

Manual:	Foster Carers Handbook; Fostering Service Procedures
Title:	Allegations Against Foster Carers (FCH/050)
Last Reviewed:	12/01/2016
Next Review Due:	12/01/2019

INTRODUCTION

This procedure applies in the following circumstances:

- Where allegations are made, or suspicions are raised that approved foster carers have caused **Significant Harm** to a child;
- Or where there are serious concerns about foster carer's standards of care or practice.

Both allegations and serious concerns may lead to the termination of a carer's approval to foster.

This procedure refers to managing allegations and serious concerns about foster carers in broader terms and specifically the support that should be given to foster carers. This procedure should be read in conjunction with the Durham County Council (DCC) Local Safeguarding Children Board (LSCB) Multi-Agency Child Protection Procedures, Appendix 5 – Allegations Management Procedures which should be followed when dealing with investigating allegations against foster carers.

This procedure takes account of the Fostering Services (England) Regulations 2011, Associated Guidance and National Minimum Standards.

Contents

1. Policy
2. Introduction
3. Procedure
 - 3.1 Investigation
 - 3.2 Support and Action during the Investigation
 - 3.3 Concluding the Investigation
 - 3.4 Evaluation Meeting
 - 3.5 Foster Carer Review
 - 3.6 Recording

3.7 Timescales

1. Policy

All children are entitled to the same level and standard of protection from harm including those receiving services from statutory or other agencies. For this reason, enquiries and investigations relating to children in receipt of such services must be dealt with under the principles, policies and procedures laid down by the LSCB Multi-Agency Child Protection Procedures, Appendix 5, Allegations Management Procedures.

Allegations or suspicions that a foster carer has caused Significant Harm to a child will be investigated thoroughly, speedily and sensitively under those procedures and will involve open and honest communication with and support to all those affected.

Clear timescales will be integral to the procedure and those involved must avoid delay unless there is good reason. There will be clarity regarding access to reports and documents relating to the investigation.

It is important to note that, although there may be insufficient evidence to support a criminal prosecution, this does not mean that action cannot be taken to protect a child, or that the termination of a foster carer's approval cannot be considered.

It should also be noted that it may be necessary to consider during an investigation what action, if any, should be taken with regard to other children with the whom foster carers have contact, including their own children and grandchildren.

2. Introduction

The expectation is that:

- At the time of a child's placement, foster carers will be provided with detailed information as to the child's background and in particular the context of any abusive experiences of and/or previous allegations made by the child;
- All foster carers will receive preparation, training, supervision, support and guidance to help them provide a safe environment for the child and all members of the foster family;
- All foster carers should have a risk assessment undertaken for each new placement and following any new information which indicates additional risks may be present;
- All foster carers will be assisted in producing a Safe Care policy during the assessment process which will be shared with any child placed, and reviewed annually;

- All foster carers will have received information about this procedure in the foster carer procedures and the LSCB Procedures;
- All foster carers will follow procedures for recording the progress of children placed with them on a daily basis. This includes any incidents or complaints. Foster carer's must understand that these procedures are designed to protect all those involved in the child's placement, particularly at times of high stress, and will provide important evidence if an allegation is made. For this reason it is essential that they keep daily records up-to-date.

In addition, in relation to the Fostering Service, in accordance with the Fostering National Minimum Standards 2011:

- The Strategic Manager, Looked After Children and Permanence Services is the designated senior manager in respect of liaison with the Local Authority Designated Officer (LADO). However, the Fostering Operations Manager and Team Managers must also ensure that liaison takes place with the LADO in respect of any allegations.
- All staff within the Fostering Service must be aware of the requirements of this procedure, and the role of the LADO.

3. Procedure

3.1 Investigation

Any person who receives information or suspects that a child has suffered or is likely to suffer Significant Harm in a foster placement must immediately inform the child's social worker.

On receipt of any such information, the child's social worker must immediately:

- Inform his or her team manager, who will inform their Operations Manager and Strategic Manager,
- Inform the Fostering Social Worker with responsibility for supervising the foster carers and his/her team manager;
- Refer the matter to the social work team responsible for child protection investigations (Families First) in the area where the foster carer resides.

The Fostering Social Worker will:

- Inform their Team Manager who will inform their Operations Manager and Strategic Manager, Looked After Children and Permanence Services
- Inform the social workers for any other child in the placement;
- Inform any other Local Authority with an interest/child placed in the foster placement;

- Provide support to the foster carer once they have been made aware of the allegation;
- Give the Foster Carer information about the Fostering Network Advice and Mediation Service so that the carer can access independent support.
- Give consideration to support for the foster carer's own children, whether or not the allegation has been made against them;
- Continue to have responsibility for being the link between the Fostering Service and the foster carer, even when the foster carer has independent support.

