

Breaches of Standards in Foster Care Policy

REGULATIONS AND STANDARDS

The Fostering Services (England) Regulations 2011

[Regulation 11 - Independent fostering agencies—duty to secure welfare](#)

[Regulation 12 - Arrangements for the protection of children](#)

Fostering Services: National Minimum Standards:

[STANDARD 4 - Safeguarding Children](#)

[STANDARD 20 – Learning and development of foster carers](#)

[STANDARD 22 - Handling allegations and suspicions of harm](#)

RELEVANT GUIDANCE

Working Together to Safeguard Children.

RELATED POLICIES

[Safeguarding Children and Young People](#)

[Managing Allegations Against Staff and Foster Carers](#)

[Notifications of Significant Events to Other Agencies](#)

[Complaints and Representation Procedure for Local Authorities and Members of the Public](#)

SCOPE OF THIS CHAPTER

This chapter provides our policy and procedures for circumstances where Community Foster Care is concerned that a foster carer is not meeting Community Foster Care's required standards of practice. These are clearly detailed in the Foster Carer Agreement and associated [Fostering Procedures](#).

Community Foster Care promotes the values, principles and practice enshrined in the legislative and regulatory framework governing children's social care services and our fostering operations. This procedure supports us to deliver the principles and standards of care of our fostering operations:

- The child's welfare, safety and needs are at the centre of their care;

- Children should have an enjoyable childhood and benefit from excellent parenting and education, enjoying a wide range of opportunities to develop their talents and skills, leading to a successful adult life;
- Children are entitled to grow up in a loving environment that can meet their developmental needs.

There is a separate procedure for referring concerns that a child placed with an agency foster carer has been abused by someone who is not a staff member or foster carer of the agency, see [Safeguarding Children and Young People Procedure](#).

There is also a separate procedure for dealing with complaints made about or by foster carers or a child or young person, see [Complaints and Representation Procedure for Local Authorities and Members of the Public](#).

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1. Overview

It is recognised that the National Minimum Standards for Fostering Services and Fostering Services (England) Regulations (2011) present a challenge for all those who are involved in supporting young people in placements with foster carers. While this set of procedures applies specifically to the service that foster carers provide, it is important to recognise that a complaints procedure is in place for responding to concerns by foster carers that the standards set for Community Foster Care's staff are not being met.

When concerns about the standards of a foster carer's practice emerge, a clear differentiation needs to be made between concerns about standards which are not being met, that may be considered to be minor and those that are more significant and therefore require a more formalised approach.

This differentiation can most appropriately be made on the basis of whether or not the concerns raised have an adverse impact on a child's health, development and emotional wellbeing.

Following these procedures is an important means of ensuring that the care provided to children and young people who are looked after is safe and meets their physical and emotional needs.

The starting principle of the policy is to seek to understand what is causing the concerns and what measure and support can be put in place to enable those involved to work more effectively together to achieve the required standard. We want to support our staff and foster carer to learn and develop.

We recognise that facing concerns or investigations regarding standards of practice and care can be a stressful time for foster carers, and their families. We aim to support foster carers and their families during these occasions and to ensure that the investigation is completed with respect and fairness, and within reasonable timeframes.

In the event that a member of staff is implicated in either a minor or major concern this will be dealt with through Community Foster Care's Allegation of Harm policy and/or disciplinary procedures.

2. Definition

Concerns regarding standards of care relate to a foster carer's care or practice as set out in the National Minimum Standards for Fostering Services 2011 and the

Fostering Services Regulations 2011. The investigation process is managed by the Fostering Service.

Community Foster Care conduct separate procedures for allegations of harm and complaints. An 'allegation' is when somebody raises a concern relating to the behaviour of a member of staff, foster carer or other adult associated with the services that we provide where this behaviour may have caused harm to a child or vulnerable adult. The allegations procedure is managed by our Local Authority Designated Officer (LADO) in line with our Safeguarding Children Policy. A complaint is a simple way for service users to voice their concerns.

Complaints are described as either 'statutory' or 'corporate' complaints. The procedure for managing both statutory and corporate complaints is set out in our Managing Complaints Policy.

3. Minor concerns that standards are not being met

A minor concern may not have a direct adverse effect upon the child but breaches the terms of the Foster Care Agreement, the National Minimum Standards for Fostering Services (2011), the Fostering Services (England) Regulations (2011) or the requirements of Community Foster Care and the placing Local Authority as set out in the Placement Plan.

