

## **Children's Services**

### **Procedure for the exceptional use of restraint as a means of safeguarding in Fostering**

#### **Introduction**

Foster carers approved by Dorset Council Fostering Service will not exercise physical restraint unless there are good grounds for believing that immediate action is necessary to prevent a child or young person causing significant injury to him/herself or to another person or causing serious damage to property.

Relevant parts of the law and statutory guidance are reproduced at the end of this policy.

Guidance on managing challenging behaviour is available in Chapter 7 of the Foster Carers' Handbook.

#### **1. Definition**

- 1.1 In this policy "physical restraint" refers to situations in which an adult has felt it necessary to hold or to hold down a child or young person with the intention of overpowering him/her.
- 1.2 Physical restraint does not include:
  - a) Attempting to control a child's behaviour by techniques which do not involve physical contact (for example emphasising verbal instructions or standing in a doorway to prevent exit).
  - b) Holding or touching a child or young person to persuade him/her to comply; for example, laying hands on shoulders to gain a young person's attention or taking a child's arm to lead him/her away from a situation. This is seen as distinct from restraint as the effect is to persuade rather than to enforce compliance.
- 1.3 Physical restraint includes any action intended to restrict the physical movement of a child or young person other than normal care. For example:
  - a) Putting a child into a car seat during a car journey is normal care: putting a child into a car seat in the home because s/he is having a tantrum is an inappropriate use of restraint.
  - b) Putting a child into a highchair during a meal is normal care: putting a child into a highchair for an extended period to stop him/her moving around is an inappropriate use of restraint.
  - c) Telling a child who is misbehaving to behave more appropriately is normal care: locking a child in a bedroom is an inappropriate use of restraint.

- d) Locking outer doors is normal domestic security: locking a child out in the garden as a punishment is an inappropriate use of restraint, particularly after dark, in bad weather or if the child is inappropriately dressed.

## **2. Avoiding the Need for Restraint**

Although the need for restraint is sometimes unavoidable, high-quality childcare draws on a range of techniques to predict and avert conflict. The Dorset Council Fostering Service has an expectation that foster carers will reduce the risk that the use of restraint will become necessary by supporting positive behaviour and de-escalating disputes. This will involve techniques such as:

- Maintaining a non-confrontational atmosphere in the foster home
- Using the child's Safer Care Plan to identify any risks they may face or pose, and to set out steps for avoiding or reducing these risks
- Listening to children and young people and taking their problems seriously
- Clear communication, particularly when unwelcome messages are concerned
- Rewards for good behaviour
- Negotiation and compromise

Dorset Council is a Therapeutic Thinking authority. The Therapeutic Thinking approach challenges the concepts of 'bribes and sanctions' frequently used to manage behaviour, which often results in children and young people only following instructions because they will 'get something' for doing so. Instead, the approach seeks to foster the independence of children and young people by teaching them how to develop internal discipline. The aim is that they are always able to behave pro socially, without the need for adults to manage this.<sup>1</sup>

## **3. When the Need for Restraint cannot be Avoided**

- 3.1 The use of restraint itself poses a risk to the safety of the child, to the safety of the adult applying it, and potentially to others who are present. It is justifiable only in the limited circumstances in which these risks are balanced against a greater risk of harm if the foster carer does not intervene physically.
- 3.2 Circumstances which may justify the use of restraint include situations in which a young person:
- Engages in serious self-harming behaviour
  - Exhibits violent behaviour towards others

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<sup>1</sup> See [West Sussex's Therapeutic Thinking Aims | Tools for schools \(local-offer.org\)](#), viewed August 2023

- Has caused damage to property and appears to be out of control or acting with the intention of causing serious damage
- Recklessly puts him/herself or others at imminent risk of significant harm, including actions taken under the influence of alcohol or drugs

3.3 When restraint is necessary the foster carer will:

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

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

#### **4. After Applying Restraint**

4.1 Following the use of restraint, and as soon as possible once the situation is de-escalated, the foster carer should seek to establish whether the child has been injured in any way, and if they have, to ensure the appropriate medical attention is given.

