



Managing Allegations, Complaints and Standards of Care Issues about Foster Parents

Managing Safeguarding Allegations

This policy 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 professional agencies. For this reason, enquiries and investigations regarding children receiving any of these services should be dealt with under the Local Safeguarding Children Board's (LSCB) 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 Parent has caused significant harm to a child, or is at risk of doing so, will be investigated thoroughly, promptly and sensitively, in an honest and open way. It is important to note that, although there may be insufficient evidence to support a police prosecution, it does not mean that action will not be taken to protect a child, or that the termination of a Foster Parent's approval will not be considered.

If an allegation is the result of whistleblowing, please refer to the relevant AFA policy. It may also be necessary during an investigation to determine what action, if any, should be taken regarding any other children living with the Foster Parent, including their own.

The expectation at the time of a child moving to live with a Foster Parent is that they will be given detailed information on the child's background, including any experiences of past abuse, or previous allegations made by them. However, it should be taken into consideration that when a care arrangement is made, details of the child's past and current experiences and behaviour may not be fully known. All Foster Parents receive preparation, training, and guidance to help them provide a safer caring environment for the child in their care. Once approved, they also receive training on managing allegations and disclosures.

At all times while the child is in their care, Foster Parents will need to keep records of the child's progress, including details of any incidents or complaints. These procedures are in place to protect all those involved in the care arrangement, and records kept by Foster Parents can provide important evidence if an allegation is made at a later date.

It is an expectation of the Fostering National Minimum Standards 2011 that:

- A Senior Manager within the Fostering Service is identified as the Designated Person who liaises with the Local Authority Designated Officer (LADO) in all cases to which this procedure applies. The LADO's role is to coordinate the safeguarding and investigative process in response to allegations made against people working with children.

The Designated Person for AFA is the Registered Manager whose role is to liaise with the LADO in relation to any allegation or concern relating to Foster Parents approved by AFA.

Initial Action after an Allegation has been made

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

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

If the allegation meets one or some of these criteria, the Designated Person must immediately liaise with the Fostering Social Worker who will:

- Inform the child's Social Worker or in their absence, the Social Worker's Line Manager
- Inform the Social Worker/s for any other child/children in the foster home
- Inform any other Local Authority who has a child currently in the foster home

The Designated Person must advise the LADO team for the Local Authority where the Foster Parent resides that an allegation has been made. A clear and comprehensive summary of the allegation should be made, including details of the context in which the allegation was made and how it has been dealt with to that point.

A discussion will take place with the LADO, and if it is apparent to them at this stage that their threshold for involvement has not been met, they will record the information on their system, but have no further involvement. In some circumstances, a different route may be identified as more appropriate, for example, exploring the concerns through a Standards of Care process (see below for further information) which may be considered as an alternative to a LADO process.

At this stage, the Regulatory Authority (Ofsted) must be informed of the allegation and action taken. If a Section 47 Strategy Meeting is to be convened (as per safeguarding processes), the Designated Person must ensure they are invited. In exceptional cases, where it is judged that immediate action is necessary to safeguard the welfare of the child, their Social Worker and their Line Manager may request a respite or new care arrangement for the child the allegation relates to, and any other children in the fostering household.

Strategy Meetings and Multi-Agency LADO Meetings (MALM)

In situations where it is apparent that immediate protective action may be necessary, a Section 47 Strategy Meeting will be convened to share information between agencies and to consider appropriate actions needed to safeguard a child. This meeting may also consider whether a criminal investigation is necessary, and if a MALM should be held. The following people usually attend this meeting:

- The Manager of the team undertaking the Section 47 Enquiry
- The child's Social Worker and Line Manager and others representing the voice and interests of the child, such as their Independent Reviewing Officer (IRO)
- The (LADO)
- The Designated Person (from AFA)
- The Fostering Social Worker for the Foster Parent
- The Police
- Any other Agency involved with the child or foster family

In situations where there is no apparent need to take immediate protective action, a Strategy Meeting may not be held, and instead a MALM will be arranged, and the following people usually attend:

- The LADO
- The child's Social Worker and Line Manager and others representing the voice and interests of the child, such as the IRO
- The Designated Person (from AFA)
- The Fostering Social Worker for the Foster Parent
- A representative from any organisation where the Foster Parent(s) works, if their role is with children or vulnerable adults
- Any other Agency involved with the child or foster family
- The Police

The LADO process is a Local Authority process, with input from the other agencies involved. There is variability across Local Authorities as to how they manage this process. Information will be available from each Local Authority about their policies and processes.

