



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **Social Care, Health & Well-being Cabinet Board**

**12<sup>th</sup> March 2020**

### **Report of the Head of Children Services – K.Warren**

#### **Matter for Decision**

#### **Wards Affected:**

All wards.

**Report Title** Hillside Separation Policy

#### **Purpose of the Report:**

To approve the Hillside Separation Policy in accordance with the following:

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

#### **Executive Summary:**

A separation in Hillside is defined as any period of time where a young person is confined in an area where the door is locked and they are separated from their peers, whether a voluntary separation through own choice or to manage a perceived risk of harm, or being managed in an area of Hillside away from their peers or the communal areas, e.g. temporary confinement in a corridor in which no other young person is present

The regulations that apply to a secure children's home in relation to Separation are set out in Part 8, regulation 29 (The Appropriate Use of Control and Restraint) of the Regulations.

Following the Behaviour Management Policy being revised in the autumn 2019 to reflect the new legislation it was necessary to review and update the Separation Policy so that key messages were consistent and not conflicting one another. This policy sets out a framework for staff to work within when managing a young person's behaviour.

## **Background:**

### **Key Messages in Hillside Secure Children's Home Separation Practice**

- Any separation used must be kept to the minimum time necessary and every effort must be made by staff to reintegrate the young person back to the normal routine of the home at the earliest opportunity.
- Additionally any use of a separation must be **necessary and proportionate** and undertaken with **respect and sensitivity** to the young person in our care.
- Where a risk of harm may arise from damage caused to property, or even about to be caused to property, a separation may be justified, but there will need to be an identified risk of harm and as noted it must be necessary and proportionate to the situation.
- A young person who is defiant, but not presenting a risk of harm to themselves or others, cannot be the subject of a separation. 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 control, 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.
- A comprehensive debrief will take place immediately following any period of separation, this will provide the opportunity for staff to

discuss with the young person their behaviour and how it can be avoided in future. Staff will ensure that the views of the young person are listened to and recorded.

- The quality assurance of any separation 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 as soon as possible and 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
- 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 Separation 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 and to ensure that the policy is in line with the newly revised Behaviour Management Policy.

**Implementation of Decision:**

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

**Appendices:**

Appendix 1 – Hillside Separation 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](http://www.legislation.gov.uk/wsi/2017/1264/pdfs/wsi_20171264_mi.pdf)

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