

**These guidelines must be read in conjunction and interpreted in line with the [Safe and Supportive Schools](#) policy and Critical/Non-Critical Incident Management and Reporting policy.**

**GUIDELINE A**  
**PREVENTING AND ADDRESSING BULLYING, HARASSMENT AND VIOLENCE IN ACT PUBLIC SCHOOLS**

**Publication date: 2016**

**1. OVERVIEW**

- 1.1. This guideline applies to all students attending ACT Public Schools and all Education Directorate (the Directorate) staff.
- 1.2. ACT Public Schools are safe environments in which to work and learn. The Directorate is committed to promoting the health and wellbeing of all staff and students ensuring that schools are safe and supportive.
- 1.3. Principals have a responsibility to ensure safe and supportive school procedures are in place. These procedures should include mechanisms for:
  - 1.3.1 reporting incidents (by students, parents, caregivers and school staff);
  - 1.3.2 intervening in incidents (by students, parents, caregivers, teachers and other school staff); and
  - 1.3.3 accessing help and support (by students, parents and caregivers) and professional learning (for teachers and other school staff).
- 1.4. All members of a school community are responsible for contributing to a safe and supportive school environment where bullying, harassment and violence are not tolerated.

## 2. RATIONALE

- 2.1 The Directorate is committed to ensuring schools are places where students, families and staff feel accepted, valued and connected to their school. Respectful relationships, fair and equitable processes and embracing diversity are core values which underpin ACT Public Schools.
- 2.2 There is a strong interconnection between student safety, student wellbeing and learning. Effective student learning and wellbeing is promoted through a safe and inclusive school climate in which students, families and staff feel a sense of belonging.
- 2.3 This guideline outlines the responsibilities all schools have to prevent and address bullying, harassment and violence.

## 3. DEFINITIONS

- 3.1 In addition to the definitions detailed in the overarching *Safe and Supportive Schools* policy and *Critical/ Non-Critical Incident Management and Reporting* policy, the following definitions are specific to this guideline.
- 3.2 A **bystander** is a person or group of people who witness or know about any type of bullying or harassing behaviour and are not directly involved. Any member of the school community can be a bystander and can act to prevent or stop bullying, harassment and violence.
- 3.3 **Covert bullying** describes a set of non-physical bullying behaviours that are more subtle or easier to hide than other forms of bullying. Covert bullying behaviours may include threats to an individual's reputation and/or sense of safety, threatening gestures, manipulation, spreading rumours or repeatedly ostracising others. These bullying behaviours aim to inflict harm by reducing a person's connection to peers. Covert bullying behaviours are unacceptable.
- 3.4 When necessary, specific reference should be made to '**intersex**', an '**intersex person**', and '**intersex people**' to refer to people who do not identify only as female or only as male.
- 3.5 **Physical bullying** is repetitive unwanted physical contact or threats of unwanted physical contact with a person, group of people or their property. It can include hitting, kicking, pinching, pushing or tripping. Physical bullying behaviours are unacceptable.
- 3.6 **Racism** refers to any belief, attitude, behaviour or practice that reflects an assumption, stated or implied, of superiority of one cultural group over another. It is expressed through prejudice, discrimination and harassment. It can be overt or covert and directed against individuals or groups. Racism can also be institutionalised into policies, practices and structures. Racism is directed towards individuals or groups on the basis of their culture, colour, descent, nationality, and/or ethnicity. It can be based on actual or supposed features of body, culture, language, religion, history or other attributes.

