

Fostering

Managing

Allegations

Against Staff and

Foster Carers

The Trust Board has granted the Chief Executive of the Sandwell

Children’s Trust the authority to approve this document

Managing Allegations Against Staff and Foster Carers

**Regulations and Standards**

The Fostering Services (England) Regulations 2011

[**Regulation 11 - Independent fostering agencies—duty to secure welfare**](http://www.legislation.gov.uk/uksi/2011/581/regulation/11/made)

Fostering Services: National Minimum Standards:

[**STANDARD 4 - Safeguarding Children**](http://www.minimumstandards.org/fost_four.html)

[**STANDARD 22 - Handling allegations and suspicions of harm**](http://www.minimumstandards.org/fost_twentytwo.html)

**Related Guidance**

[**Working Together to Safeguard Children**.](http://www.workingtogetheronline.co.uk/)

**Scope of this Chapter**

This chapter provides procedures for managing allegations or concerns that any foster carer or member of staff 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.

The term 'member of staff' includes volunteers.

There is a separate procedure for referring concerns that a child placed with an agency foster carer has been abused by someone who is not a staff member or foster carer of the agency, see Safeguarding Children and Young People Procedure.

There is also a separate procedure for dealing with complaints made about or by foster carers, see Complaints Procedure.

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# 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 Local Safeguarding Children Board's Procedures. Allegations will be dealt with in a manner that provides effective protection and support for children and the person making the allegation, and at the same time supports the person who is the subject of the allegation.

Allegations or suspicions that a member of staff or foster carer has caused significant 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 member of staff's contract of employment or foster carer's approval cannot be considered.

Complaints about the quality of care will be dealt with under the Complaints Procedure.

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 staff or foster carers against whom allegations are made have contact, including their own children.

# Introduction

The expectation is that 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.

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.

All members of staff and foster carers will also have received information about this procedure and the Local Safeguarding Children Board's Procedures, in particular their procedure for Managing Allegations against Staff and Carers.

All foster carers will be familiar with and adopt the procedures for recording on a monthly basis for those children who are placed long term, a weekly basis for those children in proceedings/short term placements and daily recording where there are significant events/concerns to evidence the progress of children placed with them. Where there are incidents or complaints a recording should be made on the day and where there are ongoing concerns daily recording should continue. All carers should 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, 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/Team of Designated Officers in all cases to which this procedure applies and manages the allegations process;

* All members of staff within the Fostering Service are 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/Senior Manager is to liaise with the Local Authority Designated Officer (LADO)/Team of Designated Officers in relation to any allegation made or concern raised about staff or carers within the agency.

# Procedure

## Initial Action

The Designated Person must be informed immediately where there is any allegation or concern that a foster carer, member of staff or volunteer 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.

If the concern relates to a member of the agency's management team or owners and the referrer is concerned that the matter will not be dealt correctly, they can directly inform the local authority's Children's Social Care Services or the Regulatory Authority (in Sandwell this will be Sandwell Children’s Trust).

On receipt of any such information, the Designated Person must immediately:

* Inform the Sandwell Children’s Trust (SCT), Designated Officer (LADO)/Team of Designated Officers; and

* In consultation with the LADO/ Designated Officer (LADO)/Team of Designated Officers, refer the matter to the relevant local authority's Children's Social Care Services.

If the allegations or concern relates to a foster carer, the Designated Person must also immediately:

* Inform the Supervising Social Worker
* Inform the child's social worker or in their absence, the social worker's Team Manager.

The Supervising Social Worker will:

* Inform the social workers for any other child in the placement.
* Inform any other local authority with an interest in the foster placement.

The Designated Person must implement the Local Safeguarding Children Board's Procedures in relation to the allegation/suspicion. A clear and comprehensive summary of the allegation should be made including details of how the allegation was made and dealt with.

Other investigative routes may be identified as more appropriate at this stage, for example, the complaints process, and should be considered as a more appropriate alternative to a Section 47 Enquiry. Such decisions must be made in conjunction with the LADO/Team of Designated Officers.

