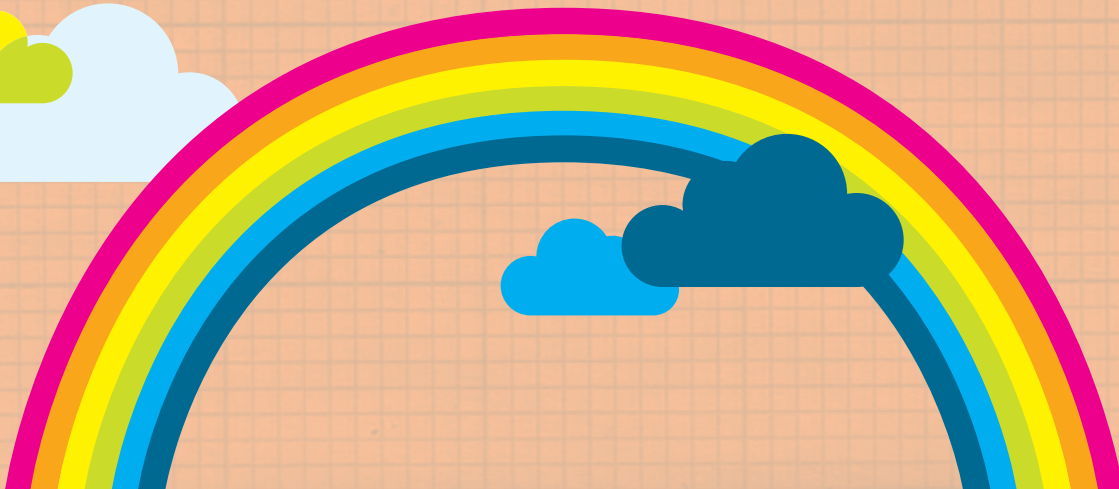
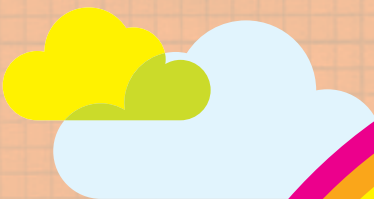


THE COMMON-SENSE APPROACH

to Moving and Handling of
Disabled Children and Young People



Foreword



The Scottish Government wants to make Scotland the best place for children and young people to grow up. Our ambition is to give children and young people the best start in life and ensure they have the opportunities to thrive and develop into healthy, confident individuals, ready to succeed.

The well-being of all our children and young people is paramount. We recognise that some children and young people require additional support to help them be included and active participants in our society. Our disabled children and young people have so much potential; so much to contribute and so much to share with their families, their friends, their communities and Scottish society as a whole. Moving and handling support for some disabled children and young people is key to enabling their valuable contribution whilst supporting their well-being.

There are risks in everything we do, including moving and handling. But we must not be constrained by them. We need to adopt a risk management approach to moving and handling, so we do not limit opportunities for disabled children and young people to experience play and wider social activities at home, in education and in their community.

By putting this common-sense approach to moving and handling into practice we can all help to improve the well-being of disabled children and young people allowing them to enjoy their right to be active, healthy and confident contributors to our society.

AILEEN CAMPBELL

Minister for Children and Young People

‘The Health and Safety Executive endorses the need for a proportionate and sensible approach to planning and organising activities for disabled children and young people. The guidance will help employers who provide such activities ensure that moving and handling risks to all involved are properly managed, and that mistaken health and safety concerns do not result in children having their experiences unnecessarily limited.’

PHOTO REDACTED DUE TO THIRD PARTY RIGHTS OR OTHER LEGAL ISSUES

Who is this guide for?

This guide is for workers and employers who work with children and young people with moving and handling needs.

What does it do?

This guide is intended to help make sure that the experiences of disabled children and young people are not limited by misinterpretation or misunderstanding of legislation and regulation¹⁻⁷.

It offers a common-sense, practical approach that reflects current children’s rights legislation^{1, 2, 3, 4}, manual handling⁵ and health and safety regulations^{6, 7, 12}.

Using this guidance will help ensure that you get it right for children and young people who have moving and handling needs, allowing them to enjoy their right to be active, healthy and confident contributors to our society – and that workers and employers have a clear understanding of their responsibilities.

Introduction

Working with disabled children and young people may involve moving and handling risks. We need to manage these risks effectively – in ways that ensure we do not limit disabled children and young people’s opportunities to play, and to have a wide social experience at home, in education and in their community.

