



Managing Allegations and Complaints against Foster Carers

Managing Allegations

This chapter is compliant with the Fostering Services National Minimum Standards 2011 Standard 22 - Handling Allegations and Suspicion of Harm.

All children should be protected from harm, particularly those who are receiving services from statutory or other Agencies. For this reason, enquiries and investigations relating to children receiving any of these services, should be dealt with under the Local Safeguarding Children Board's Inter-Agency Procedures. Allegations will be responded to in a way that provides effective protection and support for children and the person making the allegation, whilst at the same time supporting the person who is the subject of an allegation.

Allegations or suspicions that a Foster Carer has caused significant harm to a child will be investigated thoroughly, speedily and sensitively and will involve open and honest communication. It is important to note that, although there may be insufficient evidence to support a Police prosecution, it does not mean that action cannot be taken to protect a child, or that the termination of a Foster Carer's approval cannot be considered.

Complaints about the standard of care provided by a carer will be dealt with under the Complaints Procedure. If the allegation comes about due to whistleblowing, please refer to the AFA policy. It may be necessary during an investigation to determine what action, if any, should be taken regarding other children living with the carer, including their own children.

The expectation at the time of a child's placement is that Foster Carers will be given detailed information on the child's background, and any past abusive experiences or previous allegations made by the child. However, it should be considered that when a placement is being made, the full details of the child's past and current experiences and behaviour may not be known. All Foster Carers will receive preparation, training and guidance to help them provide a safer caring environment for the child placed with them. Foster Carers will also be reminded of the Local Safeguarding Children Board's Inter-Agency Procedures and the process for managing allegations against carers.

At all times during the placement Foster Carers will need to make daily records of the child's progress, including details of any incidents or complaints. The procedures are in place to protect all those involved in the child's placement and the records kept by carers can provide important evidence if an allegation is made.

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

- A Senior 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;

The Designated Persons for AFA is the Human Resources Manager or the Registered Manager. The role of the Designated Person is to liaise with the Local Authority Designated Officer (LADO) in relation to any allegation or concern relating to carers approved by the Agency.

Initial Action

The Designated Person must be informed immediately if there are any allegations or concerns that a Foster Carer has:

- Behaved in a way that has or may harm a child;
- May have committed a criminal offence against or relating to a child;
- Behaved towards a child or children in a way that indicates they are unsuitable to work with children.

If the allegations or concerns relate to a Foster Carer, the Designated Person must immediately:

- Inform the Placement Manager;
- Inform the child's Social Worker or in their absence, the Social Worker's Line Manager.

The Placement Manager will:

- Inform the Social Worker/s for any other child/children in the placement;
- Inform any other Local Authority who has a child currently in the placement.

The Designated Person must implement the Local Safeguarding Children Board's Inter-Agency Procedures in relation to the allegation/suspicion. A clear and comprehensive summary of the allegation should be made, including details of the circumstances in which the allegation was made and how it has been dealt with.

A different route may be identified as more appropriate at this stage, for example, exploring the concerns through the complaints process. This may be considered as an alternative to a Section 47 Enquiry. Such decisions must be made in conjunction with the LADO.

At this stage, the Regulatory Authority (Ofsted) must be informed of the allegation/suspicion and any action taken. If a Strategy Meeting is to be convened, the Designated Person must ensure they are invited. In exceptional cases, where immediate action may be necessary to safeguard the welfare of the child, the child's Social Worker and the Line Manager may decide to request a new placement for the child in question, and any other children in the household.

Strategy Meeting/Multi-Agency LADO Meeting (MALM)

The purpose of the meeting will be to decide if a Section 47 Enquiry and/or criminal investigation is necessary and, if so, how it should be carried out. The meeting will also consider if the LADO threshold for a referral has been met. The following people will be invited to the meeting:

- The Manager of the team undertaking the Section 47 Enquiry;
- The child's Social Worker and Line Manager;
- The Local Authority Designated Officer (LADO);
- The Designated Person (from the Fostering Agency);
- The Placement Manager for the carer;
- The Police;
- Any other Agency involved with the child or foster family;
- A representative from the Regulatory Authority.

