



# Safe handling Policy

**Review by and date:** Philippa Vince (November 2022)

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## **Policy Statement**

Staff at Toucan Education are appropriately trained to respond to the emotional, social and behavioural needs of students in their care. Our duty of care to students includes a requirement to intervene as appropriate in order to prevent students:

Causing injury to themselves and/or others;

Causing serious damage to property;

Seriously prejudicing discipline and good order or absconding from site.

To prevent serious incidents of the above it may be necessary for staff to physically intervene to ensure the best outcome. On such occasions all staff are required to act in accordance with the setting's Positive Handling Policy. The message we endeavor to convey to our students when employing positive handling strategies through to restrictive physical interventions is that 'we care enough about them' to assume control for them when most needed. This policy will be made available to students, parent/carers and other stakeholders upon request.

This policy is to be reviewed annually following which the revised copy is to be circulated to all Toucan staff. The policy is available to students, parents/carers and other stakeholders upon request.

## **Introduction to Positive Handling**

The term 'Positive Handling' includes a wide range of supportive strategies for managing challenging behaviour. Positive handling is a holistic approach to behaviour management entailing policy, guidance, management of the environment and deployment of staff. Its practice necessitates emotionally intelligent and reflective adults skilled in the use of diversion, diffusion and de-escalation. Its framework provides a graded and graduated response to behaviour escalation through to crisis.

Included in this framework are a number of physical responses which involve the use of reasonable force to control or restrain a student. The term 'physical restraint' is used when force is used to overcome active resistance. These are referred to as 'Restrictive Physical Interventions' in DOH & DFES Guidance for Restrictive Physical Interventions 2002. The circumstances in which restrictive physical interventions may be employed are now outlined in Section 93 of the Education and Inspections Act 2006 which now replaces Section 550A of the Education Act 1996.

Students with severe emotional and behavioural difficulties sometimes present serious risk to themselves and others by virtue of their behaviour. At Toucan Education we believe that a consistently applied positive handling policy effectively supports students who have behavioural difficulties within an ethos of mutual respect, care and safety.

The circumstances in which staff and others, authorised by the CEO, may use reasonable force to control or restrain students are described in [Section 93 Education and Inspections Act 2006](#) as such:

**Power of members of staff to use force:**

(1) A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely:

(a) committing any offence,

(b) causing personal injury to, or damage to the property of, any person

(including the pupil himself), or

(c) prejudicing the maintenance of good order and discipline at the setting or among any pupils receiving education at the setting, whether during a teaching session or otherwise.

Examples of when such action may be reasonable are to prevent injury to people, damage to property or the breakdown of discipline.

This policy details how we implement both national and local guidance within a framework of positive behaviour management at Toucan Education. It should therefore be considered alongside the most recent local authority policy statements and recent local and national guidance. The policy is designed to assist staff in ensuring all actions within the spectrum of positive handling responses are always reasonable, proportionate and can be deemed absolutely necessary when using restraint techniques.

Included in the positive handling framework are a number of physical responses which involve the use of 'reasonable force' to control or restrain a student where reasonable, proportionate and absolutely necessary. Physical intervention techniques represent a small part of the positive handling continuum.

***What is reasonable force?***

The term 'reasonable force' covers a broad range of actions used by practitioners in their careers at some point which involves physical contact with pupils.

'Force' is usually used to either control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances, such as separating a fight or having to physically restrain a student to prevent harm, violence or injury.

'Reasonable in the circumstances' means using no more force than is needed.

As mentioned above, educational establishments generally use force to control pupils and to restrain them. Control means either passive physical contact such as blocking a pupil's path or active physical contact such as leading a pupil by the arm out of a classroom.

'Restraint' means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

Staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

### ***Who can use reasonable force?***

**All members of setting staff have a legal power to use reasonable force.**

This power applies to any member of staff at the establishment. It can also apply to people whom the CEO has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a setting organised visit,

*When can reasonable force be used?*

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder.

