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**Managing allegations against people who work or volunteer with children**

***Information for foster carers subject of an allegation***

**Introduction**

As a foster carer you may be subject of an allegation at some point in your career. Allegations may be concerns in relation to the child you are fostering, the care of your own children or related to a matter due to you working with children in another capacity or in relation to your personal life.

This leaflet aims to explain what happens when an allegation is made, as it can be a difficult and stressful time for you, with different investigations that can seem complex and overwhelming.

**What happens when an allegation has been made?**

Every organisation that works with children should have a named person responsible for progressing allegations. When they are informed of an allegation, they must contact the Local Authority Designated Officer (LADO) within one working day. The criteria for making a referral to the LADO on an individual who works or volunteers with children is that they 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 to be suitable to work with children

The LADO is responsible for overseeing all allegations about individuals who work with children. This work can be paid, unpaid or voluntary. The LADO’s role is to provide management and oversight and not to investigate. It is important that the LADO remains impartial to any investigations being undertaken.

**What happens next?**

If an allegation has been made about you, further information will be needed to understand what has happened. The LADO will agree with a person within your fostering agency when you will be informed of the allegation. This is dependent on the nature of the allegation and whether the police and/or Children’s Services need to be informed and consulted with.

Allegation management meetings will be held to decide how the allegation should be dealt with. The meetings are confidential and limited to who needs to know. The meeting is an information sharing process, which may involve the police, the Fostering Service or agency you foster for, Children’s Services and other agencies, dependent on who is investigating the allegation. You will not be invited to these meetings, but you will have your right to reply about the allegation during any investigations.

The aim of the meeting is to share relevant information about the allegation, co-ordinate the investigation actions and to ensure that all agencies are fulfilling their safeguarding duties. Risk management measures will be considered by all agencies to implement safety for you, the children concerned, and the organisation you are approved to foster for, until there is an outcome. The allegation can be investigated by:

* Children’s Services under child protection procedures
* The police regarding any possible criminal offences. You may be arrested and interviewed under caution or invited to assist with their investigation. In this instance you should seek legal representation
* The Fostering Service via their procedure for investigating allegations against foster carers

Following completion of all investigations, a decision will be made to conclude the allegation outcome. This will be either substantiated, unsubstantiated, false, malicious or unfounded. You will be notified of the allegation outcome from the Fostering Service or agency you foster for, in line with the recommendations about your continued approval and registration.

**What may happen with your fostering role?**

The Fostering Service will need to conduct their own investigation into the allegation. This will be included within your annual review, or a review may be held earlier and presented before the Fostering Panel. It will include:

* All of the children’s accounts who reside in your home. Their social worker’s observations, analysis and recommendations will also be considered
* Any witness accounts
* Any police outcome and investigation findings
* Your accounts of what has happened once the correct timing is considered for your right to reply
* Previous standards of care processes or previous allegation processes may be considered

When there are criminal proceedings it may not be possible for the Fostering Service to complete their investigation until the police investigation has concluded. If you resign from your position before the Fostering Service has concluded their investigation, the managing allegation process will continue until it reaches a conclusion. The Fostering Service will also be advised to continue their process to its outcome with or without your co-operation. This is so that appropriate evaluation about your continued suitability to work with children can be considered based upon the evidence gathered from all of the investigations. This is in line with their safeguarding duties.

There are several ways the Fostering Service may wish to manage your fostering role whilst any investigation is ongoing. You will likely be subject of a risk assessment which should evidence how the Fostering Service are keeping you safe in your role and whether it is safe for a child to remain in your care whilst any investigation is completed. This should be reviewed regularly.

**Support for you**

Everyone who is the subject of an allegation will find it stressful and must be offered support.

The Fostering Service should:

* Inform you of the allegation in as much details as possible (whilst preserving evidence) and provide you with a plan of how they are going to investigate, and advise you which agencies are investigating. They should advise you that a referral to the LADO has been completed and that you are subject to the managing allegation procedure
* The fostering investigation should be completed in a planned way so that you can fully participate in the investigation sessions with support from your family and or fostering colleagues in relation to child care.
* Advise you to seek support from the Fostering Network and provide you with their details
* Provide a named contact person who will keep you up to date with any investigations and offer you advice and support.

It is important that you seek support via your GP if you are feeling distressed and your health and welfare are affected.

**Timescales**

Allegations should be dealt with as quickly as possible, consistent with a fair and thorough process. The allegation management process will be monitored by the LADO to avoid unnecessary delays. Allegation processes are different in length.

**Record keeping**

The Fostering Service must keep records of the investigation they have completed about the allegation, how it was investigated, the outcome, and their recommendations about your continued approval.

A referral will be made to the DBS if the Fostering Service believes you have caused harm or pose a future risk of harm to vulnerable groups, including children. If the allegation is substantiated they may have a legal duty to refer the matter to the Disclosure and Barring Service (DBS). The DBS has the power to decide whether or not you should be barred from, or have conditions imposed, in relation to working with children.

The LADO has a duty under Section 40 of the Safeguarding Vulnerable Groups Act, 2006 to provide information to the DBS upon their request.

The Fostering Service must disclose information in references when an allegation is substantiated.

In addition, the LADO will also keep a record of the allegation and this information will be retained in a confidential file. The retention periods vary depending on the category and outcome of the managing allegations process.

**Further Information**

For further information, see the North East Lincolnshire Safeguarding Children Partnership

Policy and Procedures for Managing allegations against people who work with children

[SaferNEL | Report a concern - SaferNEL](https://safernel.co.uk/report-a-concern/)

These procedures implement the statutory guidance for the management of allegations which can be found in Working Together 2023.

Disclosure and Barring Service Guidance for making referrals.

[www.gov.uk/guidance/making-barring-referrals-to-the-dbs](http://www.gov.uk/guidance/making-barring-referrals-to-the-dbs)