

Allegations Against Foster Carers

SCOPE OF THIS PROCEDURE

This procedure applies where allegations are made or suspicions are raised that approved Foster Carers or members of visitors to a Foster Carers household has:

- Behaved in a way that has harmed, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates that they may pose a risk of harm to children.

It should be read in conjunction with the [Wandsworth Safeguarding Children Board LADO Procedures \(Managing allegations against adults working with children\)](#).

This chapter is compliant with the Fostering Services National Minimum Standards and Regulations 2011, [Standard 22 - Handling Allegations and Suspicions of Harm](#).

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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 Local Safeguarding Children Board's Inter Agency Procedures, (see [Wandsworth Local Safeguarding Children Board Procedures](#)).

Allegations or suspicions that a Foster Carer has caused 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.

It is important to note that, although there may be insufficient evidence to support a Police prosecution, this does not mean that action cannot be taken to protect a child nor 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 whom Foster Carers against whom allegations are made have contact, including their own children.

2. Introduction

The expectation is that:

- a. 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 where this information is known to us;
- b. All Foster Carers will receive preparation, training and guidance to help them provide a safe environment for the child and all members of the foster family;
- c. All Foster Carers will have received information about this procedure and Wandsworth's Local Safeguarding Children Board's Inter Agency Procedures;
- d. All Foster Carers will be familiar with and adopt the procedures for recording on a daily basis the progress of children placed with them, including any incidents or complaints, and understand that these procedures have been made 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.

In addition, in relation to the Fostering Service, it is an expectation of the Fostering National Minimum Standards 2011 that:

- A manager within the Fostering Service is identified to be the Designated Person who liaises with the **LADO** in all cases to which this procedure applies and manages the allegations process. In Wandsworth the Designated Person is delegated to the Fostering Manager or Principal Social Worker within the Fostering Team;

- All staff within the Fostering Service are aware of the requirements of this procedure, including the role of the **Disclosure and Barring Service**.

3. Procedure

3.1 Initial Action

Any person who receives information or suspects that a child has suffered or is suffering harm in a foster placement must immediately inform the child's Social Worker or their manager.

On receipt of any such information, the child's Social Worker, or their team manager must immediately

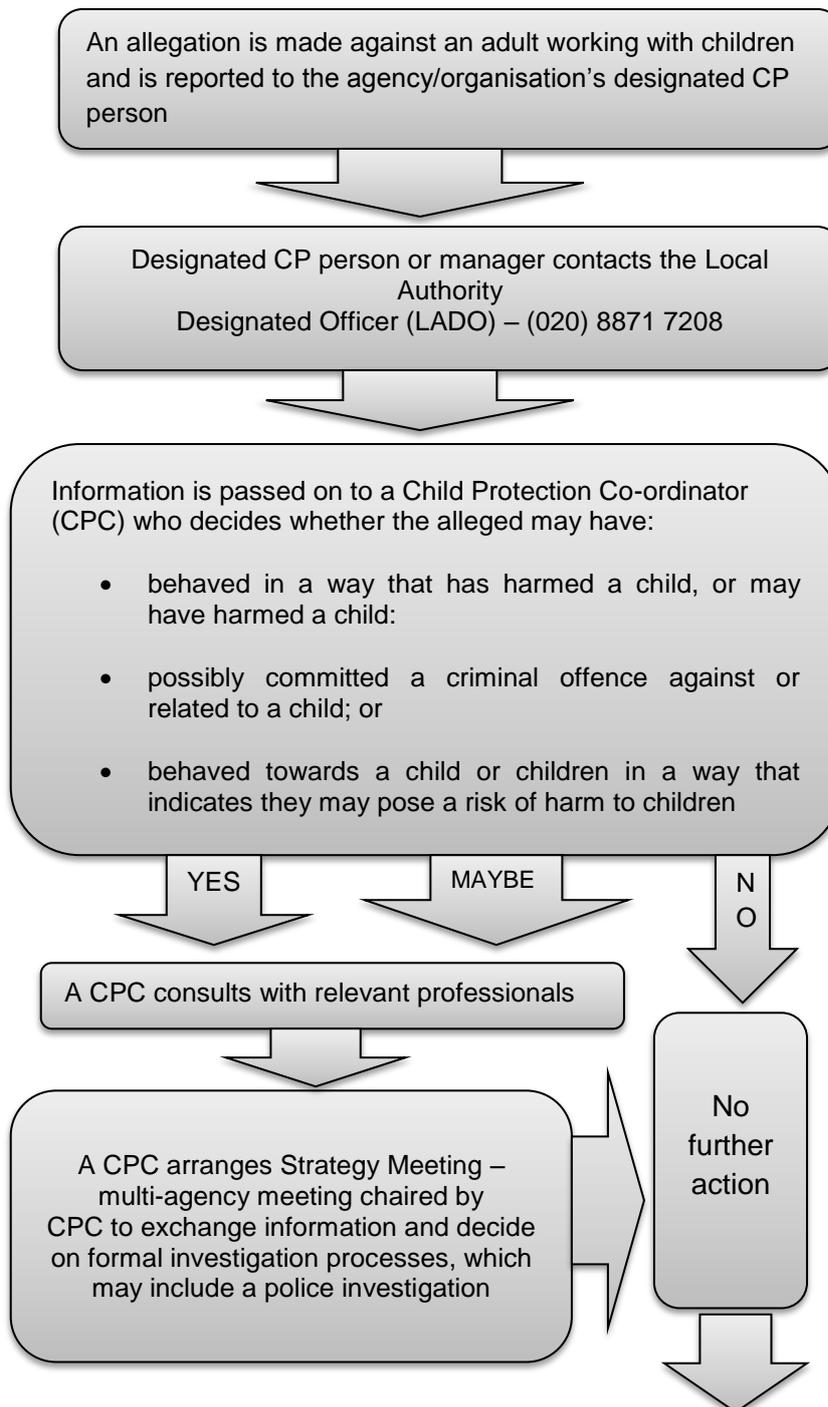
- Inform his or her team manager;
- Inform the **Local Authority Designated Officer (LADO)**;
- Inform the Supervising Social Worker;

