

Positive Handling Policy

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1. Introduction

Ethos Academy Trust takes seriously its duty of care towards pupils, employees and visitors. Touch is a sensitive issue requiring careful judgement. In order to safeguard both children and staff, the school aims to provide clear guidance and appropriate training within the resources that can reasonably be made available.

This policy replaces the previous positive handling policy and is renamed the Restrictive Physical Intervention policy (RPI)

This policy has a clear focus.

- To give paramount consideration to safeguard the welfare of the child/young person
- To safeguard the welfare of staff and visitors within The Trust.

The Children Act 1989 places a duty upon staff to consider the welfare of the child first and for the welfare of the child to take precedence when practical over every other consideration. All RPI's are conducted within a framework of positive behaviour management. The Trust's behaviour policy www.eat.uk.com/about/pcan underpin school policy and are intended to reward effort and application, encouraging pupils to develop an understanding of and take responsibility for improving their own behaviour.

Preventative approaches to risk reduction involve identifying and communicating early warning signs, situations, settings and factors which may influence behaviour, then taking steps to divert behaviours which lead towards foreseeable risk. When appropriate, pupils are encouraged to participate in their own Support to Self-Regulate Plans by focusing on positive alternatives and choices. Parents and carers are also encouraged to contribute. Pupils with SEMH needs sometimes present a risk to themselves and others. Staff are encouraged to implement de-escalation strategies according to Team Teach practice. *Section 93 of the Education & Inspections Act 2006 (EIA2006)* describes the circumstances in which teachers and others, authorised by the Head Teacher, may use reasonable force to contain or restrain pupils during in periods of crisis. Examples of when such action may be reasonable are; preventing personal injury, damage to property, the breakdown of behaviour procedures or committing a criminal offence.

Section 95 (EIA2006) defines the Staff to which this power applies.

The Children's Act 2004 places a duty on key partners to cooperate in the safeguarding of children. Where children receive a variety of services from the local authority, every effort will be made to ensure that these are coordinated. Risk Assessments and Positive Handling Plans/ Support to Self-Regulate Plans will be shared with all key partners, who will cooperate to provide consistent

approaches to meet the needs of individual children. Any professionals or parent(s)/ carer(s) wishing to view our schools behaviour policies are welcome to do so as they are available on our school websites.

<https://www.engageacademy.uk.com/>, <https://www.reachacademy.uk.com/>,
<https://www.ethoscollege.uk.com/>

- Effective date for this policy: October 2022
- Accredited training model used: Team Teach
- Person responsible for Health and Safety: Diane Parkinson (Ethos College), Ryan Taff (Engage Academy) and Matthew Long (Reach Academy) Nigel Hall (Evolve Academy)
- Person responsible for Child Protection (DSL): Diane Dunn (ETHOS College), Nikki Wood (Reach Academy), Ryan Taff (Engage Academy) Kath Smith (Evolve Academy)
- Date of next formal policy review: October 2023

Glossary

Restrictive Physical Intervention

The term 'Restrictive Physical Intervention' includes a wide range of supportive strategies for managing challenging behaviour. Included in this framework are a smaller number of responses which involve the use of force to control or restrain a pupil. The term "restraint" is used whenever force is used to overcome active resistance.

Positive Handling Plans – included in Support to Self-Regulate Plans. (See Appendix) Individual Support to Self-Regulate Plans include actions resulting from a risk assessment. These include a description of the nature of the risk along with preferred risk reduction strategies (including non-physical, those involving touch and where absolutely necessary, more restrictive restraints).

De-escalation Strategies

- Adaptions to the physical environment / Change of face
- Use of space
- Body language
- Facial expressions
- Volume, pitch, pace and tone of voice
- Choice of words
- Change of curriculum/change of lesson

Physical Contact (Contingent Touch)

- Reassuring touch
- Physical prompts and guides
- Holding to reassure where there is little, if any, active resistance
- Unobtrusive personal safety responses to low level risks

Restraint / Restrictive Physical Interventions (The positive application of force with the intention of safely supporting a child)

- Holding someone who is actively resisting to prevent them putting themselves and others at risk of significant harm
- Holding someone who is actively resisting to reduce the risk of pain or injury

