



Brent

Guidelines on the use of Physical Intervention for Schools'

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Guidelines on the use of Physical Intervention

It is recommended that all schools develop their own policy and set of procedures using these guidelines.

1. Introduction

- 1.1 Occasionally, incidents may arise at school when staff members will be required to use physical intervention to protect children and young people from harming themselves, members of staff and/or property from damage. The use of force should, wherever possible, be avoided and should be viewed as a last resort. When physical intervention is necessary, it should be used in ways that maintain the safety and dignity of all concerned.
- 1.2 There should be a planned strategy in place to deal with incidents of challenging behaviour and it is good practice for a school to have an explicit policy on the use of reasonable force to restrain pupils ([see Appendix A](#)).

2. Roles and responsibilities

2.1 Governing Body

- 2.1.1 The Governing Body is responsible for agreeing, monitoring and reviewing a policy on physical intervention, ensuring that the school implements its own policy and procedure with the use of this guidance.
- 2.1.2 The Governing Body and Head teacher are committed to meeting their legal duties and obligations. They recognise their general duty to ensure, as far as is reasonably practicable, the health, safety and welfare of their employees and other members of the school community affected by the work they do.

2.2 Head teacher:

- 2.2.1 Head teachers should have explicit guidelines on the use of reasonable force to control or restrain pupils/physical intervention in their behaviour policy (see [appendix A](#)). It is good practice to share this document with all employees and their representatives, including trade unions and to include reference to it in a school's Home/School Agreement.
- 2.2.2 The head teacher should monitor their risk assessment programme and ensure that factors caused or affected by Violence and Aggression are considered and being controlled.
- 2.2.3 The head teacher should not adopt a 'no-contact' policy as this might inhibit the ability of staff to use reasonable force.
- 2.2.4 The head teacher should make all staff aware of their power to use reasonable force within the context of the school's behaviour policy.
- 2.2.5 Head teachers should ensure multi-agency partners are informed and that a pupil is held to account for poor behaviour which has resulted in the use of force. The latter may include use of sanctions, exclusion but also the opportunity to repair

relationships. Head teachers should also help pupils and staff develop strategies to try and avoid similar incidents in the future.

2.2.6 Head teachers should inform the governing body of incidents of restraints.

2.2.7 Head teachers should ensure staff receive suitable and sufficient information and training in relation to physical intervention. See Appendix D for course details.

2.3 Line Manager/Supervisor:

2.3.1 Managers and Supervisors are responsible for ensuring that suitable and sufficient arrangements are in place to implement the policy within their sphere of responsibility, including:

- a) carrying out risk assessments of the work activities within their team or the work location, taking into account factors caused or affected by violence and aggression.
- b) implementing suitable control measures, where risks are identified, to reduce the risk to staff together with monitoring and reviewing the effectiveness of those control measures.
- c) providing support to employees who believe themselves to be in serious or imminent danger and so who, for reasons of their own or another person's safety, remove themselves to a place of safety.
- d) record any incidence of adverse health effects caused by work that are reported by staff and making appropriate use of the Occupational Health Service.
- e) informing all staff under their control of sources of support and advice within the School.
- f) using the Council's corporate online Violent Incident/Assault report form in order to record any incident of violence and aggression at work when notified by an employee. Where a member of staff was physically attacked whilst at work i.e. by a pupil, member of the public or another member of staff this would be seen as an act of non-consensual physical violence committed at work. Where such incidents result in injury to employees, self-employed people or employees of other employers these records must be maintained as well as recording the incident on the system as a Violent Incident/Assault.
- g) Where a member of staff was injured whilst undertaking a work activity such as control and restraint this would be recorded on the system as an Accident.
- h) This should be done at the earliest opportunity.

2.4 Employees:

There is also a requirement on all employees to:

- (a) ensure that they comply with any control measures that are in place to help incidents.
- (b) avoid putting themselves in danger, their colleagues, or their workplace. Employees who deliberately ignore Council policies on health and safety might be considered as being negligent should an incident occur and may also be subject to disciplinary action if procedures are ignored.
- (c) report incidents, problems and shortcomings in arrangements to control risks within their place of work.

