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1.0 The Purpose of this Policy

The policy is intended to promote the use of positive behavioural support and management. It highlights events that may occur along with the processes, policy and procedures adopted to support children / young people in our care. The policy promotes the safety and wellbeing of all children / young people, staff and the wider community.

This policy applies to all staff, including Senior Managers, Directors, full- and part-time workers or anyone working on behalf of SW Education & Care. We ensure the following:

- To protect children and young people who receive SW Education & Care services
- To provide staff with the overarching principles that guide our approach to Positive Behaviour Management and Support
- To ensure staff act within the law and associated regulations when delivering such support

We believe that the home should create an environment of safety, trust and support which aids the development of confidence, self-esteem and self-discipline. These aims are underpinned in the positive relationships we have with the children or young people we support and within the education and activities that they take part in. It is an essential part of every child's development to experience positive behaviour, receive praise for achievement and to celebrate success.

In accordance with Regulation 35, SW Education & Care have prepared and implemented a behaviour management policy (Positive Behavioural Support Policy). This policy describes the organisation's approach to promoting positive behaviour and the measures of control, discipline, and restraint which may be used in the home. Regulation 35 states that, the policy must demonstrate '*(a) how appropriate behaviour is to be promoted in the children's home; and (b) the measures of control, discipline and restraint which may be used in relation to children in the home.*' These measures are set in the context of building positive relationships with children. Highlighted in the Positive Relationship Standard 11

2.0 What you need to know and do

All staff are trained to recognise the complex needs of the children and young people we support. This may be due to trauma, difficulty in communicating their thoughts and feelings and may result in unpredictable or socially unacceptable behaviours.

Children / young people in our care have characteristics, which have been identified as those most likely to result in challenging behaviour:

- Childhood trauma
- Complex PTSD
- Disadvantage and disturbance in their family lives
- Special Educational Needs and Disabilities (SEND)
- Social, Emotional and Mental Health Difficulties (SMHD)
- Poor language / communication skills
- Low self esteem
- Limited concentration spans



- Emotional / developmental issues

Every child / young person has individual behavioural support and management plans and risk assessments in place to meet their individual needs. These are created by the home manager based on referral information and agreed with multi-agency input.

It is the responsibility of each staff member to read and sign that they have understood and will implement behavioural support and management plans, together with individual risk assessments. Knowing as much as possible about how a child / young person functions is in itself a tool for behavioural support:

- Never use 'ridicule', or 'name calling'
- Do not use threats of punishment
- Do not present sanctions which are then not put into practice
- Deprivation of basic care i.e. food, clothing or of access and contact with families or corporal punishment can NEVER be used as a sanction or punishment
- Where appropriate, ascertain with the individual child / young person what support he or she feels is most helpful to their understanding.

3.0 Our aims

- To provide a framework for the creation of a happy, secure and orderly environment in which children / young people are supported and develop their skills, resilience and self-esteem.
- To provide support which is appropriate to each child's individual needs, which will also facilitate academic and personal growth within an ethos of high expectation, embracing and promoting fundamental British Values.
- To provide good models of behaviour and positive relationships.
- To encourage mutual respect, kindness and tolerance.
- To operate in an atmosphere of trust where each individual feels protected, understood and valued.
- To encourage and promote community, co-operation and mutual support.

We aim to achieve this by:

- Understanding the needs of children / young people in our care and establishing baseline behaviours.
- Providing strong leadership – appropriate staff to child / young person ratios and high visibility and involvement of staff and the registered Home Manager.
- An explicit and shared organisational ethos, communicated through visual displays and verbal repetition of expectations where appropriate.
- Realistic and professional referral systems to ensure well prepared, sensitive integration of new residents.



- Agreeing and maintaining consistent, clear and fair rules and meaningful routines.
- Making sure that children / young people are rewarded regularly and visibly and are only sanctioned, if necessary, for what they do, not who they are.
- Sincere consultation with the children/young people, staff and other stakeholders regularly reviewed – providing a regular forum for discussion and input.
- Well qualified, well trained staff who employ a range of agreed consistent support and behaviour management styles and strategies through robust recruitment and responsive training systems.
- Strong communication / information sharing systems through agreement and regular close, positive partnership with multi-agency colleagues.
- Partnership with all appropriate agencies and the community.
- A strong focus on emotional literacy and personal development.
- The provision and maintenance of a homely, clean, tidy, inclusive, stimulating and attractive environment – creative displays and use of space.
- Every child / young person has an individual risk assessment and behaviour support and management plan; these will be reviewed on a monthly basis or in the event of any change in behavioural patterns of increase / decrease in risk. Individual risk assessments will be altered in-line with these changes as appropriate.
- Behaviours are monitored through daily journals and significant incident monitoring. Incidents are monitored by type and reporting includes antecedence, positive behaviour support and management and techniques/interventions. These are further monitored at a regional and national level through monthly managers' reports submitted to the senior management team and Managing Director - see point 4.0.