- 3.7 **Racial harassment** can be verbal, physical or written. It is any unwelcome comment or conduct including threats, abuse and insults towards a person (or persons) based on a person's culture, nationality or ethnicity or a characteristic belonging to, or generally believed to belong to, a particular group. Racial harassment can be directed towards individuals or groups. If these words or actions are repeatedly directed towards the same person it is called racial bullying.
- 3.8 **Sexual assault** and **sexual abuse** is any unwelcome sexual contact. Sexual assault or sexual abuse are criminal offences. All allegations should be referred to the police or Child and Youth Protection Services as appropriate.
- 3.9 **Sexual harassment** can be verbal, physical or written. It is any unwelcome comment, advance, request or other unwelcome conduct of a sexual nature which makes a person or group feel offended, humiliated or intimidated.
- 3.10 A '**transgender person**' and '**transgender people**' refers to people who, having been born as physiologically either male or female, have experienced a change in the gender with which they identify.
- 3.11 **Social Data** is a term that refers to data that reflects behavioural and social information about students. Examples of this type of data include: suspension, attendance, surveys and student safety information.
- 3.12 **Verbal bullying** is repetitive spoken or written comments directed at a person or group of people. It can include using put-downs, name-calling and insulting language. Verbal bullying behaviours are unacceptable.
- 3.13 A **weapon** is an object designed or used for intentionally inflicting or threatening to inflict bodily harm or physical damage.

#### 4. LEGISLATION

- 4.1 Commonwealth and ACT legislation firmly establishes the principles of equality and non-discrimination in Australian law. This guideline builds on these fundamental principles and seeks to reduce inequality of access to education by strengthening the education and engagement of all children and young people.
- 4.2 The *Education Act 2004 (ACT)* applies these principles in relation to the government school system. Section 18(a) in Part 3.1 of the *Education Act 2004 (ACT)* establishes that "the ACT government school system is based on the principles of equity, universality and non-discrimination".
- 4.3 This guideline is consistent with the foundational principles of the *Education Act 2004 (ACT)*, *Education and Care Services National Law (ACT)* and *Regulations Act 2011 (ACT)* and the obligations imposed on public authorities by the *Human Rights Act 2004 (ACT)*, *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013*, *Disability Discrimination Act 1991 (ACT)*, *Disability Discrimination Act 1992 (CTH)*, *Racial Discrimination Act 1975 (CTH)*, *Sex Discrimination Act 1984 (CTH)* and the *Information Privacy Act 2014 (ACT) (CTH)*.

- 4.4 All school community members are expected to comply with Australian law including the Crimes Act 1900 (ACT), especially in relation to unlawful behaviour involving weapons, alcohol drugs, dangerous acts, vandalism, violence, harassment, digital technology and sexual misconduct.

## **5. PROCEDURES**

- 5.1. Principals must ensure that schools are organised in a way that properly provides a duty of care and to have procedures that reduce the likelihood of bullying, harassment and violence occurring.
- 5.2. Schools will assist to develop a culture of respect through demonstrating and modelling respectful behaviour in their interactions with other staff, students, families and other school visitors.
- 5.3. When planning, principals must actively respond to particular groups who may be at particular risk of bullying, harassment or violence, such as students who are same sex attracted, intersex or transgender, have a disability or belong to diverse racial, national or cultural groups.
- 5.4. Schools must have clear procedures for staff to address bullying (including cyberbullying), harassment and violent behaviours.
- 5.4.1 Staff, students and the wider school community will be consulted in the development and review of these school procedures.
- 5.4.2 Schools will use data to inform the review of these procedures.
- 5.5. Schools will develop and document a bullying and violence response procedure to be implemented for students who repeatedly display these unacceptable behaviours.
- 5.6. Schools will report the possession of a weapon that is designed to inflict bodily harm or physical damage to the police.
- 5.7. Schools will develop and document a support procedure to assist students who have been subjected to bullying (including cyberbullying), harassment and violence.
- 5.8. Schools will include developmentally appropriate teaching and learning activities that increase the social skills and problem solving skills of students, including bystander behaviour; and furthers students understanding, and valuing of diversity.
- 5.9. Schools will use the Australian Curriculum to plan for and guide students' development of the general capabilities, including personal and social capability and intercultural and ethical understanding, in school and classroom learning.
- 5.10. Schools will provide staff with training to identify and respond to bullying, harassment and violent behaviours.
- 5.11. Schools will maintain awareness raising activities to periodically reaffirm the school community's commitment to address bullying (including cyberbullying), harassment and violence.

