# What is challenging behaviour?

Behaviour can be described as challenging if it puts the individual exhibiting it, or those around them, at risk or leads to a poorer quality of life. It can also impact their ability to join in everyday activities.

Most children will go through phases where they challenge boundaries but this will not reach a level where the impact means that it could be described as challenging behaviour. This is a normal part of growing up, and most children will move past this phase given time and support.

Persistent challenging behaviour can be a sign of underlying health conditions, trauma, difficulty at home or distress. Approaches to manage challenging behaviour must be holistic; recognising that without understanding underlying causes, challenging behaviour will be extremely difficult to manage.

# Do I need a risk assessment?

Under the Management of Health and Safety at Work Regulations all employers must assess the risks to staff and others effected by their undertakings, posed by hazards in the workplace, and share the outcome of risk assessments with staff. Any employer with five or more employees must record these Risk Assessments in writing.

The requirement to assess the risk posed by hazards includes the risk of suffering violence or abuse resulting from your work, including violent behaviour by pupils, regardless of whether this violence is intentional or due to behavioural, social or medical needs.

# What does a risk assessment look like?

Risk assessments vary from broad assessments of entire workplaces to specific assessments of individual tasks, and risk assessments for disruptive or challenging behaviour which may result in violence are no different.

For most schools a general risk assessment for violence, considering potential triggering/confrontational situations, preventative behaviours, training requirements and monitoring procedures will be sufficient. In situations where an individual is prone to violent or aggressive behaviour, or putting themselves at risk of harm, something tailored to that individual will be required.

This Risk Assessment should sit beside the pupil’s behavioural or pastoral support plan, and should make up part of the broader support package in place for that pupil. The key requirements for it to be considered a risk assessment are that it considers the risk of harm posed to not only the pupil but also the staff and children around them, and includes the preventative strategies and support being applied as well as the controls you are implementing to manage the risk and protect all of those parties.

As an example, the risk assessment could include:

* Risks posed to the pupil:
	+ Likely to self-harm or otherwise intentionally/actively injure themselves
	+ Inability to perceive or understand risk
	+ Difficulty with mobility, balance or controlling momentum
	+ Specific health issues (allergies, breathing or circulatory difficulty, seizures etc.)
	+ Likelihood to freeze or run in an emergency or stressful situation
* Risks posed to other pupils
	+ Difficulty sharing or likely to lash out at others
	+ Sexual/Inappropriate behaviour
	+ Aggressive or dominant behaviour
	+ Extreme dysregulation (throwing or tipping objects, breaking windows etc.)
* Risks posed to staff
	+ Likely to lash out when escape routes are blocked or compliance is demanded
	+ Biting/scratching/hitting when upset
	+ Sensory overload
	+ Biting as a sensory stimulant
	+ Having to clear up waste or bodily fluids
	+ Becoming dead weight when handled
	+ Previous triggers for aggressive behaviour
	+ Verbally threatening or discriminative behaviour

Other considerations should include relationships with peers and staff. In some cases, incidents of injury while managing challenging behaviour may stem from the approach another person takes during these instances leading to pupils feeling provoked or threatened. If you see a pattern of incidents involving a specific staff member, it is important to investigate this to establish if it is simply due to proximity (i.e. a 1:1) or due to the way that the staff member manages behaviour.

In normal risk assessments the hierarchy of controls stipulates that control measures should be considered in a specific order. This order is as follows.

* Eliminate/remove the hazard
* Replace the hazard with a safer alternative
* Isolate the hazard
* Control access to the hazard
* PPE
* Training and Instruction

However, this approach is sometimes not possible to implement when still trying to meet the needs of a pupil with challenging behaviour. Instead, controls should be considered as part of two categories. Preventative actions taken to avoid escalation to challenging behaviour, and reactive measures taken to avoid harm while a pupil is exhibiting challenging behaviour, or to deescalate the situation.

All pupils requiring a BSP will have individual needs, and the below examples are for indication only.

Preventative:

* Maintaining a specific routine
* Avoiding certain foods/smells
* Calm and simple communication
* Providing a clear commentary on what you are doing
* Provide additional or restricted choices

Reactive

* Personal Protective Equipment (Arm Guards for biting)
* De-escalation techniques
* Restraint
* Clear instruction
* Removing from the situation
* Distraction techniques

# How to maintain my risk assessment

Risk assessments should be reviewed on a regular basis, at least annually, and updated versions provided to relevant persons. In addition to an annual review, the effectiveness of controls should be actively monitored. This means that if there is an indication that the current controls are no longer effective, such as an increased frequency or severity of incidents or as the child better learn to self-regulate, you will be required to undertake interim reviews of the assessment and change accordingly. You may be required to make several changes to a risk assessment over its lifespan.