4.0 Roles and Responsibilities

The Managing Director, Responsible Individual and DSL will monitor significant events and use of force across the service and ensure this and associated policies are reviewed annually and disseminated in a timely manner. They will also ensure that the policy is not discriminatory and that expectations are clear.

The Managing Director will consult with the CEO regarding policies and keep them informed of any necessary changes or reviews. They will also ensure implementation of policy across the service.

The Registered Home Manager will be responsible for liaising with professionals to ensure multi-agency working, agreement on behavioural approach and suitable support for the child / young person.



It is crucial that the home works in close partnership with all those who play a role in protecting and caring for the child, but particularly the child's local authority and statutory social worker – Regulation 5

They will also ensure implementation and day-to-day management of the policy and procedures.

As with all the Quality Standards, the responsibilities and accountabilities in this standard fall on the registered person. In practice, just as with the other standards, those responsible for the day to day running of homes, including leadership teams in large homes and specialist advisers within other settings (for example, security advisers in secure homes) play a key role in enabling the registered person to fulfil the requirements of this standard. - The Leadership and Management Standard, Regulation 13

The Home Manager will ensure all staff receive training and support for school staff faced with challenging behaviour. The Registered Home Manager is responsible for communicating the policy to all staff as well as external agencies where appropriate.

Staff will be responsible for ensuring that the policy and procedures are followed and consistently and fairly applied. Mutually support amongst all staff in the implementation of the policy and support of children / young people in our care.

SW Education & Care will treat failure by staff to apply the policy as a serious dereliction of duty.

5.0 Related Policies and Procedures

This policy should be used in conjunction with the following Policies and Procedures:

- Use of Force Policy
- Staff Handbook
- Anti-bullying & Harrasment Policy
- SUTE Policy
- Complaints Policy
- Safeguarding Policy
- Code of Conduct
- Admissions and Referral Policy
- Risk Assessment and Positive Risk Taking Policy
- Covid 19

6.0 Principles

The SW Education & Care ethos and principles frames the way that behaviour is understood and approached in the organisation:

We believe that all children and young people who have social, emotional, and mental health difficulties should be achieving by building relationships, resilience and self-regulation. We support children and young people to achieve more than they believed possible. With individualised support every child / young person can reach their potential, improving their self-esteem, their attainment and their outcomes.'

SW Education & Care believes that all behaviour is goal directed. That is, all behaviour is an attempt to meet needs. Unpredictable and/or socially unacceptable behaviour is a means (albeit inappropriate) by which a child / young person communicates that their needs are not being effectively met.



SW Education & Care accepts that we have the potential to feel angry or display aggression given the circumstances we find ourselves in. The need to control these feelings and emotions is a recognised part of human nature and our personal development. In general, children's aggressive tendencies begin to diminish by the age of 3 or 4 years. By the age of 12 a child is not usually aggressive and rarely violent. Therefore, aggression and even violence are not abnormal in themselves. However, in an uninterrupted process of normal and healthy development, children learn to control aggressive reactions and tendencies. But in circumstances where healthy and normal development is interrupted, or is largely absent, it becomes more difficult for the child to learn to control its innate aggression. Thus, violence and aggression and the person's ability to control them become developmental issues.

The children / young people we support have the innate ability to change and grow. Children develop positively if they are given a positive environment and experiences. The effective method to change a child / young person's behaviour is through positive experience and reward, not punishment.

Negative experiences reinforce low self-esteem in children / young people. Staff must therefore be skilled in their ability to help children make positive choices. This means in the first instance, keeping them safe and allowing time to build positive relationships.

Positive relationships are those which are characterised by consistency and unconditional positive regard for the child on the part of the carer; and where the carer acknowledges the importance of understanding and responding to the child's lived experience of care. - The children's views, wishes and feelings standard, Regulation 7

Relationships, boundaries and structure are very important. All children / young people need to know the parameters in which they can function safely. A child / young person, who does not have not appropriate internalised boundaries, requires clear external boundaries. Inconsistent boundaries are experienced by the child / young person in unsafe and uncaring environments.

