



# Phoenix Community Care Ltd

## Policy & Procedure

### Care, Control and Restraint for Foster Carers Policy

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## 1. Policy Statement

It is unreasonable to expect children not to misbehave from time to time. Whether it is toddlers exhibiting temper tantrums or direct challenges to a carer's authority by an adolescent, there will always be times when carers need to employ the use of control and discipline. Good order is also a necessary aspect of family life to enable children to develop in a safe and secure environment.

This policy seeks to provide all involved with a framework within which this necessary order can be maintained, while protecting children and carers alike.

No two children or carers are identical and in applying this policy carers will need to be mindful of the individual needs of specific children. They will also need to be aware that avoiding confrontation and rewarding good behaviour rather than punishing bad are often the most successful techniques available.

### **The main purpose of the Fostering Service Care, Control and Restraint Policy is:**

- a. To set out a clear policy on acceptable measures of control, restraint and discipline of children placed with foster parents as required by regulation 13 of the Fostering Services Regulations 2011.
- b. To ensure that:
  1. No form of corporal punishment is used on any child placed with a foster carer.
  2. No child placed with foster carers is subject to any measure of control, restraint or discipline which is excessive or unreasonable.
  3. Physical restraint is used on a child only where it is necessary to prevent injury to the foster child or other persons or likely serious damage to property
- c. To offer positive advice to carers on the care and control of often children and young people with complex needs
- d. To protect children and young people in care from inappropriate punishment while giving them a firm structure in which they can develop
- e. To protect carers and their families, where necessary, from the effects of children and young people's behaviour and also from the consequences of action which has not been agreed
- f. To give social workers and external agency staff a framework for assisting carers in the care and control of children and young people
- g. To ensure that children and young people who move between different forms of accommodation do not experience variations in discipline

## 2. Policy Information

Caring for Looked After children involves a partnership between PCC, carers, parents and the local authority, who share the responsibility for the physical and emotional development of children who are looked after. It is important that all those involved work closely together and have a clear understanding of each other's roles.

Carers need to know of the expectations placed upon them when they are responsible for caring, controlling and disciplining individual children and young people on behalf of the authority. Carers should set and maintain safe, consistent and understandable boundaries for children in relation to acceptable behaviour.

There is a need for all concerned to have a mutually agreed understanding of what constitutes acceptable and unacceptable responses by carers to difficult or dangerous behaviour. This can be addressed by Care Plans and Placement Agreements.

## 3. Procedure Details on Care and Control

### 3.1 General matters relating to measures of control and discipline that foster carers need to be aware of:

- No child should be subjected to more than one measure of discipline relating to the same incident
- Measures of control should be employed promptly and not delayed unnecessarily
- Instead of disciplining bad behaviour always try to encourage and praise good behaviour
- Be clear and consistent in your approach
- If the child has a tantrum and by doing so he/she is a danger to self or others then remove the child from the situation as soon as possible with a firm No
- With older children try distracting them and then reward their cooperation with praise or encouragement
- Try not to escalate arguments as arguments with no results could become a habit. Instead, state your case calmly then move away physically or change the subject
- Make sure that when you choose a calmer time to tell the child what the results will be if he or she continues to behave in a certain way
- Don't be afraid to admit when you are wrong or angry and be prepared to compromise and negotiate
- Once the consequences were made clear to the child follow it through
- Remember that you are not alone and the social workers can be of support in ensuring that the child understands matters of safety.