Anyone who has concerns, which fall into this category, should inform the Supervising Social Worker. A record should be made of this and placed on the case file.

Examples of minor breaches of standards might include:

- Persistent failure to comply with the Health & Safety requirements of Community Foster Care and placing Local Authorities;
- Persistent non-attendance at meetings when requested;
- Persistent failure to complete diary recordings in line with the requirements of Community Foster Care;
- Inappropriate expectations of the use of pocket money;
- Not meeting basic requirements of Community Foster Care e.g. transporting of young people or attendance at support groups and training.

On receipt of these concerns the Supervising Social Worker will then discuss with their line manager and record what action is taken. This should be recorded, using 'Monitoring Concern' in the foster carer's case file.

The concerns should be discussed with the foster carer. The discussion should seek to promote reflection and a shared approach to addressing the concerns. This should be recorded in the foster carer's case file. The matter should be monitored and reviewed in supervision and the foster carer's annual review.

In the event of a number of minor breaches occurring which do not result in improvement in standards; consideration should be given to invoking the major breaches of standards procedure.

4. Major concerns or persistent minor concerns that standards are not being met

A major concern would have a direct adverse effect upon the child.

Concerns, which are likely to fall into this category, include:

- Discriminatory attitudes, values, use of language and behaviour e.g. racist attitudes/remarks or behaviour to the young person;
- Serious mismanagement of a young person's behaviour;
- Failure to keep to a safe care plan for a child as agreed with Community Foster Care and the placing Local Authority.

In these circumstances or in any other circumstances where there are concerns that the attitudes or behaviour of foster carers have had or could have an adverse effect on a child's health, development or emotional wellbeing, an immediate response is required.

5. The Process for Investigating Concerns

5a. Reporting Concerns

When a concern about foster carer's standard of care or practice is observed or reported to a supervising social worker, the child's social worker, or another professional, that worker will make an immediate report to their line manager (or duty manager in their line manager's absence), who will bring it to the attention of the Registered Manager. The Registered Manager (or delegated person) will immediately liaise with the child or children's social worker, or their manager.

The Registered Manager must ensure that the appropriate Ofsted notifications are undertaken and updated and that Ofsted is kept informed of progress (see [**Notifications of Significant Events to Other Agencies**](#))

The Registered Manager will ensure that s/he has all the relevant and available information about the issues causing concern, including any history of similar concerns about the carers. The Registered Manager (or delegated manager in her/his absence) will liaise with the Local Authority Designated Manager (LADO) to discuss the information and determine how the matter should be investigated.

National Minimum Standard 22.6 underlines the importance of consulting the LADO regardless of a perception that the concern is insignificant. It states:

22.6) Allegations against people that work with children or members of the fostering household are reported by the fostering service to the LADO. This includes allegations that on the face of it may appear relatively insignificant or that have also been reported directly to the police or Children and Family Services.

If the concern is notified to the Out of Hours worker, the worker will consult with the senior officer on call to agree whether immediate action is required, or whether it is appropriate to refer the issue to the Registered Manager to follow up in office hours.

If the concern relates to the carers' own child, this should be reported through the Safeguarding Children policy and the LADO notified.

It is important to remember that the correct LADO is the LADO from the local authority in which the foster carer resides.

5b. Professionals Meetings

Where discussion with the LADO and other relevant professionals determines that a concern does not warrant a Section 47 or police investigation but does require investigation by the Fostering Service, the Registered Manager will call a Professionals Meeting. The Professionals Meeting will be held within 48 hours of notification wherever possible.

The following people should be invited to the Professionals meeting:

- Registered Manager (Chairperson);
- Supervising social worker (SSW);
- SSW's manager;
- Child Looked After's social worker (CLA.SW);
- CLA.SW's manager;
- Representative from any other local authority involved;
- Any other relevant professional.

The child looked after and fostering Independent Reviewing Officer (IRO) should be informed about the meeting and its outcome.

