

**Complaints, Standards of Care Concerns & Allegations Handbook**

**Against Foster parents or a member of your household or support network**

*The role of a Foster Parent is a regulated role and there is a risk that you could have a complaint made against you. There is a lot you can do to minimize the chance of this happening to you which you will see in the sections of this Manual. However, this section will explain the difference between each type of complaint and what this might mean if you ever have a complaint, standards of care or an allegation made against you. There are 3 levels: -*

**Complaints**

A complaint could be regarding your approach to the care of a child or young person; the way you approach behaviour management; contact or day to day issues regarding general fostering practice. This could include lack of commitment to training, record keeping or working with other professionals (and many other issues). The complaint can come from a wide range of sources including the child or young person, birth parents or birth family members, professionals or a member of the community.

This will usually be investigated by PCFS with a brief report for you, the placing local authority and occasionally it will be shared with the fostering panel.

The outcome of the investigation may recommend further or specific training or additional support.

**Standards of Care**

PCFS might have concerns that would not come under a safeguarding category or meet the threshold for a Section 47 investigation, but the concerns are significant about the standard of care being provided and this would trigger a Standards of Care investigation.

A Standards of Care investigation might be triggered by:

* + An incident of minor physical chastisement but not resulting in an injury
	+ Inappropriate verbal chastisement
	+ Issues around pocket money, clothing, hygiene, food
	+ Noncompliance with the smoking policy
	+ Inadequate supervision such as allowing access to alcohol, prescribe medication, access to adult ‘sexual material’
	+ Lack of care such as wrongly administering medication

The Registered Manager will be informed of any Standards of Care concerns. And if it is unclear if the concerns are Standards of Care or a formal allegation then the RM will consult with LADO (Local Authority Designated Officer) for the area you live in. The LASW for any children or young people living with you will be informed of the concern and any agreed action being taken.

Depending on the nature and seriousness of the concern PCFS will conduct the enquiry within your normal supervision with your SSW or it could be dealt with by an Independent Social Worker on PCFS’s behalf. The Registered Manager is responsible for ensuring appropriate support, and this is made available to the Foster Parents and that this is independent.

The report will consider the Foster Parent suitability to continue to foster. Consideration to the children and young people currently with the Foster Parents and consider any variations in approval. As well as identifying training needs and any additional support requirements.

In all Standards of Care investigations the report will be presented to the Fostering Panel, you will be expected to attend to talk about the concerns, reflect on your learning from the experience and discuss any changes you have made to your practice as a result.

When complaints have been concluded the outcome of the investigation will be shared you and recorded on your file. All placing local authorities will also be informed.

Any recommendations and action plans put in place will be reviewed and the RM informed of progress.

**Allegations**

Allegations of abuse or any Child Protection concerns against Foster Parents are always dealt with by the Local Authority where the abuse is alleged to have taken place and will have crossed the threshold of possible S47 Investigation and may constitute a criminal offence in relation to Foster Parents conduct.

All PCFS foster parents are members of Fostering Network when they are approved. Fostering Network are available for advice and guidance at any time. Additional independent support arrangements can be made for you throughout this time so please speak to your SSW or the RM.

Please note that it is not possible for your SSW to discuss the investigation or allegation with you until the initial investigation is completed and after conclusions and recommendations have been made.

**Working Together to Safeguard Children** **2018** sets out key definitions of what constitutes abuse or neglect. These are also examples of relevant contact/harm of children which may be considered in making a referral to the Disclosure and Barring Service (DBS).

**Physical Abuse**: is a form of significant harm which may involve hitting, shaking, throwing or poisoning, scalding, drowning or suffocating or otherwise causing physical harm to the child. Physical harm may also be caused when a parent fabricates the symptoms of, or deliberately induces illness in a child. of all deliberately induces illness in the child.

