



Teaching Today, a podcast from The Education Council

Episode 1: The Use of Physical Restraint in an education setting

Presenter: Francesca Hilbron

Panelists:

Heather Henare

Mark Potter

Tom Haig

Mandy Coupe

Francesca Hilbron: Hi everybody, welcome to the Education Council's Podcast Teaching Today. This is your host, Francesca Hilbron. Each month we'll speak to experts from the education sector for insight and discussion on issues and ideas. It's a Podcast about teachers, with teachers and for teachers.

Welcome to our inaugural episode of Teaching Today and we'll be tackling the controversial subject of the use of physical restraint on students. Some teachers say they are unsure when to use physical restraint and others are saying they'd rather walk away from a confronting situation than risk getting it wrong. Parents are telling us that getting it wrong has a catastrophic impact on the child and their family and what's needed perhaps is a national programme to implement the government's guidelines.

So, here with me today to discuss the issue is our four-person panel, and I welcome Heather to start the introduction and perhaps tell us why this discussion is important for you today.

Heather Henare: Kia ora, I'm Heather Henare, I'm the CEO of Skylight Trust. This is a really important discussion for me, I guess, because of my background. I've been a social worker, I've been a foster parent, I ran Women Refuges, so I've had a lot of practical experience around working with children or young people at risk.

I think there is a right and a wrong way of doing it. I think that at the time it's not always obvious for people and it's a really hard situation to be in and I think the more we discuss it and the more courage we give people to understand what they're working with and what are the options, then the safer children and young people will be.

Mark Potter: Kia ora, I'm Mark Potter. I'm Principal at Berhampore School in Wellington. I am also a National Executive NZEI member, I am a trustee for the Autism Intervention Trust, I am Co Chairperson Strengthening Families in Wellington City, I am also involved with the Inclusive Education Action Group and the Education For All Forums, so a lot of advocacy work there which is why this is important to me because Berhampore School



is a very inclusive school and so we either get children transferring to us or we have parents coming to us to ask us how perhaps their child could be better accommodated where they are. Some of the most distressing stories we hear are around restraint. To me, this is a very important discussion because the guidelines should actually eliminate most of the unnecessary uses of restraint and minimise it down to the rare occasions it should be used, and it should be rare because it is extremely traumatising for everyone.

Tom Haig: Morena koutou, I'm Tom Haig, I'm the Deputy General Secretary of Policy at PPTA.

So, our interest in this began with the Supplementary Order Paper which introduced the change to the legislation to bring in these particular powers or restrictions on the use of restraint by teachers in schools. We had been, prior to that, involved in the development of the guidelines which were it was a fairly good collaborative process but we weren't aware they were going to be backed up by change to the legislation. There wasn't a wide understanding of what the implications of the legislation would be and then how it's playing out in schools is also, it seems, problematic. So, we think it's timely to have another look at it. We understand that the government is interested in doing that and that's why this conversation is, you know, an important thing to be involved in.

Mandy Coupe: Kia ora koutou, ko Mandy Coupe toku ingoa. I'm from a Kindergarten Taranaki. It's important to me because I'm interested in the decision making process, I think the restraints about the mana of the child, the rights of the child, that it's done in a dignified way but it's also the child doesn't come to the sector alone, they come with their whānau, with their ancestors that they travel with, and I think that's a really important aspect, that when we're thinking about this, that the child, the whānau and the kaiako are part of the decision making process, so that's why it's important to me to make sure that all of those elements are covered.

Francesca Hilbron: Thank you very much, some very pertinent points raised there that I'm sure we'll get into with our conversation.

I should note that unfortunately the Special Education Principals Association was unable to be here today. They are a very interested and important stakeholder amongst obviously very many people out there, as you have alluded to.

So, all registered teachers in New Zealand are required by law to comply with the Code of Professional Responsibility and also obviously the Standards for the Teaching Profession because they set out the expectations for behaviour and practice in teaching. And with well being and safety featuring so prominently in both of those documents, restraint is certainly top of mind for teachers.

And so, Mark, I'd just like to start then with you. If we look at your school where you've been principal for almost 20 years, I think, you talked about how your school puts special education and inclusive education really at the forefront. Can you describe to us then what restraint looks like for you and your teachers in your community?

