

# Allegations against Foster Carers

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### **Appendix 1: Allegations Against Adults who Work with Children - LADO Referral Form**

## 1. Introduction

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- 1.1 It is essential that any allegation of abuse made against a foster carer or a member of the foster carer's family is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation.

- 1.2 The framework for managing cases of allegations of abuse against people who work with children is set out in **Management of Allegations Against Professionals in Educational Settings: London Borough of Newham Guidance**.
- 1.3 See [http://www.londoncp.co.uk/chapters/alleg\\_staff.html#manage](http://www.londoncp.co.uk/chapters/alleg_staff.html#manage)
- 1.4 This local guidance should be used in any situation that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity.
- 1.5 It should be used in respect of all cases in which it is alleged that a foster carer or a member of the foster carers family 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; or
  - Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
- 1.6 In Newham, LADO strategy meetings were previously referred to as Management Planning Meetings (MPM). To remain consistent with terminology used external to Newham, the term LADO strategy meeting will be used.

## 2. Initial Response to Allegation by Professional Receiving or Identifying Allegation

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- 2.1 A referral to Social Care of an allegation against a foster carer must be reported immediately to the fostering team manager and the child's allocated social worker and their team manager.
- 2.2 It is the responsibility of the fostering manager to report the allegations immediately to the **LADO** and no later than 1 working day from receipt of the allegation. On the basis of these discussions a decision is made as to whether the threshold is met for a LADO strategy meeting or whether the matter should be dealt with under Care Standards.
- 2.3 If the allegation relates to a foster placement in another authority, the referral must be made to the LADO within that authority and dealt with under its local child protection procedures. The Newham LADO should also be informed but will not lead on any enquiry.
- 2.4 If a decision is taken to convene a LADO strategy meeting, then OFSTED should be informed of this decision by the Fostering Team within 48 hours using the notification pro-forma letter and advice letter. Ofsted will also need to be advised of all outcomes of any LADO strategy meeting and copies of minutes sent to them.
- 2.5 Any allegation about abuse or neglect of a foster carer's own children must be responded to in the same way as with any other child. Fostering staff should be informed and a referral made to the LADO to consider whether a LADO strategy meeting is required.
- 2.6 If the threshold is met, all efforts must be made to arrange a LADO strategy meeting within

three working days. Only in exceptional circumstances can a LADO strategy meeting be convened outside of this timeframe. The group manager of the children's team/s, fostering group manager and the LADO must be consulted and be in agreement. Staffing resources should not be a barrier to meeting timescales. If necessary, staff from other sections should be brought in to attend the LADO strategy meeting and conduct the investigation.

- 2.7 Depending on the severity of the allegation against a foster carer the fostering group manager, in discussion with the group manager for the children's team, may decide that any child placed with the foster carer must be removed from the placement prior to the LADO strategy meeting. Every effort will be made for a consensus to be reached between the services.
  - 2.8 The LADO will ensure that the LADO strategy meeting is chaired by an appropriate member of the Children's Planning and Reviewing Team.
  - 2.9 Where a referral indicates the need for emergency action to protect a child or provide medical treatment there must be no delay in implementing such action but the LADO must be consulted.
  - 2.10 If the allegation is one of standards of care, the matter should be dealt with under fostering procedures. This decision must be recorded in both the child's and carer's files.
  - 2.11 Allegations made about foster carers will most likely be reported to either the supervising social worker or the child's social worker. The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.
  - 2.12 They should not:
    - Investigate or ask leading questions if seeking clarification;
    - Make assumptions or offer alternative explanations; or
    - Promise confidentiality.
  - 2.13 They should:
    - Give assurance that the information will only be shared on a 'need to know' basis;
    - Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident/s, persons present and what was said;
    - In the case of allegations of physical abuse, they should record a written description of any injuries/marks that are immediately obvious; and
    - Sign and date the written record.
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### 3. Initial Response to Allegation by Fostering Team and/or Children's Team

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- 3.1 When informed of a concern or allegation, the recipient should not investigate the matter or interview the foster carer, child concerned or potential witnesses.
- 3.2 They should:
- Obtain written details of the concern / allegation, signed and dated by the person receiving (not the child / adult making the allegation);
  - Approve and date the written details;
  - Record any information about times, dates and location of incident/s and names of any potential witnesses; and
  - Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