The human rights and safety of the child and the worker must be carefully balanced in a way that ensures that both sets of rights are maintained.

The rights of children and young people may not be realised because of common misunderstandings people have about these rights, and the balance required with the rights of the worker and employers.

These misunderstandings usually come about because:

- People make assumptions about disabled children and young people that can lead to poor practice or discrimination
- People may over-emphasise adverse consequences and think less about the benefits to the child or young person’s well-being and their wishes
- People are not clear about all the relevant legislation
- Organisations interpret the legislation differently
- Organisations and individuals are worried that they may be prosecuted if during moving and handling activities they injure a disabled child or young person
- People may be unfamiliar with best practice in assessing and managing risks
- There is a lack of access to competent advice and training in moving and handling people safely.

Moving and handling will be required in a variety of settings to reflect the child’s rights to inclusion and wider social experiences. For example, at home, playing with friends at school in break time, shopping with friends or on a school trip.



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The rights of children and young people*

The fundamental rights of children and young people in Scotland are enshrined in law^{1, 2, 3, and 4}. It is up to everyone involved in supporting children and young people in moving and handling to help balance these rights with the sensible management of risk.

The rights of the worker^{5,6,7},

Employers must ensure that workers are not required to perform tasks that put them and the children and young people they care for at unacceptable risk.

*The Scottish Government published a consultation on the Children and Young People Bill in July 2012.





Risk Management

What is Risk?

Risk exists in all aspects of life – and affects all of us.

The Health and Safety Executive defines a risk as the likelihood that somebody could be harmed by a hazard, together with an indication of how serious the harm could be.

For example, moving and handling children and young people may cause harm to them or their workers. However the risk of injury (the chances of it happening and its seriousness) varies depending on a number of factors including: the moving and handling tasks; the environment; equipment; needs of the child or young person being assisted; and the individual capabilities and skills of the workers involved.

Managing Risk

A “no lifting” policy is not a good way to control moving and handling risks.

An across the board no lifting policy, whilst eliminating some handling risks, totally ignores the needs of the child and young person and their rights under the Equality Act⁴ and other legislation^{1, 2, 3}. The Manual Handling Operations Regulations⁵ and the Health and Safety Act⁶ and Regulations⁷, do not prohibit all moving and handling; rather they require employers to adopt a risk management approach.

The correct approach to safe moving and handling is through the five steps of the risk assessment¹¹



Risk cannot be eliminated completely. Risk management is about reducing risk so far as is reasonably practicable[†].

There is a **legal requirement**⁵ for employers to:

- Ensure that the moving and handling needs are clearly identified in order to minimise risk to the child or young person and worker(s)
- Revisit moving and handling plans as necessary.

It is critical from a children's rights perspective that employers should:

- Actively involve the child or young person and their worker(s) in the risk assessment and decision making processes
- Review the moving and handling plans with the child or young person and their workers in accordance with the worker's ability and the young person's physical and emotional development
- Ensure that preserving the dignity of the child or young person is a key consideration¹⁰.

[†]Reasonably practicable means weighing up the risk against the cost in terms of money, time and effort of reducing the risk. Employers have to take action to control the health and safety risks except where the cost of doing so is "grossly disproportionate" to the reduction in the risk.

Case study: Pete at the pool



Pete has cerebral palsy and attends a specialist unit within a mainstream school. He needs a hoist to assist with his mobility. The school operates a 'suspended timetable week' once a year, when children can choose their own activities managed by the school. There weren't many choices for Pete so he opted to visit his local leisure pool for one of his outings, as he felt this would be an accessible place for him.

However there was no hoist in the leisure pool changing room and the school's hoist was too big to be taken off-site. Therefore the school told Pete he couldn't go because school staff would not be able to lift him.

Pete's mum was disappointed about this and complained to the school. The school realised that they should do all they could to try to help Pete and contacted the leisure centre to see if there were any alternatives to support Pete to go swimming. They were competent to undertake a risk assessment and to use the transfer boards and handling slings available at the leisure centre.

The leisure centre manager said the pool staff would meet with Pete and the workers supporting him to complete a risk assessment around Pete's use of the changing facilities and pool at the leisure centre. They would require more information about Pete including his degree of mobility, risk of uncontrolled movements, his weight, height and his individual needs.

The school ensured they had Pete's consent to share the information with the relevant pool staff.

