

LINCOLNSHIRE COUNTY COUNCIL

**POSITIVE HANDLING AND PHYSICAL
INTERVENTION GUIDANCE**

**(Approved by Executive Committee
December 2002)**

POSITIVE HANDLING PHYSICAL INTERVENTIONS GUIDANCE

Legal and Ethical Guidance

All staff have a personal duty to act within the Law and to be aware of their responsibilities with regard to legal and ethical considerations when dealing with behaviour that is difficult to manage. The Law remains complex and individuals have a responsibility to make themselves aware of the core principles.

Duty of Care

A duty of care exists where responsibility is imposed upon professionals or paid carers. This means taking reasonable care to avoid acts or omissions, which are likely to cause harm.

Physical Interventions a Policy Framework, BILD (1996)

The Law

The Law relating to the use of Physical Interventions may be looked at in terms of both criminal and civil proceedings, further guidance can be sought from:

Physical Interventions a Policy Framework, BILD (1996)

Legal Issues Arising from the Care and Control of Children with Severe Learning Disabilities who also Present with Challenging Behaviour, Lyon (1994)

Acts, which may be considered unlawful, may include:

- Assault – an intentional act which causes a person to apprehend immediate unlawful force or personal violence. This may include the threat of using a mechanical restraint.
- Battery – any intentional or reckless infliction of unlawful force or violence. Touching or holding a person without their consent may constitute battery. Could be defined as
- False Imprisonment – the unlawful detention or restriction of personal liberty. This may include the use of wheelchair straps, seclusion or locking of doors to prevent an individual leaving the building.

The Law recognises that it may be appropriate to take action to prevent an individual causing harm or damaging property. In all circumstances the response must be regarded in Law as reasonable.

Reasonable may be defined as:

- the force is no more than that necessary to accomplish the aim.
- the reaction of the Teachers, school staff to the pupil's behaviour must be in proportion to the proportion of harm threatened.

All staff are to be aware of the legal implications of using Physical Intervention.

Values and Cultural Ethos

Lincolnshire LEA expect all employees to act within an appropriate values base. It is recognised that individual schools will develop an ethos based on their individual values base. This guidance is offered with specific regard to the management of children who present staff with behaviours which are difficult to manage. It is of paramount importance that all staff work to serve the *best interests* of pupils. To that end:

- Behaviour management policies will be written to reflect a gradient approach in supporting pupils who exhibit difficult behaviours.
- Schools will foster an environment that makes positive behaviours worthwhile.
- Pupils will be treated fairly and with respect.
- Pupils will be encouraged to work with staff in controlling their behaviours.
- Schools will encourage an environment that is stimulating and interesting to pupils and matches their needs.
- Behaviour management policies will reflect Physical Interventions as a last resort following support strategies and de-escalation techniques.
- Staff will have respect for and acknowledge the age, cultural background, gender, personal history as well as medical history of all pupils who have a positive handling plan.

Best Interest Criteria

This document has already referred to the concept of “best interest”. It is important to consider that often individuals are making a judgement between the best interests of one individual as opposed to another’s. The best interests of pupils can be served by:

- Individualised approach to the management of named pupils’ challenging behaviours.
- The implementation of a “whole school approach” in the management of challenging behaviours.
- Offering opportunities to make positive behaviours worthwhile.
- Development of a framework which will include individualised behavioural support plans as part of Individual Education Plans, environmental risk assessments, individualised risk assessments, appropriate record keeping, audit and review of all critical incidents and a regular review of policy.

- The commissioning of appropriate training in behaviour management which will include a theoretical component on the management of challenging behaviour and may include instruction in Physical Intervention Techniques, where appropriate.
- The provision of support to pupils who experience difficulties in managing their behaviour appropriately.

Prevention and Management of Challenging Behaviours

Prevention of challenging behaviour and critical incidents is of primary importance when working with pupils whose behaviour can be difficult to manage. Physical Intervention is reactive; a proactive approach to the management of challenging behaviour must always be the preferred option.

This policy outlines the following as an appropriate response to the prevention and management of challenging behaviours.

- Work with individual pupils and families/carers where possible to establish the behavioural triggers and develop an individual behaviour support plan.
- Prevent challenging behaviour from occurring by managing the immediate environment and setting conditions.
- Use a gradient approach to the management of challenging behaviours. This will include primary prevention of challenging behaviours, strategies for working with individuals, provision of alternative activities, avoidance of contact and planned responses to incidents that occur.
- In certain instances, **where all other responses have been exhausted** Physical Intervention may be necessary and in the best interests of the pupil and others.
- Property is not as important as people, if there is significant risk involved in the damage of property or it may be used as a weapon to cause harm to people it may be appropriate to intervene.
- Physical restraint will always be the minimum necessary under the circumstances and control will be passed to the pupil as soon as is possible.
- Physical Intervention will be discontinued if the pupil shows signs of any of the following:
 - Difficulty breathing.
 - Rapid breathing.
 - Seizures.
 - Vomiting.
 - Choking.
 - Blue colouration to extremities.
 - Mottling, paleness or discolouration of the skin.
 - Painful swelling.

- The following actions are prohibited:

Holding a pupil by the neck or over a joint.

Never kick, slap or punch a pupil.

There will be no application of pressure over the airways and breathing is not to be restricted.

The deliberate use of pain to ensure compliance is not acceptable practice.

Pupils will not be asked to participate in restraint. (In exceptional circumstances it may be appropriate to ask them to seek assistance from other staff.)

Planned Use of Physical Intervention

It is appropriate when managing difficult behaviours to work in a positive and proactive manner. Where possible the Authority requires staff to plan strategies and interventions for named pupils. It is important that there is a clear rationale for the use of planned interventions and that this is clearly documented within the Individual Education Plan under the behavioural support plan/positive-handling plan. This must also take account of risk and be in the context of individual risk assessments.

