

Investigating Concerns and Allegations Against Foster Carers Including Historical Issues

Standards and Regulations

The Fostering Services (England) Regulations 2011

- [Regulation 11 - Independent fostering agencies—duty to secure welfare.](#)

Fostering Services National Minimum Standards:

- [Standard 4 - Safeguarding Children.](#)
- [Standard 22 - Handling allegations and suspicions of harm.](#)

Training, Support and Development Standards for Foster Care:

- [Standard 2 - Understand your role as a foster carer.](#)
- [Standard 6 - Keep children and young people safe from harm.](#)

SCOPE OF THIS CHAPTER

This guidance relates to all concerns, complaints and allegations made against Nottingham City foster carers or any foster carers residing within Nottingham] who are managed by an independent fostering agency (IFA) or any other local authority. It should also be used in relation to historical concerns, complaints or allegations relating to current or ex-carers. This guidance does not cover Private Fostering.

This guidance should be read in conjunction with the [**Nottingham City Safeguarding Children Partnership Inter Agency Procedures**](#)

[**Working Together - Chapter 2: Organisational Responsibilities**](#) states.. ‘Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint.’

This guidance should be applied when there is an allegation or concern that a person who works, or worked with children, has:

- Behaved in a way that has harmed, 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 he or she would 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.

The response to these allegations or concerns may involve a number of processes and procedures:

- Child protection;
- Criminal investigation;
- A review of the foster carer's suitability to foster in accordance with the Fostering Regulations;
- Complaints procedures.

Foster carers and members of their household are not allowed to use any form of corporal punishment, or any measure of control, restraint or discipline which is excessive or unreasonable. Foster carers are also expected to promote a child's emotional and psychological wellbeing and to avoid the use of demeaning verbal reprimands or personal criticism that undermines self-esteem.

RELEVANT LEGISLATION AND GUIDANCE

[Children Act 1989](#)

[Working Together to Safeguard Children](#)

[Keeping Children Safe in Education](#)

[Fostering Services Regulations 2011](#)

[National Minimum Standards, Fostering Services 2011 – Standard 22](#)

[Safeguarding Vulnerable Groups Act 2006](#)

Contents

1. [Jurisdiction](#)
2. [Good Practice Considerations](#)
3. [Definition of:](#)
 - 3.1 [Standard of care concern](#)
 - 3.2 [Concerns of a safeguarding nature that fall below the threshold for Section 47 child protection investigation](#)
 - 3.3 [Allegation requiring investigation under Section 47 child protection procedures](#)
4. [Roles](#)
5. [Initial Response](#)
6. [Responding to Standard of Care Concerns](#)
7. [Responding to Concerns of a Safeguarding Nature that fall below the Threshold for Section 47 Child Protection Investigation](#)
8. [Responding to Allegations Requiring Investigation Under Section 47 Child Protection Procedures](#)
9. [Redacted Minutes and Disclosure](#)

10. [Support for Foster Carers](#)
11. [Foster Carer Review \(FCR\)](#)
12. [The Fostering Panel](#)
13. [Complaints Process](#)
14. [Referral to Disclosure and Barring Service \(DBS\) and / or Notification to Ofsted](#)
15. **Additional Circumstances**

Appendix A: Disclosure and Barring Service (DBS) Referral Flowchart

[Appendix B: Schedule 7 - Notifications](#)

1. [Jurisdiction](#)

- 1.1 In principle **Local Authority Designated Officer's (LADO)** respond to allegations and concerns about adults working with children on the basis of where an individual works rather than where they live. As foster carers essentially live where they work, even though they may work for another local authority (LA) or Independent Fostering Agency (IFA), allegations about foster carers come under the jurisdiction of the LADO for the local authority in which they live. For example, if Nottingham City foster carers live in Nottinghamshire county area then allegations or concerns about them come under the jurisdiction of the Nottinghamshire County Council LADO. However, discussions may take place between the LADO for the local authority in which the foster carers live and the LADO for the local authority they foster for, to make the most effective arrangements for overseeing the investigation.
- 1.2 For IFA carers, the LADO dealing with the issue should be employed by the local authority where the foster carer(s) live, even though their host organisation may be based in another local authority, e.g. if a Nottingham based IFA organisation has IFA carers in Birmingham then the Birmingham LADO will lead on the investigation.

- 1.3 Child protection matters should be investigated in line with local child protection procedures with appropriate communication between authorities, e.g. a Nottingham City looked after child placed in Devon who makes an allegation about their carer should be dealt with by Devon LA. The same applies for another local authority looked after child placed in Nottingham City.
- 1.4 The application of these procedures should be in accordance with the purpose, scope, policy and principles as outlined above.

2. Good Practice Considerations

- The welfare of the child remains of paramount importance throughout any enquiries, this includes their safety and placement stability;
- Any concern about the quality of care in fostering households should be investigated in a thorough, fair, timely and consistent manner;
- All parties should be treated with dignity and respect;
- During their interview with the investigating social worker, the foster carer(s) should be given an opportunity to answer any concerns;
- It is often traumatic for foster carers to be involved in these processes. It is essential that they are advised how to access the support of an independent advice and mediation service;
- Foster carers must be kept informed, but the nature and detail of the information that can be shared with them at different points in the process must be agreed at Strategy Meetings;
- The investigation should be proportionate to the seriousness of the concern, complaint or allegation. The route of progression of investigation can be escalated or de-escalated as information, assessment, analysis and conclusions allows.
- The outcome of the investigation should rely on analysis of the information provided. This may include historical information about the alleged perpetrator or child where this is relevant to the investigation.