On completion of the risk assessment process the pool staff found that their skills and training would make it possible for them to support Pete with his moving and handling needs. The process identified that Pete could be transferred by two pool staff onto a height-adjustable plinth in the changing room using a transfer board and handling sling to allow him to get changed by his workers for swimming.



PHOTO REDACTED DUE TO THIRD PARTY RIGHTS OR OTHER LEGAL ISSUES

Pete could then be transferred onto a wheeled shower chair and brought into the pool along the ramped access by the pool staff. The buoyancy of the water would be used by the pool staff to transfer Pete into and out of the water on the shower chair.

Being able to go swimming would help Pete improve his well-being (for example: allowing him to be more active, healthier, and more included). This enabled the school to change their stance, and Pete was able to go to the pool.

Pete's story shows that it is possible to strike the right balance between the rights of the young person and those of his workers, and the employer's duties. The school staff shared the relevant information about

Pete's abilities, needs, height and weight with the leisure centre staff. After working through the risk management process with Pete and the school, leisure centre staff identified the actual risks and how those risks could be managed and reduced.

The case study demonstrates a barrier children and young people with moving and handling needs and their families frequently face - the risk management process only started after Pete's mother's intervention. Starting this process from the moment Pete opted to visit the pool from school would have been the desirable scenario in this case study and would have resulted in a win-win outcome for all.




Assessing Risk

Health and safety law requires employers to carry out a suitable and sufficient risk assessment. To do so you must consider:

- The moving and handling task, postures, frequency, weight etc
- The environment
- The equipment
- The individual child or young person's needs
- The workers involved.

The risk assessment should consider risks to the child or young person being supported, risks to the worker(s) assisting them, and risks to others who may be affected by the activity.

Risk assessment should involve the workers and the child or young person and their family and take into account their wishes and feelings. All considerations should take into account the emotional, psychological and social impact on the child or young person.



The manual handling operations regulations⁵ do not prohibit all manual handling.

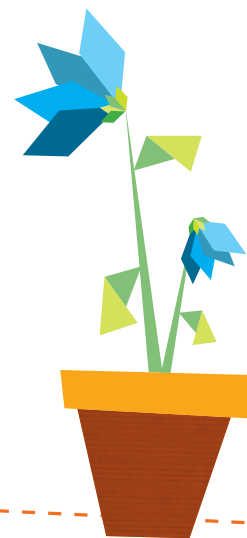
The Regulations require that moving and handling is done as safely as possible, where it cannot be avoided⁵.

Action should be appropriate and proportionate to ensure that the child's rights are safe guarded when they are being supported with their moving and handling needs.

Workers should not be required to perform tasks that put them and the children and young people they care for at unacceptable risk^{5,6,7}.

Children and young people should actively contribute to their own risk assessment/ care plan through discussion with workers about:

- How they wish to be physically moved
- What they feel most comfortable with in terms of moving and handling
- How they can actively participate in managing their own care on a daily basis
- What activities they want or need to participate in, and where these take place
- How they can appropriately maximise their physical ability in order to avoid early dependence on equipment and support aids
- How they could/would be moved in the case of an emergency, for example in the case of a fire or if the child were to have a seizure in the pool.



Disabled children and young people can expect that their workers are familiar with their moving and handling needs, and are suitably trained in using relevant equipment to support them, thus enabling them to take a full part in a wider social experience.



The Scottish Government policy on children and young people, as set out in the “Getting it right for every child” approach, is to improve their individual well-being so that they are as safe, healthy, active, nurtured, achieving, respected, responsible and included⁹ as possible.

PHOTO REDACTED DUE TO THIRD PARTY RIGHTS OR OTHER LEGAL ISSUES

In addition, children and young people are entitled to be supported to make progress with their social, emotional and mental well-being through reference to those experiences and outcomes within health and well-being in the Curriculum for Excellence.






Your responsibility as a worker^{5,7} is to:

- Follow the child's or young person's individual risk assessment recommendations and use the equipment provided
- Co-operate with your employer and let them know of any problems
- Take reasonable care to ensure that your actions do not put you or others at risk
- Think about how the child/young person's wellbeing can be improved³.

