



Rutland Fostering Service

Allegations against a Foster Carer - Standards of Care

Created by: Laila Oliver – Fostering and Assessment Service Team Manager

Updated 2023

www.rutland.gov.uk



Rutland
County Council

1. What is a “Standard of Care” Concern?

A 'Standard of Care concern' refers to an accusation, unrelated to child protection, that the care provided to a child does not meet the expected standards for a registered foster carer (National Minimum Fostering Standards 2011, Standard 22).

These types of concern have been agreed as not requiring LADO involvement but need further exploration. Standards of care concerns are typically investigated by Rutland's Fostering Service as an internal fact-finding investigation, ensuring a thorough examination of the matter in a compassionate manner.

The person who decides whether or not a concern is an 'Allegation' is the Local Authority Designated Officer (LADO). The LADO will make this decision in consultation with managers from the children's social work team and the Fostering Service.

2. Why are 'Standard of Care concerns' made?

These are some of the reasons a standard of care concern may be raised:

- when a foster carer has not provided a child with the standard of care expected of a registered foster carer under fostering regulations and Rutland's guidance.
- when there are different standards and expectations of care between fostering households.
- when others in the child's network; e.g. birth family, social workers, child's school do not agree with aspects of the parenting provided by the foster carer.
- when a child does not agree with aspects of parenting provided by the foster carer
- when a foster carer behaves in a way that contravenes what is expected of a registered foster carer, as set out in the Foster Carer Agreement

Sometimes concerns fall very clearly in to one of the above categories. At other times, especially if the issue(s) is complex, it is not immediately clear whether the matter falls under Allegations or 'Standards of Care concerns.



The definitions outlined have corresponding 'levels' to aid communication and understanding between the involved workers.

3. Standard of care concern (Level 1)

Issues related to day-to-day management, for example:

- Having a child's hair cut without discussion with parents where delegated authority has not been agreed for the foster carer;
- Quality or nature of diet, clothing or routine care and low-level discipline issues;
- An accumulation of extremely low-level issues that have not met the threshold for complaints and allegations.

The boundary between the level of concerns may be blurred and change as the assessment is undertaken. Several concerns initially addressed at Level 1 may cumulatively meet the criteria in Level 2, Allegation requiring investigation under Section 47 child protection procedures (Level 3) below.

4. Concerns of a safeguarding nature that fall below the threshold for Section 47 child protection investigation (Level 2)

Issues that may fall into this category are:

- Concerns that have been dealt with at Level 1 but have persisted, despite intervention and support from the Fostering Service;
- Allegations made by a child against the foster carer that do not meet the Section 47 threshold but, nonetheless, are deemed to need investigating further;
- Allegations or concerns that are deemed to require a joint response from the Fostering Service and the child's social work team;
- Concerns indicating the person may not be suitable to work with children.

Examples of a Level 2 concern may be:

- Foster carers parenting style and quality of care e.g. inappropriate discipline;



- Quality of working with other professionals e.g. failure to adhere to the child's care plan;
- Breach of confidentiality;
- Persistent concerns that a child is failing to flourish in a foster placement.

The boundary between the level of concerns may be blurred and change as the assessment is undertaken. Several concerns initially addressed at Level 2 may cumulatively meet the criteria in Level 3. An allegation requiring investigation under Section 47 child protection procedures (Level 3) below.

5. Allegation requiring investigation under Section 47 child protection procedures (Level 3)

An allegation of this nature would be when a child may be suffering or likely to suffer, significant harm due to the action or inaction of the foster carer. There may also be concerns about their suitability to work with children. The criteria:

- Behaved in a way that has harmed or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children, e.g. viewed images of child abuse, consumed excessive alcohol whilst with a child, or engaged in domestic violence;
- Behaved or may behave in a way that indicates they may not be suitable to work with children.

These concerns are to be managed and investigated in line with LSCP policy 5.1.7 Allegations Against Foster carers which can be found here: [Allegations Against Foster Carers Policy](#)

6. Determining the level of concern

The fostering team manager and child's social work team manager should agree the level of concern and when level 3, should agree which team manager will refer to the Local Authority Designated Officer (LADO). Where there is disagreement on the level of

a concern/allegation, discussion should be held with the LADO. Where agreement cannot be reached, the matter should be escalated to the relevant service managers.

7. Roles

Fostering Team Manager (FTM)

The FTM has responsibility for ensuring standards and management systems are in place, and adhered to, to protect each child from abuse, neglect, exploitation, and deprivation in its fostering households, as well as monitoring and promoting the quality of care available.

