

**Children's Safeguarding
& Early Help**

**Allegations Policy
- Foster Carers**

Title	Key Safe
Purpose/scope	The Policy will offer a framework which ensures consistent Safeguarding Practice within the service and ensure said practice is in line with the stated values of Telford and Wrekin Council which underpin all work with children and young people. Further to this the policy will clarify the professional responsibilities to ensure statutory and other duties are met in accordance with local and national requirements and procedures regarding the Safeguarding and protection of children. This Policy is underpinned by the belief that the “welfare of the child is paramount” and all employees and volunteers have a responsibility to children in their care.
Subject key words	Fostering; foster carers; allegation; safeguarding; Position of Trust; LADO; Independent Review Mechanism
Council Priority	<ul style="list-style-type: none"> • Put our children and young people first. • Protect and support our vulnerable children and adults.
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Date Established	04.10.2018
Date of Next Review	04.10.2019
CS&EH Validation	CSEH Managers meeting – 04.10.2018
Legal Sign Off	N/A
Finance Sign Off	N/A
Approver	Jo Britton, Assistant Director, CSEH

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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 multi-agency West Midlands Safeguarding Children Procedures, Allegations Against Staff or Volunteers.

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.

It is important that arrangements are made for Foster Carers to access appropriate support whilst any investigation is being undertaken.

It should be noted that the LADO Position of Trust meetings should not be used where there are only Standards of Care concerns. These should be raised separately and for a Standards of Care Meeting to be considered.

2. Introduction

When allegations against foster carers are made, the local authority and the fostering service have a legal duty to carry out an investigation to ensure that the child is safe and receives appropriate help, regardless of whether the allegation is true or not.

Although this is a necessary process, it can put the accused foster carer and their family under considerable emotional strain.

While research has shown that the majority of allegations are unsubstantiated, the impact of the investigation may leave foster carers feeling extremely vulnerable and distressed.

The willingness and ability of the foster carer to continue to foster following an unsubstantiated allegation often depends on the level of input and support they receive from their fostering service throughout this process.

And in addition to the above 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;

- 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 the multi-agency West Midlands Safeguarding Children Procedures, Allegations Against Staff or Volunteers;
- 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. 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; in Telford this is delegated to the Team Manager for Fostering (Mainstream)
- b. 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 foster carer may have:

- *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.*

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 delivery manager;*
- *Inform the Local Authority Designated Officer (LADO) within one working day;*
- *Inform the supervising social worker;*
- *Refer the matter to the relevant Assessment Team.*

The LADO will:

- *Liaise with the Fostering Team Manager, Mainstream, and the child's social worker to determine if the LADO threshold criteria has been met and if so;*
- *To agree on the initial plan to safeguard the child (This may be determined by the recommendations of the Sec 47 investigation)*
- *To agree on how any investigation will take place initially (this will include consideration as to the appropriateness of a social worker not involved in the case and thus independent of the investigation)*

The supervising social worker will:

- *Inform the fostering team manager within the Fostering Service (who will liaise with the LADO) , and in consultation with fostering team manager and children's case manager's 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.*

The Team Manager/Group Manager in the children's case management team will:

- *Decide whether a section 47 assessment is required. This is separate from any LADO process, which is in respect of the carer.*

If there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, the designated senior manager for the child/ren should consider immediate safeguarding action and should ensure that a section 47 is instigated by the child's social work team and should convene a strategy meeting/discussion. The progress and outcome of any section 47 enquiry should be communicated to the Designated Officer (LADO) whilst there is an ongoing allegations process. Reference should be made to the Guidance on 'Significant Harm'.

The relevant Children's Team must implement the multi-agency West Midlands Safeguarding Children Procedures, Allegations Against Staff or Volunteers, in relation to the allegation/suspicion. They will gather relevant background information and convene a Strategy Meeting in accordance with the child protection procedures.

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.

At this stage, the Regulatory Authority must be informed of the allegation/suspicion and the supervising social worker's manager must ensure that an invitation is sent to them to be represented at the Strategy Meeting.

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 Position of Trust Meeting

The majority of LADO cases do not progress to a POT meeting but can usually be managed by way of phone calls etc, a formal POT meeting only occurs under the following criteria:

- Where the threshold for significant harm has been met
- When a crime has been convicted
- In complex cases or where the media is involved

Similarly, even if an initial POT meeting has occurred, the LADO may resolve a case by way of phone calls, rather than a formal meeting.