The Agenda for the Professionals Meeting will include:

- Who will inform the foster carer and when;
- Who will investigate and arrangements for their supervision;
- How children or young people who have been affected by the allegation (including the children of the foster carer) will be involved, including an option for the appointment of an advocate for each of them;
- What support the children involved, including the children of foster carers will need;
- How parents/those with parental responsibility will be involved and consulted;
- Confirmation of the recommendation for any temporary change, restriction or suspension in the carer's approval status while the matter is being investigated;
- Who will provide independent support for the foster carer;
- The course of action for investigating, with named persons responsible for identified tasks and agree timescales or whether the matter should be dealt with under another route
- Agreement on how cultural, linguistic and disability issues will be acknowledged and addressed
- Plan for informing the foster carer (and relevant others) about the decision of the meeting both verbally and in writing;
- Plan for supporting the carer and family members, including access to independent support;
- A date for a Conclusions Meeting (ideally within 28 days).

In preparation for the Professionals Meeting, the foster carer's supervising social worker will review the foster carer's case file from the carer's approval with a view to identifying any previous concerns or allegations and patterns in standards of care.

Should information come to light, following this meeting, that would suggest a need for an earlier meeting or a different route for the investigation of the concerns, the Registered Manager should be notified immediately.

5c. The Investigation

If the Professional's Meeting agree that an investigation by the Fostering Service is necessary, its purpose is to ensure that all information about the concern is brought together prior to a review of the foster carer's approval to foster.

The investigation should also assist with decisions about the future placement of the child/ren concerned.

The process of the investigation should be proportionate to the circumstances of the case. It should be completed within 28 days of the investigator being appointed.

It is recommended that the investigation be conducted by a worker other than the carer's supervising social worker.

The IFA's investigation may be brief in light of information already available. In some circumstances it may be possible to proceed straight to a review of the carer's approval.

The Registered Manager will provide the investigating social worker with clear Terms of Reference to inform the scope of the investigation.

The Registered Manager should write to the foster carer(s) to:

- Detail the concerns;
- Provide copies of relevant policies;
- Ensure they understand the process of the enquiry and why it is taking place;
- Ensure they know when, where and by whom interviews will be conducted;
- Ensure they are informed of the right of the foster carer to independent advice and support;
- Ensure they understand about the financial arrangements that will be made in relation to allowances/fees;
- Confirm any temporary variation in the foster carer's terms of approval;
- Next steps.

The Registered Manager must ensure that the foster carers understand what has been communicated and its implications. They should ensure they are regularly updated.

The person nominated to conduct the investigation will interview the identified people involved and obtain a comprehensive account of their views and their details. Depending on the nature of the concerns these may include:

- Any child or adult who has reported a concern;
- The foster carer(s);

- Other children in the household;
- The parents of the child or those with Parental Responsibility (PR);
- Anyone else with information that will be material to the investigation e.g. child's school, health service professionals;
- In exceptional circumstances, young people previously fostered by the carers.

The investigating social worker will meet with the carers on as many occasions as is appropriate and interview the carers both separately and together, if they are a couple. It may be appropriate to arrange for interviews to take place away from the carer's home e.g. at the office and to limit the length of interviews.

All statements taken during the course of the investigation will be in writing, signed and a copy made available to the person making the statement and where appropriate, to the foster carer or relevant family member and as required. If exceptionally, there is a reason why any report or statement cannot be made available, the investigator should inform the Registered Manager. A record of this should be made and the foster carer informed that privileged information has been considered as part of the investigation.

Foster carers will be enabled to contribute their point of view in full and will be encouraged to provide all information that they feel is necessary to provide their perspective.

If the carer is not willing to or cannot cooperate, for example due to ill-health, the Registered Manager will decide whether the investigation should proceed without the carer. The carer will then be given seven days' notice that all the information gathered by the investigation will be included in the carer's record and taken forward to a review of the carer's approval, giving timescales for the process and inviting them to participate.

The investigators will produce a report that:

- Summarises the information;
- Sets out the findings;
- Makes recommendations.

The investigation should take no longer than four weeks to complete from the date the investigators were appointed and will result in a report that summarises the information, sets out the findings and make recommendations.

This report should be available to the foster carer 14 days before the meeting to discuss the recommendations and decide on the actions to be taken by the

fostering service provider.

The foster carer may also wish to prepare a report for consideration at a Conclusions Meeting.