Mark Potter: I often say to people that restraint actually starts with restraint of behaviour of those who might restrain and that's what the guidelines, I think, are about and to me that's the biggest strength that they have, is they have outlined some very good strategies to think about rather than to use physical restraint. It's taken a relatively short time for people to come to terms with seclusion. I think we often forget that that was also part of this body of work. Some excessive behaviours were being done but totally under guidelines at that time were okay.



So, for us, this is a good positive move. In our school, it's around having a culture within the school that is really focused on understanding the children. So, if you understand the children, you are far more likely to anticipate issues that might have previously been an opportunity for restraint.

I just heard a speaker this morning at an inclusive conference talk about a child that was extremely violent, aggressive etc. but non verbal and it wasn't until they finally managed to calm the child down they found a bee sting on the child's toe. You know, if your first thought is to restrain, then that's where you need to be restrained, rather than the child. So, that's where we come from, is around creating culture that understands the children. That can only be created by talking with parents as well.

Most children who end up getting restrained aren't an unknown. They are children that will have conditions, syndromes, trauma, past histories, something that says there's an indicator here this child is going to potentially be in a situation where they might pose a risk to someone else.

If you talk to the parents, quite often they've got a lot of knowledge that can help you come up with strategies so you don't need to be in that situation. And quite often those things haven't been fed in, in situations where schools have had to restrain.

Our school also has a policy of no one should be alone when restraint becomes necessary and one of the first things we do, should we need it, is to talk to the parents straight away. They need to know because by that stage they can also help us with the cool down for their child as to whatever happened there.

Francesca Hilbron: So, this is very similar to your point, Mandy, that children don't come to our schools, our centres, alone. So, do you see any difference or similarities between what Mark is talking about in terms of the perspective of restraint in your community?

Mandy Coupe: Yeah, I think in Early Childhood this isn't something new to us. We have our own licensing criteria that we'd use and we have our own policies and procedures and our own curriculum covers this aspect and how we'd work with tamariki.

But from Early Childhood, we'd see whānau are the experts. So, it starts with, you know, like the commencement, when a child comes to you, you might know some history about them.

And we'd be having those conversations with whānau about, you know, what works well for them at home, what's perhaps the trigger that they've noticed, what strategies have they tried at home, what works there that we might be able to use.

We focus on strengths and interests of the child. So, we'd be looking at what is that child's interests, what do they bring with them, what does that mean for our environment to support the learning of that child.

But we'd also be coming from the aspirations of the whānau, what do they aspire for their children, what do they value with Early Childhood in our whāriki, it's about planning for individual learners but it's all about the holistic nature of that child and it's always the child first and about the mana, keeping that mana intact.

Francesca Hilbron: I have a suspicion that we're probably thinking very similarly along those lines and we'll explore this a little bit more because we know that parents are very keen to strengthen their engagement with



schools and there are probably some good best practice models out there.

Francesca Hilbron: But, Tom, going back to your point then, if we start right at the top with the legislation and the changes that were introduced in the Education Act last year. I think I know the answer to this but was it a good move or have we got the law wrong?

Tom Haig: Yeah, I mean, to rewind a little bit further. You know, as Mark and Mandy have said, it's really clear that no one wants to be using restraint when they become a teacher and there are lots of things that schools and teachers can do to minimise and, in many cases probably, eliminate the use of it but there are occasions when, for the safety of people in schools and Early Childhood Centres, that it's necessary unfortunately. Therefore, a framework around how that works is important and it's good to get that right in a way which is maximising everybody's safety and it's clear and also makes for professionals who are involved in the care of children to be able to sort of know what it is that they can and can't do.

And I think at the moment the issue is that there is a discrepancy between what's in the Education Act and what's in other pieces of law which means there is some lack of clarity here.

Having a bit of a look at what other jurisdictions do on this is really interesting, that places that are very similar legally and culturally to New Zealand have got quite a different framework. In Queensland, in Western Australian and I believe in other states in Australia, there is a much clearer establishment of the power of teachers to use physical restraint for even what they describe largely as sort of maintenance of order in their classrooms. In the UK similar, in 2006 there was a big discussion about the use of restraint in schools.

Now, I don't think we necessarily would want to go down that track in New Zealand but it is interesting that there wasn't a conversation really at all about what it was that we did want to use it for and that it came as, you know, sort of, out of the blue, I'd say probably the hardest line in terms of the limits on teachers' ability to use physical restraint of anywhere that I can see.

