



## Administrative Procedure 4565

# ***Standards for Seclusion and Restraint in Schools***

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**Board Governance Policy Cross Reference:** [1](#), [11](#), [12](#), [13](#)

**Administrative Procedures Cross Reference:**

[Student Code of Conduct](#)

[Respectful Workplace](#)

[Workplace Safety and Health Duties and Responsibilities for Safety and Health](#)

[Workplace Safety and Health - Investigating and Reporting Workplace Incidents and Refusals to Work](#)

**Form Cross Reference:**

[Use of Physical Restraint and Seclusion in Schools](#)

[Tracking of Student During Seclusion](#)

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**Legal/Regulatory Reference:**

[Canada Department of Justice](#)

[The Public Schools Act](#)

[Safe and Caring Schools: A Policy Directive Enhancing Proactive Supports to Minimize the Use of Seclusion](#)

[The Criminal Code \(Section 43\)](#)

[Student Specific Planning: A Handbook for Developing and Implementing Individual Education Plans \(IEPs\)](#)

[The Legislative Assembly of Manitoba – The Safe Schools Charter](#)

[United Nations Convention on the Rights of the Child](#)

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### **General Principles**

Brandon School Division is committed to inclusion for all people. In reference to *Safe and Caring Schools: A Policy Directive Enhancing Proactive Supports to Minimize the Use of Seclusion*, all students have a right to appropriate educational programming in a safe, caring, and inclusive environment. A positive, whole-school approach to planning for safety and belonging is to be combined with a supportive response to meeting the safety needs of all people in our schools.

This Administrative Procedure is intended to minimize the use of seclusion and restraint. Seclusion and restraint are safety responses of last resort, to be employed only when a student poses an immediate risk of serious physical harm to self or others and all other prevention strategies, de-escalation measures, and less restrictive measures have been exhausted.

Minimizing the use of seclusion and restraint is consistent with the principle that all decisions by all school staff are guided by the best interest of the child. Minimizing the use of seclusion and restraint helps to protect the rights of students to be free from all forms of physical or mental violence, to be treated with dignity, and to be free from abuse, in accordance with the *United Nations Convention on the Rights of the Child*.

## Definitions and Terminology

### Seclusion

- Seclusion is the involuntary confinement of a student alone in a room or area where the student cannot freely exit or is physically prevented from leaving. This generally occurs in a room with a door that has a lock that is engaged, or if not engaged, the door is otherwise blocked or held shut. Seclusion can be used in association with physical restraint.
- Seclusion is a safety response used *only* in situations when a student's behaviour has escalated to the point where it poses an immediate risk of serious physical harm to self or others, and only after proactive strategies, de-escalation interventions, and less restrictive measures have been exhausted.
- Seclusion is one of the most intrusive interventions used in response to student behaviour. It has been shown to have a detrimental impact on students. Seclusion may put students at risk for physical injury, psychological trauma, damaged relationships, and increased challenging behaviour. Seclusion has a negative impact on school staff, students, parents/legal guardians, and the school climate.
- Seclusion is never used:
  - as part of a student-specific plan to manage/change student behaviour;
  - as a substitute for appropriate educational programming or effective behavioural intervention planning;
  - as a punishment, a consequence, a disciplinary action, or a way to force compliance;
  - to protect property at risk for damage when there is no immediate risk of serious physical harm to self or others; or

- when a student is non-compliant, confrontational, or verbally aggressive but there is no immediate risk of serious physical harm to self or others.
- Seclusion is not to be confused with the use of sensory spaces. Sensory space is an umbrella term that encompasses a broad variety of therapeutic spaces (e.g., calming space, sensory modulation/integration room, multi-sensory room). A sensory space is used proactively to meet a student's sensory needs and promote self-regulation. It is a therapeutic intervention that is written into a student-specific plan based on the recommendation of a specialist who monitors its use.
- Seclusion is not to be confused with "time out" practices. Time out occurs when access to reinforcement is removed for a period of time following the occurrence of an identified problem behaviour in order to reduce or stop that behaviour. Time out may involve removing a student from sources of positive reinforcement as a consequence of specific undesired behaviour. It is one option along a continuum of behaviour interventions supporting behaviour change.
- While these practices may share some properties of seclusion, they do not constitute seclusion as understood within these guidelines.

