

Policy on the use of Control and Sanctions in Foster Placements



Introduction

This policy has been produced to outline to children, parents, foster carers and social workers Foster Care Link's policy on acceptable forms of control and sanctions for use in foster homes.

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.

Statutory framework

Fostering services are required by regulation 13 of the Fostering Services Regulations 2011 to prepare and implement a written policy on acceptable behaviour management and children missing from the foster carers home.

Regulation 27 requires that the fostering service enter into a written agreement with all approved carers (The Foster Care Agreement) covering the matters specified in Schedule 5 of the regulations. These include the requirement 'Not to administer corporal punishment to any child placed with them'.

The National Minimum Standards for Fostering Services requires fostering services to make it clear to carers that corporal punishment is not acceptable and set this out clearly in written information for carers.

References are made to other relevant standards at appropriate points throughout this document.

Foster Care Link's Policy

The remainder of this document sets out Foster Care Link's policy on acceptable behaviour management and missing children placed with foster parents as required by regulation 13.

This policy aims to ensure that:

- No form of corporal punishment is used on any child placed with a foster carer

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- No child placed with foster carers is subject to any measure of control, restraint or discipline which is excessive or unreasonable and
- Physical restraint is used on a child only where it is necessary to prevent likely injury to the foster child or other persons or likely serious damage to property

Corporal Punishment

Corporal punishment is defined as including smacking, slapping, shaking and all other humiliating forms of treatment or punishment. This list is indicative rather than exhaustive and other forms of control may also be viewed as corporal punishment.

General Provisions

Relationships between carers and children should be based on mutual respect and understanding and clear professional and personal boundaries should be in place, which are effective for both.

Carers should set and maintain safe, consistent and understandable boundaries for children in relation to acceptable behaviour.

Expectations of behaviour for both carers and children should be clearly understood and negotiated by those living in the foster home, including exercising appropriate control over children in the interests of their own welfare and the protection of others

In day to day decision making, carers should demonstrate an appropriate balance between:

- each member of the households wishes and preferences
- the needs of individual children
- the needs of the group of children resident at the time
- the protection of others (including the public) from harm

All children in the home must be looked after without favouritism or antipathy towards any individual or group within the home.

Where children require personal care, their choices of which carer (where more than one) provides that care should be maximised.

Carers should respond positively to acceptable behaviour, and where the behaviour of children is regarded as unacceptable, it should be responded to by constructive, acceptable and known disciplinary measures in line with this policy.

Measures of control and discipline must be based on establishing positive relationships with children which are designed to help the child.

Such measures must be fair and consistently applied. They should also encourage reparation and restitution and reduce the likelihood of negative behaviour becoming the focus of attention and subsequent disruption to the placement.

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Carers should make clear to children the consequences of unacceptable behaviour and any measures applied should be relevant to the incident, reasonable and carried out as contemporaneously as possible.

Any measures taken to respond to unacceptable behaviour must be appropriate to the age, understanding and individual needs of the child, for example taking into account that unacceptable or challenging behaviour may be the result of illness, bullying, certain disabilities such as autism, or communication difficulties.

Sanctions and physical restraint must not be excessive or unreasonable and physical restraint must only used:

- to prevent likely injury to the child concerned or
- to others, or
- to prevent likely serious damage to property.

Restraint must not be used as a punishment, as a means to enforce compliance with instructions, or in response to challenging behaviour which does not give rise to reasonable expectation of injury to someone or serious damage to property.

Children should be assisted to develop socially acceptable behaviour through encouragement of acceptable behaviour and constructive adult response to inappropriate behaviour.

Children should be encouraged to develop a proper awareness of their rights and responsibilities. Carers and children alike must be clear that each individual has rights and responsibilities in relation to those who live in the home and people in the community.

Where there has been physical intervention, the child will have the right to be examined by a registered nurse or medical practitioner within 24 hours. All children must be given an opportunity to discuss incidents and express their views.

When disciplinary measures or restraint are used, children should be encouraged to write or have their views recorded and sign their names against them if possible in the records kept by the carer.

Unacceptable Forms of Discipline and Control

In addition to the restriction on corporal punishment, none of the following should be used as a form of control or discipline in foster homes:

- any punishment relating to the consumption or deprivation of food or drink
- any restriction, other than one imposed by a court on—
 - (i) a child's contact with his parents, relatives or friends;
 - (ii) visits to him by his parents, relatives or friends;

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- (iii) a child's communications with any of the following persons:
- (a) any solicitor or other adviser or advocate acting for the child;
 - (b) any officer of the Children and Family Court Advisory and Support Service appointed for him;
 - (c) any social worker for the time being assigned to the child by his placing authority;
 - (d) any person appointed in respect of any requirement of the procedure specified in the Representations Procedure (Children) Regulations 1991;
 - (e) any person appointed as a visitor for him in accordance with paragraph 17 of Schedule 2 to the 1989 Act;
 - (f) any person authorised by Ofsted;
 - (g) any person authorised by the local authority in whose area the foster home is situated;
- his access to any telephone helpline providing counselling for children
 - any requirement that a child wear distinctive or inappropriate clothes
 - the use or withholding of medication or medical or dental treatment
 - the intentional deprivation of sleep
 - the imposition of any financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments) by way of reparation
 - the locking of a child in a room, other than in circumstances to ensure the safety of the child or others
 - any intimate physical examination of the child
 - the withholding of any aids or equipment needed by a disabled child
 - any measure which involves a child in the imposition of any measure against any other child or the punishment of a group of children for the behaviour of an individual child.