We've gone to the point of it can only be used, according to the Education Act, when there is a risk of serious and imminent harm to a student or to a person in the school. That's further than any of those jurisdictions. It might be the right case but it's inconsistent with what's in other bits of legislation, in the Crimes Act and in common law, and that leads to confusion. And that's even acknowledged in the guidelines which, you know, like Mark referred to before, there are some really good things in those guidelines but the guidelines even say within them, oh look, there are some other legal bases for you to use restraint as well, which is not helpful. You know, either these guidelines are clear and they tell you when you can and can't or they don't, and at the moment they don't.

Francesca Hilbron: What about some of the comments out there in the media that, you know, this is commonsense gone mad, political correctness gone mad, children are going to be trashing our classrooms, we need some change there? Mark, any comments around that?

Mark Potter: A lot of schools did have very good practices prior to these guidelines which is where a lot of the better parts of it came from. What we've got is a situation, a little bit similar to when the so called anti smacking law came in and there was a lot of scaremongering about what that meant, parents are going to be locked up because they smacked their kid on the wrist in the supermarket and it's never happened and it was never the intention.

But, as Tom has said and quite a few people have pointed out, those parts in the guidelines about prevention



minimising etc. are quite good. It's what do you actually do where they start to fall down and there is conflict with other parts of law and teachers have been removed from rights under law every other citizen in the country has and that's got to be questionable. Would we remove police from any use of restraint and then send them out into the streets to work? Bearing in mind, I don't want police officers restraining me either but we've got to actually think what are we trying to achieve with these guidelines? What should the legislation be doing? And it's just not there yet. The Minister, Christopher Hipkins, has noted, and he noted even when it came out, I don't think this is right.

I don't think we're going to see an upsurge in children wrecking classrooms. However, we must be cognisant that there are children right now that do. Could it actually have been avoided by other ways? Restraint is not the only way of addressing those kinds of behaviours.

Francesca Hilbron: Sure.

Mark Potter: And it goes back to everything that's been said by other people about knowing that child, knowing what's gone on, making sure that you don't inadvertently create the situation because a professional could do that without meaning to actually kick it off and then we're treating the child as if they are the problem.

Francesca Hilbron: So let's then, on that note, turn to Heather. If we're talking about professional responsibility, professional judgment, the rights of young people versus the rights of people who are there to support them like teachers and social workers, from your industry where you work, Heather, any comments around advice that we might give to our profession and where the law sits in terms of common sense and guidelines that support them?

Heather Henare: I think what both Mandy and Mark talk about are, you know, good strong values and principles around best practice which is what we all want to work by. The reality is that we work in an environment where we have a lot of unknown. For example, if I could just talk about the 10 years in which I was a Chief Executive of Women's Refuge. We would often have children arrive within a community and then be sent to a school the next day. We would barely know anything about them, let alone being able to brief the school completely about what they had witnessed, what they had seen, the trauma that they had been involved in, the trauma that they might have witnessed the night before. And, of course, you know, we would try and make the best decision for that child at the time. Often we would try and get them into school and normalise their lives as quickly as possible in order to settle an environment for them.

We have very transient families. We're dealing with an enormous social issue out there. We have third generation P babies who to this day some of them have gone undiagnosed and unsupported within the education system or within the health system, so they're not labelled with anything but they're also not given any help, so they're floating within an environment with this stuff going on in their head and in their brain that they're incapable of being able to manage.

So, in an ideal world we would do all those things. As a parent, we would be handing our child over to a school. We would be ensuring that they knew everything about what works for us at home, what doesn't work, how can we best manage the situation as a collective group to ensure the child's safety and best practice for our child. But the reality being out there, there are environments where that doesn't happen and so teachers and principals in schools are dealing with the unknown.

I think it comes back down to best practice and I think the bit that was missing for me was a trauma informed interpretation within the legislation but I think that if we're going to be in care of a child, we have a



responsibility to be informed about this, we have a responsibility to ensure our teachers and our parents are well versed on what we need to do and what we can do as a collective group and get as much support around the issue as we can.

Francesca Hilbron: So, we've heard that the guidelines are too restrictive. Does that mean they don't provide enough support and information or is it something else, Tom?