### **Physical Restraint**

- Physical restraint refers to a personal restriction that immobilizes or reduces the ability of a student to move their torso, arms, legs, or head freely to secure and maintain the safety of the person or the safety of others.
- Physical restraint is a safety response used only when a student poses an immediate risk of serious physical harm to self or others.
- Physical restraint can be associated with seclusion because it is often used to transport a student to an environment where they are secluded; however, they are separate procedures, and one may occur without the other.
- Physical interventions should not exceed what are reasonable or proportionate under the circumstances (*Canada Department of Justice*) and should be discontinued as soon as the immediate risk of serious physical harm to the student or others has dissipated.
- Physical restraint should not be confused with physical guidance. Physical guidance is the use of touch to prompt a student when teaching a skill, redirecting attention, or providing comfort.

- Physical restraint should not be confused with physical escort. Physical escort is the temporary touching or holding of a student's hand, wrist, arm, shoulder, or back for the purpose of prompting and accompanying a student who is acting out to walk to a safe location.

*Section 43 of The Criminal Code* provides a defence to conduct that may not be covered by other available defences. It states:

Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

- In 2004, the Supreme Court of Canada considered whether section 43 is constitutional and consistent with the Canadian Charter of Rights and Freedoms. In a case called *Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General)*, the Supreme Court of Canada found that section 43 was constitutional but significantly narrowed its application to the use of minor force that is reasonable under the circumstances and provided the following guidelines:
  - Parent/caregivers can only use corrective force (or physical punishment) that is minor or "transitory and trifling" in nature. For example, spanking or slapping a child hard enough that it leaves a mark or bruise would not be considered "transitory and trifling" and would not be reasonable.
  - Teachers cannot use force for physical punishment under any circumstances. Teachers may be permitted to use reasonable force toward a child in appropriate circumstances, such as to remove a child from a classroom.
  - Physical punishment cannot be used on children younger than two-years old or older than twelve-years old.
  - Physical punishment cannot be used on a child in anger or in retaliation for something a child did.
  - Objects, such as belts or rulers, must never be used on a child and a child must never be hit or slapped on the face or head.
  - Any use of force on a child cannot be degrading, inhumane, or result in harm or the prospect of harm.
  - Physical punishment cannot be used on a child who is incapable of learning from the situation because of a disability or some other factor.

- The seriousness of the child's misbehaviour is not relevant to deciding whether the force was reasonable. The force used must be minor, no matter what the child did.

It is important to recognize that many forms of physical punishment of children are not consistent with the guidelines set out by the Supreme Court of Canada and are considered crimes in Canada. Abusive and harmful conduct is not protected by section 43.

## **Prevention**

All efforts to address challenging behaviours should be directed at preventing the use of seclusion and physical restraint. The Division requires the use of a whole-school, positive behavioural approach to ensure that students are taught the skills needed to engage in positive behaviour. The Division ensures that staff are regularly provided learning opportunities to improve their understanding of behaviour and the skills needed to support and manage behaviour in ways that best protect students' safety and dignity. This ensures their inclusion in educational settings and their access to appropriate educational programming.

For students whose behaviour needs cannot be met through a whole-school approach, the school's student support team will work with the student and their parents/legal guardians to develop a student-specific plan. Student specific plans will be based on assessments of the function of challenging behaviours. Student-specific plans will include teaching of behavioural management skills and positive replacement behaviours, and any environmental adjustments needed to support positive behaviour and reduce the likelihood of crises or emergency situations. Staff working with students with individualized plans to meet behaviour needs should be trained in de-escalation strategies intended to prevent challenging behaviours from escalating to crises.

Some approaches and supports used by the Division include:

- reviewing current student specific programming to make necessary adjustments;
- multi-disciplinary student intervention teams that support and guide Functional Behaviour Assessments and Behaviour Intervention Plans;
- the Division works collaboratively with community services including Child and Adolescent Treatment Center, Department of Families and Housing, Public Health, Brandon Police Service, Child and Family Services Agencies, Westman Immigrant Services, etc.;
- ongoing training and services provided by Divisional clinicians; and
- Non-Violent Crisis Intervention through Crisis Prevention Institute (CPI), etc.