- Holding someone who is actively resisting to reduce the risk of damage to property
- Holding someone who is actively resisting to prevent the commission of a criminal offence
- Moving someone who is actively resisting into a reduced risk environment
- Holding / moving someone whose actions are or leading to a breakdown in positive behaviours
- Preventing a person who is actively resisting from moving into an increased risk environment

2. The Legal Framework

2.1 The Best Interest Principle

The overriding principle relating to RPI is that the welfare of the child takes precedence over every other consideration. The first line of the first paragraph of the Children Act 1989 in the UK states that the welfare of the child should be of paramount consideration. Paramount in this context means that it is the first thing people should think about and it should take precedence over every other consideration.

2.2 Duty of Care

The term 'duty of care' is an important legal term. Anyone who is lawfully authorised

(including volunteers etc.) to work with children, has a duty of care. Schools owe a duty of care to their pupils. 'Negligence' involves a breach of that duty and has three main elements:

- Firstly, there must be a duty of care
- Secondly there must be a breach of that duty of care
- Thirdly there must be some ensuing damage or injury related to that breach

We do not need to wait for damage or injury. A responsible approach is to anticipate what could go wrong and try to prevent it. A breach of duty of care may involve either taking unreasonable action or failing to take reasonable action to prevent harm to another person (Commission or Omission).

As the statutory power to use force is held by individual members of staff, no school should have a policy of *no physical contact*, because this could make staff feel deprived of that power, or hinder their exercise of it. (EIA 2006)

Health and Safety legislation requires that employers also have a duty of care towards their employees. It would be negligent of an employer not to provide the time and resources for appropriate training. It would be negligent of an employee not to access training when it is offered, or to access information when it is available.

2.3 The Education and Inspections Act 2006

Section 93 describes the circumstances in which teachers and others who are authorised by the Head Teacher may use reasonable force to control or restrain pupils.

As a school the Head Teacher and the schools' Senior Team Teach Tutor hold a database of staff that are trained in Team Teach. This database is updated

regularly to reflect ongoing training provided. All teaching and support staff access Team Teach training within their induction period or within a reasonable time frame after this time.

2.4 Violent Crime Reduction Act

Section 45 allows reasonable force to be used to search pupils without their consent for weapons.

NB. The Department for Children, Schools and Families strongly advises schools not to search pupils where resistance is expected, but rather to call the police.

2.5 Restraint

The term 'Physical Restraint' is used when force is used to overcome active resistance.

These are referred to as "Restrictive Physical Interventions" in national Guidance (DfES/DoH 2002).

Team Teach definition:

'Physical restraint involves direct physical contact where the intention is to prevent, restrict, or subdue movement of the body or part of another person.'

A clear and consistent positive handling policy supports pupils who have behavioural, emotional and social difficulties within an ethos of mutual respect, care and safety. All members of school staff have a legal power to use reasonable force (Section 93, Education and Inspections Act 2006).

2.6 Risk Assessment and Risk Reduction

Health and Safety legislation applies to children who may present a risk to themselves or others. Wherever a risk can reasonably be foreseen there must be an assessment of the risk and a plan to reduce the risk. It is not always possible to eliminate risk, but staff have to be able to show that they have attempted to reduce it. Children who present a foreseeable risk have a positive handling plan included within their Support to Self-Regulate Plan. Staff likely to meet a child presenting a risk are given guidance and training to enable them to assess and reduce the risk.

2.7 Reasonable and Proportionate

Common law hangs on the word 'reasonable' in the context of physical interventions, yet it changes meaning according to the circumstances of each case. What determines the reasonableness of a particular intervention is often governed by whether or not it was 'proportionate'. The degree of force used should be a minimum to achieve the desired result. Good training provides techniques which rely on a combination of psychology and biomechanics to reduce the amount of force required.

2.8 Absolutely Necessary

The United Kingdom adopted the United Nations Convention on the Rights of the Child in 1991 and incorporated European human rights legislation into the legal framework. Sometimes staff are obliged to take actions which would in other circumstances be unreasonable or even illegal. In normal life people do not touch other people unless invited, interfere with their property, move them from place to place or restrict their movement. Yet for school staff there may be times

when such actions are reasonable and necessary. If a member of staff takes an action which could be seen as restricting the child's human rights, for it to be legal it must be 'absolutely necessary'.

