**1. Introduction**

The procedure sets out how DMBC Fostering Service investigates concerns regarding foster carers standards of care or their professional practice.

**2. Definition**

A standards of care concern refers to inadequate practice by a foster carer which is unacceptable, even though it is not causing significant harm to a child. Examples of unacceptable standards of care may involve issues of disciplining a fostered child, or not co-operating with contact arrangements for fostered children’s families.

National Minimum Standard 22.10 states the following:

***“Fostering Services ensure that a clear distinction is 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.”***

Concerns regarding standards of care directly relate to the professional practice or conduct as a foster carer or the standard of care they are directly providing to children placed in their care. Standards of care concerns may emerge where foster carers have breached or are believed to have breached the Foster Care Agreement or have breached or be believed to have breached the National Minimum Standards for Fostering 2011: <https://www.gov.uk/government/publications/fostering-services-national-minimum-standards>

Standards of care investigations related to foster carers approved by DMBC are managed by Dudley MBC Fostering Service with oversight from a Fostering Manager.

It is noted that this Standards of Care procedure is separate to those for allegations against people working in a Position of Trust – the procedure for this can be accessed at: <https://dudleychildcare.proceduresonline.com/p_alleg_foster.html>

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) in line with our Safeguarding Children Policy.

This procedure also sits separately to the DMBC complaints procedure which can be accessed here: <https://www.dudley.gov.uk/council-community/compliments-comments-complaints/>

A complaint is a simple way for service users to voice their concerns.

**3. Principles**

DMBC Fostering Service operates and promotes the principles and the practices which are documented and contained within the legislative and regulatory framework underpinning social work with children and families and specifically fostering services in England. These principles include:

* The child’s welfare, safety and needs are at the centre of their care.
* Children are entitled to grow up in a loving environment that can meet their developmental needs.
* Children should have an enjoyable childhood and benefit from excellent parenting and education, enjoying a wide range of opportunities to develop their talents and skills, leading to a successful adult life.

DMBC Fostering Service recognises that for foster carers facing investigation can be stressful and daunting, as a service we aim to support all of our carers through this process should it be required we do this by:

* Providing training prior to approval for foster carers (skills to foster)
* Providing post approval training in risk management and safer caring
* Providing mandatory training – supporting carers to understand their professional role as foster carers
* Ensuring that all foster carers have access to the fostering handbook
* Ensuring that all foster carers have access to DMBC policies and procedures
* Providing opportunity for carers to come together and support each other including support groups
* Providing foster carers with regular supervision advice, and support

Where a matter is progressing to a Standards of Care meeting the foster carer will be referred to the Fostering Network for independent advice and support, in addition to continuing to be supervised and supported by their allocated Supervising Social Worker. DMBC Fostering Service aims 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.

**4. The Standards of Care Process**

**4.1 – Initial consideration of Standards of care concerns**

Where the supervising social worker either has or is informed of standards of care concerns relating to a foster carer, they will immediately inform a Fostering Manager.

The Fostering Team Manager will consider the information being presented by the Supervising Social worker and use professional judgment as to the progression of the matter via the Standards of Care procedure. Where the Fostering Manager feels that the actions of the foster carer have or may have significantly harmed by meeting one or more of the following thresholds then the Manager will discuss the matter with the LADO and the allegations procedure may be followed:

* 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, or may have behaved, in a way that indicates they may not be suitable to work with children.

If the concern relates to the carers' own child, this should be reported through the Safeguarding Children policy and the LADO notified.

Where the foster carer to whom the concern relates is resident in another borough, the DMBC Fostering Service will refer to the LADO within the borough the foster carer is resident. Both DMBC Fostering service and the borough the foster carers are resident in will remain closely involved for the duration of the investigation and work in partnership as outlined within the Working Together to Safeguard Children Statutory Guidance: <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

**4.2 – Steps to be taken by the Fostering service**

Where the Fostering Manager has considered that the concerns being raised can be addressed under the Standards of Care procedure as opposed to the complaints or allegations procedure the Supervising Social Worker must arrange to visit the foster carer within 5 working days of receiving the information to discuss the cause for concern.

In discussion with the Foster Carer the Supervising Social Worker will make the Foster Carer aware of the relevant National Minimum Standard 2011. The Supervising Social Worker will recommend how the issues will be addressed and propose timescales for completion of the action to bring standard of practice to the required level.

The Supervising Social Worker will record the visit and include in the record any actions and recommendations and the timescales for completion of the identified actions. This record will be signed by both parties. The Fostering Manager should be sent a copy of the visit recording via email by the Supervising Social Worker once this is written up and added to the carers file.

The Supervising Social Worker will send a copy of the record of this visit to the Foster Carers within 5 working days.

**4.3 – Standards of Care Meeting**

A Standards of Care meeting will be chaired by a Fostering Manager within the DMBC Fostering Service.

When will a Standards of Care Meeting take place?

