Surrey County Council Fostering Service

Allegations, Standards of Care and Concerns against Foster Carers/Supported Lodgings Carers/Prospective Adopters and Foster to Adopt Carers

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About this document

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| **Title** | **Allegations, Standards of Care and Concerns against Foster Carers/Supported Lodgings Carers/Prospective Adopters and Foster to Adopt Carers** |
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### Scope of this Document

Foster Carers, Supported Lodgings Carers (approved by the Local Authority) and Prospective Adopters who are approved by Surrey County Council are included in the scope of this document. This includes any prospective adopter approved by the Regional Adoption Agency (Adoption South East), or any other adoption agency and also includes dual-approved carers offering fostering for adoption placements. It does not apply to carers solely providing staying put care or supported lodgings where the allegation concerns harm to a person aged over 18 at the time of the alleged allegation.

Carers approved by the council, or by Adoption South East on behalf of the council may live within, or outside Surrey county borders. Where a carer offering care to a Surrey child or young person lives outside Surrey it will be important to liaise with the Local Authority Designated Officer (LADO) from the relevant Local Authority who will take the lead for ensuring any investigation is coordinated under Working Together 2023 guidelines.

Foster Carers, Supported Lodgings Carers, Prospective Adopters and Fostering for Adoption Carers will be collectively referenced as “carers” throughout this procedure unless otherwise stated.

This procedure applies where allegations are made, or suspicions are raised that a carer has caused significant harm to a child or are likely to cause harm to a child under the age of 18 years. It should be read in conjunction with Surrey Safeguarding Children Partnership’s [Managing allegations against people that work or volunteer with children procedure](file:///C%3A%5CUsers%5Cfmackird%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CJBAWFUS5%5C3.2%20Managing%20allegations%20against%20people%20that%20work%20or%20volunteer%20with%20children%20%7C%20Surrey%20Safeguarding%20Children%20Partnership%20%28procedures.org.uk%29). This procedure also covers circumstances where there are concerns about the standard of care being provided by a carer.

This procedure is written within the context of

* The Children Act 1989
* [Working Together to Safeguard Children](https://www.workingtogetheronline.co.uk/) 2023",
* [Fostering Services: National Minimum Standards for Fostering](https://www.minimumstandards.org/contents_fost.html)
* The Fostering Services (England) Regulations 2011
* Statutory Guidance issued under the Children Act 1989
* The National Minimum Standards for Adoption 2014 and
* The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003

This procedure seeks to differentiate between allegations, standards of care concerns and complaints and to guide staff and carers in the procedures to be followed for investigation and management in each circumstance. Where this procedure refers to a child, this means a child who is being Looked After by the Local Authority and is either fostered, placed for adoption or living in a supported lodgings family. However carers could face allegations relating to a child who is formerly looked after, a birth child, or a child they know outside of their role as a carer.

The procedures for dealing with allegations, concerns or complaints will be applied fairly, transparently, consistently and in a timely and evidenced way.

This document complies with the Surrey Safeguarding Children’s Partnership procedures for dealing with allegations against people that work with or volunteer with children. It offers additional elements which recognise the nature of fostering (and pre-order adoptive placements) where carers look after children in their own homes, often working alone, and where the consequences of an allegation may affect their home as well as work environment.

#

## 1. Introduction

Every child in care has the right to be protected and to feel safe in their foster or prospective adoptive home: their safety and welfare is of paramount importance. Carers and members of their families who face allegations must be treated sensitively and fairly within a clear procedure. This document aims to ensure a clear process to take account of the law, national guidance and Surrey’s Safeguarding Children Partnership procedures.

## 2. Allegations

An allegation is an assertion from any person that a carer, or another member of the care household, has or may have

* behaved in a way that has harmed a child,
* possibly committed a criminal offence against a child,
* behaved towards a child in a way that indicates they may pose a risk of harm to children
* behaved towards a child in a way that indicates they are unsuitable to work with children. This also includes if the carer behaves in a way that raises safeguarding concerns in their personal life, even if it doesn’t involve a child.