The MALM considers relevant information including:

- The nature of the allegation, its source and credibility
- Background information relating to the foster family
- 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 or agencies for whom the Foster Parent works (such as nurseries, schools or voluntary roles)
- The safety of all children in the household, including the Foster Parent's own children, and whether any action is necessary to protect them, including moving them to another home whilst the investigation takes place
- Whether other protective action is needed including asking the person against whom the allegation has been made to leave the household whilst the investigation is conducted
- How the needs of any child who must leave the foster home will be met
- Confirmation that the Foster Parent will be advised of the allegation verbally and in writing and when this will be completed
- Once informed of the decision, what support will be offered to the Foster Parent
- How the child should be informed of the procedure and how they can be supported throughout
- How and by whom the investigation will be carried out, and the timescale for such with any contingency plans should timescales not be met
- How reports on the investigation will be shared with the Foster Parent
- Who will inform the child's birth parents of the allegation
- When subsequent MALMs will take place and actions that must be completed by that time

The minutes of the MALM must contain clearly stated action points and timescales for each of these. The action points and timescales should be circulated immediately after the meeting.

A decision to take no further action following an initial MALM must be clearly recorded on the Foster Parent's electronic file, as well as being reported to the Regulatory Authority.

The Investigation and Action

The actions agreed at the MALM should be implemented within the agreed timescales. There should be discussions between the Fostering Social Worker, their Line Manager and any other professionals identified as being part of the investigation to coordinate it. It is usual practice for another Fostering Social Worker or Senior Manager, who is not the allocated Fostering Social Worker for the Foster Parent, to undertake the investigation alongside a worker identified by the Local Authority.

The Foster Parent should be advised of the allegation, as agreed at the MALM. They should also be advised of the process and timeframes for actions and who will be completing the investigation. Foster Parents must also be informed of how, and by whom they will be supported during the investigation. AFA have a range of support services in place which are offered to all Foster Parents (see below for details) who will receive the following information:

- Details of AFA's policy and procedures
- Information leaflet "LADO investigations and processes - A Guide for Foster Parents" regarding the LADO process and how to access additional information, such as Local Authority documents and guidance;
- Details of the Independent Advisor service provided through FosterTalk. Foster Parents will be asked to confirm in writing if they wish to access this service and a referral will then be made. The Independent Advisor who has been identified will then contact them directly
- Where needed or requested, information on how to consult a solicitor
- Where appropriate, information on other services that may be available
- Confirmation that any further care arrangements will not be made with the Foster Parent whilst the investigation is ongoing

Information regarding the allegations should be given to the Foster Parent during the investigation process, along with information regarding their right to respond and the timescale for such. Details will be given as to how they can pass their views directly to the LADO rather than through AFA, if they so wish. The Social Worker/s undertaking the investigation will prepare a report and a redacted copy will be provided to the Foster Parent, which they may choose to share with their Independent Advisor. Foster Parents must be given the time to fully respond to the allegations before a final decision can be made about the care plan for the child to whom the allegation relates, and/or any other children in the household.

Concluding the LADO Process

A final MALM will be reconvened to conclude the investigation. Whenever possible, the same LADO should chair the meeting. The chair will consider who should attend, but this is likely to be at least some of those invited to the initial meeting and will include those who have completed the investigation. Dependent upon Local Authority policy, the Foster Parent and/or their representative may be invited to participate, following consultation with the LADO. If they are not invited, their representations, either written or recorded, should be shared with all those present.

The purpose of the final MALM is to discuss the information gained through the investigation, consider the Foster Parent's representations and to agree on the outcome of the investigation. Although it is envisaged to be the final meeting, if any new information becomes available, further actions may be required that could necessitate the cancelling and rescheduling of the meeting. In such situations, the meeting will identify who is responsible for any further action. Local Authority processes vary in terms of how the final decision is made. Foster Parents are encouraged to discuss these processes with their Independent Advisor and Fostering Social Worker/AFA.

