

East Sussex

Positive handling and physical intervention

Guidance

Autumn 2007





Contents and Introduction	Page 2
Section 1: Values and principals	
Section 2: Defining terms	Page 3
Section 3: Legal issues and responsibilities	
Section 4: Risk assessment	Page 4
Section 5: Prevention strategies	
Section 6: Emergency physical interventions	Page 5
Section 7: Proactive use of physical intervention	
Section 8: Reporting and recording	Page 6
Section 9: De-brief	
Section 10: Training	Page 7
Section 11: Policy development	Page 8
Appendix 1	Page 9
Appendix 2	Page 10
Reading and reporting form	Page 11

Introduction

It is the intention that this guidance be read and used within services, schools and partner organisation settings for children and young people in East Sussex. It must be read and used in conjunction with the Umbrella Policy on Positive Handling and Physical Intervention. It is intended that this guidance will support managers in service settings and head teachers to interpret and use the policy appropriately and enable them to develop their own policies.

East Sussex County Council believes in providing services for children and young people, in which they feel safe, secure and in an environment free from abuse, bullying, and violence in which boundaries and expectations are clear and provide opportunity for personal development enabling children and young people to maximise their personal potential.

It is the expectation that every service setting will develop a policy which is appropriate for responding to local need and be based on the local risk assessment and behavioural audit. It is the expectation that managers in service settings and head teachers will use the outline of the umbrella policy in developing their own service policy, although it is accepted that local service and school policies will be much shorter.

Who will use this guidance?

It is anticipated that managers and senior staff in service settings and schools will use this guidance and the associated umbrella policy to develop appropriate local and school policies. This may include:

- head teachers and/or designated staff
- play group leaders
- residential home managers
- out reach service managers
- managers in foster services, and
- managers in secure facilities.



Section 1: Values and principles

1.1 East Sussex County Council believes in providing safe, secure environments in which children and young people feel cared for and in which staffs feel effectively supported.

1.2 Managers in service settings and schools are responsible for ensuring that they use this guidance and associated policy to ensure there is:

- a current policy in place
- opportunity to review the policy at least once annually
- a robust risk assessment in place, and
- appropriate support and de-brief available to children, young people and staff and that they are aware of how to access the support available.

1.3 Managers in service settings and authors of local policy must set out an appropriate values base that reflects the needs of the children and young people who use that service.

Section 2: Defining terms

2.1 This guidance and the associated policy apply to behaviour used by children and young people that are of risk to themselves and/or others. It is important that behaviour is viewed as a means of communication within the context of human relationships and that policy reflects appropriate regard for the needs of children and young people who use behaviour as a mean to having their needs met.

2.1 It is important that all policies written by managers in service settings and schools define physical interventions within the context of the specific environment. It will be as important to state what is viewed as an acceptable approach as much as what is not appropriate within that setting.

For example, in a service setting or school where lap straps are used to enable a child to sit in an upright seated position it may be

appropriate to have a defining statement such as:

'It is accepted practice in this school that some children, who have physical disabilities, will require the aid of lap straps for their safety or improved posture, if this has been prescribed and documented by an appropriate professional this is viewed as appropriate, and the use as such is not covered within this policy.'

It is also the case that defining statements might discuss what is not acceptable. For example in a mainstream school a statement may include:

'This policy refers to restrictive interventions including guiding and environmental change, it is not viewed as acceptable practice except in very extreme and as yet unforeseeable circumstances to use any form of more restrictive physical intervention such as seclusion.'

2.3 It will be important to define the use of emergency physical interventions and planned physical interventions within a policy. For example, it is possible that a respite or outreach service that supports children who use high risk behaviours may make a statement such as:

'This service supports children who have a range of support needs and assessed behaviours and as such physical interventions may be used in a planned manner as part of the overall short term approach to reducing the target behaviour exhibited by a child.'

or:

'This service supports children who have a range of support needs, on occasion the service may be supporting and caring for a child as part of an emergency placement, in such instances, where the child is not known to the service it may give rise to unforeseeable circumstances in which an emergency interventions is used, following such instances the behaviour will be assessed, documented and planned for, this will include a risk assessment.'