## 3.2 Unacceptable forms of discipline and control

PCC expects all its Foster Carers to comply with The Children Act 1989. The following forms of discipline would all be in contravention of the Act

- Corporal punishment, i.e. any intentional application of force as punishment, including slapping, punching, rough handling, squeezing, pinching, shaking and throwing missiles.
- Deprivation of food and drink.
- Restriction on visits to or by a child or young person, or any restriction or delay in agreed levels of communication by telephone or post with:
  - A parent
  - Any person who is not a parent but who has parental responsibility
  - Relatives or friends identified within the PIR and subsequent care planning documentation
  - Any Independent Visitor appointed for a child or young person
  - A child or young person's social worker
  - A guardian ad litem of the child or young person
  - Any solicitor for the time being acting for a child or whom a child wishes to instruct.
- Any requirement that a child or young person wears distinctive or inappropriate clothes
- Inappropriate use (e.g. changing the quantities of the prescribed medication without checking it out with a health professional) or withholding of medication or medical or dental treatment
- Use of accommodation to physically restrict a child or young person
- Intentional deprivation of sleep
- The withholding of any aids or equipment needed by a disabled child
- Any measure which punishes more than one child for the behaviour of an individual child
- Imposition of fines (except by way of repayment or compensation)
- Intimate physical examination of a child or young person

It is important that sanctions are

- relevant
- used sparingly
- time limited
- justified
- follow the behaviour as quickly as possible

Unacceptable sanctions include those that

- humiliate a child or young person
- cause them to be ridiculed
- have been experienced under different circumstances at home.

At the point of approval Foster Carers are asked to give a formal written undertaking “Not to use corporal punishment on any child placed.” This forms part of the Foster Care Agreement.

### 3.3 Acceptable forms of discipline and control include:

Individual carers will need to discuss the forms of control and discipline to be used within their home with assessing and supervising social workers. These will vary from carer to carer and sometimes from placement to placement.

Factors that need to be taken into account include:

- the usual forms of control and discipline used with the carer’s own children
- the carer’s experience of what works well for them
- the carer’s own experience of control and discipline as a child
- the age and ability of children to be placed
- the foster child’s history, including any experience of abuse
- any needs of foster children arising from a disability
- religious and cultural issues.

The following list provides guidance on the forms of control and discipline that are generally acceptable in foster homes. The list is not meant to be exhaustive, nor is it meant to imply that all these methods are appropriate in all circumstances. Carers should think carefully before employing any of these methods and if necessary seek further advice.

<b>Sanctions may include:</b>	
<b>Delay of pocket money</b>	In extreme circumstances pocket money may be delayed by a maximum of 48 hours but never removed altogether or require the child or young person to work for pocket money as a sanction.
<b>Withdrawal of privileges</b>	Privileges may be withdrawn for unacceptable behaviour. This may include denial of recreational facilities (e.g. no television or treat), but should not normally include denial of attendance at a regular out of school activity such as swimming lessons or attendance at clubs or brownies. Children in care may present at times as less skilled than their peers or socially isolated and the use of such a sanction may further disadvantage the child

<b>Grounding/gating</b>	not staying out with friends
<b>Early bedtime</b>	An early bedtime can be used positively in order for the child to reflect upon their behaviour. This should be no more than one hour before their regular bedtime.
<b>Time out/isolation</b>	<p>This should be used to affect positive change. It should be used as an opportunity to restore order in the child and home and to enable the child to reflect upon their behaviour.</p> <p>This sanction can range from isolating the child within a room occupied by others to sending them to a room on their own. Steps must however be taken to ensure the child's safety, and carers will need to think through the potential impact of the child's previous experiences before isolating a child in a particular room. For example, a child who had been regularly abused in a living room should not be isolated in the carer's living room. Never lock a child or young person in any room of the house.</p>
<b>Denial of personal belongings</b>	<p>Children have a right to their own clothes, toiletries and other possessions. However, personal belongings may be removed if they are deemed to be harmful to the child or others or they are being misused and likely to be damaged.</p> <p>Carers must also restrict access to the use of personal possessions, for example a Play station or personal stereo, as a sanction for a specified period. Comfort items, such as a favourite doll or bear, should never be removed from a child as a sanction.</p>
<b>Restriction mobility/locking doors</b>	<p>Subject to the usual security measures of the household such as locking external doors at night, children should never be locked in a room.</p> <p>It may be appropriate to deny a child access to a particular room or a specific area such as the garden. This may be achieved in a number of ways such as verbal requests, locking doors or standing in the way, while taking care to avoid the risk of a physical confrontation.</p>

## 4. Procedure Details on Restraint

### 4.1 Definition

Restraint is an act or the quality of holding back, limiting, or controlling something or somebody. Physical restraint is by definition against the child's stated will. Its aim is to take control from the child, to stop them from doing whatever they are doing, using the minimum amount of force and therefore the minimum amount of time necessary.

