



Community, Education and Children's Services

City of York Policy and Guidance on Moving and Handling Children and Young People with a Physical Disability

December 2019

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1. Introduction

This document gives policy and guidance on moving and handling children and young people with a physical disability in City of York (CYC) schools. It deals specifically with the moving and handling of children and young people with impaired movement as this can affect the way in which children control their movements and alter their position. Tasks affected may include:

- assisting with clothing
- toileting
- eating and drinking
- PE, swimming and hydrotherapy
- movement around school
- assisted sitting/standing (including movement to and from the floor)
- educational/residential visits
- emergency situations (see 4.6)
- the use of postural/therapeutic equipment such as standing frames/specialist seating as recommended by a Paediatric Therapist

Whilst this guidance is intended for schools it may also be helpful for other contexts eg early years and extended school settings.

The employer is responsible for making sure that all employees and volunteers involved in implementing this policy have adequate training to carry out the work safely and correctly. Training is provided by CYC's Moving and Handling Team, please contact Senior Teacher for Physical and Health Needs, emma.sharpe@york.gov.uk, for more information.

This policy does NOT cover transport arrangements.

Restraint and physical intervention are outside the remit of this document and is covered by the DFE guidance 'Use of Reasonable Force' July 2013

The LA has established and accredited moving and handling trainers to meet the needs of educational settings. This includes special school teachers and Physical and Health Needs Specialist teachers.

The policy states that it is not acceptable to lift, restrain (steady during a Moving and Handling manoeuvre) or support all or most of a person's weight, except with very young children (under 25 kilos for a man, 16 kilos for a woman taking in to account individual capability) or in life threatening / emergency situations (see section 4.6).

Some children with a physical disability need adult support for mobility and personal care needs. There is an inherent risk of injury to those involved in this form of care if procedures and control measures are not implemented. Legislation states that

everyone who is required to handle loads of any kind as part of their work receives appropriate training. It is also a statutory requirement that written risk assessments are undertaken whenever there is a risk of injury.

Although staff are at risk of injury when moving and handling, this risk can be reduced by undertaking training, following best practice guidelines and working in line with legislation. This policy has been written to give such information and guidance to staff working in City of York schools.

Support and training on the implementation of this policy will be provided by the LA training team for moving and handling people with special needs (referred to as the 'Training Team').

2. Guiding principles

- The LA works within current legislation and guidelines related to moving and handling children with physical disabilities. The LA promotes a minimal handling policy.
- The LA provides training to schools through the LA Team for Moving and Handling people with special needs. If an external provider is used it is the school's responsibility to ensure that training is consistent with this policy.
- Schools are encouraged to work in partnership with the LA to implement the procedures outlined in this policy.
- Schools are encouraged to work in partnership with the LA to identify children with moving and handling needs.
- Schools are encouraged to work in partnership with the LA to identify staff who require training and to ensure that refresher training is completed no less than every 2 years or when circumstances change and the need arises.

3. The Legal Framework:

Relevant Legislation (for further details, roles and responsibilities, see Appendix 1)

- The Health and Safety at Work Act 1974 (HASAWA)
- The Manual Handling Operations Regulations 1992 (MHO)
- The Management of Health and Safety at Work (MHSW) Regulations 1999
- The Reporting of Incidents, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995

The range of moving and handling tasks and the variety of situations in which employees work may make it necessary to explore guidance outlined in further regulations including:

- The Disability Discrimination Act 1995 (DDA)
- Control of Substances Hazardous to Health Regulations 1992 (COSHH)
- Personal Protective Equipment at Work Regulations 1992 (PPE)
- Workplace (Health, Safety and Welfare) Regulations 1992
- The Provision and Use of Work Equipment Regulations 1998
- Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)

In addition, the Human Rights Act 1998 enshrines values of fairness, respect for human dignity and inclusiveness in the heart of public services.

4. Procedures

4.1 Referrals

Mainstream schools

Children with a physical disability identified as having moving and handling needs should be referred to the LA's Physical and Health Needs Team. Written referrals will only be accepted from schools and Early Years settings.

Special Schools

For children in special schools, appropriately trained staff from within the school will carry out the above.

4.2 Moving and Handling Risk Assessment

The purpose of risk assessment is to reduce the risk to an acceptable level by putting in control measures. Risk Assessment in the work place is compulsory under the law (MHSWR 1992). It is always the employer's responsibility to ensure that they are carried out, but the employer can delegate this task to a competent person. There must be a written risk assessment for all children with a physical disability if there is an element of moving and handling and if there is a risk of injury to the child or the adult.

