

# Allegations Against Foster Carers

## SCOPE OF THIS CHAPTER

This chapter provides procedures for managing allegations or concerns that any 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 they may pose a risk of harm to children;
- Behaved towards a child or children in a way that indicates they are unsuitable to work with children.
- Behaves in a manner that discriminates against a child on the basis of one or more of their protected characteristics [1].

[1] as defined by the [Equalities Act 2010](#)

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This procedure should be read in conjunction with the [Merton Safeguarding Children Partnership, Managing allegations against adults who work with children \(LADO\)](#).

## RELATED CHAPTER

[Merton Standards of Care Procedures](#)

## AMENDMENT

In June 2023, this chapter was amended in line with revised Keeping Children Safe in Education. A new [Section 2, The Difference Between an Allegation of Harm and a Concern](#) was also added.

## 1. Policy

All foster carers and children are made aware of and advised how to access this procedure and other procedures including the [Complaints and Representations Procedure](#).

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 allegations against foster carers must be dealt with under the [Merton Safeguarding Children Partnership](#). Allegations will be dealt with in a

manner that provides effective protection and support for children and the person making the allegation, while at the same time supporting the person who is the subject of the allegation.

Allegations or suspicions that a foster carer has caused harm to a child will be shared with the appropriate agencies, investigated thoroughly, speedily and sensitively under those procedures and in accordance with the relevant statutory guidance such as [Working Together to Safeguard Children](#) and Chapter 7 of the London child protection procedures, and will involve open and honest communication with and support for 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.

Complaints made by a foster child in relation to the quality or style of care provided by a carer will be dealt with under the [Complaints and Representations Procedure](#).

It should also be noted that it may be necessary during an investigation to consider what action, if any, should be taken regarding other children with whom foster carers have contact, including their own children.

A clear distinction will be made between investigation into allegations of harm and discussions over standards of care. Investigations which find no evidence of harm should not become procedures looking into poor standards of care - these should be treated separately. **If it is not clear whether the concern relates to a standard of care issue or an allegation of harm, there should be consultation with the LADO to establish whether LADO threshold is met or if the matter can be dealt with as a standards of care concern.**

## 2. The Differences Between an Allegation and a Concern

It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that to be an allegation the alleged incident has to be sufficiently serious as to suggest that harm has or may have been caused to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meet the criteria above).

Concerns that do not meet this threshold may constitute conduct or disciplinary issues and should be addressed using the appropriate organisational procedures.

Incidents which fall short of the threshold could include an accusation that is made second or third hand and the facts are not clear, or the individual alleged to have done this was not there at the time; or there is confusion about the account.

If it is difficult to determine the level of risk associated with an incident the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?
- Where the incident involved an inappropriate response to challenging behaviour, had the carer had training in managing this?
- Does the carer understand that their behaviour was inappropriate and express a wish to behave differently in the future? For example, are they willing to undergo training?
- Does the child or family want to report the incident to the police or would they prefer the matter to be dealt with by the employer?
- Have similar allegations previously been made against the individual – is there a pattern developing?

Whether an incident constitutes an allegation and hence needs to be dealt with through these procedures, may need to be discussed with the LADO (local authority designated officer).

If it falls short of this threshold there may still be a role for the LADO to provide advice and support. Where the matter constitutes a conduct or performance issue, the Manager should follow the appropriate disciplinary procedures and let the LADO know of the outcome.

Such a consultation process may allow for concerns to be evaluated objectively and to ascertain whether similar concerns may have been raised previously but not met the threshold for investigation. Whilst the LADO will only record the details of those allegations which appear to meet the threshold for consideration set out above, a record should be kept of any low-level concern that arise in respect of a foster carer. It is recommended that records are retained at least until the individual leaves their employment. Where a pattern of such behaviour is identified, a course of action should be decided upon, either through disciplinary procedures or where a pattern of behaviour moves from a low-level concern to meeting the harm threshold, it should be referred to the LADO. Records must be held securely and comply with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). It is recommended that records are retained at least until the individual leaves their employment and in accordance with Merton guidance around record retention.

### 3. Introduction

When a child is first placed with foster carers, their supervising social worker will provide them with all relevant information needed to keep them safe, including details of any abuse or neglect they have experienced, and/or previous allegations made by the child.

All foster carers will receive preparation, training and guidance to help them provide a safe environment for any children in their care and all members of the foster family.