## **Seclusion and Physical Restraint**

### **Knowledgeable and Skilled Staff**

- Seclusion and physical restraint are to be implemented *only* by staff who have training in the use of these procedures.
- If seclusion and/or physical restraint are to be used within a school, it is expected that trained and appropriately certified professionals (e.g., qualified professionals trained in function-based approaches to managing problem behaviour) are consulted on the use of seclusion or physical restraint as a general safety procedure or an emergency measure prior to their use.
- At least two staff members within the Division are to be designated as responsible for training for and oversight of the use of these procedures.
- Superintendents and School Leaders are expected to include among their staff, individuals with training in conflict de-escalation, crisis de-escalation, non-violent crisis intervention and implementing positive behaviour interventions to facilitate defusing conflict and crisis situations.
- School staff are to be given regular opportunities for training in implementing positive behaviour interventions to facilitate defusing conflict and crisis situations. School staff are expected to undertake training in implementing positive and proactive strategies to reduce the need for crisis response strategies.
- School staff who work with a child/student in situations where there is a potential for imminent danger of serious harm to the child/student or others are expected to have practical training in prevention and de-escalation strategies, recognizing situations where imminent harm is likely to occur and safely implementing crisis responses when warranted.

### **Seclusion and Physical Restraint are Emergency Responses of Last Resort**

- If a student's behaviour has escalated to the point where it poses an immediate risk of serious physical harm to self or others, staff and people who have care and charge of the student should immediately call for assistance from the principal or other school leader (*The Public Schools Act*) and those staff members who have adequate knowledge and training to de-escalate and manage the event. Stressors should be removed from the environment when possible.

- Seclusion and physical restraint are only used as a last resort emergency or crisis procedure to maintain safety before contacting emergency responders, if necessary. Consideration may be given to contacting emergency response team prior to using the last resort of seclusion and physical restraint.
- School and Divisional emergency response procedures are followed in the event that further safety measures are necessary.
- Seclusion is one of the most intrusive (McLean et al.) interventions used in response to student behaviour. It has been shown to have a detrimental impact on students. This includes physical injury (in some cases death has occurred) (National Disability Rights Network: Kutz), psychological trauma (CCBD: Ferleger), damaged relationships, and increased challenging behaviour (Ferleger).
- If necessary, other students in the vicinity should be moved in a calm, orderly manner to a safe distance. The student in crisis should not be left alone. The environment should be scanned for potential dangers. Objects that could cause immediate serious physical harm should be removed if it is safe to do so. Attention should be given to procedures for safe evacuation.
- Seclusion and/or physical restraint are to be used only in emergency or exceptional situations where:
  - the behaviour of a student poses imminent danger of serious physical harm to self or others;
  - less restrictive interventions are not possible or have been ineffective at ending such imminent danger or harm; and
  - when the threat of imminent danger can be diminished by using seclusion or physical restraint.
- Seclusion and/or physical restraint are to be used only for as long as necessary and be discontinued when the student no longer presents an immediate threat to themselves or others.
- Seclusion and/or physical restraint are measures of last resort employed to protect the safety of students and staff. These practices are never to be employed to protect property or prevent disruptive behaviour.

### **Requirements for Instances of Seclusion and/or Physical Restraint**

- Seclusion and physical restraint are to be implemented *only* by staff who have adequate knowledge and training in the use of these procedures.
- Restraint or seclusion should never be undertaken by one teacher alone; a witness/observer must be present at the outset of the process.

- When, in accordance with the limitations described above, it is deemed necessary to use seclusion and/or physical restraint, the following requirements are to be observed to minimize the risk of harm to students and staff:
  - all seclusion environments are safe, humane and abide by all building, safety and fire codes;
  - seclusion and physical restraint practices employed must *not* restrict a student's breathing;
  - seclusion and/or physical restraint procedures are conducted in a manner that reduces harm to a child/student and others;
  - there is continual visual and aural monitoring of any student throughout the period of seclusion or physical restraint. Occasional checks are not appropriate;
  - staff observing the student must be able to communicate with the student at all times;
  - the student must be able to communicate their basic human needs and have those needs met;
  - seclusion must not be used when a student is engaging in severe self-injurious behaviours;
  - a staff member must be assigned as an observer and note-taker to record a factual account of the event. This staff member may not be the individual tasked with monitoring and communicating with the student; and
  - all reasonable efforts to preserve a student's dignity must be taken whenever seclusion and/or physical restraint are employed.