The Meeting must consider:

- The nature of the allegation, its source and reliability;
- Background information relating to the foster family and how long the family has been known, how many children have been placed, the family's known strengths and vulnerabilities and any exceptional features about the child or the placement;
- The involvement of other Agencies, for example if the child was placed by another Local Authority;
- The need to inform other Agencies who use the foster home;
- Whose role it is to notify the Regulatory Authority of the outcome of the meeting if a representative is not present;
- A referral to the Disclosure and Barring Service for inclusion on the Disclosure and Barring Service Vetting and Barred List. This should be considered whenever a carer is deregistered;
- The safety of all children in the household, including the Foster Carer's own children, and whether any action is necessary to protect them.
- How the needs of any child who must leave the placement will be met, including contact with other children who were in the placement;
- How and by whom the investigation is to be carried out. It is important that careful consideration is given to planning when a joint investigation is recommended. In situations where the Police or Crown Prosecution Service recommend that no further action is taken, the investigating Social Worker must interview the Foster Carer about the allegations and concerns. A note of the interview must be taken and made available to future meetings, fostering reviews and/or the Fostering Panel;
- The timescale for the investigation (see below) and any contingencies should timescales not be met;
- How the child should be informed of the procedure and how they can be supported throughout;
- Whether the alleged perpetrator should be asked to leave the home while the investigation is conducted, and confirmation that the carers will be advised of the allegation verbally and in writing;
- Who will inform the child's parents of the allegation;
- Once informed of the decision, what support to offer the Foster Carers;
- How reports on the investigation will be shared with the Foster Carers and the child or children in the placement;
- If any further placements should/should not be made;
- Arrangements for reconvening the Strategy Meeting.

If the Meeting considers that an allegation or suspicion has been founded, the matter should be investigated unless there are exceptional circumstances. The Regulatory Authority must be notified by AFA of the decision and the outcome.

The minutes of the LADO meeting must contain clear action points and timescales for each action. The action points and timescales should be circulated immediately after the meeting. Actions agreed must be recorded and are subsequently the responsibility of named individuals. Copies of the action points and the minutes should be held on the Foster Carer's electronic files.

A decision to take no further action following a LADO Meeting must be clearly recorded by the Decision Maker on both the child and Foster Carer electronic files as well as being reported to Ofsted.

Investigation and Action

The actions agreed at the LADO Meeting should be implemented by those responsible within the agreed timescales. There should be a discussion between the Placement Manager and their Line Manager, and the Chair of the Fostering Panel. It might be felt that an additional Panel meeting should be convened to share the outcome of the investigation.

Unless there are circumstances which mean that the nature of the allegation cannot be shared immediately, the Foster Carer should be advised of the allegation as agreed at the LADO Meeting. Carers must also be advised of the process to be followed during the investigation, including where relevant, the possibility that a Child Protection Conference may be convened in relation to their own children.

When an allegation has been made against a Foster Carer and where considered appropriate by the LADO Meeting, the Foster Carers should be given the opportunity to respond to the allegations before a final decision is made about protecting the child who made the allegation and/or any other children in the household. 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 not to make any further placements with the Foster Carer against whom an allegation or complaint has been made and an investigation is still ongoing, must be communicated in writing to the Foster Carer by the Designated Person or the Area Manager.

Foster Carers must be informed as to how they will be supported during the investigation. The Agency must identify the most appropriate person to provide support to a Foster Carer during an investigation, preferably from a source independent of the Agency. Those identified to provide support must contact the Foster Carers as soon as they have been made aware of the allegation. The independent supporter must make clear their responsibility is to report to the Local Authority, the Social Worker and, in some circumstances to the Court, if any information relevant to the investigation comes to their attention. AFA have a range of support services in place which will be offered to Foster Carers.

It should be confirmed and recorded that the Foster Carers are aware of the following information:

- The contents of this procedure and the relevant Local Safeguarding Children Board's Inter Agency Procedures.
- Information regarding the LADO process and how to access additional information, such as Agency and Local Authority documents and guidance.
- The contact details of the independent Agency who have been identified to give the carer independent advice, along with information about any other services available
- Information about consulting a Solicitor, where appropriate, if criminal proceedings are to continue
- Information on other services which may be available from non-statutory organisations.

If a Child Protection Conference is convened, the Chair must be consulted in advance to discuss whether the Foster Carers should be invited. Regardless of whether the carers attend the meeting, their views must be obtained and communicated to the Conference. The Social Worker undertaking the investigation will prepare a report and a copy will be provided to the Foster Carers and their representatives.

Information regarding the allegations should be given to the Foster Carers during the investigation process, along with information regarding their right to respond, and the timescale. Details should be given to the carers so that they can pass them directly to the LADO rather than through AFA, if they so wish.

It is usual practice for another Placement Manager or Senior Manager, who is not the allocated Placement Manager for the Foster Carers to undertake the investigation alongside the Local Authority worker.

Concluding the Investigation

The LADO Meeting will be reconvened to conclude the investigation. Whenever possible, the same people should be invited, and the same person should chair the meeting. Dependent on the Local Authority policy, the Foster Carers and their representatives may be invited to participate, following consultation with the Chair. If they are not invited, their representations either written or recorded should be provided to all present unless there is information from 3rd parties which they have declined to share.