For example:

* Disclosures from currently placed or previously placed children of abuse or mistreatment by the carer(s);
* Third party referrals reporting harm whether via anonymous or named sources.
* An allegation which suggests a carer may pose a risk of harm to a child.

Allegations are more serious than general complaints against carers and must be investigated under the local safeguarding procedures. Allegations should be treated differently from concerns about poor standards of care.

## 3. Procedure Following an Allegation

3.1 Any person, including carers, who receive, or are made aware of information or who suspects that a child has suffered or is suffering significant harm must, within 24 hours:

* + - Inform the child's Social Worker and Team Manager verbally and in writing (or the Emergency Duty Team out of office hours).
		- Inform the Foster Carer’s Supervising Social Worker (or duty worker if they are not available) and Fostering Team Manager, or duty manager if they are not available verbally and in writing.
		- For prospective adopters who are providing fostering for adoption, the same notification process should apply with respect to their approving fostering agency and the Regional Adoption Agency.
		- The Supervising Social Worker and a Fostering Team Manager or the approving Adoption Agency Social Worker must inform the Local Authority Designated Officer (LADO), and Fostering or Adoption Service Manager verbally and in writing. As part of the LADO process, the LADO will inform the Police where it is believed that there is a possible criminal offence against a child.
		- Inform the Social Worker and Team Manager of any other child placed at the same address verbally and in writing.

## 3.2 Strategy Meeting

3.2a When a safeguarding concern arises which indicates that a child may have suffered or is at risk of significant harm, a multi-agency strategy discussion will be convened in respect of the child(ren). Dependent on the urgency of the safeguarding concern the meeting may take place on the same day or within 72 hours of the concern having arisen. The strategy meeting is chaired by Surrey Children’s Services if the child is living in Surrey at the time of the allegation or concern. Alternatively, if the allegation or concern arose in a different Local Authority, responsibility for convening and chairing a strategy meeting should be discussed with that authority.

The strategy meeting will consider whether the threshold is met for an investigation under Section 47 of the Children Act 1989, namely that there is reason to believe a child is suffering/has suffered significant harm or is at risk of significant harm. The meeting will consider whether the information presented meets this threshold and the actions required to safeguard the child(ren), by whom and within what timescale. This will include any birth children living in the home. The strategy meeting could be convened prior to contact with the LADO or as a result of further information arising from LADO enquiries.

3.2b The carer(s) are not invited to the strategy meeting and are not informed, at this stage, that an allegation has been made. (This is because it may lead to the investigation of a criminal offence).

3.2c The following people will be invited:

* + The manager of the team who would undertake the Section 47 Enquiry, if required.
	+ The child's Social Worker and their Manager.
	+ The carer’s Supervising Social Worker, and their Manager.
	+ The Police.
	+ Social Workers of other children living in the home, if appropriate.
	+ Any other agency involved with the child or foster family, such as designated nurse for looked after children .
	+ The carer’s employer if they work with children
	+ Where an allegation has been made, the LADO should always be invited.

## 3.3 Allegations against Staff and Volunteers (ASV) Meeting

3.3a In addition to any possible strategy meeting, the LADO will consider if convening an Allegations against Staff and Volunteers (ASV) meeting is required, (complex cases and or carers where there are multiple parties) if there is enough information to suggest a child(ren) may have been harmed, or a criminal offence may have been committed. The purpose of this is to scope, gather, share information and plan and direct the investigation. It is important to note that not all allegations require an ASV meeting as the LADO service may need to communicate via email and or telephone to the involved parties.

3.3b If convened, the ASV meeting will :