**Emotional abuse**: is the form of significant harm which involves the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on a child/young person’s emotional development. It may involve conveying to a child or young person that they worthless, unloved, inadequate or valued only insofar as they meet the needs of another person. It may include not giving the child/young person opportunities to express their views deliberately silencing them or ‘making fun’ of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on the child/young person. These may include interactions that beyond the child/young person’s developmental capacity as well as over protection and limitation of exploration and learning or preventing the child/young person participating in normal social interactions. It may involve seeing or hearing the ill treatment of another. It may involve serious bullying including cyber bullying, causing them frequently to feel frightened or in danger or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of the children and young people; though it may occur alone.

**Sexual abuse**: is a form of significant harm which involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration for example rape or oral sex or non-penetrative acts such as masturbation, kissing rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children/young people in looking at, or in the production of, sexual images, watching sexual activities, encouraging them to behave in sexually inappropriate ways, or grooming a child/young person in preparation for abuse, including via the Internet. Sexual abuse is not only perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children/young people.

**Neglect:** is a form of significant harm which involves a persistent failure to meet a child/young person’s basic physical and/or psychological needs, likely to result in serious impairment of the child’s health or development. It can include a Foster Parent failing to: -

* Provide adequate food, clothing and shelter including exclusion from home or abandonment.
* Protect a child/young person from physical and emotional harm or danger.
* Ensure adequate supervision including the use of an inadequate caregiver.
* Ensure access to appropriate medical care or treatment.

It may also include neglect of or unresponsiveness to a child/young person’s basic emotional needs.

**Child Protection allegation – What happens?**

If an allegation is made against you, you may not be immediately informed. The RM informs the child/young person’s LASW, and the LASW of any other children/young people living with you and would discuss the allegation with the LADO for the area in which you live. They would then arrange an initial Strategy Meeting. The strategy meeting would include LADO, LASW, your SSW and the RM, someone from the police safeguarding team, a social worker from the safeguarding team (Specialist Children’s Services) and sometimes a representative from school/education.

If the matter is to be considered under the Child Protection process, Specialist Children’s Services must discuss the case with the police at the first opportunity and inform them if a criminal offence may have been committed against a child/youing person. This includes allegations of historical abuse where an adult makes a disclosure relating to a Foster Parent.

The child/young person’s allocated LASW or their team manager should make an immediate assessment of the level of risk to the child (and other children in the home) and if necessary, move them prior to the strategy discussion. This will involve consolation with LADO, investigating social worker, SSW and managers.

Accusations of child abuse are a serious matter and Foster Parents who are the subject of such allegations are advised to seek immediate legal advice. PCFS provides membership to the Fostering Network, an independent support service for all our Foster parents.

 Membership entitles you to

* emotional support guidance and advice from the fostering network stress support service
* Legal helpline with expert advice on allegations
* Attendance by a qualified and experienced solicitor (when carers are to be interviewed by the police they are strongly advised to have a solicitor present)
* Insurance against legal costs up to £150,000 due to involvement in a prosecution, civil action etc.

**Procedures to be followed in the event of allegations against Foster Parents**

There are three separately but related aspects to the procedures. These are

* The child protection investigation, including consideration whether a referral should be made to the DBS
* Any criminal investigation which may take place
* Consideration of the Foster Parent’s registration by PCFS Fostering Panel and any other relevant registration or work undertaken. This will take place whenever there is an allegation or a serious concern regardless of the outcome of the investigation.

Careful consideration will be given to the stability of the children currently within the home. Any decision to remove children/young people should be based on considered judgement of the individual child/young person’s needs verses against presenting risks. Children/young people should not be automatically removed. However, no new foster children will be placed with a family until each of these three processes of investigation have been completed.

It is recognised that an investigation into allegations of abuse against a Foster Parent are traumatic and have serious implications for the health and livelihood of a foster family and therefore a conclusion should be reached at the earliest opportunity. The RM will oversee the investigation and try and keep momentum with it, seeking swift resolution. It is important to note that the investigation is ‘held’ by the Local Aurhtority and as such they are responsible for the timescale.

