



Incredible Years – guidance for Incredible Years Teacher group leaders when showing vignettes that contain physical redirect

April 2021

Reviewed by

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Introduction

It is essential that these guidelines be read in conjunction with latest updates and advice on physical restraint advice on [Education and Training Act 2020: Updating the physical restraint framework and Education in New Zealand and Education \(Early Childhood Services\) Regulations 2008](#)

Physical restraint is defined in the Education and Training Act as the use of “physical force to prevent, restrain, or subdue the movement of the student’s body or part of the student’s body against the student’s will.” The addition of “against the student’s will” clarifies that physical contact for guiding, comforting, or communicating with a student, that the student does not resist, is not subject to the regulatory framework.

Under the Education and Training Act 2020, physical restraint may only be used by teachers and authorised staff members when it is necessary to prevent imminent harm to the student or another person, for example another student, teacher, or staff member. The teacher or authorised staff member must reasonably believe that there is no other option available in the circumstances to prevent the harm. Any restraint used must be reasonable and proportionate in the circumstances.

Harm includes harm to the health, safety or wellbeing of the student or another person, including any significant emotional distress suffered by the student or other person. Significant emotional distress is when a person is overwhelmed by a situation to such an extent that it is utterly intolerable, and they cannot cope or recover. Imminent means about to happen.

Under the Education Act (Early Childhood Services) it is illegal to immobilise a child when guiding or controlling a child. If such an action occurs, or there are reasonable grounds to believe it has occurred, the service provider must exclude the teacher or adult from the service. If the service provider does not exclude the person from the service, the Secretary for Education can suspend the service’s licence to operate. A suspension would also result in loss of funding.

An advisory group is working together to develop new rules and guidelines on physical restraint to align with the changes introduced in the Education and Training Act. These rules and guidelines will be available for wider consultation during Term 1, 2021.

Until new rules and guidance are issued, schools should continue to follow the procedures set out in the existing rules* and have regard to the current guidelines. When used, these will continue to help keep teacher practice safe. Where there are inconsistencies between the legislation and the guidelines about the threshold for when physical restraint can be used, the legislation takes precedence.

Support for IYT GROUP LEADERS

The Ministry of Education is encouraging IYT group leaders to attend workshops to tailor vignettes that contain physical redirect

The purpose of these virtual workshops is to enable IYT group leaders to understand the changes to the physical restraint framework and how vignettes containing physical redirect can be tailored for the New Zealand context.

For more information about the workshop, please look at <https://incredibleyears.nz.co.nz/events>

Delivery steps when showing vignettes that contain physical redirect

The five steps below outline the process you should follow if you are showing vignettes that contain physical redirect. Following are notes and discussion points for each of the six vignettes showing practice consistent with the NZ legislation and those that are not.

Adhere to usual IY principles and processes

1. Prior to your group select vignettes and create an agenda that matches the needs of your group as per the manual.

Within this you can draw on the following vignettes (in keeping with the New Zealand legal framework) to help clarify the use of physical redirect in the NZ context and how it must be ceased if there is any resistance and use other strategies:

Decreasing Inappropriate Behaviour Part 2 (Workshop 5 -DVD 6) Vignette 2, Vignette 4, Vignette S-34, Vignette S-36, Vignette S-38, Vignette S-39

Only use the following vignettes selectively, if at all, for a specific purpose. (It is important to convey this specific purpose to the participants.) Be clear that parts of these vignettes show practice that is not in line with NZ legislation:

Decreasing Inappropriate Behaviour Part 1 (Workshop 4 - DVD 5) Vignette 6

Decreasing Inappropriate Behaviour Part 2 (Workshop 5 -DVD 6) Introductory Narration, Vignette 1, Vignette S-40

2. Before you start showing vignettes that contain physical redirect, clarify that changes to the legislation regulating the use of physical restraint came into force on 1 August 2020. Details about these changes can be found at [Education and Training Act 2020: Updating the physical restraint framework – Education in New Zealand](#)
3. Highlight key messages:
 - Physical restraint is defined in the Education and Training Act as the use of “physical force to prevent, restraint, or subdue the movement of the student’s body or part of the student’s body against the student’s will.”
 - Teachers and authorised staff members can only physically restrain a student if it is necessary to prevent imminent harm to the health, safety or wellbeing of that student or another person, and the teacher or staff member reasonably believes there is no other option available.

- Physical contact for guiding, comforting, or communicating with a student, that the student does not resist, is not subject to the regulatory framework.
 - Harm includes harm to the health, safety or wellbeing of the student or another person, including any significant emotional distress suffered by the student or other person.
 - Significant emotional distress is when a person is overwhelmed by a situation to such an extent that it is utterly intolerable, and they cannot cope or recover.
 - Imminent means about to happen.
 - The Act maintains the ban on seclusion. Seclusion means placing a child or student in a room involuntarily, alone and from which they cannot freely exit, or believe they cannot freely exit.
4. When taking your group through the “young child resists going to Time Out” flow chart in the handouts highlight that if child resists being walked to Time Out, it is ceased as a strategy. (Appendix 1)
 5. Deliver your session as per the IYT manual incorporating the recommendations in this document.

Guidance on how to use vignettes containing physical redirect within NZ legislation

Decreasing Inappropriate Behaviour Part 2 (Workshop 5 -DVD 6)

Vignette 2

Consideration for NZ context: Child is not resisting physical redirect.

Questions to facilitate discussion: Given that we recommend using the Time Out to Calm Down strategy for aggression only, what other strategies from the IY pyramid can be useful here?

Vignette 4

Consideration for NZ context: Child is not resisting physical redirect.