- 5.12. Schools will identify at least one female and one male Safe and Supportive Schools Contact Officer (SASSCO) for students. Where there is a large student population, a further male and female SASSCO will be identified. The SASSCO will respond to complaints from and provide support to students who have experienced bullying, racial and sexual harassment. SASSCOs will be provided training to support them in their role.
- 5.13. Schools will maintain bullying (including cyberbullying), homophobic, transphobic, sexual and racial harassment registers with restricted access. These registers will be used to analyse patterns of issues in schools and ensure that students are not being targeted repeatedly. The registers will inform the review of school based procedures. Advice on the creation of registers is provided through SASSCO training.

**6. GUIDELINE OWNER**

Director, Student Engagement

**7. RELATED DOCUMENTS**

*Beyond the Binary: legal recognition of sex and gender diversity in the ACT*

*Child Protection and Reporting Child Abuse and Neglect in ACT Public Schools*

*Complaints Resolution policy*

*Critical/ Non-Critical Incident Management and Reporting policy*

*Managing Behaviours Safely - A Risk Management Approach*

*National Safe Schools Framework*

*Playground Supervision of Students Policy*

*Safe and Supportive Schools policy*

*Student Accidents / Incidents Policy*

*Suspension, Exclusion and Transfer: ACT Public Schools policy*

**GUIDELINE B**  
**SAFELY RESPONDING TO COMPLEX AND CHALLENGING BEHAVIOUR**  
**IN ACT PUBLIC SCHOOLS**

**Publication date:** 2016

**1. OVERVIEW**

- 1.1 This guideline applies to all students attending ACT Public Schools and all Directorate of Education (the Directorate) and Training staff.
- 1.2 ACT Public Schools are safe environments in which to work and learn. The Education and Training Directorate is committed to promoting the health and wellbeing of all staff and students by ensuring that schools are safe and supportive.

**2. RATIONALE**

- 2.1 Occasionally, students may behave in a way that threatens the safety of themselves or others. Incidents involving violent or dangerous behaviour can cause distress for the students involved or witnessing the incident, their parents and staff members.
- 2.2 Clear school procedures and practices together with school community consultation, and staff preparation, planning, training and supervision are needed in response to potential or imminent dangers. Clear procedures and practices enable staff to manage a situation in a way that seeks safer outcomes for the individual concerned, themselves and others. They also provide clarity for new staff and provide consistency and predictability for students in relation to how behaviour is responded to in the school environment.
- 2.3 The aim of this guideline is to:
  - 2.3.1 Assist schools to respond appropriately and prevent the occurrence of challenging behaviours;
  - 2.3.2 Reduce the necessity for protective action, including restrictive practice through the development and use of preventative strategies;
  - 2.3.3 Ensure that when a student is displaying chronic patterns of challenging behaviour, a targeted response is put in place through the use of a behaviour support plans;
  - 2.3.4 Ensure that, when the use of protective action is required, there is prior planning and training to ensure safer outcomes for everyone involved;
  - 2.3.5 Advise principals of the procedures to follow after the use of protective actions; and

- 2.3.6 Advise of the planning, approval and reporting processes required when restrictive practice is included as a planned response in a student's behaviour support plan.