Your responsibility as an employer is to ensure^{5,7,12} the safety of your employees and others affected by their work by:

- Ensuring that risk assessments are carried out by employees (and supported by staff in other agencies when applicable) who have had the relevant training and who understand the individual child or young person's needs
- Avoiding those moving and handling tasks that could result in injury, where reasonably practicable⁸
- Assessing the risks from moving and handling that cannot be avoided
- Putting measures in place to reduce the risk, so far as is reasonably practicable⁸
- Making sure that any lifting equipment used to move and handle children and young people is properly maintained and thoroughly examined every six months or in accordance with a written scheme of thorough examination¹²
- Ensuring that the moving and handling equipment, including slings and other accessories, is visually inspected prior to each use according to the manufacturer's instructions.



The judgement referenced at 8 would not be strictly binding in Scottish law but the case concerns health and safety law and human rights which apply UK wide.

Children and young people with daily moving and handling needs at home, in education or in the community must have their human rights carefully balanced with those of their workers. Through the proportionate and common-sense application of risk management proposed in this approach, both parties' rights will be safeguarded and the health, safety and welfare of the children and young people and those responsible for their care will be protected.



Children and young people must not have their learning and social experiences limited by moving and handling barriers, but should be supported through improvements in their well-being to become successful learners, confident individuals, effective contributors and responsible citizens⁹.

**Capability Scotland
September 2012**

References

1. United Nations Convention on the Rights of the Child.
2. United Nation Convention on the Rights of Persons with Disabilities.
3. Section 23 Children (Scotland) Act 1995.
4. The Equality Act 2010.
5. Manual Handling Operations Regulations 1992.
6. Health and Safety at Work Act 1974.
7. Management of Health and Safety at Work Regulations 1999.
8. The Munby Judgement R v East Sussex County Council (ex parte A, B, X, Y).
9. Getting it right for every child – well-being indicators.
10. A report on the moving and handling of children and young people with disabilities – Handle with Care, Scotland's Commissioner for Children and Young People.
11. HSE "Five steps to Risk Assessment".
12. Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).



Key Links

Capability Scotland

<http://www.capability-scotland.org.uk>

Getting it right for every child

www.scotland.gov.uk/Topics/People/Young-People/gettingitright

Scottish Commissioner for Children and Young People

<http://www.sccyp.org.uk/resources>

Changing Places

<http://changing-places.org/>

A report on the moving and handling of children and young people with disabilities – Handle with Care – Scotland's Commissioner for Children and Young People

http://www.sccyp.org.uk/uploaded_docs/adult%20reports/handle%20with%20care%20low%20res.pdf

Moving and Handling in Health and Social Care.

www.hse.gov.uk/healthservices/moving-handling.htm

NHS Scotland

<http://www.show.scot.nhs.uk/>

Health and safety for disabled people and their employers

<http://www.hse.gov.uk/disability/started.htm>

NHS Scotland Manual and Handling Passport & Information Scheme

http://www.sehd.scot.nhs.uk/mels/CEL2011_14.pdf

Health and safety matters for special educational needs: Moving and handling

<http://www.hse.gov.uk/pubns/edis4.pdf>

HSE's school trips statement and case studies

<http://www.hse.gov.uk/services/education/school-trips.htm>

Handling home care: Achieving safe, efficient and positive outcomes for care workers and clients

<http://www.hse.gov.uk/pubns/books/hsg225.htm>

Getting to grips with hoisting people

<http://www.hse.gov.uk/pubns/hsis3.pdf>

Report of the National Review of Services for Disabled Children

<http://www.scotland.gov.uk/Publications/2011/02/25151901/1>

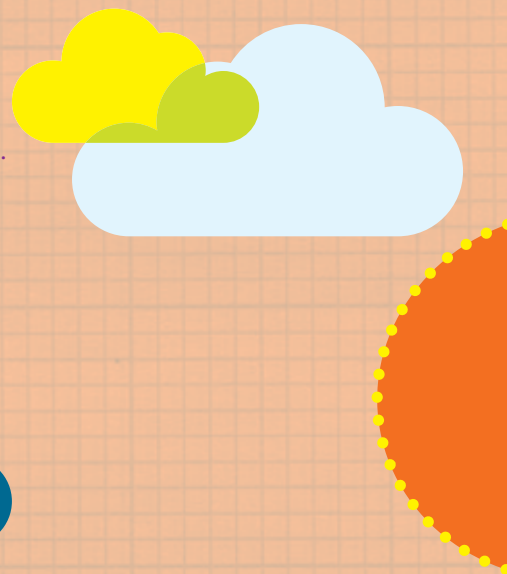
National Review of Services for Disabled Children and Young People - Progress Report

<http://www.scotland.gov.uk/Publications/2012/06/3932>

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