Boundaries are not punishments or sanctions. Rules need to be experienced positively. The use of sanctions must enable the child / young person to learn from the experience and they must feel safe. This is reinforced through direction and mirroring of what is acceptable behaviour.

Children / young people need to know that they are uniquely valuable. This is enforced when adults reject poor behaviour and replace it with positive behaviours.

7.0 Promotion of the Welfare of Children

The Children Act 1989 states that the child's welfare is paramount and that every child has a right to protection from abuse, neglect and exploitation. Guidance of Permissible Forms of Control in Children's Residential Care, (LAC (93) 13), Control of Children in the Public Care (2/97).

Statutory guidance on making arrangements to safeguard and promote the welfare of children under Section 10, 11 and 13 of the Children Act 2004 specifies what is required of SW Education & Care. This includes:

- Senior management's commitment to the importance of positive behaviour management and support, thus promoting children and young people's welfare.



- Clear lines of accountability for work on positive behaviour support and promoting well-being.
- Rigorous and appropriate training for all staff.
- A duty to promote inter-agency cooperation and effective working relationships between all agencies concerned with the behaviour management of children and young people, including sharing information with local and placing authorities and the police, in line with information sharing protocol.
- All staff will enable compliance and participation with serious case review processes.

We recognise that the welfare of the child / young person is paramount, as enshrined in the Children Act 1989

- All children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have a right to equal protection from all types of harm or abuse
- Some children are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues
- Children should be listened to and their views taken seriously, including making sure their wishes and feelings are ascertained and reflected in positive behaviour support
- Children's needs should be looked at holistically and should not be defined solely in terms of their behaviours.
- All interventions must be child-centred.

This policy and procedure is written with an ethical approach to the care of children and young people that emphasises the importance of 'unconditional positive regard', 'non-rejection' and 'valuing'. This includes managing and dealing with unacceptable behaviour by using a 'low-arousal' and de-escalation approach.

To fully develop an effective and constructive approach to behaviour management and support, it is essential that there is a shared understanding of what motivates behaviour (appropriate and inappropriate) and what responses have a positive effect.

8.0 Staff Guidance

In addition to the philosophy and policy statement, the following written guidelines for Home Managers offer practical advice for staff presented with behavioural difficulties. Where physical restraint is occasionally required, to ensure the safety of a child / young person, a clear set of practice standards must be understood and implemented to the letter.

- Best practice requires a qualified and experienced senior member of staff to be on call at all times to assist and direct in difficult situations.
- All staff are trained and qualified in de-escalation techniques and managing potentially harmful situations
- Training is provided by an external supplier. Staff are trained within their probationary period and re-qualification is on an annual basis or additionally as required.
- The working principles of practice should be reviewed in supervision
- Evaluating practice and identified concerns should be highlighted and addressed in staff meetings, home development plans, tracking, well-being and progress and also in the Reg. 44 inspection visits.
- All children and young people will have protocols and plans in place which support staff to be consistent in the approaches they use. These plans will direct staff to the agreed



techniques and methods to best support that child or young person to manage their behaviour. These will be based on low arousal with the emphasis on avoiding the incident escalating, for example highlighting known triggers, environments or situations that may increase the likelihood of known behaviours. The recognised techniques that support that person to become less anxious or angry will be listed and therefore de-escalate the situation in the safest and least restrictive way, in order to try and avoid restraint and treat it as a last resort. Plans will be in place to ensure all of the above, including staff training and rota plans. These should be visible and in full view in the staff office.

9.0 Practice Principles

Staff must remember that they are responsible for the children / young people in our homes and when supporting off-site. When children / young people are in crisis they are vulnerable and may have emotional, psychological and/or physical consequences of hurting themselves and others if they are not supported by caring and skilled adults. Staff must take on the responsibility of helping the child / young person through keeping them safe, until the child / young person, with our help, is in a position to return to usual behaviours and cope successfully with the situation.

Children must feel safe and be safe. Staff should support children to be aware of and manage their own safety both inside and outside the home to the extent that any good parent would. Staff should help children to understand how to protect themselves, feel protected and be protected from significant harm – The Protection of Children Standard, Regulation 12, boundaries reinforce safety.