### 3. DEFINITIONS

- 3.1 In addition to the definitions detailed in the overarching *Safe and Supportive Schools* policy and *Critical/ Non-Critical Incident Management and Reporting* policy, the following definitions are specific to this guideline.
- 3.2 **Behaviour support** involves making informed decisions to apply skilled interventions to minimise disruptive behaviours and maximise learning opportunities. In serious situations where the potential for harm is evident, the aim of an intervention should always be to defuse and reduce the risk of harm to staff and students.
- 3.3 A **Behaviour Support Plan** is a documented action plan for managing a student's behaviour. It is designed by teachers in collaboration with parents/carers, relevant professionals and the student where appropriate. The plan may include changes to the learning environment, teaching strategies, timetable modifications, scripted responses and reward/ feedback systems relating to specific behaviours and is regularly monitored and evaluated.
- 3.4 An **Individual Learning Plan (ILP)** identifies the student's individual needs, pathway, goals and priorities for learning. An ILP is designed by teachers in collaboration with parents/carers, relevant professionals and the student where appropriate, to inform the planning, delivery and evaluation of the student's personalised learning program. ILPs are regularly monitored and evaluated.
- 3.5 **Non-physical intervention** describes all methods of student support that do not include or require physical contact between a staff member and a student.
- 3.6 **Protective action** describes the interventions taken by staff to minimise the risk when a significant danger is present. This might include restrictive practices, non-physical interventions and changes to the immediate environment. The danger may be from the actions of a person or from hazards in the immediate environment.
- 3.7 **Restrictive Practice** is a practice or intervention 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. Restrictive practices must not be used to gain compliance in students and must never be used on their own, but should instead be employed within the context of an overall positive behaviour support plan. The common types of restrictive practices are described below.
- 3.7.1 **Mechanical restraint** the use or action of a physical object to prevent, restrict or subdue movement of a person's body, or part of their body.
- 3.7.2 **Physical restraint** any intervention in which force is applied to a person.
- 3.7.3 **Seclusion** the sole confinement of a person in a room or place where the doors and window cannot be opened by the person.
- 3.7.4 **Chemical restraint** the use of medication to subdue or otherwise restrict a person.

- 3.8 **Staff** For the purpose of this guideline, staff are all Education and Training Directorate employees who provide direct care, supervision or instruction to students enrolled in all ACT public education services.
- 3.9 **Time out or Withdrawal** time away from classroom activity in a calming area where doors are not locked and a student is not prevented from leaving. Withdrawal may be teacher or self-directed.

## **PROCEDURES**

### **4 Planning and Prevention**

- 4.1 Principals must ensure that schools are organised in ways that provide duty of care and have procedures that reduce the likelihood that protective action may be required.
- 4.2 This may be achieved through the development and implementation of appropriate strategies for students that:
- Use a whole school, consistent approach to positive behaviour
  - Foster strong teacher-student relationships
  - Develop staff skills and capacity to respond to behaviour
  - Focus on student centred practice
  - Facilitate environments , including physical space conducive to student learning
  - Interpret behaviour as a communication attempt and support students to communicate needs in a different way
  - Involve students in planning appropriate support
  - Develop Behaviour Support Plans for students requiring targeted support
  - Include risk assessments for students at high risk of potentially harmful behaviour
  - Involve regular opportunities for review and reflection to ensure continuous improvement in meeting the needs of students.

### **5 Protective Action**

- 5.1 Risk of harm can never be eliminated, but where it can be reasonably foreseen staff have a legal responsibility under Occupational Health and Safety legislation to take action to reduce the risk of harm to an individual or group.

- 5.2 Threatening or reckless behaviour must be managed to minimise harm to those concerned, which may necessitate protective action.
- 5.3 When dealing with situations that require protective action, duty of care does not mean that the safety of one individual automatically overrides the safety of others (including staff members) placed at risk.
- 5.4 Any action that involves the restriction of choice and movement must be commensurate with a duty of care and be reasonable, proportionate and necessary to the level of risk presented to all involved.
- 5.5 Protective action must only be used to reduce the level of risk to an individual's safety or the school community. Sometimes as a last resort, protective action may involve a physical restraint which is considered a restrictive practice.
- 5.6 Before a physical restraint is applied, developmentally appropriate non-physical interventions should be exhausted first. These may include but are not limited to:
- Giving short verbal instructions (such as directions to a safe place)
  - Talking quietly and in an even tone to calm or reassure a student
  - Giving students time out/ withdrawal in a quiet supervised space to cool down
  - Moving other students away from the risk
  - Sending a student to request assistance from another staff member
- 5.7 In all school settings there can be situations during the routine work of teachers where appropriate physical contact may be utilised to assist or encourage a student.
- 5.8 Not all physical contact with students should be considered protective action. For example:
- Administering first aid or personal care
  - Physical therapy
  - Demonstration of some physical activities (such as gymnastics, to ensure the safety of a student and hand-over-hand learning)
  - Gestures to respond to a student experiencing grief or loss
  - Gestures to encourage or congratulate a student (for example, a high-five or handshake)
- 5.9 Examples of behaviour that may require protective action that involves physical restraint include:
- significant violence directed towards others
  - violence that arises from panic, distress or confusion

- self-directed violence or serious injury from self-harm
- a young student running towards a busy road

5.10 In life-threatening or serious situations, the appropriate emergency services should be contacted.

5.11 When a restrictive practice is required, specific reporting after the incident is required, including the development of a behaviour support plan - refer to sections 8 and 10 of this guideline.