The FTM and their supervising social workers alongside the LADO have a key role in ensuring issues against carers are fully investigated. They should provide support to facilitate and develop the fostering role to protect both carers and children by sound practices. The FTM is responsible for communicating with the foster carers at key points. The FTM is responsible for ensuring identified work with carers has been completed.

Standards of Care Assessment Social Worker (SASW)

Depending on the concern and individual circumstances the FTM will make as a decision as to who will act as the SASW. This will either be the SSW or another social worker from the fostering team or another team.

The SASW will complete a supervising social worker review report. The report will explore all of the Training Support and Development Standards (TSDS) and National Minimum Standards for Fostering (NMS), with a clear focus on the area/s of concern. They will conduct a thorough, fair and balanced, strengths-based assessment of the presenting concerns and make a recommendation as to whether the case should close with no further action, whether the foster carer meets the National Minimum Standards, whether they can be supported to meet the National Minimum Standards, and to make recommendations. They also recommend whether the case should be presented to panel. If the case is to be heard at panel, there should be a clear recommendation regarding continued approval, and the terms of that approval.

Supervising Social Worker (SSW)

The SSW has a key role in supporting the assessment as directed by the FTM and the SASW. Usually this will involve providing information about the foster carers, including

information about any history, concerns and obtaining the views from other professionals, birth parents and children.

The SSW has an on-going role to provide supervision to the foster carer during the investigation process. Regular contact should be maintained. The SSW should have clear guidance from the FTM about what can be shared with the foster carers. SSWs must ensure that foster carers have information about how to access support from the Fostering Network and the Employee Assistance Programme. The SSW will, upon receiving the SASW report, compile a support plan to be submitted alongside the SASW report to the FIRO for review.

Child Social Worker (CSW)

The CSW will ensure that appropriate safeguarding arrangements are made to ensure the safety of the child, and support arrangements are in place. There may be a role for this worker in facilitating communication between the SASW and the child and/or birth parents.

The Local Authority Designated Officer (LADO)

LADO has a key role in dealing with allegations about foster carers. They agree threshold for the involvement of LADO and are involved in the co-ordination and oversight of individual cases, providing advice and guidance to employers and voluntary organisations. They liaise with the police and agencies and monitor the progress of cases to ensure they are dealt with in a thorough, timely and fair manner. With standards of care, the LADO is only involved in the agreement as to whether threshold for LADO is met. If threshold is not met, the LADO ceases involvement.

Fostering Independent Reviewing Officers (FIRO)

The FIRO reviews the status and suitability of foster carers annually, taking account of information from the child; carers; child's social worker; SSW, IRO. The FIRO will review the report produced by the SASW and make further suggestions around support and a recommendation. Due to the unique and small size of Rutland County Council, if there are circumstances in which the FIRO is not available, or there is a conflict, the TM will act as FIRO. However, if this is the case, unless the outcome is no further action, the case must go to panel prior to going to ADM, this is solely to ensure an independent view has been obtained.

Fostering Panel

Fostering Panel members have a responsibility to review the approval of any foster carers and their suitability to continue fostering following any complaint or allegation if the case is brought to panel. The panel advisor will provide professional support and guidance to the panel on the process as required.

Agency Decision Maker (ADM)

The final decision regarding continued suitability is made by ADM based on reports presented to Fostering Panel, the recommendations of the Fostering Panel and any other information they obtain which must be detailed in their decision.

8. Initial Response

When the fostering team or the child's social work team receive any information of concern, this should be shared at the earliest opportunity with social workers and team managers across the relevant fostering and child social work teams.

The child's social work team manager and the FTM should discuss and agree the nature and level of the concern or allegation, and whether safeguarding procedures or any protective action is required. This will include whether to refer to the LADO, whether to deal with the allegation as a standard of care concern or whether the information provided does not require any further action. This discussion and decision should be clearly recorded on Liquid Logic.

When it is determined a referral to the LADO is required, the team manager (can be either FTM or child's TM) holds the initial discussion with the LADO and will demonstrate how the situation may or may not meet the criteria. During the discussion the following information should be available:

- Information about the legal status of the child, the responsible LA for the child, length of time in placement, contact details for key people;
- Information about other children in placement, including carers own children;
- Details of the allegation or complaint;
- Any actions already taken;
- Whether the carers are aware of the allegation;
- Discussion about the needs of all the children in the foster home;



- Information about the carers' record in fostering and on hold from taking further placements, the circumstances;
- The views of the foster carer if known;
- The views of the SSW, child's social worker and anyone relevant.

