

**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. |
| Lead author & contact details | Kelly Burgess, Mainstream Fostering Manager Kelly.burgess@telford.gov.uk |
| Date Established | 26 February 2021 |
| Date of Next Review | February 2023 |
| CS&EH Validation | CSEH Senior Managers’ group agreement as of 14 May 2021 |
| Legal Sign Off | N/A |
| Finance Sign Off | N/A |
| Approver | Adele Ellis |

Contents

- 1. Policy**
- 2. Practice Guidance: what is an allegation?**
- 3. Introduction**
- 4. Procedure**
 - 4.1 Initial Action**
 - 4.2 Position of Trust Meeting**
 - 4.3 Investigation and Action**
 - 4.4 Concluding the Investigation**

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 usual requirements of the local safeguarding children procedures.

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 Local Authority Designated Officer (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. Practise Guidance - What is an Allegation?

An **allegation** is an assertion from any person that a foster carer or other member of the fostering household may have:

- a) behaved in a way that has, or may have, harmed a child;
- b) possibly committed a criminal offence against or related to a child; or
- c) behaved towards a child in a way that indicates that he or she is unsuitable to work with children.

NMS 22.1

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.

"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”

NMS 22.10

A **complaint** may be made by a fostered child, a parent or anyone with a legitimate interest in the child. For example; the child claiming they are not allowed to participate in a favourite leisure activity, or a parent claiming the child’s culture or religion is being ignored. Children’s Social Care services and fostering services are required to have procedures for dealing with complaints, and these always involve feedback to the person who made the complaint.

3. 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.

This policy is written in conjunction with the requirements set out in the West Midlands Safeguarding Children’s Procedures and the Working Together to Safeguard Children guidance. This has been developed by the Appointed Team Manager for Fostering (Mainstream) and LADO.

Although this is a necessary process, it can put the foster carer whom the allegation has been made against, 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.

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 an updated Safer Care Policy when new children are placed, which should be reviewed if there are significant changes (eg. new behaviours)
- d. All foster carers will have received information about Allegations, including this policy;
- e. 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.

- f. All foster carers have access to the Foster Carer Handbook, which is electronic and part of their induction

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.

4. Procedure

4.1 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.*
- *Behaved, or may have behaved, in a way that indicates they may not be suitable to work with children.*

Must immediately inform the child's social worker and/or their manager as well as the fostering supervising social worker and/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;*
- *Inform the Local Authority Designated Officer (LADO) within one working day;*
- *Inform the supervising social worker and Fostering Team Manager (Mainstream);*
- *Refer the matter to the relevant Assessment Team. Consideration should be given to whether a referral to Family Connect is required and the timeliness of this depending on any ongoing investigation, in relation to other children who do not have an allocated social worker.*

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 any child living in the foster placement.*

The LADO will:

- Liaise with the Fostering Team Manager (Mainstream) and the child's social worker to determine if the threshold is met for LADO intervention
- Liaise with the social work team Manager to consider whether a children's safeguarding Strategy Meeting is necessary. This should be held on the same working day or within 24 hours
- The LADO should be invited to attend the safeguarding Strategy Meeting (in some circumstances it may be appropriate for the Strategy Meeting and Position of Trust (POT) Meeting to be held jointly)
- Discuss with the designated managers (fostering and children's team/s) the immediate safe care arrangements for the child/ren and the foster carer concerned
- Consider whether a Position of Trust Meeting should be convened and the timing of this

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

- Where there is cause to suspect that a child is suffering or is likely to suffer significant harm, the designated manager should consider convening a safeguarding Strategy Meeting
- The LADO should be invited to attend the Strategy Meeting
- The Strategy Meeting should consider immediate safeguarding action, including safe arrangements for all children and the foster carer against whom the allegation has been made, and consider whether a S.47 enquiry is necessary and would usually be chaired by the children's Team Manager or an SDM (Service Delivery Manager) if the allegation is complex, or, in some circumstances, the LADO eg circumstances where there are children placed from different local authorities.
- Ensure the LADO is informed of the progress and outcome of any S.47 enquiry

Should the Strategy Meeting decide that a s.47 enquiry is not required, other considerations should be given to undertaking a Child & Family Assessment; a Standards of Care meeting; or follow the complaints procedure.

