

**FOSTERING SERVICE -
KEEPING SAFE POLICY: BEHAVIOUR MANAGEMENT IN FOSTER CARE**

Report of the Director of Children, Schools and Families

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Executive Member: - Jane Pitman

1. Purpose of the report

1.1 To seek approval for the Fostering Service Keeping Safe policy.

2. Summary

2.1 The Fostering Services National Minimum Standards and Regulations require the fostering service to prepare and implement a written policy on acceptable measures of control, restraint and discipline of children placed with foster carers.

2.2 The proposed Fostering Service Keeping Safe Policy, which complies with regulations, aims to equip foster carers with the knowledge and skills required to improve the quality of life for those who exhibit difficult and dangerous behaviours and for those who care for them.

2.3 The policy includes guidance on preventative strategies for dealing with challenging behaviours, guidance on the circumstances whereby a foster carer may be justified in using holding and restraint techniques and guidance on safe touch and holding.

2.4 The policy and associated training identify aspects of the law relating to physical intervention, providing clarity in regard to personal and organisational responsibility for the personal safety of all concerned with care within the home setting.

2.5 The Children's Services Panel considered the proposed policy on 1 October 2004. The comments of the Panel will be reported separately.

3. Conclusions

3.1 The policy seeks to reassure Hertfordshire County Council foster carers that they will be supported in the exercise of appropriate control of children and young people in their care, as set out within the policy and training.

- 3.2 Members and foster carers should be aware that criminal and civil liability could apply in situations of restraint. However, the likelihood of actions against the individual or authority being successful are small, provided that the actions taken can be justified as reasonable in the circumstances and provided that the foster carer or social worker had been acting within the policy guidance and procedures provided by the authority.
- 3.3 Cabinet is invited to adopt the Keeping Safe Policy.

1. Background

- 1.1 This policy relating to holding and restraint of Looked After Children within foster care is the first policy to be produced by the Hertfordshire County Council fostering service covering this challenging area of work. The policy has been developed in consultation with foster carers, an external trainer and professionals within the fostering service at all levels
- 1.2 The Keep Safe policy for foster care has been developed in response to the Fostering Services National Minimum Standards Fostering Services Regulation 2002. 13 (1). The fostering service provider shall prepare and implement a written policy on acceptable measures of control, restraint and discipline of children placed with foster carers.
- 1.3 The fostering service has actively worked towards developing such a policy, which will provide foster carers with guidance on the safe use of restraint and offers the right level of protection to foster carers and children. The Keeping Safe Policy incorporates 13(2) of the Fostering Service Regulations 2002: -
- The fostering service provider shall take all reasonable steps to ensure that
- (a) no form of corporal punishment is used on any child placed with a foster carer;
 - (b) no child placed with foster carers is subject to any measure of control, restraint or discipline which is excessive or unreasonable; and
 - (c) Physical restraint is used on a child only where it is necessary to prevent likely injury to the child or others persons or likely serious damage to property.
- 1.4 An accredited training consultant who specialises in this area and who was commended by other authorities for this work led the initial workshop to develop the policy. He was also formally involved in developing the Children's Residential Keeping Safe policy and continues to be contracted to provide

Keep Safe training for Children's Residential Care. The Keeping Safe policy development workshop was attended by foster carers, Therapeutic Crisis Intervention (TCI) trainers, the Foster Service Training Officer and Head of Fostering Service. This involved consultation with foster carers and staff of the fostering service at practitioner and all managerial levels.

2. The Policy

- 2.1 This policy is intended to help ensure that foster carers have a clear understanding regarding the circumstances in which physical interventions, including restraint maybe justifiable. 'Keeping Safe' introduces techniques including the use of safe touch, holding, restraint and breakaway skills. All these skills are based on a balance between 'acceptability' and 'effectiveness' and are acts of care.
- 2.2 The Keeping Safe Policy seeks to reassure Hertfordshire County Council foster carers that they will be supported in dealing with challenging behaviour and control issues. This is an area where carers feel anxious and vulnerable to complaints and allegations as well as sometimes the threat or reality of violence.
- 2.3 Children Schools and Families expect the highest standards of professional practice from its foster carers. Foster carers should not be immobilised from dealing effectively with challenging situations by worrying whether there will be a complaint or unsure as to whether they are trespassing on the children's rights. However, nor should children be subjected to undue restraint or restriction on their liberty and as Corporate Parents, we must provide safeguards to ensure that any such restrictions are in the interests of the child's welfare. The Keeping Safe Policy seeks to reassure foster carers that they will be supported by Children Schools and Families where they have been faced with difficult decisions and judgements and have acted on a genuine concern for the safety of the child/young person and others. It also provides a safeguard against carers acting inappropriately for their own gratification or convenience, and meets the requirements of the statutory regulation.
- 2.4 The policy reinforces the TCI message that the goal of physical restraint should always be safety. When a young person places themselves and others at risk of harm, those with a duty of care have a responsibility to take control. Physical intervention always involves the following risk: -
- of physical injury to the young person and/or carer;
 - of allegations being made against a foster carer, leading to statutory investigation and possible suspension;
 - of police involvement should any party feel that a criminal offence has been committed.
- 2.5 The policy emphasises that physical intervention is not an end in itself. Young people who are out of control need help from caring adults to enable them

develop better coping skills. A high level of skill is required to safely carry out physical intervention within the family home and restore the relationship. All members of the household would be effected and could be required as witnesses to any subsequent claim including criminal or civil liability.

- 2.6 The need for physical restraint within foster care is rare. However, the policy clearly sets out the need for at least two adults who have been appropriately trained to be present when a decision is made to physically restrain a child or young person. The day to day practicalities of being a foster carer frequently mean being the only adult in the house and in this situation, the risks of physical intervention are too great.
- 2.7 The care of children with special needs is based on the same principles and good practice as for other children. The policy outlines the need to take account of the child's special needs when forming care plans.
- 2.8 The impact of the introduction of this policy will be monitored and an annual report of emerging issues will be provided. This will provide an overview of the learning for the department and provide a framework for action in the future.

3. Financial Implications

The financial implications from this report will be contained within existing budgets held by Learning and Development. The keeping safe training in safe holding and safe restraining is commissioned on behalf of the fostering service by the learning and development unit, at a cost of between £1500-£2000- for two trainers for one day per annum inclusive of venue and refreshments.

4. Proposed Revision

The policy will be revised annually.

Background information referred to by the author:

Fostering Services National Minimum Standards and Regulations 2002