

Behaviour
management
and permitted
sanctions

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The fostering service protects each child or young person from all forms of abuse, neglect, exploitation and deprivation.

Standard 3. National Minimum Standards

Children who are fostered have a right to expect that they will receive the care, encouragement, safety and security that good parents provide...They should also expect their carers...to respect them as individuals, listen to their views and help build their self esteem and identity. (Fostering Network)

1.0 Introduction

- 1.1 When looking after children it is necessary to appropriately balance the rights of children with the requirement to exercise proper parental care, guidance and control. All children and young people break rules or challenge the boundaries which have been put in place around them as part of their normal development. However, when the challenging behaviour becomes the norm and all rules and boundaries are challenged indiscriminately the behaviour then becomes problematic.
- 1.2 Many children in the care system display challenging behaviour as a result of their previous experiences. This can take a number of forms - absconding, verbal abuse, ignoring instructions, refusing school, refusing food, destruction of property or even intimidation and threats of physical violence. Foster carers have often never had to deal with these behaviours before and they could come as a shock to a carer when faced with any of the above for the first time. It is vital that foster carers know how to react in these situations so that their reaction does not reinforce or escalate the behaviour.
- 1.3 The following is the recommended policy and practice to be adopted in Warrington Borough Council Fostering Services to ensure it meets its statutory responsibility to provide positive and safe intervention with young people.
- 1.4 The most effective means of controlling and guiding children is through sound relationships and nurturing care which help generate a level of mutual respect and encourage children and young people to develop acceptable responses.
- 1.5 Sanctions should be designed to influence the young person's behaviour in the future and not to inflict punishment. They should not intimidate, humiliate or frighten the child or infringe any of the child's human rights.

- Protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- Alternative care away from the birth family that provides continuity in a child's upbringing and has regard to the child's ethnic, religious, cultural and linguistic background.
- Highest attainable standard of health.
- Benefit from social security.
- Standard of living adequate for the child's physical, mental, spiritual, moral and social development.
- Education.
- Rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- Protection from economic exploitation and child trafficking.
- Protection from the illicit use of narcotic drugs and psychotropic substances.
- Protection from all forms of sexual exploitation and sexual abuse.
- Protection from torture or other cruel, inhuman or degrading treatment or punishment.

1.6 In selecting a sanction, account should be taken of the appropriateness of the sanction to the misdemeanour, and of the age, maturity, gender, sexual orientation, ethnicity, religion, understanding, physical condition and circumstances of the child or young person.

1.7 Sanctions should **never** include:

- Corporal punishment. Corporal punishment includes smacking, hitting, slapping, pushing, pulling or shaking of the foster child, or using an implement (e.g. a belt, hairbrush or slipper) to punish a child. It also includes continually shouting or being verbally abusive or using threatening and intimidating behaviour. This is not an exhaustive list
 - The denial of significant contacts
 - The denial of attendance at significant cultural and religious events
 - Deprivation of normal food or drink
 - The wearing of distinctive/inappropriate clothing
 - Sleep deprivation
 - Withholding of medical/dental treatment or equipment of a disabled child
 - The prolonged isolation of the child or young person from peers or normal routine
 - The locking of doors
 - Deprivation of heat or light.

- The use of prescribed medication to manage behaviour.
- Deprivation of access to a telephone. This doesn't mean lengthy social calls which you would restrict in your role as a responsible parent.
- Altering planned contact with family members as a punishment.
- Monetary fines (reduction of pocket money for reparation as a sanction should be discussed and agreed with the social worker)
- Name calling or other belittling behaviour.

1.8 Sanctions should be time limited and flexible enough to be reviewed and rescinded at any time.

The United Nation's Convention on the Rights of the Child (UNCRC) applies to all children and young people aged 17 and under. Rights include:

- The inherent right to life.
- Preservation of his or her identity
- To live with or have contact with birth parents.
- Receipt of information and expression of views.
- Freedom of thought, conscience and religion.
- Privacy of self or correspondence.

1.9 Monitoring the use of permitted control measures. Any of the control measures used must be recorded and your supervising social worker notified as soon as possible. A written record will be kept on the fostering file held by the fostering service.

1.10 Other issues

Sometimes, it may be necessary to search a child's room, possessions or clothing. This should only be done, especially with older children, if the carer believes that the child has an item which is illegal, is the property of another person, or that there is a risk of harm to the child or to others. This should be done with the child present, wherever this is practicable. Intimate, physical searches of a child should never be carried out. If the carer has cause for concern, the carer should contact the child's social worker immediately. In some extreme cases, with older children, if there is immediate concern, the carer may need to consider informing the police.