## **Reporting and Documentation**

### **Reporting**

Any event that involves the use of seclusion or physical restraint must be reported following the event to the School Leader and the parent or legal guardian. The school's Assistant Superintendent or designate will be notified of the event. The above reporting will be completed as soon as possible, or within 24 hours. *Form 4565Fa Use of Physical Restraint and Seclusion in Schools.*

## Documentation

Each event of the use seclusion and/or restraint must be documented to include, at a minimum, the following:

- student name;
- where and when the event of seclusion and/or physical restraint occurred;
- antecedents leading up to the instance of seclusion and/or physical restraint;
- witnesses;
- a clear description of the student's behaviour;
- a description of interventions used prior to the implementation of seclusion and/or physical restraint;
- who was at risk of immediate serious physical harm that resulted in the use of seclusion and/or physical restraint;
- name of staff member making the decision to use seclusion and/or physical restraint;
- names of other staff members involved and their role in the seclusion and/or physical restraint event;
- a chronology noting observations of the student's behaviour during seclusion;
- a log that reports how the student was monitored during seclusion and by whom;
- start time and end time of the seclusion and/or restraint;
- a description of any harm to students, staff, or others;
- criteria for ending seclusion and/or restraint and how this was communicated to the student;
- immediate post-seclusion and/or restraint actions;
- details of contact with parent(s)/legal guardian(s); School Leader; the school's Assistant Superintendent or designate; and Superintendent/CEO;
- date of planned debriefing(s);
- date of planned student support team meeting(s);
- a copy of the documentation must be placed in the pupil file and entered into the Divisional student information system.

## Debriefing

As crisis interventions of last resort, seclusion and physical restraint inherently are part of events that are highly stressful and may have detrimental impacts on students and staff. Support is to be provided to students who have experienced seclusion

and/or physical restraint in order to re-integrate into the school community and to restore a sense of safety and belonging. A debriefing process will also support the student's family and any staff or other members of the school community affected by events that include instances of seclusion and/or physical restraint.

Debriefing meetings are to occur with parent(s)/legal guardian(s), the student, and school staff involved in the seclusion event. The student's parent(s)/legal guardian(s) and the student may have the opportunity to be accompanied and assisted by a person of their choosing during the debriefing. Debriefings should be in-person and take place as soon as possible after the event. Additional debriefings should be made available to others in the school who were impacted physically and/or emotionally by the event.

In addition to the protective and restorative effects of debriefing meetings, such meetings are intended to involve careful review of the events to ensure adherence to standards for managing such crises, to refine and review student specific plans and supports, and to identify any ways to reduce the likelihood of future crises or improve the safe management of any future crises.

Debriefings are led by the School Leader (or designate) who has training/experience in leading a debriefing process. The debriefing should focus on how the use of seclusion and/or physical restraint could have been prevented and should identify what can be done to avoid seclusion and/or physical restraint if a similar event occurs in the future. A summary of the debriefing(s) and any outcomes decided upon is placed in the pupil file and the Divisional student information system.

The student support team must meet (or be formed) as soon as reasonably possible after the seclusion event to:

- examine what happened;
- examine the functions behind the student's behaviours;
- engage in the student-specific planning process (*Student Specific Planning: A Handbook for Developing and Implementing Individual Education Plans (IEPs)*) to write or revise the student-specific plan identifying what needs to be changed to decrease the chance of the behaviour recurring (e.g., changes to environment, changes to positive behaviour strategies, alternative responses to the student's behaviour); and
- identify staff development or training needs and initiate a plan for addressing these needs.

## Monitoring and Review

The Division will annually review and evaluate data collected from all instances of seclusion and/or physical restraint over the previous year and compare this information with data collected in previous years. This process will evaluate support for students' behavioural needs, aid in identifying and deploying needed resources and training, and track progress in reducing crisis events, especially those involving seclusion and/or physical restraint.

This annual review process shall include:

- a review of incident reports to identify any patterns or trends to inform decision making;
- a review of harm incurred by students and staff;
- identification of repeated use of seclusion for an individual student, multiple uses within the same classroom, or multiple uses by the same individual that would trigger a review by the school and the Division and may indicate a need for additional training and/or support;
- assessment of adherence to Administrative Procedure 4565 – Standards for Seclusion and Restraint in Schools;
- identification of staff professional support and training needs;
- assessment of environmental considerations;
- evaluation of the effectiveness of policies and procedures in decreasing seclusion using indicators established in consultation with the safety and health committee, parents/legal guardians, students, and community-based service providers;
- identify any needed updates to seclusion and physical restraint policies and/or procedures to ensure consistency with any new developments and/or new practices (*The Legislative Assembly of Manitoba – The Safe Schools Charter*).

Assistant Superintendent, Student Services is responsible for an annual report and review. The information in the report is used to guide proactive measures for students' supports.