The LADO and other participants will agree who will notify the Foster Parent (if not in attendance) of the outcome of the meeting. This may include:

- The need to carry out a Foster Parent Review and whether this will need to be considered by

AFA's Fostering Panel

- If the Foster Parent has a role, outside of fostering, with children or vulnerable adults whether additional actions or processes will need to be followed by that organisation
- Should a Foster Parent be deregistered, a referral to the Disclosure and Barring Service for consideration of whether their name should be included on the Barred list

In addition, Ofsted must be notified by AFA of the decision and the outcome.

When a review is completed, this report along with a redacted version of the investigation report and any other documents identified as relevant by the Fostering Social Worker and their Line Manager should be provided for the consideration of the Fostering Panel. Prior to the Panel meeting, the Foster Parent will be provided with a minimum of 5 working days to consider and comment on the Review report. They will be offered support from an Independent Advisor. The process followed by the Fostering Panel will be the same as for any other review.

If the Fostering Panel recommends deregistration, and this is ratified by the Agency Decision Maker, a referral will be made to the Disclosure and Barring Service.

It should be noted that if concerns are substantiated through a LADO process, whether or not a referral is made to the Disclosure and Barring Service, information relating to this outcome is likely to be detailed in any future enhanced DBS check, as this information will be on Police records. The information contained within the disclosure will be dependent on what the Police consider relevant.

All minutes of meetings and documents relating to the investigation will be retained on the Foster Parent's electronic 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 consider any opportunities for learning from the process, particularly regarding support and/or intervention. Notes from this meeting will be held on the Foster Parent's electronic record.

In line with Chapter 3, point 3.79 of The Children Act 1989 Guidance and Regulations Volume 4: Fostering Services, records relating to malicious allegations will be removed from personnel records. In addition, if a reference request is made from an external source, unsubstantiated, unfounded and malicious allegations will not be referred to.

Managing Standards of Care Processes

Standards of Care processes are instigated where there are complaints or concerns that do not meet the threshold for a Section 47 enquiry or a LADO process. Rather, this is where it is suggested that the care provided to a child may not meet the standards expected of a registered Foster Parent as outlined within the National Minimum Standards 2011, the Fostering Regulations 2011, and/or AFA's own policies and guidance.

When the Fostering Social Worker becomes aware of any such issues, they should record and share these with their Line Manager and the Registered Manager. At that point, the potential seriousness of the complaint or concern will be considered, and it will be decided whether there should be no further action, or if it should be addressed by instigating a Standards of Care process, AFA's Complaint process or managed within Foster Parent supervision.

Standards of Care Issues

If a decision is made to proceed with a Standards of Care process, an initial meeting will be held involving relevant professionals who know the child/children living with the Foster Parent. The Foster Parent is not invited to this meeting. The meeting will be chaired by a Senior Manager within AFA and will collate relevant information regarding the identified concerns. AFA will decide whether an investigation is required and whether any other actions that need to be taken.

Investigation of Standards of Care Issues

Following the meeting, the Fostering Social Worker will tell the Foster Parent that there has been a complaint or concern raised, the outcome of the Standards of Care meeting, whether there will be an investigation and if so, by whom. They will also discuss any actions that are required to support the wellbeing of family members during the investigation.

The investigation will be carried out by or on behalf of AFA. As with the LADO process, the family's Fostering Social Worker will not complete the investigation but will share details from the Foster Parent's file with those who are investigating.

As part of the investigation, the Foster Parents will be provided with full details of the concerns and with the opportunity to provide both verbal and written representations during the investigation, and further written representations upon receipt of the investigation report.

Foster Parents will be informed as to how and by whom they will be supported during the investigation. AFA have a range of support services in place that are available to Foster Parents (please see below for details). Additionally, a referral for support from an Independent Advisor via FosterTalk will be arranged once the Foster Parent has confirmed in writing their wish to access this service. The Independent Advisor who has been identified will then contact them directly.

If the investigation identifies safeguarding concerns, the LADO will be contacted and safeguarding procedures, as detailed, will be instigated.

A Standards of Care investigation will be completed within 28 days unless further information is required to proceed. The individual completing the investigation will write a report making a provisional recommendation which will be shared with AFA's Registered Manager and Senior Managers, and subsequently with the Foster Parent. The Foster Parent will be provided with a minimum of 5 working days to provide any additional written representations.

