



# SCF IFA Managing Concerns, Complaints and Allegations against Foster Carers

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## Policy Summary:

This policy and guidance apply to the following who have been approved by Slough Children First Independent Fostering Agency: Short and long term foster carers, carers offering short breaks to children with disabilities, respite foster carers, carers providing supported lodgings to young people over the age of sixteen and carers providing a staying put arrangement.

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# **Managing Concerns, Complaints and Allegations against Foster Carers**

## **Scope of this procedure**

This policy and guidance should be read in conjunction with the Slough Safeguarding Children Partnership Procedures with reference to [Allegations Against Staff or Volunteers who Work with Children Procedure](#).

## **1. Overview**

### **Policy Aim**

To set out the policy and practice guidance to be followed when an allegation or a complaint is made against a foster carer or a serious concern has been expressed which necessitates a standards of care investigation.

### **Legislation, Regulations and Standards**

The relevant legislations, regulations and fostering standards include:

- The Children Act 1989;
- Fostering Services Statutory Guidance 2011;
- The Protection of Children Act 2002;
- Working Together to Safeguard Children;
- Care Standards Act 2000, S. 23(1): National Minimum Standards for Fostering Services 2011: 4.1-4.7& 22;
- Children Act 1989: Fostering Service Regulations 2011 - Regulation 12 (arrangements for the protection of children).

### **Relevant Legislation and Guidance**

The Fostering Services (England) Regulations 2011; regulation 12, requires fostering services to implement a written policy that is intended to safeguard children, and which sets out the procedure to be followed in the event of any allegation of abuse or neglect. Regulation 12(3) details the areas that must be covered in the procedure. National Minimum Standard 22 sets out minimum expectations around handling allegations of suspicions of harm.

The Children Act 1989 guidance and Regulations Volume 4:Fostering Services (Paragraph 3.72) and NMS 22.10 state that the fostering service must make a clear distinction between investigations into allegations of harm and discussions over standards of care. An investigation that finds no evidence of harm should not become a procedure to investigate poor standards of care, which should be addressed separately.

This policy reflects and is consistent with the requirements of the Pan Berkshire Local Safeguarding Partnership Child Protection Procedures.

## **Slough Children First's Policies**

[Slough Multi-Agency Safeguarding Children Partnership Procedures](#) available on line particularly [Allegations Against Staff or Volunteers who Work with Children Procedure](#).

### **Policy Application**

This policy applies to the following who have been approved by Slough Children First Independent Fostering Agency: Short- and long-term foster carers, carers offering short breaks to children with disabilities, respite foster carers, carers providing supported lodgings to young people over the age of sixteen and carers providing a staying put arrangement.

## **2. Definitions**

### **Allegation**

An allegation involves an accusation that a child or young person has been physically, sexually or emotionally abused or neglected by a foster carer or a member of their household or family. It can also be defined as an unproven assertion of abuse or neglect that has yet to be proved or supported by evidence.

### **Standards of Care**

A standards of care concern arises where no allegations of abuse or neglect have been identified but where there is serious concern that the foster carer is not meeting agreed standards of practice in respect of their care of the child.

### **Complaint**

A complaint is likely to arise through different approaches to meeting the needs of a child/young person. Anyone is entitled to make a complaint: the child or young person looked after, their parent or person with parental responsibility for them, or anyone with a legitimate interest in the child/young person's welfare including the social worker or the independent reviewing officer.

## **3. Introduction**

The expectation is that:

- a. At the time of a child's placement, foster carers will be provided with 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 received information about this procedure and ; [Slough Multi-Agency Safeguarding Children Partnership Procedures](#)
- d. All foster carers will be familiar with and adopt the procedures for recording daily the progress of children placed with them, including any incidents or complaints. Foster Carers 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.

In addition, in relation to the Fostering Service, it is an expectation of the Fostering National Minimum Standards 2011 that:

- A manager within SCF IFA 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;
- All staff within SCF IFA are aware of the requirements of this procedure, including the role of the [Disclosure and Barring Service \(DBS\)](#).