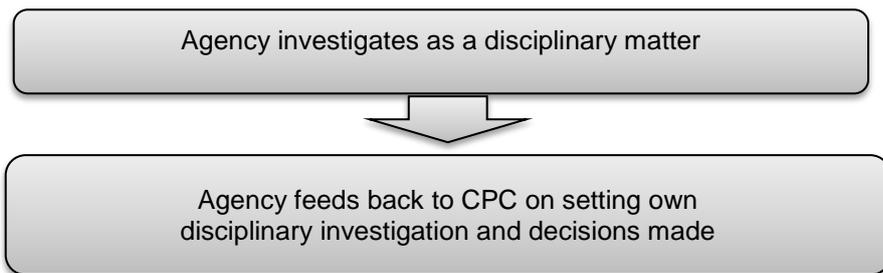
The Supervising Social Worker will Inform the designated manager within the Fostering Service - see **Section 2, Introduction**; and, in consultation with the designated manager;

- Inform the Social Workers for any other child in the placement;
- Provide the LADO with the details of any other children placed with the Foster Carer and provide the names of the child's Social Workers;
- Inform any other Local Authority with an interest in the foster placement.

Where the foster carer lives outside the Wandsworth Local Authority area the LADO will liaise with the LADO from the relevant Local Authority.

LADO Procedure Flowchart





Other investigative routes may be identified as more appropriate at this stage, for example, the complaints process, and should be considered as an alternative to a [Section 47 Enquiry](#) if it is identified that the harm threshold has not been met.

In exceptional cases where immediate action may be necessary to safeguard the welfare of the child, the child's Social Worker and his or her manager may decide to request that a new placement be identified.

3.2 Professionals Meeting

The LADO will consider calling a Professional's Meeting/discussion within 2 working days of the referral which will focus on the action required relating to the Foster Carer. The purpose of the meeting/discussion will be to decide if an investigation is necessary and, if so, how it should be carried out. In certain situations the Professionals Meeting/Discussion and the Section 47 Strategy meeting held by the Practice/Team Manager can be the same meeting. The following people will be invited to be involved:

- a. The manager of the team undertaking the Section 47 Enquiry;
- b. The child's Social Worker and his or her manager;
- c. The child's Social Workers and their managers for any other children placed with the foster carer;
- d. The Local Authority Designated Officer (LADO);
- e. The Supervising Social Worker linked to the Foster Carer, and his or her manager (who will liaise as necessary with the designated manager within the Fostering Service - see [Section 2, Introduction](#));
- f. The police;
- g. Any other relevant agency identified by the chair.