Conclusion of a Standard of Care Investigation

At the end of the investigation, the participants of the original meeting will be invited to attend a further Standards of Care Meeting. The investigation and subsequent representations will be considered, and AFA will decide upon the appropriate outcome of the process. Minutes will be circulated to all attendees. Whatever the outcome of the investigation, a report will be presented to the Fostering Panel.

After the meeting, the Fostering Social Worker will advise the Foster Parent of the outcome. In some instances, the outcome may be that a Review should be completed so that the suitability of the Foster Parent's approval can be considered by Panel. If there is a recommendation to terminate a Foster Parent's approval, they must have a minimum of 10 working days' notice of that recommendation before the date of the Panel meeting. The Foster Parent may make a written representation, and this should be submitted at least 3 working days prior to Panel. The Foster Parent will be offered the support of an Independent Advisor during this time.

In other instances, an Action Plan may be recommended. This will be discussed with the Foster Parent so they can be involved in considering how to address the areas of concern, with clearly identified outcomes and timeframes. This plan will be monitored by Senior Management at AFA. If areas of concern continue, a Foster Parent Review will be completed to consider if the Foster Parent remains suitable to foster or whether their terms of approval should be changed. If there is a recommendation to terminate approval, the above timeframes for the Foster Parent to make representations will be followed.

If the Panel and the Agency Decision Maker agree that the Foster Parent's approval should be terminated, the letter sent by the Agency Decision Maker will outline the options for an appeal, i.e., that the Foster Parent may make representations to them within 28 days.

Complaints made against Foster Parents

If a complaint is made against a Foster Parent by a third party, depending upon the nature of that complaint, AFA may investigate this under its Complaints and Compliments policy. Complaints received should be recorded using the complaints monitoring form and logged and resolved using the complaints procedure. Please see the Complaints Process for further information.

Support for Foster Parents during Investigations

During any investigation AFA will continue to provide support to Foster Parents and their family. General support by the Fostering Social Worker will continue, as will the monitoring of any children in the foster home.

When Foster Parents are approved by AFA, membership of FosterTalk is provided which gives ongoing access to their website and information on the support and services available through them.

During and following investigations, all Foster Parents will be given the opportunity to have an Independent Advisor to support them. This will be provided through the FosterTalk FISS Service. This support may include emotional support, advice and information about the processes, and/or support when attending meetings and/or the Fostering Panel. Although AFA cannot provide legal representation, this is available through FosterTalk.

Support for Children and Young People

AFA recognises that the LADO, Standards of Care and Complaints processes can lead to immense stress for Foster Parents, their family and any children or young people who live with them. AFA wants to provide as much support as possible to children and young people. They will be provided with information outlining the process in a format that is suitable for their age and understanding. Where appropriate, an independent advocate will also be offered to children who are looked after.

For further information see:

National Minimum standards 2011, Standard 22

https://www.minimumstandards.org/fost_twentytwo.html

Chapter 3 the Children Act 1989 Guidance and Regulations Volume 4: Fostering Services

[Fostering Guidance - MASTER \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/421121/Fostering-Guidance-MASTER.pdf)

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

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

For other sources of information

<https://www.thefosteringnetwork.org.uk/advice-information/looking-after-fostered-child/allegations>

<https://www.fostertalk.org/our-services/allegations-against-foster-carers/>

Connected Policies or Guidance

Name of Policy/Guidance	Relevant for
Expectations of Foster Parents' Behaviour	Foster Parents, Fostering Social Workers & Managers
Foster Parents Handbook	Foster Parents & Fostering Social Workers
Review of Foster Parents	Foster Parents & Fostering Social Workers
Safeguarding Policy	All staff and Foster Parents
Behaviour Management policy	Foster Parents & Fostering Social Workers
Notification of Significant Events	Fostering Social Workers and Senior Managers
Whistleblowing Policy	All staff and Foster Parents
Complaints and Compliments Policy	All staff and Foster Parents
Name of Policy/Guidance	Relevant for

LADO investigations and processes - A Guide for Foster Parents	Foster Parents, Fostering Social Workers and Managers
LADO Processes and Information in Detail	Foster Parents, Fostering Social Workers and Managers
Police Investigations and LADO	Foster Parents, Fostering Social Workers and Managers
Participation and Advocacy Policy	Foster Parents, Children and Young People, all staff

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