2.4 It is suggested in national guidance (2002) that elevated levels of risk are associated with:

- use of clothing or belts to restrict movement
- holding someone on the floor or forcing them to the floor
- any procedure which restricts the airways
- seclusion
- extending or flexing joints, or
- pressure on neck, chest or abdomen.

East Sussex County Council instructs employees and managers to be aware of this in developing local policy, guidance, protocols and approaches.

Section 3: Legal issues

3.1 Every local policy must set out the principles that apply with regard to the use of physical interventions with due regard to the national guidance that is relevant to that service setting, for example in school settings circulars and guidance set out by Department for Education and Skills, in healthcare establishments guidance and circulars set out by the Department of Health.

3.2 It is the responsibility of managers in service settings and schools to ensure that their policy is set in the appropriate legal and ethical context and that references are current and up to date at the time of writing. In updating service policies annually it is expected that policies will be as current as practicably possible.

3.3 Health and safety legislation requires that employers assess the risk to employees as well as to service users and visitors. This would extend to the safe use and implementation of policies in relation to physical interventions.

Section 4: Risk assessment

4.1 It is important that all service settings develop appropriate documentation and approaches to assessing risk. The assessment tool must be appropriate for use in that setting. A possible point of reference is: Department for Education and Skills, *Undertaking Risk Assessments on Pupils with Severe Behavioural Difficulties*, LEA/0264/2003, London. HMSO

4.2 Risk assessment procedures, policy and protocol must also take account of and minimise:

- The risk to children and young people's physical and emotional well being. This can be achieved through good support and care.
- The inherent risk that the use of physical interventions becomes routine and the steps taken to avoid this.
- The risk of abusive practices and implement preventive strategies through robust reporting and recording systems as well as good training for staff.
- The risk of injury both physical and emotional to staff/employees. This can be achieved through appropriate support systems and de-brief.

4.3 It is a given that if at all possible physical interventions are avoided. However in the event that they are used, wherever possible it will be important to make a record of the potential benefits and risks associated with the use of any physical intervention.



Section 5: Prevention strategies

5.1 East Sussex County Council believes that effective behaviour support and reduction in the use of physical interventions can be achieved through effective prevention and management of behaviour and through the identification of children and young people who are most at risk.

5.2 Every child and young person who is at risk as a result of their behaviour or presents a risk to others is entitled to the best and most effective support as are their families/ carers and siblings. This should include:

- A behaviour support plan which identifies assessed or target behaviours, triggers for the behaviour, potential environmental considerations, and de-escalation and diversion strategies.
- A risk assessment that identifies the range of potential risk, who is at risk and the behavioural interventions which act as the risk reduction strategies.
- A record of how the family has been involved in the assessment and planning process.
- Details of how the plan has been communicated to the child or young person and a record of their preferences.
- If necessary a planned reactive management strategy which details the approaches to be taken.

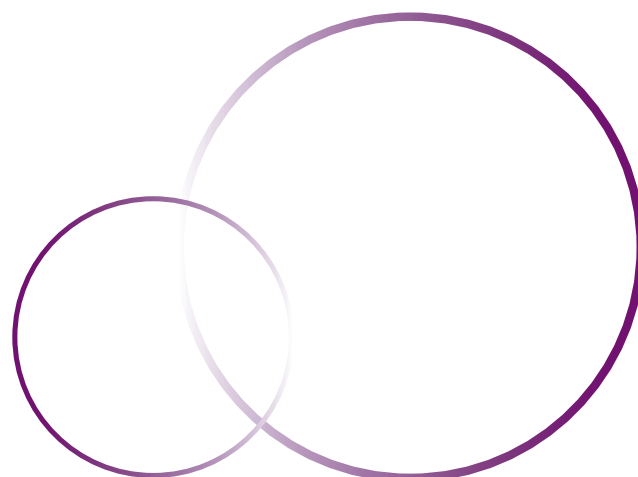
5.3 If preventative strategies are to be successful it will be important to review individual behaviour support plans on a regular basis, to monitor behaviour and audit that behaviour to inform future planning. Managers in service settings are responsible for ensuring that reporting, recording and monitoring take place and that individual children and young people have opportunity to have their support plans reviewed at least six monthly or dependant on need sooner.