In an educational setting, force is used for two main purposes - to control pupils or to restrain them.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

*Educational establishments can use reasonable force to:*

- Remove disruptive children from the classroom where they have refused to follow an instruction to do so.
- Prevent a student behaving in a way that disrupts an event, trip or visit.
- Prevent a student leaving the room where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- Prevent harm to themselves or others

*Educational establishments cannot:*

- Use force as a punishment - It is always unlawful to use force as a punishment.

### ***Power to search pupils without consent***

In addition to the general power to use reasonable force described above, the CEO and authorised staff can use such force as is reasonable given the circumstances to conduct a search for 'prohibited items':

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

### **Toucan Education Expectations and Important Definitions**

- The setting management takes seriously its duty of care towards its students, employees and visitors to the setting. Staff protection is an important part of child protection; both depend on supported, confident and competent staff. This policy has a clear focus:
  - The first and paramount consideration is the welfare of the students in our care.
  - The second is the welfare and protection of the adults who look after them.
  - In accordance with [section 89\(1\) of the Education and Inspections Act 2006](#) Toucan Education does not endorse:
    - Seclusion: Staff are not authorised to routinely force students to spend periods of time alone against their will other than in an emergency. Toucan Education recognises that to do so would require statutory powers.

*Toucan acknowledges that:*

**Timeout:** The routine restricting of positive reinforcement via time out necessitates planning, documentation and written agreement.

*Toucan advocates and promotes:*

**Withdrawal:** Students are routinely encouraged and supported to leave difficult situations by a dedicated team of pastoral staff. Pastoral staff closely supervises students hereafter and support recovery and re-integration.

Positive Behaviour Management: All physical interventions at this setting are conducted within a framework of positive behaviour management. Toucan's behaviour policy is intended to reward effort and application, and encourage students to take responsibility for improving their own behaviour. Part of our preventative approach to risk reduction involves looking for early warning signs, learning about and communicating any factors which may influence poor behaviour and taking steps to divert behaviours leading towards foreseeable risk.

*Students are encouraged to participate in the development of preferred responses at times of crisis by focusing on positive alternatives and choices within and without the debriefing process. Parents are also encouraged to contribute. However, if problems arise, staff have an additional responsibility to support all students when they are under pressure and safely manage crises if, and when, they occur.*

**Primary Prevention:** The incidence of behavioural difficulties and the use of restrictive physical interventions can be effectively minimised if we:

- Ensure that we create opportunities for our students to engage in meaningful activities in and around setting and to assume responsibility for their own learning and provide opportunities for them to exercise choice;
- Ensure that the curriculum is sufficiently stimulating, challenging and meaningful for our students;
- Ensure that setting expectations are clear and consistently applied;
- Ensure that staff are most effectively deployed, and their level of competence and training corresponds to the needs of the students and the likelihood of any restrictive physical intervention;
- Coach our students to either effectively deal or cope with situations and circumstances, which are known to provoke acute negative response and anticipate our student's requirements for additional support at such times;
- Maintain an awareness of each student's circumstances and events in their lives, which
- may cause them additional stresses and necessitate the need for additional support. The importance of good communication between the setting and home and between staff cannot be understated;
- Teach our students about emotions and how to manage them constructively through group work and individual coaching and counselling;
- Discuss with our students, their families and other stakeholders, the ways in which they would prefer to be managed at times when their behaviour may pose a significant risk to themselves, others or property i.e. reflection on incidents;
  - Conduct risk assessments of our student's behaviour, and implement personal plans and profiles which are updated regularly and maintain these as working documents.

**Secondary prevention:** Secondary prevention involves recognising the early stages of behavioural sequence that may likely develop into disruptiveness, destructiveness, aggressive/violent behaviour and implementing 'de-escalation' or 'diffusion' techniques to avert any further escalation of a situation

Team-Teach Workbooks, which are available to all staff, contain an overview of the prevention strategies below and how they correspond to a continuum of graduated responses where behaviour escalates.

Speaking calmly: Speaking in a calm, quiet and sincere voice which conveys to the learner that you:

- Are composed and in control but concerned for them.
- Would like to help them resolve their difficulty and regain self-control.
- Are interested in any constructive ideas they may have for resolving their difficulty.