At this stage, if the foster carer is also employed in a job that is regulated, such as child-minding, teaching, health professional, social worker, the relevant 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/POT meeting. **Please note** that Local Authorities are not required to notify Ofsted of allegations made against foster carers approved by the Council; the requirement to notify Ofsted of allegations against foster carers relates to Independent Fostering Agencies only.

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.

Once the foster carer has been made aware of the allegation against them, consideration will be given to the emotional support to the family (usually the supervising social worker's role is to offer emotional support), support to the fostered children, support to any birth children, advising carers of independent support (currently commissioned by The Fostering Network). It should also be agreed with the LADO about how much information is shared with the foster carer/s (consideration should be given to ongoing criminal investigations or whether sharing certain

elements of information at this stage might compromise the well-being or safety or others)

4.2 Position of Trust Meeting

Not all cases progress to a Position of Trust (POT) meeting (in some circumstances it may be appropriate for the Strategy Meeting and POT Meeting to be held jointly).

However a formal POT meeting must take place if there is information to suggest that a foster carer has:

- a) behaved in a way that has, or may have, harmed a child;
- b) possibly committed a criminal offence against or related to a child; or
- c) behaved towards a child in a way that indicates that he or she may pose a risk of harm to children
- d) behaved, or may have behaved, in a way that indicates they may not be suitable to work with children.

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 (and may be virtual, given the Coronavirus pandemic). The purpose of the meeting will be to share information and consider what action needs to be taken

The POT Meeting will be chaired by the LADO and the following people will be invited:

- a. The manager of the team undertaking any 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
- e. The Fostering Team manager (line manager to the supervising social worker or the Mainstream Fostering Manager). If the relevant fostering team manager is not the Mainstream fostering manager, the Mainstream manager should be kept informed as the senior manager role has been delegated to them (who will liaise as necessary with the designated senior manager within the Fostering Service);
- f. The police;
- g. Any other agency involved with the child or foster family (employee (if relevant), other placing Local Authority);
- h. A representative from the Regulatory Authority (this would only be in respect of foster carers who are also child-minders (Ofsted), health employees (GMC),

social care workers (employee/CQC), social workers (employee/Social Work England))

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) How and by whom the investigation is to be conducted (plan all interviews and agree who should undertake them, so there is no confusion between a criminal investigation, s.47 enquiries (joint or single agency) and disciplinary processes/Standards of Care));
- d) 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;
- e) The timescale for the investigation and any contingencies should timescales provide unlikely to be met
- f) 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.
- g) The need to inform other agencies who are connected to the foster home (i.e. if the foster carer is also a registered child-minder, or employed to work with children in a different role (teacher, health worker, social care worker, social worker)) and who will do this;
- 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 the child should be informed of the procedure to be followed and supported through the process;
- k) How to inform the child's parents of the allegation;

- 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)
- m) Confirm who will inform the carers of the allegation verbally and then in writing and the timing of this;
- n) What support is available to the foster carer/s (what can the team offer; what can be offered independently (i.e. Fostering Network); or what can the local Foster Care Association offer.
- o) How updates or progress on the investigation will be shared with the foster carers and the child/ren in the placement;
- p) Whether further placements should be suspended in the meantime (this will be communicated in writing to the carers by the Fostering Team Manager);
- q) Arrangements for reconvening the Position Of Trust Meeting, if necessary.
- r) A referral to the Disclosure and Barring Service for inclusion on the Children's Barred List. This should be considered whenever a carer's approval is terminated from their duties;

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. All attendees and others invited to the POT meeting should be informed 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 recorded by the LADO in the LADO workspace on protocol. A summary/outcome of the LADO process should also be recorded by the supervising social worker or fostering manager in the relevant section of the foster carer's records held by the fostering service i.e. in the carer/adopter hub on Protocol (Allegations/Complaints).