5.12 Physical restraint should not be used to:

- hold, carry a student or block an exit because they will not comply with directions (unless the safety of the student or others is in immediate danger);
- punish, demonstrate power or to restrict movement where there is no risk to safety.

## 6 Restrictive Practice as a Planned Response and Behavioural Intervention

6.1 In addition to considering a restrictive practice as a *one-off event*, it is sometimes necessary to consider restrictive practices such as physical restraint as a *planned response* when all other behaviour support strategies have not achieved the outcome of maintaining the safety of the student and/ or others.

6.2 Where a restrictive practice is a planned response and behavioural intervention, it will need to be documented as part of a behaviour support plan (refer to section 8 of this guideline) and is subject to approval processes; (refer to section 9 of this guideline).

6.3 Restrictive practice as a planned response requires careful consideration of why this behavioural intervention is necessary and how it sits in a continuum of other strategies, some of which will be used concurrently. Use of Restrictive Practice must:

- not replace other behavioural strategies or become the sole strategy;
- involve the least restrictive practice available;
- be employed for the minimal amount of time required to address the safety risk;
- not be used as a means of coercive control;
- only involve force that is reasonable, proportionate and necessary to the level of perceived risk (where a physical restraint is involved);
- only be employed under direct supervision of the student by a school staff member;
- be reviewed **at least once a term** as part of the behaviour support plan.

## **7 Cultural and Individual Considerations**

- 7.1 Decisions to use any protective action, including restrictive practice must always take into account the environment, reasonably foreseeable risks and the culture, age, maturity, personal history, understanding and capacity of the individual(s).
- 7.2 Different cultures may have different attitudes and traditions surrounding the concept of appropriate physical contact. It is critical that school procedures account for and staff appreciate culturally specific expectations so that embarrassment or offence can be avoided for everyone, particularly for students.
- 7.3 Some students have experienced severe trauma. The needs of these students and their families should be taken into account when considering the use of restrictive practice to ensure it does not lead to an increased risk of harm to the student or others.
- 7.4 Students may not be able to express their discomfort about physical contact, particularly if they are highly distressed or agitated. It should never be presumed that a student will respond positively to physical restraint. It is therefore critical staff use restrictive practice with care and consideration.

## **8 Behaviour Support Planning and Writing a Behaviour Support Plan**

- 8.1 Behaviour support planning must be done in collaboration with the student's parent; where the student is in the care of the Director-General of the Community Services Directorate, their delegate and where appropriate, the student.
- 8.2 Where it is necessary to develop a behaviour support plan that includes a restrictive practice, such as a physical restraint, a risk assessment should be conducted as outlined in *Managing Behaviour Safely - A Risk Management Approach*. The restrictive practice behavioural intervention should be documented as part of a continuum of strategies.
- 8.3 The behaviour support plan should explicitly describe de-escalation strategies and indicate the agreed protective action procedures and the circumstances under which they will be used.
- 8.4 When deciding on the use of protective actions, which may include restrictive practice as part of the strategy for managing potentially harmful behaviour, consideration should be given to the following:
  - all interventions are based on knowledge of the individual and their history;
  - the least restrictive intervention is applied for the shortest possible time;

- restrictive practices such as physical restraint or seclusion are only used as a last resort;
- the behaviour support plan records the planned steps for reducing restriction and moving towards appropriate behavioural responses;
- parties with appropriate skills, expertise and experience are involved in developing strategic and strengths-based behaviour support plans for individual students. This may include parents/ carers, psychologists, occupational therapists, Network Student Engagement Team and medical practitioners;
- the potential impact on staff and students;
- the welfare and safety of all those involved;
- only staff trained in the correct use of the planned intervention are to apply it;
- professional transparency and accountability;
- all actions are appropriate and acceptable within recognised professional practice;
- a case management approach is used.

