
Appendix five – Student behaviour management and restrictive practices

A broad range of stakeholders who contributed to this audit raised concerns about challenging behaviours of students with disability (and other students) at school; and about how families, schools and the Department respond. Concerns raised were not particular to one educational setting but related to student and school staff experiences in mainstream classrooms, support classes in mainstream schools and Schools for Specific Purposes.

For students and their families, challenging behaviours can be a sign that the student's needs are not being adequately met, and some reported that there had been inappropriate responses from teachers or schools to such behaviours including unwarranted suspensions. For school staff, challenging student behaviours can involve physical and/or psychological injury and so constitute a work health and safety issue.

The audit did not assess the Department's student behaviour management policy or guidelines, as this is planned to be the focus of a separate audit topic in the future.

This appendix summarises the relevant policies.

As well as the Inclusive Education Statement (see Appendix four), the Inclusive, Engaging, Respectful Schools framework incorporated student behaviour management policy and guidelines. These related to managing 'behaviour of concern' defined as challenging, complex or unsafe behaviour that requires more persistent and intensive interventions. A behaviour of concern does not include low-level, developmentally appropriate behaviour. The Inclusive, Engaging Respectful Schools package was discontinued as part of a government directive in 2023.

The student behaviour policy, implemented from term one, 2024 reaffirms a commitment to provide safe, inclusive learning environments for schools including those with complex learning and support needs. Schools are expected to develop behaviour support and management plans that prioritise continuity of learning and facilitate whole-school, prevention-focused and positive approaches to behaviour support, to meet the needs of all students. Where more intensive and persistent behaviour management interventions are necessary to address behaviour of concern, detention and time outs, formal cautions, suspension and expulsion may be used by schools in that sequence of escalation and with procedural fairness.

The policy expects that behaviour support and management interventions are implemented in line with the Australian Professional Standards for Teachers and the Disability Standards for Education. This means they must be fair, equitable, inclusive and proportionate, and take into consideration the diverse learning and wellbeing needs of students, including developmental age, trauma, child protection concerns, cultural considerations, disability and individual needs and circumstances.

Under these revisions, prior to any decision to suspend, principals must consider whether possible and appropriate alternative behaviour support management and intervention strategies have been implemented or attempted, including reasonable adjustments for students with disability.

The Inclusive, Engaging, Respectful Schools policy also incorporated a new restrictive practice framework. A restrictive practice is any action that has the effect of restricting the rights or freedom of movement of a person, with the primary purpose of protecting the person or others from harm. There are five categories of restrictive practice:

- chemical – such as medication prescribed by a doctor to influence a student’s movement or behaviour including their mood
- mechanical – such as a harness used to help a person to calm down or prevent them from engaging in voluntary arm movements that could injure themselves or others
- physical – such as the use of physical force to prevent, restrict or subdue movement of a student’s body, like physically intervening during an attempted injury of themselves or another person
- environmental – such as limiting a students’ access to parts of the school grounds
- seclusion – such as requiring a student to be in a separate room from their classmates for a time.

Schools may use restrictive practices to support students with disability to access and engage in their learning, and to make school safer for the student and others, when this is recommended or prescribed by doctors or specialist allied health professionals and a plan is agreed in advance, or it is an emergency or crisis.

The NSW Government has committed to a national goal to reduce and eliminate the unnecessary or inappropriate use of restrictive practices wherever possible. In response to the national NDIS Review and Disability Royal Commission, the Disability Reform Ministerial Council (comprising representatives from the Australian Government and state and territory governments) intends to prioritise action to establish consistent targets and performance indicators to drive the reduction and elimination of restrictive practices.

The Department developed a new policy framework for the use of restrictive practices in line with these objectives. It had initially planned to release the new policy framework in term one 2022, for implementation in schools from term two, 2022. In April 2023, the Deputy Premier announced that this was delayed until term one 2025 to allow an extended period of school familiarisation with the new policy framework, for the Department to consider relevant recommendations made by the Disability Royal Commission and align with the timeframe for development of a national framework for restrictive practices.

While the new policy framework is not yet operational, there is the expectation that schools will still:

- ensure that prohibited practices already not allowed under existing policy and legislative obligations are not used
- act in line with duty of care to keep students and staff safe
- undertake planning to meet the individual health, safety and wellbeing needs of students, and consult with parents/guardians wherever possible
- follow existing health care procedures when planning to use prescribed medications during school hours
- follow existing departmental policies when responding to incidents that impact the health, safety and/or wellbeing of students and staff.