## 4. Allegation of Abuse/Risk of Serious Harm

Where an allegation is made that a child has been abused or is at risk of harm, the [Slough Multi-Agency Safeguarding Children Partnership Procedures](#) must be followed.

### 4.1 Initial Action

Any person who receives information or suspects that a child has suffered or is suffering harm in a foster placement must immediately inform the child's social worker or their manager.

On receipt of any such information, the child's social worker, or their team manager must immediately:

- Inform their team manager and service manager;
- Inform the Designated Officer in the local authority (LADO) within 1 working day;
- Inform the supervising social worker;
- Refer the matter to the relevant Assessment Team.

The supervising social worker will:

- Inform the designated senior manager within the Fostering Service -
- Inform the social workers for any other child in the placement;
- Inform any other local authority with an interest in the foster placement

The relevant Assessment Team must implement the [Slough Multi-Agency Safeguarding Children Partnership Procedures](#) in relation to the allegation/suspicion.

They will gather relevant background information and convene a Strategy discussion within 2 working days of the referral and arrange a Strategy Meeting.

At this stage, the Regulatory and Responsible Authorities 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. The fostering manager must notify Ofsted as per the Schedule 7 expectations. (see [Serious Incident Notifications](#)).

In exceptional cases where immediate action may be necessary to safeguard the welfare of the child, the child's social worker and their manager may decide to request that a new placement be identified.

## 4.2 Strategy Meeting

The Strategy discussion should take place within 2 working days of the referral. The purpose of the meeting will be to decide if an investigation is necessary and, if so, how it should be carried out. The following people will be invited:

- a. The manager of the team undertaking any Section 47 Enquiry;
- b. The child's social worker and their manager;
- c. The Local Authority Designated Officer in the local authority (LADO);
- d. The supervising social worker linked to the foster carer, and their manager (who will liaise as necessary with the designated senior manager within the Fostering Service
- e. The police;
- f. Any other agency involved with the child or foster family;
- g. A representative from the Responsible Authority;
- h. A representative from the Regulatory Authority.

The Strategy 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. The involvement of other agencies, for example, if the child was placed by another local authority;
- d. The need to inform other agencies who use the foster home;
- e. Who will notify the Responsible Authority of the outcome of the meeting, if a representative is not present;
- f. Who will notify the Regulatory Authority of the outcome of the meeting, if a representative is not present;
- g. A referral to the Disclosure and Barring Service (DBS) for inclusion on the Children's Barred List if the criteria is met. See the [DBS barring referrals flowchart - GOV.UK \(www.gov.uk\)](#)
- 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 and by whom the investigation is to be conducted. (It is important that careful consideration is given to the planning of criteria when a joint investigation is recommended. 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 inform the documents to be presented to the Fostering Panel);
- k. The timescales for the investigation and any contingencies should timescales set prove unlikely to be met;
- l. How the child should be informed of the procedure to be followed and supported through the process;
- m. Whether the alleged perpetrator should be asked to leave the home while the investigation is conducted and confirmation that the Chair will inform the carers of the allegation verbally or in writing;
- n. Informing the child's parents of the allegation and devising a 'communication strategy' to ensure they are kept up to-date (where this is appropriate). Also to consider, depending upon the nature of the allegation, whether this impacts upon any contact arrangements that are in place.
- o. Once informed of the decision what support to offer the foster carers;
- p. How reports on the investigation will be shared with the foster carers and the child or children in the placement;
- q. Whether further placements should be suspended in the meantime;
- r. Arrangements for reconvening the Strategy Meeting.

Whether or not the Strategy Meeting considers that the allegation or suspicion has any foundation, the matter should be investigated unless there are exceptional circumstances, and the Responsible Authority must be notified of the decision and the outcome.

The minutes of the meeting must contain clear action points and clear timescales for each action. The action points and timescales will be circulated immediately after the meeting. Actions agreed must be recorded and be the responsibility of named individuals.