Highlighting exceptions: This solution focused technique can be used to highlight 'exceptions'. These are incidents when the student has previously been on the verge of losing their 'self-control' but have regained their composure, have accepted adult support and resolved their difficulty. The following questions could prove useful:

- What was it that you did last time to calm down successfully?
- How did you do that?
- What else did you do?
- How did you feel about yourself?
- Do you think that you could do it again?

Potential consequence awareness: Done sensitively and without any intimidation or threat the following may be useful:

- Inform the learner that you may need to call for assistance or involve other staff.
- Alert the learner to the potential consequences should their behaviour deteriorate further.
- Prompt the learner to reflect upon consequences they may have experienced previously for similar behaviour.

Using humour: The use of humour can be extremely effective in defusing anger and aggression for some learners – It is however a matter of judgement based upon the adult's knowledge of the learner. Humour must never be used to mock an individual or trivialise their concern, situation etc.

Distraction: By creating a distraction you may shift a learner's focus sufficiently from their negative feelings and or actions to thinking about or doing something more constructive, at least temporarily – after which you can revisit and discuss the antecedence to their anger, distress etc.

**Stepping Away:** The act of stepping away from a distressed or upset learner can lessen the intensity of the situation and facilitate a way out for them. This may aid the learner's departure from a situation leaving behind the cause or focus of their upset or distress.

**Self-directed withdrawal:** Learners may be sensitively advised to leave a situation and take some time away from the focus of their distress. The adult may be in a position to offer several venues where they may withdraw too. The adult can agree that they will follow on shortly afterwards affording them some time to recompose before discussing their upset or anger. This approach allows the learner themselves to retain a degree of control over the situation and take steps towards a positive resolution.

Venues for withdrawal may already be identified for learners within their Personal Pupil Plans or they may form part of a separate Behaviour Management Plan. Learners will often have very firm ideas about venues; places within setting that they feel are most conducive to their calming down/feeling safe.

**Directed withdrawal:** This is a much more direct approach where a student is firmly advised to leave a situation /venue and accompany an adult to a designated area.

Do not expect reasonable responses from someone who is highly agitated, angry or emotional. It is often necessary to escort a learner to a quieter area where they can stay for a short space of time to cool down (no more than ten minutes).

**Withdrawal from lessons/group:**

- Students may be withdrawn from class or any corresponding group situation should their behaviour seriously disrupt the education, care or support of peers.
- A withdrawal should continue as long as the learner is unable and unprepared (or considered to be so by supporting staff) to return to the lesson/group and contribute positively. Early resolution should be sought at such times by staff who will offer an appropriate level of support and supervision to achieve this end.

**Physical presence:** The physical presence of adults will for many learners communicate authority and can support feelings of safety and security. Not least for other learners who may be distressed and feel threatened through witnessing the behaviour of a peer.

Often the focus of a child's anger and frustration can be the supervising adult (teacher, TA, etc.). At such times calling for the support of another adult can be enough to temporarily defuse as situation.

The physical presence of an adult should not be used as a means of intimidation, become oppressive or excessive in duration. Physical presence is likely to be most effective when accompanied by body language and other non-verbal signs that indicate to the child that the adult is there to help and willing to listen.



Physical diversion: Physical diversion differs from positive handling in terms of the degree of force used. It may, for example constitute one of the following actions:

Holding a hand.

Placing a hand on a forearm

Putting an arm around a shoulder

Physical diversion is a means of deflecting a learner from dangerous destructive or disruptive behaviour. It does not constitute positive handling so does not necessitate the completion of a positive handling incident report.

- On occasions that physical diversion is met with resistance a decision will be required as to whether or not positive handling strategies are employed.
- The de-escalation technique or techniques decided upon by adults are a matter of professional judgement and will depend on numerous variables including:
  - Knowledge of the student and what has worked previously
  - The level of acceptable risk the adult is prepared to take.
  - The adult's relationship with the learner.
  - Whether or not a learner has a Behaviour Plan that will identify those techniques most effective and agreed upon.
  - It should be noted by all staff that an over reliance, as perceived by the learners on the physical presence of colleagues to defuse and resolve difficulties for learners under their supervision can be detrimental.
  - It may undermine that adult's authority in the eyes of learners. It may cause them to believe that the adult does not care sufficiently, to work toward s a resolution with him or herself and ultimately make it more difficult for them to earn their learners respect and thus form good working relationships with them.