Tom Haig: I think it's one of those, like many changes in the education sector, probably in the wider public sector, there's sort of a big gap between like the intention of people meeting in offices here in Wellington and then what happens when things are implemented out in the sector.

The gaps there, overcoming those is sort of part of the challenge for agencies and then for like professions like teaching to sort of be able to make that stuff work. Yeah, but, I mean, I think that with this there are problems of substance and also of implementation. It's got both which makes it harder.

You know, really I think what Heather is saying, and it's completely right, is that teachers and Early Childhood professionals are at the, sort of, nexus of a whole lot of really complex problems and social, individual and family issues which we have responsibilities towards but we can't always be expected to know all about them and solve them all perfectly. So, what is it from the centre we can do to, sort of, help to make that less complicated or to support people to make them, sort of, behave, do the best possible thing? In that really complex situation, I don't think either the law nor the guidelines really do that. They don't really provide the support.

So, the support would be the sort of training stuff and the behaviour response service and things like that which does sound like it is quite good if it gets there but, you know, the resources are limited and, you know, access to that is usually, sort of, after the fact. Does this make things more simple? Well, it doesn't because there's the inconsistency between different parts of the law. It doesn't because the forms that teachers are required to fill in and the principals and so forth are required to go through are onerous. And it doesn't because it's inconsistent with some of the practices that have been used in the past and so, yeah.

Francesca Hilbron: Can we talk about an example of the inconsistencies between the laws? I think one of them is probably, I assume, the Crimes Act and the Education Act...

Tom Haig: The property one is a classic one. So, you know, the Crimes Act gives a defence for people to stop someone leaving a place with something that doesn't belong to them. You know, in a proportionate and reasonable way you're allowed, if you see someone stealing something you can stop them doing that.

The Education Act powers of restraint explicitly exclude that and the guidelines make it really clear that you can't stop someone who's picked up a laptop and is walking out a classroom with it in their bag. Many teachers wouldn't feel comfortable in that situation, they wouldn't want to step in and stop a student doing that, and that's fine, we can't force them to do that. But if they are confident enough to do it, and they're going to stand in the doorway and tell the student to put it back or whatever and that they can stop them doing that, I think that it would be a reasonable course of action for that to be allowed. If they did this now under the current Act, they'd be at risk of well, they would be breaching the Education Act which could mean that they could face a complaint to the Education Council and a range of sanctions which seem out of step with what the public would expect from the teaching profession and out of step with what anyone else is allowed to do.

Mark Potter: If I may jump in there? It's that very uncertainty that is the issue. So, it's very restrictive around



what you're allowed to do. It's very lacking in detail what you can do.

So, what that has done is really it's protected the legislators, it's protected the central government, but the people out in the field have no protection at all and this is one of our big issues that we have.

And another aspect of the Crimes Act, as Tom was saying, you can step in to prevent theft. You legally can do that but a teacher no longer can, unless they're downtown and it's an 18-year-old at a hardware shop walking out with something then they can. So, it's only in a school environment they can't.

Under the New Zealand law, I think the legal term is you may prevent riot and that's where a person is smashing up an establishment or damaging property etc. That's term is I think riot. You're not allowed to prevent a child smashing up a computer suite, is often the one that we are given. But what we're given, which I feel is a very I'm trying to think of a nice way of putting it avoidance behaviour from central authorities, is you may interpret it that a piece of flying glass from a broken computer could harm a child, so you could restrain. To me, that's dishonest. I'm quite angry about that. You know, most of the computers we have in the schools don't have glass screens anyway. So, immediately they're telling professionals to use an inadmissible defence should they be called into question. That should not be happening.

When you're in the situation of having to restrain a child, and I've had to do this on thankfully rare occasions, you don't want to be balancing a law book in one hand trying to figure out which part of the Act you're in at this stage whilst trying to prevent a child usually from harming someone else.

Often I talk to people around these guidelines. You can go through very good outlines of what kind of restraint is appropriate. You know, a distressed child, a child about to run on the road, there's some very good descriptions of those. There's some very good descriptions of what you don't do. You know, anything that bends joints, pressing children to the floor, headlocks, you know, and tragically things that have been used in the past. But it's like children who come to me from other schools and we say, what are you doing? I was kicking, biting, hitting. Well, what should you do instead? And the children say, don't bite, don't hit, don't kick. Well, that's exactly what we've got from these guidelines and I say to these children, well what should you do instead? You've told me what not to do but what should you do? And those children often don't know because no one has ever talked to them about it. This is the discussion we've got to have.

