**Allegations against carers: actions and timescales** 

This information can be found in Southwark’s Fostering Handbook 2023.

All allegations are treated seriously. Southwark’s procedures are based on the London Child Protection Procedures (see Resources 13.1) and the requirements of the *Children Act 1989*.

Under Section 47 of the *Children Act 1989*, Local Authorities and the police are required to investigate all cases where a child or young person has suffered, or may have suffered, serious harm because of abuse (including neglect). This duty applies to concerns and allegations about adults who work with, or who care for, children and young people. Detailed guidance is given in the Government publication *Working Together to Safeguard Children* (2015).

***Immediate response***

1 **Clarification re Section 47 Enquiry** Team managers from the Fostering Service and the Children’s Social Care Service for the child or young person will decide whether the matter meets the threshold for a referral to the Local Authority Designated Officer (LADO) under Section 47 of the *Children Act 1989*.

2 **Referral to the LADO** If the threshold is reached, a referral will be made to the Southwark LADO. They will liaise with the police and with the LADO in the Local Authority where the carer is living (see Section 13.2.2 above) and will jointly decide whether to hold a Strategy Meeting. This must be decided *within 24 hours* (*Working Together to Safeguard Children*, 2015). Section 13.2.2 The Local Authority Designated Officer

3 **Police involvement** The LADO, in consultation with the police, will decide whether the police should be involved.

4 **Notification** Service Managers or Heads of Service, or both, will be notified *as soon as practicable*.

5 **Assessment** *On the day the allegation is made*, the team managers from the Fostering Service and Children’s Social Care will decide what action to take in relation to the welfare of the children and young people in the placement, including the foster carer’s own children (if applicable)*.*

6 **Consultation** The CYPSW will consult with the Independent Reviewing Officer (Looked After Children) *before a decision is made to remove children or young people from the placement* (*Children Act Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review (2010)*).

7 **Placements** If the carer has no children or young people placed with them, the Service Manager or Head of Service will decide whether to suspend the foster carer from taking further placements, pending the outcome of the investigation. This must be decided *on the day the allegation is made.*

8 **Informing the foster carer** The foster carer will be informed verbally and in writing that an allegation has been made *as soon as is practicable.* (At this stage, it may not be possible to share details.)

***Strategy Meeting***

A Strategy Meeting will be held *within 3–5 working days*. In planning the enquiry, the Strategy Meeting will consider these points:

• The significance of any previous allegations made against the carer or their family and household.

• The significance of the child’s or young person’s history.

• Whether the fostered child or young person should remain in placement.

• The needs of other children and young people currently living in the carer’s household.

• Evidence from those previously placed with the carer.

• Whether there is now a need to hold Strategy Meetings regarding any of those children and young people, and what information may be given.

• The right of the carer to be heard.

• Who will inform the carer of the details of the allegation, and the timescale for the investigation.

• If appropriate, who will inform the birth parents, and when.

• The support to be provided to the child or young person (or children or young people) in the placement, and to the carer’s children (if there are any).

• The support to be provided for the carer, including independent advice and support.

Following the Strategy Meeting, the foster carer will be notified verbally and in writing of the details of the proposed investigation and the support and advice that will be available during the process. *This must be done within 48 hours of the meeting*.

***Investigation***

1 **Enquiries** Three related, but separate, sets of enquiries may need to take place:

– A police investigation into any possible criminal offence.

– An assessment by the Local Authority’s Children’s Services as to whether the child or young person needs protection or other services (usually referred to as ‘child protection enquiries’ or ‘Section 47 enquiries’).

– An assessment by the Fostering Service of the foster carer’s suitability to continue fostering.

2 **Police involvement** Where a criminal offence may have taken place, police action will be guided by the interests of the alleged victim and the public interest.

3 **Investigation** If an allegation has been made against a foster carer or a member of the foster carer’s family or household, that person will be interviewed – possibly more than once. The Fostering Network can provide advice and information to foster carers and members of their families who are facing allegations and can help with arranging legal representation where necessary. SFC Directory *Fostering Network, The*

4 **Payments** If the foster carer is suspended from taking placements, consideration will be given to paying a retainer. This is a discretionary payment. If approved, it consists of the usual Fostering Fee, paid *for a maximum of 16 weeks, unless the decision regarding the carer’s suitability is made sooner*.

5 **Keeping in touch with the foster carer** The SSW will keep the foster carer informed of the progress of the investigation and will ensure that the foster carer has appropriate support, advice and information.

6 **Concluding enquiries** The Fostering Service will aim to complete the investigation *within 12 weeks*. If the investigation is likely to take longer – for example, if the police are looking into a possible crime – the foster carer and other parties will be notified, and the reasons explained.

7 **Outcome** At the end of the process, a final Strategy Meeting will be held. To reach a conclusion, the Local Authority Designated Officer will consider all the information gathered during the investigation and the views of the professionals involved. Possible outcomes might be:

– *The allegation was substantiated* Enough information was available, and the investigation was able to establish that the allegation was *true*.

– *The allegation was unfounded* Enough information was available, and the investigation was able to establish that the allegation was *false*.

– *The allegation was unsubstantiated* Not enough information was available, and the investigation was unable to establish that the allegation was true.

– *The investigation was inconclusive* Not enough information was available, and the investigation was unable to establish whether the allegation was true or false.

The conclusion of the LADO at the final Strategy Meeting will be conveyed to the foster carer verbally by the SSW, and in writing by the team manager. She or he will also explain what will happen next.