- (d) bring to their line managers attention, information or concerns that they may have about violence in their workplace at the earliest opportunity.
- (e) ensure that should they suffer or be subjected to violence at work, that this information is recorded on the Council's online Violent Incident/Assault Report Form and is brought to their line managers attention for the necessary action. See 2.3.1

2.5 The Health and Safety Team:

- for the provision of advice on this guideline
- for the provision of advice and support to managers on the risk assessment process.

2.6 The Unions:

- supporting the implementation of this guideline
- providing support and appropriate representation if required by members

3. The law

- 3.1 Section 550A of the Education Act 1996, reiterated in Section 93 of the Education and Inspection Act 2006, allows staff to use such force as is reasonable in all the circumstances to prevent a pupil from doing (or continuing to do) any of the following:
- committing a criminal offence
 - causing personal injury to, or damage to property; or
 - prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education in the school, whether during a teaching session or otherwise.
- 3.2 Section 95 of the Education and Inspections Act, 2006 indicates a "member of staff" in relation to a school means:
- any teacher who works in the school, and
 - any other person whom the head teacher has authorised to have control or charge of pupils. This may include people to whom the head has given temporary authorisation to have control or charge of pupils, such as unpaid volunteers (for example parents accompanying pupils on school-organised trips.) and
 - does not include any pupils.
- 3.3 Section 246 of the Apprenticeships, Skills, Children and Learning Act 2009 requires that governing bodies must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil; and reporting each such incident to each parent of the pupil as soon as practicable after the incident. The member of staff must not report the incident to a parent if it appears to

that member of staff that doing so would be likely to result in significant harm to the pupil. In this situation the incident must be reported to the local authority where the pupil normally lives.

- 3.4 The law does not carry with it the *expectation* that staff should intervene, but DfE guidelines outline situations in which a member of staff would be *entitled* to intervene.
- 3.5 There is no legal definition of when it is reasonable to use force to restrain a pupil. However to be judged lawful, the force used must be proportionate. 'Reasonable in the circumstances' means using no more force than is needed (The Use of reasonable force, non-statutory advice, DfE, July 2013). The statutory power given by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence or to prevent another person from being injured or committing a criminal offence.
- 3.6 Reasonable force may be used, under section 45 of the Violent Crime Reduction Act, 2006 (and confirmed in section 242 of the ASCL Act 2009), to search pupils for weapons without their consent. However, great care should be taken in these circumstances; only authorised staff may carry out a search and the police, or Safer School Partnership Officer, should be called if resistance from a pupil is expected. From September 2010, the power to search pupils without their consent was extended to include alcohol, illegal drugs and stolen property.

4. Pupils with special educational needs and/or disabilities

- 4.1 Schools must take appropriate account of the needs of individual pupils with special educational needs and/or disabilities when drawing up a physical intervention policy.
- 4.2 An individual plan should be drawn up with the pupil and his/her family for individual pupils who are at the greatest risk from receiving physical intervention ([appendix C](#)). Staff should be made aware of which pupils these are, what might trigger a violent situation, the pupil's individual physical intervention plan and what de-escalation techniques should be used.
- 4.3 Individual risk assessments should be carried out for these pupils, taking account of any disabilities, medical issues and, where appropriate, the use of equipment and physical aids for preventing self-harm, for example, wrist restraints.
- 4.4 Teach pupils who are at risk how to communicate in times of crisis and strategies to use in a crisis.