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 parent;
- (b) no child placed with foster parents 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 other persons or likely serious damage to property.

Regulation 13 fostering service regulations 2011

2.0 Preparation for Placement

Social Worker

- 2.1 The Social Worker must provide the Fostering Service with detailed information about the child's needs and known behaviours in the Placement Referral Form so a risk assessment can be drawn up and that a placement can be identified which meets the needs of the child/young person and is able to safely manage any identified challenging behaviours.
- 2.2 Detailed information about the child's previous history and any known challenging behaviours must be provided to the foster carer in the Placement Plan and Care Plan.
- 2.3 The Social Worker and foster carer should discuss the child's needs and behaviour and information should be provided to the foster carer, both verbally and in writing, about any successful behaviour management strategies that have been used by previous carers to manage the behaviours.

Supervising Social Worker

- 2.4 Training on behaviour management, especially permissible and non permissible sanctions should be provided for all foster carers and Supervising Social Workers should work with carers to identify their level of confidence in taking placements where challenging behaviour is a concern. If concerns are identified about a foster carer's ability to manage challenging behaviour, this should be recorded in the foster carer's record to avoid inappropriate placements being made.
- 2.5 Appropriate methods of controlling challenging behaviour should be included in the foster carer's safe care report for any child in placement.

Foster Carer

- 2.6 Foster carers need to be aware of the issues that may lead to a child displaying challenging behaviour e.g. issues of insecurity, control, attention seeking etc and develop their understanding of the causes behind the child's behaviour.

2.7 Carers need to have thought through how they and other members of their family respond to any challenges presented so they respond positively rather than getting drawn into a cycle of rewarding the behaviour with negative attention that fuels the behaviour rather than reducing it.

2.8 Many children may not have experienced a household where there are clear expectations of behaviour. It is therefore important when a child is placed that the foster carer explains to the child/young person:

- What the house rules are
- Areas where negotiation is possible
- What is totally unacceptable behaviour?

3.0 Positive Behaviour Management

3.1 It is important for children to live in safe and nurturing environments. These are established by carers having clear routines and sensible rules. They also need to employ strategies for managing behaviours which threaten to disrupt the home environment by contravening these routines and rules. It is widely recognised that the best way to control children's behaviour is by setting a good example, and rewarding good behaviour. Foster carers should endeavour to make and maintain positive relationships with young people and, wherever possible, maintain control through these relationships.

3.2 Foster carers have a responsibility to challenge unacceptable behaviour and make efforts to manage the behaviour of children without the use of more formal measures. Children need to know what is expected of them in a manner appropriate to their age and understanding.

3.3 Unacceptable behaviour that should be challenged includes:

- Aggressive behaviour
- Abusive, sexist or racist language or behaviour
- Bullying
- Alcohol/drug/solvent abuse
- Inappropriate sexual behaviour
- Malicious damage to property

Many children will go through some of these behaviours from time to time, often as part of their distress or as a result of past experiences. Whilst being understanding of this, the children still need to know what is acceptable. With the help of the child's social worker, the foster carer should try to encourage the child to work through their feelings and emotions in a more acceptable way.

3.4 De-Escalation

To be prepared for potentially difficult situations, foster carers need all the relevant information about the child including any behaviour that has caused concern in the past and any 'triggers' that can lead to an aggressive outburst.

This information should be covered in the placement planning meeting and recorded in the Placement Information Record.

3.5 When faced with a volatile situation, foster carers should try to stay calm and not raise their voice. De-escalation strategies foster carers could employ include:

- Walking away to defuse the situation if there is no immediate risk to self or others
- Verbal advice, support, encouragement and reassurance (reminding of past successes)
- Distraction (activity, key word, job to do)
- Humour
- Change of task
- Negotiation (delayed compliance)
- Contingent touch (hand on shoulder, guide away)
- Prompting
- Remind of rights and responsibilities
- Remind of rules, boundaries and limits
- Give choices, options and consequences (get out with dignity clause).

3.6 Promoting Positive Behaviour

Positive behaviour may be promoted by employing the following strategies:

- **Praise:** Praise any positive behaviour, however small, so the child/young person gets a clear message about what is expected of them and to enhance their self esteem. The recommended ratio is Praise 5: 1 Discipline.
- **Ignore Negative Behaviour:** So the child/young person does not get attention for inappropriate behaviour.
- **Reproof:** Explain to the child/young person that their behaviour is not appropriate or acceptable.
- **Reprimand:** Explain to the child/young person that their behaviour is not appropriate or acceptable and that there will be consequences if it does not change.