The Position of Trust (POT) Meeting will take place as soon as possible following the referral and will usually 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 (if different to above);
- c. The Local Authority Designated Officer (LADO);
- d. The supervising social worker linked to the foster carer, and his or her manager (who will liaise as necessary with the designated senior manager within the Fostering Service);
- e. The police;
- f. Any other agency involved with the child or foster family;
- g. A representative from the Regulatory Authority (usually in respect of child-minders)

The Position Of Trust 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 or if the foster carer also works with children in another

setting.

- d. The need to inform other agencies who use the foster home;
- e. What support is available to the foster carer/s (what can the team offer; what can be offered independently (ie Fostering Network); or what can the local Foster Care Association offer.
- f. Who will notify the Regulatory Authority of the outcome of the meeting, if a representative is not present;
- g. 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;
- h. 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;
- i. How the needs of any child who has to leave the placement will be met including contact with other children in the placement;
- 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 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);
- k. How the child should be informed of the procedure to be followed and supported through the process;
- l. Whether the alleged perpetrator should be asked to leave the home while the investigation is conducted (or whether other arrangements will be made to safeguard the child/ren) and confirmation that the Chair will inform the carers of the allegation verbally and then in writing;
- m. Support to the foster carer/s – either senior social worker or independent agency (Foster Carer Association)
- 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. Arrangements for reconvening the Position Of Trust Meeting.

Whether or not the Position Of Trust Meeting considers that the allegation can be substantiated, 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 within 48 hours of the meeting and the full minutes within 20 working days. Actions agreed must be recorded and be the responsibility of named individuals.

Copies of the action points and the minutes should be held by the LADO and summary/outcome of the LADO process should be recorded in the relevant section of the foster carer's records held by the fostering service ie in the fostering hub on Protocol (Allegations/Complaints) and a case note made by the LADO.

Any decision to take no further action following the POT 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.

3.3 Investigation and Action

The actions agreed at the Position of Trust 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 POT 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.

Where considered appropriate by those at the Strategy Meeting (about the child) and/or Position of Trust meeting (about the carers), 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. 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. They must inform foster carers on how they will be supported and paid whilst they are under investigation. They should also

provide the foster carer with any leaflet available for carers about allegations

It should also be noted that former foster carers may also wish to retain membership with an organisation such as the Fostering Network, who have former foster carer membership

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

- a. The contents of this procedure and the relevant multi-agency West Midlands Safeguarding Children Procedures, Allegations Against Staff or Volunteers;
- b. The address and contact telephone number of the independent agency identified to provide the foster carers support;

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

The Position of Trust Meeting will be concluded, which may involve a resolution meeting, or may be done by way of telephone, for example. The same people will be invited and the same person will chair the meeting; the foster carers and their representative will be invited to participate as considered appropriate by the Chair.

The purpose of the final POT Meeting is to agree on the outcome of the investigation and responsibilities for any further action including consideration of an early foster home review and referral of that report to 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.

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 POT meeting will decide how the foster carers will be notified of the outcome and actions that should be shared with them at this stage and would usually be communicated to them by the fostering social worker, or fostering manager. The meeting will also decide how 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 recommendations made at the meeting.

Details of how the allegation was followed up and resolved, a record of any action taken and the decisions reached should be given to the carer against whom the allegation has been made and also retained on their records.

In any event the meeting may recommend that the Foster Home Review considers certain areas of the foster carer's practice in need of their close consideration. Further consideration should be given by the fostering service as to whether it is appropriate to convene a Standards of Care meeting if the investigation has highlighted significant practice issues for the carer/s.

A report should be presented to the next available Fostering Panel. Consideration should be given to who should attend the Panel meeting (usually the child's social worker and the supervising social worker for the foster carers) and whether or not a special Panel meeting should be convened.

Prior to Fostering Panel, the foster carers and their representative should have seen the report being presented to 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. As required with all items presented to the fostering panel, all paperwork should then be presented to the Agency Decision Maker (ADM) for their final decision on matters.

If the fostering service decides that the foster carer is no longer suitable to foster a child, or where it is proposed to vary a foster carer's terms of approval, there will need to be a Qualifying Determination (QD) period of 28 days following the ADM decision. During this time, the carer/s must be given the opportunity to submit any written representations to the agency about the matter (ie make a complaint about the process), or the applicant can seek a review through the Independent Review Mechanism.

All relevant documents in relation to the investigation, whatever the outcome, must be retained on the child's and the foster carer's records. Carers should be notified in writing of the outcomes of the investigation.

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.

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