5. Examples of how physical intervention may be avoided

- 5.1 The use of physical intervention should always be considered within the wider context of other measures to manage behaviour e.g. whole school training on positive behaviour management. These include establishing and maintaining good relationships with children and young people and using diversion, diffusion and negotiation to respond to difficult situations. **Use of physical force that is unwarranted, excessive or punitive is not acceptable.** Failure to comply with this principle, when considering physical force, should be dealt with under school disciplinary procedures.
- 5.2 Before any physical intervention is used, these preventative strategies should be in place:

- ensuring the school has a positive and orderly environment with a good, solid behaviour policy familiar to all staff.
- having a whole-school approach to developing pupils' social and emotional skills, e.g. through adopting the Social and Emotional Aspects of Learning ([SEAL](#)) approach through the curriculum.
- developing effective relationships and channels of communication between pupils and staff.
- ensuring the school has carried out effective risk assessments of pupils. This may include pupils for whom any touching is particularly unwelcome. For example, pupils with cultural sensitivities or pupils who have been the subject of abuse.

5.3 All staff should adopt a positive approach to improving behaviour in order to reward effort and application and to build self-esteem. Schools should work in partnership with those who know the child or young person to help those concerned:

- find out why this child or young person behaves as he or she does.
- understand the factors that influence this child's or young person's behaviour.
- identify early warning signs that indicate foreseeable behaviours are developing.

This approach will help to ensure that early and preventative intervention is the norm. It should reduce the incidence of extreme behaviours and make sure that the use of physical intervention is rare.

6. Making a judgement on using force

6.1 This decision should always depend on the particular situation, knowledge of the individual pupils involved (particularly those with SEN) and knowledge of the school's policy on physical intervention. These decisions have to be made quickly but staff should consider:

- the likely effect of the injury if force is not used. The more likelihood of a serious injury, the more likely that force is justified;
- the chances of achieving the desired outcome without using force;
- the relative risks of using physical intervention, compared with other strategies.

6.2 Examples of potential situations where judgement on the use of force may be appropriate:

- a physical attack on a member of staff, or pupil;
- where pupils are fighting and may incur injury to themselves or others;
- a pupil is about to deliberately damage property;
- a pupil might cause injury through rough play, or use of dangerous materials or objects;

- a pupil tries to leave school and where this might result in serious risk to a pupil's safety. Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force;
- a pupil's behaviour is seriously disrupting a school event, visit or lesson;
- a pupil persistently refuses to follow an instruction to leave a classroom.

7. The use of force

7.1 Physical intervention may not necessarily involve force, for example it may be used to control pupils, rather than restrain:

- physically standing between pupils;
- leading a pupil by the arm away from a situation, or placing a hand in the centre of the back;
- holding a pupil in a non-confrontational way that doesn't create additional risk of harm.

Staff should not act in a way that might reasonably be expected to cause injury, for example by:

- slapping a pupil;
- tripping up a pupil;
- holding or pulling a pupil by the hair or ear;
- holding a pupil face down on the ground.

7.2 In very exceptional circumstances only, an appropriate restrictive hold might be used but this would first require specific training and expertise. **Parental consent is not required to restrain a pupil.**

- Where a pupil is engaged in an activity that might cause serious injury or death, any member of staff would be justified in taking action to reduce these risks, for example, preventing a pupil running off the pavement onto a busy road. Staff should always consider their own safety and that of others in deciding how to act in such situations.
- Staff should avoid acting in a way that might reasonably be expected to cause injury but this may not always be possible. It may be necessary to show that reasonable force was proportionate and used as a last resort.
- A member of staff should engage the pupil in a calm tone and the pupil should be given a warning that physical intervention might be used as a last resort.
- Staff should avoid touching or using physical intervention in a way that could be interpreted as sexually inappropriate conduct.

8. Behaviour Support Plans

8.1 School staff should refer to the school's behaviour policy when developing and implementing individual behaviour support plans. All behaviour support plans should

normally be formally agreed between the school, pupil and parent before implementation. They should:

- meet the pupil's individual needs, which may be set out in a pupil's statement of Special Educational Needs; and their IEP.
- Encourage the child or young person to make positive choices and to develop self-control.
- support the child or young person in difficult situations.
- safely manage crises if and when they occur.

9. Risk Assessment

Under health and safety legislation, employers must carry out risk assessments to accurately identify the potential hazards in their workplace and those arising out of their work activities. In schools this would include the use of physical interventions. Legislation requires that reasonable control measures are taken to prevent/reduce the risk of harm that could arise from the hazard.