5d. Conclusions Meeting

Once sufficient information has been gathered to inform a decision, a Conclusions Meeting will be convened to conclude the investigation. This will be within 28 days of the Professionals Meeting where possible. The meeting will consider the investigator's report and any reports that the foster carer wishes to submit.

The objectives of Conclusions Meeting are to:

- Review and evaluate the information and findings of the investigation;
- Decide whether or not the concerns are upheld;
- Agree what action should be taken in relation to the carer or other adult members of the household and by whom;
- Agree what feedback should be given to the person raising the concerns and by whom;
- Agree what information will be placed on the carer's file;
- Confirm whether or not an early review of the carer's approval is required.

5e. Inability or Unwillingness to Participate, or Resignation of a Carer

If the foster carer wishes to transfer from Community Foster Care to another Fostering Service provider during the course of the investigation, we will be required to notify the other Fostering Service that the carer is subject to investigation and inform them of the target time for completing the investigation and review of approval.

If the foster carer gives 28 days' notice of their wish to cease fostering, the Registered Manager will continue to collate information already known in order to include it on the carer's file and to present a report to the Fostering Panel. The carer will be informed of this and allowed seven days to respond in writing about any facts they dispute as well as any comments about the recommendations. The carer's written response will be submitted to the panel along with the report.

5f. Outcomes Meeting

An Outcomes Meeting will advise all participants of the outcome of the investigation and any action arising from it. This meeting will be convened within three working days of the Conclusions Meeting.

Carers/prospective adopters will be made aware that a report of the investigation and its findings will be prepared for a review of their approval. The Fostering Panel will also be informed of the findings.

The Outcomes Meeting will include:

- Registered Manager or other senior manager (Chair);
- Foster carers who were subject to the allegation/concern
- Independent support worker (as requested);
- Carer's supervising social worker and his/her manager;
- Person who carried out the investigation.

The Outcomes Meeting will agree if the concern is:

- Substantiated: A concern is deemed to be substantiated if there is clear evidence to support it;
- Unsubstantiated: A concern is deemed to be unsubstantiated if there is insufficient identifiable evidence to either prove or disprove it;
- Unfounded: This indicates that the person making the allegation misinterpreted the incident or was mistaken about what they saw/heard. There will need to be evidence to disprove the allegation if such an outcome is reached;
- Malicious: This means there is clear evidence to prove that there has been a deliberate act to deceive and the allegation is entirely false.

The IFA will send a formal letter to the carer detailing the outcome of the investigation. This letter should make clear whether or not an early review of the carer's approval will be conducted and give a provisional date for Panel presentation.

Where concerns are not substantiated and no further action is planned, carers should be offered a formal opportunity to meet with Registered Manager and relevant staff to talk about the impact of the proceedings on them and their family and any needs they may have as a result.

If the decision is made not to have an early review of the carer's approval, the findings generated by the investigation will be placed on the carer's file and referred to at the carer's next annual review.

5g. Review of Foster Carer's Approval

Under Fostering Services Regulations 2011, the IFA will decide if an early review of the carer's approval is required after a standards of care investigation. If an early review is deemed necessary, the Fostering IRO should be informed

immediately so a date can be agreed for the review meeting and Panel. The review will need to be completed within 28 days of the Outcomes Meeting.

The supervising fostering social worker will prepare a Standards of Care Report for the foster carer's review. The purpose of the report is to inform the review and Panel of the investigation and its outcomes and make recommendations regarding future placements and/or registration or approval.

A copy of the Standards of Care Report will be provided to the carer before the review.

The usual contributions including those from the placing social workers, children placed since the last review and from the foster carers themselves will be obtained for the review meeting.

The review meeting will:

- Clarify the foster carer's career and strengths;
- Summarise the nature of the concerns and the findings of the serious concerns investigation;
- Identify/clarify any specific needs of the foster carers, including training needs;
- Consider what the Fostering Service has put in place to support the carers prior to and after the serious concerns;
- Consider the foster carer's ongoing approval.

The review will be attended by:

- Fostering IRO (Chair);
- Foster carers;
- Their independent support worker (as agreed by foster carer);
- Supervising social worker.

5h. Fostering Panel

The foster carer will be invited to attend the Panel that considers the review report, along with the person that has been providing independent support, or another person of their choice, as long as it does not compromise the confidentiality of information pertaining to children named in the report.

The Panel will make a recommendation to the agency decision maker (ADM) who has the final say regarding the future registration of the foster carer.