The investigation process must follow the DCC LSCB Multi-Agency Child Protection Procedures, Appendix 5 – Allegations against staff, carers and volunteers

There may be up to three strands in the consideration of an allegation against a foster carer:

- Enquiries and assessment by DCC Children's Services about whether a child is in need of protection or in need of services;
- A police investigation of a possible criminal offence
- A review of a foster carer's suitability to foster, presentation of this review to the Fostering Panel for recommendation and subsequently to the Agency Decision Maker for a decision.

It may be necessary for these three strands to operate in parallel.

In rare cases, allegations will be so serious to warrant immediate child protection investigation and intervention by Children's Services and/or the Police. Others may seem less serious and may not warrant a police investigation or enquiries by Children's Services. However, the role of the LADO is central to the initial decision making process in all circumstances.

There are four possible investigation routes;

1. **Significant Harm**

The process must follow the DCC LSCB Multi-Agency Child Protection Procedures, Appendix 5 – Allegations against staff, carers and volunteers

2. **Threshold of Significant Harm has not been reached but a criminal offence may have been committed**

The process must follow DCC LSCB Multi-Agency Child Protection Procedures, Appendix 5; Allegations against staff, carers and volunteers

3. Significant Harm threshold is NOT reached and Police investigation is NOT necessary but there are serious concerns about foster carers practice or standards of care

- The Fostering Social Worker and the child's social worker will conduct an enquiry into the concerns raised about the foster carers practice or standards of care as directed by their respective Team Managers
- At the conclusion of this enquiry a Standards of Care Meeting will be held by the Fostering Team Manager and Fostering Social Worker with the foster carers to discuss the outcomes of the enquiry and any recommendations which are made as a result.

4. Significant Harm Threshold NOT reached and police investigation NOT necessary and no serious concerns about the foster carers practice or standards of care

- The Fostering Social Worker and the child's social worker will conduct an enquiry into the concerns raised about the foster carers practice or standards of care as directed by their respective Team Managers
- The foster carers must be clearly informed in writing and during visits about the enquiry and progress made
- If the enquiry concludes that there are no serious concerns a meeting will be held by the Fostering Team Manager and Fostering Social Worker with the foster carers to discuss the outcomes of the enquiry. The foster carers should be informed of the outcome in writing

3.2 Fostering Social Workers role in supporting foster carers during an enquiry/ investigation

The Fostering Social Worker supporting the foster carers must contact the foster carers as soon as practicable and appropriate to their role to them. They must make clear that whilst they are there to provide support to the carer, they have a responsibility to report to the local authority, the Police and in some circumstances to the Court, if any information relevant to the investigation that comes to their attention.

The Fostering Social Worker must provide to the foster carers:

- A copy of this procedure and where appropriate, the relevant part of the LSCB Multi-Agency Child Protection Procedures (Appendix 5);

- The address and contact telephone number of the Fostering Network Advice and Mediation Service;
- Advice about consulting a solicitor;
- Information about making a complaint.

The Fostering Social Worker must inform the foster carers about how they will be supported and about the financial remuneration they will receive during the investigation.

Payment to Foster Carers during an Investigation

If as a result of an allegation being made fostered children are removed from placement and the foster carer is suspended from taking new placements Durham Fostering Service would continue to pay the skills payment element to the foster carer for the number of children in placement removed.

Durham Fostering Service will continue to make such payments, until the time that the agency decision-maker (taking into account the recommendation of the fostering panel) has terminated the carer's approval as foster carers. This should be confirmed in writing to the foster carer if they are suspended from taking further placements.

Under Fostering Service Regulations (2011) Part 5 Regulation.28 (12) written notice must be given to the foster carer that the Fostering Service proposes to terminate the carer's approval, together with the reasons, and inviting any representations either to the Local Authority or the Independent Review Mechanism within 28 days.

This communication should inform carers that any payments being made to them will cease 28 days following the letter from the Agency Decision Maker. In cases where representation is made either to the Local Authority or to the Independent Review Mechanism payment of fee will continue until a final decision is made by the Agency Decision Maker. The Agency Decision Maker will inform the carer in writing and the payment will cease from the date of this communication to the carer.