Mainstream

Following referral, the Physical and Health Needs Team will conduct a detailed assessment of the child's needs including risk assessment and moving and handling issues. This will be done with school, in liaison with the child's physiotherapist or occupational therapist. The parents' and child's views will be taken into account throughout. Following the risk assessment, a moving and handling plan should be written by school staff with support from the Moving and Handling Team and therapists. This should include advice about the use of appropriate equipment. This plan will outline the safest way to move the young person, reducing the risk to the

young person and the adult supporting them, as far as is reasonably practicable. This moving and handling plan should be shared with the parent/carers. Any staff carrying out moving and handling of children or young people should have the relevant training which is updated at least every two years.

Special

For children in special schools, appropriately trained staff from within the school will carry out the above.

Dual Placements

For children who have dual placements, both settings have a responsibility to ensure adequate risk assessments and moving and handling plans are in place and reviewed in their own setting. Both schools have a shared responsibility to ensure that adequate liaison has taken place to share working practices and procedure.

4.3 Review of Risk Assessment

The review of risk assessments is an ongoing process. It is a legal requirement that risk assessments are reviewed at least annually and whenever the environment or the needs of the child change. If at any point staff feel that the risk assessment or moving and handling plan is not sufficient or appropriate, then advice should be sought immediately.

The school should identify a suitable time to review the risk assessment and moving and handling plan; this review could take place as part of the annual review process if the child has an Education Health and Care Plan (EHCP). Risk assessments must be reviewed in liaison with a member of the training team and/or health professionals.

4.4 Equipment

Following risk assessment, equipment may be recommended. Full training in the use of any equipment will be given to the appropriate staff, either by the local authority training team, staff from the Health service or the equipment manufacturer. Manufacturer's guidelines should be kept available, with or near equipment, and should always be followed. Responsibility for the inspection, maintenance and repair of this equipment will rest with the school.

NB Under the 'Provision and Use of Work Equipment Regulations' (1998) employers are required to ensure that work equipment is safe for its use. Lifting and Handling equipment eg hoists, must be tested in accordance with LOLER regulations (every six months) and in accordance with risk assessment and usage.

It is recommended that before each use, all equipment used for moving and handling (including hoist slings) undergoes a visual check by staff to ensure it is in good working order. If it is damaged or deemed unsafe, it should not be used and advice should be sought immediately. Some equipment may require regular servicing – details of this can be found in the manufacturer’s guidelines and contracts can be secured with the manufacturer or through the local authority maintenance agreement. If staff are unsure as to how the equipment should be used, they should contact the appropriate services for advice.

4.5 Training

- Legislation states that it is the responsibility of the employer to ensure that all relevant employees are fully trained. It is the responsibility of the school to ensure that training takes place.
- All training provided by the Training Team will be recorded and accredited where appropriate.
- Training and updates are offered regularly by the Training Team as full day or half day sessions.
- Details of training for mainstream schools can be obtained by contacting emma.sharpe@york.gov.uk
- If an external provider is used for training, schools must ensure that the training is consistent with this policy.
- Should a child’s situation change, or new staff be employed, it is important that training is reviewed/updated. It is the responsibility of the school to request this from the LA.

The minimum training requirements for any school staff involved in moving and handling are:

- awareness of the legislation related to moving and handling, Health and Safety
- spinal awareness and back care
- disability awareness and the needs of the individual child
- a basic understanding of risk assessment
- the principles of safe moving and handling, including ergonomics
- methods of holding, moving and handling, including the use of aids and equipment.

Training is an on-going process and staff involved in moving and handling will require regular refresher training.

4.6 Emergency Situations

Emergency situations could include:

- evacuation of the building, swimming pool or minibus/transport
- procedures following an epileptic seizure
- removing a child from a harmful or potentially dangerous situation
- action following an injury or fall.

Mainstream settings

The school is responsible for identifying hazardous situations and writing a protocol for emergency procedures in liaison with the Training Team. These emergency procedures should be included in the moving and handling care/management plan.

A pupil may need a Personal Emergency Evacuation Plan (PEEP) if arrangements for evacuating the building are different from those in place for other pupils.

School policies/protocols should be reviewed on a regular basis to ensure that these procedures are included and that appropriate staff are trained.

Special school settings

Arrangements in a special school are such that trained staff are readily available to assist in emergency situations. Protocols may indicate where extra assistance is required in a rehearsed emergency situation such as an evacuation of the building. Moving and Handling guidelines are followed wherever possible.

