



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Social Care, Health & Well-being Cabinet Board

5th September 2019

Report of the Head of Children Services – K.Warren

Matter for Decision

Wards Affected:

All wards.

Report Title Hillside Behaviour Management Policy

Purpose of the Report:

To approve the Hillside Behaviour Management Policy in accordance with the following:

- The Regulated Services (Service Providers and Responsible Individual (Wales) Regulations 2017 and statutory guidance issued thereunder

Executive Summary:

The regulations that apply to a secure children's home in relation to Behaviour Management are set out in Part 8, regulation 29 (The Appropriate Use of Control and Restraint) of the Regulations and also the Children's Homes (Wales) Regulations 2002 as amended by the Children's Homes (Wales Amendments) Regulations 2017.

Under the 2017 Regulations, physical restraint is only permitted in response to a clear risk of harm to either the person whose behaviours are creating that risk or to others. Previous legislation in place permitted physical restraint to be used in circumstances where there was damage to property. This is now only allowed within the 2017

Regulations where there is a clear identified risk of harm, and must be necessary and proportionate.

This policy sets out a framework to undertake the above.

Background:

Key Changes to Hillside Secure Children's Home Behaviour Management Practice

- The law in Wales has now been changed for children's homes which includes secure units, that any form of physical restraint is not allowed other than in response to a clear **risk of harm** to either the person whose behaviours are creating that risk or to others.
- Additionally any use of physical intervention must be **necessary and proportionate** and undertaken with **respect and sensitivity** to the young person in our care.
- Where the risk of harm may arise from damage caused to property, or even about to be caused to property, physical intervention may be justified, but there will need to be an identified risk of harm and as noted our physical intervention must be necessary and proportionate to the situation.
 - This change will mean that a young person who is defiant, but not presenting a risk of harm to themselves or others, cannot be the subject of physical restraint. If someone does not present a risk of harm and our best efforts to resolve matters through our trained diffusion techniques, do not work initially, this may take a further period of time to resolve.
- We must now treat the use of restraint, which must be necessary and proportionate to the risk of harm differently from the use of sanctions, which must be reasonable and managed in a consistent manner.
- We have also strengthened the provisions for independent overview of an incident. Following any incident, a debriefing of the

young person will be undertaken by staff **not directly involved in the incident**. Equally the quality assurance of any incident will be undertaken by a manager who is **not directly involved in the incident** and this like **all records of the incident needs to be completed within 24 hours** of the incident.

This revised policy provides a legal framework for staff to work within and clear guidelines to ensure the safety of the young people residing in Hillside Secure Children's Home and the safety of staff

Financial Impacts:

No Impact.

Integrated Impact Assessment:

No Impact.

Valleys Communities Impacts:

No implications.

Workforce Impacts:

No implications.

Legal Impacts:

The Policy has been developed in line with the following:

- Social Services and Wellbeing (Wales) Act 2014
- The Children's Homes (Wales) Regulations 2002 as amended by the Children's Homes (Wales Amendments) Regulations 2017
- National Minimum Standards for Children's Homes (Wales) 2002
- Regulation and Inspection of Social Care (Wales) Act 2016
- The Regulated Services (Service Providers and Responsible Individual (Wales) Regulations 2017 and statutory guidance issued thereunder
- United Nations Convention on the Rights of the Child (UNCRC)

- Use of restraint policy framework for the under 18 secure estate 2012

Risk Management Impacts:

Crime and Disorder Impacts:

Section 17 of the Crime and Disorder Act 1998 places a duty on the Council in the exercise of its functions to have “due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent:

- a) Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- b) The misuse of drugs, alcohol and other substances in its area; and
- c) Re-offending the area”

There is no impact under the Section 17 of the Crime and Disorder Act 1998.

Counter Terrorism Impacts:

The proposals are likely to have no impact on the duty to prevent people from being drawn into terrorism.

Violence Against Women, Domestic Abuse and Sexual Violence Impacts:

Section 2(1) of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 introduced a general duty where a person exercising relevant functions must have regard (along with all other relevant matters) to the need to remove or minimise any factors which:

- (a) increase the risk of violence against women and girls, or
- (b) exacerbate the impact of such violence on victims.

The proposals contained in this report are likely to have no impact on the above duty.

Consultation:

There is no requirement for external consultation on this item.

Recommendations:

It is recommended that Members approve the Hillside Behaviour Management Policy attached as Appendix 1 to this report.

Reasons for Proposed Decision:

To comply with the requirements of The Regulated Services (Service Providers and Responsible Individual (Wales) Regulations 2017 and statutory guidance issued thereunder, specifically in relation to the circumstances that a physical restraint is permitted.

Implementation of Decision:

The decision is proposed for implementation after the three day call in period.

Appendices:

Appendix 1 – Hillside Behaviour Management Policy
Appendix 2 – Integrated Impact Assessment.

List of Background Papers:

The Regulated Services (Service Providers and Responsible Individual (Wales) Regulations 2017

http://www.legislation.gov.uk/wsi/2017/1264/pdfs/wsi_20171264_mi.pdf

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