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**FOSTER A FUTURE**

**NEWCASTLE CHILDREN’S SERVICES**

**Investigating Standards of Care Concerns**

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**1. Introduction**

This procedure sets out how Foster a Future investigates concerns regarding foster carers standards of care or practice.

**2. Principles**

Foster a Future promotes the values, principles and practice enshrined in the legislative and regulatory framework governing children’s social care services and our fostering services.

This procedure supports us to deliver the following principles and Standards of Care:

* The child’s welfare, safety and needs are paramount
* Children should have an enjoyable childhood that benefits from excellent parenting and education and offers a wide range of opportunities to develop their talents and skills
* Children are entitled to grow up in a loving environment that can meet and adapt to their changing developmental needs.
* Children should always be fully supported to reach their full potential

We recognise that facing investigations regarding standards of practice and care can be a stressful time for foster carers, and their families. We aim to support foster carers and their families during these occasions and to ensure that the investigation is completed with respect and fairness, and within reasonable timeframes.

**3. Definition**

Concerns regarding standards of care relate to a foster carer’s care or practice as set out in the National Minimum Standards for Fostering Services 2011 which can be found at:

<https://www.gov.uk/government/publications/fostering-services-national-minimum-standards>

and the Fostering Services Regulations 2011 which can be found at:

[https://www.legislation.gov.uk](https://www.legislation.gov.uk/uksi/2011/581/contents/made?view=plain)

The investigation process is managed by the Fostering Service. There are separate procedures for allegations of harm and complaints. An ‘allegation’ is when somebody raises a concern relating to the behaviour of a member of staff, foster carer or other adult associated with the services that we provide where this behaviour may have caused harm to a child or vulnerable adult. The allegations procedure is managed by our Local Authority Designated Officer (LADO). A complaint is a simple way for service users to voice their concerns. Complaints are described as either ‘statutory’ or ‘corporate’ complaints. Newcastle City Council’s procedures for making a complaint relating to Children’s Services can be found at:

<https://www.newcastle.gov.uk/services/care-and-support/children/make-complaint-about-childrens-social-care>.

**4. The Process for Investigating Concerns**

**4.1 Reporting Concerns**

When a concern about a foster carer’s standard of care or practice is observed or reported to a supervising social worker, the child’s social worker, or another professional, that worker will make an immediate report to the their own manager and, if different, the responsible Team Manager or Duty Manager in the Fostering Service. The Fostering Team Manager will immediately liaise with the child or children’s Social Worker, or their Team Manager.

The Fostering Team Manager will ensure that they have all the relevant and available information about the issues causing concern, including any history of similar concerns about the carers. The Fostering Team Manager will liaise with the LADO to discuss the information and determine how the matter should be investigated.

If the concern is notified to the Emergency Duty Team Out of Hours Service, the worker and or manager will consult with the senior officer on call to agree whether immediate action is required.

If the concern relates to the carers' own child, this should be reported through the Initial Response Service and the LADO notified.

If the foster carer resides in another Local Authority area, the Newcastle City Council LADO will contact the LADO of the home Authority for an initial discussion on who should lead the process. Both Local Authorities will remain closely involved for the duration of the investigation.

**4.2 Professionals Meetings**

Where discussion with the LADO and other relevant professionals determines that a concern does not warrant a Strategy Meeting or Police Investigation but does require investigation by the Fostering Service, the Fostering Team Manager will call a Professionals Meeting. The Professionals Meeting will be held within 48 hours of notification wherever possible.

The following people should be invited to the Professionals meeting:

* Fostering Team Manager (Chairperson);
* Supervising Social Worker (SSW);
* Child in Care’s Social Worker (CLA.SW);
* CIC SW’s Manager;
* Representative from any other Local Authority involved;
* Any other relevant professional.

The child and Independent Reviewing Officer (IRO) should be informed about the meeting and its outcome.