For Level 2 concerns the LADO will advise whether the LADO threshold is met. Level 3 concerns will automatically progress to a LADO process. See

The FTM will inform the fostering service manager (FSM) of any serious allegations or complaints without delay. The FSM will need to consider if an Ofsted Notification is required.

Rutland County Council's policy is that any foster carer with a Standards of care concern of level 2 or above should automatically be placed on hold from accepting any further placements. Should there be any reason that an exception is made, this would need to be approved by the FSM with a clear rationale recorded on Liquid Logic.

Once a foster carer is placed on hold, a retainer fee may, in some circumstances be payable.

Depending on the nature of the concern/allegation the CSC Service Manager and the child's team manager will need to consider the safety and best interests of the child/ren in placement. Where a decision is made to move or not move the child/ren to an alternative placement, the rationale for this decision, including an assessment of the risk should be clearly evidenced on Liquid Logic. Current placements may remain if discussed and agreed with the CSC Service manager and the child's team manager.

Resignations will not preclude the investigation being concluded.

9. Responding to Standard of Care Concerns (Level 1)

If the issue about day to day care is still at the lower end of the spectrum, then, by agreement with their respective team managers, the child's social worker and/or the SSW should, as soon as possible, make a joint visit, to the foster carer to discuss the concern.

The FTM will decide whether the matter can be concluded (usually in consultation with the child's Team Manager) and recorded as a team manager decision on Liquid Logic (both adult and child file). The outcome can be reviewed at the next routine Foster

Carer Review (FCR) or a decision made that one will be held sooner. Any actions or training identified through any of these processes should be followed up by the SSW and checked in supervision by the FTM.

If the social workers and the team manager(s) are not satisfied with the outcome of their visit, a recommendation can be made to upgrade the matter to a concern of a safeguarding nature which falls below the threshold for Section 47 child protection investigation (level 2). If there are a number or pattern of concerns, consideration should be given to the level of response. Persistent or repeated low-level concerns about day-to-day care may constitute a greater concern about the quality of care, suitability or professionalism shown by the carer.

It may be felt that it is appropriate to hold an early foster carer review (FCR) to consider the concerns in the context of the foster carer's overall competence. If an FCR is required it should be held as soon as possible in consultation with the FTM and chaired by a FIRO. The child's social worker will submit a written report. The purpose of the review is to consider whether the foster carer meets the National Minimum Standards or whether they can be supported in meeting the National Minimum Standards and to make recommendations.

The FTM will write to the carer detailing the outcome of the concern and should include a copy of the review, if this has been held, within 10 working days. A complaints leaflet must also be included. A copy of the letter should be uploaded to the carer's file on Liquid Logic and the child's social worker and team manager alerted. Where there has been a review, the ADM will agree a letter to the foster carer to be sent by the service.

The concern should be recorded on the form 'Foster Carer Record of Concerns or Allegations' on the carer's file in Liquid Logic . If there are two carers in the household it should be recorded on both carers' files.

Should Level 1 concerns not be resolved satisfactorily then matters should be escalate to Level 2 of these procedures.

10.

Responding to Concerns of a Safeguarding Nature that fall below the Threshold for Section 47 Child Protection Investigation (Level 2)

All Level 2 concerns should be discussed with the LADO who will consider whether it meets the threshold for LADO. If it does meet LADO threshold, standards of care no longer apply. Refer to [Allegations Against Foster Carers Policy](#) for further information.

When it is agreed that LADO threshold is not met, the following process should be adhered to:

- The plan of action should be discussed and agreed by the FTM. This should include agreement on who will be undertaking any further investigation. This may be a joint investigation between the Fostering Service and the child's social work team, or it may be agreed that one service leads;
- A professionals meeting should be arranged to share information and to discuss the concerns. This meeting should agree any actions arising from the concern. There should be clear minutes which should be recorded on both the children's and the foster carer's records on Liquid Logic . Depending on the significance of the concerns, the professionals at the meeting may decide to arrange a further professionals meeting to review progress;
- While being rigorous, the process of this assessment needs to be proportionate to the circumstances of the case, as concerns will vary in terms of seriousness and their impact on any child concerned;
- Following a Level 2 concern a Foster Care Review is required. This should be held as soon as possible in consultation with the FTM and chaired by a FIRO. In these circumstances, the child's social worker will submit a written report. The purpose of the review is to consider whether the foster carer meets the National Minimum Standards, whether they can be supported to meet the National Minimum Standards, and to make recommendations. All reviews following Level 2 concerns should be considered for referral to the Fostering Panel, the FIRO will make this decision. Those reviews having had previous Level 2 concerns will go to Fostering Panel. Those reviews that do not go to Fostering Panel will be sent to the ADM for a final decision.
- Any concern or allegation should be recorded on the 'Foster Carer's Record of Concerns or Allegations'.