Emergency or Unplanned Interventions

Emergency use of reactive physical interventions may be deemed necessary when a pupil behaves in a manner which had not been identified within their risk assessment. For example, when a child dashes towards a busy road when on a school outing.

It is important that emergency interventions are kept to an absolute minimum and are only implemented as a last resort where there is no reasonable alternative and the use of force can be justified. The use of emergency Physical Intervention will be recorded in the usual manner. A risk assessment will then follow in respect of the incident to assess the likelihood of the behaviour being repeated and to plan for future eventualities.

Use of Breakaway Disengagement Strategies

The Authority recognises that under certain circumstances it may be necessary for staff to use breakaway strategies. The breakaway techniques used will:

- Only be those which staff have received training in.
- Be clearly identified within pupils' positive handling plans.
- Involve the minimum use of pain or discomfort.
- Be the least intrusive method consistent with the safety of pupils and Teachers.
- Be based on individual risk assessment.

Post Incident Support and De-brief

The Authority acknowledges the need to support both pupils and staff following a critical incident, which has involved the use of Physical Interventions. It is appropriate following the use of Physical Interventions that the following steps are taken.

- 1) Ensure the immediate safety of all those involved in the incident including other pupils, visitors or members of the public.
- 2) Discuss immediate options that will include the opportunity for the pupil to discuss their feelings with a chosen member of the staff team if this is appropriate.
- 3) If the pupil or a member of staff has been injured seek appropriate First Aid or medical attention.
- 4) Implement a formal de-brief for all staff members affected by or involved in the physical restraint and where appropriate make a record of the de-brief. De-brief is to be supportive and staff are to be aware that this is not to be used to attach blame to individuals.
- 5) As soon as possible a review of the incident should be completed as a method of prevention.
- 6) The senior member of staff involved will also be responsible for ensuring that:
 - accident or incident forms are filled in appropriately.
 - an entry is made in the accident or incident record book.
 - health and safety obligations are met.
- 7) Review options for staff members and offer support where appropriate.

Recording

Recording is referred to in Chris Wells' letter to Chief Education Officers, which offers clarification of the text of Circular 10/98. This letter describes recording procedures which schools are advised to follow. Written positive handling plans should also include:

- A description of behaviour and the settings in which it may occur.
- A detailed risk assessment.
- A detailed plan of the strategies to be used with the named pupil which reflect a proactive approach to the management of challenging behaviour.
- A description of those Physical Intervention techniques that have been identified as appropriate for use with the named pupil.

- A timescale for the review of the positive handling support plan.

Risk

The Authority appreciates that when dealing with pupils who exhibit challenging behaviour there is an element of risk involved. It is of paramount importance that risk is minimised both to pupils and to staff. Where the use of Physical Interventions is sanctioned the element of risk is increased. In order that risk is minimised staff are reminded of the following:

- Physical Intervention is a last resort and is not to be implemented when a less intrusive approach is appropriate.
- The use of Physical Intervention may cause pain, injury or in extreme circumstances psychological trauma.
- Physical Intervention should not be used routinely to deal with difficult behaviour.
- Environmental risk assessments should be carried out in all schools where pupils have positive handling plans which include the use of Physical Intervention.
- All pupils who have a positive handling plan will also have an appropriate risk assessment which details target behaviours and identifies the possible outcomes of those behaviours. This risk assessment will be recorded and reviewed on an ongoing basis.
- Where possible parents/carers are to be involved in the planning and development of positive handling strategies. It is also appropriate that parents/carers are involved in the review process.

Inter-Agency Involvement

The Authority is aware that some pupils receive a service from other statutory provision as well as agencies that work closely with the Authority. In certain circumstances it may be appropriate to consult with or inform agencies or the representative of such agencies of a specific strategy in respect of an individual pupil. It is stressed that this must be done after careful consideration with due respect for the confidentiality of the individual pupil. It must also be clear that staffs are working in the **best interests** of the named pupil.

References

Children Act 1989 Guidance and Regulations Volume 4: Residential Care (1991) London: HMSO

Department for Education and Skills (1998) Circular 10/98 "Section 550a of the Education Act 1996: Use of Force to Control or Restrain Children"

Department for Education and Skills, (2001) Letter and accompanying guidance on "Promoting Positive Handling Strategies" from Chris Wells' Head of DfES Special Educational Needs Division to Chief Education Officers. 24 April.

Department of Health 2001, A Safer Place: Employee Checklist – Combating violence Against Social Care Staff. Pavilion

Health and Safety Executive, 1999, Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (HSE Books, PO Box 1999, Suffolk, CO10 6FS)

Harris J et al (1996) Physical Interventions: A Policy Framework. BILD Publications

Lyon C (1994) Legal Issues Arising from the Care and Control of Children with Severe Learning Disabilities who also Present with Challenging Behaviour. London: Mental Health Foundation

This guidance should be read in conjunction with other relevant legislation and guidance:

Section 550a of the Education Act 1996; The Use of Force to Control or Restrain Pupils Circular 10/98

Department of Health, 2001 A Safer Place Employee Checklist – Combating Violence Against Social Care Staff

Health and Safety Executive 1999, Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

Physical Interventions: a Policy Framework. (BILD) 1996

Legal Issues Arising from the Care Control and Safety of Children with Learning Disabilities who also Present with Severe Challenging Behaviour. Lyon 1994

Department of Health, 1991, The Children Act (1989) Guidance and Regulations, Volume 4

Other Relevant Documents

BILD Code of Practice for Trainers in Physical Interventions (2001) BILD Publications

Department of Health (1993) Guide on Permissible Forms of Control in Children’s Residential Care, London

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