



# Allegations Against Foster Carers Policy

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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 [Sefton Local Safeguarding Children Board Procedures](#).

This policy is informed by, and should be considered alongside, Sefton LSCB's Managing Allegations Against Staff or Volunteers procedure. This policy should be followed where it is alleged that a Foster Carer has:

- Behaved in a way that has harmed a child, 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/she may pose a risk of harm to children;
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

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 about other children with whom foster carers against whom allegations are made have contact, including their own children.

Allegations or suspicions that a foster carer has caused harm to a child will be investigated thoroughly, quickly and sensitively under these procedures

## 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 the context of any abusive experiences of and/or previous allegations made by the child;
- 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 must have their safe caring plan amended/updated for each new child placed; this should include a risk assessment which will consider/determine any information which highlights and existing or new risks. It is the responsibility of the Supervising Social Worker to draw up the safe care plan with the foster carers.
- d) All foster carers will have received information about this procedure and the Sefton Local Safeguarding Children Board Procedures;
- e) All approved foster carer will receive a copy of the Foster Carers handbook.

- f) 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;

## 3. Procedure

### 3.1 Initial Response to an Allegation

Any person who receives information or suspects that a child has suffered or is suffering Significant 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 and Service Manager;
- Inform the Local Authority Designated Officer (LADO);
- Inform the supervising social worker and the Designated Manager (Child Protection) in the fostering team.

The Supervising Social Worker (SSW) will:

- Inform their Team Manager;
- Inform the social workers for any other child in the placement;
- Inform any other local authority with an interest in the foster placement.
- Continue to offer support to the foster carer.
- Advise the foster carer of support available from the Independent Foster Talk organisation.
- Consider support needs of other members of the fostering household.

The Fostering Team Manager will:

- Act as the designated person who liaises with the allocated LADO in cases to which the procedure applies.
- Allocate the investigative report to a different social worker within the fostering service to enable the allocated SSW to continue to support the foster carers.

All staff within the Fostering Service must be aware of the requirements of this procedure, including the role of the Disclosure and Barring Service (DBS)

The relevant child's Team must implement the [SEFTON SCP Safeguarding Policy](#) in relation to the allegation/suspicion. They will gather relevant background information and convene a [Strategy Meeting](#) within 2 working days of the referral. 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 a new placement be identified.

Other investigative routes may be identified as more appropriate at this stage, for example, the complaints process or an allegations management strategy meeting, and should be considered as an alternative to a [Section 47 Enquiry](#).

The [Regulatory Authority](#) must be informed of any allegation/suspicion of abuse or neglect in respect of children placed with foster parents and the outcome of any investigation. (Schedule 6 – Regulation 35(1) Fostering Services (England) Regulations 2011 – matters to be monitored that are relevant to the allegations process include:

- All accidents, injuries and illnesses of children placed with foster parents
- Complaints in relations to children placed with foster parents and their outcomes
- Any allegations or suspicions of abuse or neglect in respect of children placed with foster parents and the outcome of any investigation - taking into account the voice of the child
- Notifications of events listed in Schedule 7The Fostering Services (England) Regulations 2011 (legislation.gov.uk)
- Use of any measures of control, restraint or discipline in respect of children accommodated in a foster home.

### 3.2 Section 47 Strategy Meeting

The Strategy Meeting will take place within 2 working days of the referral and will involve a face-to-face meeting. The purpose of the meeting will be to decide if an investigation is necessary and, if so, how it should be carried out. The following people will be invited:

- a) The manager of the team undertaking the Section 47 Enquiry;
- b) The child's social worker and his or her manager;
- c) The Local Authority Designated Officer (LADO);
- d) The supervising social worker linked to the foster carer, and his or her manager;
- e) The Police;
- f) Any other agency involved with the child or foster family;

The Strategy Meeting 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) The involvement of other agencies, for example if the child was placed by another local authority;
- d) The need to inform other agencies who use the foster home;
- e) Who will notify the Regulatory Authority of the outcome of the meeting,

- f) 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;
- g) How the needs of any child who has to leave the placement will be met including contact with other children in the placement;
- h) 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 a social worker from the Fostering Service who has had no prior contact with the carers must interview the foster carers about all allegations and concerns. Interview notes must be taken and made available to future meetings and/or the Fostering Panel);
- i) The time-scales for the investigation (see below) and any contingencies should timescales prove unlikely to be met;
- j) How the child should be informed of the procedure to be followed and supported through the process;
- k) Whether the alleged perpetrator should be asked to leave the home while the investigation is conducted and confirmation that the supervising social worker will inform the carers of the allegation verbally and then in writing;
- l) How to inform the child's parents of the allegation;
- m) Once informed of the decision what support to offer the foster carers;
- n) How reports on the investigation will be shared with the foster carers and the child or children in the placement;
- o) Whether further placements should be suspended in the meantime;
- p) Arrangements for reconvening the Strategy Meeting.

Whether or not the Strategy Meeting considers that the allegation or suspicion has any foundation, the matter should be investigated unless there are exceptional circumstances, and the Regulatory Authority must be notified of the decision and the outcome.

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.

Any decision to take no further action following the Strategy Meeting must be clearly recorded by the decision-maker on the child's and the foster carer's records, and the outcome reported to the Regulatory Authority.

### 3.3 Investigation and Action

In anticipation of the outcome of the investigation being reported to the Fostering Panel, the supervising social worker or his/her manager should contact the Panel Advisor who will contact the Panel Chair to consider whether a special Panel meeting will be required.