There is a section that says what do you do should you have to restrain? There are only two action points in that section. There's a whole lot of other bullet points that aren't actions. The action points are ask someone else to do it. So, all you've done is remove that problem on to someone else. The second one is call the police. I don't know why we have guidelines as escalating restraint to a mandated enforcement force like the police. I'm pretty sure the police don't want to be coming in tasing children, handcuffing them or whatever.

Francesca Hilbron: So, we've got these guidelines in school. What about in Early Childhood, how confident do you think Early Childhood teachers are when they are represented with similar situations and how they can respond?

Mandy Coupe: Yeah, when we were talking about restraint and the guidelines and legislation, I would have to say perhaps across the Early Childhood sector is it well understood? But I think it's much bigger and we have our own regulations that we've been working to and we've got Te Whāriki and the Code of the Professional Standards, the same as the primary and secondary do, but I think something that's unique to Early Childhood is we're quite diverse. In Early Childhood, it's not just one, we've got different services that sit inside Early



Childhood.

What I would recommend to this, is perhaps some of the other fundamental issues are, we don't have 100% qualified teachers. So, you know, that's a challenge for us. Currently it's 80%. I'm not saying just because they're qualified teachers that they make necessarily good teachers but when they're all not qualified, I would be recommending that perhaps do we have ongoing professional learning and support for teachers to support them with positive guidance that supports social competence and how quickly can they access those learning support services because that's often the challenge as well for Early Childhood. And also around new graduates coming in, although in Early Child you're working in close proximity to one another, it's not like a classroom where you're the only teacher in there in that room, there could be three or four or up to five in some environments, so you can support one another with that.

But if you're a new graduate, where is their support to and around escalated behaviour?

Francesca Hilbron: On that point around training and support, it's obviously critical to anybody in the profession and to teachers. Heather, I'd like to talk to you briefly about that, around Skylight Trust operates explicitly with the family-centered approach. Can you describe to us what that looks like and how that has positive outcomes for children and young people who are in difficult situations?

Heather Henare: So often when we get a referral, we will have a parent or an organisation ring, it might be a health professional, who say there are particular problems with this child and they want the child to come to counselling or it might be to attend one of our groups that we run for children. Often the emphasis is put on the child, that the child's got the problem.

What we start with straight away upfront, is we ask for a meeting with the parents or parent or caregiver or whoever is responsible for that child. We work with them around the relationship, what are the key factors with regard to the child's behaviour, what are the contributors, what do they see the contributing factors are and how do these things play out within the home environment and how do other people manage that within the home, well within the school environment. And so, we try to get a really big picture view of what's going on in the child's life and that immediately informs us or gives us a bit of a clue as to where are some of the points or change points that we might be able to look at.

We might enrol that child into one of our dealing with change groups or going through tough times, so any one of those groups that helps children manage difficult situations and gives them the ability to use different skills to empower them with some skills to change that behaviour or change that way of communication.

So, we look at it from a much wider perspective, all with the intention of trying to shift the child from being the problem to the child (a) being empowered to resolve and (b) in control of their own issues, but also empower the family and build resilience within the family to manage the situation in a different way.

So, it's never as simple as the child is behaving in that way and I think that's something that we can all learn from and parents, you know, manage every day but also professionals manage every day when they're dealing with children. It's way more complex than what's just put in front of you and it's good for us to remember that always.

Mark Potter: Can I just talk on that? One of the biggest issues that we face is rushing to judgement and it can be done of parents, it can be judgement of the staff as to what's happened. Just because you've got a child who



actually has difficulty self regulating doesn't necessarily mean you're a bad parent. In fact, quite often you'll find these are outstanding parents and that's why they're so important to talk to. But this is human behaviour, we judge people quite quickly and it's the worse thing we can do in the situation because what you risk straight away is losing or alienating potential allies for the child and, as I say, often the child is presented as the problem but sometimes it's not the child, it might be something environmental that is causing rise to this and I think a lot of MLEs are having to think quite carefully around this and don't judge people but actually a bit of Socratic thinking here. So, what ideas have we got? What can we try? What can actually lead to a difference rather than a judgement?