There are times when those with a duty of care believe that they must act to protect the interests of the child. If they fail to act and, as a result, negligently allow a child to come to harm, they could be liable for any damage which ensues. When people are honest in their attempts to do the right thing they are said to be acting in 'good faith'. Staff who act in good faith, in the best interests of those for whom they have a duty of care, deserve support.

2.9 Lawful Defences

Rather than focus on preventing staff from taking any action which could possibly result in accusations, which could result in staff not taking any action at all, we should focus on *lawful defence*. There are times when staff do need to take action, and failing to act could itself lead to a charge of negligence. The focus should be on why it was necessary for a member of staff to take action in a particular circumstance. The best lawful defence is that it was necessary to protect the interests of the child. The clearest lawful justification is that the actions of staff are reasonable, proportionate and in the best interests of the young person. Under Human Rights legislation they should be 'absolutely necessary'. The law also recognises that people make honest mistakes. A common law defence could be offered whenever a person acts reasonably in good faith.

2.10 Key Questions

It can help staff to maintain their focus on values and principles by keeping three questions in mind whenever they consider using force to control a child's behaviour. It may be true that staff are legally empowered to use force to prevent injury, damage, the commission of criminal offences or even to prevent serious disruption. However, rather than focus on the rights of staff it is better to focus on the rights and interest of the child. Staff should be able to answer the three key questions:

- **How was this intervention in the best interests of the child?**
- **Why was it absolutely necessary?**
- **How was it reasonable and appropriate?**

2.11 Reasonable and Proportionate

Any response to extreme behaviour should be reasonable and proportionate. Staff must not react in anger. If they feel they are becoming angry they should consider withdrawing to allow someone else to deal with the situation. It is always unlawful to use force as a punishment. Where staff act in good faith, and their actions are reasonable and proportionate they will be supported.

When physical controls are considered staff should think about the answers to the following questions:

- **Is this in the best interests of the pupil?**
- **Is a less intrusive intervention not preferable?**
- **Do we have to act now?**
- **Am I the best person to be doing this?**
- **Is this absolutely necessary?**

If staff can answer these questions it is more likely that a physical intervention will be judged to be reasonable and proportionate. Whenever a physical intervention has to be made it is preferable to use a verbal warning. Where

possible staff should always attempt to use diversion and diffusion in preference to physical interventions. They should only use the techniques and methods approved for use in our Trust. In general, if staff act in good faith, and their actions are reasonable and proportionate they will be supported.

2.12 Unreasonable Use of Force

It is not reasonable to use force simply to enforce compliance in circumstances where there is no risk. Nor is it reasonable to use any more force than is necessary to achieve a reduction in risk.

Under no circumstances should pain be deliberately inflicted, or should pupils be deliberately subjected to undignified or humiliating treatment (this should not be confused with unavoidable discomfort associated with some approved techniques for disengaging from assaults such as bites and grabs). Other than a one-off emergency measure to protect health and safety, force should never be used.

3. Health and Safety

If hazardous behaviour presents a significant risk of injury to people, there is a Health and Safety issue to be addressed. Hazardous behaviour should be regarded just as seriously as hazardous equipment. Dangerous occurrences should be reported to the person responsible for Health and Safety in the school on behalf of the employer. We all have a shared responsibility to identify risk, communicate potential risks and take steps to reduce risk whenever possible. We recognise that it is not possible to entirely remove risk. In some circumstances we have to try to think through the outcomes of the options available, balance the risks and choose whatever course of action seems to involve the least risk.

As a minimum requirement, in order to comply with Health and Safety legislation, each employee has a responsibility to ensure that they are conversant with school policy and guidance, and to cooperate to make the school safer. The DCSF advise that, as part of the induction period, staff are explicitly informed of their responsibilities in relation to the school policy on the Use of Force. Staff are also required to participate in suitable training if they are directed to do so, subject to a satisfactory health assessment this does not necessarily mean that all staff can be involved in physical activities. The non-physical aspects of positive handling training are crucially important too.

