

Care and Control Policy Statement

Service Area	Children and Families Services, Fostering service						
Scope	Foster carers are not permitted to use restrictive interventions / restraint except as a last resort as it is likely that they will be in a situation where it is not safe or appropriate for them to do so.						
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Reviewed	Lynne Anderson	Date	26.06.10	Review Date	26.06.12	Ref	

Aim	1.1 To give foster carers guidance on the principles relating to the use of physical restraint.
Legislative Summary	2.1 The Children Act 1989 as amended in the Children Act 2004 places a clear responsibility on local authorities to safeguard children.

Procedure: -

Principles

3.1 Foster carers could face either criminal or civil proceedings if they commit an act against a young person that amounts to a civil wrong or a criminal act.

3.2 The use of restraint on a child is stipulated in 13 (2) (c) of The Fostering Services (England) Regulations (2011) which state;

The fostering service provider must take all reasonable steps to ensure that;

restraint is used on a child only where it is necessary to prevent injury to the child or other persons, or serious damage to property.

- 3.3 The Department of Health document 'Guidance on Permissible Forms of Control in Children's Residential Care' provides useful definitions of 'injury' and 'physical restraint', as follows:

"Injury is regarded as including actual or grievous bodily harm, physical or sexual abuse, risking the lives of, or injury to, the self or others by wilful or reckless behaviour, and self-poisoning. It must be possible to show that, unless immediate action has been taken, there were strong indicators that injury would follow.

- 3.4 Physical restraint means the positive application of force with the intention of overpowering the child. That is, in order to protect the child from harming him/herself or others or seriously damaging property.

- 3.5 The proper use of physical restraint requires skill and judgment, as well as knowledge of non-harmful methods of restraint. The onus is on the carer to determine the degree of restraint appropriate and when it should be used. In particular, carers must be careful that they do not over-react."

- 3.6 As a general rule, restrictive physical interventions should only be used when all other strategies (that do not use force) have been tried and found to be unsuccessful or in an emergency when the risks of not employing restrictive are outweighed by the risks of using force.

- 3.7 One of the tasks of foster carers is to manage difficult behaviour. Despite best practice, the reality of fostering is that any carer can be faced with very challenging situations including the risk of assault. Sometimes this can occur as a result of alcohol or substance abuse. However, such incidents are rare and most violent situations where a foster carer is likely to be attacked occur as the result of a build up of tensions and frustration. These can often be diffused by recognising the signs before they reach the critical point, but carers need guidance about how to handle situations where they feel restraint would be necessary. The following guidance is intended to deal with such situations, but in responding to any incident, carers will need to take into account the child's age and level of understanding.

- 3.8 In any restraint situation Children's services should be notified immediately and a record will be kept by the Department of the assault or restraint details. (See Follow-up Action below).

- 3.9 There are some basic conditions and expectations that apply to the use of physical restraint and they include: -
- It is the last resort
 - Minimum force and maximum care is used to ensure the safety of the young person and others

- Any pain or injury to the child/young person is avoided
- If it is not possible to restrain a child safely, then no attempts should be made to exercise further control without further help
- Other children should not be asked to assist in restraining a child
- Ideally a second adult should be present, even when only one adult is able to restrain a child safely
- Once the young person has calmed, allow recovery time and later, a debriefing to talk through why restraint was necessary (within the child's ability and understanding)

Assaults on foster carers

Immediate responses to actual or threatened violence

- 3.10 Child/young person should never be hit in retaliation.
- 3.11 Carers should take steps to avoid the need for the use of restraint i.e. through dialogue or diversion, if possible, be made aware of the consequences of his/her action – i.e. that physical violence is not acceptable, and the outcome could be a report to the police. Children/young people need to know that foster carers also have rights.
- 3.12 Physical restraint is acceptable if the child/young person is putting him/herself or others at risk through violent behaviour, and the carer feels confident that action is appropriate. Only the minimum force for the shortest period necessary to prevent injury or damage should be applied and carers need to be aware that excessive force can leave them open to allegations of abuse, e.g. holding a child/young person around the arms may be acceptable, whilst holding around the neck is not.
- 3.13 Before the use of restraint, every effort should be made to secure the presence of another carer to provide assistance or observe the situation.
- 3.14 If a carer does not feel confident about the appropriateness of the use of physical restraint, the child/young person should not be restrained. The carer should make the situation as safe as possible (e.g. removing themselves from danger and/or calling the police).
- 3.15 Where physical restraint has been used it will be important for the carer to be talking to the young person while they are being restrained, reassuring them and letting them know what is happening. This will help you to judge when it appears safe to relax the restraint.
- 3.16 Releasing the child/young person too early could result in further physical confrontation. The child/young person will usually ask to be released or claim to have calmed down. To test this, if you answer in the negative, the child/young person will either:

- Return to verbal abuse therefore not calm.
- Accept the answer, therefore almost calm.
It may be possible to assess from the child/young person's body tension whether they have calmed down sufficiently. You should loosen your hold to test the response.