4.2 When a foster carer has applied restraint s/he must inform the Fostering Social Worker or the on-call manager about the incident within 24 hours. If either of these believes that the incident may require [notification to Ofsted](#), they will contact the Fostering Service Manager for a decision.

4.3 The child's Social Worker will see the child within one working day of notification to understand how the incident has affected the child, and to confirm they are not injured. They will inform the child that the Fostering Social Worker will visit them to hear how the incident appeared to them; the child's Social Worker will ensure that the child or young person can choose to have a family member or advocate present at this meeting. They will inform the child's parents of the incident. They will remind the child of their right to complain about the incident if they wish.

4.4 Within 3 working days of the incident the foster carer must provide a written report of the incident giving details of the circumstances (this could be a copy of the note in the foster carer's own records). The Fostering Service will arrange for the supervising social worker to discuss the incident and provide appropriate support. The fostering manager will discuss the implications of this report with the Head of Fostering within 10 working days.

4.5 Within 15 working days of the incident the child's Social Work Team Manager will convene a multi-agency meeting to review the incident and the learning from it. The meeting will agree:

- How the child's Safer Care Plan should be updated to reflect any new risks identified and any steps that will be taken to reduce these
- Whether any further assessment of need or risk is required, for example by a specialist
- How future incidents of similar nature can be avoided, or failing that, de-escalated
- An acceptable form(s) of restraint, should this foreseeably be required to de-escalate future incidents

4.6 The multi-agency plan should be shared with Dorset Police once agreed.

## **5. Relevant Law and Statutory Guidance on the Use of Physical Restraint in Foster Homes**

### **5.1 Law**

The Fostering Services (England) Regulations 2011, at Regulation 13, state:

- a) The fostering service provider must prepare and implement a written policy on acceptable measures of control, restraint and discipline of children placed with foster parents.
- b) The fostering service provider must take all reasonable steps to ensure that:
- c) No form of corporal punishment is used on any child placed with a foster parent,
- d) No child placed with a foster parent is subject to any measure of control, restraint or discipline which is excessive or unreasonable; and
- e) 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.

### **5.2 Guidance**

The Children Act 1989 Guidance Volume 4 states:

The fostering service must prepare and implement a policy to be followed if a child goes missing or is absent from a foster home without permission (regulation 13 and standard 5). Foster carers should know when to try to prevent a child or young person leaving the home and should do so through dialogue, but they should not try to restrain the child should they be intent on leaving, or in any other circumstances, unless it is necessary to prevent injury to the child or others, or serious damage to property. No measure of restraint may be excessive or unreasonable (regulation 13(2)).

### **5.3 Behaviour management, discipline, control and restraint**

Being able to promote positive behaviour and manage children's behaviour well is central to the quality of care provided in any foster home. Negative

behaviour should usually be managed through building positive relationships with children. Foster carers should be able to respond positively to each child or young person's individual behaviour and will be skilled at both diffusing difficult situations and averting escalation. The child's placement plan must set out any specific behavioural issues that need to be addressed or approaches to be used.

Every fostering service is required to prepare and implement a clear written policy about acceptable measures of control, restraint and discipline of children placed with foster carers (regulation 13 and standard 3; this procedure meets the regulatory requirement). All foster carers should be made aware of this procedure and always apply it. The service must ensure that no form of corporal punishment is used on any child by a foster carer or a member of their household, and that no foster child is subject to any excessive or unreasonable measure of control, restraint or discipline.

Restraint should only be used in exceptional circumstances where it is the only appropriate means to prevent likely injury to the child or other people, or likely serious damage to property, and in a manner consistent with the actions of any good parent. Sanctions for poor behaviour must be clear, reasonable and fair and must not include restraint or corporal punishment.

Wherever possible foster carers should use constructive dialogue with the child or guide them away from a confrontational situation. They should also understand their own emotional response to confrontation or threat, and know when to withdraw, concede or seek help.