Developing a framework for reducing restrictive practices in Queensland state schools

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Abstract

Background: In 2017, the Queensland Department of Education published the findings of the *Review of Education for Students with Disability in Queensland State Schools* (Queensland Government, 2017). The review concluded that there was both uncertainty and ambiguity about the use of restrictive practices among staff working in Queensland state schools. In response to these findings the department published the *Procedure: Restrictive Practices* in 2020.

The use of restrictive practices is controversial. This is particularly the case when they are being used in response to the risk behaviour of students in school settings. Literature related to reducing and eliminating restrictive practices in school settings is scant.

Methods: The authors undertook stakeholder consultation to develop a departmental procedure for restrictive practice, reviewed the literature and considered systemic models for reducing and eliminating restrictive practice.

Results: The *Procedure: Restrictive Practices* was published by the Queensland Department of Education in January 2020. It is supported by a behaviour risk assessment process and practice principles. The authors have developed the Queensland Department of Education restraint reduction approach and proposed its implementation across Queensland state schools.

Conclusions: There is limited evidence related to systemic models for reducing and eliminating restrictive practice in schools. The Queensland Department of Education has taken the first step towards implementing a systemic evidence-based approach to reduce the use of restrictive practices, with the aim of eliminating their use wherever possible and practical by proposing a model approach for restraint reduction.

Key words: Reducing and eliminating restrictive practice; schools; behaviour risk assessment

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Introduction

The use of the term 'restrictive practice' in educational settings refers to physical, environmental, chemical or mechanical strategies that respond to risk associated with a student's behaviour. Restrictive practices have the impact of restricting the student or depriving the student of their liberty. The use of restrictive practices is controversial. This is particularly the case when they are used in response to managing behavioural risk of students in schools. Concern has been expressed that restrictive practices are dangerous, even fatal in some circumstances. They may be misapplied (Nunno et al, 2006; Government Accountability Office (GAO), 2009; Peterson, 2010; LeBel et al, 2012; McCarthy, 2018; Butler, 2019) or increase risk to the student and school staff (Horner and Sugai, 2009). It is especially concerning that students with disability appear to experience the use of restrictive practices in disproportionate numbers to their peers (National Disability Rights Network, 2009; Villani et al, 2011; McCarthy, 2018; GAO, 2019; Challenging Behaviour Foundation, 2019; Children and Young People with Disability Australia, 2019).

The primary objective when supporting any students who present with risk behaviour should be to support them and reduce the risks associated with their behaviour. The best evidence-based approach for reducing the risk associated with behaviour in schools is School Wide Positive Behaviour Supports (Sugai and Horner, 2008). In Queensland, the Department of Education refers to this approach as Positive Behaviour for Learning (PBL; Queensland Government, 2020). When considering the use of restrictive practices to address risk behaviour, the objective is to reduce and where possible eliminate those practices. The implementation of any restrictive practice should only be as a last resort (LeBel, 2012; Butler, 2019; Ridley and Jones, 2011; Rickard et al, 2013). Recently the Challenging Behaviour Foundation (2019) have raised concerns that the concept of last resort is poorly understood, stating that their research casts doubt on the assumption that restrictive practices are actually only used as a last resort with children with disability in the UK, particularly in school settings.

Villani et al (2011) previously suggested that literature related to the use of restrictive practices in schools is scant, in large part due to the controversial nature of the subject. While the contentious nature of restrictive practices used with children is undisputed, more recently there is growing international interest in the nature and application of restrictive practices in schools. Reports and research are increasingly opening up more public conversation about the use of restrictive practices in school settings, highlighting concerns about the nature and use of these practices and the dearth of relevant policy, procedure and guidance for principals and schools' staff (McCarthy, 2018; Butler, 2019; Challenging Behaviour Foundation, 2019). McCarthy (2018), commenting on the regulation of restrictive practices in Australian schools, stated that there is substantial variation in regulation between jurisdictions, in addition noting that significant reform is necessary to bring existing frameworks into alignment with human rights.