4.0 Sanctions

4.1 Sanctions should only be imposed as a last resort where it is not possible to use other more positive methods of control.

4.2 Caution should be exercised to ensure that sanctions are not imposed repeatedly with little or no effect or where they may act as positive re-enforcement of unacceptable behaviour.

- 4.3 Before imposing a sanction, foster carers must be satisfied that:
- The child/young person was capable of behaving acceptably and understands what is required of him/her.
 - Other positive behaviour management strategies have not or would not work in the circumstances.
 - The sanction is relevant, fair, and timely and does not last longer than necessary.
 - The sanction will encourage acceptable behaviour.
 - The child understands the relevance of the sanction.
 - The sanction is individual to the child and does not affect any other child in placement.
- 4.4 Sanctions should be specific, immediate, consistent, achievable, time limited and proportionate to the seriousness of the act committed.
- 4.5 Foster carers should never threaten to impose a sanction that they are not prepared or able to enforce.

5.0 Approved Sanctions

- 5.1 **Control of Pocket Money:** In certain circumstances, there can be supervised spending, for example, where a young person is misusing pocket money by making unsuitable purchases Any delay in pocket money should not exceed two thirds of the child's normal allowance. Withheld money may be retained until its return is considered suitable. However, it would normally be expected that the young person should begin receiving normal pocket money again within one month of the start of the sanction. Pocket money cannot be withheld. Carers need not pay it to the child directly as a form of punishment, but put in a Savings account for use at a later time.
- 5.2 **Reparation and compensation:** May be made where an offence of damage or theft would make such a sanction appropriate, but this should be reasonable with regard to the young person's means rather than necessarily seeking to cover the cost of the damage or loss. Reparation may take the form of:-
- repairing or cleaning property;
 - cleaning of graffiti;
 - extra home chores;
 - garden work;
 - washing dishes;
 - apologising to the person hurt or offended.
- 5.3 **Supervision:** The child may be placed under extra supervision by the foster carers, both on and off the premises for a time-limited period.
- 5.4 **Removal of Possessions:** If a child's own possessions are used in a dangerous way, the possessions may be removed for an appropriate length of time and returned on an undertaking of responsible use. Where possessions

are dangerous or are used in a dangerous manner they should be confiscated and kept in a safe place.

5.5 **Withdrawal of Privileges:** These may include exclusions, activities, edible treats and favourite pastimes which do not form part of the normal routine of the child. The sanction must be specific and time limited.

5.6 **Amendment of Routine:** The child's normal routine may be amended in a number of ways, all of which must be specific and time limited. For example:

- The child's bed time may be brought forward, though care must be taken that the child is not required to go to bed at a wholly inappropriate time of day.
- Contact with friends may be delayed or postponed subject to review as contact can never be withdrawn.
- The child may be required to leave the usual activities in the home and spend time in their bedroom or other suitable room. The level of supervision should be such that the child is not unduly isolated and doors must never be locked.

5.7 **Grounding:** It is appropriate to tell young people that they are not allowed out as a sanction providing it is specific and time limited.

6.0 Physical Intervention

6.1 There may be occasions where a situation is so serious that physical intervention or enforced isolation may be necessary. It must be used in the context of care, never as a punishment.

- When physical intervention is required, carers should always - preserve the child's safety and dignity
- Only use the minimum amount of force necessary to secure control or manage the situation
- Immediately inform your supervising social worker and the child's social worker, so that the incident can be recorded centrally

Consideration should be given in Placement Agreement Meetings to circumstances that may require physical intervention/enforced isolation and the agreed method of intervention should be recorded in the Placement Plan and explained to the child.

6.2 Before any form of physical restraint is used all of the following requirements must be satisfied:

- There is a belief that injury or damage is likely in the predictable future to the child, carer, other people, and property
- The child or young person is displaying highly excitable behaviour that appears out of control i.e. hurling objects; trying to get out of a moving vehicle; running towards a river or road; about to climb on to a high wall or stack of chairs etc. or threaten to do so.
- The intervention is immediately necessary.

- The intervention is a last resort after de-escalation techniques have been attempted.

PRACTICE GUIDANCE

The carer should take the time to explain to the child/young person the exact reasons for the sanction and implement it as soon as possible after the behaviour so that the behaviour and sanction are linked.

Using the minimum necessary physical force to protect a child from danger is not corporal punishment.