* Consider whether any parallel review of the carer’s approval can take place and agree protocols for sharing information; (There are situations where the outcome of the allegation is already known by the time the initial ASV is conveyed and on such occasions, the outcome should be recorded at the ASV even if the fostering/adoption services requires a review of approval or standards of care investigation in relation to the carer).
* Consider the current allegation in the context of any previous allegations or safeguarding concerns;
* Where appropriate, take account of any entitlement by carers to use reasonable measures to discipline or manage children’s behaviour
* Consider whether a complex [abuse](https://surreyscb.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51) investigation is applicable (see Organized and Complex [Abuse](https://surreyscb.procedures.org.uk/page/glossary?term=Abuse&g=3EzN#gl51) Procedure);
* Allocate tasks and set timescales;
* Decide what information can be shared, with whom and when.
* Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including children in the immediate family/household of the carer. If there are concerns about the carer as *a parent*then these need to be shared with Children’s Social Care;
* Invite employers and the fostering service to consider what support should be provided to the carer and others who may be affected and how they will be kept up to date with the progress of the investigation.
* Oversee the quality of investigations to ensure they are thorough, objective and appropriate within the context of any criminal investigation or child protection enquiry
* Invite the service to consider appropriate care and planning for any other Looked After Children in the home
* Identify a lead contact manager within each agency;
* Agree protocols for reviewing investigations and monitoring progress by the [LADO](https://surreyscb.procedures.org.uk/page/glossary?term=LADO&g=4kjN#gl32), having regard to the target timescales;
* Consider issues for the attention of senior management (e.g. media interest, resource implications);
* Consider reports for consideration of barring;
* Consider risk assessments to inform the fostering/adoption services safeguarding arrangements;
* Agree dates for future meetings / discussions.

A final meeting / discussion (either via email, telephone and or where required a meeting) should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt.

3.3c 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.

3.3d Copies of the action points will be sent by the LADO to all parties within 24 hours and held on the carer’s record. The aim is to send minutes within 5 working days and these should be also held on the carer’s record.

3.3e If a formal ASV meeting is not convened the Fostering or Adoption Team Manager should ensure a written plan is agreed with the LADO covering the points listed in 3.3b above

**3.4 Investigation and Action**

3.4a In most circumstances concerns, complaints and standards of care will be investigated, and a conclusion aimed to be reached within 28 days from the referral. It is important to note that non-complex cases where it is clear immediately that the allegation is unfounded or malicious, should be closed within one week.

3.4b Allegations may take longer to reach a conclusion depending on the complexity of the case and whether there is a criminal investigation alongside the allegation. Where this is the case, the LADO will keep in regular contact with the police regarding their timescales, and this will be shared with the carer by their Supervising Social Worker.

3.4d If an Initial Child Protection Conference (ICPC) is convened, the conference Chair must be consulted in advance to discuss whether the carer(s) should be invited to attend. The carer’s views must be obtained and communicated to the conference.

3.4e Once any criminal investigation is concluded by the police, the LADO will inform all parties and then recommend that the internal investigation process is started . The investigating worker will meet with the carers and any other relevant party to investigate the allegation and will prepare a report on the investigation. This report will include the carer’s responses to the allegation. The worker may be the carer’s allocated Supervising Social Worker, or another worker. A copy of the report will be provided to the carers and their representatives and the carers will be invited to make a written response.

3.4f Staff and carers should be aware that any complaint, concern or allegation has the capacity to be re - categorised after the initial referral or part way through the investigation depending on forthcoming information and may therefore need to be dealt with under a different process. Carers will be made aware of any change of category or type of investigation.

## 3.5 Support to Carers during an Investigation

3.5a It is recognised that any allegation made against a carer is distressing. Carers are entitled to receive independent support and communication. In the case of fostering for adoption carers, the source of independent support in these circumstances should be clarified with their approving fostering service at the point of their being given temporary fostering approval under regulation 22 or regulation 24. Prospective adopters should also be offered access to independent support via their approving adoption agency.

3.5b Surrey Fostering Service currently uses The Fostering Network to provide its carers who are the subject of an allegation and members of their household with independent support. This includes information and advice about the process, emotional support and, if needed, mediation between the fostering service and the foster carer and/or advocacy. Any carer who is the subject of an allegation will be given the relevant contact details and additional funding for support from The Fostering Network. Independent support for carers approved by other agencies will be discussed with the approving agencies, who may commission their own independent support provision.

3.5c The carer will be given the opportunity to respond to the allegations both verbally and in writing. Any responses will be recorded within the allegation investigation documentation.