The purpose of the final LADO Meeting is to agree on the outcome of the investigation and identify who is responsible for any further action, including reporting to the Fostering Panel.

Although this is envisaged to be the final meeting, should new information come to light, further actions may be required which could necessitate the cancelling and rescheduling of the meeting. The LADO and other participants will agree who will notify the Foster Carers (if not in attendance) of the recommendations made at the meeting and the actions agreed as a result. This may include carrying out an Annual Review to be considered by the Agency's Fostering Panel. The meeting may also want to draw the Fostering Panels attention to certain areas of the carer's practice.

Whether a review is completed or not, when an investigation relates to Foster Carers, a report should be presented to the next available Fostering Panel. The Social Worker preparing the report should consult with their Manager, and where appropriate the Panel Chair, to clarify the information to be made available to the Panel.

Prior to the Panel the Foster Carers and their representative should have been given, in time to comment, the report circulated to Panel members. The process to be used by the Fostering Panel should be the same as for any other review.

If the Fostering Panel recommends deregistration, and this is ratified by the Decision Maker, consideration should be given to making a referral to the Disclosure and Barring Service regarding the inclusion of the Foster Carers on the Barred List.

All documents relating to the investigation must be retained on the Foster Carer's electronic record. Some aspects of the record may also be recorded on the child's file where appropriate. Minutes from LADO meetings should only be saved on the carer's record. Consideration should be given to holding a 'debriefing' meeting for those involved given the potential impact of the allegations and investigation, whatever the outcome. This meeting should also consider any learning from the process, particularly regarding support and/or intervention. whatever the outcome, must be retained on the Foster Carer's electronic record. Some aspects of the record ma should also consider any learning from the process, particularly about support and/or intervention.

A summary of the allegation should be kept on the Foster Carer's confidential file, this should include how the allegation was resolved and any decisions reached. Such a report should be updated at various stages of the process.

Managing Complaints

Please refer to the Complaints and Compliments Policy for guidance on handling complaints.

Complaints made against Foster Carers

If a complaint is made against a Foster Carer by a third party, the Agency will need to investigate under the Complaints and Compliments policy.

Support for Foster Carers during Investigations

When carers are approved by AFA Fostering, membership of FosterTalk is provided. This gives access to their website and information on the support and services available to carers.

During an investigation AFA will continue to provide support to carers but are not able to offer advice regarding the legal situation, or any specific details relating to the allegation/complaint. General support by the Placement Manager can continue as should the monitoring of any children in placement. However, AFA recognise that for some carers and in some circumstances, this may not be possible or appropriate. Therefore, all Foster Carers will be given the opportunity to have an independent supporter throughout an allegation or complaints investigation. The adviser can support the carers to understand the process and make their views known. AFA cannot provide legal representation at any stage of an investigation or enquiry.

Other support services will be offered to the carer by the Agency and information regarding these are in the leaflet entitled 'LADO investigations and processes - A Guide for Foster Carers'.

Support for Children and Young People

AFA recognises that the LADO process can lead to immense stress for Foster Carers, their family and any children or young people who continue to be placed with the foster family. AFA wants to provide as much support as possible to children and young people. This will be done by providing information outlining the process in a format that is suitable for the age and understanding of the young people and the carers own children. Where appropriate an independent advocate will also be offered. The aim is to ensure that a child or young person's voice does not get lost in the complexities of the LADO process.

For further information see:

National Minimum standards 2011

For a list of all children's safeguarding boards in England please go to;

<http://www.safecic.co.uk/your-scb-acpc/55-free-downloads-and-safeguarding-links/61-safeguarding-children-board-links>

<https://www.thefosteringnetwork.org.uk>

Connected Policies or Guidance

Name of Policy / Guidance	Relevant for
Expectations of Foster Carers Behaviour	Foster Carers, Placement Managers & Managers
Foster Carers Handbook	Foster Carers and Placement Managers
Review of Foster Carers Policy	Placement Managers and Foster Carers
Safeguarding Policy	All staff and Foster Carers
Behaviour Management policy	Foster Carers, Placement Managers
Notification of Significant Events	Placement Managers and Senior Managers
Whistleblowing Policy	All staff and Foster Carers
Complaints and Compliments Policy	All staff and Foster Carers
LADO investigations and processes - A Guide for Foster Carers	Foster Carers, Placement Managers and Managers
LADO Processes and Information in Detail	Foster Carers, Placement Managers and Managers
Police Investigations and LADO	Foster Carers, Placement Managers and Managers
Participation and Advocacy Policy	Foster Carers, Children and Young People, all staff.

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