The Agenda for the Professionals Meeting will include:

* Confirmation of reason for meeting
* Confirmation of the recommendation for any temporary change, restriction or suspension in the carer's approval status
* The course of action for investigating, with named persons responsible for identified tasks and agree timescales or whether the matter should be dealt with under another route
* Agreement on how cultural, linguistic and disability issues will be acknowledged and addressed
* Plan for informing the foster carer (and relevant others) about the decision of the meeting both verbally and in writing;
* Plan for supporting the carer and family members, including access to independent support;
* A date for a Conclusions Meeting (ideally within 28 days).

In preparation for the Professionals Meeting, the foster carer’s supervising social worker will provide a retrospective chronology from the date of the carer's approval to date with a view to identifying any previous concerns or allegations and patterns in standards of care.

Should information come to light, following this meeting, that would suggest a need for an earlier meeting or a different route for the investigation of the concerns, the Chair should be notified immediately.

**4.3 The Investigation**

If the Professionals Meeting agrees that a Standards of Care investigation by the Fostering Service is necessary, the purpose of the investigation will be to:

* ensure that all information relevant to the concern is brought together for consideration
* help the service form a view
* make a recommendation about what should happen next

The investigation should also assist with decisions about the future placement of the child/ren concerned.

The process of the investigation should be proportionate to the circumstances of the case. It should be completed within 28 days of the investigator being appointed.

It is recommended that the investigation be conducted by a Senior Practitioner within the service who is independent of the case. If there is substantial information readily available, the investigation may, in some cases be brief or it may be possible to proceed straight to a review of the carer's approval.

The person nominated to conduct the investigation will interview the identified people involved and obtain a comprehensive account of their views and their details. Depending on the nature of the concerns these may include:

* Any child or adult who has reported a concern
* The foster carer(s)
* Other children in the household
* The parents of the child or those with Parental Responsibility (PR)
* Anyone else with information that will be material to the investigation e.g. child's School, Health Service Professionals
* In exceptional circumstances, young people previously fostered by the carers.

The investigating Senior Practitioner will meet with the carers on as many occasions as is appropriate and interview the carers both separately and together, if they are a couple. It may be appropriate to arrange for interviews to take place away from the carer's home e.g. at the office and to limit the length of interviews.

All statements taken during the investigation will be in writing, signed and a copy made available to the person making the statement and where appropriate, to the foster carer or relevant family member and as required, legal representative. If exceptionally, there is a reason why any report or statement cannot be made available, the investigator should inform the Fostering Team Manager. A record of this should be made and the foster carer informed that privileged information has been considered as part of the investigation.

Foster carers will be enabled to contribute their point of view in full and will be encouraged to provide all information that they feel is necessary to provide their perspective.

If the carer is not willing to or cannot cooperate, for example due to ill-health, the Fostering Team Manager will decide whether the investigation should proceed without the carer. The carer will then be given seven days’ notice that all the information gathered by the investigation will be included in the carer's record and taken forward to a review of the carer's approval, giving timescales for the process and inviting them to participate.

The investigators will produce a report that:

* Summarises the information
* Sets out the findings
* Makes recommendations.

The foster carer may also wish to prepare a report for consideration at the Conclusions Meeting.

**4.4 Conclusions**

Once enough information has been gathered to inform a decision, a Conclusions Meeting will be convened to conclude the investigation. This will be within 28 days of the Professionals Meeting where possible. The meeting will consider the investigator's report and any reports that the foster carer wishes to submit.

The objectives of Conclusions Meeting are to:

* Review and evaluate the information and findings of the investigation
* Decide whether the concerns are upheld
* Agree what action should be taken in relation to the carer or other adult members of the household and by whom
* Agree what feedback should be given to the person raising the concerns and by whom
* Agree what information will be placed on the carer's file
* Confirm whether an early review of the carer's approval is required.

**4.5 Inability or Unwillingness to Participate, or Resignation of a Carer**

If the foster carer wishes to transfer from Foster a Future to another Fostering Service provider during the course of the investigation, we will be required to notify the other Fostering Service that the carer is subject to investigation and inform them of the target time for completing the investigation and review of approval.