- It is important to reach a conclusion on all cases, including where there is a failure to cooperate or resignation.
- Record keeping should provide a clear, comprehensive and accurate account of why decisions or judgements are reached and be recorded on the child's and carer's file.
- Every effort should be made to maintain confidentiality.

3. Definition of:

- Standard of care concern
- Concerns of a safeguarding nature that fall below the threshold for Section 47 child protection investigation
- Allegation requiring investigation under Section 47 child protection procedures

3.1 Standard of care concern

Issues related to day-to-day management, for example:

- Having a child's hair cut without discussion with parents where delegated authority has not been agreed for the foster carer;
- Quality or nature of diet, clothing or routine care and low level discipline issues;
- An accumulation of low level issues that have not met the threshold for complaints and allegations.

3.2 Concerns of a safeguarding nature that fall below the threshold for Section 47 child protection investigation

Issues that may fall into this category are:

- Concerns that have persisted, despite intervention and support from the Fostering Service;
- Allegations made by a child against the foster carer that do not meet the Section 47 threshold but, nonetheless, are deemed to need investigating further;

- Allegations or concerns that are deemed to require a joint response from the Fostering Service and the child's social work team.

Examples of concern may be:

- Foster carers parenting style and quality of care e.g. inappropriate discipline;
- Quality of working with other professionals e.g. failure to adhere to the child's care plan;
- Breach of confidentiality;
- Persistent concerns that a child is failing to flourish in a foster placement.

3.3 Allegation requiring investigation under Section 47 child protection procedures

An allegation of this nature would be when a child may be suffering or likely to suffer, significant harm due to the action or inaction of the foster carer. They may have:

- Behaved in a way that has harmed, 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 he or she would pose a risk of harm to children, e.g. viewed images of child abuse, consumed excessive alcohol whilst with a child, or engaged in domestic violence.

3.4 Disagreement about the level of a concern/allegation

If the fostering team manager and child's social work team manager are unable to agree on the level of a concern/allegation, this should be escalated to the relevant service managers.

4. Roles

- 4.1 **The Service Manager for the Fostering Service**, in Nottingham City it is the Fostering Service Manager (FSM). They have responsibility for ensuring standards and management systems are in place, and adhered to, to protect each child from abuse, neglect, exploitation and deprivation in its fostering households, as well as monitoring and promoting the quality of care available.
- 4.2 **The Fostering Team Manager (FTM)** and their supervising social workers have a key role in ensuring issues against carers are fully investigated. They should provide support to facilitate and develop the fostering role to protect both carers and children by sound practices. The FTM is responsible for communicating with the foster carers at key points e.g. following Strategy Meetings. The FTM is responsible for ensuring identified work with carers has been completed.
- 4.3 **The Supervising Social Worker (SSW)** has a key role in supporting the investigation as directed by the FTM and the chair of the Strategy Meetings. Usually this will involve providing information about the foster carers, including a chronology for the initial Strategy Meeting. The SSW has an on-going role to provide supervision to the foster carer during the investigation process. Regular contact should be maintained. The SSW should have clear guidance from the Strategy Meetings about what can be shared with the foster carers. SSWs **must** ensure that foster carers have information about how to access support from the Fostering Network. (See [Section 10, Support for Foster Carers](#))
- 4.5 **Child's Social Work Team Manager**. There will be the child social worker's team manager and the investigating social worker's team manager. It will be the investigating social worker's manager who has the management responsibility for the investigation.
- 4.6 **Child's Social Worker** will ensure that appropriate safeguarding arrangements are made to ensure the safety of the child, and support arrangements are in place. There may be a role for this worker in facilitating communication with the child.

- 4.7 The **Local Authority Designated Officer (LADO)** has a key role in dealing with allegations about foster carers. They are involved in the co-ordination and oversight of individual cases, providing advice and guidance to employers and voluntary organisations. They liaise with the police and agencies, and monitor the progress of cases to ensure they are dealt with in a thorough, timely and fair manner.
- 4.8 **Independent Reviewing Officers (IRO)** review the status and suitability of foster carers annually, taking account of information from the child; carers; child's social worker; SSW. The IRO will also hold a Review if there are concerns of the carer's suitability to foster.
- 4.9 **Fostering Panel** members have a responsibility to review the approval of any foster carers and their suitability to continue fostering following any complaint or allegation if the case is brought to panel. The panel advisor will provide professional support and guidance to the panel on the process as required.