All foster carers will also have received information about this procedure and know how to access the local Multi-Agency Safeguarding Children Procedures.

All foster carers must follow recording procedures (see: [Case Recording Practitioner Guidance](#)) and note, on a daily basis, the progress of children placed with them, including any incidents or concerns and any complaints made by the child or their family. In addition, it is an expectation of the Fostering National Minimum Standards that:

- A Senior Manager within the Fostering Service is identified to be the Designated Person who liaises with the LADO.
- All members of staff within the Fostering Service should be aware of the requirements of this procedure, including the role of the Disclosure and Barring Service.

As stated above, the role of the Designated Person within the Fostering Service is to liaise with the LADO in relation to any allegation made or concern raised about staff or carers within the Agency.

## 4. Procedure

### 4.1 Initial Action

The Designated Person must be informed immediately where there is any allegation or concern 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 they may pose a risk of harm to children;
- Behaved towards a child or children in a way that indicates they are unsuitable to work with children.
- Behaves in a manner that discriminates against a child on the basis of one or more of their protected characteristics [1].

On receipt of any information relating to an allegation or suspicion of harm, the Designated Person must:

- Inform the LADO for the area in which the foster home is located within 1 working day; and
- Inform the child's allocated social worker, the carer's Supervising Social Worker and Ofsted/the regulatory authority.

The Supervising Social Worker in the fostering service will:

- Inform the social workers/team manager for any other child in the placement;
- Inform any other local authority with an interest in the foster placement.

The Designated Person must follow the local Multi-Agency Safeguarding Children Procedures (in the area the foster home is located) in relation to the allegation/suspicion.

A clear and comprehensive summary of the allegation should be made including details of how the allegation was reported and actions taken.

At this stage, the Regulatory Authority must be informed of the allegation/suspicion and the action taken. Where a Strategy Meeting is to be convened, the Designated Person must ensure that they are invited to be represented there.

In exceptional cases where immediate action may be necessary to safeguard the welfare of the child, the child's social worker and their manager may decide a new placement should be identified for the child in question and other children placed in the household (**Note** this may be with an alternative fostering Agency).

Please note that in the case of independent fostering agencies the LADO in the area where the foster carer is resident will lead on the process and keep the home LADO informed

## 4.2 Strategy Meeting

If, as a result of the allegation, there is cause to suspect a child is suffering or likely to suffer significant harm, a Strategy Meeting will be convened within 2 working days.

The LADO responsible for the area in which the concern arose would normally be responsible for convening the allegations Strategy Meeting.

The Strategy Meeting will:

- Decide whether there should be a Section 47 Enquiry and/or Police investigation and consider the implications;
- Consider whether any parallel disciplinary process should take place and agree protocols for sharing information;
- Consider the current allegation in the context of any previous allegations or concerns;
- Consider 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. Any decision to remove children from foster carers will be sensitively and carefully assessed;
- Explore, how the needs of any child who has to leave the placement will be met including education, contact with other children in the placement, etc.
- Plan enquiries if needed, allocate tasks and set timescales;
- Consider the involvement of other agencies, for example if the child was placed by another local authority;
- Look at the need to inform other agencies who use the foster home (possibly including previous placements);
- Confirm the time-scales for the investigation (see below) and any contingencies should timescales not be met;

- Explore how the child should be informed of the procedure to be followed and supported and protected through the process;
- Evaluate whether the alleged perpetrator should be asked to leave the home while the investigation is conducted and confirmation that the chair will inform the carers of the allegation verbally and then in writing;
- Consider how to inform the child's parents of the allegation and the nature/detail of information;
- Identify how the member of staff or foster carers will be supported;
- Look at how reports on the investigation will be shared with the member of staff or foster carers and the child or children in the placement;
- Clarify whether further placements should be suspended pending the outcome of the investigation;
- Make recommendations on whether additional monitoring/visiting requirements by children's social workers are recommended;
- Decide what information can be shared, with whom and when, including who will notify the Regulatory Authority of the outcome of the meeting if a representative is not present;
- Agree arrangements for reconvening the Strategy Meeting.

The following people will be invited to the allegations Strategy Meeting:

- A manager from the local authority Children's Social Care Service who will carry out any Section 47 Enquiry;
- The child's social worker and their manager (placing authority);
- The Designated Person from the Fostering Agency (unless information identifies there are implications/concerns about the Agency itself);
- The Supervising Social Worker linked to the foster carer(s), (if the allegation relates to a foster carer - unless information includes implication/concerns about the Agency);
- The Police;
- Any other Agency involved with the child or foster family;
- A representative from the Regulatory Authority/Ofsted.