If the foster carer gives 28 days’ notice of their wish to cease fostering, the Fostering Team Manager will continue to collate information already known in order to include it on the carer's file and to present a report to the Fostering Panel. The carer will be informed of this and allowed seven days to respond in writing about any facts they dispute as well as any comments about the recommendations. The carer's written response will be submitted to the panel along with the report.

**4.6 Outcomes Meeting**

An Outcomes Meeting will advise all participants of the outcome of the investigation and any action arising from it. This meeting will be convened within three working days of the Conclusions Meeting.

Carers will be made aware that a report of the investigation and its findings will be prepared for a review of their approval. The Fostering Panel will also be informed of the findings.

The Outcomes Meeting will include:

* Fostering Team Manager (Chair)
* Lead Fostering Manager
* Foster carers who were subject to the allegation/concern
* Independent support worker (as requested)
* Carer's Supervising Social Worker
* Person who carried out the investigation.

The Service Manager will be provided minutes of the Outcomes Meeting in order to quality assure the process and to sign off the decision.

The Outcomes Meeting will agree if the concern is:

* Substantiated: A concern is deemed to be substantiated if there is clear evidence to support it
* Unsubstantiated: A concern is deemed to be unsubstantiated if there is insufficient identifiable evidence to either prove or disprove it
* Unfounded: This indicates that the person making the allegation misinterpreted the incident or was mistaken about what they saw/heard. There will need to be evidence to disprove the allegation if such an outcome is reached
* Malicious: This means there is clear evidence to prove that there has been a deliberate act to deceive and the allegation is entirely false.

The Service will send a formal letter to the carer detailing the outcome of the investigation. This letter should make clear whether an early review of the carer's approval will be conducted and give a provisional date for Panel presentation.

Where concerns are not substantiated and no further action is planned, carers should be offered a formal opportunity to meet with the Team Manager and relevant staff to talk about the impact of the proceedings on them and their family and any needs they may have as a result.

If the decision is made not to have an early review of the carer's approval, the findings generated by the investigation will be recorded on the carer's file and considered at the carer's next annual review.

**4.7 Review of Foster Carer's Approval**

Under Fostering Services Regulations 2011, the Service will decide if an early review of the carer's approval is required after a standards of care investigation. If an early review is deemed necessary, the IRO should be informed immediately so a date can be agreed for the review meeting and Panel. The review will need to be completed within 28 days of the Outcomes Meeting.

The fostering Supervising Social Worker will prepare a Report for the foster carer's review. The purpose of the report is to inform the review and Panel of the investigation and its outcomes and make recommendations regarding future placements and/or registration or approval.

A copy of the Report will be provided to the carer before the review. The usual contributions including those from the placing social workers, children placed since the last review and from the foster carers themselves will be obtained for the review meeting.

The review meeting will:

* Clarify the foster carer's career and strengths
* Summarise the nature of the concerns and the findings of the investigation
* Identify any specific needs in relation to the foster carers, including training needs
* Consider what supports the Fostering Service has put in place prior to and following the investigation
* Consider the foster carer's ongoing approval.

The review will be attended by:

* IRO (Chair)
* Foster carers
* Their independent support worker (as agreed by foster carer)
* Supervising Social Worker

**4.8 Fostering Panel**

The foster carer will be invited to attend the Panel that considers their review report, along with the person that has been providing independent support, or another person of their choice, as long as it does not compromise the confidentiality of information pertaining to children named in the report.

The Panel will make a recommendation to the Agency Decision Maker (ADM) who has the final say regarding the future registration of the foster carer.

The decision will be conveyed to the carer in writing, along with information about the process for making representation to the Service or to the Independent Review Mechanism in accordance with regulations.

If the Panel recommends that the carer is no longer approved to foster, and the ADM endorses this recommendation, the Team Manager will consult with the LADO about referring the foster carer to the Disclosure and Barring Service (DBS) for inclusion on the Children's Barred List. The ADM will be consulted on this recommendation and if agreed, referrals to the DBS will be made by the relevant Team Manager.