10. Reporting Incidents

- 10.1 The governing bodies **must** ensure that a procedure is in place to record and report all significant incidents where a member of staff has used force on a pupil. A school should decide who is responsible for deciding if an incident is significant or not, normally this would involve the headteacher.

Only a court of law can decide what is significant but a school should consider in making this decision that the following might well be significant:

- a) an incident where unreasonable force has been used on a pupil;
 - b) any incident where substantial force has been used (e.g. physically pushing a pupil out of a room);
 - c) the use of a restraint technique;
 - d) an incident where a child is very distressed (though clearly not over-reacting would be significant).
- 10.2 All significant incidents requiring the use of physical intervention **must** be documented within school records ([see appendix B](#)). Injuries to staff arising out of physical intervention must be reported using the 'Violent incident/Assault' record via the online reporting system (community schools). Non Community schools should have appropriate systems in place to record such incidents. See 2.3.1.
- 10.3 **Parents** should be informed on any occasion where significant physical intervention has been necessary and the reason for the action clearly explained. The law states that EACH parent must be informed of a significant incident, except in cases where harm might result for the child. For a looked after child, this includes the local authority.
- 10.4 **Parents should not be given a copy of the incident record as a matter of course.**

- 10.5 When filling in an incident reporting form, **staff** should bear in mind that this information may be included in a Disclosure and Barring Service disclosure if later passed to the police. Schools should retain the records until the member of staff has reached normal retirement age, or 10 years from the date of any allegation if that is longer.

11. Post-incident support

- 12.1 Members of staff who have been assaulted may want to report the incident to the police. They may also want to seek the advice and support of their trade union representative.
- 12.2 Serious incidents may result in injury to pupils and staff. Prompt action to provide first aid should be taken and to access medical support for more serious injuries. Emotional support should be given to staff and pupils, as these incidents can be upsetting.

12. Responding to complaints

- 12.1 The use of restrictive physical intervention can lead to allegations of inappropriate or excessive use. In the event of a complaint being received by a school in relation to the use of force by staff, the matter should be dealt with in accordance with procedures for handling allegations against members of staff.
- 12.2 Any allegation against a member of staff must be referred in the first instance to the LADO (Local Authority Designated Officer) on 020 8937 4834. This may result in a child protection investigation in accordance with DfE Guidance on Safeguarding children or be referred back to school for them to follow their normal complaints procedures.
- 12.3 If a member of staff uses reasonable force, they will have a robust defence against false allegations or unreasonable force or unlawful conduct. In most Civil Court proceedings it is the employer who is sued and not the individual member of staff. If a member of staff is sued individually in an action or jointly with the employer, the member of staff should be covered by the employer's public liability insurance. If however, a staff member uses unreasonable force they would not be acting within the scope of their employment duties and may be subject to civil or criminal proceedings and/or disciplinary action as a result.
- 12.4 If a member of staff has decided not to use force, it is extremely unlikely they will be found to be negligent by a court, provided they had taken all reasonable steps to ensure the safety of pupils short of using force.
- 12.5 Teachers have a duty of care, and while a child is under their care are regarded as being in place of the parent, in loco parentis.

13. Staff training

- 13.1 It is recommended that schools discuss with all staff how the school will deal with the issue of physical intervention. There are different types of training on physical intervention but it should be remembered above all, that physical intervention should be a last resort. In settings where physical intervention is likely to be necessary, training should be provided for all staff concerned.

- 13.2 The government advice is that at least one member of staff in every school has received recent training by expert accredited providers in physical intervention and restraint techniques. School Policy should enable the use of reasonable force by suitably trained staff to prevent a child for whom they are responsible from harming themselves or others
- 13.3 The British Institute of Learning Disabilities ([BILD](#)), with funding from the DfE and DoH has accreditation for organisations that provide training on physical intervention.
- 13.4 For staff who teach pupils with Autistic Spectrum Disorders or learning disabilities, the DfE/DH guidance on "[Physical Intervention for Pupils with ASD](#)" should be made available.