Modifications to the Environment: Staff will not be waiting until a crisis is underway before conducting a risk assessment of the environment. Risk assessment is a continuing activity for staff to engage in. We know that some students at this setting may exhibit extreme and possibly dangerous behaviour therefore we are required be proactive at all times. In general it is a good rule to keep environments clutter free. This may mean giving consideration to secure storage for a range of everyday objects when they are not being used.

Help Protocols for Staff: It is expected of all staff to be supportive of one another. This translates to staff offering their assistance to colleagues and conversely accepting support

when offered. This mutual arrangement is of particular importance at times of high stress and emotional arousal. The behaviour of our students all too easily can negatively influence the emotions of adults. The most experienced of adults can temporarily lose sight of their emotional objectivity when responding to challenging behaviour. Adult responses can become unhelpful, either damaging relationships with students and/or triggering an escalation of the challenging behaviour being addressed.

Recognition of our own emotional fallibility is imperative to work with our students and similarly it is central to offers of support from colleagues being perceived as supportive and consequently accepted. Help offered to colleagues in challenging situations may comprise some of the following:

- A colleague staying around in case they are needed for support;
- The offer of time-out of challenging situations where the supervising adult is the focus of a student's distress/anger;
- Requesting that the student withdraw from the situation ahead of resolution where situation is emotionally charged;

In emotionally charged situations where it is deemed pertinent for the supervising adult and/or adults in restraint scenarios the following brief message should be communicated by attending colleagues, 'help is available'. The message is clear and unambiguous and conveys to the receiving adult that they have unwittingly become an unhelpful dynamic in a given situation. The message should be repeated several times if not initially understood. The immediacy of some situations necessitates that the courtesy of explanation will, when mutually convenient, follow a colleague's intervention. Effective support to colleagues necessitates acting as a 'critical friend', assisting them to become aware of alternative perspectives and strategies.

Team Teach advocate the use of the following type of response to students experiencing an emotional crisis:

*'Childs name' ... 'I can see that something happened - lets you and I talk about – see if I can help'*

Followed by an invitation to follow the adult to an appropriate location to afford the student time and space to recompose themselves before discussing the situation further.

The response is neutral in that is non-judgmental when communicated by a calm and assertive adult. It conveys concern, time and a willingness to listen to the students and help them resolve their difficulties without reference to what's proceeded.

### **The Last Resort Principle**

At Toucan Education we only use physical restraint when there is no realistic alternative available to us. This does not mean however that we expect people to methodically work their way through a series of failing strategies, before attempting an intervention in which they have some confidence. Nor does it mean always waiting until the danger is imminent, by which time the prospect of safely managing it may be significantly reduced. National guidance is clear on this point.

“If necessary, staff have the authority to take immediate action to prevent harm occurring even if the harm is expected to happen sometime in the predictable future.”

[Para 10 Page 4 Department of Health – 1997 – “The Control of Children in the Public Care: Interpretation of the Children Act 1989” – London: H M S O](#)

It does mean that we expect staff to conduct a risk assessment and choose the safest alternative. It also means that we expect staff to experiment and think creatively about any alternatives to physical intervention which may be effective.

**Reasonable and Proportionate:** Any response to extreme behaviour should be reasonable and proportionate. Staff reactions should not be motivated by anger. If adults feel that their responses are motivated by anger they should consider seeking support and withdrawing themselves from the situation. Where staff act in good faith, and their actions are reasonable and proportionate, they will be supported.

When physical controls are considered staff should think about the answers to the following questions:

- How is this in the best interest of the student?
- Why is a less intrusive intervention not preferable?
- Why do we have to act now?
- Why am I the best person to be doing this?
- Would it be more helpful to remove an audience?
- Why is this absolutely necessary?
- If staff can answer these questions it is more likely that a physical intervention will be judged to be reasonable and proportionate.

