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**Adult Community Learning Essex**

# Title: Physical Intervention Policy

**Control of Document: SLT**

The latest version of the policy will be maintained by the Adult Community Learning Service (ACL) and updates sent to all Managers. It is important that only the latest version of the policy is used

**Applies:** Whole Service

**Policy aims and intention**

ACL is committed to ensuring the safety of all learners and staff. A small minority of people sometimes show extreme behaviour. This is sometimes in association with learning disabilities and autism and may include dangerous behaviour.

This Policy sets out how ACL may respond to incidents such as this happening and the type of action that ACL may take to manage the matter and support the learner.

**Responsibility Group:** ELT

**Original Date of Acceptance:** March 2020

**Last Review date:** December 2023

**Next Review date:** July 2024

**Audience:** All staff, volunteers, employers, partners, learners and other members of the public in contact with those working with adults.

**Method of Implementation**

Intervention is monitored through:

* Incident reports
* Learner Welfare Form/Risk Assessment
* Safeguarding concerns
* Pastoral Log (SL)

People who are struggling to regulate their behaviour are often afraid and frustrated, and it is as distressing for them as others around them. The aim should be to recognise early signs and take action to reduce the possibility of dangerous behaviour. Staff need to be aware of likely triggers for behaviour and early indicators that learners are at the start of a behavioural sequence that is likely to develop into violence or aggression.

ACL believes that staff should be safe at work and should not be exposed to undue or unreasonable risk. It believes that staff must be able to work safely, free from the threat of injury or upset through acts of aggression and violence. Attacks on staff are, fortunately, very rare. The service does all it can to minimise this risk still further and ensure that staff are as safe as possible. However, the service recognises that such events do unfortunately occur and where even a small risk exists then it understands that it has a duty to ensure that staff are properly trained and supported to deal with such incidents.

ACL provides training on Behaviour that Challenges and De-escalation skills, this is mandatory for all staff working on Supported Learning programmes and available to all staff within ACL. This training covers:

* Recognising behaviour that indicates an escalation towards violence
* Identifying appropriate measures to avoid, or calm and defuse the situation
* Legislation around the use of force
* Effective distance, positioning, breakaway, and release skills

All staff within the supported learning curriculum are to complete the above training within 12 months of joining ACL. For other teams within ACL this will be at the discretion of the line manager. Refresher training to take place every two years.

**Definition**

Restrictive physical intervention is when force is used to control a person’s behaviour. It includes using bodily contact i.e. holding a person’s hands to prevent them from hitting someone as well as use of locked doors where an adult is forced to spend time alone somewhere against their will.

An example of non-restrictive physical intervention is manual guidance to assist a person when they are walking.

**Legal considerations**

The Human Rights Act (1998) must be adhered to: every person is entitled to ‘the right not to be subjected to inhuman or degrading treatment’.

In order to be legal any physical intervention must either be:

* part of an agreed care plan which is reviewed regularly by a multi-disciplinary team and to which either the person has consented to or it can be shown that it is in their best interests; or
* In response to situations where there is a high risk of injury to others, self-harm or damage to property and other interventions have not been effective.

If an intervention is planned, as part of an agreed Care plan, then it must only be implemented under supervision of a member of staff who has undergone training for the Use and Reduction of Restrictive Physical Interventions accredited by the British Institute of Learning Disabilities (BILD).

The Mental Capacity Act (2005) must be followed where any restraint is applied or used with service users who may lack capacity to consent. Restraint is lawful under the Mental Capacity Act (2005) (Section 6(4)). Restraint is the use of threat of force to do an act which the person resists, or the restriction of the person’s liberty of movement, whether or not they resist. Restraint may only be used where it is necessary to protect the person from harm. Any restraint used must be proportionate to the risk of harm and must be in the best interests of the service user.

Any action intended to restrain a person who lacks capacity will not attract protection from legal liability unless the following two conditions are met:

* The person taking action must reasonably believe that restraint is *necessary* to prevent *harm* to the person who lacks capacity and to protect others and will be less severe than consequences which might occur if physical intervention is not used.
* The amount or type of restraint used and the amount of time it lasts must be a *proportionate response* to the likelihood and seriousness of harm.