Where the allegation relates to a member of staff, the Designated Person must consider, in consultation with other relevant managers in the agency, whether the member of staff should be suspended.

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 were 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 for the child in question and other children placed in the household.

## Strategy Meeting

The purpose of the meeting will be to decide if a Section 47 Enquiry and/or criminal investigation is necessary and, if so, how it should be carried out. The following people will be invited:

* The manager of the team undertaking the Section 47 Enquiry;
* The child's social worker and his or her manager;
* Designated Officer (LADO/Team of Designated Officers);
* The Designated Person (from the Fostering Agency);
* The Supervising Social Worker linked to the foster carer, (if the allegations relate to a foster carer);

* The Police.
* Any other agency involved with the child or foster family;
* A representative from the Regulatory Authority.

The Strategy Meeting must consider:

* The nature of the allegation, its source and reliability.
* Background information relating to the member of staff or foster family and in relation to a foster carer, 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;
* 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.
* The meeting will inform the fostering manager that a notification to the Regulatory Authority about the outcome of the meeting (if a representative is not present).

* A referral to the Disclosure and Barring Service for inclusion on the Disclosure and Barring Service Vetting and Barred List. This should be considered whenever a member of staff or carer is suspended from their duties.

* 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.

* How the needs of any child who has to leave the placement will be met including contact with other children in the placement.

* 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 investigating social worker must interview the member of staff or foster carers about all allegations and concerns. Interview notes must be taken and made available to future meetings, including disciplinary meetings for staff members, fostering reviews and/or the Fostering Panel);

* The timescales for the investigation (see below) and any contingencies should timescales not be met.

* How the child should be informed of the procedure to be followed and supported through the process.

* 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.

* How to inform the child's parents of the allegation.
* Once informed of the decision what support to offer the member of staff or foster carers.

* How reports on the investigation will be shared with the member of staff or foster carers and the child or children in the placement.

* Whether further placements should be suspended in the meantime.
* Arrangements for reconvening the Strategy Meeting.

Whether or not the Strategy Meeting considers that the allegation or suspicion has any foundation, 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 timescales 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 child's and the foster carer's records.

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.

## 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 his/her manager should contact the panel chair to consider whether a special panel meeting will be required.

Unless there are circumstances when the details or nature of the allegation cannot be shared immediately, 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 and where considered appropriate by the Strategy Meeting, 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 Designated Person or the Manager of the Fostering Agency.

Members of staff and foster carers must be informed how they will be supported during the investigation.

Foster carers must be informed how they will be supported and paid during the investigation. Fostering fee payments may be made up to a period of 12 weeks. Once 12 weeks has expired any further payments must be agreed by the Fostering Registered Manager.

The agency must identify the most appropriate persons to provide support to the member of staff or the foster carer during the investigation - usually from a source independent of the agency.

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.

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

* The contents of this procedure and the relevant Local Safeguarding Children Board's Procedures.

* The address and contact telephone number of the independent agency 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 concerned is aware of the following.

* The contents of this procedure and the relevant Local Safeguarding Children Board's Procedures.

* The address and contact telephone number of the person identified to provide support.

* Information regarding consulting a solicitor - possibly through their trades union.

If a 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 member of staff/foster carers and their representatives.

## 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; the member of staff/foster carers and their representative will be invited to participate as considered appropriate by the Chair.

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 it may be appropriate to make a referral to the Disclosure and Barring Service for inclusion of the member of staff or 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 chair will notify the member of staff/foster carers (if not in attendance), 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.

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 or not a special panel meeting should be convened.

Prior to 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.

All relevant documents in relation to the investigation, whatever the outcome, must be retained on the child's and the member of staff/foster carer's records.

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.

The summary record of the allegation should be kept on the member of staff/foster carer's confidential file which includes the manner in which the allegation was resolved and decisions that were reached. A copy of this should be provided to the member of staff/foster carer.