The Professional's Meeting/discussion must consider:

- a. The nature of the allegation, its source and reliability;
- b. Background information relating to the foster family, how long the family has been known, how many children have been placed there, the family's known strengths and weaknesses and any exceptional features about the child and the placement;

- c. Any previous allegations against the Foster Carers or previous allegations made by the person making the allegation;
- d. The involvement of other agencies, for example if the child was placed by another Local Authority;
- e. The need to inform other agencies who use the foster home;
- f. A referral to the **Disclosure and Barring Service** for inclusion on the Children's Barred List. This should be considered whenever a carer is suspended from their duties;
- g. The safety of all children in the household including the Foster Carer's own children and whether any action is necessary to protect the children including the removal of all or any of the children while the investigation is conducted;
- h. How the needs of any child who has to leave the placement will be met including contact with other children in the placement;
- i. What information can and cannot be shared, by whom and when. It is vital that this is considered at the earliest opportunity after the allegation is made to ensure that information sharing does not prejudice any police investigation;
- j. How and by whom the investigation is to be conducted. (It is important that careful consideration is given to the planning of criteria when a joint investigation is recommended. In situations where the Police or Crown Prosecution Service recommend no further action then the Social Worker identified during the Professional's Meeting/discussion in liaison with the designated manager for the Fostering Service must gain an account from the Foster Carers about all allegations and concerns. Notes must be taken and made available to future meetings and/or the Fostering Panel);
- k. The time-scales for the investigation (see below) and any contingencies should timescales prove unlikely to be met;
- l. How the child should be informed of the procedure to be followed and supported through the process;
- m. Whether the alleged perpetrator should be asked to leave the home while the investigation is conducted and confirmation that the Fostering Service will inform the carers of the allegation verbally and then in writing;
- n. How to inform the child's parents of the allegation;
- o. Once informed of the decision what support to offer the Foster Carers;
- p. How reports on the investigation will be shared with the Foster Carers and the child or children in the placement;
- q. Whether further placements should be suspended in the meantime;
- r. Timescales for all actions to be completed;
- s. Arrangements for reconvening the Professional's Meeting if it is felt appropriate.

Whether or not the Professionals Meeting considers that the allegation or suspicion has any foundation, the matter should be investigated by the Fostering Service unless there are exceptional circumstances.

The minutes of the meeting must contain clear action points and clear time-scales for each action. The action points and timescales will be circulated immediately after the meeting. Actions agreed must be recorded and be the responsibility of named individuals.

Copies of the action points and the minutes should be held on the child's and the foster carer's records, but should not be shared further without the expressed permission of the LADO.

Any decision to take no further action following the Professional's Meeting/discussion must be clearly recorded by the decision-maker on the child's and the Foster Carer's records.

3.3 Investigation and Action

The actions agreed at the Professional's Meeting/discussion should be implemented by those responsible within the agreed timescales and appropriate feedback provided to the chair of the Professional's Meeting/discussion and the LADO.

Unless there are circumstances when the details or nature of the allegation cannot be shared immediately (e.g. where there is a suggestion that there will be a police investigation or where the children have not yet been interviewed, the Foster Carers should be advised, as decided by the designated manager for the Fostering Service, of the allegation as agreed at the Professional's Meeting/discussion and of the process to be followed in the investigation, including the possibility that an **Initial Child Protection Conference** may be convened in relation to their own children.

Where considered appropriate by those involved in the Professionals Meeting/discussion, the Foster Carers should be given the opportunity to respond to the allegations before any final decision is made about necessary action to protect the child and other children in the household. Such protective action may include asking the person against whom the allegation has been made to leave the household while the investigation is conducted.

Any decision to suspend making further placements with the Foster Carer while the investigation is being conducted should be communicated to the Foster Carer by the Supervising Social Worker.

Foster Carers will be offered support independent of the Fostering Service via the Wandsworth Foster Carers Association (WFCA) or the Fostering Network or they will be supported by the Supervising Social Worker.

Those supporting the Foster Carers must contact the Foster Carers as soon as practicable after the Foster Carers are made aware of the allegation, and explain their role to the Foster Carers. They must make clear their responsibility to report to the Local Authority, the Police and in some circumstances to the Court if any information relevant to the investigation comes to their attention. The Fostering Service must inform Foster Carers on how they will be supported and paid whilst they are under investigation.