3.5d The allocated Supervising Social Worker will continue to work with the carers through the investigation to:

* Provide as much information as possible about the progress of the investigation recognising that if the matter is under police investigation this may limit the information that can be shared. Weekly updates will be provided, even if this is to confirm no changes or new information.
	+ As far as possible, within the constraints of a potential or ongoing police investigation, ensure that carers are clear about the nature of the allegation and record this in their case records or supervision notes. In the case of foster carers a copy must be provided to the carer within 3 working days.
* Maintain monthly supervision visits, more if appropriate, as well as telephone contact.

3.5e They should confirm that the carers are aware of the following:

* The contents of this procedure.
	+ The address and contact telephone number of the independent service available to provide the carer with advice and support.

3.5f Financial support may be available to the carer as detailed within the [‘Payment of Fees During an Investigation’](https://proceduresonline.com/trixcms2/surreycs/doc-library/#collapse5_1) documentation.

### 3.6 Concluding the Investigation

3.6a The investigating Social Worker will conclude the investigation in negotiation with all professionals involved and make a recommendation of the outcome within the summary of allegation documentation. The following definitions should be used when determining the outcome of allegation investigations:

* **Substantiated**: there is sufficient identifiable evidence to prove the allegation.
* **False**: there is sufficient evidence to disprove the allegation.
	+ **Malicious**: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
	+ **Unsubstantiated**: this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term therefore does not imply guilt or innocence.
	+ **Unfounded**: to reflect cases where there is no evidence or proper basis to support the allegation made.

3.6b Any differences of opinion will be recorded within the Summary of Allegation documentation.

3.6c The LADO will either agree with the recommended outcome or request additional work and actions. The LADO will consider responsibilities for any further action and may advise actions to:

* Present the matter to the Fostering Panel/Agency Decision Maker/ Supported Lodgings Service Manager/ Adoption Agency Decision Maker for the approving agency.
	+ Refer to the Disclosure and Barring Service for inclusion of the carer on the Children's Barred List. This should be considered, even where a carer resigns or is deregistered.
* Inform OFSTED.

The LADO will determine who will notify the carer, the child, the parents, other professionals of the outcome and actions.

3.6d Should new information come to light, further actions may be required and further meetings convened.

3.6e If the information is being referred to the fostering panel, an Annual Household Review should be completed and presented to fostering panel within 3 months of the outcome of the allegation. Where necessary consideration should be given to whether there needs to be an additional panel to ensure the case can be considered in a timely way. The review report should include information from the carer, their supervising social worker, the child's Social Worker, the IRO, the child, the summary of outcome of the allegation and any other investigations completed since the last annual review or panel meeting.

3.6f Prior to fostering panel, the carer (and their representative if they choose) should have seen, and had time to comment and respond to all documents being presented to the panel.

3.6g All relevant documents must be retained on the child's and the carer's records as appropriate.

3.6h If the panel recommends that fostering approval is to be terminated and this recommendation is upheld by the Agency Decision Maker (ADM), the carer may wish to make representations to the agency or go through the Independent Review Mechanism (IRM) which they must contact within 28 days of the qualifying determination letter.

3.6i Following the representations to the agency or the IRM the ADM will make a final decision within 7 working days of the receipt of the recommendations. This decision will be sent in a letter to the carer(s) and the Fostering or Adoption Social Worker will be expected to talk to the carer(s) about this.

### 3.6j An evaluation meeting at the end of the process will be offered to carers and prospective adopters, irrespective of whether the allegations have been substantiated or not as this gives the opportunity to reflect on the process and how we can improve it going forward. This meeting should be offered within one month of the end of the process.