Tom Haig: Yeah, just trying to think about this in the wider perspective that you guys are bringing which is really useful. There's a way to sort of flip this around which has been dealt with in other jurisdictions and I wouldn't be surprised to see if this comes here as well which is the, sort of, flipside of when can you restrain, to when do teachers have to restrain, or when is there an expectation that they should have, with the duty of care that teachers have towards students which comes through regulations under the Regulation Act, it comes through the Code of Standards of Professional Responsibility which, you know, they are governed by. There is an obligation to care for the well being of students in your care.

Now, if a student is being violently assaulted by another student, the Act clearly, you know, the regulations give the right for that teacher to intervene, you know if there's that risk of serious and imminent harm. But the question which is I think an interesting one, which isn't dealt with at all in here, and the guidelines has never really been sort of tested, is there a duty on that teacher to intervene or the school? And I'd say possibly in ECE where kids tend to be more physical, possibly that happens on a more regular basis, in that there might be some sort of guidelines on that. In secondary schools, certainly, I mean, yeah, there are kids who would be really hurt in fights. Teachers, whether or not they are obliged to intervene, it's a difficult thing to say on an every single teacher basis. Some of them might be clearly not up to it, others would be. I would be interested to see whether, you know, you have thoughts on how that might pan out or whether we are, sort of, likely to see that happen in New Zealand.

Mark Potter: Yeah. There is a perceived threat to professionals of a parent saying, why didn't you do anything? There's implications of certain sanctions on you should you contravene these guidelines. The point I worry about is this lack of clarity we have and I think lack of pragmatic reality to them as well will lead to paralysis of professionals which could actually result in quite severe injury of a child through lack of response.

I've had teachers say to me, oh, we've looked into it. The fact of their answer then told me they hadn't looked very far at the guidelines but they said if a child is running on the road we're not going to restrain them because we'll end up in trouble. I'm saying, actually, there you would be quite clearly under the Council guidelines everyone's understanding is you are still responsible for the safety of children.

So, I totally agree, there is this big grey area there.

Francesca Hilbron: Is there enough money on the table? Is there enough support for training?

Tom Haig: No.

Mark Potter: No.

Francesca Hilbron: So, behavioural assistance, \$95 million last year, another \$69 for the next 4 years. We're



talking 2,500 schools, 800,000 students. Mark?

Mark Potter: In my school, as soon as the guidelines came in and UBRS, the training that is available to schools, we put our hand up and got in early before they started being put forward to schools that had restraint reports.

We took a teacher only day in order for our entire staff, support staff, teachers, to be involved. We spent an entire day talking about what we already did. There was nothing new. It does call into question treating everyone the same. It's a big issue. Training everyone the same is going to put a lot of schools through wasted time and wasted effort, wasted resource. We believe in paying for our support staff to be at training but most of them are waged and so that's additional cost on the school again and you're talking a professional part of our working force that is only waged at a very peppercorn rate. So, the resources aren't there and if we are going to alleviate this, there needs to be far more put towards it.

Francesca Hilbron: We know that data and information can be very useful as long as it's robust and we know from some of our parents that they're very keen that schools are reporting the process and it's in a requirement in the guidelines.

But we're also hearing on the other side that it's a very arduous process and we're not seeing the value at the other end.

Heather, I'm sure in your line of work you've seen and done a lot of incident reporting; what's the value in it?

Heather Henare: If you compare it to, for example, death reviews and where we do reviews constantly on a particular practice or something that has happened, unless we actually follow through, I mean I could write a death review on a child or a woman who died from domestic violence based on all the other deaths that we have in this country because the same factors come up over and over again and have been for years.

And so, unless we actually address the issues, those consistent issues, and we have a strategy to put, you know, those issues in place to try and resolve them for the environment, then we're going to continue to get the same stuff. But I think it's irresponsible to continually put in legislative change that doesn't have the support package that comes alongside it in order to ensure that legislative change is applied with best practice principle. I think we do that all the time as a country, we continue to do it over and over again.

Tom Haig: Agreed.

Mark Potter: Yeah.

Heather Henare: I think there are things that schools can do. For example, we have the Travellers Programme which we run throughout the country and we work in building resilience schools within year 8 and 9. Now, at the beginning of that process we do a survey of all the year 9 or year 8s within the school and that survey is hugely informative to the school, in the fact that it can alert the school to significant problems that are going on within their community.