If a person who lacks capacity to consent has challenging behaviour or is in the acute stages of illness causing them to act in a way which may cause harm to others, staff may, under common law, take appropriate and necessary action to restrain and remove the person, in order to prevent harm, both to the person concerned and anyone else.

An individual may not be deprived of their liberty unless this is authorised by the Local Authority (if the service user is in a care home) or the PCT (if the service user is in a hospital bed.

**Learners with Identified Needs Around Physical Aggression**

When learners have identified behavioural needs the Curriculum Lead should be provided with the care plan/risk assessment for the external support they will have when attending classes. The Curriculum manager should also be informed of the number of external support staff attending with the learner, i.e. 1-1 or 2-1(as commissioned to the learner in response to the assessment of their needs). This is to ensure that they are supported adequately to access and develop their educational needs. If the Care home/organisation supporting them has a no-restraint policy the care manager needs to show within the risk assessment that they are implementing proactive strategies to prevent escalation or occurrence of situations in order to protect the person from risk to themselves or others.

If learners are attending with external support staff because of identified behavioural needs then the staff should take responsibility to ensure that strategies in that person’s care plan are actioned to manage the behaviour, this may or may not include restrictive physical intervention.

Physical intervention is not to be undertaken by ACL staff unless required in an emergency situation.

**Emergency Situations**

Normally only staff that have been trained would be sanctioned to use physical intervention. However, in an emergency the use of force by other people can be justified if it is the only way to prevent injury.

Situations may occur where there are no trained staff to implement physical restraint and all other attempts to diffuse a situation have been tried and failed. In this case, if it is considered that an individual’s behaviour is posing a serious risk to themselves or others, staff should:

* Remove themselves and others from the vicinity
* Call emergency services
* If it can be done without risk, make the environment as safe as possible for the individual by removing items that can cause them harm

If emergency intervention is needed, staff should retain a duty of care to the learner, any response should be proportionate to the circumstances i.e. use of minimum force necessary to prevent injury and maintain safety. Before intervening, the person responsible should be confident that any possible outcomes such as injury or distress will be less severe than consequences which might occur if physical intervention is not used.

Staff should not use physical intervention when there are no other members of staff present, unless there is immediate danger of injury. Staff will need to use judgement in assessing if the course of action is appropriate.

Staff are trained in de-escalation and breakaway skills and physical intervention should only to be used in extreme emergency circumstances

**Record the Incident**

In an emergency situation where because of a member of staff’s responsibility for the health, safety and welfare of others they have responded by using a restrictive physical intervention that is not part of an agreed care plan, it is important that a factual recording is made which clearly describes:

* Names of staff and learners involved
* The dangerous behaviour
* What led up to the behaviour?
* Who was involved?
* The type of intervention that was used and the reason for using it.
* Injuries sustained/distressed caused to the individual, staff or any other persons
* Support given to staff after the incident

In this situation the individual’s care plan and risk assessment will need to be reviewed and further developed to account for any recurrence.

**Reporting and Support (including roles and responsibilities)**

All incidents must be reported online on [MySafety](https://mysafety.essex.gov.uk/v6/IncidentPortal) and submitted to ECC Corporate Health and Safety within 5 days. This should be by the person involved in the incident, or their line manager.

All incidents must be reported to the line manager of the member of staff involved either by the team member or if not possible another member of staff involved in the incident.

Some RIDDOR reportable incidents and accidents must be reported as soon as possible, see section 6.2 of the ECC document: HSP 12.0 - INCIDENT REPORTING AND INVESTIGATION which is available on the Intranet.

ACL will always seek the approval and consent of the member of staff attacked before making any decision about reporting the incident to the police or other authorities. However, it will report the matter without the victim’s consent where it deems this to be the correct action to take in the public interest or to protect other people from possible abuse.

Where an incident involves learners with care and support needs (vulnerable adults or young people), the Safeguarding Lead will decide in each case if it should report the incident to the Essex Safeguarding Adults Board (ESAB). The nature and severity of the incident will be carefully considered along with any criminal intent and assessment of future threat.

Appropriate support will be offered by the line manager to employees who are involved in violent or aggressive incidents.