When considering a pupil's behaviour staff should think about the following questions:

- **Can we anticipate a Health and Safety risk related to this pupil's behaviour?**
- **Have we got all the information we need to conduct a risk assessment?**
- **Have we produced a written plan as a result?**
- **What further steps can we take to prevent dangerous behaviour from developing?**

3.1 Risk Assessment

In addition to formal risk assessments, dynamic risk assessments should be routine for staff working with pupils who may exhibit extreme behaviour. Responsible staff should think ahead to anticipate what might go wrong. If a proposed activity or course of action involves unacceptable risk the correct decision is to do something else.

Factors which might influence a more immediate risk assessment, and therefore a decision about how to intervene, might include:

- The state of health and fitness of the staff member
- Physical stature, competence, confidence, experience and relationships with the pupils concerned.

Confidence and competence are often related to the level of staff training. Other than in an emergency, staff should only attempt physical controls when they are confident that such an action will result in a reduction of risk. When faced by extreme behaviour, or even in a fight situation, judgement may be that, by becoming physically involved, the member of staff will increase the chance of somebody getting hurt. In this case the correct decision is to hold back from physical controls. However, this does not mean that staff can do nothing. There are things that the person can do. They can make the environment safer, give clear direction to pupils, remove the audience and get help.

3.2 Positive Handling Plans / Support to Self-Regulate Plans / Sensory Plans

Risk assessment is an integral part of positive behaviour management planning. All pupils who have been identified as presenting a risk have a Positive Handling Plan as part of their Support to Self-Regulate Plan. The plan details the settings and situations which increase risk. It also details any strategies which have been found to be effective for that individual, along with any particular responses which are not recommended. If particular physical techniques have been found to be effective these are also named, along with alerts to any which have proved ineffective or which caused problems in the past. Plans should take account of sex, level of physical, emotional and intellectual development, special need and social context.

A Support to Self-Regulate Plan supports de-escalation. When noticing a change in a pupil's response, staff use supportive strategies and guides to enable calming and therefore reducing the need for restrictive physical interventions. These plans are tailored to a pupil's individual needs

3.3 Responding to Unforeseen Emergencies

Even the best planning systems cannot cover every eventuality and the school recognises that there are unforeseen or emergency situations in which staff have to conduct dynamic risk assessments. Again, the key principles are that any physical intervention should be:

- **In the best interest of the child**
- **Reasonable and proportionate**
- **Intended to reduce risk**
- **The least intrusive and restrictive of those options which are likely to be effective**
- **Staff should avoid touching or restraining a pupil in a way that could be interpreted as sexual or inappropriate conduct other**

than exceptional circumstances where there is risk to life (or other significant instances).

4. Training

All staff who are expected to use planned physical interventions are trained. Our positive handling training is provided by our in-house qualified tutors and within rigorous guidelines. Our preferred approach is for whole staff team training in 'Team Teach'. In the interim period, induction processes cover staff accessing Team Teach training via alternative providers who offer regular open courses.

Team Teach trainers attend a 5-day course that is re-accredited every 12 months. Staff re-accredit within a 3-year period. De-escalation and practical training are delivered by Team Teach trainers regularly for all staff adhering to the requirements of level one (6 hour) and level two (12 hour) training.

The level of training required is kept under review and may change in response to the needs of the pupils. New staff will receive Level One and/or Level Two Team Teach training from a qualified instructor as part of their induction period or as soon as reasonable possible afterwards. Once trained, staff may need to practise regularly under the guidance of tutors. Staff should not modify techniques without the express agreement from Team Teach. It is also recognised that staff may respond with a technique from outside their training framework. This does not automatically render the use of this technique improper, unacceptable or unlawful. Again, it must be judged on whether it is reasonable, proportionate and necessary in those circumstances.

5. Recording

Whenever overpowering force is used the incident **must** be recorded.

Any restraint should be recorded on the School Management Information System, including all antecedents. All staff (where practicable) involved in an incident should contribute to the records which should be completed within 24 hours.