- Before any sanction is applied, the staff must examine the reasons for their unacceptable behaviour, with the child / young person – see point 13.
- Staff MUST follow behavioural support and management plans together with risk assessments.
- Staff will need, at times, to make on-the-spot decisions and these decisions may need to be subject to review away from the heat of the moment; apologising for an overreaction is a sign of strength not weakness.
- Any support / management methods should be applied with careful thought and planning. These should be regularly reviewed after every significant event and on a monthly basis by the Home Manager.
- Behavioural support and management of traumatised children and young people is a skill which takes time, courage and effort to develop. All staff will be given the opportunity to develop it through ongoing support, guidance and training.

10.0 How to Implement a Positive Approach

Consistency is key, whatever our background, personality, training, experience or particular 'school of thought'. To be actively involved in working with children / young people is a more effective way of maintaining suitable support than policing. Whilst all unacceptable behaviour requires a response, it does not need sanctions or punishment imposed on the child refer to the TRM.:

- Remember that some children do not always know how to seek affection and attention appropriately.
- A child or young person who appears to want to fight may actually be seeking something quite different.



- However angry a child may appear it is almost certain that s/he is sad or upset and cannot tell you in any other way.
- Remember most confrontations that appear to be directed at you will not be about you personally.

Endeavour to use rewards and privileges wherever possible rather than sanctions:

- Anticipate difficult situations with children and take appropriate action at an early stage.
- Always think ahead, and be clear in your mind about the sort of sanction you will use if required and explain decisions.
- Ensure that the child understands that it is their actions (or behaviour) which is unacceptable to you but that you still care about and value them.

It is important when communicating to parents, social workers, OFSTED and safeguarding teams as to if any, what sanctions are used and why and that the recording of full details, including any rewards, privileges or sanction is paramount, these must be proportionate and appropriate. This includes both prior events and consequences thereafter.

Also, to monitor the interventions being used by your colleagues, ensure you raise any concerns you may have about their practice in particular, or practice more generally, with your Registered Home Manager.

11.0 Positive Behavioural Support Strategies

The operating process:

- Positive relationships are key to behavioural support
- All staff will use praise as a sincere and prompt response to positive behaviour or achievements
- Staff will record all positive behaviour and reflect on it with the young people, as part of daily practice
- Staff will record achievement and inform the children / young people
- Personal goals should be set and targets to realise achievements
- The Key Workers should complete one to one sessions on moral and social issues
- Ensure use of the Trauma Recovery Model (TRM) and SWEC ethos
- Children / young people should create visual records of achievements using photos, pictures, certificates and albums that are displayed or kept within the home
- Children / young people should be encouraged to send regular reports to parents (as appropriate) and/or relevant agencies that reflect the success and achievements attained
- The home will develop individual rewards for positive outcomes that are meaningful and promptly actioned

12.0 Expectations

The Home has clear expectations of its staff and young people:

Expectations of standards of behaviour should be high for all staff and children in the home. These standards should be clear and unambiguous. Children should be supported to develop understanding and empathy towards each other. Positive behaviour and relationships should be reinforced, praised



and encouraged; poor behaviour should be challenged and discussed. The development of safe, stable and secure relationships with staff in the home should be central to the ethos of the home and support the development of secure attachments that, where appropriate, persist over time. – The positive relationships standard, regulation 12

- All persons are expected to respect each other
- All should take care and value property and others feelings
- Harmful and potentially dangerous objects should not be bought on or offsite, in accordance with behaviour support and management plans
- All staff and children / young people should listen and respond to what is being communicated – respond to the causation of behaviour not the manifestation.

13.0 Appropriate Boundaries and Sanctions

- Behaviour support and management requires the setting of boundaries. Many of the children / young people actively seek this, as they may have had little, if any, previous experience of appropriate boundaries to keep them safe. The children / young people should be made aware of their actions and their responsibility for them.
- Behaviour support may, rarely, require sanctions; these should be utilised in accordance with individual behaviour support plans and where it is felt that a sanction will enable a child / young person to more fully understand the consequence of their action. The decision should be taken with agreement from by the Registered Home Manager or Deputy.
- Consider discussion regarding consequences, cause and effect, rather than sanction
- Sanctions must only be short term, relevant to the event and have positive outcomes for the child / young person's understanding - these should be recorded, monitored, evaluated and signed off appropriately.
- Fines are acceptable if imposed by way of reparation for damage caused they should be recorded in full as follows, these must always be agreed by The Home Manager or Deputy:
 - Total fine
 - Date of fine commencement
 - Amount to be deducted each week
 - Balance to pay
 - Date of last payment due

Staff should sign each entry. A young person needs to be able to see that their fine money is used to replace or repair items damaged or is being used constructively.