### 4. Initial Evaluation

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- 4.1 The child's social worker or fostering team manager should contact the LADO within one (1) working day for an initial evaluation to determine whether the allegation or complaint is within the scope of concerns as set out in [paragraph 1.5](#).
- 4.2 The person referring the concern to the LADO will be required to complete a LADO referral form, see [Appendix 1: Allegations Against Adults who Work with Children - LADO Referral Form](#).
- 4.3 An initial evaluation may not need to be a face-to-face meeting. It should share available information about the allegation, the child, and the person against whom the allegation has been made.
- 4.4 There are four issues to consider in respect of an allegation:
- A police investigation of a possible criminal offence;
  - Social care enquiries and/or assessment about whether a child is in need of protection or services;
  - Foster care review procedures; and
  - Complaint procedures.
- 4.5 If the allegation is such that it is clear that an investigation by police and/or enquiries by social care are not necessary, or initial evaluation decides that is the case, the fostering team manager or equivalent within a private & voluntary fostering agency should discuss

next steps with the LADO.

- 4.6 In the event that it can be clearly demonstrated that the allegation is unfounded, then the LADO should record this and take no further action.
- 4.7 In cases where a formal LADO strategy discussion is not considered appropriate because the threshold of **Significant Harm** is not reached, a police investigation might be needed. The LADO should have a discussion with the police and other relevant agencies to evaluate the allegation and decide how it should be dealt with.
- 4.8 The police must be consulted by the LADO about any case in which a criminal offence may have been committed.
- 4.9 The discussion should also consider how and when the parents of the child should be informed of the allegation, if not already aware.
- 4.10 In circumstances where the child has been injured and requires medical treatment, the child's social worker or their team manager should inform the parents as soon as possible and should not wait for the discussion with the LADO to take place.
- 4.11 The foster carer subject to the allegation should be informed as soon as possible that an allegation has been made. The details of the allegation should not be shared with the foster carer at the initial stage.

## 5. LADO Strategy Meeting Regarding Allegations Against a Foster Carer

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- 5.1 Wherever possible, a LADO strategy meeting / discussion should be face-to-face. However, on occasions a telephone discussion may be appropriate. The following is a list of core participants:
  - LADO/Child Protection Chair to chair;
  - Fostering Team Manager/supervising social worker;
  - Child/ren's social worker/team manager for any children in placement at the time of the allegation/referral;
  - Detective Sergeant CAIT.
- 5.2 The above list is not exhaustive and other professionals may be invited to the LADO strategy meeting if agreed by the LADO.
- 5.3 The LADO strategy meeting/discussion should:
  - Decide whether there should be a **Section 47 Enquiry** and/or police investigation and consider the implications;
  - Consider whether any parallel process can take place and agree protocols for sharing information;

- Consider the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by foster carers to use reasonable force to control or restrain children in their care;
- Consider whether a complex abuse investigation is applicable;
- Plan enquiries if needed, 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;
- Consider other child/ren that might be affected, including the foster carer's own children and any other children living in, or frequently visiting, the foster carer's home;
- Consider whether emergency action should be taken;
- Consider what support should be provided to all children who may be affected;
- Consider what support should be provided to the foster carer and others who may be affected;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension;
- Consider whether the children within the placement need to be removed during the investigation;
- Identify a lead contact within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
- Consider issues for the attention of senior management (e.g. media interest, resource implications);
- Consider reports for consideration for barring;
- Consider risk assessments to inform the fostering team's safeguarding arrangements;
- Agree dates for future LADO strategy meetings / discussions.

5.4 A final review LADO strategy meeting / discussion should be held to ensure that all tasks have been completed and, where appropriate, agree an action plan for future practice based on lessons learned.