Copies of the action points and the minutes should be held on the child's and the foster carer's records.

Any decision to take no further action following the Strategy Meeting must be clearly recorded by the decision-maker on the child's and the foster carer's records and reported to the Responsible and the Regulatory Authorities.

### **4.3 Investigation and Action**

The actions agreed at the Strategy 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 Strategy 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.

Where considered appropriate by those at the Strategy Meeting, the foster carers should be given the opportunity to respond to the allegations before any final decision is made about necessary action to protect the child and other children 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.

Any decision to suspend making further placements with the foster carer while the investigation is being conducted should be communicated to the foster carer by the manager of the fostering service.

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. 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 paid whilst they are under investigation.

They should confirm that the foster carers are aware of the following:

- The contents of this procedure and the relevant Local Safeguarding Partnership Inter Agency Procedures;
- The address and contact telephone number of the independent agency identified to provide the foster carers support;
- Information regarding consulting a solicitor;
- Information on insurance arrangements for legal expenses.

If an Initial Child Protection Conference is convened, the Conference Chair must be consulted in advance to discuss whether the foster carers should be invited to attend. In any event, the foster carers' views must be obtained for and communicated to the Conference (see [Pan Berkshire Local Safeguarding Partnership Child Protection Procedures, Child Protection Conferences](#)).

The social worker undertaking the investigation will prepare a report on the investigation and a copy will be provided to the foster carers and their representatives.

#### **4.4 Concluding the Investigation**

The Strategy Meeting will be reconvened to conclude the investigation. The same people will be invited, and the same person will chair the meeting; the foster carers and their representative will be invited to participate as considered appropriate by the Chair.



The purpose of the final Strategy Meeting is to agree on the outcome of the investigation and responsibilities for any further action including reporting on the matter to the Fostering Panel and/or considering whether it may be appropriate to make a referral to the [Disclosure and Barring Service \(DBS\)](#) for inclusion of the foster carers on the Children's Barred List.

Although this will always be envisaged as the final meeting, should new information come to light further actions may be required thereby necessitating the suspension and rescheduling of the meeting.

The Chair will notify the foster carers (if not in attendance), the child, the parents, other children in the placement or involved, other relevant agencies and the Responsible Authority and the Regulatory Authority (if they do not attend the meeting) of the recommendations made at the meeting.

Please note the same procedure should also be followed at the conclusion of a S.47 investigation:

There are five outcomes from an allegation, and they are listed below:

- **Substantiated:** where there is sufficient identifiable evidence to prove the allegation.
- **False:** where there is sufficient evidence to disprove the allegation.
- **Malicious:** where there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- **Unfounded:** where 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.

The investigative process may conclude that there has been no harm experienced by the child but that other procedures may be identified as appropriate, for example, the complaints process.

Consideration should be given to holding a resolution meeting for all involved as to the impact of the allegations and the investigation, whatever the outcome, and all necessary assistance and support should be made available as necessary.

In accordance with the Berkshire Child Protection Procedures (Section 5.41 - 5.46), following the conclusion of a S47 (Children Act 1989) investigation, it is a requirement that the fostering team must undertake a review of the foster carer's approval within 28 days of the conclusion of the enquiry and present a report to the Fostering Panel, except where a standard concern investigation is recommended.

Once the investigation is complete, a household review meeting will be held, and the carer will then be presented to the fostering panel for evaluation and determination of

continuing suitability. A household review report should be presented to the next available Fostering Panel.

Prior to Fostering Panel, the foster carers and their independent support (if they choose to bring one) should have seen and had time to comment on the report being presented to the Panel. The procedure to be adopted for the Fostering Panel will be the same as for any other foster carer review - see Review of Foster Carers Procedure.

All relevant documents in relation to the investigation, whatever the outcome, must be retained on the child's and the foster carer's records.

Any recommendations from the Local Authority's Designated Officer should also be made known to the Panel by SCF IFA. The fostering service should inform the Local Authority's Designated Officer the recommendation of the Fostering Panel and the decision of the Agency Decision Maker.