## 4.2 Recognising restraint

Carers have to bear in mind that the legal “duty of care” that applies to all those working with children means that “doing nothing” may be construed by the law as “negligence” in terms of this duty.

There are circumstances when it would be appropriate to intervene physically to prevent behaviour that is harmful to the child or others. Examples of such circumstance might include:

- to prevent one child attacking another
- a younger child refusing to dress appropriately, such as refusing to wear shoes to go outside
- a child refusing to leave another person’s room
- to prevent a young child from running away (e.g. running onto a busy road, getting too close to the edge of railway platforms)

### In such circumstances:

- Physical **intervention without contact**, such as standing in the way or some forms of **intervention with contact**, such as holding the child’s hand or placing a hand on their shoulder, may well be appropriate
- Some **forms of physical intervention may have a positive impact** on the child, such as holding or cuddling a distressed child, or holding a child for their own safety.

In themselves, none of the above interventions require any particular recording although carers must always be mindful of the circumstances of their intervention and if in doubt follow the instructions below for recording physical constraints.

### Physical restraint must only be used:

- If a child is in immediate danger of harming themselves, others or causing significant damage to property.
- To defend yourself and others from physical violence or threatened violence.

### Restraint should never be used:

- To establish control over a child or to demonstrate who is in charge
- To punish a child
- In a situation where it is possible for the foster carer to remove the other children and themselves out from danger

## 4.3 Guidance on use of restraint

### Carers should:

- Use physical restraint as a measure of last resort

- Ideally involve more than one carer, even if the second carer does not physically intervene but witnesses the intervention
- Always seek to avoid the need for physical restraint through dialogue or diversion
- Where possible pre-warn the child that a restraint might take place if their behaviour continues
- Have sound reasons for believing that other methods of intervention would not be appropriate or would fail.
- Give consideration to the age and understanding of the child
- Take into account disability and cultural factors that might also be significant in determining the type of intervention.
- Be mindful at all times of a child's previous experiences. A child who has been physically or sexually abused may experience any form of physical contact differently from how it was intended.
- Not attempt any intervention if they do not think it is achievable.
- Give consideration to the involvement of the emergency services, the timing and the place of the restraint, paying attention to minimising the involvement of other children, as to witness a restraint may be distressing for any child.
- Not use restraint to force compliance on the child's part or when there is no immediate risk involved, or as a means of punishment.
- Record any use of restraint as soon as possible after incident.
- Verbally advise the child's social worker of the use of restraint within one working day at the latest.

## 4.4 Special Needs and Children / Young People with a Mental Disorder

The fostering service promotes social inclusion, equality, and the social model of disability. All disabled children will be treated with dignity. It is accepted that some disabled children may have some behaviours which are so challenging that restrictive physical interventions may be needed as a last resort to safeguard the child following a duty of care. These children should not lose their placement within a family because they may need to be restrained for their own safety or that of others.

In cases involving children who are disabled and/or may have special needs and/or a mental health disorder, a risk assessment should be undertaken as a matter of course to address the specific issues involving the child and any foreseeable issues that may arise, likely to warrant the use of force to restrain them.

Any holding form of restraint would only be agreed when all other alternatives have been exhausted and subject to risk assessments and behaviour management plans. An example where this may be necessary is where a child whose Special Education Needs (SEN) and/or disability (whether physical or a learning disability) is associated with extreme behaviour.

An individual risk assessment and management plan will be essential for children or a young person who's SEN and/or disabilities are associated with:

- Communication impairments that make them less responsive to verbal communication
- Physical disabilities and/or sensory impairments
- Conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy or
- Dependence on equipment such as wheelchairs, breathing or feeding tubes

Those involved in the care and management of these children should ensure they are as well informed as possible about the child's behavioural characteristics or patterns stemming from their special needs, disability or mental disorder, and make use of the knowledge and insight that the child, their parents and other professionals involved with the family can provide.