Staff must support children / young people to demonstrate positive behaviour and, in all aspects of life, learn from their mistakes. The key to promoting positive outcomes is to be consistent and act rather than react. Where it is necessary to deal with negative situations staff will always ensure they are acting in the best interests of the young person and following individual risk assessments and behavioural support / management plans.

- Sanctions maybe used only where it is felt fair and effective. Staff must ensure the consequence to the negative behaviour is relevant to the misdemeanour.
- Reprimands should focus on the behaviour and not the child / young person's personal qualities.
- Reprimands must be conducted privately.



- Staff should always seek advice and guidance when situations escalate or they are unsure of how to respond. Before taking any action staff should ensure they are acting fairly and remain open and honest throughout their communication.

Permissible consequence/Sanctions:

- Verbal rebuke and reinforcement of correct behaviour
- A change in arrangements (not home visit related)
- Systems of reparation
- Written letter of apology, 1:1 discussion and debriefs
- Curtailment of pocket money in accordance with the regulations (see above)
- Extra tasks (that are never meaningless or pointless)
- Curtailment or change in arrangement of an activity

14.0 Challenges to Support Positive Behaviour

For the purposes of this guidance, the word 'challenge' means the actions taken by caring adults to assist a child in facing the nature of their unacceptable behaviour. Such actions will usually only be necessary in the form of reminders about the need for appropriate behaviour. At times, however, forms of 'challenge' may be necessary which go beyond this. At its most extreme, in order to protect a child or a group of children, this may include physical intervention / restraint.

Have clear reasons and objectives concerning any challenge that takes place, preserving the child / young person's dignity.

Challenging unacceptable or inappropriate can be a positive learning experience for young people and may often avoid an escalation in behaviour.

Successful behavioural support management involves skills that people need in their everyday lives. However, the manner in which you challenge a child / young person is of crucial importance. What approach is more appropriate in any given situation can only be learned via experience and mirroring of experienced staff and senior management.

Diffuse the situation if possible by;

- Getting involved with the child / young person
- Redirect the child / young person away from the situation
- Talk with them
- Separate the group / removing an audience
- Create a positive distraction
- All staff must follow agreed behaviour management plans and risk assessments at all times.

Use observational skills as it is possible to foresee when a potentially volatile situation is about to occur (triggers and cues), when the child / young person, alters their body posture, the tone of voice and/or content of the dialogue or refuses to respond to simple requests.



Avoid verbal stalemate with a child / young person and be prepared to accept another member of staff intervening if this is going to be more effective; however, ensure that the approach and what is being said to the child/young person is consistent.

Consult with the senior member of staff on call if you are concerned about a possible escalation of events.

15.0 Physical Intervention (See Use of Force Policy)

Restraint is defined in regulation 2(1). Restraint includes physical restraint techniques that involve using force.

9.42 Restraint also includes restricting a child's liberty of movement. This includes, for example, changes to the physical environment of the home (such as using high door handles) and removal of physical aids (such as turning off a child's electric wheelchair). Restrictions such as these, and all other restrictions of liberty of movement, should be recorded as restraint. Some children, perhaps due to impairment or disability, may not offer any resistance, but such measures should still constitute a restraint. – The protection of children standard, Regulation 12

The methods of physical intervention used shall, at all times, reflect the Care Homes (England) regulations and the stated philosophy of SW Education & Care. In this context, this means that the safety and welfare of the child / young person shall at all times be paramount. Where physical intervention (restraint) is necessary to prevent a child from harming themselves or others, the paramount consideration shall be their safety. The guidance issued to staff on safe methods and practice standards of physical intervention shall be adhered to at all times. Only techniques approved by SW Education & Care should be used. This is: **Specialist Training Appropriate Interventions Responses (STAIR)**. Failure to adhere to this procedural guidance will result in investigation and may result in disciplinary and/or criminal action.