The actions agreed at the Strategy Meeting should be implemented by those responsible within the agreed timescales.

Unless there are circumstances when the details or nature of the allegation cannot be shared immediately, the foster carers should be advised of the allegation as agreed at the Strategy Meeting 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.

Foster carers must receive independent support and payment for the first twelve of the investigation. Payments are payable for the fostering allowances but not for the skills scheme payments. Foster carers will continue to receive payments for any other children not subject of the allegation who have remained in placement. Where considered appropriate by those at the Strategy Meeting, 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 in writing to the foster carer by the manager of the fostering service.

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. Supervising social workers/independent support workers such as Fostertalk Allegation Support Team 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.

They should confirm that the foster carers are aware of the following.

- a) The contents of this procedure and the relevant SEFTON SCP Safeguarding Policies and Procedures Online Manual -
- b) The address and contact telephone number of the independent agency identified to provide the foster carers support;
- c) Information regarding consulting a solicitor;
- 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.

The social worker undertaking the investigation will prepare a report on the investigation and a copy will be provided to the foster carers and their representatives.

### 3.4 Concluding the Investigation

An Allegations Management Strategy Meeting will be convened to conclude the investigation. This will be chaired by the LADO. The supervising social worker, Fostering Service manager and child's social worker will be invited to attend. The Police will be invited if they have been involved in the investigation as well as social workers for any other children placed with the Foster Carers. If the Foster Carer is employed in a paid or voluntary role in the children's workforce the employer(s) will also be invited. The Foster Carer subject of the allegation is not invited to attend.

The purpose of the Allegations Management Strategy Meeting is to agree on the outcome of the investigation and responsibilities for any further action including reporting on the matter to the Fostering Panel. The possible outcomes are:

- **Substantiated** – there is evidence that the incident took place.
- **Unsubstantiated** – there is insufficient identifiable evidence to prove or disprove the allegation.
- **Unfounded** – there is evidence to determine that the incident did not happen.
- **Malicious** – this implies a deliberate act to deceive. For an allegation to be classified as malicious it will be necessary to have evidence which proves this intention.

Although this will always be envisaged as the final meeting, should new information come to light further actions may be required thereby necessitating the suspension and rescheduling of the meeting.

The meeting will agree who will notify the foster carers, the child, the parents, other children in the placement or involved, other relevant agencies and the Regulatory Authority of the recommendations made at the meeting. The issue of referral to the [Disclosure and Barring Service](#) may need to be considered.

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

If the investigation finds no evidence of harm but there are concerns about standards of care, the matters should be dealt with separately. An early annual foster carer review should still take place (see 3.5)

#### 3.4 Timescales

In order to prevent undue delay, the aim is to conclude the allegations management process as soon as possible

- 80% of all allegations should be resolved within 1 month of the allegation being made.
- 90% of allegations should be resolved within 3 months; and
- All but the most exceptional allegations should be dealt with within 12 months of the allegation being made.



### 3.5 Early Annual Review following any allegation

Upon conclusion of a Section 47 investigation, the Fostering Service should undertake out an early foster carer review, chaired by the Fostering independent Reviewing Officer. This will allow of consideration of the outcome of the investigation and consideration of the impact this has had on the foster carers. This should be convened at the earliest opportunity, but good practice dictates the review meeting should take place no later than 4 weeks. Consultation with relevant professionals, the foster carers and any children/ young people should inform this review. The Supervising Social Worker must ensure that review documentation is prepared for the review meeting with feedback from the carers, any children of the foster family and the social worker of the child(ren) concerned. Where possible, feedback from the child concerned, any children placed within the last 12 months, school and Independent Reviewing Officer (IRO) for the child concerned should be obtained. The SSW report must contain the views of the Fostering Service concerning the situation and a recommendation regarding ongoing suitability to foster.

The FIRO focus must not repeat the investigation; but focus on:

- Nature of allegations and the recommendations of the final strategy meeting (any issues the Strategy meeting has highlighted as areas to draw to the attention of Fostering Panel.
- The effect the investigation and outcome has had on the foster carers and their family
- Impact of any removal of children from their care
- Specific needs of the carers and their family e.g. support, training,
- Foster carer and families views on support received by them from the Fostering Service, Children's Services, Foster Talks as a whole during the investigation process,
- How any needs identified will be addressed.

The review will be then be presented to the next available fostering panel who will consider and make a recommendation to the Agency Decision Maker (ADM) regarding ongoing suitability to foster and approval terms. The ADM will consider panel recommendations and inform the foster carers of of the outcome within 7 days. The foster carer will have 28 days in which to decide whether to accept the decision (known as the qualifying determination (QD)) or wish to appeal; either back to the fostering panel or to the Independent Review Mechanism (IRM)

The social worker preparing the report should consult with the Chair of the Panel who will advise on who should attend the Panel meeting (usually the child's social worker, foster carers and the supervising social worker for the foster carers) and whether a special Panel meeting should be convened. Prior to Fostering Panel, the foster carers and any representative should have seen, and had time to comment on the report being presented to the Panel (at least 3 working days).

### 3.6 Records Retention

Records relating to allegations against those working with children are maintained in line with the North West LADO Records Retention Policy. This is as follows:

- **Unfounded or Malicious** – reviewed after 10 years from the date of closure.

- **Substantiated or Unsubstantiated** – retained until the subject of the allegation reaches the age of 100 years, following this time the records should be deleted and destroyed.