So, if 20 students do the survey and out of those 20 students 10 of them are reporting that they experience violence within the home, then you know within your community there may be an issue with regard to that issue and you may require some extra activity that you can bring into the school environment to help people get to grips with what's happening to children within their lives and within their home life.



Tom Haig: Could I just jump in to support that, that issue of the incident reports? I think it's classic of the way that, you know, central agencies work with schools of driving work down onto the frontline without any cognisance of the resourcing needs that that creates. We see it so often and it's a pattern that is from the central agency's perspective it's like, okay, this is creating accountability and monitoring which is really important for them for data and for being able to intervene, you know, that would be the justification while it gives us the knowledge you go and intervene.

But from the perspective of the frontline, well, if the intervention doesn't come across as valuable, then that's, you know, a disincentive to bother. And then also if it's used as, sort of, in a punitive way, then there's even less reason to do so as well.

So, yeah, I mean, I think that agencies need to be really careful when they establish a system that says, you know, here is a great big form that you're going to have to fill in which is super useful for data crunches up in Matarangi House and really, really not useful for people on the frontline who have just been through a really traumatic incident, feeling highly stressed out, the school has got no doubt a lot to deal with and then it's like, okay, sit down and fill out all these screeds of forms.

Mark Potter: There is that need for schools to be clear on what is happening. With this gathering, you've got to be careful what you gather. You've got to be very careful how you interpret it.

I heard a very unfortunate comment by a Ministry employee, thankfully I don't think who work on these areas, but they had seen the first round of data coming out of the reports. You may recall the first one had that there were nine accounts of restraint used at secondary schools. There was 220 in special schools. There was so many hundreds in primary schools. And then a large majority of those were children below the age of 8. And the comment was, so what's wrong with those teachers? Can you see the complete nonsense? There's no logic in that leap that is made. And what I say to people is, people don't appreciate the work that has already gone on through each level of education.

So, starting in Mandy's area with the Early Childhood, helping the children socialise, and we are seeing more and more coming in from whatever society throws at the education system, we are dealing with more. People don't appreciate what Early Childhood has already put in place. And then primary schools have to carry on that work.

One of the reasons there is only nine reported at secondary school is that a lot of the kids that were restrained at a younger age have had a lot more happen than just had restraint. So, by the time they get to secondary school, there is not that need.

Tom Haig: And teachers at secondary school are much more likely to be probably a bit afraid of restraining a big kid.

Mark Potter: And that's a big point and that's one of the things. It is in the guidelines and it does say schools should develop their own policies. Every school, every Early Childhood, every secondary school, is a completely new context and that needs to be looked at and there's no doubt as you go up through the age ranges the risk to child and teacher escalates as the child gets bigger. There's a reason I stopped having father/son wrestling matches about the age of 14 with my kids, I was losing them. So, those things have to be taken into account. What does your centre, school, secondary school do in that situation?



Now, if the school doesn't actually sit down and think that out, they are potentially going to do the wrong thing and so they need to think what are you going to do if it happens? And it's about protecting everybody, including the child because a child who's behaving in that manner is a child who needs help.

Mandy Coupe: Can I just pick up on that? I think when we talk about reporting it, it certainly is an element because it's about reporting what happened, it's also supporting the teacher and for the Early Childhood sector the whānau would sign that to say too that we've shared that with them but I think that comes back to your point, Mark, around sharing and pooling resources with the Kāhui Ako and that was the purpose of that for Early Childhood and primary and secondary, that cross sector. And I think that when the Kāhui Ako, you know when we talk about it, but none of us have enough money, there's never enough funding but if we could use the Kāhui Ako to use some of that pooling around supporting with positive guidance in what we might be needing but we've got to do better between the sectors.

The procedure that we might have that's actually with the individual plan that's actually working for that child, the significance of the transition to school process and sharing that and handing that over. It's no point that the new entrant teacher starting has to build that relationship all over again. We should be passing all of that information over, so they actually have more of a seamless transition because at the end of the day it's about the child, we want the child to be successful.

Francesca Hilbron: So, we do need to wrap this up. Before I give you a chance to have your final words, I wanted to ask you, Mandy, if we're talking about that whole societal issue which is another layer to this challenge, how well are we building resilience in our young people?