Serious incident reports should not be completed until the individuals concerned have recovered from the immediate effects of the incident. Names should be completed in full (including those of all witnesses) and all forms should be signed and dated where written. These are also signed and monitored by a member of SLT. These records will be retained for 75 years. A Team Teach related incident form should be completed online via CPOMS and or Schoolpod. If applicable you should refer to supporting incident sheets such as Support to self-regulate plans and pastoral support plans and other relevant information. The current Restrictive Physical Intervention policy is accessible on Every. Previous Positive Handling policies are archived from 2018 and available on request.

6. Monitoring and Evaluation

The Senior Leadership Team will ensure that each incident is reviewed and instigate further action as required. All incidents are monitored to ensure effective early interventions are implemented to reduce the need for physical intervention.

7. Positive Behaviour Management

The behaviour principles www.eat.uk.com/about/pcan and core aims of ETHOS Academy Trust are intended to reward effort/attendance and engagement encouraging pupils to develop an understanding and take responsibility for improving their own behaviour. Part of any preventative approach to risk reduction involves looking for early warning signs, communicating any factors which may influence behaviour and taking steps to divert behaviours which might lead towards foreseeable risk. All this information is held within each pupil's Support to Self-Regulate Plan.

7.1 Alternatives to Physical Controls /De-escalation

A member of staff who chooses not to make a physical intervention can still take effective action to reduce risk. They can:

- Show care and concern by acknowledging unacceptable behaviour
- Request alternatives using negotiation and reason
- Give clear directions to the pupil to stop
- Remind them about rules and likely outcomes
- Remove an audience or take vulnerable pupils to a safer place
- Make the environment safer by moving furniture
- Make the environment safer by removing objects which could be used as weapons
- Use positive touch to guide or escort pupils to somewhere less pressured
- Ensure that colleagues know what is happening
- Get help

7.2 Modifications to the Environment

Ideally staff will not be waiting until a crisis is underway before conducting a risk assessment of the environment. We know that some pupils exhibit extreme and possibly dangerous behaviours. In general, it is a good rule to keep the environment clutter free. This may mean considering secure storage for a range of everyday objects when they are not used. For example:

- What are the seating arrangements?
- How is the availability of pointed implements controlled?
(*including pens, pencils, compasses etc.*)
- What small objects are available to be used as missiles?
- What objects are available to be used as blunt objects?
- Do they all need to be left out all the time?
- Are there sharp edges or corners which present a risk?
- Are the design and arrangements of furniture safe?

- Is the choice of furniture appropriate for pupils who exhibit extreme behaviour?
- Is there a comfortable and safe place to sit with an agitated pupil?
- Are protocols in place to encourage angry pupils to take themselves to a safer place?
- Is there somewhere safe for pupils to be taken?

7.3 Help Protocols

All staff have a responsibility to support each other. This means that staff offer help and accept it. Help does not always mean taking over. Examples of appropriate help include: getting someone else, supporting a differing group, acting as a critical friend and 'checking back in' as appropriate.

Good communication is necessary. Staff use agreed scripts so that all parties understand what sort of assistance is required and what is available.

The preferred help protocol for the Ethos Academy Trust is: **“More help/support is available”**

7.4 Well Chosen Words

A well-chosen word can sometimes avert an escalating crisis. When pupils are becoming dysregulated there is no point in getting into an argument. Repeatedly telling people to calm down can actually wind them up. Pointing out what people have already done wrong can make things even worse. The only purpose in communicating with an angry person is to prevent a further escalation. Sometimes it is better to say nothing. Take time to choose words carefully, rather than say the wrong thing and provoke a further escalation. The use of coaching language/scripts to validate pupils' emotional state should be used. The time to review what has happened and look at ways of putting things right, is after everyone has completely calmed down and recovered.

7.5 The Principle of Last Resort

Staff should only use physical restraint when there is no other realistic alternative. This does not mean that we always expect people to methodically work their way through a series of failing strategies before attempting an intervention in which they have some confidence. Nor does it mean always waiting until the danger is acute and imminent, by which time the prospect of safely managing it may be significantly reduced. It does mean that staff should conduct a dynamic risk assessment and choose the safest alternative available. This includes thinking creatively about any alternative to physical intervention which may be effective. National guidance is clear on this point.

“If necessary, staff have the authority to take immediate action to prevent harm occurring even if harm is expected to happen sometime in the predicted future.”