Violent or aggressive incidents, even if they just amount to being shouted at, can be very upsetting for a member of staff and, in extreme cases, can lead to them suffering psychological trauma or illness — staff should therefore be given the opportunity to discuss their experience.

In extreme cases, the service understands that there may be a need for ongoing support and referral to occupational health services or professional counselling.

Staff must always deal with behaviour that challenges them calmly and professionally. Physical and verbal aggression by a learner should be understood by staff and dealt with appropriately.

In the event of an aggressive incident, staff should summon help or call the police immediately. They should try to de-escalate incidents, wherever possible, and their priority should be for their own safety and the safety of other people present. Physical interventions should be used only as a last resort by trained staff, and in line with best practice guidance to protect the rights and best interests of the person, and which are the minimum, consistent with safety of all concerned.

If a member of staff is attacked, they are permitted to use “minimum reasonable force” to defend themselves. Care should therefore be taken to ensure that minimum force is indeed used and that service users who are acting in an aggressive or threatening manner are not subject to undue restraint.

The law gives protection to people from being abused or attacked and, if a member of staff is attacked, they can use “minimum reasonable force” to defend themselves. However, staff should remember that if they restrain a violent person and injure them because of the force they use, they could be charged for assault. Because of this risk, staff should always follow the established procedure.

**Responding to Violent Situations**

In the event of a violent or aggressive incident, staff should adhere to the following procedure.

1. The first priority of staff must be their own safety and for the safety of other people present.
2. Staff should immediately try to summon help, preferably from their manager or person on call, Duty Manager, by using a mobile phone, call bell or alarm.
3. Staff should try to calm the situation wherever possible, talking to the potential aggressor calmly, trying to find out what is wrong — staff should try not to get angry and should never shout back.
4. Where the level of threat continues to increase, and staff feel that they are in imminent danger then they should try to escape (with other people who also could be in danger) and get help.
5. Where a member of staff is actually attacked then they are permitted to defend themselves, but they must use only the “minimum reasonable force” to do this.
6. In the event of an actual physical assault, or if the incident involves an intruder to a centre then the police should be called as soon as possible.

The policy and ensuing procedure aim to ensure that:

* The best interests of the learners are considered in relation to their personal situation, their health, wellbeing and/or any disability they may experience
* Learners are supported to study to the best of their ability, and wherever appropriate to meet the required learning outcomes and complete their course
* Learners who are experiencing difficulties are supported to address their difficulties at the earliest appropriate point
* Learners, where possible, take an active part in the process and are encouraged to make informed decisions regarding options available
* Any reasonable adjustments that the learner may be entitled to are considered and where appropriate put in place
* Learners receive a non-judgmental, consistent and sensitive approach to the management of situations.

ACL is committed to equal access to the curriculum for all its learners irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation or social and economic circumstances.

In implementing this policy, ACL will always remain mindful of its duty of care and its obligations to students under the Equality Act 2010, including in appropriate cases its obligation to make reasonable adjustments. It will also remain mindful of the confidential and sensitive nature of fitness to study matters and of its obligations under the Data Protection Act 1998.

**Links to other ACL policies:**

Adult Safeguarding Policy

Children and Young people Safeguarding Policy

Attendance Policy

Learning Support Policy

Equality and Diversity Policy

Fitness to Learn Policy

Exclusion Policy

Health and Safety Policy

Disability Policy

Positive Behaviours Policy

If you require this document in any other format, please email jaimie.huckfield@essex.gov.uk stating the document name in full and the format you need.

A learner’s behaviour is putting themselves or others at risk

Take actions to try to defuse the situation and remove others from the vicinity

No change or situation escalates – try to calm the situation

Situation is diffused

 Record on incident report form, via [MySafety](https://mysafety.essex.gov.uk/v6/IncidentPortal)

CL to be made aware immediately. CL to advise CM with CL to follow up by reviewing RA with Manager of Care home.

Does the learner attend with external support staff and have a care plan around managing behaviour?

**Yes**

The external staff take responsibility for diffusing/

managing the learners behaviour

**No**

A judgement is made as to whether the police need to be called