Those with parental responsibility, unless there is a clear justification for not doing so, which should be recorded, should be informed about the concern, or allegation and the outcome. This is the responsibility of the SASW, in conjunction with the child's social worker. Consideration should be given as to whether to inform those with parental responsibility of other children in placement.

11. **Support for Foster Carers**

The Fostering Network provides a variety of support to foster carers including an informative website and a national helpline. Carers also have access to the services of

an independent advice and mediation worker through the Fostering Network when dealing with concerns, complaints or allegations. SSWs will continue to provide supervision and support to foster carers throughout this process and will keep foster carers as informed as they are able to in line with guidance from the FTM.

The Standards of Care process can be distressing for carers, and staff should ensure that they are sensitive and supportive, whilst maintaining professional boundaries.

12. **Foster Carer Review (FCR)**

For Level 1 concerns a FCR is convened at the discretion of the FTM.

For concerns/allegations at Level 2 or Level 3 the SSW will ensure that a review of the foster carers, chaired by a FIRO, is held as soon as possible in consultation with FTM following the outcome of the process.

The FCR should review and confirm the status of the foster carers and make recommendation as to continued suitability to act as a foster carer.

The recommendations from the FCR will be confirmed by the FIRO in writing to the carer along with a copy of the review report. The possible outcomes and recommendations are:

- Re-assessment of the carer in relation to the identified concerns;
- Immediate re-instatement of the carer if approval and use had been on hold;
- Reconsideration of the terms and range of approval (variation);
- Future identified training or development needs;
- The carer choosing to resign;
- The concerns are sufficiently serious to recommend termination of approval regardless of whether there is a criminal prosecution.

When there are concerns as to the continued suitability, it is important to avoid delay in holding a Review to ensure the Panel process is timely and further stress and anxiety to the carers is prevented. Delays have financial implications if retainer fees are payable.

If the carers resign and the Review is booked before the 28-day notice period ends, the Review shall still go ahead, whether the carers attend or not.

13.

The Fostering Panel

Where it is agreed a case will be referred to Panel, Foster carers will be invited to panel. The SSW, SASW, and FIRO will attend the panel.

Where carers have offered their resignation and this takes effect (this mean that the notice period of 28 days is complete) prior to an FCR, the FCR and Fostering Panel will not go ahead. The SSW will write a concluding case note on Liquid Logic outlining the concerns, complaints or allegations raised about the foster carer and the outcome of the Standards of Care Process. The SSW should specify if there are areas where the foster carer was not considered to be meeting the National Minimum Standards for Fostering. Any identified concerns about the individual should be clearly noted and analysed by the SSW or FTM and be available should they apply to be a foster carer in the future. The SSW must alert the FTM to their case note and the FTM will add their comments. The FTM must then alert the FSM who will acknowledge and sign off the case note. A copy of the case note, and analysis should be sent to the foster carers.

Prior to reaching any conclusions the panel must consider the following:

- SSW Report to the Review including Fostering TM comments
- FIRO Report to Review and recommendations;
- Views of the child's social worker;
- Chronology;
- Views of the child;
- Any written representations by the carers.

The panel should make recommendations in line with the requirements of the Fostering Services Regulations 2011. The reasons for the recommendation will be made clear. The possible recommendations are:

- The carer(s) remains suitable to foster and the terms of the approval remain appropriate);
- The carer(s) remains suitable to foster and the terms of the approval are changed or restricted;
- The carer(s) is/are no longer suitable to foster.

The panel co-ordinators will forward the final panel minutes and recommendations to the agency decision maker 5 working days after panel. The ADM has 2 working days to



consider all the reports presented to panel, the recommendations from panel and any further information gained after panel and progress in accordance with the requirements of the Fostering Services Regulations 2011 Regulation 27 (6) (7) (8). Any further information gained by the ADM post panel must be detailed in their decision.

The carers must be informed verbally in 2 working days and in writing of the agency decision maker's conclusion and the reasons for this within 5 working days.

If, after taking into account information detailed above, the agency decision maker is no longer satisfied that the foster carer or their household is suitable to continue (or their terms of approval are appropriate) as foster carers, written notice must be given to the carer that it is proposed to terminate or revise the terms of the approval. This is called a 'qualifying determination'. The reasons for the decision should be provided with a copy of the panel recommendations.