8.5 The behaviour support plan must document:

- advice from appropriate professionals on why the restrictive practice is necessary, illustrating how it is the least restrictive option available;
- the informed consent of the child's parent or guardian.
- a plan to reduce or eliminate the use of the restrictive practice, through the use of other positive behaviour support strategies; and
- details of oversight arrangements and timing for a scheduled review, which will need to occur at least once a term.

8.6 Staff should not be included in a protective action role if they do not feel they have adequate training in the procedures or if their personal circumstances mean their safety or wellbeing would be put at risk.

## **9 Approval and Review Processes for Behaviour Support Plans with Planned Restrictive Practice**

9.1 Where restrictive practice forms part of the behaviour support plan, the Principal will discuss restrictive practice recommendations and the details of the behaviour support plan with the relevant School Network Leader prior to implementation.

9.2 The Principal will approve the behaviour support plan that has restrictive practice/s, informed by advice from relevant Network Student Engagement Team officers.

- 9.3 The Principal will inform their School Network Leader that they have approved a behaviour support plan with restrictive practice and inform them of the rationale for including the restrictive practice, including the consultations involved in developing the plan.
- 9.4 The Network leader will monitor behaviour plans that involve restrictive practice to ensure all necessary considerations have been made in the decision making used to develop the plan.
- 9.5 Where the Network Leader determines further advice is required to determine if the restrictive practice detailed on the behaviour support plan is appropriate for the context, referral will be made to Director Student Engagement.
- 9.6 Once behaviour support plans containing restrictive practice are approved by the Principal, a copy must be kept at the school on the student file and a copy provided to the parent/ carer.
- 9.7 The principal is responsible for ensuring behaviour support plans with restrictive practice as a planned response, are reviewed once a term. Any changes to the plan will be communicated to the relevant School Network Leader.

## **10 Reporting, Recording and Follow-up for incidents involving Restrictive Practice**

- 10.1 In the first instance refer to the [Critical/ Non-Critical Incident Management and Reporting policy](#) and *Student Accidents / Incidents policy* [Student Accidents / Incidents policy](#) for advice relating to reporting and recording.
- 10.2 Where a restrictive practice has been used and is **not** part of an approved behaviour support plan:
- The [Critical/ Non-Critical Incident Management and Reporting policy](#) and [procedures](#) must be followed
  - the School Network Leader is notified
  - the incident is recorded on MAZE
  - the process to develop (or review) a behaviour support plan is commenced **within 2 school days**, with the involvement of the student's family, student (where appropriate) and relevant teaching staff.
- 10.3 Where restrictive practice **is approved** as part of a behaviour support plan and used to intervene in an escalated situation:
- The [Critical/ Non-Critical Incident Management and Reporting policy](#) and [procedures](#) must be followed
  - the School Network Leader is notified
  - the incident is recorded on MAZE

- the process to review the behaviour support plan is commenced within 2 business days, with the involvement of the student's family, student (where appropriate) and relevant teaching staff.
- 10.4 Following an incident where restrictive practice is used with a student, the student's parents should be notified as soon as practicable. When the student is in the care of the Director-General of the Community Services Directorate, their delegate should be notified. The notification should include information as to:
- the behaviours exhibited by the student
  - the perceived risk to safety of the student and/or other's safety because of the behaviour
  - the non-physical intervention and strategies used prior to the physical restraint
  - the nature of the restrictive practice used including what physical contact was made with the student and the length of time
  - any injuries to the student, staff or others that occurred due to the behaviour or from the protective action
  - proposed planning to manage future incidents in a manner that reduces the likelihood of further restrictive practices.
- 10.5 Where possible, witness statements should be collected as soon as practical from staff and students.
- 10.6 The principal is responsible for monitoring and reviewing all incidents that involve restrictive practices, including the provision of post incident support for staff and student, and the review of school procedures to reduce the likelihood of further restrictive practices being needed.