## **5. Complaints**

Slough Children First has a complaints procedure which should be followed by anyone responding to a complaint. This is available on the intranet and is attached also as [Appendix 1: Children and Families Complaints Procedure](#). There is a leaflet which gives guidance to service users or carers on how to make a complaint, compliment or comment and a separate leaflet for children called "Let us know". These can be obtained from any administrative staff within SCF.

## **6. Standards of Care**

A standards of care investigation may take place in the following circumstances:

- Where the decision has been reached at a strategy meeting that an allegation is not upheld but serious concern remains regarding the carer's practice or standard of care;
- A complaint has been received expressing serious concern about a carer's practice or the standard of care they provide;
- Serious concerns have been expressed about a carer's practice or the standard of care they provide.

Where concerns are expressed regarding the care of a child but these are not of a serious nature (see "[Managing Concerns, Complaints and Allegations against Foster Carers](#)"), they will be raised in the usual way by the supervising social worker with the carer and a decision made as to how this may be addressed (e.g. training, mentoring, etc.) This will be recorded on the carer's file and discussed at their foster carer review.

### **Decision regarding "seriousness"**

Unless the decision has been made at a Strategy Meeting that a standard of care investigation should be undertaken, the relevant team Manager, in consultation with the SCF IFA will make the decision regarding the seriousness of a complaint or concern and therefore the action to be taken.

## **Person undertaking the investigation**

Standards of care investigations should be undertaken by a qualified social worker with an appropriate level of knowledge of the fostering task but who may be independent of SCF IFA.

A household review should be held, and the case presented to the fostering panel thereafter if a standard of care investigation is undertaken.

## **7. Role of the Fostering Panel**

Under the Fostering Services Regulations 2011, the Fostering Panel is required to recommend whether a person remains suitable to act as a foster parent and whether the terms of their approval remain appropriate on the carer's first foster carer review and on any other review when asked to do so. The Panel is also required to give advice and make recommendations on any other matters or cases which may be referred to it.

Therefore, any review following a S.47 investigation or any report on the standards of care provided to a child or young person by a foster carer should be presented to the Fostering Panel.

## **8. Notifying Carers**

### **In respect of a S.47 investigation:**

[Slough Multi-Agency Safeguarding Children Partnership Procedures](#) must be followed regarding notifying carers. If a carer is to be questioned, the advice of the police and decision of the strategy meeting is likely to be that the carer should not be notified.

### **In respect of a standards of care or LADO investigation:**

Carers should be informed of the complaint or concern and that this will be investigated. They should also be informed that they will be offered the opportunity to read the report of the investigation, to respond in writing and to attend the Fostering Panel when the report is being presented if they wish to do so.

The report of the standards of care or LADO investigation should be presented to the Fostering Panel at the earliest opportunity. Following the presentation of this report, it is a requirement that carers are notified in writing of any decisions made by Slough Children First Independent Fostering Agency (SCF IFA) considering the recommendations of the Fostering Panel in respect of the continuation, termination or change in the terms of their approval.

Carers should be invited to make any representations in writing within 28 days of this notice either to the agency or to the Independent Review Mechanism. (They cannot do both.) If no representations are received within this period, the agency can proceed with its decision.

If the carer makes a representation to the agency, this should be referred to the Fostering Panel for further consideration. Once the agency has made a final decision, the carers should be informed in writing as soon as practicable. If the carer makes representation to the Independent Review Mechanism, reference should be made to the guidance issued by Department of Education for the procedure to be followed.

## **9. Support to carers**

The Fostering Network has reported that around a third of all carers will face an allegation at some point in their fostering career, the vast majority of which turn out to be unfounded. However, an investigation will impact considerably on carers. It is therefore important that the appropriate support is offered to carers throughout any investigation and consideration given to any continuing support the carer or their family may need at its conclusion. Although the supervising social worker will have a key role in providing this support, they have a duty to protect the child and therefore cannot offer unconditional support to the carer. Consideration will need therefore to be given to the provision of independent support to the carers (NMS 17 & 22).