**Unreasonable Use of Force:** It is not reasonable to use force simply to enforce compliance in circumstances where there is no presenting risk. Nor is it reasonable to use any more force than is necessary to achieve a reduction in risk. Under no circumstances should pain be deliberately inflicted or should students be deliberately subjected to undignified or humiliating treatment. (This should not be confused with the unavoidable discomfort associated with some approved techniques for disengaging from assaults such as bites and grabs as endorsed by Team Teach). Other than as a one-off emergency measure to protect health and safety, force should never be

used to keep a student secluded. Seclusion is only lawful by specific court order and cannot become part of a planned strategy for use at this setting.

Team Teach: It is the policy of Toucan Education that all permanent staff working closely with students are trained in the pre-emptive and responsive positive handling strategies and techniques of Team Teach, to complement the behaviour management approaches and strategies reflected in the Settings Behaviour Policy.

Further details of the Team Teach approach can be found in the setting's Team Teach documents and, on the Team, Teach website ([www.team-teach.co.uk](http://www.team-teach.co.uk)).

Health and Safety: If dangerous behaviour presents a significant risk of injury to people, there is a legal Health and Safety issue to be addressed. Dangerous behaviour should be regarded just as seriously as dangerous equipment. Dangerous behaviour should be reported to the immediately to the Assistant Head teacher. We all have shared responsibility to identify risk, communicate potential risks and take active steps to reduce risk wherever possible. We recognise that it is not possible to entirely remove risk. Sometimes things go wrong even when we make our best efforts to do the right thing. Sometimes we are faced with unpalatable choices. In these circumstances we have to try and think through the outcomes of the options available, balance the risks and choose whatever course of action which seems to involve the least risk.

As a minimum requirement, in order to comply with health and safety legislation, each employee has a responsibility to ensure that they are conversant with setting and policy and guidance, and to cooperate to make the setting safer. It is also a requirement that they participate in training if they are directed to do so. This does not necessarily mean that all staff can be involved in all the physical activities. The non- physical aspects of positive handling training are crucially important too effective behaviour management and represent 95% of the positive-handling response continuum.

### **Accessing Support**

At Toucan Education the following support mechanisms are in place:

- Profiles which include Behaviour Plans are kept centrally on a secure computer network and accessible by adults in all areas of setting to ensure all relevant information about each student is available to all members of staff working with them.
- The CEO or Assistant assume responsibility for ensuring that pertinent information is shared with relevant staff each morning to update staff on current issues and share information. They are available, alongside pastoral staff on most days both pre and post sessions to provide support.
- Use of help protocols and language to remind all staff of availability of colleagues to offer help, including change-overs of staff during a crisis situation with a student.

- The setting's pastoral support process includes the provision for students to withdraw from sessions, for mutually agreed periods of time, to 'chill-out', refocus and/or access counsel in order to circumvent escalation of behaviour. Pastoral staff are similarly available to support staff.
- Debriefing meetings follow the use of restrictive physical interventions.
- Refresher training is available to all staff periodically through the setting year. Intermediate Team Teach trained tutors are available in Toucan Education for additional support and provision of opportunities to discuss/review experiences and issues.

### **Post Incident Support**

- Following a serious incident, it is the settings policy to offer support for all involved. Both students and staff are entitled to time to recompose themselves directly following an incident. Subsequent to this a supportive debriefing should be facilitated by a senior staff member. The object of this Post incident debriefing is to allow for both parties to repair damaged relationships and seek preferred ways of working through difficulties in the future.
- Immediate action should be taken to ensure medical help is sought if there are any injuries which require more than basic first aid. All injuries should be reported and recorded using the setting's systems.
- It is important to note that injury in itself is not evidence of malpractice. Even when staff attempt to do everything right, things can go wrong. Part of the post incident support for staff may involve a reminder of this, as people tend to blame themselves when things go wrong. Time needs to be found to repair relationships. When careful steps are taken to repair relationships a serious incident does not necessarily result in long term damage. This is an opportunity for learning for all concerned. Time needs to be given to following up incidents so that students have an opportunity to express their feelings, suggest alternative courses of action for the future and appreciate other people's perspective. When time and effort are put into a post incident support structure the outcome of a serious incident can be learning, growth and strengthened relationships.