5.4 East Sussex County Council sets out detailed expectations with regard to prevention strategies in *Section 5* of the associated umbrella policy.

Section 6: Emergency physical interventions

6.1 Managers in service settings are responsible for ensuring that they define emergency physical interventions within policy with reference to the relative risk in that service setting. Research indicates that injuries are more likely to occur when employees are responding to unforeseen incidents. It is therefore important that the use of physical interventions in an emergency is avoided where ever possible.

6.2 It is the case that in the event a member of staff/employee uses a physical intervention in an emergency the use of force must be justified and lawful. Staff/ employees are to be mindful of criminal and civil law as well as their duty of care. In an emergency the force used and the actions taken must be reasonable in that there was no alternative course of action that would have achieved a similar outcome. Managers have a responsibility to ensure that staff/ employees receive this information in the most appropriate manner.



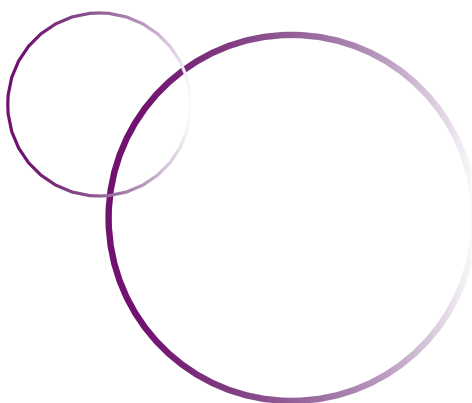


Section 7: Proactive use of physical intervention

7.1 In the event that a child or young person within a service setting or school has been identified as requiring the support necessary to put in place a planned reactive management strategy that includes the use of physical interventions it will be of primary importance, where possible to consult with the child or young person as well as their parents or carers.

7.2 It will be important that the service or school has a clear rationale for the approach and that it is part of a much wider proactive and preventative approach. It will be important that a range of professionals are involved in the plan and if possible that an independent advocate is involved to speak on behalf of the child or young person in situations when the child is having difficulty in expressing their views or has difficulties in communicating them to others. The plan must be written and recorded within the child's relevant personal plans.

7.3 Individual plans must be drawn up locally and be appropriate for use within that service setting or school. Where a child uses more than one service setting it is viewed as good practice that a multi-disciplinary approach is taken and an approach developed jointly to meet the needs of the child or young person. Refer to *Section 7.2* of the associated umbrella policy which details East Sussex County Council's requirements in this regard.



Section 8: Reporting and recording

8.1 The reporting and recording process adopted within service settings or schools must be approved by East Sussex County Council. It will be important in the event that a physical intervention is used, that information includes:

In the child's notes:

- A description of the behaviour(s) which led up to the use of a physical intervention.
- What alternative strategies had been tried and why they failed to be effective.
- A description of the technique which was used, the length of time it was used and the outcome.
- Who used the physical intervention.
- Who was present.
- Any injuries that occurred throughout the incident to Child/Staff/other people.
- De-brief notes and comments of the child.
- Be-brief notes of any witnesses and their comments.
- De-brief notes of the staff members involved and their comments.

In a numbered 'log book'/incident book or similar:

- The date, time, duration and location of the incident.
- A full description of the incident.
- The specific description of name of the physical intervention technique used.
- Any injuries sustained by any party.
- Who was present for all or part of the incident.
- The views/comments of the child or young person following the incident.
- Any health and safety issues which are to be acted upon.



The log book must be reviewed at least three monthly by a senior member of staff who is designated by a senior service manager

8.2 Reporting and recording are important as it will enable East Sussex County Council and the employees of the council to:

- adhere to and comply with statutory guidance and requirements
- monitor and audit the use of physical interventions throughout the service
- evaluate and assess future staff training needs
- contribute to service level audit and evaluate service target, delivery and outcomes, and
- reduce the use of physical interventions and increase opportunities to support children and young people who are identified as being most vulnerable.

8.3 Managers in service settings and schools must ensure that staff are aware of the above reporting and recording procedures and that the appropriate audits and reviews are undertaken. It is possible in some service settings that this will be the role of the health and safety department, although this may vary.

Section 9: De-brief

9.1 East Sussex County Council believes in operating a supportive and transparent service to all. In the interests of supporting children and young people effectively it will be important for services and schools to work in collaboration with families, carers, advocates and other professionals to review the care of a child or young person.