In some special school settings, Individual Personal Emergency Evacuation Plans (PEEPs) are formalised for the removal of a child from the swimming pool in an emergency situation. These documents are kept alongside the 'Moving and Handling Care Plan' and are readily available at the pool side.

4.7 Conflicts and Complaints

All efforts will be made to involve parents and child in the drawing up of the Moving and Handling Plan. Close liaison should lead to joint ownership of the plan and a clear understanding by all concerned of the necessity and benefits of the plan.

On the very rare occasion when agreement cannot be reached with the child or parent /carer regarding an aspect of the plan, alternatives may be explored (eg another method or another piece of equipment).

If the child/parent/carer does not agree with the 'Moving and Handling Care Plan' , the member of staff must inform their line manager who will consider the risk of injury to staff from manual handling, balanced against the risk to the child if the procedure is not carried out. The result of this assessment is likely to be to change an element of care. This should be agreed by all concerned ie child, parent/carer, teaching assistant, therapist, SENCO and Headteacher. Ultimately if the child/parent/carer insists on a practice that is considered unsafe, then the school should seek advice from the LA. In the event of irreconcilable differences the recommendation from the LA would be to follow the advice of the Moving and Handling Team and NHS colleagues following the principles enshrined in this document and advice from the accrediting trainers.

4.8 Reporting and Recording of Incidents and Accidents (covered by RIDDOR, 1995; see Appendix 1)

All accidents, 'near misses' and injuries should be reported according to LA guidelines and procedures for incident reporting, which are already in school. If school staff identify a risk within a moving and handling situation that has not been addressed in terms of equipment, training or appropriate staffing, this should be noted and advice sought immediately.

If there is any doubt as to what is reportable, please contact the LA Health and Safety Adviser (details in Appendix 3).

4.9 Individual Capabilities

In conducting a risk assessment, consideration should be given to an individual's capability to do the job. The principles of ergonomics should be applied ie fitting environments to the people working within them and tasks to the people performing them. Employees have a responsibility to inform their employer of any condition/situation that may impact on their capability to carry out their work safely. This could include pregnancy, previous or current injury, medical condition, medication or mental state such as stress or bereavement. The confidential nature of such personal information must be maintained and respected at all times.

Any queries or differences of opinion regarding the ability of an employee to carry out their responsibilities, where these include moving and handling activities, should be referred to Human Resources who can give advice on all aspects of employment rights and legislation.

Pregnancy

Regulations require employers to carry out a specific risk assessment with regard to the risks faced by new and expectant mothers at work. 'New and expectant mothers' includes pregnant women, mothers who are breast feeding, mothers who have given birth in the past six months and women who have miscarried after 24 weeks of pregnancy.

The risk assessment should cover the work likely to be undertaken and reference must be made to the person's medical needs as recommended by their doctor. If, following risk assessment, control measures cannot be put in place to reduce / eliminate the risks, the woman must be offered suitable alternative working arrangements. Human Resources can give advice on all aspects of employment rights and legislation.

Injury or Disability

A person involved in moving and handling must inform their employer if they have an injury or disability. The employer must then undertake appropriate risk assessments and make reasonable adjustments to the environment or employment arrangements, as required.

4.10 Physical Intervention

This area is outside the remit of this document and is covered by the DFE guidance 'Use of Reasonable Force' July 2013

5. Roles and Responsibilities for Implementing the Policy

It is the responsibility of the school governors to acknowledge this policy and ensure that it is implemented where there is no other policy of its type in place. Governors may wish to implement a policy of their choice, but such a policy should be consistent with Health and Safety legislation, with the good practice guidance in this document and not be any less in standing than that of the LA policy.

As part of the LA's statutory responsibility to check the operation of policy, checks may be made at any time to ensure that a policy is in place.

The LA may also review and revise this policy as deemed necessary. Schools will be advised of any review or revision.

6. APPENDIX 1

ROLES AND RESPONSIBILITIES UNDER THE LEGAL FRAMEWORK

The Health and Safety at Work etc Act 1974

Employer's Responsibilities

The act imposes a duty on every employer to ensure:

- the provision of such information, instruction, training and supervision as is necessary to ensure so far as is reasonably practicable, the health, safety and welfare at work of all employees
- that every room where persons work shall have sufficient floor area, height and unoccupied space for the purposes of health, safety and welfare
- the maintenance of work systems (handling plans) that are safe and without health risks
- that so far as is reasonably practicable the health and safety of people not in their employment is not adversely affected.

The employer must comply with this duty unless the cost of providing (in terms of time, effort and money) is disproportionate in relation to the likely benefits.

