practices are unacceptable:

- any form of corporal punishment

- using an object, such as a ruler, book, duster, chalk or whiteboard marker to gain a child's attention in a hostile or an inappropriate physical manner
- holding or restraining a student for any purpose other than a student's actions causing imminent harm to self or others
- hitting, kicking, pushing, pulling, shoving, grabbing, pinching, poking, shaking or throwing a student
- intimidating, swearing at or using sarcasm to humiliate a student
- locking a student in a confined space and/or applying painful or noxious conditions
- refusing biological necessities as a means of punishment
- criticising a student rather than the student's actions
- practices which instil fear or using fear or practices which cause a student to feel alienated as a means of controlling a student
- exposing a student to material that contains adult concepts or themes that are inappropriate to the student's age or curriculum expectations
- the use of psychotropic medication to manage a student's behaviour, as opposed to treatment for a diagnosed condition

Appropriate Physical Contact with Students

When physical contact with a student is a necessary part of the teaching/learning experience, employees must exercise caution to ensure that the contact is appropriate and acceptable for the duty to be performed. Employees are required to develop and exercise prudent judgment and sensitivity regarding appropriate physical interactions with students.

Examples of situations in which physical contact with a student may be appropriate at Mount Hawthorn ESC include:

- Physical prompting, e.g.
 - guiding a student's hand to complete their work
 - guiding a student to move in a particular direction in a non-threatening manner
 - gently tapping a student on the shoulder to gain his/her attention after verbal requests were unsuccessful
 - teaching sport, music and other activities may require the physical handling of a student to demonstrate a particular action or skill.
 - the aim of all physical prompting is for it to be faded eventually. All physical prompting should be the least necessary to obtain the behaviour and should gradually be faded whenever possible. Wait time should always be given before physical prompting
 - pulling students along by the hand or wrist should only be used in extreme situations when safety is an immediate issue
- Assessing a student who is injured or ill may necessitate touching. An employee should advise the student of what they intend to do and, where possible, seek the student's consent
- Comforting a distressed student
- Protecting a student from imminent danger to himself/herself or to others

Physical Restraint and Positive Handling

Physical interventions (including physical restraints, removals or escorts) to contain and/or control the behaviour of students should only be employed as measures of last resort to ensure safety and protection. The use of physical intervention is restricted to occasions when the student, other students, employees or others are being harmed or are in imminent danger of being harmed. Only such force as is reasonably necessary in the circumstance is permitted.

Some examples of when it may be appropriate to use physical intervention as a last resort include:

- a student attacking an employee
- a student attacking another student
- students physically fighting
- a student causing, or at risk of causing, injury to self or others
- a student misusing dangerous materials, substances or objects where it is likely that this will cause imminent harm

As any physical intervention involves some risk of injury to the student or employee, employees must weigh this risk against the risks involved in failing to physically intervene when it may be warranted. All employees using physical interventions are responsible and accountable for the manner in which they exercise that authority and these interventions should be documented according to school procedures.

If a student needs to be removed to another area, such as the outside sensory area as a matter of priority, this should be done by two staff using positive handling techniques and the minimum force necessary. The student should be released as soon as possible once he/she reaches the safe area and left quietly alone to de-escalate while being observed.

All staff will receive regular training in de-escalation and positive handling techniques from registered providers such as Team Teach.

Preventing Sexual Misconduct

Employees must not, under any circumstances, engage in intimate and/or sexual relationships with a student or engage in any conduct or communication of a sexual nature with a student. The age of the student or the employee involved is irrelevant. It is also irrelevant whether the relationship is heterosexual or homosexual, consensual or non-consensual or condoned by parents or caregivers. Such circumstances may also result in criminal charges and for teachers.

Sexual misconduct includes:

- obscene language of a sexual nature, suggestive remarks, jokes of a sexual nature or obscene gestures
- unwarranted and inappropriate touching
- sexual exhibitionism or undressing in front of students

- personal correspondence with students in respect of the employee's sexual feelings for the student
- deliberate exposure of students to sexual behaviour of others, other than in the case of prescribed curriculum materials in which sexual themes are contextual
- possession, distribution or display of pornography
- electronic transmission of messages or files which are sexually explicit, offensive or contain inappropriate jokes
- sending sms (text) messages or communicating using social networking sites material which is sexually explicit, offensive or contains inappropriate jokes

Employees in their pastoral care role must be cautious of the content and context of their discussions and interactions with students.

Employees must exercise caution when:

- making personal comments about a student
- asking questions that probe a student's sexuality or personal relationships
- discussing with students personal details of the employee's or student's lifestyle
- disclosing their personal contact details to students

Employees must not:

- discuss with a student matters of a sexual nature relating to themselves or any other person
- supply or serve alcohol, tobacco or illicit drugs to a student
- supply or administer medication without the express permission of a parent or guardian
- should any student engage, or attempt to engage, in inappropriate behaviour of a sexual nature with an employee, then immediate steps must be taken to discourage the student and the matter should be immediately reported to the Principal.

Breaches of the 'Interacting with Students and Physical Contact Policy'

Conduct which is contrary to this policy and those of the Department of Education may amount to professional misconduct which will be dealt with in accordance with relevant Department of Education policies and in accordance with principles of fairness and natural justice.

Should any employee or volunteer have concerns about possible breaches of this Policy, they should speak with the Principal or appropriate senior staff member immediately.

Notification of any possible contraventions is essential given the duty of care owed to students within the school environment. In addition, all employees are to notify any allegation of student harm of which they become aware in accordance with current legislation and the 'Interacting with Students and Physical Contact Policy'.