Where a child or young person has been exposed to the use of physical interventions, where possible the most appropriate support should be sought to enable the child or young person to talk about their views and experiences as well as be involved in any reviews of the behaviour support plan as the result of the use of physical interventions.

All services that implement the policy associated with this guidance must have a de-brief process in place to support children and young people.

9.2 East Sussex County Council believes that it is a good employer and as such de-brief must be offered to all staff involved in a difficult incident or who have witnessed a difficult incident, particularly where physical interventions have been employed. This may be in an informal manner or a more formal manner. Occupational health is seen as a good point of reference for initial support and assistance outside the confines of the day to day operational base.

Section 10: Training

10.1 The British Institute of Learning Disabilities (BILD), physical interventions accreditation scheme is viewed as a good indicator of best practice standards when commissioning training, East Sussex County Council therefore requires that only trainers and training providers who are currently accredited be commissioned to provide training. The most current list of accredited training providers is available via the BILD website at bild.org.uk

10.2 East Sussex training will be available to schools and settings and delivered through accredited trainers where necessary as part of an annual programme with particular emphasis on risk assessments, recording and monitoring and de-escalation practice within the context of behaviour management.

10.3 In commissioning training, managers in service settings and schools must be aware of the criteria detailed in *Section 10.2* of the policy associated with this guidance and are responsible for ensuring that appropriate training is commissioned.



Section 11: Policy development

11.1 Policies must be written with specific reference to and due regard for the particular service setting or school in which they will be used. It will be important that local policy also makes reference to other relevant local service policies and protocols as well as the East Sussex Umbrella Policy. Local Service Policy should be set out in a format that is accepted by East Sussex County Council.

11.2 It is the responsibility of managers in all service settings and schools to ensure that local policy is current and appropriate in that it reflects the most recent national legislation and guidance. Policies will be dated and reviewed on an annual basis.

11.3 Policies are expected to reflect the values base and ethos outlined in *Section 1* of the East Sussex County Council Umbrella Policy. Physical Interventions are very much regarded as last resort and it is an expectation that all policies will reflect this.

11.4 Local policy will set out broadly the approaches that are supported in the service setting and place emphasis on staff developing skills in behaviour support, de-escalation and diffusion. This will be reflected in the training commissioned and attended by staff.

11.5 Policy will emphasise the importance of collaboration with parents/carers and other interested parties in effective planning and support.

11.6 Where possible service settings and schools should develop an 'easy read' version of the local policy for children and young people.

11.7 Service settings and schools have a duty to inform parents and carers of the implementation of the policy and this is viewed by the authority as best practice, accepting in some circumstances there may be practical reasons why parents/carers may not be involved in the implementation process.

11.8 Policy will set out the graduated approach to be taken in the setting with reference to the positive approaches implemented to avoid the use of physical interventions.

11.9 Policy will make reference to reporting, recording, monitoring and evaluation of the use of physical interventions.





Appendix 1

Glossary of terms

Umbrella Policy – refers to a policy that is acted upon across the whole service and will impact on a variety of service settings, this will include for example schools, pre-school services and children's respite services.

Behaviour Support – refers to a range of preventative behaviour strategies which include assessment, primary and secondary behaviour strategies.

Restrictive Physical Interventions – also referred to as positive handling or restraint is a term used to describe any intervention in which a person has physical contact with another to temporarily immobilise them and can include:

- **Bodily Contact:** where the physical presence of one or more people is used to control a child or young person, for example two people holding a person so as to restrict their mobility.
- **Environmental Change:** applying a change within the environment for example, the use of locked doors or key pads to prevent access to or from an area.
- **Mechanical:** the use of belts, straps or clothing that restrict the freedom of movement, for example the application of arm splints to prevent self injurious behaviours.

Risk Assessment – an objective process that will highlight the levels of risk present taking in to consideration environmental context.

Behavioural Audit – an objective process that will identify the common behaviours exhibited in any given environment within a specific time frame, usually conducted with a risk assessment.

Managers – in this guidance and associated policy refers to a range of post holders with responsibility for the day to day management of 'service settings'.