## 6. Allegations Where No Child/ren has/have been Identified

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- 6.1 Where there is no identified child the fostering team manager, or person identifying the concern, should contact the LADO for an initial evaluation.
- 6.2 If the outcome of the discussion is that the threshold appears to be met for a LADO strategy meeting, this will be arranged by the LADO.
- 6.3 The LADO strategy meeting / discussion for these allegations should decide whether the concern justifies:
- Making further enquiries and sharing information, in order to assess the level of risk of harm; and/or
  - Inviting the fostering team manager to a further LADO strategy meeting / discussion about dealing with the possible risk of harm.

Membership at the LADO strategy meeting will be as set out in [paragraph 5.1](#).

## 7. Allegations Against Foster Carers in their Personal Lives

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- 7.1 If an allegation or concern arises about a foster carer, outside of their work with children, and this may present a risk of harm to child/ren in regular contact with the foster carer, the general principles outlined in these procedures will still apply.

## 8. Allegations Made Against a Foster Carer Residing in Newham by a Child Placed by Another Local Authority

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- 8.1 Allegations made by a child placed by another Local Authority with a carer residing in Newham should be referred to the Newham LADO, by either the child's social worker or fostering team manager, using the LADO referral form.
- 8.2 The core participants for any LADO strategy meeting/discussion will be as outlined in [paragraph 5.1](#).

## 9. Allegations of Abuse Against a Close Associate of a Foster Carer

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- 9.1 In some cases, an allegation of abuse against someone closely associated with a foster carer (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren being cared for by the foster carer. In these circumstances, a LADO strategy meeting / discussion should be convened to consider:

- The ability and/or willingness of the foster carer to adequately protect child/ren;
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the foster carer is compromised.

## 10. Keeping the foster carer informed

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10.1 Foster carers should be kept informed:

- That an allegation has been made against them (not the exact nature unless directed by the LADO);
- How the enquiries will be conducted and her/his co-operation sought;
- The possible outcomes e.g. de-registration.

10.2 Foster carers who are subject to an allegation should always be:

- Treated fairly and honestly;
- Provided with ongoing support by their supervising social worker;
- Given information about sources of independent advice and support;
- Informed about all decisions as soon as possible, which should be confirmed in writing.

## 11. The Outcome of the Investigation

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11.1 The aim should be to complete the initial child protection enquiries within a minimum of 15 working days. It is acknowledged that in some cases, the complexity of the enquiries will take longer than this length of time.

11.2 Frequent reviews should be undertaken throughout the enquiry to avoid unnecessary drift and delay.

11.3 The investigation of the allegation will lead to one of four findings:

- Allegation of abuse unsubstantiated - allegations are determined as unsubstantiated when there is insufficient evidence to support the allegations made;
- Allegation of abuse substantiated - allegations are determined as substantiated



when there is evidence to corroborate the allegation made;

- Allegation of abuse unfounded - allegations are determined as unfounded when the information suggest that the allegation made is baseless;
- Allegation of abuse malicious - allegations are determined as malicious when the allegation is demonstrably false and has been made with the intent to cause harm to another.

## 12. Conclusion of Enquiries and Fostering Review Procedures

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- 12.1 At the conclusion of an enquiry the final/review LADO strategy meeting must be held to ensure all information is shared and plans are agreed for follow-up work including, if justified, the removal of child/ren if not already done.
- 12.2 In circumstances where the allegation is substantiated, the Supervising Social Worker (Fostering) must consult with her/his manager so as to initiate the Foster Care Review procedures (see [Review of Foster Carers Procedure](#) and notify the Fostering Panel.
- 12.3 The foster carer/s concerned must be notified of the outcome. If the allegation is not substantiated, this should be recorded and made clear to the carer/s.
- 12.4 The Managers of both the child's social worker and the supervising social worker must consider whether any additional/individual support should be offered to the carer/s and their family at the end of the s.47 enquiry.
- 12.5 The child and her/his parents should also be informed of the outcome.
- 12.6 Consideration should be given to the provision of support or counselling for the child and, where appropriate, her/his parents, taking full account of a child's needs where a seemingly false or malicious allegation has been made.
- 12.7 The foster carer/s have a right to receive details in writing of all decisions made and actions taken.
- 12.8 The minutes of the LADO strategy meeting/s and the decision arising from it must be put in writing and placed on both the child's and carers' files. The outcome of any child protection enquiry involving a foster carer/s must be shared with the fostering panel and OFSTED.
- 12.9 Following conclusion and feedback of the result of all investigations the supervising social worker (fostering) should generally offer the carers the opportunity to discuss the process of the investigation, including its impact on the family and future implications for provision of care.
- 12.10 Following all allegations, with the exception of malicious allegations, a report on the foster carers should be completed within 8 weeks of the conclusion and presented to the fostering panel with a recommendation for future approval.
- 12.11 Where the allegation is unsubstantiated, support should be offered to the carers as required.