# Understanding motivation

The events leading up to an incident can be difficult to understand, as often the factors that trigger displays of challenging behaviour would not provoke the same response from other people. in addition to recording the accounts of the staff members dealing with the incident, it is important that the account of the pupil is also recorded, and that this record is used to identify the potential function of the behaviour, and the particular circumstances (e.g. what might triggers or reinforce the behaviour in each situation) that increase its likelihood. For example, particular behaviours, demands or language used by a staff member could be seen as a trigger by some individuals, but this can be difficult to see from the outside.

Pupils may also exhibit challenging behaviour generally if they are unable to cope with the demands of a situation. Sometimes, the behaviour that results is an attempt to have their needs met. Certain behaviour, if it is allowed by staff, may result in the child getting access to what they want (e.g. specific resources including play areas, toys, electronic devices etc.), and acquiescence by staff may reinforce these behaviours. Persistent challenging behaviour must be understood in terms of the pupil’s unmet needs and distress, and managed through measures to support and meet these needs in other ways e.g. through teaching skills or providing expression to their needs.

# Who can see the risk assessment/behaviour support plan?

The outcome of this risk assessment should be shared with anyone who is likely to be exposed to the risks presented by this pupil. This could include, but is not limited to; teachers, teaching assistants, lunchtime supervisors and temporary staff.

You may also receive a request from a Trade Union Safety Representative to see a copy of a risk assessment or behavioural support plan. Safety Representatives have a legal right to see health and safety records pertaining to the safety of their members, and this includes risk assessments.

However, the sharing of these plans must be done in line with data protection legislation, and therefore plans will have to be anonymised to protect the identity of the pupil. Specific advice should be sought from the school Data Protection Officer in this regard when required.

Sharing a redacted copy of the Behavioural Support Plan is done in order to comply with your duty to share information relevant to the safety of staff under The Safety Representatives and Safety Committees Regulations. In some exceptional circumstances, a Safety Representative may ask to see an unreacted version of one of these plans. When this happens, the school will also have to obtain the consent of the pupil’s parents’. Consent to share information can be withdrawn at any time and Union would need to abide with request to delete and cease to use any document shared under the premise of consent immediately.

The school must make parents aware of what information/documents will be shared when requesting consent to share.

# Physical intervention

During some incidents of challenging behaviour, staff may be required to use reasonable force to prevent the pupil becoming a danger to themselves and others. This may include the use of positive handling techniques (sometimes known as physical restraint) to move the pupil away from risk. These incidents should be recorded in the pupil’s behavioural management/care plan. This can be done using a secure paper record, or using an electronic system. Any system used to record these incidents should be timestamped, and should not be altered. Additions relating to the same incident should be made as a separate entry.

In some instances, schools may be tempted to use seclusion or isolation to manage a pupil demonstrating repeated aggression. Seclusion is defined as “Where a person is forced to spend time alone against their will”. Schools should be aware that the Mental Health Act 1983 states that seclusion can only be performed when an individual is being detained under the mental health act, or in an emergency (i.e. in the first instance of extreme behaviour). This means that seclusion cannot be used where an incident was foreseeable, and cannot be included as a control measure in a risk assessment or BSP as these can only deal with foreseeable events.

Schools should be mindful that when implementing tools such as quiet rooms etc. they might be in breach of the act if:

* Pupils are detained against their will in a space, which they cannot leave due to either physical prevention or threat of punitive action.

And

* The pupil is not directly supervised by a member of staff also in the room.

In addition to the legal restrictions; when a child is agitated and distressed barring their escape can lead to heightened levels of aggression and escalate their resistance and dangerous behaviours.

# Recording and reporting violent incidents

When responding to challenging behaviour, schools must record any use of “reasonable force” locally. It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents.

In deciding what constitutes a serious incident, teachers should use their professional judgement and consider the:

* pupil’s behaviour and level of risk presented at the time of the incident;
* degree of force used;
* effect on the pupil or member of staff; and
* child’s age.

Violent incidents involving staff members, as with other accidents or incidents involving staff, must be recorded using accident/incident forms and reported to the employer in addition to being recorded locally. In the case of schools where Herefordshire Council is the legal employer, these reports should be sent to the Head, and the Health and Safety team on Anycomms. For advice on what needs to be reported, please contact Kazimierz.szostak@herefordshire.gov.uk.