Service setting – in this guidance and associated policy refers to a number of settings including school, children's out reach services, pre-school services and respite services.

De-brief – this is the opportunity for children, young people and staff, who have been involved in or witnessed a critical incident to receive support and or review the incident.

Emergency physical intervention – is the use of physical intervention in a situation of significant risk that was unforeseeable.

Planned physical intervention – is the proactive use of physical intervention as part of an overall behaviour support plan aimed at reducing the level of risk presented by behaviour and accompanied by appropriate preventative strategies. It may also be referred to as reactive management plan.

Seclusion – isolation or any practice, which 'restricts liberty', may infringe the rights of a child or young person. This may include the use of 'chill out rooms', 'quiet spaces', and relaxation rooms when not used appropriately. As such, seclusion should only be considered in secure accommodation approved by the Secretary of State. Further clarity can be found in the Children Act 1989.

Duty of Care – is a legal obligation imposed on an individual requiring that they exercise a reasonable standard of care while performing any acts that could foreseeably harm others. For an action in negligence, there must be an identified duty of care in law.

British Institute of Learning Disabilities – BILD is a national charity that dispenses the physical interventions accreditation scheme, the scheme applies in services that support children and young people who have learning disabilities, autism, severe emotional and behavioural difficulties, this includes mainstream settings.



Appendix 2

References and related guidance

Hill J. & Spreat S. (1987) *Staff injury rates with the implementation of contingent restraint*
Mental Retardation 25, 141-145

Code of Practice for Trainers in the Use of Physical Interventions
BILD (2006) Kidderminster

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

Department for Education and Employment (1998) Circular 10/98 Section 550A of the
Education Act 1996: *The Use of Force to Control or Restrain Pupils*, London: HMSO

Department for Education and Employment, (2001) Letter and accompanying
guidance on *Promoting Positive Handling Strategies* from the Head of DfEE

Special Educational Needs Division to Chief Education Officers, issued on 24th April 2001

Department for Education and Skills, *Undertaking Risk Assessments on Pupils*
with Severe Behavioural Difficulties, LEA/0264/2003, London. HMSO

Department of Health (2001) *A Safer Place: Combating Violence against Social Care Staff*
Report of the National Task Force and National Action Plan, Brighton: Pavilion

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

Harris, J. Alan.D. Cornick, M, Jefferson, A. and Mills, R. *Physical*
Interventions: A Policy Framework (1996) BILD Publications

Lyon C. Pimor.A *Physical Interventions and the Law* (2004) BILD, Kidderminster.

Mental Health Act (1983)

Code of Practice, Department of Health and Welsh Office, London: The Stationery Office (1999)

The Education and Inspections Act 2006 Chapter 40

Section 550AA of *The Education Act 1996* (inserted into *The Education Act* by s.45 of the *Violent*
Crime Reduction Act 2006)

Contacts:

Behaviour Support

Jackie Higgs 01424 724108

Educational Psychology Service PEP

Denise Ford 01892 655244

School Improvement Service

Sue Marsh 01323 432245

Health and Safety

Kim Hicks 01273 481938

East Sussex Positive handling and physical intervention recording and reporting form

Child's name:		Class/group:	
Date & time of intervention:		Time span:	
Location:		Report compiler:	

Name of staff involved:	
Name of witnesses (staff):	
Name of witnesses (CYP):	

Reasons for intervention	(Please tick)
Prevent or disrupt a criminal offence	
Prevent personal injury or injury to others	
To prevent damage to property	
To prevent disruption to learning & good order	

Antecedents <i>(a concise description of events leading up to the incident/ intervention)</i>

De-escalation techniques used			
Tactical ignoring		Reminder of consequences	
Verbal advice/support		Language of choice	
Distraction		Time out offer	
Appropriate humour		Time out directed	
Rule reminder		Support from additional adult	
Other techniques used (detail)			

Nature of physical intervention <i>(School to insert language relevant to training received)</i>

Please ensure that this record is made available, when requested, to Local Authority Officers and are kept for 7 years. This form should be completed in order to record all physical interventions that may be carried out in the service or setting. However, if an injury is sustained by a child/young person or a member of staff, the County Council Incident Report Form should also be completed and forwarded to the PAT Health and Safety team at County Hall, Lewes.