14. Links to other policies and guidance

- Use of reasonable force (non-statutory advice, DfE, July 2013)
<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>
- Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (DfE 2002)
<http://media.education.gov.uk/assets/files/pdf/p/pi%20guidance.pdf>
- Guidance on the use of restrictive physical interventions for pupils with severe behavioural difficulties (DfE 2003)
http://media.education.gov.uk/assets/files/pdf/g/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions%20for%20pupils%20with%20severe%20behavioural%20difficulties_2003.pdf
- Screening, searching and confiscation (DfE advice, 2014)
<https://www.gov.uk/government/publications/searching-screening-and-confiscation>
- Managing Violence and Aggression in the Workplace – Brent Council
- Accident & Incident Reporting in Brent Council - Staff can access the system directly via the internet <https://server2.info-exchange.com/brent/> . Alternatively Staff can access the online recording system via the links on the front page of the H&S services page on the schools extranet - top RHS under related links
- Brent procedure for Managing Allegations Against Professionals (AAPs) - <http://www.brentlscb.org.uk/main/article.php?tag=Allegations&name=role§or=Home>
- Stress Policy – Brent model policy for schools
- Disciplinary Policy and Procedure for schools - Brent model policy for schools
- [Section 550A of the Education Act 1996: The Use of force to Control or Restrain Pupils July 1998](#) – DfE

15. Implementation and Review

- 15.1 This document will be evaluated and reviewed at least every 2 years from the date it becomes live; or in the event of a change in legislation or need.

Appendix A

School policies: suggested framework

Each school needs to develop a policy tailored to its particular circumstances, usually in consultation with governors, staff, parents and pupils. Schools may find the framework below helpful in developing or reviewing their own policies.

SCHOOL POLICY ON THE USE OF FORCE BY STAFF TO CONTROL OR RESTRAIN PUPILS

Objectives

These could include statements about:

- the key objective of maintaining the safety of pupils and staff.
- preventing serious breaches of school discipline.
- preventing serious damage to property.

Minimising the need to use force

This section could include material about:

- creating a calm environment that minimises the risk of incidents that might require using force arising.
- using Social and Emotional Aspects of Learning ([SEAL](#)) approaches to teach pupils how to manage conflict and strong feelings.
- de-escalating incidents if they do arise.

Staff authorised to use force

- This section could deal with both permanent and temporary authorisation.
- On permanent authorisation, it could make clear that all teachers and staff the head has authorised to have control or charge of pupils automatically have the statutory power to use force and identify which categories of staff this covers.
- On temporary authorisation, it could explain:
 - the circumstances in which staff whose jobs do not normally involve supervising pupils and volunteers working with pupils will be authorised to be in control or charge of pupils and therefore have statutory power to use force: and
 - how teachers and other staff with permanent authorisation will know who has temporary authorisation.

Deciding whether to use force

- This section could set out the guidelines to help staff decide whether or not to use force in particular circumstances. For example, it could suggest that staff should only use force when:
 - the potential consequences of not intervening were sufficiently serious to justify considering use of force;
 - the chances of achieving the desired result by other means were low; and
- This section could also make clear
 - how staff (including people with temporary authorisation to have charge or control of pupils) will be kept informed about and advised how to deal with pupils who present particular risks to themselves or others (as a result of SEN and/or disabilities and/or other personal circumstances, such as domestic violence); and
 - how staff should minimise the highest risks, for example by calling the police if a pupil suspected of having a weapon seems likely to resist a search.

Using force

- This section could emphasise the importance of only using the minimum force necessary to achieve the desired result.
- This section could also;
 - advise giving a clear oral warning to the pupil that force may have to be used;
 - suggest types of force that could be used, making it clear that any form of restraint that is likely to injure a pupil should only be used in extreme emergencies and where there is no viable alternative
 - advise staff to call for assistance in difficult situations.