Questions to facilitate discussion: As we recommend using the Time Out to Calm Down strategy for aggression only, what other strategies from the IY pyramid can be useful for bad language?

Vignette S-34

Consideration for NZ context: Child is willingly being lead across the room and when the child is no longer willing to walk with the teacher, physical redirect is ceased.

Questions to facilitate discussion: What is it about this interaction that makes this acceptable within the NZ context?

Vignette S-36

Consideration for NZ context: Child is not resisting physical redirect.

Questions to facilitate discussion: At which point did the teacher risk moving outside what is acceptable in the NZ context? How do you keep calm in situations like this?

Vignette S-38

Consideration for NZ context: Child is not resisting physical redirect.

Questions to facilitate discussion: While the teacher does not continue with physical redirects when Emani resists, what else could you do in this type of situation? What helps you keep calm in situations like this?

Vignette S-39

Consideration for NZ context: When the child resists physical redirect, it is dropped.

Questions to facilitate discussion: What do you notice that is in line with the NZ legislation regarding the use of physical restraint? When do you think it is appropriate to try physical redirect, when would you move to a different strategy?

Vignettes that contain physical redirection and are outside NZ legislation

***Only use the following vignettes for a specific purpose.**

Be clear that some parts of vignettes show practice outside NZ legislation.

Decreasing inappropriate behaviour Part 1 (Workshop 4 – DVD 5)

Vignette 6

Consideration for NZ context: Child is being physically redirected against their will.

Questions to facilitate discussion: Clarify the NZ context as with the Time Out to Calm Down topic. **As this child is resisting the physical redirect, it must be stopped.** What other strategies could be used instead? Discussion on preventative strategies that might have reduced the likelihood of this occurring?

Decreasing inappropriate behaviour Part 2 (Workshop 5 – DVD 6)

Introductory Narration (parts shown)

Consideration for NZ context: Physical redirect continues while the child resists. It shows the child being taken outside the classroom and left on his own. A child should not be left unsupervised in a separate space. (Early Childhood Regulations 2008)

Questions to facilitate discussion: Clarify the NZ context as with the Time Out to Calm Down topic. As this child is resisting physical redirect, it must be stopped. What do we need to note to clarify as we go through the following vignettes?

Vignette 1

Questions to facilitate discussion: Child is being physically redirected against their will.

Useful Discussion for facilitation: This child is on an individualised plan, however, in the NZ context, it does not meet the threshold of preventing imminent harm to health, safety or wellbeing. What other combination of IY strategies might be useful?

Vignette S-40)

Consideration for NZ context: Child is being physically redirected against their will and kept in an area they are trying to leave.

Questions to facilitate discussion: It is not permitted in the NZ context to lift Kaylee and place her back in time out to calm down and not allow her to leave. What other IY strategies could be used here instead?

Further information on support for schools to manage challenging student behaviour

[Guides | Inclusive Education \(tki.org.nz\)](https://www.tki.org.nz)

[Support material / PB4L School-Wide / Welcome - Positive Behaviour for Learning \(tki.org.nz\)](https://www.tki.org.nz)

[Home | Wellbeing@School \(wellbeingatschool.org.nz\)](https://www.wellbeingatschool.org.nz)

Contact for IY practice advice

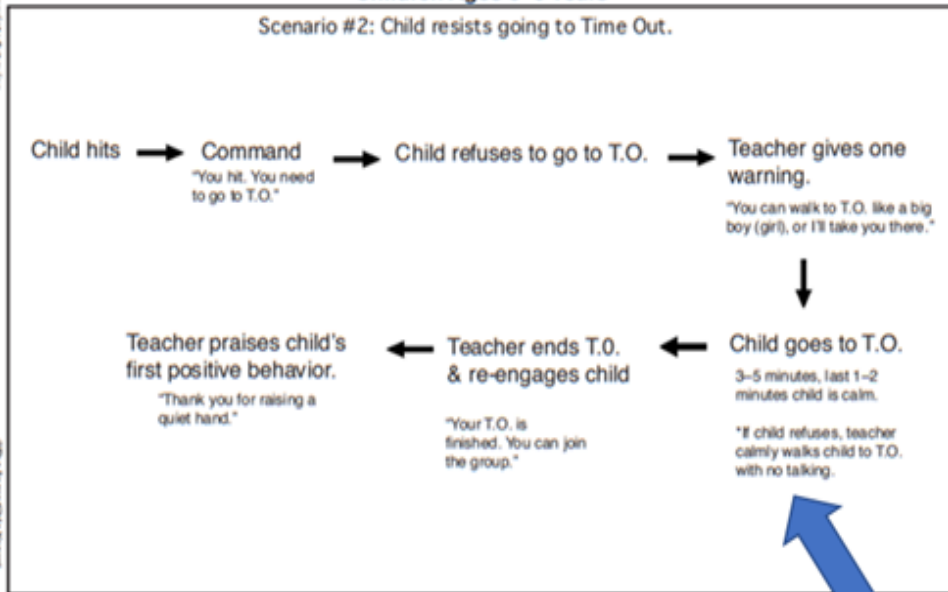
If IY providers/practitioners have any enquiries about this guidance, please email PB4L@education.govt.nz

Appendix

1. [2017-Physical-Restraint-Rules-2017.pdf \(education.govt.nz\)](#)
2. [Guidance-for-New-Zealand-Schools-on-Behaviour-Mgmt-to-Minimise-Physical.pdf \(education.govt.nz\)](#)

**Young Child Resists Going to Time Out
(In the Classroom)**
Children Ages 3–6 Years

Scenario #2: Child resists going to Time Out.



Highlight for NZ context that if child resists a physical redirect in any way it must immediately be dropped