Follow-up action (carers)

- 3.17 Any incident should be reported to the supervising social worker, or child/young person's Social Worker as soon as possible. In their absence, the carer should ask to speak to their Manager or a Duty Officer.
- 3.18 Do not leave a message, insist on speaking to someone.
- 3.19 If out of hours, the Emergency Duty Team/out-of-hours service must be informed.
- 3.20 A careful written record should be kept by the carers of the incident. This should include details of:
- the time and date of the incident
 - the events leading to the incident
 - who was present
 - what actually happened during the incident
 - any relevant dialogue
 - any injury or damage to property
 - the action that was taken as a result of the incident, and by whom and will be used in the completion of a restraint log in conjunction with your supervising social worker, as soon as possible after the incident.
- 3.21 Carers are entitled to report the incident to the police, but in most circumstances would probably wish to discuss this with their supervising social worker and the child/young person's Social Worker in the first instance, before making a final decision.
- 3.22 When a carer has been assaulted he/she should consider seeking medical advice, both for his/her own health and wellbeing and also for insurance purposes if a claim is to be considered.

Follow-up action (department)

- 3.23 The worker receiving the verbal report from the carer must immediately pass the information to the child/young person's Social Worker and/or fostering department.

3.24 The child/young person's Social Worker and Fieldwork Manager (in conjunction with the carer's supervising social worker) will need to make the following decisions:

- a) Any immediate further action needed to safeguard the child/young person, carers or any other member of the household.
- b) Check out with the carers the state the child/young person is now in, and the general situation.
- c) Check out how the carers are feeling about the incident.
- d) If the child/young person has run away as a result of the incident, to decide who will contact the police and parents, and when.
- e) Consider whether a medical examination of the child/young person who has been involved in the incident is needed (it might be important evidence at a later date).

N.B. The decision about informing the police and parents should be based on:

- *The child/young person's state of mind when last seen.*
- *The child/young person's age and understanding.*
- *Any high risk indicators known about the child/young person.*
- *The child/young person's degree of vulnerability.*

In some circumstances, removal of the child/young person from the placement may be appropriate, either for a brief period of respite or permanently, depending on the circumstances.

Review of the incident

3.25 The carers and supervising social worker should examine the incident in detail to see what can be learned from it, e.g. training issues, management and control issues.

3.26 The supervising social worker and carers will complete the daily log sheets, before copies are placed on the carer's and the child's files.

3.27 In some cases, it may be appropriate for consideration to be given to reparation by the child/young person for unacceptable behaviour. This should be discussed between the child/young person's Social Worker and the carer's link worker, involving the parents as appropriate.

Assaults on carers' children

3.28 Foster carers have a responsibility to discourage physical violence in their homes. However, the nature of children's relationships is such that incidents can arise without warning, particularly with foster children who may lack the boundaries and self-control to prevent themselves from entering into physical conflict and injuring another child/young person. This can be especially so, where a foster child feels insecure about his/her position in the family. If a foster carer's child is assaulted, the Department's multi-agency Child Protection procedures will be considered. Such incidents will be taken seriously and should be reported immediately. All the advice given above applies in these situations.

Guidance: -

Principles relating to the use of physical restraint

4.1 The Department of Health document 'Guidance on Permissible Forms of Control in Children's Residential Care' includes a useful checklist of the principles relating to the use of physical restraint. Although these are written for staff working in children's homes, not foster carers, the principles may be equally useful to foster carers and are reproduced here as guidance: The principles relating to the use of physical restraint may be summarised as follows:

- a) Staff should have good grounds for believing that immediate action is necessary to prevent a child from significantly injuring himself or others, or causing serious damage to property.
- b) Staff should take steps in advance to avoid the need for physical restraint, e.g. through dialogue and diversion, and the child should be warned orally that physical restraint will be used unless he desists.
- c) Only the minimum force necessary to prevent injury or damage should be applied.
- d) Every effort should be made to secure the presence of other staff before applying restraint. These staff can act as assistants and witnesses.
- e) As soon as it is safe, restraint should be gradually relaxed to allow the child to regain self control.
- f) Restraint should be an act of care and control, not punishment.
- g) Physical restraint should not be used purely to force compliance with staff instructions when there is no immediate risk to people or property.

Training

- 4.2 It is recommended that all foster carers attend de-escalation and breakaway training on a yearly basis, provided through work force development.
- 4.3 However if the child placed displays ongoing high levels of risk of requiring restraint, due to the threat of harm to themselves, others or property, this should be incorporated in the child's/young person's plan and should be agreed to by all parties involved including the child/young person if possible. In these situations, the fostering service will expect and support the foster carer to access training on restraint, which will address the particular challenges foster carers face. In addition to this it is a requirement that the foster carer's first aid certificate be current and valid.