When a decision is made at the Strategy Meeting that the child is deemed to be at risk of significant harm and that the child needs to be placed elsewhere during the Section 47 enquiry the foster carers will continue to receive payment of the professional fee only. As the foster carers are no longer caring for the child, the child's allowance must go with the child to the new carers. This arrangement will stay in place until a formal decision is reached as to whether the child should return to the carers or a decision is made regarding the carer's approval through the Foster Carer Review/Panel/ADM process.

3.3 Concluding a Safeguarding Investigation

Where the LSCB Procedures are being followed, this will include holding a Strategy De-Brief Meeting which will be convened within 15 days of the first meeting. The same people will be invited as in the original strategy meeting and the same person will Chair the meeting, wherever possible.

The purpose of the Strategy De-brief Meeting is to agree on the outcome of the investigation and responsibilities for any further action including foster carer review and reporting on the matter to the Fostering Panel and/or considering whether it may be appropriate to make a referral to the Disclosure and Barring Service (DBS) for inclusion of the foster carers on the Children's Barred List.

The Chair of the Strategy Meeting will notify the following of the outcome and decisions made at the meeting:

- the parents
- other relevant agencies

The Chair of the Strategy Meeting and the Fostering Team Manager will notify the foster carers of the outcome and decisions made at the meeting and will ensure that this is put in writing for the foster carer.

3.4 Evaluation Meeting

Following a Section 47 enquiry, or an investigation by the Fostering Service, foster carers should be offered the opportunity of having an evaluation meeting during which they are enabled to express their views on the impact of the process on them and their family and any needs they may have as a result. This should be offered within 14 days of the conclusion of the enquiry or investigation.

The meeting should be chaired by a Fostering Team Manager and attended by the foster carer, their Fostering Social Worker and any adult family members who were subject of an allegation, or substantially affected by it. Care should be taken to ensure that such a meeting is not a repeat of an investigation. Consideration should also be given as to whether a separate process is needed for any children and young people, including the carer's children. A record of the meeting should be recorded and sent to all present within 10 working days.

The meeting should consider:

- The impact of the allegation and investigation on the carers/family member who was subject of the allegation/others in family;
- The impact of the decision to remove any children in placement;
- The needs of everyone in the foster carers family;
- The perspective of the Fostering Service;
- Clarification of the carer's current approval status and the need for any review of the carer's approval;
- The foster family's comments on the way in which the Fostering Service undertook their roles and responsibilities;

- How any needs raised by the foster carer's or identified by the Fostering Service will be met.

3.5 Foster Carer Review

- A formal Review should be held following an allegation or serious concern about practice or standards of care against a foster carer or member of their household (See Review of Foster Carers).
- The review will be presented to the Fostering Panel.
- Where there are recommendations made, for example about additional training and development required by the foster carer, they should be clearly set out in a plan together with timescales for completion.
Consideration should also need to be given to the approval range and type of foster placements that are most suitable for the foster carer.
- Any consideration of changes to the approval of the age range of children must return to the Fostering Panel with the foster carer review and details of the issues, the carer's strengths and areas for development.

3.6 Recording

The Fostering Social Worker must ensure that clear information about any allegations and investigations are recorded on SSID and copies of reports and letters (including outcome letters), are kept on the carer's confidential file until they reach normal retirement age or for 10 years if that is longer.

3.7 Timescales

Investigations into allegations should be thorough, fair, consistent and resolved as quickly as possible in line with LSCB Procedures and Working Together to Safeguard Children 2013. The time taken to investigate and resolve individual cases depends on a range of factors, including the nature, seriousness and complexity of the allegation and the Fostering Social Worker must maintain communication with the foster carer/s throughout the process.

In line with the Fostering Service Guidance and Regulations 2011, it is expected that 80% of cases should be resolved within one month, 90% within 3 months, and all but the most exceptional cases should be completed within 12 months. Where it is clear immediately that the allegation is unfounded or malicious, it is expected that they should be resolved within one week.

If the nature of the allegations/concerns does not require formal action under the LSCB procedures and is being dealt with as a Standards of Care issue, the Fostering Service should:

- Resolve allegations which are unfounded or malicious within one week
- If no formal action is required, the Fostering Service should institute appropriate action within 3 working days.

- If formal action is required and can be taken without further investigation, the Fostering Service should resolve within 15 working days

RELATED DOCUMENTS

[Local Safeguarding Children's Board Procedures](#)

[Fostering Services \(England\) Regulations 2011](#)

[Fostering National Minimum Standards 2011](#)