McCarthy (2018) stated that, as a minimum, Australian schools should be provided with clear and consistent guidance regarding the use of restrictive practices, while acknowledging policy and legislative reforms are also necessary. Such guidance would ensure greater clarity and consistency to monitor the use of restrictive practices in Australian schools, and strengthen protection for students, families and school staff. This paper discusses the Queensland Government's progress in developing procedural guidance on the use of restrictive practices in schools and proposes a framework for reducing and eliminating restrictive practices in schools.

Background

In 2017, the Queensland Department of Education published the findings of the *Review of Education for Students with Disability in Queensland State Schools* (Queensland Government, 2017). This review included an examination of policies and procedures in effect across Queensland state schools, such as the Safe, Supportive and Disciplined School Environment procedure. This procedure provided direction to schools on the management of student discipline, the use of time out (as one of a range of options available to students for managing their own behaviour) and physical restraint, as a planned or emergency response. While the procedure referenced the use of time out and physical restraint, school principals were afforded significant autonomy for decisions about implementation. Moreover, the procedure was silent regarding the use of other types of restrictive practice, such as seclusion. The review found evidence that there was both uncertainty and ambiguity about the use of restrictive practices among staff working in Queensland state schools. Of the 17 recommendations made in the report, one addressed a perceived need for schools to have explicit standards regarding the use of restrictive practice.

Recommendation 5.3:

Uncertainty and risk associated with the use of restrictive practice by teachers should be reduced through clear, unambiguous advice from the central office, and the requirement that restrictive practice use is articulated in a Responsible Behaviour Plan for students.

The Department should measure and monitor the use of restrictive practice (both planned and unplanned) with the aim of minimising use to the greatest extent possible. The Department should examine existing methods of data collection across schools to collect this information.

(Queensland Government, 2017)

The Queensland Department of Education accepted all recommendations made in the report, and an implementation plan was developed to guide the reforms (Queensland Government, 2017). In early 2018, the department commenced a review of school discipline procedures and a response to the recommendation for greater clarity for teachers in the use of restrictive practices with students in school.

Developing a procedure and framework

The consultation, review and development of a new stand-alone procedure on restrictive practices took 18 months from the start of 2018. Commencing with a literature review, to ensure the procedure would be consistent with evidence-based best practice, it was soon apparent that the available pool of quality research originated mostly from the USA and UK. This research had further limitations, with most contextual to residential social care settings or healthcare services as opposed to schools. Of note, LeBel et al (2012) proposed that schools acknowledge the risk of untoward outcomes associated with the use of restrictive practices, and look to the models and standards created in allied services to influence the development of systems approaches for reducing and eliminating restrictive practices, citing:

- the need for schools to recognise restraint and seclusion as high risk strategies

- the fact that evidence shows that restrictive practices have no therapeutic value

- that restrictive practices can be reduced and eliminated through the application of restraint reduction strategies

- that practice advancement has been made in other fields through the implementation of practice standards, based on evidence-based thinking that could be beneficial to schools

LeBel et al (2012) suggested it was reasonable that school systems adopt *The Six Core Strategies* (Huckshorn, 2005). *The Six Core Strategies* are an evidence-based approach shown to reduce and eliminate the use of restraint and seclusion in inpatient mental health settings (Huckshorn, 2005; Huckshorn and LeBel, 2009; Huckshorn, 2014). The six strategies are summarised as:

- leadership towards organisational change

- using data to inform practice

- workforce development

- use of specific restraint reductions tools

- consumer involvement

- use of debriefing techniques

When developing the new restrictive practice procedure, it was considered that The Six Core Strategies would be helpful for influencing the development of the procedure's content and shape the organisational strategy for implementing approaches to reduce and eliminate restrictive practices in Queensland state schools. Accepting that some of the language and approaches identified as being effective in the Huckshorn model may not transfer directly to schools, the team did consider that it was possible to adapt the model. The Huckshorn model was viewed as a robust approach to creating a systemic framework for implementing the procedure in schools, and it was felt that it would serve as the basis for capacity building, related to the skills and knowledge of principals and school staff. It was also important that the approach considered the wellbeing of staff working in Queensland state schools. On that basis the following model was proposed:

1. **Procedural advice and leadership:** principals and school staff will be provided with clarity and guidance that cover the circumstances which may lead to the use of permitted restrictive practice. The procedure also explains the considerations that principals and school staff must make when exploring the use of any restrictive practice and identifies practices that are precluded by the procedure, eg pressure to the neck, back, chest, prone restraint, hyperflexion of joints. The procedure is clear that seclusion must only be used as an emergency response and cannot be applied as

a planned strategy, nor can schools have designated seclusion rooms.Leadership will be provided by eight principal advisors who will have a strategic leadership role aimed at supporting schools to implement the procedure effectively. It is the role of principal advisors to provide specific, evidence-based advice to principals and school staff. In addition, they have a role to provide advice on complex matters; increasing capacity, capability, skills and knowledge related to restraint reduction. In the 12-month period prior to the release of the new procedure, three experienced school principals delivered professional development sessions for their colleagues across the state, in which the procedure was foreshadowed.

2. **Mandated reporting and data analysis:** the principal advisors will audit the reported use of restrictive practice and data will be used to evaluate progress towards implementing the procedure. The procedure expects that schools maintain a record about the use of all restrictive practices and where a planned restrictive practice response is decided they will consult with senior leaders in the organisation.

3. **Professional development and training:** staff will have the opportunity to increase their capability, skills and knowledge in regard to undertaking behavioural risk assessment and proactive behaviour support approaches, eg PBL (Queensland Government, 2020). The overarching aim will be to support cultural change in the organisation by increasing relevant knowledge, skills and ability across the workforce but importantly in school leadership positions.

4. **Implementation of evidence based PBL:** schools will continue to be encouraged to adopt strategies of positive behaviour support; the model commonly used in Queensland is PBL (Queensland Government, 2020). Implementation of PBL is supported through a centrally appointed coach who leads a team of coaches throughout the state, who support schools to adopt systemic models of PBL. The work is supported by a suite of online resources and additional capacity building, including the delivery of a bi-annual conference on PBL attended by over 600 delegates from across Australia, who hear from national and international experts in the field.

5. **Reflective practice and support for staff:** guidelines and standards for undertaking a focused review process have been developed as part of the procedure (Queensland Department of Education, 2020a). It can be implemented by schools following a behaviour incident that resulted in an escalation of risk. The aim of the focused review is to improve practice and establish the best supports for individual students, through the adoption of a structured, solution focused reflective review. The focused review is guided by the Focused Review template and may be supported by a Behaviour Risk Assessment to facilitate a robust evidenced-based approach for evaluating behavioural risk. The behavioural risk assessment is undertaken under the auspices of the organisational risk framework, which is known as the Enterprise Risk Management Framework (Queensland Department of Education, 2019). The intersection of the new restrictive practices procedure with other guidance materials, such as the *occupational violence prevention* procedure was another key consideration. School staff should not expect to face violence or aggression in the workplace and balancing the needs of a student and an employee can prove to be a delicate and sensitive area to navigate.

