

Supplementary Module: Children's Homes (Wales)



Rationale:

Participants working in a children's home setting will be subject to unannounced inspections twice a year. The framework for the inspection in relation to the positive behaviour support of the children and young people mirrors completely the aims and teaching of the D.ESCAL8™ Children's and Young People's Course with regard to equality, behaviour and risk management planning, incident reporting and the absolute minimal use of restrictive practices. This supplementary information for staff working in a children's home setting reinforces the principles already taught by D.ESCAL8™.

Aim:

Participants understand the framework for inspection and their responsibilities to act at all times to work using positive behaviour support concepts.

Objectives:

- Participants understand that inspections will be unannounced and at least twice yearly.
- Participants follow and promote the principles of the Equality Act 2010 and local equality and diversity and anti bullying policies.
- Participants understand that positive behaviour support must be promoted at all times, and that the use of primary and secondary and non physical prevention strategies are tried and evaluated to be ineffective before the use of any restrictive physical intervention.
- Participants understand that separation is only used as a last resort and is part of the comprehensive risk management plan.

Care Inspectorate Wales Regulation and Inspection of Social Care (Wales) Act 2016

<http://www.legislation.gov.uk/anaw/2016/2/contents/enacted>

The Care Standards Act 2000 gives the power to regulate and inspect children's social care services including children's homes.

'We inspect children's homes every year... We have two types of inspections: full and focused.

Full inspections

These are routine inspections, planned as part of our inspection schedule. Full inspections take place approximately six months after a newly registered service becomes operational. After that, we inspect once every year.

Focused inspections

These normally happen when concerns are raised or to follow up on areas of improvement identified at previous inspections. These inspections may only look at some aspects of a service.

All inspections are unannounced.'

The Children's Homes (Wales) Regulations (2002)

<https://www.legislation.gov.uk/wsi/2002/327/regulation/17/made>

Please read the Regulations in full.

Behaviour management, discipline and restraint

17 (1) Without prejudice to paragraph (5), no measure of control, restraint or discipline which is excessive, or unreasonable shall be used at any time on children accommodated in a children's home.

(2) The registered person shall prepare and follow a written policy (in this regulation referred to as "the behaviour management policy") which shall set out

- (a) the measures of control, restraint and discipline which may be used in the children's home
- (b) the means whereby appropriate behaviour is to be promoted in the home.

(3) The registered person shall

- (a) keep under review and where appropriate revise the behaviour management policy
- (b) notify the appropriate office of the National Assembly of any such revision within 28 days.

(4) The registered person shall ensure that within 24 hours of the use of any measure of control, restraint or discipline in a children's home a written record is made in a volume kept for the purpose which shall include

- (a) the name of the child concerned
- (b) details of the child's behaviour leading to the use of the measure
- (c) a description of the measure used
- (d) the date, time and location of the use of the measure (including in the case of any form of restraint, the duration of the restraint)
- (e) the name of the person using the measure, and of any other person present
- (f) the effectiveness and any consequences of the use of the measure
- (g) the signature of a person authorised by the registered provider to make the record.

(5) Subject to paragraph (6) of this regulation, the following measures shall not be used against children accommodated in a children's home

- (a) any form of corporal punishment

- (b) any punishment relating to the consumption or deprivation of food or drink
- (c) any restriction, other than one imposed in accordance with regulation 15, on
 - (i) a child's contact with his or her parents, relatives or friends
 - (ii) visits to the child by his or her parents, relatives or friends
 - (iii) a child's communications with any of the persons listed in regulation 15(2)
 - (iv) his or her access to any telephone helpline providing counselling or advice for children
- (d) any requirement that a child wear distinctive or inappropriate clothes
- (e) the use or withholding of medication or medical or dental treatment as a disciplinary measure
- (f) the intentional deprivation of sleep
- (g) 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
- (h) any intimate physical examination of a child
- (i) the withholding of any aids or equipment needed by a disabled child
- (j) any measure which involves;
 - (i) a child in the imposition of any measure against any other child
 - (ii) the punishment of a group of children for the behaviour of an individual child.

(6) Nothing in this regulation shall prohibit

- (a) the taking of any action by, or in accordance with the instructions of, a registered medical or dental practitioner which is necessary to protect the health of a child
- (b) the imposition of a 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.

National Minimum Standards for Children's Homes (2002) Welsh Assembly Government:

<https://www.careinspectorate.wales/sites/default/files/2018-01/131009nmschildhomesen.pdf>

Please, read the standards in full.

STANDARD 15 - BEHAVIOUR MANAGEMENT

15.3 Measures of control and disciplinary measures are based on establishing positive relationships with children and are designed to help the child. Such measures are fair and consistently applied. They also encourage reparation and restitution and reduce the

likelihood of negative behaviour becoming the focus of attention and subsequent disruption to the placement.

15.4 No form of corporal punishment can be regarded as acceptable.

15.7 Sanctions and physical restraint are not excessive or unreasonable.

15.8 Physical restraint is only used to prevent likely injury to the child concerned or to others, or likely damage to property and then only to the extent strictly necessary to avoid the injury or damage in accordance with regulation 17. Restraint is not used as a punishment, as a means to enforce compliance with instructions, or in response to challenging behaviour which does not give rise to a reasonable expectation of injury to someone or damage to property.

15.9 The registered person's policy on the use and techniques of physical restraint and other forms of physical intervention, and the circumstances in which they may be used, is consistent with any relevant Assembly guidance on approved methods of restraint and physical intervention. All staff of the home are aware of, trained in, and follow in practice, the registered person's policy. All staff have signed that they have read a copy of the policy and have continued access to the policy and evidence of this is retained on their personnel file.

Further Reading

Social Services and Well-being Act (Wales) (2015)

<http://www.legislation.gov.uk/anaw/2014/4/contents>

National Minimum Standards for Care Homes for Younger Adults (2002) Welsh Assembly Government:

Children and Young People's National Participation Standards (2017)

<https://gov.wales/children-and-young-peoples-national-participation-standards>

Children and Young People's Participation in Wales - Good Practice 2016

<https://gov.wales/sites/default/files/publications/2019-06/good-practice-guide.pdf>

Safe and Effective Intervention: Use of Reasonable Force and Searching for Weapons. Welsh Assembly Government (2013)

<https://beta.gov.wales/safe-and-effective-intervention-guidance-schools-and-local-authorities>

Safeguarding Children - Working Together Under the Children Act 2004

<https://gov.wales/topics/health/publications/socialcare/circular/nafwc1207/?lang=en>