***If the allegation was unfounded***

If the allegation proves to be unfounded, this should be recorded and made clear to the foster carer in writing. It is important to protect the carer, as far as possible, from any lingering doubts and suspicions. The team manager and the SSW will consider whether any additional individual support should be offered to the foster carer and their family.

***Review of approval***

1 **Reports** Prior to the review, the foster carer will receive all reports related to the investigation and will be given *a minimum of 7 days to respond*.

2 **Review of approval** Where appropriate a review of the foster carer’s suitability to foster will take place once an investigation has been concluded. The process of review will *start within 2 weeks* and will be *completed within 6 weeks*.

Any serious substantiated allegation will always be notified to the Fostering Panel, which will then make recommendations to the Agency Decision Maker regarding continuation or variation of approval.

3 **Panel recommendations** Reports from the review and recommendations to the Fostering Panel will be sent to the foster carer, who should be given time to comment on them – *no fewer than 7 days, and no more than 14 days*.

4 **Foster carer’s views** The foster carer will be invited to respond to the allegation in writing, with help from the independent person or the SSW. The carer’s representation will be included in the papers sent to the Fostering Panel.

5 **The Fostering Panel hearing** The foster carer will be invited to attend the Panel hearing and may bring a support person if they wish. The foster carer will be given *at least 2 weeks’ notice* of the Panel hearing.

6 **Resignation** If a foster carer resigns before the conclusion of the investigation, the process will continue and proceed to the Fostering Panel in order that a Qualifying Determination can be considered.

7 **Panel recommendations** The Fostering Panel will make a recommendation about the foster carer’s suitability to foster. If the foster carer is not present, they will be notified verbally by the social worker *within 24 hours of the Panel’s decision*.

8 **Qualifying Determination** If the Agency Decision Maker makes a Qualifying Determination, they will write to the foster carer *within 7 working days of receiving the final Panel minutes*.

9 **Referral to the Disclosure and Barring Service and Ofsted** The Fostering Manager will consult with the LADO about whether to refer the foster carer to the Disclosure and Barring Service (DBS). The Manager must also inform Ofsted of the outcome of the investigation.

10 **Notification: carer’s Local Authority** If the foster carer’s approval has been terminated, and if they live in a Local Authority other than Southwark, the Fostering Service will notify that Local Authority that their approval has been terminated and will give the reasons.

11 **Notification: children’s or young people’s Local Authorities** If the foster carer’s approval has been terminated, the Fostering Service will consider whether it should inform the Local Authorities responsible for children and young people who have been placed with that foster carer in the past.

***Afterwards***

1 **Follow-up** At the conclusion of the investigation, the supervising social worker should offer the foster carer the opportunity to discuss the experience of the investigation, including its impact on the family and any implications for the future provision of care.

A summary of any allegation and its resolution will be kept on the foster carer’s records. If the allegation was found to be unfounded or malicious, it will not be included in references (for example, if a carer seeks work or applies to foster for another agency).

2 **Learning** At the conclusion of the process, the Fostering Service will review the circumstances of the case and the way in which the investigation was conducted, to determine whether any improvements could be made to procedures and practice.

**Allegations against carers: support for carers**

Fostering can be a truly rewarding career, but it also has its challenges. Allegations are particularly challenging. To ensure the safety of the child or young person in question, if an allegation is made, it *must* be investigated.

Although this is a necessary process, the investigation can put the foster carer under considerable emotional strain. Sadly, even if an allegation has proved to be unfounded or has not been upheld, a carer might nevertheless continue to feel ‘tainted’ by it. Understandably, in some cases the impact of the investigation is such that the carer feels unable to continue as a foster carer and may think about resigning. In such cases the SSW might discuss possible alternatives to resignation – for example, taking a break from fostering or meeting with the Clinical Practitioner or a counsellor for a short period to discuss the impact of the experience. The SSW may also offer the carer additional support through such a period.

Resignation is less likely if the foster carer receives sufficient support and help throughout this process. Southwark recognises, however, that if trust between the carer and Fostering Service staff has been damaged, the foster carer may initially find it difficult to continue working with the staff involved. The carer may need independent advice, and possibly mediation. Southwark ensures that advice, information and support are available to all of its foster carers through their membership of The Fostering Network.

**Allegations: independent information and advice**

**Foster Line (part of The Fostering Network)**

Trained advisors are available on weekdays, from 9.00 am to 5.00 pm. (Voice messages will responded to the next working day.) SFC Directory *Foster Line*

**Foster Talk**

Advice and support for foster carers. SFC Directory *Foster Talk*

**Research**

• Plumridge, Gillian and Judy Sebba: *The Impact of Unproven Allegations on Foster Carers* (The Rees Centre, University of Oxford Department of Education, 2015)

**Procedures**

• London Safeguarding Children’s Board: *London Child Protection Procedures and Practice Guidance* (September 2016)

**Complaints about investigations**

Should a foster carer be unhappy about either the way in which an investigation has been carried out or the way in which she or he has been treated, she or he may make a complaint. Complaints can be made, as appropriate, to:

• Southwark Fostering Service

• the Southwark Council Complaints Unit

• the Independent Police Complaints Commission.

SFC Directory *Southwark Fostering Service*

SFC Directory *Southwark Complaints Unit*

SFC Directory *Independent Police Complaints Commission*

**Minimising risk**

At some point in their fostering career, unfortunately, many carers will have an allegation made about them. However, you can *minimise the risk* that this will happen, and you can *protect yourself in advance* by being ready to respond if it does.