Staff training

- This section could deal with:
 - how decisions about training are made; and
 - how training is provided

Recording incidents

- This section could set out the school's arrangements for deciding which incidents to record and how to record them.
- Schools may wish to use their own incident form.

Reporting incidents

- This section could set out the school's arrangements for reporting incidents to parents.
- It should also deal with reporting to external agencies such as other local authority children's services, the local Children's Safeguarding Board, Brent Health, safety and Licensing, the Health and Safety Executive, youth offending teams and the police.

Post-incident support

- This section should set out arrangements for supporting staff and pupils involved in incidents, including meeting immediate physical needs and rebuilding relationships, and ensuring that lessons are learned from the incident.

Complaints and allegations

- This section could set out the school's arrangements for dealing with complaints and allegations of misconduct arising from incidents.

Monitoring and review

- This section could set out the school's arrangements for monitoring the impact of its policy on use of force and for reviewing and developing the policy, including the roles of senior leaders and governors.

Further information

- This could provide links or references to the DFE guidance and any relevant local authority guidance.

Appendix B:

Incident reporting form

Details of pupil on whom force was used – name, class, and any SEN, disability other vulnerability
Date, time and location of incident
Names of staff involved (directly or as witnesses)
Details of other pupils involved (directly or as witnesses), including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons
Description of incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used
Reason for using force and description of force used
Any injury suffered by staff or pupils and any first aid and/or medical attention required
Reasons for making a record of this incident

Follow up, including post-incident support and any disciplinary action against pupils
Any information about incident shared with staff not involved in it and external agencies
When and how those with parental responsibility were informed about the incident and any views they have expressed
Has any complaint been lodged (details should not be recorded here)?

Report compiled by:
Name and role:
Date:
Report countersigned by:
Name and role:
Date:

Please note: the names of pupils should be removed before the completed form is sent to parents and the names of members of staff should only be included with their consent.

(DFE guidance: The use of force to control or restrain pupils, 2010)

Appendix C

(Specimen Risk Assessment Pro-forma for assessing and managing foreseeable risks for children who present challenging behaviour).

Name of child.....

Class group.....

Name of teacher.....

School.....

Identification of Risk	
Describe the foreseeable risk	
Is the risk potential or actual	
List who is affected by the risk	
Assessment of Risk	
In which situations does the risk usually occur?	
How likely it is that the risk will arise?	
If the risk arises, who is likely to be injured or hurt?	
What kinds of injuries or harm are likely to occur?	
How serious are the adverse outcomes?	

Risk Reduction Options			
Measures	Possible options	Benefits	Drawbacks
Proactive interventions to prevent risk			
Early interventions to manage risk			
Reactive interventions to respond to adverse outcomes			

Agreed Behaviour Support Plan & School Risk Management Strategy		
Focus of measures	Measures to be employed	Level of risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

Agreed by and date:

Relationship to child:

Communication of Behaviour Support Plan & School Risk Management Strategy		
Plans and strategies shared with:	Communication Method	Date Actioned

Staff Training Issues		
Identified training needs	Training provided to meet needs	Date training completed

Evaluation of Behaviour Support Plan & School Risk Management Strategy		
Measures set out	Effectiveness in supporting the child	Impact on risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		
ACTIONS FOR THE FUTURE		

Plans and strategies evaluated by and date:

.....

Relationship to child:

.....

Appendix D

Sources of training in the use of physical interventions

The School Workforce Development team at Brent Council currently offer two courses:

- **One-Day: Direct Delivery MAPA® Foundation Programme**
- **Two-Day: Foundation Programme**

MAPA® Physical Interventions are suitable for staff who work directly with people across the age spectrum who present behaviour that limits inclusion and/or that is considered to be risky or harmful to the person or others. MAPA® Physical Interventions are independently risk assessed and accredited by the British Institute of Learning Disabilities (BILD).

Contact Details

Jane Stewart
Workforce Development and PVI Link Officer
jane.stewart@brent.gov.uk
020 8937 3270

Or visit the School Workforce Development team's page on
<http://www.bestbrent.co.uk/Services/Details/484>