**Complaints:** It is not uncommon for students to make allegations of inappropriate and/or excessive use of force following an incident. The setting has a formal Complaints Procedure. Students should be reminded of the procedure and encouraged to use the appropriate channels. Students should be given the opportunity during the debriefing process to voice any concerns and hear a first-hand explanation for an adult(s) actions. The complaints policy applies equally to staff. We are an open setting and promote transparency in both policy and practice in order to protect the interests of staff and students alike. Any staff concerns regarding the welfare of students should be immediately reported to the Designated Person for Safeguarding. Any safety concerns should be reported to the designated person for Health and Safety.

**Training:** All staff who are expected to use planned physical techniques are authorised by the CEO or Assistant and offered appropriate training. Toucan Education has adopted the Team Teach approach to most effectively responding to challenging behaviour. Team Teach Ltd is fully accredited by The Institute of Conflict Management in accordance with DCSF and Department of Health guidance. The setting has two staff trained to Intermediate tutor level. Our trained tutors are responsible for ensuring that our positive handling training is provided regularly and in accordance with Team Teach's rigorous guidelines and kept under review. It is the responsibility of the CEO and Assistant to ensure that both the training and deployment of staff is coordinated and effectively managed. The setting's preferred approach is for whole staff team training. The level of training required is kept under review and may change in response to the needs of our client group. All permanent and/or long term Toucan Education staff can expect to access the Team Teach Intermediate training programme. Team Teach related matters feature as a permanent agenda item at weekly staff meetings, within pastoral input.

Our preferred approach is for whole staff team training. The level of training required is kept under review and may change in response to the needs of our client group. Post training staff should seek out tutors to practice techniques as required outside of more formal and planned practice opportunities. All staff are expected to bring to the attention any difficulties or concerns regarding any of the techniques taught. All trained staff have access to a Team Teach Workbook and online login which provides them with an effective point of reference and may assist in clarify matters of philosophy and practice.

At present staff have been instructed in the use of a variety of the following Team Teach techniques:

- Arm Safe Disengagement
- Neck Safe Disengagement
- One Person Holds Guides and Escorts
- Two Person Holds, Guides and Escorts.
- Separating Fights

**Recording:** Whenever reasonable force is to overcome resistance the incident must be formally reported to a senior member of staff immediately and recorded on an incident report form as a restrictive physical intervention. All staff involved in an incident should contribute to the record.

All records, once written, will be retained and cannot be altered. They will be kept for many years and could form part of an investigation at some time in the future. All incident reports should not be completed until the individuals concerned have recovered from the immediate effects of the incident – neither should they be rushed, but basic details should be recorded and CEO or Assistant informed before the end of the day.

Monitoring the Incidence of Restrictive Physical Interventions: The use of restraint techniques is continually monitored and evaluated in the following ways:

- Via our post incident support procedure;
- All incidents are reported to the CEO and/or Assistant as immediately as is possible;
- A written record of the incident is provided to the CEO and/or Assistant teacher within 24 hours – irrespective of circumstance.
- Members of the Senior Leadership Team scrutinise all reports, make further investigations as necessary and ensure that post incident debriefing meetings take place. Following conclusion and comment the incident report forms are inputted into setting database. The inputting of behaviour data into and its subsequent interrogation is performed by the setting's office staff. Access to raw data is limited to members of the Senior Leadership Team.
- Incident data subsequently informs a termly and annual individual behaviour report. The data is scrutinised for evidence of trends emerging, the changing support needs of the student and in order to ensure that this positive handling policy and its related practices do not inadvertently discriminate against one group over another by virtue of SEN, gender, ethnicity. Similarly, the behaviour report assists in the planning, targeting and resourcing of additional support as required.

**Follow-Up:** Following an incident involving restrictive physical intervention may be given to conducting a further risk assessment and/or a reviewing students Personal Pupil Profile. Any further action in relation to a member of staff, or an individual student, will follow the appropriate procedures.