However, the RM will liaise frequently and raise concerns about any unnecessary delay when needed.

Ofsted must also be notified of the instigation and outcome of any child protection enquiry and any serious complaint about an approved Foster Parent.

**The Initial Strategy Discussion meeting – What is discussed?**

**An initial strategy** discussion should be held within 24 hours; this may be held by phone. If emergency action is required immediately the Strategy Discussion should be convened as soon as possible. The purpose of this Strategy Discussion is to consider the concern or allegation and plan any subsequent enquiries and/or actions.

**Outcomes strategy discussion** must be held at the conclusion of an inquiry to ensure that all information has been shared and confirm all actions agreed in previous strategy discussion(s) have been completed and decide if the CiC will remain (or return if they were moved prior to the S47); identify whether and how to protect any children in the home, including whether an initial child protections conference is required in respect of the Foster Parents own children. It will also consider any counselling or therapeutic needs of any parties affected and identify who will inform the Foster Parent/s of the outcome of the investigation against them, what they are told and any further actions to be completed.

Conclusions will be either: -

* Alleged abuse has taken place (investigation may or may not be sent to CPS)
* The investigation is not being further under S47, but the investigation will be completed by the PCFS
* The alleged abuse has not ben proven but concerns remain – may be standards of care issues to be addressed.
* The allegation was no founded

Where evidence indicates significant concerns about suitability of Foster Parent/s to continue to work with children/young people LADO will advise referral to the DBS and consideration will be given to who is best placed to make this.

**Role of the fostering panel**

PCFS will undertake and conclude an assessment of suitability to Foster following the outcome of an investigation. The report must be presented to PCFS Fostering Panel.

Your SSW and/or the investigating social worker must present a report to PCFS Fostering Panel for a review of the Foster Parents approval following any child protection allegation, standards of care concerns or serious complaint.

The report will address…..

* Findings of an enquiry
* Whether a report has been forwarded to the CPS
* What if any concerns remain?
* Feeling and experience of the Foster Parents/s
* Opinion of the SSW
* Opinion of the ISW (if applicable
* Any implications for the Family Safer Caring Plan
* Training issues
* Any other issues relevant to the annual review
* Other information relevant to the children/young person in the fostering home
* Consideration of suitability and possible referral to DBS

The report must include an account of the allegations, the investigation and the subsequent recommendations and decisions of the Outcome Strategy Discussion. It will also include information about prior foster children, the way they were managed and the circumstances of leaving, and information about the foster parent’s supervision and training. The report should conclude with the recommendation of the SSW regarding the continued approval of the Foster Parent and the terms of their approval. Social Media checks should be undertaken if there is clear rationale for a search.

Foster Parents can submit their own written comments to include with the report but must attend the panel in person or zoom where appropriate.

The Fostering Panel must consider the following information prior to drawing its conclusions:

* The review report and recommendations
* Any written submission by the Foster Parents/s
* The record of the concluding strategy discussion

This process provides the Foster Parent with the opportunity to reflect on their experience and consider what action they might wish to take.

Being the subject of allegations or serious complaints can be a very stressful experience for Foster Parents and their families. Single foster parents may decide to bring a family member or colleague (Foster Parent) along for support on the day.

The Fostering Panel’s recommendations are forwarded, via the panel minutes, to the Agency Decision Maker. If the ADM considers that the Foster Parents Terms of Approval should remain the same, then the Foster Parents will be notified. However, if the proposal is to change the Foster Parents terms or to de-register the ADM will make a “qualifying determination”. The Foster Parent will be sent a letter and within 28 working days of receiving the letter, the Foster Parents must either: -

* Confirm to the ADM that they have accepted the determination or
* Request that their case is reconsidered by the Fostering Panel or
* Apply to the Independent Review Mechanism for a review of the case

If the Foster Parents choose to have their case reconsidered at the Fostering panel, they may attend the Fostering Panel with the worker if they wish.