5. Initial Response

- 5.1 When the fostering team or the child's social work team receive any information of concern, this should be shared at the earliest opportunity with social workers and team managers across the relevant fostering and child social work teams.
- 5.2 The child's social work team manager and the FTM should discuss and agree the nature and level of the concern or allegation, and whether or not safeguarding procedures or any protective action is required. This will include whether to refer to the LADO, whether they will deal with the allegation as a standard of care concern or whether the information provided does not require any further action. This discussion and decision should be recorded on the Case Management Recording System and an alert sent to both the child's social work service manager and the FSM.
- 5.3 When the team manager (can be either FTM or child's TM) holds the initial discussion with the LADO, reference should be made as to how the

situation may or may not meet the criteria as in [Section 3.3, Allegation requiring investigation under Section 47 child protection procedures](#).

During the discussion the following information should be available:

- Information about the legal status of the child, the responsible LA for the child, length of time in placement, contact details for key people;
- Information about other children in placement, including carers own children;
- Details of the allegation or complaint;
- Any actions already taken;
- Whether the carers are aware of the allegation;
- Discussion about all the needs of the children in the foster home;
- Information about the carers' record in fostering and if now suspended, the circumstances;
- The views of the foster carer if known;
- The views of the SSW, child's social worker and anyone relevant.

The LADO will advise whether a Strategy Meeting is required. Were a child may be suffering or likely to suffer significant harm due to the inaction or action of the foster carer this will automatically progress to a Strategy Meeting.

5.4 The FTM will inform the FSM of any serious allegations or complaints without delay. The FSM will need to consider whether or not an Ofsted Notification is required.

5.5 The fostering service manager (FSM) will decide if the foster carer should be **on hold** from taking further placements while a police investigation, enquiry by Social Care, or any potential review of their approval to foster is taking place. This may be further discussed at the Strategy Meeting. Where allegations require investigation under Section 47 child protection

procedures, no further children will be placed with the carer until the matter is resolved.

If the decision is made to put a carer on hold from taking further placements a retainer fee may be payable.

- 5.6 Depending on the nature of the concern/allegation the FSM, FTM and child's team manager will need to consider the safety and best interests of the child/ren in placement. **Where a decision is made to move or not move the child/ren to an alternative placement**, the rationale for this decision, including an assessment of the risk should be clearly evidenced on Liquid Logic. Current placements may remain if discussed and agreed with the FSM, the FTM, and the service manager for the child.
- 5.7 Resignations will not preclude the investigation being concluded.

6. Responding to Standard of Care Concerns

- 6.1 If the issue about day to day care is still at the lower end of the spectrum, then, by agreement with their respective team managers, the child's social worker and/or the SSW should, as soon as possible, make a joint visit, to the foster carer to discuss the concern.
- 6.2 The FTM will decide whether or not the matter can be concluded (usually in consultation with the child's Team Manager) and recorded as a team manager decision on Liquid Logic (both adult and child file). The outcome can be reviewed at the next routine Foster Carer Review (FCR) or a decision made that one will be held sooner. Any actions or training identified through any of these processes should be followed up by the SSW and checked in supervision by the FTM.
- 6.3 If the social workers and the team manager(s) are not satisfied with the outcome of their visit, a recommendation can be made to upgrade the matter to a concern of a safeguarding nature which falls below the threshold for Section 47 child protection investigation. If there are a number or pattern of concerns, consideration should be given to the level of response. Persistent or repeated low level concerns about day-to-day

care may constitute a real issue with regard to the quality of care, suitability or professionalism shown by the carer.

- 6.4 It may be felt that it is appropriate to hold a FCR to consider the concerns in the context of the foster carer's overall competence. If a FCR is required it should be held as soon as possible in consultation with the FTM, and chaired by an independent reviewing officer. The child's social worker will submit a written report. The purpose of the review is to consider whether the foster carer meets the National Minimum Standards and to make recommendations.
- 6.5 The FTM should write to the carer detailing the outcome of the concern and should include a copy of the review, if this has been held, within 10 working days. A complaints leaflet must also be included. A copy of the letter should be uploaded to carers' file on Liquid Logic and the child's social worker and team manager alerted.
- 6.6 The concern should be recorded on the on the form 'Foster Carer Record of Concerns or Allegations' on the carer's file in Liquid Logic.

7. Responding to Concerns of a Safeguarding Nature that fall below the Threshold for Section 47 Child Protection Investigation

- 7.1 These type of concerns should be discussed with the LADO to see whether a Strategy Meeting is required. If a Strategy Meeting is required, see **paragraph 8.1** for further information.
- 7.2 When it is agreed that a Strategy Meeting is not required, the following process should be adhered to:
- The plan of action should be discussed and agreed with the LADO. This should include agreement on who will be undertaking any further investigation. This may be a joint investigation between the Fostering Service and the child's social work team or it may be agreed that one service leads on this.
 - A professionals meeting should be arranged to share information and to discuss the outcome of the investigation. This meeting

should agree any actions arising from the concern. There should be clear minutes which should be saved on both the children's and the foster carer's records. Depending on the significance of the concerns, the professionals at the meeting may decide to arrange a further professionals meeting to review progress;

- Whilst being rigorous, the process of this investigation needs to be proportionate to the circumstances of the case, as concerns will vary in terms of seriousness and their impact on any child concerned. There is a balance required in terms of safeguarding children, being fair to carers and their families as well as looking at the impact on placement stability.
- Regarding concerns of a safeguarding nature a Foster Care Review is required. This should be held as soon as possible in consultation with the FTM and chaired by the IRO. The child's social worker will submit a written report. The purpose of the review is to consider whether the foster carer meets the National Minimum Standards and to make recommendations.