Nothing in the foregoing should restrict the taking of any action by, or in accordance with the instructions of, a registered medical practitioner or a registered dental practitioner, which is necessary to protect the health of a child, or the taking of any action immediately necessary to prevent injury to any person or serious damage to property.

Carers may insist that children wear distinctive clothing in terms of any requirement that a child wear distinctive clothing for sporting purposes, or for purposes connected with his education or with any organisation whose members customarily wear uniform in connection with its activities.

Contact may be restricted if this is in the best interests of the child, but such restrictions can only be imposed by a court or in certain circumstances by a social worker. Carers must not unilaterally take a decision to restrict contact unless there is clear and compelling evidence that the child is in immediate danger, when the carer may exercise their inherent duty of care to protect the child.

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Acceptable Forms of Discipline and Control

Individual carers will need to discuss with assessing and supervising social workers the forms of control and discipline to be used within their home. 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 and acceptable in all circumstances. Carers should think carefully before employing any of these methods and if necessary seek further advice.

Delay of pocket money

In extreme circumstances pocket money may be delayed up to a maximum of 48 hours.

Withdrawal of privileges

Privileges may be withdrawn for unacceptable behaviour. This may include denial of recreational facilities, but should not normally include denial of attendance at a regular out of school activity such as swimming lessons or attendance at cubs or brownies. Looked after children are often less skilled than their peers or socially isolated and the use of such a sanction may further disadvantage the child.

Grounding/Gating

A child can be denied permission to leave the house for a set period of time or in specific circumstances. As with withdrawing privileges, the carer may still need to ensure that the child is allowed to attend specific activities.

Early bedtime

An early bedtime can be used positively in order for the child to reflect upon their behaviour. This should be no more than 1 hour before their regular bedtime.

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Time out/isolation

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.

This sanction can range from isolating the child within a room occupied by others to sending them to a room on their own. Care 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.

Denial of personal belongings

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.

Carers may also restrict access to the use of personal possessions, for example a Playstation 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.

Restricting mobility/locking doors

Subject to the usual security measures of the household such as locking external doors at night, children should never be locked in a room.

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.

The use of Physical Restraint

There are circumstances when it would be appropriate to intervene physically to prevent behaviour that is prejudicial to the child or others. Examples of such circumstances 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 persons room
- to prevent a young child from running away

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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 her/his shoulder, may well be appropriate.

Indeed 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 is a more substantive intervention. By definition it will be 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.

Physical restraint must only be used if a child is in immediate danger of harming themselves, others or causing significant damage to property.

It is acceptable to defend yourself and others from physical violence or threatened violence.

Physical restraint should ideally involve more than one carer, even if the second carer does not physically intervene but witnesses the intervention.

Carers should always seek to avoid the need for physical restraint through dialogue and diversion. The use of restraint is a last resort.

If restraint is necessary, a child should, where possible, be pre-warned that a restraint might take place if their behaviour continues.

Carers must have sound reasons for believing that other methods of intervention would not be appropriate or would fail. Sometimes this will necessitate carers not intervening physically immediately, but attempting other interventions or assessing the situation (even risking that the situation may worsen).

In assessing the situation, due consideration to the age and understanding of the child must be taken into account.

Disability and cultural factors might also be significant in determining the type of intervention.

Carers must at all times be mindful 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.

Carers should not attempt any intervention if they do not think it is achievable. Consideration should be given to the involvement of the emergency services.

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If possible, consideration should be given to the timing and place of the restraint, paying attention to minimising the involvement of other children, as to witness a restraint may be distressing for any child.

There may be occasions when physical restraint is necessary to remove either a weapon or a dangerous substance from a child. This, however, does not include either physical or intimate searches of a child such as searching any clothing that they are wearing.

Restraint must not be used to force compliance or when there is no immediate risk involved, or as a means of punishment.

Carers should record any use of restraint as soon as possible after the incident. This recording should include details of what led to the restraint, the method of restraint used and the outcome, including details of any injuries to the child or the carer. A copy of this recording should be passed to the child's social worker as soon as possible.

Carers should verbally advise the child's social worker of the use of a restraint within one working day at the latest.

Recording

All incidents involving physical restraint must be recorded as detailed above.

Carers will need to exercise their own judgement 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 misconstrue 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 social worker at the earliest possible opportunity.

Complaints and Allegations

Carers should consider the potential risk of a complaint being made before the use of any form of control or discipline.

All carers will be aware of the risk of unfounded allegations being made against them. However experienced or well known to Foster Care Link the carer is, all are vulnerable in this regard and we have a duty to investigate any complaint or representation made by or on behalf of a child.

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Such complaints and representations will be dealt with in accordance with Foster Care Link's complaints procedure and if necessary, child protection procedures may also need to be followed.

Safe caring guidelines

All carers are required to produce safe caring guidelines for their home and these must be approved by every placing social worker and explained to the foster child.

Assessing and supervising social workers must consider with applicants and 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 guidelines, shared with the child before the placement commences and referred to in the placement agreement.

Foster Carer Training

Fostering services are required to ensure that foster carer's training covers managing behaviour.

Supervising social workers should ensure that they pay attention to the training needs of carers and other members of their household, addressing these in the appraisal of training and development needs which must be documented in the annual review report.

Social workers should encourage carers to make use of any available training opportunities run by Foster Care Link or external agencies.