Employee's Responsibilities

The act imposes a duty on employees to ensure that they:

- take reasonable care of the health and safety of themselves and others who may be affected by their acts and omissions
- co-operate with the employer to allow the employer to comply with his health and safety duties
- use equipment appropriately in accordance with training and instructions provided
- look after personal protective equipment with which they are provided, in connection with their work.

The Manual Handling Operations Regulations 1992

Employer's Responsibilities

The regulations identify five main components for which employers have responsibility:

- AVOID so far as is reasonably practicable the need for employees to engage in any manual handling operations which involve a risk of being injured
- ASSESS (where it is impossible to avoid) any manual handling operation that involves a risk of injury, taking into account these four elements:
 - Task - the transfer or movement involved
 - Load - the person to be handled
 - Individual Capability– of the carer
 - Working Environment
- REDUCE the risk to the lowest level practicable with reference to the same four elements
- PROVIDE INFORMATION on the load in the handling plan eg weight, comprehension, co-operation, joint weakness, personal equipment

- REVIEW the assessment – if there is reason to suspect it is no longer valid or there have been significant changes. If changes are made they should be documented.

Employee's Responsibilities

- Use the 'safe systems of work' (handling plans and moving and handling procedures) put in place by the employer.

The Management of Health and Safety Regulations 1992 (Regulation II)

Requires employers to provide appropriate training opportunities:

- when all new employees take up employment
- whenever changes to process occurs
- repeated periodically
- in working hours
- relating to awareness, assessment, planning and implementation.

The Reporting of Incidents, Diseases and Dangerous Occurrences Regulations 1995

Employer's Responsibilities

(see also directorate guidance in school for reporting incidents and accidents)

Must report to appropriate enforcement agencies:

- all fatal and specified major injuries to any person
- any injury that results in the inability of an employee to work for more than three days
- any injury that results in a person being admitted into hospital for more than 24 hours.

This should also prompt remedial action to prevent a possible recurrence of the accident.

Record accidents and 'near misses':

- Keep an accident book in establishments where ten or more people are employed at the same time.
- Additional arrangements should be made for situations where there is the possibility that staff or pupils may sustain accidents away from the employer's premises.
- Keep the book for three years from the final entry.

Investigate the cause of the accident:

- record any findings different from those which have been stated in the accident report.

Employee's Responsibilities

- Inform your employer as soon as possible after any accident at work.
- Inform your employer of any potentially dangerous aspects of your job eg unsafe flooring, inadequate lighting.

Record accidents and 'near misses'

- As soon as practically possible after the event make an entry in the accident book or, if as a result of an injury this is not possible, ask someone else to do so on your behalf.

- If there is no obvious injury but there could be ill effects later on, you should still make an entry in the book.
- Moving and handling guidelines must be followed for the employee's own safety and that of the child.
- When a person is moved/handled, the safety of the employee must also be considered.
- Employers have vicarious responsibility for the actions of their employees and must ensure good practice.
- Should a member of staff injure themselves then the manager's supervision would be called into question. Also the possibility of negligence on the employee's part or the question of them being wholly or partly responsible for their own injuries would be investigated.

Provision and Use of Work Equipment Regulations 1998

- require that employers ensure work equipment is safe for its use

APPENDIX 2

Definitions

Load:	Any item or object being transported or supported. This includes any person or animal.
Manual Handling operation:	<p>Means any transporting or supporting of a load, including the lifting, putting down, dropping, pushing, pulling, carrying or moving thereof, by hand or bodily force. The human effort may be direct or indirect eg pulling a lever or hauling on a rope.</p> <p>Introducing mechanical assistance eg a power hoist, may reduce but not eliminate manual handling, since human effort is still required to move, steady or position the load. Manual handling includes both the holding and supporting of a load in a static posture. The load may be moved or supported by hands or any other part of the body, for example the shoulder.</p>
Hazard:	Something with the potential to cause harm.
Risk:	The likelihood of harm being realised. Risk reflects the likelihood of harm and its severity.
Assessing the risk:	Identifying the hazards present and evaluating the extent of the risks involved.
Minimal Handling:	Hazardous manual handling is eliminated, so far as is reasonably practicable.
Standard Operating Procedures/Protocol (SOP):	Where people or objects are moved in a similar way, regardless of conditions, generic assessment and the recording of protocol/procedures may replace individual risk assessment.
Safe Systems of Work:	A procedure that will allow a specific task to be carried out safely, after systematic examination of that task has identified and eliminated all the associated hazards or at least minimised the risk.

