



Policy on the appropriate use of control and restraint: Regulation 21 of The Local Authority Fostering Services (Wales) Regulations 2018

Purpose:

The use of control and restraint is prohibited by Newport City Council and should not be implemented unless there is no other option to manage a situation where a child or young person may be a risk to themselves or others. This policy provides guidelines around the appropriate use of control and restraint for foster carers and provides guidance around the duties that must be taken following any use of appropriate control or restraint.

DOCUMENT HISTORY			
Version number:	1	Status: (draft/ final)	Final
Date Written	January 2020	Dates of Issue for consultation	
Equality Impact Assessment			
Supporting documents			
Authorised by: Council Cabinet Heads of Service Children/ Adult Management Team	Date: Joanne Llewellyn 28.04.2020	Ratified by: CSMT	Date: 30.04.2020
Lead Responsibility:	Author: Laura Pritchard	Implementation Date: 30.04.2020	Review Date: 30.04.2021
Outcome of Review:			

Table of Contents

	Page
Contents	
Aims of Policy	4
Defining control and restraint	4
Use of control and restraint	4
Reporting of incidents	5
Training	5
Following incidents of appropriate control and restraint	6
Monitoring and reporting appropriate incidents of control and restraint	7

Aims of policy

The aim of the policy is to:

- Define the use of control and restraint
- To detail the situations where the use of appropriate control or restraint may be used
- The process for recording and reporting the use of appropriate control or restraint by foster carers
- How training and support for managing the use of appropriate control and restraint is addressed
- Arrangements for monitoring and reporting incidents of appropriate control and restraint by the Fostering Manager

Legislation in relation to the appropriate use of control and restraint

- Children Act 1989
- Care Standards Act 2015
- The Framework for Restrictive Physical Intervention policy and practice 2005
- The Human Rights Act 1998
- The European Convention on Human Rights and Fundamental Freedoms
- The Mental Capacity (Amendment) Act 2018
- The Local Authority Fostering Services (Wales) Regulations 2018

Defining control and restraint

For the purposes of this policy and in line with regulation 21 of The Local Authority Fostering Services (Wales) Regulations 2018, a person controls or restrains a child or young person if that person—

- Uses, or threatens to use, force to secure the doing of an act which the child resists, or
- Restricts the child's liberty of movement, whether or not the child resists, including by the use of physical, mechanical or chemical means.

Use of appropriate control and restraint

To be clear the use **of control and restrain is prohibited** by the local authority and foster carers should not be providing care or support in a way which includes acts intended to control or restrain a child unless those acts:

- Are necessary to prevent a risk of harm posed to the child or other persons or likely serious damage to property, and
- Are a proportionate response to such a risk

It is the view of the local authority that a positive and constructive approach is used by foster carers to support a child's behaviour is consistent with;

- Meeting the child's needs for care and support, and
- The well-being of other members of the foster parent's household who may be affected by the placement

Before using appropriate control or restraint, the following steps should be used:

- Attempts to calm the situation using communication skills, listening skills, or giving the child young / person space to be able to understand their behaviours if appropriate and safe to do so
- Seek advice from your foster carer supervising social worker or any other appropriate professional involved with the child. If outside of office hours contact South Wales Emergency Duty team or the fostering out of hours service.
- Call the police for assistance
- Maintaining a non-confrontational atmosphere in the foster home;
- Listening to children and young people and taking their problems seriously;
- Clear communication, particularly when unwelcome messages are concerned;
- Rewards for good behaviour; and
- Negotiation and compromise.

When restraint is necessary the foster carer will:

- Apply the minimum force necessary to prevent injury to any person or serious damage to property; and
- Apply force for the minimum period necessary to take control of the situation.

Any restraint must not deliberately inflict pain and should be used in a way that does not humiliate the child/young person.

Regulation 23 of The Local Authority Fostering Services (Wales) Regulations 2018 regarding the deprivation of liberty, states a child must not be deprived of their liberty for the purpose of receiving care and support without lawful authority.

Regulation 22 of The Local Authority Fostering Services (Wales) Regulations 2018 prohibits the use of corporal punishment and states that the local authority providers must ensure that foster carers do not use any form of corporal punishment at any time against any child.

Reporting of incidents

Should there be an incident where the use of appropriate control and restraint is required then the following steps must be taken by the carer:

- The carer must inform their supervising social worker of the incident immediately following the incident, should this take place outside of

working hours then the South Wales Emergency Duty team or fostering out of hours service should be contacted immediately and the supervising social worker should be contacted the following morning. All incidents **must be reported with 24 hours** of it taking place.

- The **incident must be recorded** in the foster carer logs, detailing the events leading up to the incident, include details of the incident itself, what methods were used to try and prevent the incident from escalating and how the incident ended.
- The details of the incident must fully document where or how the child was restrained, both via a detailed written account and via diagrams and using a body map to show what parts of the child's body were made contact with and how the child was held during the incident.
- Details should also include how the child presented following the incident, and what medical advice was sought and if not medical advice sought the decision making for this.

The use of appropriate control or restraint should only ever be used as a last and final resort and when there is no other option, and failure to use appropriate control or restraint will result in risk to the child or other, and cannot be managed in any other manner.

Training

As the local authority prohibits the use of control and restraint, training on how to use such methods is not routinely provided to foster carers. Training needs of foster carers should be discussed with their supervising social worker and needs to reflect the needs of the foster carers and the needs of the children in their care.

Foster parents receive behavioural support training that is relevant to their role to make sure any control or restraint is only used proactively and when absolutely necessary, in line with current national guidance.

Foster carers are able to request any training they feel they need to manage the needs of the children they are providing care and support to, and should raise any requirements with their supervising social worker. Where training in methods of control or restraint is required this is to be undertaken prior to the use of any such control or restraint.

If the supervising social worker feels that a foster carer may benefit or require certain training around managing behaviour then appropriate training should be provided at the earliest opportunity.

Following incidents of control and restraint

Following an incident of control and restraint the local authority will fully investigate and review the information regarding the incident to ensure that it:

- Used as part of a proactive approach to behavioural support
- Is proportionate to the risk and seriousness of that harm to the child receiving care and support or another person
- Takes account of the assessment of the child's needs
- Follows current legislation and guidance

Within 14 days of the incident taking place a review will be undertaken by the Fostering Team Manager, in liaison with the Child's Social Worker / Team Manager. Following a review of the above, if it is deemed that any use has been inappropriate or disproportionate to the situation this could result in section 47 procedures being initiated. Please refer to the All Wales Child Protection Procedures 2019 for information on the process for section 47 investigations.

Monitoring and reporting on appropriate use of control and restraint.

The local authority will ensure that fostering staff and foster carers are aware of, understand and follow the policy and procedures on the appropriate use of control and restraint.

Staff and foster carers are kept up to date on the policy and procedures, in line with any changes to guidance and legislation.

Arrangements are in place so that whenever foster parents are using forms of control or restraint, providers are able to check that it:

- is used as part of a proactive approach to behavioural support
- is proportionate to the risk of harm and the seriousness of that harm to the child receiving care and support or any other person
- takes account of the assessment of the child's needs
- follows current legislation and guidance.

Records of the use of control and restraint are reviewed and reported upon within the quality of care review.