A standard of Care Meeting will be convened where:

* There are 3 standards of care issues within a 12-month period
* A pattern of standards of care concerns is emerging
* Whereas outlined under section 4.2 of this procedure a standards of care concern have emerged, and the foster carer has either refused to cooperate with the Supervising Social Workers action plan to address the shortcomings in practice

Where under section 4.2 of this procedure a foster carer has agreed to complete actions to address standards of care concerns but has failed to do so within the agreed timescales.

* Where a Standard of Care concern is deemed significant enough to warrant the convening of a Standards of Care meeting

What is the purpose of a Standards of Care Meeting?

The Standards of Care Meeting aims to have an open and full discussion about the concerns raised and to determine if the conduct and practice of the foster carer has affected their suitability to continue as foster carers or not. At the end of the meeting the Chair will summarise the recommendations and actions from this meeting, these are designed to either aid the foster carer to remedy their practices or recommend that given the information shared within the context of the meeting that the carer may not be suitable to continue to foster.

Legislation underpinning a Standards of Care Meeting:

* Working Together to safeguard children-Child Protection Procedures (2018)
* The Children Act 1989 Guidance and Regulations Vol 4
* Fostering Service regulations 2011(England)
* The National Minimum Standards for Fostering 2011 (England)

Who should be invited to attend the meeting?

* The Chair
* Foster Carer
* Independent Support Worker (if applicable)
* Supervising Social Worker (SSW)
* SSW Team Manager
* Child/ren’s Social Worker (CSW)
* CSW Team Manager
* Member of BS to minute
* Independent Review Officer for Fostering

Paperwork required for the Standards of Care Meeting?

On completion of the investigation the Standards of Care Concerns Meeting report completed by SSW and CSW as in (Appendix 1). Within this report the Supervising Social Worker should clearly evidence where National Minimum Standards or Foster Care Agreement has been breached. This report should be sent to the Fostering Manager for Quality Assurance checks prior to being sent to the foster carer and meeting chair.

Please note the report must be sent to the SOC meeting chair at least 5 clear working days in advance of the scheduled meeting date. SSW must share the report with the carer and explain the carer/s can submit a response to the chair or verbally express their wishes and feeling at the meeting. The Foster carer/s should have a copy of the report at least 10 calendar days prior to the meeting date.

Before the Standards of Care Meeting:

* Meeting will be initiated by SSW liaising with BSO to establish a meeting date and send out invites
* SSW make a referral to the Fostering Network for Independent Support Worker if applicable as soon as the concerns emerge and the decision for a SoC meeting is reached by the Fostering Manager (within 2 working days)
* Invite will be sent out to all attendees with this procedure attached
* BSO will send confidentiality agreement and virtual meeting code of conduct with meeting invitation
* SSW will submit the standards of care report to the Chair and share it with the carer/s.
* Foster Carer/s may submit a response to the Chair via the invite email address

During the Standards of Care Meeting:

* Chair will state the purpose of the meeting
* Introductions
* The Chair will outline the concerns and the reasons the meeting has been convened
* Discussion and clarifications
* Chair summary and recommendations on next steps

Following the Standards of care meeting

* Chair distributes minutes from the meeting within 3 weeks of the meeting date
* Carer/s offered Independent Support from the Fostering Network if applicable
* SSW offer support to carers throughout, regardless of whether carers have an Independent Support or not.

Where a recommendation from the Standards of Care meeting is made that the matter should be presented to the DMBC Fostering and Permeance panel, due to concerns that the nature of the Standards of Care concerns call into question the suitability of the foster carer to continue fostering, the case will be presented to the panel for their consideration as to the carers suitability – this reccomendation will then be presented to the Agency Decision Maker for Fostering who will review the information available and may decide to de-register the foster carer/s. See the Review and Termination of

Approval of Foster Carer policy at: <https://dudleychildcare.proceduresonline.com/p_review_fos_care.html>

**5. Representations, Complaints and Appeals**

**5.1 complaints**

If carers are unhappy with the service they receive as foster carers, then they may make a complaint, this does not extend to matters that are presented to fostering panel and ADM and where changes to terms of approval are made. These matters are dealt with under a separate policy which can be found here:

<https://dudleychildcare.proceduresonline.com/p_review_fos_care.html>

Please see the DMBC Fostering Service Compliment’s and Complaints Policy which can be accessed at:

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

And the DMBC Complaints Policy which can be accessed at:

<https://www.dudley.gov.uk/council-community/compliments-comments-complaints/>

Foster carers are also able to access their records through a Subject Access Request.