This notice must also include the right to challenge this decision, the carer may:

- Within 28 days of this notice, submit any representations about the case to the agency decision maker;
- Apply to the Secretary of State for a review by an independent review panel of the determination.

The opportunity to appeal to the Independent Review Mechanism (IRM) via the Secretary of State does not apply in circumstances covered in Regulation 26(6). This is essentially where the foster carer or a member of their household over 18 years old has been convicted or cautioned of a specific offence (these offences are listed in Regulation 26 (5) and in Schedule 4 of the Fostering Regulations).

If the carers do not respond within 28 days, and make no representation or request for a review, the determination can be progressed to a decision (Regulation 27 (8)). This will then be confirmed in writing to the carer.

If any representations are received following the determination these will then be passed to an RCC panel for consideration (Regulation 27 (9)). Good practice would suggest that this would be a different panel to build in independence and further scrutiny.

The new panel should consider the representations made by the foster carer in conjunction with the minutes and documentation from the previous panel. The foster carer and participating parties would need to attend panel. The panel will make recommendations whether the foster carer remains suitable and the terms of that approval suitable.

These further recommendations will be passed to the agency decision maker who will make a final decision in line with the Fostering Services Regulations 2011 (Regulation 27 (9)).



The qualifying determination letter contains advice and guidance on how the foster carers can apply to the independent review panel for an independent review of the determination. Information should be sent to the Secretary of State within 10 days of receipt of the request. All the documentation considered at panel, the minutes and correspondence to and from the carer should be sent.

Once the independent review panel has heard the matter and made its recommendations the agency decision maker can proceed to make a final decision based on both the original panel's recommendations and those of the independent review panel (Regulation 27 (10)).

The agency decision maker should send a copy of their notification to the foster carer and to the Secretary of State (Regulation 27 (12)).

The decision made by the agency decision maker following the subsequent panel or review panel is final. There is no regulatory mechanism for this decision to be reviewed.

Carers can use the complaints process to challenge the decision-making process. This may be if:

- The carers assert that the process and procedure followed was flawed, e.g. the investigative process, the household review process or the panel process was not followed;
- There was significant inaccuracy in the information relied on to reach the panel recommendation and the agency decision.

In circumstances where RCC foster carer's approval to foster is terminated but they reside in another local authority, or if a child from another local authority is placed with the carers, the Fostering Team Manager should notify the other local authority of the reasons as set out in the written notification to the foster carers.

14. **Complaints Process**

The following has been agreed as a modified process in response to complaints regarding the outcome and/or the Standards of care process. This covers both contemporaneous and non-recent allegations.

- The Service Manager will lead the response to all complaints and will liaise with the Service Manager Independent Chair Service (ICSM) should the complaint relate directly to the Chair or outcome of the meeting;

- As with all stage 1 responses, consideration should be given to offering to meet with the complainant either as part of the initial response or following the written response at the request of the complainant;
- Where a complainant remains dissatisfied following the stage 1 response (and any attendant meeting), in circumstances where the outcome of the final meeting remains the central factor, the case holder within the complaints team will discuss with the Head of Service (HOS). Where felt appropriate the HOS will independently review the case before a decision is made about progression to stage 2 (This will be a file review);
- The outcome of this review will be:
 - Upholds the original decision;
 - Recommends a 'Managing Allegations against Foster Carer' meeting;
 - A change to the outcome classification (this will only be an outcome in exceptional circumstances).
- The outcome of the review will be communicated to the complainant. If the complainant remains dissatisfied the complaints team will consider whether the case is eligible to progress to stage 2 of the complaints process.

15.

Additional Circumstances

Allegations against current and ex-carers made by a child previously placed

Non recent information relating to concerns, complaints or allegations against current and ex-carers should be responded to in the same way as contemporaneous information.

- Standard of Care Concern (Level 1): If the information is of a minor nature and having consulted the chronology there is no suggestion of a pattern of concerns, this matter should be recorded on the ex-carers file as received but not investigated. For current career it will be addressed as above for Level 1 concerns. Feedback to the referrer if it is the former looked after child will be an important part of the process. A letter should be sent to the ex-carer if their address can be confirmed to say information



had been received and kept on file and if any further information is required to contact the department;

- Concern/Allegation (Level 2 or 3): The response should follow the allegation process in the same way as with a current matter. If there are any current safeguarding issues then this should be held within the usual timescales.

If there is no Social Care current involvement with the ex-carers, in agreement with the police, the ex-carers should be contacted to explain a complaint has been received which needs to be addressed with them and seek their views on. If this is not possible then the information should be stored on the carer's file with conclusions reached as far as is possible.

Feedback should be given to all referrers.