8. Responding to Allegations Requiring Investigation Under Section 47 Child Protection Procedures

- 8.1 When it has been agreed by the social work team manager, FTM, police and other relevant agencies to pursue enquiries under Section 47, a Strategy Meeting should be held within 5 working days, and 2 working days if Section 47, to agree a plan to investigate the matter. If immediate safeguarding action is required a strategy discussion will take place with relevant agencies possibly prior to a Strategy Meeting. Delay in holding Strategy Meetings is at the discretion of the CPC service manager in consultation with the LADO and the investigation social work service manager, and the reason for this delay must be recorded.
- 8.2 Actions and decisions from the initial discussion should be recorded within 24 hours on Liquid Logic for both the carer and the child.

- 8.3 Those with parental responsibility, unless there is a clear justification for not doing so, which should be recorded, should be informed about the concern, or allegation and the outcome. This is the responsibility of the child's social worker. Consideration should be given whether to inform those with parental responsibility of other children in placement.
- 8.4 With due regard to any police advice the foster carers should be informed of the substance of the concern/allegation as soon as possible. This is the role of the FTM following agreement at the Strategy Meeting. The information provided should include:
- The substance of the concern/allegation;
 - Who will be involved in the investigation;
 - The process and timescales of the investigation;
 - Who will be informed or interviewed;
 - The right to independent support throughout and how this can be obtained;
 - Any financial arrangements if the child has been removed;
 - Decisions and reasons regarding any child in placement;
 - Contact details.
- 8.5 **Strategy Meeting:** The following people should be invited to the Strategy Meeting:
- Any nominated social worker to investigate the concern/allegation (consider independence), and team manager;
 - The child's social worker and team manager;
 - SSW and FTM; (who will liaise as necessary with the FSM)
 - Police representative as appropriate.
 - The **Designated Officer in the local authority (LADO)**

Any practitioner with knowledge of the child such as:

- Education;
- Health;
- Independent Reviewing Officer;
- Youth Services;
- Guardian.

Consider inviting:

- Legal.

8.6 The initial Strategy Meeting as well as any further meeting will need to consider whether any action is required with respect to:

- Child protection / social care involvement;
- Criminal investigation;
- Fostering procedures;
- Complaints procedures.

If further Strategy Meetings are required to progress the matter, the LADO should be informed. **The status of each of these processes will need to be reviewed and continued or discontinued as information becomes available.**

8.7 The Strategy Meeting will need to consider the following information:

- Details of the allegation;
- Whether or not there is a social care child in need or child protection assessment / investigation;
- Whether or not there is a police investigation;

- The views of the child if known in relation to the allegation or the placement;
- Whether or not the child's parents or those with parental responsibility are aware of the situation, and their views and how this should be facilitated with consideration to the investigation and the rights of both the carers and the family;
- Significant information about the child(ren) including legal status, individual needs, length of time in placement where relevant;
- Information and views from the child's social worker, the SSW and their managers;
- Information and views from professionals involved i.e. school, health, IRO, child's guardian etc.;
- The significance of any other previous concerns, complaints or allegations made against the carers or their family / members of the household. Any other relevant information about the adult / carers. **A Chronology should be available, provided by the SSW;**
- Other children living in placement and any information and actions in relation to them;
- Any information relating to any other children the carer may have contact with in any other role/employment;
- Whether or not the carers are aware of the situation and if not, how this should be managed, and within the timescale set at the **Strategy Meeting;**
- Information and views from the carers, when known, about the complaint / allegation;
- Consider where the carers will get support from and if they have been encouraged to seek support;

- How and when to respond to the complainant and who should undertake this;
- Whether or not there are any further safeguarding measures that need to be put in place.
- Allocation of tasks and timescales;
- Does this matter continue to meet the threshold for consideration by a Strategy Meeting? If so set further strategy date (preferably within 28 days but this may be longer for example if bail conditions are set but there may be other tasks which need a more imminent review);
- At a suitable point in the process whether or not a notification to Ofsted or DBS referral is appropriate. A recommendation in respect of this should be made and presented to the FSM, who will assess and act upon the recommendation.

8.8 The point at which the foster carers are interviewed by social workers will be dependent on any joint / police investigation. It may need to wait until the police make a decision in relation to the investigation, or if there is a criminal prosecution this may not be possible until the matter is concluded. The Strategy Meeting should be clear about this issue, and the minutes reflect the position.

8.9 Where foster carers have refused to cooperate, have withdrawn from the process or tendered their resignation, it is important that this process is completed and conclusions reached on the information available. Resignations should not prevent an allegation from being followed up and concluded.

8.10 The meeting will need to reach a clear outcome and judgement, about whether or not the matter is:

- **Substantiated** - there is sufficient identifiable evidence to prove the allegation;
- **False** - there is sufficient evidence to disprove the allegation;

- **Malicious** - there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- **Unfounded** - there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
- **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.