They should confirm that the Foster Carers are aware of the following:

- a. The contents of this procedure and the relevant Local Safeguarding Children Board's Inter Agency Procedures, (see **Wandsworth Local Safeguarding Children Board Procedures**);
- b. Independent support can be identified and provided if required;
- c. Information regarding legal advice;

- d. Information on insurance arrangements for legal expenses.

If an Initial Child Protection Conference is convened, the Conference Chair must be consulted in advance to discuss whether the Foster Carers should be invited to attend. In any event, the Foster Carers' views must be obtained for and communicated to the Conference.

3.4 Concluding the Investigation

The LADO will recommend to the fostering service any further actions following the Professional's Meeting/discussion including reporting on the matter to the IRO, the Fostering Panel and/or considering whether it may be appropriate to make a referral to the [Disclosure and Barring Service](#) for inclusion of the Foster Carers on the Children's Barred List and whether the placement can be resumed or not.

If the allegation is founded or unsubstantiated a report should be prepared by the Supervising Social Worker and presented to the Fostering Panel. This report will detail the allegations, how they were resolved, actions taken and the decisions that were reached. A copy of this report must be given to the Foster Carers and retained on the Foster Carers file. The Social Worker preparing the report should consult with the Chair of the Fostering Panel who will advise on who should attend the Panel meeting (usually the child's Social Worker and the Supervising Social Worker for the Foster Carers).

Prior to Fostering Panel, the LADO, the chair of the Strategy Meeting, the Foster Carers and their representative should have seen, and had time to comment on the report being presented to the Panel. The procedure to be adopted for the Fostering Panel will be the same as for any other Foster Carer review - see [Review and Termination of Approval of Foster Carers Procedure](#).

If following of the investigation and subsequent Panel Review the Foster Carers are de registered as a result of the allegation a referral should be made to the Disclosure and Barring Service for consideration of the carers being included on the Children's Barred List.

All relevant documents in relation to the investigation, whatever the outcome, must be retained on the child's and the Foster Carer's records.

Consideration should be given to holding a debriefing meeting for all involved as to the impact of the allegations and the investigation, whatever the outcome, and any necessary assistance should be made available as necessary.

3.5 Reporting on Investigations

The LADO will provide an annual report of all allegations against Foster Carers to the Agency Decision Maker for the Fostering Service.

4 Complaint against a Foster carer and Standards of care

The LADO will provide an annual report of all allegations against Foster Carers to the Agency Decision Maker for the Fostering Service. A complaint against foster carers might, for example regarding standards of care, may come from a number of sources including the child/young person, parents or family members, professionals and other members of the community.

A complaint may involve a view about the carers approach to the care of a child or the way in which they respond to a child's behaviour, their management of contact arrangements, or day to day issues regarding general fostering practice.

Complaints might be investigated under "Standards of Care" and/or in accordance with the Complaints procedures.

The Fostering Service may have concerns about a foster carer, which may not warrant investigation under the child protection procedures but raise significant concerns about standards of care being provided. Although such concerns would not necessarily cross the threshold for S47 investigation, they may nonetheless constitute an allegation of a safeguarding concern against the carer. Standards of Care might include:

- An incident of minor physical chastisement resulting in no injury;
- Inappropriate verbal chastisement;
- Issues regarding pocket money, general dietary issues, etc;
- Incidents indicating inadequate supervision such as inadvertently allowing a child access to alcohol, prescribed medication, or unsuitable viewing of "adult" sexual material;
- Incidents indicating a lack of due care such as inadvertently wrongly administering prescribed medication.

Standards of Care issues should consider previous history of concerns and whether these are significant to an overall picture of risk.

The Fostering Team Manager must be informed of any Standards of Care issues. In a situation where it is unclear whether the matter constitutes a formal allegation against a foster carer (as opposed to a standards of care issue) the Fostering Team Manager should consult the LADO who will discuss and advise on allegation-management threshold and where appropriate for management by the fostering team, an investigation will proceed. Where necessary, an Evaluation Meeting may be called to consider information-sharing, process and focus of investigation.

The plan for enquiry will depend on the nature and seriousness of the concern. Careful consideration should be given on a case by case basis as to whether the investigation should be:

- a. Conducted by the fostering social worker within the parameters of usual foster carer supervision;
- b. Be dealt with by an experienced social worker from the fostering service who is independent of the foster carer; or
- c. Be dealt with by the Fostering Team Manager.