4.3 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.

The foster carers should be given the opportunity to respond to the allegations before any decision is made about necessary action to protect the child and other children in the household, unless this would compromise the safety and/or welfare of the child/ren 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. Regardless of any safeguarding measures, the foster carers should be given the opportunity to respond to the allegation/s before the investigation is concluded.

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, in the event that children are moved from the carers, whether they will continue to be paid whilst they are under investigation. They should also provide the foster carer with any leaflet available for carers about allegations.

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. The carer must be made aware of any potential financial impact on their fostering payments if a child is removed from their care. If a foster carer becomes the subject of an allegation that leads to a child being removed from their care, pending the outcome of an investigation, they will still receive their fees for a period of time at the discretion of a Fostering Team Manager and usually up to 6 weeks. The allowance for the child will cease for as long as the child is not with them. Fees will be ended if the foster carer resigns or returns to the Fostering Panel and de-registration is recommended.

Any change in the care plan is a decision of the social worker and their manager outside of the POT process

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.

The Fostering Service should confirm that the foster carers are aware of the following:

- a. This policy (Telford's local Allegation Policy);
- b. The contact details of the independent agency, such as The Fostering Network, identified to provide the foster carers support;

4.4 Concluding the Investigation

The Position of Trust process should be concluded in the form of a resolution meeting (or a virtual meeting if necessary due to the Coronavirus pandemic). The same people will be invited, unless there is a significant reason why they shouldn't be, and the LADO will chair the meeting.

The purpose of the final POT Meeting is to agree on the outcome of the investigation. There are four potential outcomes, which are: Substantiated, False, Malicious or Unsubstantiated. Following the conclusion of the investigation, a Foster Carer Review must be held as soon as possible (as required by the Fostering NMS) and consideration of the referral of that report to the Fostering Panel and/or consider whether it may be appropriate to make a referral to the Disclosure and Barring Service for inclusion of the foster carer/s on the Children's Barred List.

The POT meeting will decide how and when the foster carers will be notified of the outcome and actions and agree the information that should be shared with them. This 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 and other relevant agencies will be informed of the recommendations made at the meeting.

A clear and comprehensive summary of any allegations, including details of how the allegation was followed up and resolved, as well as any action taken and the decisions reached, is kept on the records held about the foster carer. A copy will be provided to the foster carer as soon as the investigation is concluded. This summary will be agreed between the LADO and the Fostering Team Manager and responsibility for it being sent to the foster carer will lie with the Fostering Service.

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.

The Fostering Manager should consider whether further placements may be made with the foster carer following the allegation being made or whether placements should be on hold until after the conclusion of the Foster Carer Review.

The Foster Carer Review, following this allegation, may also identify areas of the foster carer's practice that needs further exploration. Consideration should be given by the fostering service as to whether it is appropriate to convene a Standards of Care meeting, if significant practice issues for the carer/s have been highlighted. This will need to be considered as part of the Foster Carer Review and may be addressed before a carer review is held.

In circumstances where the allegation is determined to be false or malicious, the fostering manager has the discretion to decide whether the review should be referred to the fostering panel or not (unless it's the carer's first review, in which case it must be presented to the fostering panel regardless) and may also offer the choice to the foster

carer in these circumstances. This would also allow the foster carer to express their experiences of the allegation and for the fostering panel to determine how well they were supported by the service and any learning opportunities for the service. However, most reviews following an allegation should be presented to the next available Fostering Panel, and should be done in all circumstances where the allegation is determined to be substantiated. The foster carers and their supervising social worker would be invited to attend the fostering panel.

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 (i.e. make a complaint about the process), or the applicant can seek a review through the Independent Review Mechanism.

Consideration should be given to holding a debrief 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.