

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE – 26 NOVEMBER 2019

MANAGING BEHAVIOURS THAT CHALLENGE POLICY

SHARON FAULKNER, DIRECTOR OF HR, DIGITAL ENABLEMENT, IT AND BUSINESS SUPPORT

ABSTRACT

This report advises of the introduction of a new policy and associated guidance that relates to the Management of Behaviours that Challenge.

1. RECOMMENDATIONS

It is recommended that the Committee:

- I. Approves the new policy on Management of Behaviours that Challenge attached at Appendix One to this report;
- II. Approves delegation to Director of HR, Digital Enablement, IT and Business to update and provide further guidance as appropriate in terms of the policy.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- A skilled and adaptable workforce
- Improved physical, mental and emotional health and well-being
- Safe, secure, vibrant and sustainable communities.

3. BACKGROUND

- 3.1 Many of our employees encounter behaviours that challenge, some as one-off incidents but others on a more frequent basis. While it is recognised that difficult behaviour is mostly a reaction to unmet needs, it still presents a significant issue for staff encountering it regularly. This policy affirms Angus Council's view that de-escalation of such incidents must be the first priority for all staff and whilst there may be times physical intervention is required in order to ensure the safety of the supported individual or others. This must be the last resort.
- 3.2 An operational instruction developed in relation to the use of restraint was implemented in 2008 by the then Social Work Department. This operational instruction has not been reviewed since its inception. In 2012 a decision was made to move to CALM Training as training provider in relation to the prevention and safer management of challenging behaviour and for physical intervention (restraint) training. This ensures that staff are undertaking their duties in a safe and appropriate manner which currently meets with British Institute of Learning Disabilities (BILD) accreditation scheme standards.
- 3.3 Training is now provided in these areas within Schools and Learning, Children Families and Justice and Angus Health and Social Care Partnership on an assessed needs basis.
- 3.4 To address the need to review the operational instruction it was decided to develop a policy on Managing Behaviours that Challenge and associated guidance. During this process informal consultations have taken place with Schools and Learning, Children Families and Justice, EIS and Unison and comments incorporated into the policy and guidance.

- 3.5 The Children and Young People's Commissioner for Scotland launched an investigation in March 2018 in relation to restraint and seclusion in schools. Within the terms of reference of the investigation the Commissioner refers to Scottish Government guidance Included, engaged and involved part 2 and states that:

"One benefit to the existence of guidance is that, notwithstanding its non-statutory nature, there has now been a clear expectation set by the Scottish Government that:

- Every education authority should have a policy on physical intervention
- That policy should include a mechanism/process for decisions on physical intervention to be made and recorded.
- All decisions to physically intervene should be recorded in line with the relevant policy
- In every case, the record should demonstrate how children's rights have been taken into account in reaching the decision to physically intervene

The Commissioner also states in the terms of reference for the investigation that:

"An investigation would shed light on this area and we consider that there has been adequate time since the guidance was issued for Local Authorities to have ensured that policies and procedures are in place."

- 3.6 It should be noted that in response to the Children's Commissioner Request Angus Council provided this policy and associated guidance in draft form along with all other information requested.
- 3.7 In December 2018 the Children's Commissioner reported on his investigation. This report had a total of 22 recommendations for Scottish Government and local authorities. These included:
- Local authorities should record all incidents of restraint and seclusion in schools on a standardised national form. Anonymised statistical data should be reported to the Scottish Government's Children and Families Directorate.
 - Local authorities should amend their policies where necessary to make clear that damage to property should only be a justification for the use of restraint or seclusion when it presents an immediate risk of harm to the child or another individual. The same principle should be reflected in national policy and guidance.
 - Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.
 - Local authorities should ensure that all children considered to potentially require physical intervention have a plan agreed in advance with the child and their parent(s) and/ or carer(s).
 - Local authorities should ensure that restraint and seclusion is only carried out by staff members who are trained to do so.
 - Local authorities should provide training to staff on a proportionate basis, with only those who have been assessed as needing training receiving it.

4. CURRENT POSITION

- 4.1 Currently Angus Council have 8 CALM trainers who have substantive posts and provide training to service areas when required.
- 4.2 Training covers: Module 1 : The prevention and safer Management of Challenging Behaviour

Module 2 : Physical Holding

- 4.3 The Managing Behaviours that Challenge policy and associated guidance will enable Angus Council to meet the recommendations of the Children's Commissioner's report and the Scottish Government's expectation that local authorities should develop their own policy on de-escalation and physical intervention.

5. PROPOSALS

The full policy and associated guidance can be found in appendix 1 for information and it is recommended that the Managing Behaviours that Challenge policy and the following guidance, Angus Council Guidance on Physical Intervention, Guidance on completing the Behaviour Support Plan and Debrief guidance are approved for use within Angus Council.

The policy applies to all Angus Council staff with the exception of teaching staff who are covered under a separate Angus Joint Negotiation Committee for Teachers agreement that is currently in development.

6. FINANCIAL IMPLICATIONS

Delivering CALM training incurs costs which are met through the corporate learning and development budget. There are no additional financial implications arising from the recommendations in this report.

7. OTHER IMPLICATIONS

Human Rights Implications

There are no Human Rights implications arising from this Report.

Equalities Implications

No equalities issues are expected from this Report and an Equalities Impact Assessment is attached.

8. CONSULTATION

The Chief Executive, Deputy Chief Executive and all Service Directors have been consulted on the terms of this report.

During the development of the Managing Behaviours that Challenge Policy consultation was undertaken with a variety of partners including Children families and justice, Schools and Learning, Angus Health and Social Care Partnership and Trade Unions. Feedback from these partners also informed the development of the policy.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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List of Appendices:

- Appendix 1: Managing Behaviours that Challenge Policy**
- Appendix 2: Angus Council Guidance on Physical Intervention**
- Appendix 3: Guidance on Completing the Behaviour support Plan**
- Appendix 4: Incident Debrief Guidance**
- Appendix 5: Equality Impact Assessment**