### 4. Standards of Care Investigation

### 4.1 A decision to start a Standards of Care investigation may arise from a discussion with the LADO when an allegation is received, or by a Fostering Service Manager when (though not limited to):

* A concern has been raised which does not meet the threshold for an investigation under the Surrey Safeguarding Children’s Partnership procedures for dealing with allegations against people that work with or volunteer with children described above, but suggests that the standard of care provided is of concern. Examples could include inappropriate verbal chastisement or an incident of minor physical chastisement resulting in no injury,
* The agency consider there is a pattern of allegations or concerns, either substantiated or not, which requires a holistic view
	+ - Ongoing discussions around standards of care or meeting fostering competencies during a foster carer’s supervision have not resulted in the required changes. Examples might be
			* financial issues relating to the child (concern about the fostering child allowances not being spent appropriately on the child or lack of pocket money),
			* general dietary issues,
			* inadequate supervision of children,
			* incidents indicating a lack of due care,
			* not enabling the service to meet its requirements (such as not attending supervision visits, not making oneself available for compliancy checks, such as medical checks)
			* not meeting the Training Support and Development Standards,
			* health and safety concerns
			* general communication issues with the professional network such as using inappropriate or threatening language, both verbal and non verbal.
			* poor attendance at training,
			* poor record keeping

4.2 The approving agency should work with the carer in an open and transparent way and the carer should be notified in writing at the earliest opportunity of the following:

* The nature of the concern and its source/reason for investigation.
* How and by whom the investigation is to be conducted.
	+ Whether any action is necessary to protect the children including the removal of all or any of the looked after children while the investigation is conducted.
* Who will communicate with and support the carer from the service throughout the process of the investigation.
	+ Whether the agency has decided not to move new children into the foster home for the duration of the investigation.
* What independent support is available to the carer during the investigation.

4.3 The carer’s allocated Supervising Social Worker may complete the investigation, or another worker may be allocated to complete this piece of work if it is felt the investigation would benefit from a worker with greater independence. The carer’s Supervising Social Worker will continue to support the carer by carrying out monthly supervisory visits and regular telephone contact.

4.4 The Fostering Service will aim to conclude a standards of care investigation within 28 days of the decision to investigate.

4.5 The standards of care investigation will consider the following:

* Background information relating to the fostering family, including compliments and concerns.
* The Training Support and Development Standards that are being explored and measured.
* The carer’s competence and willingness to meet the expected standards.
* Strengths and vulnerabilities of the carer.
* The child’s wishes and feelings
* Learning and development opportunities provided to the carer
* Support and supervision provided by the service to the carer
* Other evidence relevant to the investigation
* Lessons that can be learnt by the carer and fostering service.

4.5 During a standards of care investigation, the carer is entitled to access the same level of support as detailed in point 3.5 of this procedure.

4.6 The investigating Social Worker may make a number of recommendations to conclude this piece of work. Recommendations may include but will not be limited to:

* Additional training to be undertaken
* Increased supervision or support
* Changes to approval
* Updated Annual Household Review to be held to consider ongoing suitability to foster
* Wider practice developments for the service

4.7 The Supervising Social Worker’s Team Manager will have overall sign off of recomemndations at the conclusion of the investigation. The fostering or adoption Service Manager will have oversight of the investigation and recommendations through the usual line management oversight processes.

4.8 The Fostering Service recognises that any process to investigate the practice of a foster carer can be emotionally upsetting and stressful. However, it is stressed that the process aims to be fair, transparent and supportive, and a learning opportunity for both the carer *and* the service.

4.9 The carer (and their representative if they choose) should have seen and had time to comment on and respond to all documents at the conclusion of the investigation. This will also apply if a review of approval is held. If the review is being presented to the fostering panel the carer should have adequate time to see and comment on all reports in advance of them being sent to the panel.

4.10 All relevant documents must be retained on the carer's record.

## 5. Complaints

5.1 The supervising Social Worker and their manager must consider the course of action following a complaint about a carer’s practice being received. (NB if there are any concerns that the threshold for an allegation set out in Section 2 above has been reached then referral to the LADO will be made and the allegations process will take priority)

5.2 Action taken could be one or more of the following:

* Visti by the supervising social worker to discuss the issues raised and report back to the complainant;
* Joint visit of Supervising Social Worker and the child's Social Worker to discuss the issues raised and report back to complainant;
* Internal investigation by the Fostering Service in the form of a Standards of Care investigation, see section 4;
* Joint visit of Supervising Social Worker and their Team Manager;
* Complete Annual Household Review and present to panel if necessary.

**N.B.** This list is not exhaustive and other actions may be considered.

5.3 All information relating to complaints and the outcome reached will be retained on the carer’s files.