In all cases a report will be completed and be presented to the Fostering Panel which will trigger a review of the foster carer's approval so that they may make a recommendation about their continued suitability.

The report and recommendations should include:

- The carer's suitability and competence to foster;
- Matters relevant to the placement of all children currently in the foster carer's household;
- The placement of other children in the future and any variations in approval;
- Implications for the registration of the foster carers;
- Identified training needs and additional support requirements.

It will be the responsibility of the fostering team manager to ensure that appropriate support/advocacy is made available to the foster carers which is independent of any complaint/allegation investigation.

4.1 The role of the Fostering Panel

The supervising fostering social worker and/or the investigating social worker (as appropriate to be decided in discussion with the Fostering Team Manager) must present a report to the panel for a review of the foster carer's approval following any child protection allegation or serious complaint. Their manager should also attend. The report will address:

- Findings of the enquiry;
- Whether a report has been forwarded to the CPS;
- What, if any, concerns remain;
- Feelings and experience of the carer;
- Opinion of the supervising social worker;
- Any implications for the safer caring agreement;
- Training issues;
- Any other issues relevant to an annual review;
- Other information relevant to the child in placement;
- Consideration of suitability and possible referral to vetting/barring scheme (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 placements, the way these were managed and the circumstances of placement endings, and information about the foster carer's supervision/support and training. The report should include the views of the foster carers regarding the allegation and the ensuing investigation. The report should conclude with the recommendation of the fostering social worker regarding the continued approval of the carer and the terms of approval.

Carers can submit their own written comments to be included with the report.

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

- The review report and recommendations;
- Any written submission by the carer(s);
- Minutes from any relevant child protection conference;
- The record of the concluding strategy discussion.

This process provides the carer with the opportunity to reflect on their experience and consider what action they might wish to take. They must be informed of the panel date and information on the complaints and access to files procedures.

Being the subject of allegations or serious complaints can be a very stressful experience for foster carers and their families. The Kent Fostering Panels therefore give foster carers the choice of whether to attend or not, and will respect carers' wishes and feelings about attendance. If there are concerns about the carer's continuing registration following any child protection or complaint investigations, the carer will be notified. The foster carer will then write to the fostering team manager with their decision about whether they wish to attend the Fostering Panel. The carer may decide to bring a family member or colleague carer along for support on the day. Their supervising fostering social worker and his/her supervisor will always attend, regardless of whether the carer wishes to be there or not.

The panel's recommendations are forwarded, via the panel minutes, to the Agency Decision Maker. If the Decision Maker considers that the Foster Carers' Terms of Approval should remain the same, then the carers will be notified. However, if the proposal is to change the carer's terms or to de-register them then the Decision Maker will make a "qualifying determination". The Carer will be sent a letter and a copy of the information leaflet about the Independent Review Mechanism. Within 28 working days of receiving the letter, the carers must either:

- Confirm to the Decision Maker 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 carers choose to have their case reconsidered at the Fostering Panel, they may attend the panel with the worker if they wish.

The Panel will make appropriate recommendations as follows:

- Immediate re-instatement of carer(s), if approval and use for placements has been suspended;
- Re-assessment of the carer(s) in relation to the identified concerns;
- Carer remaining on hold pending the decision of the CPS;
- Carer choosing to withdraw;

- Concerns are sufficiently serious to warrant termination of approval.

Recommendations may include changes to the approval of carers, review and/or training recommendations, implications for the Safe Care Plan, or address specific matters within the foster home.

A final recommendation about the carer's registration will be made to the Decision Maker by the Panel.

If the carers choose to request a review by the Independent Reviewing Mechanism once the recommendation has been made, this will be reconsidered by the Agency Decision Maker.

If concerns were sufficiently serious to warrant termination of approval, or the carer chooses to withdraw because termination of approval is likely, then a referral has to be made to the Disclosure and Barring Service. The Disclosure and Barring Service will consider inclusion of the individual on the relevant barred list(s).

A copy of the final outcome will be put on the carer's file.

4.2 Support for Foster Carers who have had Allegations or Serious Complaints made against them

Allegations and serious complaints against foster carers will impact differently on foster families according to the:

- Nature of the allegation or complaint;
- Potential consequences for the foster carer;
- Previous experiences of the foster carer;
- Level of stress or discord within the family;
- Individual resilience of the family members.