Para 10 Page 4 Department of Health – 1997- 'The Control of Children in Public Care: Interpretation of the Children Act 1989' – London H M S O

7.6 Proactive Physical Interventions

It is sometimes reasonable to use physical controls to prevent extreme behaviour from becoming dangerous. If this is part of a planned response, it should be an agreed part of the Support to Self-Regulate Plan. Examples of proactive approaches might be where a pupil has shown ritual patterns of behaviour, which in the past have led to the child becoming distressed and violent. In such circumstances it may be reasonable to withdraw the child to a

safer place when the pattern of behaviour begins, rather than wait until the child is distressed and out of control. The paramount consideration is that any action is taken in the interest of the child and that it reduces, rather than increases risk.

8. Post Incident Support for Pupils and Staff

Following an incident, the school should offer support to all involved. People take time to recover from a serious incident. Until the incident has subsided, the priority is to reduce risk and calm the situation down. Staff should avoid saying or doing anything which could inflame the recovery phase. Immediate action should be taken to ensure medical help is sought if there are any injuries which require more than basic first aid. All injuries should be reported and recorded on the school MIS system by a member of SLT, ensuring also that all incidents of First Aid are also recorded.

Following an incident, consideration may be given to conducting a further risk assessment, reviewing the Support to Self-Regulate Plan, school behaviour policy or the positive handling policy. Consideration will be given to the 6 stages of crisis and restorative practices will be implemented to support pupil re-engagement. Any further action in relation to a member of staff / employee, or an individual pupil will follow the appropriate procedures.

9. Complaints

Parents and pupils have a right to complain about actions taken by school staff.

It is not uncommon for a pupil to make allegations of inappropriate or excessive use of force following an incident. The school has a formal complaints procedure. Pupils should be reminded of the procedure and encouraged to use the appropriate channels. The Trust's complaints policy www.eat.uk.com/about/pcan applies equally to staff/employees. The Trust's policy is open and promotes transparency in order to protect the interests of pupils and staff.

The Trust follows the guidance within *Safeguarding Children and Safer Recruitment in Education*. Any staff concerns regarding the welfare of children should be taken to the Designated Safeguarding Lead. Any safety concerns should be reported to the designated person for Health and Safety.

1. Department of Health – 1997 – “*The Control of Children In The Public Care: Interpretation of the Children’s Act 1989*” London H M S O
2. Department for Education and Employment- 1998 – “*Guidance On Section 550A Of The Education Act 1996; The Use of Reasonable Force to Control Or Restrain Pupils*” London: H M S O
3. Department for Education and Employment – 2001- “*Positive Handling Strategies for Pupils with Severe Behaviour Difficulties*” – letter from Chris Wells, Head of SEN Division to Chief Education Officers
4. Department for Education and Skills – July 2002 – “*Guidance On The Use Of Restrictive Physical Interventions For Staff Working With Children and Adults Who Display Extreme Behaviours In Association With Learning Disability And/or Autistic*”

Spectrum Disorder” Department of Health

5. HMSO – The Children’s Acts – 1989 and 2004
6. Steaming Publications – March 2005 – “*NAES Bound and Numbered Book*”
7. Health and Safety at Work Act – 1974
8. The Education and Inspections Act – 2006
9. Violent Crime Reduction Act - 2006

DfE *Use of Force in Schools*-updated 2013 and refers to the Education Act 1996 and Education and Inspections Act 2006

Appendix 1

Example of support to Self-Regulate Plan

Each setting may adapt the plan accordingly to support the needs of the pupils.

SUPPORT TO SELF REGULATE PLAN

Insert
Photograph
and
Academy
specific
logo

Name:

Prevention Strategies	Diversion and Distraction		
De-escalation			
Environment and Triggers	Communication support	Key People	
Additional risks if out of school			
Risk Assessment	Description of Risk	Likelihood of it happening (Low, Med, High)	Adverse outcomes if not managed

Physical Intervention Strategies	Post incident support	Recording and notifications required	
Written by and date	Updated (date)	Signed	
		Group leader	
		Parent	

Green Strategy	
Support Strategies	Behaviour

Amber Strategy	
Support Strategies	Behaviour

Red Strategy	
Support Strategies	Behaviour