



**Te Tāhuhu o
te Mātauranga**
Ministry of Education

Education (Physical Restraint) Rules 2023



Pursuant to section 100 of the Education and Training Act 2020 the Secretary for Education makes the following Rules:

1. Title

These rules are the Education (Physical Restraint) Rules 2023.

2. Commencement

These rules come into force on 7 February 2023.

3. Interpretation

In these rules—

Act means the Education and Training Act 2020

authorised staff member has the same meaning as in [section 99](#) of the Act

board has the same meaning as in [section 10](#) of the Act

employer means—

(a) the board of any type of State school specified in [s189\(b\)](#) of the Act

(b) the managers of a private school as defined in [section 10](#) of the Act

physically restrain has the same meaning as in [section 99](#) of the Act

principal has the same meaning as in [section 10](#) of the Act

school community has the same meaning as in [section 10](#) of the Act

teacher means a person holding a teaching position at a registered school

working day has the same meaning as in [section 13](#) of the Legislation Act 2019.

4. School policies

(1) By 7 May 2023, every employer must have a policy on reducing student distress and the use of physical restraint that has regard to the guidelines issued by the Secretary for Education under section 101 of the Act, including a process for managing complaints.

(2) Every employer must take reasonable steps to ensure that parents and caregivers, students, school staff and the school community know about the school's policies on reducing student distress and the use of physical restraint.

5. Authorisation of staff members who are not teachers

(1) An employer may authorise an employee, who is not a teacher, and who has been trained in accordance with Rule 12, to use physical restraint in accordance with section 99 of the Act.

(2) Every authorisation under sub-clause (1) must be in writing.

(3) The employer must give the employee a copy of the authorisation.

(4) The employer may, by written notice to the employee, revoke an authorisation at any time.

6. Information to be made available

(1) Every employer must ensure that the following documents are available to the school community:

- (a) the guidelines issued by the Secretary for Education under section 101 of the Act;
- (b) the names and positions of any authorised staff members; and
- (c) the school's policy on reducing student distress and the use of physical restraint (Rule 4)

7. Keeping records

(1) Every employer must keep written records of every instance of physical restraint of a student.

(2) Any record must be kept for a minimum period of 10 years from the date of last action.

8. Developing support plans for the prevention of physical restraint

(1) Every employer must ensure a support plan for preventing student distress and de-escalating crisis situations is put in place for any student:

- (a) who the employer identifies as having a high likelihood of being involved in a crisis situation where physical restraint may be used on them; or
- (b) who is subject to the use of physical restraint more than once in a term; or
- (c) at the request of the student's parents or caregivers.

(2) Every employer must ensure the student's parents or caregivers provide written informed consent if a section on physical restraint is appended to the student's support plan.

9. Notifying the use of physical restraint

Every employer must ensure that when a student has been physically restrained, the student's parents or caregivers are:

- (a) notified as soon as possible about the incident of physical restraint; and
- (b) provided with a reasonable opportunity to actively participate in a debrief about the incident, including how it was managed with regard to the guidelines, within three working days of the incident or later by mutual agreement.

10. Monitoring the use of physical restraint

(1) Every employer must take reasonable steps to ensure that:

- (a) any student who has been physically restrained; and
- (b) any staff member who has used physical restraint, has their physical and psychological wellbeing monitored so that appropriate support can be provided if adverse impacts from the restraint occur.

(2) Every employer must ensure that the records kept under Rule 7 are analysed so that trends including increased use of physical restraint can be identified, and appropriate responses to minimise restraint developed.

11. Reporting on the use of physical restraint

(1) Every employer must report every incident of physical restraint to the Ministry of Education, including the information in Appendix 1, using the online form, their Student Management System, or by completing and emailing the form attached to these Rules as Appendix 1.

(2) Every staff member who uses physical restraint must complete a staff physical restraint incident report. The employer must place a copy of the form in the student's file and provide a copy to the student's parents and/or caregivers.

12. Training and support for staff

Every employer must ensure:

- (a) from 7 February 2024, teachers and authorised staff members have completed the online module on the content of the Guidelines issued under section 101 of the Act;
- (b) from 7 February 2025, teachers and authorised staff members are supported and trained in identifying stress triggers, understanding unmet needs and preventing, minimising and responding to student distress;
- (c) teachers that the employer identifies as having a high likelihood of needing to use physical restraint are trained in appropriate physical holds by accredited physical restraint practitioners;
- (d) every authorised staff member (who is not a teacher) has been trained in appropriate physical holds by accredited physical restraint practitioners prior to their authorisation.

Information for the Ministry of Education and for School Board Reporting

Information for Ministry of Education		Date of incident	dd/mm/yy	Date of report	dd/mm/yy
Name of School					
Student's National Student Number (no name) NSN					
Date of Birth	dd/mm/yy				
If the student was physically restrained more than once during the day, indicate how many times?					
Did the student have a support plan?	<input type="checkbox"/> yes <input type="checkbox"/> no				
Was physical restraint a part of the support plan?	<input type="checkbox"/> yes <input type="checkbox"/> no				
Who made the principal aware of the incident of physical restraint?	<input type="checkbox"/> Staff member <input type="checkbox"/> Student <input type="checkbox"/> Parent or Caregiver <input type="checkbox"/> Other				
Has the school notified the parents or caregivers?	<input type="checkbox"/> yes <input type="checkbox"/> no				
Please briefly describe the events that led to the use of restraint					

Was anyone injured due to the use of physical restraint?	<input type="checkbox"/> Staff member <input type="checkbox"/> Student <input type="checkbox"/> Other <input type="checkbox"/> No	
Does the student have a learning support need eg. disability, neurodivergency, specific learning difference (diagnosed or self identified)?	<input type="checkbox"/> yes <input type="checkbox"/> no	If yes, provide details
What is the role of the staff member who applied the restraint?	<input type="checkbox"/> Teacher <input type="checkbox"/> Other	If other, what is their role?
Was the staff member who applied the restraint authorised?	<input type="checkbox"/> yes <input type="checkbox"/> no	
Did the staff member who applied the restraint receive training in physical holds prior to the incident?	<input type="checkbox"/> yes <input type="checkbox"/> no	
Has a debrief meeting been organised?	<input type="checkbox"/> yes <input type="checkbox"/> no	

The Education (Physical Restraint) Rules 2023 require reporting of physical restraint incidents.

Complete the form via the Community Portal or email it to the Ministry of Education at physicalrestraint.change@education.govt.nz. Provide a copy to the employer (school board or manager of a private school) and the parent or caregiver.

Note: The information in this form may be the subject of requests made under the Privacy Act 2020 and the Official Information Act 1982.



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