Once there is sufficient information, all the potential outcomes should be considered and a clear rationale for any decision should be recorded clearly in the minutes.

Where a concern is substantiated, It should clearly be noted which of the criteria set out above is met and why, this should be recorded clearly in the minutes.

8.11 At the conclusion of the investigation the FTM should write to the carers, within two weeks, outlining the judgement and any actions reached with a copy of the complaints leaflet included. A copy should be placed on the child's and carer's file.

It should be clear on the foster carer's record if they were:

- Convicted of any offence;
- De-registered as a foster carer;
- Referred to the DBS.

8.12 The LADO should be kept informed after each Strategy Meeting and at the conclusion of the allegations process.

9. Redacted Minutes and Disclosure

- 9.1 Redacted minutes will be completed as and when required and uploaded onto Liquid Logic and identified as such.
- 9.2 Redacted minutes provide anonymised information which protects the privacy and welfare of vulnerable children and their families whilst balancing transparency and openness.
- 9.3 Redacted minutes of Strategy Meetings will generally only be provided at the conclusion of the process but if there is a request and an argument for providing them at an earlier stage then this can be facilitated by agreement with the CPC, and where necessary with the advice of the LADO. Where there is a police investigation, what information can be shared and provided in the minutes will be checked with the Police.

10. Support for Foster Carers

- 10.1 Foster carers must be informed how they will be supported during the investigation (including arrangements for payments). A skills fee will be paid to any household whilst on hold up to 12 weeks whilst there is an ongoing investigation after which any further decisions about payment will be made by Service Manager.
- 10.2 The Fostering Network provides a variety of support to foster carers including an informative website and a national helpline. Carers also have access to the services of an independent advice and mediation worker through the Fostering Network when dealing with concerns, complaints or allegations. Information about support is available in the Fostering Handbook, which is available to all foster carers.
- 10.3 SSWs will continue to provide supervision and support to foster carers throughout this process and will keep foster carers as informed as they are able to in line with guidance from the FTM and the chair of the Strategy Meetings.
- 10.4 This process can be distressing for carers, and staff should ensure that they are sensitive and supportive, whilst maintaining professional boundaries.

11. Foster Carer Review (FCR)

11.1 For standard of care concerns a FCR is convened at the discretion of the FTM.

11.2 For concerns of a Safeguarding nature the SSW will ensure that a review of the foster carers, chaired by an IRO is held as soon as possible in consultation with FTM following the outcome of the process.

The FCR should review and confirm the status of the foster carers and make recommendation as to continued suitability to act as a foster carer.

11.3 A criminal prosecution should not necessarily delay this process, however the police will need to be informed and agree to what information is shared. In all likelihood there will be sufficient information and assessment for the FCR to make its recommendations.

11.4 The report to the FCR will address:

- The nature and outcome of the allegation or complaint;
- Whether or not a report has been forwarded to the crown prosecution service;
- What, if any concerns remain;
- The views and experience of the carer;
- A chronology;
- Views of the SSW;
- Any implications for the safer caring agreement;
- Training issues;
- Any other information relevant to the carer or the child in placement.

11.5 The recommendations from the FCR will be confirmed by the IRO in writing to the carer along with a copy of the review report. The possible outcomes and recommendations are:

- Re-assessment of the carer in relation to the identified concerns;
- Immediate re-instatement of the carer, if approval and use had been on hold;
- Reconsideration of the terms and range of approval (variation);
- Future identified training or development needs;
- The carer choosing to resign;
- The concerns are sufficiently serious to recommend termination of approval regardless of whether there is a criminal prosecution.

11.6 It is important to avoid delay in holding a Review when there are concerns as to the continued suitability, as it further delays the Panel process, may cause further stress and anxiety to the carers, and have financial implications if retainer fees are payable.

11.7 If the carers resign and the Review is booked before the 28 day notice period ends, the Review shall still go ahead, whether the carers attend or not.

12. [The Fostering Panel](#)

12.1 If the FTM decides a FCR is required following standard of care concerns, it is then the discretion of the FTM to decide whether the matter should proceed to Fostering Panel. This would depend on the seriousness and context of the concern or complaint and whether there is a pattern of concerns emerging with the foster carers.

12.2 Following Safeguarding concern/allegation and the subsequent FCR, it will be FTM decision if case needs to return to panel depending on the seriousness of allegation and outcome of the investigation.

12.3 Foster carers will be invited to panel. The SSW and FTM will attend the panel.

12.4 Where carers have offered their resignation and this takes effect (this mean that the notice period of 28 days is complete – and the carers are no longer carers) prior to a FCR, the case will be presented to panel under any other business. In the circumstances of a carers resignation in the course of an investigation the Foster Panel will be asked to note the resignation.

Panel may also express a view as to whether the foster carer's name should be referred to the **Disclosure and Barring Service** and **Ofsted**. The panel's views and those of the agency are then held on the carer's file and can be provided in references to other agencies if necessary.

Based on this information, the [Agency Decision Maker \(Fostering\)](#), in consultation with the [Local Authority Designated Officer \(LADO\)](#) will decide whether to refer the former foster carer to the [Disclosure and Barring Service](#) (DBS) for inclusion of the carer's name on the Children's Barred List. [OFSTED](#) should be informed of any decision to refer a carer for inclusion on the Children's Barred List.