APPENDIX 3

Key Contacts

Specialist Teaching Team
Physical and Health Needs
SEN Services
West Offices
Station Rise
York
YO1 6GA
Telephone: 01904 554320
Email: SENdept@york.gov.uk

Paediatric Physiotherapy Services
Child Development Centre
York Hospital
Wigginton Road
York
YO31 8HE
Tel (01904) 726595

Health and Safety Team
West Offices
Station Rise
York
YO1 6GA
email: healthandsafetyteam@york.gov.uk
Helpline: (01904) 554131

APPENDIX 4

MODEL SCHOOL POLICY

Moving and Handling Children and Young People with a Physical Disability

Date _____

_____ School recognises its responsibility to ensure the health, safety and welfare of all staff and children, as far as is reasonably practicable.

_____ School will endeavour to follow the LA policy for moving and handling pupils with a physical disability.

The name of the person with delegated responsibility for dealing with Health and Safety/Moving and Handling issues is

(name and job role)

(this may ultimately be the Headteacher)

In line with the LA Policy 'Moving and Handling Children and Young People with a Physical Disability', _____ School will:

- Adopt a minimal/no lifting policy in line with LA policy guidelines.
- Avoid the need for hazardous moving and handling operations at work so far as is reasonably practicable (eg re-design the task, use a hoist).
- Refer all children to whom this policy applies to an accredited Moving and Handling trainer, in line with section 4.1 of the policy.
- Ensure that all children with physical disabilities who have moving and handling needs have care/management plans written following detailed risk assessment. (Professionals from education, the child's physiotherapist, school staff, parents/carers and other professionals will produce assessments and care/management plans jointly as necessary, in line with section 4.2 of the policy.)
- Ensure that all staff involved (including supply staff) are aware of the contents of care/management plans and know where they are kept.
- Arrange for all relevant staff to have appropriate training in back care, moving and handling and use of any equipment, including regular updates. This training is available through the Local Authority training team (details from the Specialist Teaching Team, Physical Disability and Medical Needs), but it is the responsibility of the school to ensure that this happens (see section 4.5 of the policy).
- Ensure that all staff are aware of the importance of ongoing risk assessment.
- Take account of an individual's capabilities when assigning particular tasks.
- Review risk assessments at least annually or when there is a significant change in the needs of the child or any part of the task to which the assessment relates.
- Identify hazardous situations and write a protocol for emergency procedures, ensuring that these procedures are included in the school's emergency policy, as well as in the moving and handling plan for the appropriate pupil. (NB It may be necessary to use

different handling techniques in an emergency – these should also be risk assessed and recorded.)

- Review school policies/protocols on a regular basis to ensure that these procedures are included and that appropriate staff are trained.
- Report all accidents, injuries, however minor, and ‘near misses’, according to LA guidelines already in school.
- Take account of issues of restraint and child protection in relation to moving and handling or meeting care needs, in line with other LA guidance.

Signed

Headteacher: _____ **Date** _____

Named person with responsibility for moving and handling:

_____ **Date** _____

Chair of governors: _____ **Date** _____

Date to be reviewed: _____

APPENDIX 5 Self Audit Checklist for Headteachers / Managers

Definition: Moving and handling is any action required as part of a person's job that involves movement of a person or inanimate object by hands or bodily force. This includes activities such as lifting, lowering, pushing, pulling, carrying and supporting a load.

The headteacher or manager of a setting has a legal responsibility as under Health & Safety legislation to ensure that risk assessments are undertaken for any moving and handling which involves a risk of injury to the child or employee.

Question	Yes/ No/ N/A	Comments/actions
Are you familiar with the CYC Policy and Guidance on Moving and Handling Children and Young People with a Physical Disability?		
Do you have a school Moving and Handling policy in place?		
Do you have a record of all children with a physical disability that require 'moving and handling' during the school day?		
Do you have a record of all staff who have been trained in 'Moving and Handling Children and Young People with a Physical Disability'?		
Do you have a record of Moving & Handling Plans and their review dates?		
Have you made staff aware of their responsibility to work within the agreed Moving & Handling plan?		
Are staff aware of the LA insurance indemnity with regard to working within the agreed Moving & Handling plan?		
Do you operate clear recording systems for 'near misses' and 'concerns'. Do you know how to follow these up?		
Is moving and handling equipment checked regularly in line with LOLER and PUWER legislation?		
Are children with additional moving and handling needs considered in your emergency planning?		
Have you identified procedures for including all pupils in educational visits and work experience safely?		