The Fostering Panel will make appropriate recommendations as follows:

* Immediate re-instatement of Foster Parents if approval and caring for children or young people has been suspended.
* Re-assessment of the Foster Parent/s in relation to the identified concerns.
* Foster Parents remaining on hold pending the decisions of the CPS.
* Foster Parent choosing to withdraw
* Concerns are sufficiently serious to warrant termination of approval.

Recommendations may include changes to the approval of Foster Parents review and/or training recommendations, implications for the Family Safer Caring Plan or address specific matters within the foster home. A final recommendation about the Foster Parent’s registration will be made ot the ADM by the Fostering Panel.

A copy of the final outcome will be put on the Foster Parent’s file.

Foster parents will be informed in writing of the outcomes of the investigation. The conclusion often includes a plan going forward which will always include the matter being presented to the Fostering Panel at the earliest opportunity.

The fostering panel will also make recommendations if appropriate. This may include de-registration, or a change of approval or conditions may be attached to registration.

Regardless of the nature of allegations and who receives the allegation, it must be reported to the County LADO Service. This includes situations where a foster parent resigns. Complaints procedures are separate to the allegations process but just because someone does not wish to make a complaint, this does not mean the allegations should not be considered and investigated. There may be up to 3 strands in the consideration of an allegation:

1. Criminal police investigation

2. CSWS assessment or enquiries

3. Internal investigation/disciplinary

**All allegations must be notified to the LADO within 24 hours.**

**Definition of Potential Outcomes from a LADO investigation:**

Substantiated

There is sufficient identifiable evidence to **prove** the allegation. Employer to refer to DBS.

False

There is sufficient evidence to **disprove** the allegation.

Malicious

There is clear evidence to prove there has been a **deliberate act to deceive** and the allegation is **entirely false.**

Unfounded

There is **no evidence or proper basis** which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

Unsubstantiated

This is not the same as a false allegation. It means that there is **insufficient evidence to prove or disprove** the allegation. The term, therefore, does not imply guilt or innocence.

Position of Trust Meeting

The purpose of a LADO Position of Trust (POT) meeting is to consider information shared by professionals relevant to the allegation made against a member of staff within the children’s workforce. The LADO will exercise their professional judgement in their decision making, having considered the harm threshold, as to whether a POT meeting will be convened.

A POT meeting may be convened under the following circumstances:

• Upon the receipt of a LADO referral.

• When enquiries have escalated concerns.

• During the allegation management process to review risk and actions taken.

Outcomes as above.

SEE APPENDIX FLOW CHART - MANAGING ALLEGASTONS

**Managing Allegations**

**PLEASE NOTE – DO NOT SHARE ANY INFORMATION WITH THE PERSON WHO THE ALLEGATION IS REGARDING – OMIT ANY STAGE REQUIRED FOR THIS AND SPEAK TO PERSON ABOVE THEM**

Is it still a safeguarding concern? Is this a significant event?

Immediately share your concern with SSW/Fostering Manager/ RI/OOH

You should receive feedback back within 1 working day, however if you have not been informed withing 3 working days, contact the children’s services again.

No

If not a safeguarding issue/significant event, consider whether any other action is required

**If still no then there is no further action needed.**

Yes

Fostering Manager will need to notify LA children’s Social Worker immediately by telephone and an PCFS internal form (significant event form) to be completed and sent to SSW within 24 hours.O9urs. Hou

SSW/Fostering Manager to consider if significant event is sch 6 or 7

If sch 6 – complete form for monitoring, and notify RI

If Sch 7 - Ofsted notification to be completed within 24 hours by worker who has dealt with the concern, and notify RI

Fostering Manager to contact Local Authority Designated Officer (LADO) if concerns relate to a foster parent/staff member/ or other professional.