12.5 Prior to reaching any conclusions the panel must consider the following:

- Report of the investigation by the SSW;
- FCR report and recommendations;
- Views of the child's social worker;
- Chronology;
- Views of the child;
- Any written representations by the carers;
- Decisions from the Strategy Meetings;
- A copy of the concluding letter from FTM.

12.6 The panel should make recommendations in line with the requirements of the Fostering Services Regulations 2011. The reasons for the recommendation will be made clear. The possible recommendations are:

- The carer(s) remains suitable to foster and the terms of the approval are confirmed (which may be changed);
 - The carer is not regarded as suitable to continue fostering.
- 12.7 The panel adviser/ administrator will, without delay, forward the minutes of the panel's recommendations to the agency decision maker, who, informed by the panel's conclusions, must determine and progress it in accordance with the requirements of the Fostering Services Regulations 2011 Regulation 27 (6) (7) (8) , i.e. 7 working days of receipt of the final set of panel minutes.
- 12.8 The carers must be informed of the ADM determination/ decision, by the FTM, orally within 2 working days of the decision and in writing within 5 working days of the date of decision.
- 12.9 If, after taking into account the recommendations of the panel, the agency decision maker is no longer satisfied that the foster carer or their household is suitable to continue (or their terms of approval are appropriate) as foster carers, written notice must be given to the carer that it is proposed to terminate or revise the terms of the approval. This is called a '**qualifying determination**'.
- 12.10 This notice must also include the right to challenge this decision, the carer may:
- Within 28 days of this notice, submit any representations about the case to the agency decision maker;
 - Apply (via the agency decision maker) to the Secretary of State for a review by an independent review panel of the determination.
- 12.11 The opportunity to appeal to the Independent Review Mechanism (IRM) via the Secretary of State does not apply in circumstances covered in Regulation 26(6). This is essentially where the foster carer or a member of their household over 18 years old has been convicted or cautioned of a specific offence (these offences are listed in Regulation 26 (5) and in Schedule 4 of the Fostering Regulations).

- 12.12 If the carers do not respond within 28 days, and make no representation or request for a review, the determination can be progressed to a decision (Regulation 27 (8)). This will then be confirmed in writing to the carer.
- 12.13 If any representations are received following the determination these will then be passed to the foster panel for consideration. (Regulation 27 (9)). Good practice would suggest that this would be a different panel to build in independence and further scrutiny.
- 12.14 The new panel should consider the representations made by the foster carer in conjunction with the minutes and documentation from the previous panel. The foster carer and participating parties would need to attend panel. The panel will make recommendations whether or not the foster carer remains suitable and the terms of that approval suitable.
- 12.15 These further recommendations will be passed to the agency decision maker who will make a further decision in line with the Fostering Services Regulations 2011 (Regulation 27 (9)).
- 12.16 If the carers request that the matter be heard by the independent review panel it must be facilitated via the panel advisor / agency decision maker. The information which the advisor/ lead for the independent review panel requires must be provided within 10 days. This information usually consists of the papers presented to panel but not the minutes of panel – as they will consider the case without the influence of the considerations and recommendations the Nottingham City panel.
- 12.17 Once the independent review panel has heard the matter and made its recommendations the agency decision maker can proceed to make a decision based on both the original panel's recommendations and those of the independent review panel (Regulation 27 (10)).
- 12.18 The agency decision maker should send a copy of their notification to the foster carer and to the Secretary of State (Regulation 27 (12)).
- 12.19 The decision made by the agency decision maker following the subsequent panel or review panel is final.

12.20 Carers can use the complaints process to challenge the agency decision maker decision. This may be if:

- The carers assert that the process and procedure followed was flawed; e.g. the investigative process, the household review process or the panel process was not followed;
- There was significant inaccuracy in the information relied on to reach the panel recommendation and the agency decision.

12.21 The agency decision maker may review the decision in the light of any findings arising from the complaints process.

12.22 In circumstances where Nottingham City foster carer's approval to foster is terminated but they reside in another local authority, or if a child from another local authority is placed with the carers, that local authority should be notified with the reasons as set out in the written notification to the foster carers.

13. Complaints Process

13.1

- The following has been agreed as a modified process in response to complaints regarding the managing allegations process or outcome. This covers both contemporaneous and historical allegations. Where the primary complaint does not relate to the managing allegations process or its outcome, the complaint will be referred to the relevant manager for their coordination.
- Stage 1 complaint responses will be led by the independent chair service manager (ICSM) who has line management responsibility for the chair of the final meeting;
- Where the complaint includes other aspects of the case (e.g. the social worker or LADO) then their respective managers will be asked to provide a response to be included in the overall response;

- Where complaints are particularly complex, colleagues in the complaints team will assist in clarifying the complaint record and coordination of the response (this will be negotiated on a case by case basis);
- As with all stage 1 responses, consideration should be given to offering to meet with the complainant either as part of the initial response or following the written response at the request of the complainant;
- Where a complainant remains dissatisfied following the stage 1 response (and any attendant meeting), in circumstances where the outcome of the final meeting remains the central factor, the case holder within the complaints team will discuss with the relevant Service manager – Safeguarding & Quality Assurance . Where felt appropriate the service manager will independently review the case before a decision is made about progression to stage 2. (This will be a file review);
- The outcome of this review will be:
 - Upholds the original decision;
 - Recommends a further ‘Allegation against Foster Carer’ meeting;
 - A change to the outcome classification (this will only be an outcome in exceptional circumstances).
- The outcome of the review will be communicated to the complainant. If the complainant remains dissatisfied the complaints team will consider whether the case is eligible to progress to stage 2 of the complaints process.