## **11 Advice to Principals about selecting training for staff**

- 11.1 It is the responsibility of the Principal to ensure all staff are equipped with suitable training and skills to accomplish their required work duties.
- 11.2 When considering formal training opportunities in protective action strategies a holistic approach that includes skills in diffusion and de-escalation of behaviours is highly recommended.
- 11.3 Increasing the skill base of staff to deal with potentially aggressive and violent situations with diffusion and de-escalation skills increases staff confidence and reduces the likelihood that protective action that includes physical restraints will be required.
- 11.4 Training in strategies, methods and techniques must include the potential health impact of the interventions, the importance of ongoing monitoring of individuals health when intervening and knowing how to respond appropriately should health problems occur.

- 11.5 Team-Teach is the Directorate endorsed training package for all staff. The Directorate has qualified trainers who are available to schools for training in diversion, diffusion, de-escalation and protective action. More information is available at the [Team-Teach website](#) .

## **12 Enrolment of students with a history of behaviours that may place staff or other students at risk**

- 12.1 When a student with a history of behaviour that could place staff and other students at risk is enrolled in a new school setting the enrolling school should:
- work closely with the parents/ carers to determine relevant behaviour issues, school history and other relevant information;
  - collect relevant documents such as behaviour support plans and previous school's risk management plans as they relate to the student's behaviour. If the student is enrolling from a school outside the ACT Public School system, parental permission should be sought and information attained from the student's previous setting;
  - work with relevant people (e.g. parents/caregivers, the previous school, treating health professionals) to develop a transition plan. This plan should be developed before the student's first day of attendance and include a behaviour support plan;
  - complete *Managing Behaviour Safely a Risk Management Approach* document if the school identifies that the enrolling student's history of behaviour may present a high risk for staff and students;
  - be guided by the enrolment sections of the *Disability Standards for Education (2005)*.

## **13 Legislative Obligations**

- 13.1 The *Education ACT (2004)* seeks to ensure that each child is given every opportunity and support to enable them to meet education participation requirements.
- 13.2 When managing antisocial student behaviour, including the use of protective action, all school staff must ensure that they are meeting their obligation under work health and safety legislation as described in the *ACTPS Managing Occupational Violence Policy*.
- 13.3 All staff have a legal obligation outlined in Part 2, Division 2.4 of the *Work Health and Safety Act 2011* to take reasonable care to ensure that their actions, or omissions do not adversely affect their own health and safety, or the health and safety of others. If a teacher has serious personal safety concerns, it is reasonable in the circumstances to decline to intervene and to call for assistance.

- 13.4 The *Children and Young People Act (2008)* aims to provide for and promote the wellbeing, care and protection of children and young people in a way that recognises their right to grow in a safe and stable environment; ensures that children and young people are provided with a safe and nurturing environment by organisations and people who, directly or indirectly, provide for their wellbeing, care and protection.
- 13.5 The *ACT Human Rights Act (2004)* provides for protection from torture and cruel, inhuman or degrading treatment. The *United Nations (UN) Convention on the Rights of Persons with Disabilities* states that Parties must ensure the protection of the physical and mental integrity of people with disability on an equal basis with others. Australia also has obligations to implement laws and policies to minimise restrictive practices under the *UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*.

## **14 GUIDELINE OWNER**

Director, Student Engagement

## **15 RELATED DOCUMENTS**

*ACT Human Rights Act (2004)*

*ACTPS Managing Occupational Violence Policy*

*Child Protection and Reporting Child Abuse and Neglect in ACT Public Schools*

*Children and Young People Act (2008)*

*Complaints Resolution policy*

*Critical / Non-Critical Incident Management and Reporting policy and procedures*

*Disability Discrimination Act (1992)*

*Disability Standards for Education (2005)*

*Education Act (2004)*

*Managing Behaviours Safely - A Risk Management Approach*

*Manual Handling procedures*

*National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Service Sector*

*The National Safe Schools Framework*

*Playground Supervision of Students policy*

*Safe and Supportive Schools Policy*

*Student Accidents / Incidents policy*

*Suspension, Exclusion and Transfer: ACT Public Schools policy*

*Teacher Code of Professional Practice*

*Work Health and Safety Act (2011)*

*Workplace Health and Safety Guidelines*