**5.2 - Appeals and representations**

Carers who are not in agreement with the outcome of Fostering Panel which has been prompted following a Standards of Care process are able to request an independent review of the panel and subsequent Agency Decision Maker decision, but are not able to make a complaint in respect of this – please see the Review and Termination of Approval of Foster Carer policy at: <https://dudleychildcare.proceduresonline.com/p_review_fos_care.html>

**5.3 – Resignations**

Where a Foster Carer gives written notice of their intention to resign from fostering within a Standards of Care process, DMBC Fostering Service will ensure that the Fostering Panel are notified of the resignation and informed of the Standards of Care Concerns. These concerns will be documented on the Foster Carers case file. Following a foster carer giving the Fostering Service notice of their resignation they are automatically de-registered as foster carers 28 calendar days later in accordance with The Fostering Services (England) Regulations 2011, Regulation 28(13).

Where a foster carer resigns, they have no right to appeal this, and they are unable to withdraw this resignation.

DMBC Fostering Service cannot decline a foster carer resignation.

Where a foster carer who has tendered in writing their resignation later decide that they wish to foster again, Dudley MBC Fostering Service will be required to fully assess the carers in accordance with the Assessment and Approvals of Foster Carers policy which can be accessed at: <https://dudleychildcare.proceduresonline.com/p_ass_app_fost.html>

Further information pertaining to the resignation of foster carers can be found within the DMBC Review and Termination of Approval of Foster Carers policy at: <https://dudleychildcare.proceduresonline.com/p_review_fos_care.html>

Appendix 1:

**Please note that this report should not under any circumstances be sent to the foster carer / meeting chair before first being QA by the Fostering Team Manager.**

**STANDARDS OF CARE CONCERNS MEETING REPORT**

|  |  |  |
| --- | --- | --- |
| **Foster Carers Names:** | | **Date of Birth** |
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|  | |  |
| **Other Household Members:**  *(Also record details of children in placement at time of concern)* | **Relationship** | **Date of Birth** |
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|  |  |  |
| **Foster Carers Address:** |  | |
| **Fostering Team:** |  | |
| **Date of Foster Carers Registration:** |  | |
| **Terms of Foster Carers Registration** *(including how many children and their ages)* |  | |
| **Date concerns raised:** |  | |
| **Concerns raised by:**  *(If this is anonymous please state this)* |  | |
| **Fostering Social Worker:** |  | |
| **Fostering Team Manager:** |  | |
| **Childrens Social Worker:** |  | |
| **Children’s Team Manager:** |  | |
| **Investigating Social Worker/Senior Practitioner/Team Manager:** |  | |

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| --- | --- | --- | --- | --- |
| **REASON FOR THE REPORT** *(Summary of standards of care concern, relevant dates, and decision-making process undertaken to bring the case to Standards of Care Concerns Meeting* | | | | |
|  | | | | |
| **OVERVIEW OF FOSTERING CAREER** *(Foster Carers and family members. Any changes in registration / family circumstances, summary of children placed, children in placement at time of allegation/complaint/standards of care concern. Summary of attendance at support groups and commitment to training)* | | | | |
|  | | | | |
| **CHRONOLOGY OF PREVIOUS RELEVANT CONCERNS** *(Details of related concerns/complaints/allegations including action and outcome)* | | | | |
| **Date:** | **Event:** | | | |
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| **INVESTIGATION:** (*Details of investigation: significant people, summary and dates of any strategy discussions, interviews, action taken, social media searches and findings.* | | | | |
|  | | | | |
| **CONSULTATION WITH FOSTER CARERS AND OTHERS:** *Views and responses of foster carers, views of relevant others including wishes and feelings of children (if appropriate)* | | | | |
|  | | | | |
| **CURRENT SITUATION AND IMPACT UPON CHILDREN/YOUNG PEOPLE IN PLACEMENT** *(Placement update, support provided, learning and practice development in response to the concerns raised, what are the children and foster carers behaviour indicating?)* | | | | |
|  | | | | |
| **ANALYSIS OF THE FOSTER CARERS SUITABILITY AND COMPETENCY TO FOSTER CHILDREN AND YOUNG PEOPLE** *(What are the findings of the investigation? Are there standards that have not/are not being met by the foster carers and how is this evidenced?)* | | | | |
| **What’s worked / working well?** | |  | | |
| **What are we the worried about?** | |  | | |
| **What needs to happen next?** | |  | | |
| **Please outline any appendices accompanying this report.**  *(Please include CSW report, safer caring policy, and any other relevant documentation to inform the Standards of Care Concern Meeting)* | | | | |
|  | | | | |
| **Date report sent to Foster Carer and their advocate if appropriate:** | | |  | |
| **How was this report shared with the Foster Carer?**  *(secure e-mail, recorded delivery, face to face)* | | |  | |
| **Has Foster Carer confirmed receipt** | | | **Yes** | **No** |
| **Fostering Social Worker Signature & Date** | | |  |  |
| **Fostering Team Manager Signature & Date** | | |  |  |

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| --- |
| Policy date: 16.06.22 |
| Reviewed by Fostering Managers: 16.06.22 |
| Approved by SMT: 27.06.22 |
| bPolicy Review Date: 27.06.23 |