14. Referral to Disclosure and Barring Service (DBS) and / or Notification to Ofsted

- 14.1 The fostering agency has a statutory duty to refer any carer to the DBS for consideration of inclusion on a list of people about whom there is concern that they are unsuitable to work with children. This is on the basis that the foster carer may have had their approval terminated due to misconduct that has harmed a child, or put a child at risk of harm, or if they have resigned in circumstances that may have reached the same conclusion.
- 14.2 A referral to DBS should be considered at the culmination of the process, and when the outcome of the concerns /allegations have been substantiated. The Fostering Service would take the lead in making the referral to DBS **(see below: Appendix A Disclosure and Barring Service (DBS))**
- 14.3 Ofsted must also be notified of any serious incident, a child protection enquiry or significant event in line with the Fostering Regulations 2011 Schedule 7 Events & Notifications. The FTM will complete a notification to Ofsted and send to the FSM who will forward to the Group Manager, Service Director and Ofsted **(see below: Appendix B Schedule 7 – Notifications)**

See also: [Disclosure and Barring Service guidance leaflets - GOV.UK.](#)

15. Additional Circumstances

15.1 Historical information on current and ex-carers

Historical information relating to concerns, complaints or allegations against current and ex-carers should be responded to in the same way as contemporary information.

- **Standard of Care Concern** If the information is of a minor nature and having consulted the chronology there is no suggestion of a

pattern of concerns, this matter should be recorded on the ex-carers file as received but not investigated. Feedback to the referrer if it is the former looked after child will be an important part of the process. A letter should be sent to the ex-carer **if their address can be confirmed** to say information had been received and kept on file and if any further information is required to contact the department;

- **Concern/Allegation** The response should follow the allegation process in the same way as with a current matter. If there are any current safeguarding issues a Strategy Meeting should be held within the usual timescales, consistent with Child Protection Procedures.

If there is no Social Care current involvement with the ex-carers, in agreement with the police, the ex-carers should be contacted to explain a complaint has been received which needs to be addressed with them and seek their views on. If this is not possible then the information should be stored on the carer's file with conclusions reached as far as is possible. Feedback should be given to all referrers.

15.2 Investigations of concerns, complaints, and allegations made against members of the foster carer's extended family / friends

On occasion concerns, complaints or allegations will be made against members of the foster carer's immediate household or extended family. This can be difficult for foster carers, and they will need to be supported through this process. The needs of the looked after child/ren in placement and any other relevant children need to be prioritised. Where relevant social workers need to assess whether or not there was any role by the carer either directly, or indirectly e.g. by omission/commission/failure to protect.

15.3 Where a complaint / allegation is made against a child under 10 years in the foster care household (i.e. under the age of criminal responsibility)

If there is any concern or suspicion that the foster carers were aware of any abuse, allegations or complaints, then the same response should be followed in principle as when an allegation is made against the carer. Judgment should be applied by the relevant managers in consultation with the LADO.

The decision making process regarding the removal of the foster child from the home should be applied and remains the responsibility of the service manager for the child. Where the child is stable in placement, balance regarding the placement stability needs to be considered alongside the safeguarding issues.

The needs of the child against whom the foster child has raised the concerns also need to be addressed in their own right, and appropriate safeguarding processes if required.

The relevant manager dealing with the strategy discussion / meeting to consider:

- Should child protection procedures apply to the perpetrator and a joint interview of them as well as any complainant or victim;
- How, when and by whom should the birth parents of both the victim and the alleged perpetrator be told of the allegation and how much involvement they should have in the investigation;
- How best can the information about both parties be gathered;
- Do previous foster children and other children in the family / household need to be interviewed or files read;
- The continuing safety of all children in the foster home and in contact with the alleged perpetrator must be addressed;
- The role of the foster carer, did they know of any abuse? how effective were they in safeguarding the children?

Following the investigation a further Strategy Meeting should be arranged to consider:

- A decision whether or not any further action is needed and whether a child protection conference should be held;
- To reach conclusions about the complaint or allegation on the information available, and any recommendations about services required;
- To consider any legal implications for the local authority.

15.4 Where a complaint / allegation is made against a child in the foster care household over 10 years, but under the age of 18

The same issues apply as for a child under 10 years old but because the child is of an age to be criminally responsible, the police may become involved. The same issues in relation to the placement of the foster child needs to be applied. Placement stability and safeguarding issues need to be discussed for both the foster child and the alleged perpetrator. The ability of the foster carers to safeguard the children need to be considered. The placement of the alleged perpetrator (not the looked after child) with other family members could be considered.