The minutes of the Strategy 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 foster carer's records. A summary should be placed on the child's record.

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 reported to the Regulatory Authority.

## 4.3 Investigation and Action

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

In anticipation of the outcome of an investigation in relation to a foster carer being reported to the Fostering Panel, the Supervising Social Worker or their manager should contact the Panel chair to consider whether a special panel meeting will be required (see: [Review and Termination of Approval of Foster Carers Procedure](#)).

The member of staff or 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 a Child Protection Conference may be convened in relation to their own children.

When an allegation has been made against a foster carer they 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 Designated Person or the Manager of the Fostering Service.

It should be confirmed that the foster carers are aware of the following:

- The contents of this procedure and the relevant local Multi-Agency Safeguarding Children Procedures;
- The address and contact telephone number of the independent organisation identified to provide the foster carers support;
- Information regarding consulting a solicitor;
- Information on insurance arrangements for legal expenses.

It should be confirmed that the member of staff or foster carer concerned is aware of the following:

- The contents of this procedure and the relevant local Multi-Agency Safeguarding Children Procedures;
- The address and contact telephone number of the person/organisation identified to provide support;
- Information regarding consulting a solicitor.

The social worker undertaking the investigation into the allegation will prepare a report on the investigation and a copy will be provided to the member of staff/foster carers and their representatives.

## 4.4 Support to Foster Carers

Members of staff and foster carers must be informed how they will be supported during the investigation (including arrangements for payments).

Please see the '[Merton Fostering Scheme](#)' for information on payment of allowances and any fee to foster carers while investigations are ongoing.

During an investigation the Agency makes support, which is independent of the Agency, available to the person subject to the allegation and, where this is a foster carer, to their household, in order to provide:

- a. Information and advice about the process;
- b. Emotional support; and
- c. If needed, mediation between the foster carer and the Agency and/or advocacy (including attendance at meetings and panel hearings).

Those identified to provide support must be requested to contact the member of staff or the foster carers as soon as practicable after the member of staff/foster carers are made aware of the allegation, and explain their role. 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. [1]

[1] Those supporting foster carers should never undertake this in a way that obstructs a child protection investigation.

## Keeping parents informed

The Agency would usually inform the parents of the child/ren involved of the allegation and the process that is being followed unless this will be detrimental to the welfare of the child (where the council holds parental responsibility) or impede the disciplinary or investigative processes. The LADO can advise the Agency whether or not the parents should be informed. However, in some circumstances, the parent/s may need to be told straight away (e.g. if a child is injured and requires medical treatment).

The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

## 4.5 Concluding the Investigation

The Strategy Meeting will be reconvened to conclude the investigation. The same people will be invited and the same person will chair the meeting (usually the LADO).

The purpose of the final 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 (in relation to foster carers) and/or considering whether a referral to the Disclosure and Barring Service is required.

**Note:** as a 'regulated activity supplier', where an allegation has been substantiated or a foster carer has been dismissed, there is a **legal duty to refer** information to the DBS: The



employer is responsible for notifying regulatory bodies and making the referral to the DBS.

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 should agree who will notify the member of staff/foster carers the child, the parents, other children in the placement or involved, other relevant agencies and the Regulatory Authority (if they do not attend the meeting) of the outcome of the investigation.

In any event the meeting may wish to draw to the attention of Fostering Panel members certain areas of the foster carer's practice in need of their close consideration.

Where the investigation related to foster carers, a report should be presented to the next available Fostering Panel. 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) and whether a special panel meeting should be convened. Where appropriate, consideration should be given to additional supports, or work undertaken with the foster carers/staff member, identifying any additional training needs, etc.

Prior to the Fostering Panel, 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](#).

In other situations, the Fostering Agency should consider whether disciplinary proceedings against staff are appropriate.

Where the concerns have not warranted further and more serious action, other investigative routes may be identified as more appropriate at this stage, for example, the complaints process.

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.

## Further Information

### Legislation, Statutory Guidance and Government Non-Statutory Guidance

[Working Together to Safeguard Children](#) (DfE, Statutory Guidance)

London Safeguarding Children Procedures: [CP7. Allegations Against Staff or Volunteers \(People in Positions of Trust\), who Work with Children](#)



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