6. **Involvement of the school community, parents and students:** departmental procedures require that every school will have a *Student Code of Conduct* that will explicitly outline the school's agreed approach for responding to behaviour and the use of restrictive practices. The code is developed in conjunction with the school community using a template that is provided through the procedure to ensure there is consistency across the state while also ensuring each school can reflect their own approach, values and culture.
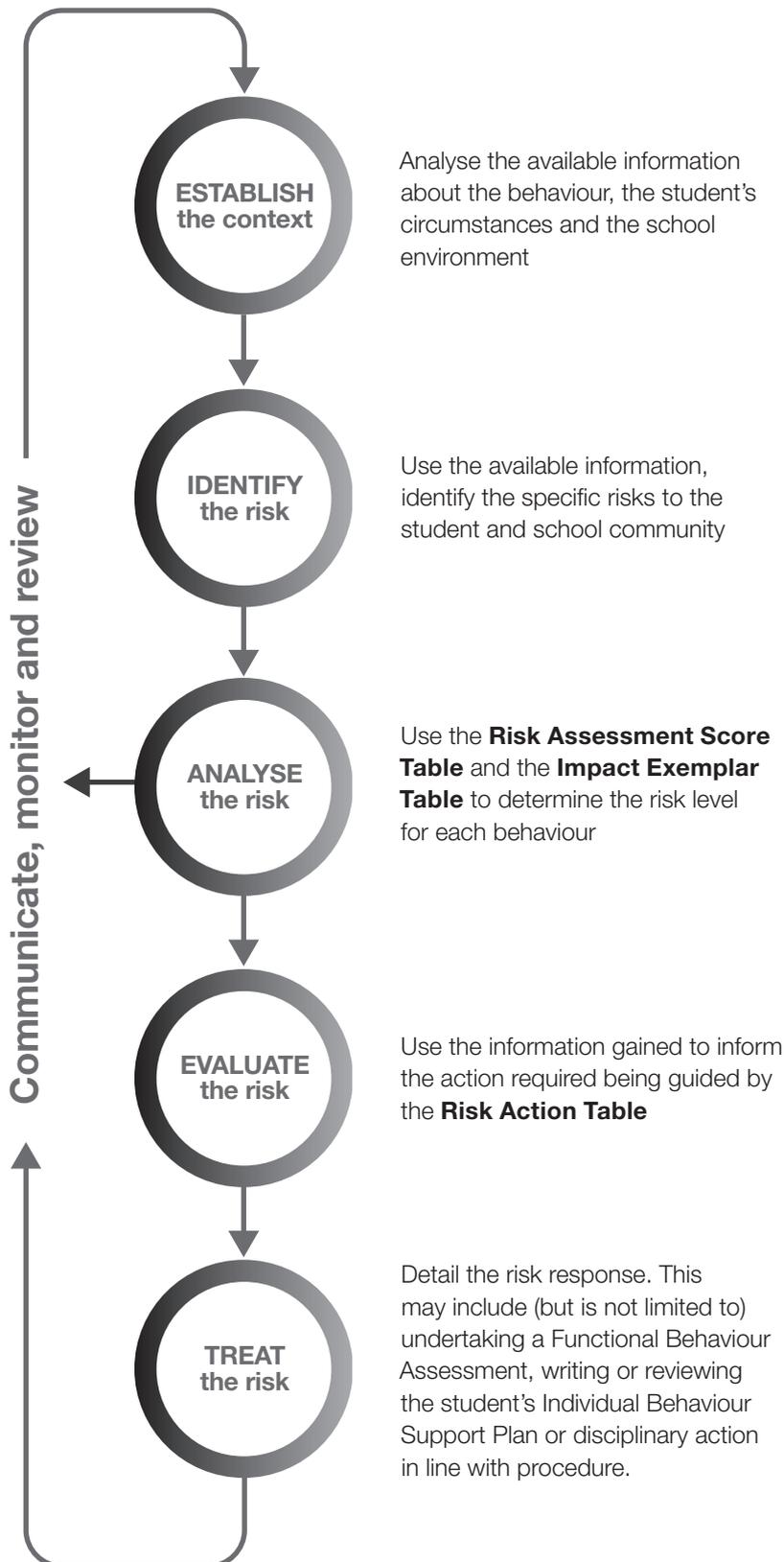
The approach for reducing and eliminating the use of restrictive practices in Queensland state schools is intersected by three organisational elements which address the legislative framework related to the procedure (see *Figure 1*).