The decision will be conveyed to the carer in writing, along with information about the process for making representation to the IFA or to the Independent Review Mechanism in accordance with regulations.

If the ADM endorses a recommendation of the Panel that a carer is no longer approved to foster, the manager of the IFA will consult with the LADO about referring the foster carer to the Disclosure and Barring Service (DBS) for inclusion on the Children's Barred List. The fostering Panel and ADM will be consulted on this recommendation. Referrals to the DBS will be made by the Registered Manager.

The Registered Manager will inform Ofsted of the outcome of the review of the foster carer's approval. The Children's Services in the local authority in which the foster carer resides will also be informed if the carer's approval has been terminated and the reasons for this.

6. Summary of how foster carers are kept informed and Information Sharing Arrangements

Unless there is exceptional reason not to, or there are restrictions imposed on the foster carer, the supervising social worker or the Registered Manager will inform the foster carer of the substance of the concern and the decision of the professionals meeting as soon as possible, and within three working days of any discussion with the LADO. Information will be provided verbally and in writing.

A discussion must take place with a carer and members of their family about any arrangements for safeguarding a child in placement, e.g. either for the child placed to be removed or for a member of the household to live elsewhere during the investigation.

Advice will be provided in such circumstances. This should be followed by written confirmation to the foster carer within 48 hours of that discussion with information about the concern, process of the investigation, who will be conducting the interviews and other relevant information.

The supervising social worker or his/her manager will ensure the carers:

- Are given copies of this procedure and the relevant sections of the relevant Local Authority Child Protection Procedures;
- Have independent support if requested;
- Are informed of the nature of the concern;
- Understand the process of the enquiry and why it is taking place;
- Know when, where and by whom interviews will be conducted;
- Are informed of the independent support that will be provided;

- Are informed about the financial allowances and fees if fostered children are removed or the carer is temporarily suspended from taking further placements if applicable;
- Know the reasons for the removal of children if applicable;
- Understand the current status of their approval to foster, including any temporary variations in approval;
- Are assisted in communicating with investigating agencies;
- Are informed verbally and in writing on a regular basis of the progress of the investigation;
- Are informed of next steps and any recommended changes to the household.

Other agencies may be informed in the following circumstances:

Ofsted will also be informed of the outcome of any investigation.

Other Local Authorities where the foster carer is resident in another local authority. Representatives of that authority will be invited to contribute to the investigation. Where a foster carer has children of their own, their local authority's Children's Services will be informed and consulted.

Employers - where carer works (in employment or in a voluntary capacity) with vulnerable adults and children. Depending on the nature of the concerns, employers may be informed.

Disclosure and Barring Service – The Fostering Service is required to make a report to the DBS if a carer's approval is terminated because the carer's conduct leads to a conclusion that they are or may be unsuitable to work with children and young people. Referrals are not required where termination of approval is not being considered.

7. Support and information for foster carers facing standards of care concerns

Foster carers can access support from a range of places, including:

- Your supervising social worker;
- Independent Support Worker, provided by an independent agency;
- Fosterline: A confidential advice line funded by the Department for Education and delivered by FosterTalk, by phone on 0800 040 7675 or visit their website at <https://www.fosterline.info/>
- Fostering Network helplines, information is available on their website at: <https://www.thefosteringnetwork.org.uk/>

If fostered children are removed from placement and the foster carer is suspended from taking new placements pending the outcome of an investigation, Community Foster Care will continue to pay the Foster Carer's fee component of the payment (based on an average weekly fee from the previous 3 months), for 1 month from the date of the suspension letter, or until your situation has been considered at Panel and a decision reached by the Agency Decision Maker. The payment will cease whichever occurs soonest. Any further payments will be at the discretion of the Community Foster Care Responsible Individual. Payments may be ceased early if the foster carer fails to cooperate with the investigation or may be extended where delays are caused by Community Foster Care.

Community Foster Care has a membership arrangement with Fostering Network through which foster carers can obtain legal advice if faced with an investigation of a serious concern. If carers wish to appoint their own solicitor at their own cost, they can access a list of accredited members of [The Law Society's](#) Children Panel.

Every effort will be made to ensure appropriate services are arranged to enable carers with language or disability needs to participate fully in the investigation and have their views presented.