15.5 Where a complaint / allegation is made against a family member who is 18 years or over

The member of the family may live in or outside the fostering household e.g. an adult child or a grandparent.

During the Strategy Meetings, the following additional issues should be covered:

- How, when and by whom should the birth parents be told of the allegation and how much involvement they should have in the investigation;
- How best can the information about both parties be gathered;

- Do previous foster children and other children in the family need to be interviewed or files read;
- The continuing safety of all children in the foster home and in contact with the alleged perpetrator must be addressed;
- The role of the foster carer, did they know of any abuse? how effective were they in safeguarding the children?

15.6 Organised or complex abuse involving foster carers

If it becomes evident that there is an organised or complex abuse situation then guidance should be sought from the LADO.

Even greater consideration needs to be given to planning and strategy, legal advice and the use of independent and a dedicated team of staff.

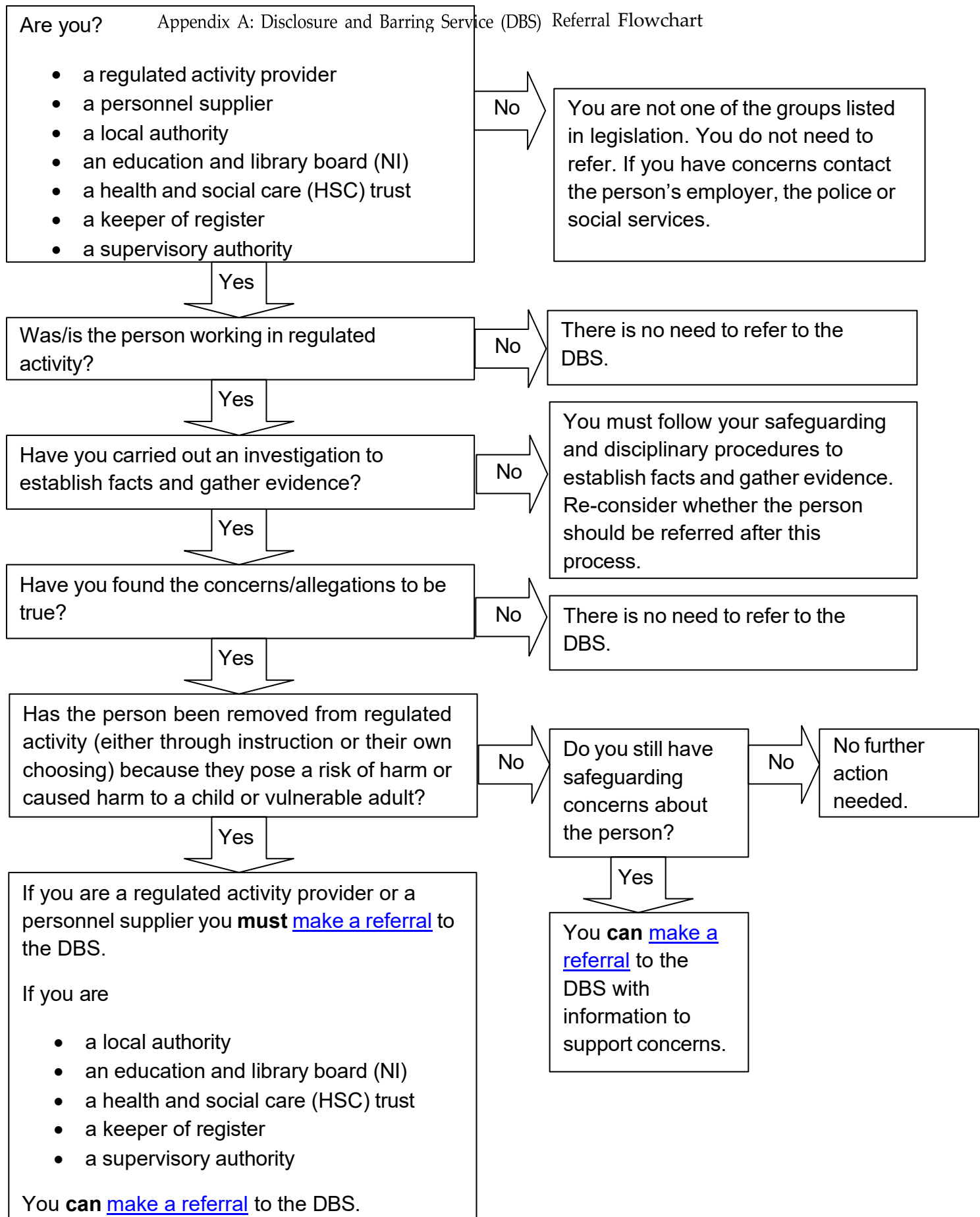
16 Further Information

Legislation, Statutory Guidance and Government Non-Statutory Guidance/

[Working Together to Safeguard Children](#) - DfE, Statutory Guidance

[Keeping Children Safe in Education](#) – this statutory guidance highlights the importance of sharing and responding to any concerns, about the behaviour of an adult who works with children, no matter how small, including low level concerns.

Appendix A: Disclosure and Barring Service (DBS) Referral Flowchart



Appendix B: [Schedule 7 - Notifications](#)