Figure 1: Queensland Department of Education restraint reduction approach
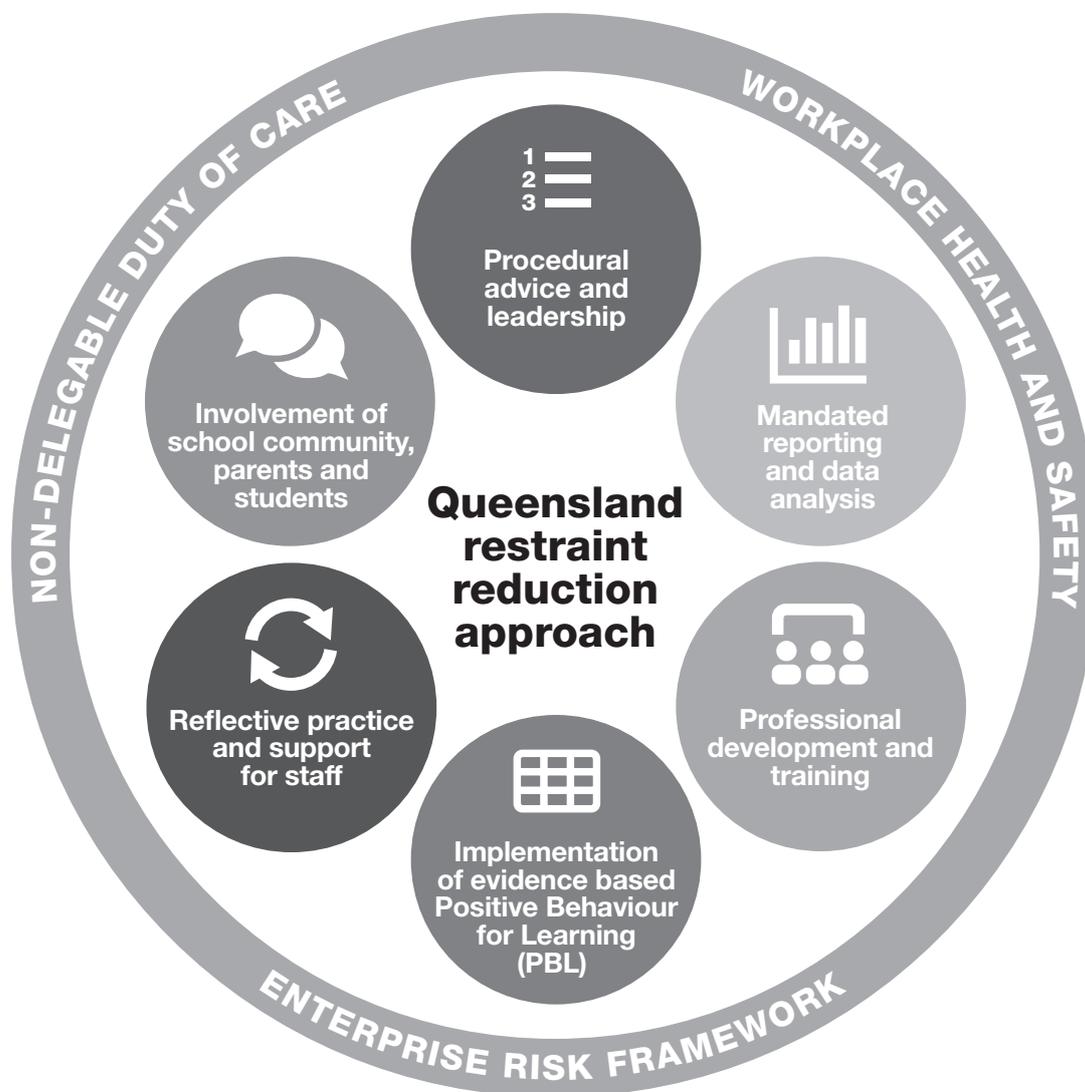
School principals, teachers and staff have a *non-delegable duty of care* towards students. They have a lawful obligation to ensure the safety of students. In that context, it is important that school staff respond to the risk presented by students' behaviour on a day to day basis. By responding to and reducing or managing behaviour risk staff are fulfilling their duty of care. The *Behaviour Risk Assessment Tool – Safety and Wellbeing* (Queensland Department of Education, 2020c), provides the template for a dynamic approach to assessing risk. Schools will implement evidence-based behaviour support strategies that aim to reduce the known and assessed risk, by way of responding to the function of the behaviour. The risk assessment approach dovetails and references the organisational *Enterprise Risk Management Framework* (Queensland Department of Education, 2019) that highlights the department's lowest appetite for risk. The department's expressed lowest appetite for risk being the safety of children and students, followed by workplace health and safety of staff. This cross referencing and dovetailing ensures compliance with existing organisational policy and procedural advice on risk assessment processes, as well as workplace health and safety requirements (see *Figure 2*).