For these reasons a range of support services are provided and it should be for the foster family concerned to decide which levels of support they need. This may change during the process of an investigation into allegations or serious complaints.

The support to foster carers is divided into internal (WFCA) support or external support, which can be accessed through the fostering team.

WFCA Support

A member from the Wandsworth Foster Care Association (WFCA committee) can also be contacted by the foster carer if they wish to also offer support. The independent support worker from the WFCA will be available to support the foster carer through the process of investigation, assist in clarifying the stages of the procedure and help them to represent their point of view.

Membership of the WFCA entitles carers to advice and support from the association.

They will be able to provide the following confidential support within the context of child protection responsibilities:

- Be available for telephone contact including evenings and weekends;
- Be willing to meet/visit carers by prior agreement as requested for a time limited period as agreed by the WFCAs and the carer;
- May attend meetings, including the Fostering Panel to support the carer.

Independent Support - Counselling Support via FosterTalk

The provision of a 24 hour counselling helpline, social work support helpline, legal advice line, and legal expenses insurance cover for foster carers including when they are subject to allegations or serious complaints. The counselling may take place during or after an investigation.

A Counselling Helpline is available 24/7 – 365 days a year providing confidential personal support from trained counsellors.

A Fostering Advisor Helpline is available (9 – 5pm excluding Bank Holidays) made up of a mix of independent social workers and foster carers with fostering experience.

A 24hr Legal Advice Line is available 24/7 – 365 days a year. Legal expenses insurance cover is also provided.

Task

The counsellor's task is to provide a safe, sensitive, confidential and time-limited environment to facilitate foster carers or their families in coming to terms with the implications (both emotional and practical) of being subjected to investigations into allegations or serious complaints.

Carers must be informed that, if the allegations culminate in court proceedings, witnesses including support workers or friends may be required to give evidence.

Independent Counselling

In exceptional circumstances it may be agreed by the Fostering Manager or Head of Service to offer face to face counselling from an independent, qualified counsellor.

4.3 The Role of the Supervising Social Worker

The role of the supervising social worker should be to:

- Be informed of the allegation from the outset;
- Attend the strategy discussions;
- Link with investigating social workers about when to make contact with the carer(s);
- Contact the carer as determined at the strategy discussion;
- Ensure the carer receives appropriate information and advice;
- Attend any follow up interview with the carer and her/his family, unless this is judged inappropriate.

4.4 The Payment of Fostering Fees

If it is deemed necessary for the child to be removed from the placement, and a decision is made to make no further placements during the period of investigation, the foster carer will continue to be paid the fostering fee for one child (but not the child related allowance) until the conclusion of the investigation.

If the investigation is prolonged and/or the foster carer experiences financial hardship at any point during the process the SSW can, with the agreement of the Fostering Manager in consultation with the foster carer, prepare a report of the foster carer's circumstances for the Head of Service who will decide whether an exceptional hardship payment is warranted. The decision will be shared with the Agency Decision Maker and will be communicated by the SSW to the carer within 5 working days.

At the conclusion of the investigation a decision, where relevant, about further placements and continuation of the fee payment will be communicated to the foster carer by the Fostering Service Manager within 5 working days.

4.5 Moving On

The impact of complaints and allegations on foster carers, the children and young people in their care and those that they may be working with should not be underestimated. Consideration should be given to the steps needed to ensure effective partnership working, lessons learned and what needs to happen so that effective working relationships can be established.

Supervision arrangements should also be reviewed and may need to occur more frequently.

4.6 Further Sources of Information

- 'Safer Caring Handbook (Fostering Network)' is available from fostering teams and should be read by all foster carers. Wandsworth Council also provides 'Safer Caring' training for all foster carers;
- 'Who Do We Trust?: The Abuse of Children Living Away from Home in the United Kingdom', - Andrew Kendrick - Paper presented to the 12th International Congress on Child Abuse and Neglect;
- "Protecting Children, Supporting Foster Carers" - Department for Education and Skills April 2006;
- 'Working Together to Safeguard Children' - 2015;
- Fostering Network has produced a booklet 'Allegations against Foster Carers' containing comprehensive advice which can be obtained at Central Books;
- The Children Act 1989 Guidance and Regulations, Volume 4: Fostering Services;
- National Minimum Standards: Fostering 2011.