Mandy Coupe: I think in Early Childhood, I think that's something that could we do better. Absolutely. But I think in Early Childhood particularly, I think our Te Whāriki around empowerment, holistic family and community relationships, those are the principles, foundation of our document and all of our practices are based around that but I think it's around, you know, we've talked about some teachers attitudes, it's about our environment. I think it's how we are supporting children's interests and the dispositions and what we are do within our environment to support the child to be able to self-regulate. And the key of Early Childhood is around building foundation skills for social competence. We all know that they're entering school and if they're socially adept, they're much more successful at school.

But I think it's the environment in around some services might be having, you know, set kai time and mat times, that takes the child away from their play, uninterrupted play, and that often impacts on the behaviour and that's all about the child having their time to self regulate and Kāhui Ako allowing the child time to be able to do that with uninterrupted play.

Francesca Hilbron: So, before we go, I would like to ask each of you, very briefly of course, to describe if you had the Ministerial hat on today, what would be the one change that you would make to have a positive impact on this issue around restraint? Heather?

Heather Henare: Well, of course, coming from Skylight, our key practice is around being trauma informed and resilient building. So, the fact that children have the ability to learn resilient skills at a much earlier age than what we give them credit for. I would want to see a universal package around building resilience within all schools because I think it's good for the school, it's good for children, it's good for parents and it's good to give our children the skills that they need to manage tough times in their life going forward.

Francesca Hilbron: Mark?



Mark Potter: I think there are three things. The first thing is, all the things that we've talked around this table that make a real difference to children most in need takes time and that's something that we do not have in our schools, Early Childhoods, secondary schools, and we're constantly getting time stealers coming in with new initiatives, new assessments etc., and hopefully we're rolling that back with some of the changes coming up but there is not enough time and the capacity within the schools for schools to be well prepared. So, that's one section there.

I think schools really need to look at what they are doing and really give themselves a genuine look over, which parts are they really good at, which parts should they really have a think about?

And the third thing is, I think the legislative parts of it are wrong. So, it has an impact back on one, every time a new initiative guideline comes out, someone somewhere, who's never been in a classroom I suspect, comes up with an accountability process which is problematic, it means people are unlikely to use it, very unhelpful in most learning situations and there's conflicts we've got. I mean, I'm even thinking about, what about if a child is likely to injure an animal in the classroom? There's very clear law on the protection of animals. It's not taken into account with this, you know. So, this homework has to be done and I think that can't be done by the schools, that's got to be done by the Central Authority.

Tom Haig: I mean, I think to echo a lot of what Mark said there, I think teachers' roles are ridiculously complex these days. There are so many competing demands creating extra legislative competing demands that lead to further confusion that aren't well spelled out is just completely unnecessary. So, I mean, quite a narrow thing I would say. I think we simply need to repeal 139AC and have another go at the guidelines that are linked to common law and the Crimes Act, and then training and support with those that's adequate.

Francesca Hilbron: Mandy?

Mandy Coupe: I think for Early Childhood it's 100% qualified because you wouldn't go and put your child into primary school in front of a teacher that's untrained. So, when we talk about the first 3 years or even less than that are the most crucial time in a child's life, why do we think it's okay to have an unqualified teacher?

I think the cross sector, the Kāhui Ako between Early Childhood and primary and secondary, instead of seeing this isn't always the case but actually valuing what each sector has to contribute I think is significant because each sector shouldn't be starting as they move into those transitions.

I think additional learning support. I think the behaviour is often taking us away from our ability to teach. It is a complex role and it has multi layers and we're all time poor, so we need additional support, better access to learning support and professional learning and development for Kāhui Ako. And I think perhaps, yes, there still does need to be formal documentation to support the rights of the child and the whānau and Kāhui Ako. The child is at the forefront, it's at the heart of everything we do and I think we do need to, as teachers, take a look at not seeing the child as the problem but actually what is our role in supporting to make sure that child has the best possible experience here.

Francesca Hilbron: And that wraps up this episode of Teaching Today Podcast. I'd like to thank all of our panel members for their insight and their time and thanks to you out there for listening. Please join the discussion on our social media platforms and keep a lookout for upcoming Podcasts. They will be posted on our website educationcouncil.org.nz.