The Fostering Team Manager will inform Ofsted of the outcome of the review of the foster carer's approval. The Children's Services in the Local Authority in which the foster carer resides will also be informed if the carer's approval has been terminated and the reasons for this.

**5. Summary of How Carers Are Kept Informed and Information Sharing Arrangements**

Unless there is exceptional reason not to, or there are restrictions imposed on the foster carer, the Supervising Social Worker or the Fostering Team Manager will inform the foster carer of the substance of the concern and the decision of the professionals meeting as soon as possible, and within three working days of any discussion with the LADO. Information will be provided verbally and in writing.

A discussion must take place with the carer and members of their family about any arrangements for safeguarding a child in placement, e.g. either for the child placed to be removed or for a member of the household to live elsewhere during the investigation. Advice will be provided in such circumstances. This should be followed by written confirmation to the foster carer within 48 hours of that discussion with information about the concern, process of the investigation, who will be conducting the interviews and other relevant information.

The Supervising Social Worker or Team Manager will ensure the carers:

* Are given copies of this procedure and any other relevant procedure
* Have independent support if requested
* Are informed of the nature of the concern
* Understand the process of the enquiry and why it is taking place
* Know when, where and by whom interviews will be conducted
* Are informed of the independent support that will be provided
* Are informed about the financial allowances and fees if fostered children are removed or the carer is temporarily suspended from taking further placements if applicable
* Know the reasons for the removal of children if applicable
* Understand the current status of their approval to foster, including any temporary variations in approval
* Are assisted in communicating with investigating agencies
* Are informed verbally and in writing on a regular basis of the progress of the investigation
* Are informed of next steps and any recommended changes to the household.

Other agencies may be informed in the following circumstances:

* Ofsted will also be informed of the outcome of any investigation.
* Other Local Authorities where the foster carer is resident in another borough or local authority. Representatives of that authority will be invited to contribute to the investigation. Where a foster carer has children of their own, their local authority's Children's Services will be informed and consulted.
* Employers - where carer works (in employment or in a voluntary capacity) with vulnerable adults and children. Depending on the nature of the concerns, employers may be informed.
* Disclosure and Barring Service – The Fostering Service is required to make a report to the DBS if a carer's approval is terminated because the carer's conduct leads to a conclusion that they are or may be unsuitable to work with children and young people. Referrals are not required where termination of approval is not being considered.

**6. Support and Information**

Foster Carers facing Standards of Care Concerns can access support from a range of places, including:

* Their Supervising Social Worker
* Independent Support Worker, through the Service’s contract with Foster Talk. Further information can be found at <https://www.fostertalk.org/>
* Fosterline: A confidential advice line funded by the Department for Education and delivered by FosterTalk, by phone on 0800 040 7675 or visit their website at <http://www.fosterline.info/>
* Fostering Network helplines, information is available on their website at: <https://www.thefosteringnetwork.org.uk/advice-information/advice/fostering-network-helplines>

If fostered children are removed from placement and the foster carer is suspended from taking new placements pending the outcome of an investigation, the Fostering Service will pay up to eight weeks retainer (carer's fee) which will continued to be reviewed until the final decision with regards the outcome of the investigation by the ADM. This is to cover household costs incurred by carers in relation to fostering. Payments may stop before or extend beyond the eight weeks at the discretion of the ADM, for example, payments may be ceased early if the foster carer fails to cooperate with the investigation or may be extended where delays are caused by the Fostering Service.

Foster a Future has a membership arrangement with Fostering Network through which foster carers can obtain legal advice if faced with an investigation of a serious concern. If carers wish to appoint their own solicitor at their own cost, they can access a list of accredited members of The Law Society's Children Panel through the Yellow Pages.

Every effort will be made to ensure appropriate services are arranged to enable carers with language or disability needs to participate fully in the investigation and have their views presented.