### 13. Referral to the Disclosure and Barring Service (DBS)

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- 13.1 If the allegations are upheld and there is serious concern about the safety of children, the LADO strategy meeting will consider whether or not a referral needs to be made to the **Disclosure and Barring Service** (DBS) - the Fostering Team will be responsible for making the referral. In the event that there is a successful conviction of the foster carer, the police will be responsible for making the referral. Consideration will then be given as to whether the individual should be barred from, or have conditions imposed in respect of, working with children.
- 13.2 The referral should be completed by the fostering team manager or agency equivalent for private and voluntary carers.
- 13.3 If a referral is to be made, it should be submitted within one (1) month of the allegation being substantiated.
- 13.4 It is the responsibility of the LADO to ensure that the DBS referral is completed by the fostering team manager. If there is any concern about the employer not fulfilling this obligation, then the LADO should undertake the referral.

### 14. Unsubstantiated and False Allegations

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- 14.1 Where a LADO strategy meeting / discussion concludes that there is insufficient evidence to substantiate an allegation, the LADO should complete a LADO strategy meeting recording and forward this, and all evidence provided, to the fostering team manager to enable him/her to consider what further action, if any, should be taken.
- 14.2 False allegations are rare and may in any case indicate the possibility of abuse elsewhere, which would require further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO and the child's social worker should consider further assessment of the child's needs as this may be a reflection of previous abuse or trauma suffered.
- 14.3 If it is established that an allegation has been deliberately fabricated, the police should be asked to consider what action might be appropriate.

### 15. Confidentiality and Information Sharing

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- 15.1 The parent/s and the child, if sufficiently mature, should be helped to understand the processes involved and be kept informed about the progress of the case and of the outcome where there is no criminal prosecution. This will include the outcome of any fostering review process, but not the deliberations of, or the information used at, a fostering panel.
- 15.2 Every effort should be made to maintain confidentiality and guard against publicity while an

allegation is being investigated or considered. Apart from keeping the child, parents and accused person (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, and manage related disciplinary or suitability processes.

- 15.3 The police should not provide identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances, e.g. an appeal to trace a suspect. In such cases, the reasons should be documented and partner agencies consulted beforehand.
- 15.4 In cases which are likely to be high profile and may attract media attention, the council's communications team should be notified and a press release drafted in case it becomes necessary. The police may similarly prepare a press release for the same reason. The LADO will advise.

## 16. Record Keeping and Monitoring

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- 16.1 The fostering team manager and child's social worker should keep a clear and comprehensive summary of the case record within the confidential section of CareFirst on both the child's and the foster carer's record. The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for ten years if longer.
- 16.2 The LADO should monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of review LADO strategy meetings / discussions or direct liaison with the police, LA children's social care and fostering team, as appropriate. Where the target timescales cannot be met, the LADO should record the reasons.
- 16.3 The LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously. The records will also assist the Newham Safeguarding Children Board (NSCB) to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information as required.
- 16.4 If a police investigation is to be conducted, the police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than four weeks after the LADO strategy meeting / discussion. Dates for further reviews should also be agreed, either fortnightly or monthly depending on the complexity of the investigation.

## 17. Review

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- 17.1 This guidance will be reviewed annually by key officers CYPS Corporate Parenting, Service Improvement, and the NSCB.

## Contact Details

- Please note that if an allegation is made against a member of your staff, please contact the **LADO or Duty LADO** to discuss the concerns and agree a next step forward;
- If immediate action is required to protect a child, please discuss this with the LADO. Out of hours, contact the **Emergency Duty Team** or Local Police (Met switchboard - 0300 123 1212).

End