Figure 2: Behaviour risk assessment process

Communicate, monitor and review

ESTABLISH the context — Analyse the available information about the behaviour, the student's circumstances and the school environment

IDENTIFY the risk — Use the available information, identify the specific risks to the student and school community

ANALYSE the risk — Use the **Risk Assessment Score Table** and the **Impact Exemplar Table** to determine the risk level for each behaviour

EVALUATE the risk — Use the information gained to inform the action required being guided by the **Risk Action Table**

TREAT the risk — Detail the risk response. This may include (but is not limited to) undertaking a Functional Behaviour Assessment, writing or reviewing the student's Individual Behaviour Support Plan or disciplinary action in line with procedure.

Specific practices

To provide clarity about what might constitute a restrictive practice the *Procedure: Restrictive Practice* (2020a) gives the following definitions:

- clinical holding
- chemical restraint
- containment
- mechanical restraint
- physical restraint
- seclusion

In many instances, operational guidelines, policy and procedure do not clarify what practice is or is not acceptable. In order to support the objective of reducing and eliminating restrictive practice the *Procedure: Restrictive Practice* (Queensland Department of Education, 2020a) is explicit in listing prohibited practices, which include prone and supine restraint, chemical restraint, the use of hyperflexion or hyperextension and pain compliance.

The procedural position regarding the use of physical restraint is that it can be used as an unplanned strategy for responding to a high risk or unforeseeable situation (emergency). Physical restraint is also permitted to be used as a planned response to a known and assessed behaviour risk on the basis that this will reduce risk to the student and staff when applied in the context of restraint reduction approaches (Colton, 2004; Huckshorn, 2005; Damen, 2009).

There is universal agreement that seclusion should only be used in emergency situations (Paley, 2009; Peterson, 2010), yet there is evidence that in schools, in the absence of specific procedural advice, seclusion can become a routine practice (GAO, 2009; Challenging Behaviour Foundation, 2019). Moreover the

use of 'time out rooms' euphemistically described as chill out, open spaces, or calming rooms, can lead to morphing practice, where seclusion occurs without school staff understanding that they have moved from using a behavioural intervention (eg time out) through to restricting a student's liberty and on to depriving students of their liberty (Peterson, 2010). To avoid any confusion, the procedural position is that seclusion cannot be planned, and schools cannot designate rooms or spaces for the purpose of seclusion. Seclusion may only be used in an emergency.

Discussion

Ryan et al (2008) state that seclusion and restraint procedures continue to be understudied and overused among vulnerable populations, including children and young people. Furthermore, there is evidence that staff and students are at increased risk of injury and trauma as a result of the use of restrictive practices (GAO, 2009; Peterson, 2010; United States Senate 2014; Children and Young People with Disability Australia, 2019). With an increased emphasis on human rights internationally, there are additional expectations in regard to the protection that should be afforded to students in school. It remains evident that seclusion and restraint are used disproportionately with children who have a disability, children from culturally diverse populations, children from lower socio economic backgrounds and primary aged children (Villani et al, 2011; Balluch, 2016; Gagnon et al, 2017; Challenging Behaviour Foundation, 2019).

It is anticipated that the restrictive practice procedure will go some way to increasing understanding of principals and school staff about the risks associated with the use of restrictive practice, while also supporting the wellbeing and safety of students, staff and the school community. The restrictive practice procedure has adopted a risk assessment process that is embedded in the *Enterprise Risk Management Framework* (Queensland Department of Education, 2019). This enables principals and school staff to dispense their duty regarding workplace health and safety. The risk assessment will also highlight unmanaged risk and indicate what additional supports a school might need in order to respond to a specific risk.

While procedural advice alone (Gagnon et al, 2017) will not reduce or eliminate behavioural risk in schools, it will go some way to creating an environment that ensures approaches to reduce reliance on restraint and seclusion can be adopted and supported, in line with human rights conventions.

Concluding commentary

The Queensland Department of Education has taken the first step towards systemic adoption of evidence-based approaches that will reduce the use of restrictive practices, with the aim of eliminating their use wherever possible and practical. It is important that such approaches account for the individual human rights of students while also considering a principal's obligations in relation to workplace health and safety, their delegated duty of care and the overall safety of the school. Achieving the balance is no easy task, particularly in an environment where the primary focus must be to provide the best education possible to all students.

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