- Physical Intervention may not be used to force compliance or as a punishment or where significant harm or serious damage to property is not otherwise likely.
- Only trained techniques should be utilised.
- Holding a young person by the neck carries the risk of suffocation or restricting blood flow to the brain, as well as a risk of spinal injury. On no account should neck holds be used as a way or restraining young people.
- Where physical intervention has been used, and a concern is raised by a child or young person, they must always be given the opportunity to see a registered nurse or medical practitioner, even if there are no apparent injuries, and supported to complain should they so wish. *(See Complaints Policy)*
- Complaint or injury following physical intervention **MUST** be reported to the Designated Safeguarding Lead (DSL) and Responsible

16.0 Reporting and Recording

Any significant events are recorded restraints used are recorded on the appropriate forms; information will include:



- Name of young person
- Date, time and location
- Antecedents
- Event narrative
- Details of measure used / methods of de-escalation
- Restraint number (if used)
- Duration and method of physical intervention (if used)
- The use of any prescribed PRN medications relating to the protocol for that individual and confirmation of who authorised its administration -where applicable
- Staff involved and any other person (full names)
- Effectiveness and any other consequences of the measure
- Description of injury
- Time, Staff actions, Young Persons response
- Any additional Information
- Confirmation that the home manager has spoken to all involved (debriefs)
- Registered Manager's Signature

Staff must record each incident relating to behaviour management where physical intervention has been used. Events should be investigated to ascertain the whole circumstances as to the cause of the situation. Staff must complete a significant event and record of restraint (ROR) form in which they outline details of their actions and the child / young person's views and debrief. All this information is monitored and evaluated by the Home Manager.

Staff will also enter any medical issues or accidents in the correct logbooks. When possible, they MUST reflect on their actions and analyse how / why the situation required physical intervention and if the incident could have been managed anymore positively. They should discuss triggers and how de-escalating techniques were not successful. This will be recorded as staff debrief.

All records of significant events and records of restraint MUST be checked weekly and monthly by the Registered Home Manager and agreed by the RI. Any concerns or patterns must be discussed, and actions taken i.e. planning meetings, supervisions, staff meetings, consultancy or more senior disciplinary procedures.

If a behavioural problem persists, the Senior Manager is to be consulted for guidance and to give direction. Any incident of damage to self, other or property should be recorded as an incident by each staff member. (See SUTE Policy)

It is the responsibility of each member of staff to record accurately, truthfully and objectively, the events that took place before, during and after the event. They should at all times reflect on the experiences and establish how practice can be improved. The view of the young person is paramount although it is recognised that it may be difficult to engage them at this point; however, all attempts should be made, and their views recorded.

All reports must be sent to the Home Manager immediately, who will disseminate these appropriately. Any safeguarding concern MUST be passed to the DSL with 1 hour.

In the case of injury, detail will be included on the incident report and accident form, SW Education & Care Responsible Individual will also receive copies of all documentation. All reporting is quality assured at SW Education & Care, this involves monitoring and evaluating incidents,



responses/interventions, analysing subsequent data and reporting directly to SW Education & Care Senior Management Team.

The on-call manager should be informed of escalations in behaviour; the Registered Home Manager /Deputy should agree any consequences or sanctions.

The following information for every sanction should be recorded in the sanction book:

- Date
- Name of child / young person
- Description of the behaviour leading to sanction
- Description of the sanction imposed
- When the sanction is to be reviewed / lifted
- Signature of staff issuing the sanction
- Monitoring of impact
- Evaluation of the impact
- All MUST be monitored and reviewed by the Registered Home Manager

Registered Managers will review the sanction book weekly to ensure the process has been adhered to and the child / young person has benefitted from the experience. In accordance with Regulation 35:

(3) The registered person must ensure that—

(a) within 24 hours of the use of a measure of control, discipline or restraint in relation to a child in the home, a record is made which includes—

(i) the name of the child;

(ii) details of the child's behaviour leading to the use of the measure;

(iii) the date, time and location of the use of the measure;

(iv) a description of the measure and its duration;

(v) details of any methods used or steps taken to avoid the need to use the measure;

(vi) the name of the person who used the measure ("the user"), and of any other person present when the measure was used;

(vii) the effectiveness and any consequences of the use of the measure; and

(viii) a description of any injury to the child or any other person, and any medical treatment administered, as a result of the measure;

(b) within 48 hours of the use of the measure, the registered person, or a person who is authorised by the registered person to do so ("the authorised person")—

(i) has spoken to the user about the measure; and

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(ii) has signed the record to confirm it is accurate; and

(c) within 5 days of the use of the measure, the registered person or the authorised person adds to the record confirmation that they have spoken to the child about the measure.