## 5. Recording and Post Incident Management

Records of very difficult or challenging behaviour will be kept by the foster carer in their foster carer records. The carer will discuss the behaviour with the child's social worker and with their fostering social worker who will also keep appropriate records.

If a child's behaviour regularly seriously endangers themselves or others and physical restrictive intervention needs to be part of the plan for the child this should be subject to:

- A risk assessment involving the foster carers and professionals involved with the child
- All other interventions should have been considered including involving the Disabled Children's Team (for disabled children), or CAMHS (Child and Adolescent Mental Health Team) in making a behaviour management plan for the child
- The carers having attended specialist course

All incidents involving physical restraint must be recorded. However, the first consideration needs to be whether medical attention is required for the child or anyone else involved. Carers will need to exercise their own judgment as to when other forms of control and discipline warrant recording.

Some of the issues carers need to take into account include:

- Did the child view the action taken as fair and appropriate?
- Was the action taken discussed with and/or witnessed by others?
- Was the action taken agreed by the child's social worker and/or birth parents?
- Could any other party misunderstand the action taken or view it as inappropriate?

If the carer is in any doubt about whether any action taken should be recorded or not, then this is probably an indication that it should. In such circumstances the carer should record the incident and bring it to the attention of the child's and fostering social worker at the earliest possible opportunity.

**'ACCIDENT/ INCIDENT/ RESTRAINT REPORT'** form must be completed by the person making the restraint and sent to the child or young person's social worker and the Fostering Social Worker. The report must be placed on the child or young person's and the foster carer's files (Further supplies of forms are available from Family Placement Team).

## Post incident/accident/restraint management must give consideration to:

- Initiating or updating the risk assessment concerning the child and whether changes need to be made to their individual care plan
- Wherever necessary the allocated Fostering Social Worker to organise a Post Incident/Accident/Restraint Debrief/Review meeting for carers led by a Family Placement Team Social Worker. Time and space will also be needed for the child's social worker to talk through the incident with the child or young person to allow for the expression of feelings and decide upon next steps, and identify any post incident support which may be necessary. If this meeting does not take place the reasons for such decision must be clearly recorded on the Incident/Accident/Restraint Form.

## 6. Safe Caring Statement

All carers are required to produce Safe Caring Statement for their home and this must be approved/signed by every child's and fostering social worker and explained to the foster child.

Assessing and fostering social workers must consider with prospective and existing, approved carers the implications arising for these from the carer's views on methods of control and discipline to be used in the foster home. These should be detailed in the safe caring statement and wherever possible shared with the child before the placement commences.

## 7. Legal Implications

The ethos of the fostering service is that restraint will not be used with children and young people and the alternative strategies described will be promoted. Exceptional circumstances requiring the use of restraint should be carefully monitored and restricted. Care should be taken to ensure that a culture where restraint is permissible does not develop.

There is a scale of physical interventions, which could range from a physical prompt, through physically leading a child away from a situation, to actually holding a child and thereby restricting their freedom of movement. Whilst some children, particularly those with learning disabilities, may need a physical prompt to assist them in daily activities physically restrictive interventions should not be used.

Carers could face either criminal or civil proceedings if they commit an act against a child or young person that amounts to a civil wrong or criminal act. These acts include assault and/or battery and false imprisonment of the young person. Liability in civil law can also arise if a person causes injury to another by their negligence.

This policy is designed to safely protect children and young people and minimise the risks of an allegation being levelled at a carer and proper recording of incidents will afford some protection.

If carers are confronted with allegations about their behaviour, it is important that they seek legal advice.

## 8. Document Management

This Policy and Procedure on Care, Control and Restraint will be added to the PCC's Policy and Procedure folder. Copies of the Fostering Service Care, Control and Restraint Policy and Procedure will be distributed to all existing foster carers.

The policy will be reviewed annually from August 2015 by the Directors.