- 6.3 The intervention must be the minimum necessary to achieve the objective. The child should be given a verbal warning that physical restraint will be used if their behaviour does not improve and the carer should speak calmly to the child while any restraint is being imposed to encourage them to calm down. When the child has calmed down, the child should be given an explanation for why the intervention was used. Any physical intervention must be reported to the child's Social Worker and the Supervising Social Worker and recorded in the foster carers record sheets.
- 6.4 Restraint is defined as the containment of a young person's behaviour. There are different levels of restraint
- **Presence:** A form of control using no contact, such as standing in front of a child/young person or obstructing a doorway to negotiate with a child/young person; but allowing the child/young person the freedom to leave if they wish.
 - **Touching:** This includes minimum contact in order to lead, guide, usher or block a child/young person; applied in a manner which permits the child/young person quite a lot of freedom and mobility.
 - **Holding:** This includes any measure or technique which involves the child/young person being held firmly by one person, so long as the child/young person retains a degree of mobility and can leave if determined enough.
 - **Use of physical force:** to overpower a young person in order to protect him/her from harming him/herself or others.

PRACTICE GUIDANCE

- Intervention must not impede breathing or intentionally inflict pain or injury
- It should not be used in a way that may be interpreted as sexual.
- Vulnerable parts of the body e.g. neck; chest and sexual areas should be avoided.

- 6.5 Only those who have been trained in methods of holding approved by the authority may use them but **in an emergency** the use of force by others may be justified if it is the only way to prevent injury or serious damage to property.
- 6.6 Carers have the right to defend themselves from a physical assault. They should do what they can to distance themselves from a child/young person who is threatening violence but if they can't, then they can use **REASONABLE** force to defend themselves. If it is deemed a carer has gone beyond what is reasonable to protect them, they may be liable for prosecution for assault.
- 6.7 If a foster carer believes physical intervention may escalate the situation or place anyone at unacceptable risk they must seek the assistance of another adult or, if necessary, contact the police.
- 6.8 Safe restraining techniques, including lowering a child or young person to the floor are only to be used in extreme circumstances and details are not included here as untrained use of the technique could result in injury to the child or carer. Restraint training is available for carers where it has been identified in a child's care plan or behaviour plan that restraint techniques maybe required to support the child
- 6.9 Foster carers will recognise that different methods of discipline are needed for different ages. Foster carers' groups, health visitors and social workers can help with advice when a particular child's behaviour seems impossible to change

7.0 Reporting and Recording

- 7.1 If Presence or touching is used as a physical intervention this must be recorded on the foster carer's record sheet which will be signed by the Supervising Social Worker at their next visit.
- 7.2 If Holding is used as a physical intervention, the Supervising Social Worker and the child's Social Worker must be notified within 24 hours or as soon as practicable, unless it has been previously agreed that it is not necessary to do so. The child's Social Worker must make a decision about whether to inform the child/young person's parent(s) and if so who should do so.
- 7.3 All incidents of Holding must be recorded in writing on the Foster Carer's Event Diary.
- 7.4 The record must include:
- Date and time of incident
 - Location of incident
 - Name of child/young person
 - Names of people present
 - The events that led up to the need for physical intervention
 - Any substance use involved

- An exact description of the actions taken by the foster carer, the nature of the physical intervention and its effectiveness
- The outcome including any injuries caused to or reported by the child/young person
- How the incident was resolved.

7.5 The Supervising Social Worker will collect the Record when notified of the incident and:

- Keep a copy on the Foster Carers record
- Forward the record to the social worker for the child for the child's case record.

7.6 The Principal Manager must notify Ofsted if any of the following occur during or as a result of holding:

- The police are called to provide assistance
- A child/young person has a serious injury or accident
- The death of a child
- A serious complaint is made against the foster carer
- There is a suspicion or allegation of significant harm.

8.0 Medical Examination

8.1 If there are apparent or reported injuries as a result of a physical intervention the child/young person should be given the opportunity to see a registered nurse or medical practitioner. The offer of medical examination together with the outcome should be recorded on the Incident Form and in the Daily Log.

8.2 If a registered nurse or medical practitioner is seen they must be informed that any injuries may have been caused by the use of physical intervention.

9.0 False Accusations

9.1 Parents who are opposing the Department through the courts, or children who don't want to be in care may look for ways of undermining foster carers and the Department. Accusing carers of abuse is one way of doing this.

9.2 Young people can also make false accusations **see 6.1.7**

10.0 Monitoring

10.1 The Principal Manager Fostering will report 3 monthly to the Service Manager for Fostering using the information provided on the Accident, Injuries and Illness Forms. This report will also be presented to the Fostering Panel.

10.2 All Placement Plans which include the use of holding must be authorised by the Principal Manager of the child/young person's Social Worker.

10.3 The Conference and Review Manager will review the Placement Plan as part of the statutory review and ensure all parties understand and agree the strategies outlined.