(4) Paragraph (3) does not apply in relation to restraint that is planned or provided for as a matter of routine in the child's EHC plan or statement of special educational needs.

Restraints and interventions must be recorded appropriately and within 24 hours.

17.0 Allegations of Assault or Abuse against Members of Staff



If a child / young person wishes to complain about any intervention or restraint used by a member of staff, the complaint should be written down (with support as necessary) and the Home Manager, RI and Senior DSL informed. The Home DSL will liaise / refer to the LADO after considering the evidence available at that time. The course of action will be agreed with the LADO. The RI and Senior DSL will ensure actions are completed.

If the DSL having examined all the facts, in consultation with the LADO, is satisfied by the course of action taken, and no policies have been breached, then s/he should:

- Notify the child / young person of the outcome
- Notify the student's parents/guardians or other persons/agencies with parental responsibilities.
- Record the outcome of the investigation, ensuring the copy is on the child / young person's file

If the DSL concludes that the complaint is one of possible child abuse, then s/he will continue to liaise with the local area designated officer and the Police.

The Home Manager / DSL may need to initiate an investigation under the company's Disciplinary procedures. Where a crime has taken place however, **they cannot do so** until authorised by the police and local authority. This is because if a crime has been committed an internal investigation could jeopardise any criminal investigation by the police, affecting the possible evidence and later judgement. Where applicable any staff member(s) implicated or involved in the allegation, would be suspended whilst this process takes place. This is for the protection of the child or young person, as well as the staff members' protection, on the basis that the allegation may not be upheld or was unfounded.

The DSL will liaise with the local authority LADO and police (where applicable) throughout the process. In some cases a decision may be made with the local authority to refer to the Disclosure and Barring Service, e.g. when there is a concern that the suspended staff member is seeking alternative employment with vulnerable adults or children and the outcome is yet to be concluded.

If the complaint involves the Home Manager/ DSL, and relates to possible child abuse, then the Senior DSL and the local authority will need to be notified and the Responsible Individual will also be informed immediately. The same process as above will be followed

18.0 Complaints from Members of Staff alleging Assault

If the Registered Home Manager receives a complaint from a member of staff who has been assaulted by a child / young person, then they should:

- Provide immediate support and help the staff member to deal with their reactions to the assault and to re-establish confidence.
- The staff member (or representative) should complete an accident form to detail injuries.
- If serious, report the incident to the RI. The member of staff should receive a copy of the report which should include the incident report.
- If the member of staff wishes to contact the police, they have a right to do so.
- SW Education & Care MD and CEO will be informed.



- The member of staff's union or professional association may be represented at any disciplinary meetings held to discuss the incident if the member of staff wishes. Such representation at investigation stage is at the discretion of the investigating officer.
- The child / young person's risk assessment and behaviour support and management plan will be reviewed and revised as necessary.

19.0 Dissemination, implementation and review

All policies are disseminated at induction and refresher training and are implemented by all relevant staff. Updates and reviews are circulated by the senior management team to local managers who disseminate and implement the new policy. Line managers then ensure all staff read understand and implement the new policy and procedures.

All SW Education & Care' policies are reviewed annually.



Appendix 2 – Legislative Framework

This policy has been drawn up on the basis of law and guidance that seeks to protect children, namely:

- The Children's Home Regulations (England) 2015
- Children's Homes (England)(Amendment) Regulations 2018
- Children Act 1989
- Human Rights Act 1998
- United Convention of the Rights of the Child 1991
- Equality Act 2010 (Amendment) Regulation 2023
- Data Protection Act 1998
- Use of reasonable force, DfE 2013
- The Data Protection, Privacy & Electronic Communications (Amendments etc.) (EU Exit) Regulations 2020
- Sexual Offences Act 2003
- Children's Act 2004
- Protection of Freedom Act 2012
- Working Together to Safeguard Children Procedures (DfE 2024)
- Positive Environments where can Flourish (Ofsted 23 March 2018)
- Safeguarding Devon Children's & Families Partnership (Previously LSCB)



Appendix 2 – Related Standards and Regulations 2015

Standard 2	Views, Wishes and Feelings	Regulation 7
Standard 4	Enjoyment and Achievement	Regulation 9
Standard 7	Protection of Children	Regulation 12
Standard 9	Care Planning	Regulation 14
Regulation 19, 20 and 35		