The local authority may identify another foster carer who has had a similar experience and it may be appropriate for them to be put in touch with the carer under investigation. The foster carer may also be a member of Slough Fostering Association SFA to whom they can go for support. The following is also a source of support and advice:

### **Fosterline**

This is a national advice service funded by the Department for Education and run by the Fostering Network which provides free confidential, independent and impartial advice to all foster carers and those thinking of becoming foster carers in England.

The advice line is open between 9 am - 5 pm, Monday to Friday (except Bank Holidays). If you call after these hours, then you can leave a message and they aim to call back the next working day. They offer interpretation and translation for 240+ languages including British Sign Language (BSL), and textphone users can contact us on 18001 020 3318 3858.

They welcome enquiries by telephone, email or via their website.

Freephone: 0800 040 7675

E-mail: [enquiries@fosterline.info](mailto:enquiries@fosterline.info)

Fosterline website <https://www.fosterline.info/>

### **The Fostering Network**

Slough Children First independent Fostering Agency (SCF IFA) pays for all its foster carers to be members of the Fostering Network. As such, they are eligible to access:

- 24-hour legal helpline for expert advice on allegations and help with any legal queries on 01384 885 734.
- 24 hour, 7 days a week confidential stress support service on 01384 889 549.
- Advice and mediation service. This provides independent support and advice to foster carers particularly during the investigation of allegations.

## 10. Financial Support

If the decision is made by the Agency that the child/ren in placement should be removed immediately after an allegation, the foster carer will cease to receive the child allowance element of the payment from the date of the child/ren's removal. The foster carer will continue to receive the foster carer fee element of the payment for 12 weeks from the date of removal of the child or children. After 12 weeks, they will no longer receive the foster carer fee element for any child removed, they will however continue to receive the child allowance and foster carer fee element for any child/ren that remain in placement. The Home from Home Short Break Scheme carers will not receive a payment of any kind as there is no fee element to the allowance they receive.

After an allegation is made or a concern is raised and a foster carer **request** that a child is removed from their care even though SCF's decision is that the child can remain in their care; then the child allowance and the foster carers fees will not be paid to the foster carers from the date the child is removed. This is because the decision to remove the child because of an allegation was taken by the foster carers and not the Agency.

If the decision is made subsequently that a carer's approval is to be terminated, the carer will be informed that they will no longer receive any form of allowance/fee from SCF IFA after the date of the termination of approval. If the carer is to remain approved by SCF IFA, they will receive remuneration in accordance with the terms of SCF IFA's current finance policy.

## 11. Other Support

In addition to financial support, the support to be offered should include the following but is not exclusive:

- Ensure that the carer receives all the information to which they are entitled in accordance with this policy
- Ensure that the carer is given a copy of the Fostering Network booklet "*Allegations, concerns and complaints, information for foster carers and those who support them.*"
- Ensure that the carer receives clear information about the amount and the duration of any payments they are eligible to receive as detailed above.

Once this process is concluded and if the carer remains approved, it is important that they are offered the opportunity to discuss the process, including the impact on their family, and any future implications for the provision of care. This will take the form of a meeting chaired by a Manager in SCF IFA should the carers wish to do this. A record of the meeting will be sent to the carer and a copy retained on their file if held.

## 12. Record Keeping

All information regarding any of the above investigations should be recorded on CHARMS and progress items linked. On the family notes, the allegation should be noted with outcomes giving brief details of the investigation.

### 13. OFSTED

In accordance with the Fostering Regulations 43 (1), OFSTED must be notified of any serious incident relating to a child placed with foster parents necessitating calling the police to the foster carer's home; any serious complaint about a foster carer; and the outcome of any child protection enquiry involving a child placed with foster parents.

[Appendix 1: Children and Families Complaints Procedure.](#)

Click here to view the [Compliments and Complaints Procedure on SCF's website.](#)