



PCC Foster Care Agency Policy & Procedure

0225 - Safer Caring Incorporating the Management of Allegations and Serious Concerns about Foster Carers' Practice or Standards of Care

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Phoenix Community Care Ltd

CONTENTS

SAFER CARING

Introduction	3
Understanding the responsibilities of caring for looked after children	3
Devising and reviewing a safe caring policy	4
Working Together	5
Training	5
Management of Allegations and Serious Concerns about Foster Carers' Practice or Standards of Care	6
Policy	6
Management of allegations	8
PCC Investigation	9
Resignations	12
Serious concerns about standards of care or practice	12
Review of Foster Carer's approval	13



Phoenix Community Care's Policy and Procedure on Safer Caring within its Fostering Households

Introduction

This policy is designed to help foster carers, and PCC staff to understand their respective responsibilities in ensuring that children in their care are kept safe.

PCC foster carers are not expected to have a comprehensive knowledge of the legislation, standards and guidance published in this area, however they are expected to read the "Safe Caring" document published by Fostering Network and to attend core training on "Safe Caring and Allegations" within their first year of approval.

Supervising social workers are also expected to develop the safer caring awareness highlighted in the Preparation Course that all carers will have to attend.

It is difficult to separate the components of Safe Caring and Dealing with Allegations against Carers since the two are often linked. Good safer caring practices help minimise the risk of carers being subjected to allegations and can ensure that when allegations are investigated carers are able to participate fully in the process, being confident of the steps they have taken to safeguard children in their care.

This document is designed to enable foster carers to consider how they can best implement a safer caring policy within their individual homes and work in partnership with PCC and the placing local authority to be accountable for the safety of children placed with them.

Understanding the responsibilities of caring for looked after children

During preparatory training applicants who wish to foster will explore the needs and likely behaviours which can be displayed by children in need of a looked after service. They will also consider their roles and responsibilities of carers in this regard.

In addition, once foster carers undertake the assessment process, the assessing social worker will explore in detail an applicant's individual and family attitude to a range of caring aspects including attitudes to discipline; managing difficult behaviour; caring and nurturing a child; supporting them with their health, education and leisure needs.

Finally, approved foster carers will be asked to sign an agreement with PCC which, amongst other things, will confirm the carers' agreement on how to treat children in their care; not to administer corporal punishment and a duty to notify social workers of any illness, accident or incident affecting the child.

It is important that foster carers re-visit these documents – the homework produced during preparatory training; their assessment report; the health and safety checklist and the fostering agreement as this is the starting point for developing safe caring within the home. Foster carers should set aside time with their supervising social worker to review the information and assessment compiled to date and to create their 'individual safer caring & family policy' based on experience of caring for looked after children and the respective needs of each new child placed alongside the needs of their own children.

Devising and reviewing a safe caring policy

During the preparatory training, foster carers will be introduced to aspects of safe caring when preparing to meet the needs of a looked after child. This element of the course should introduce foster carer applicants to case study examples of children's circumstances at the point when they may need to be looked after in foster care. Examples will include the needs of children who may have been sexually/physically/emotionally abused and the likely impact of those experiences on their behaviour, their emotions and their ability to relate to others.

Prospective Foster Carers are encouraged to think about their household and the extended network which have regular contact with the household and therefore any child fostered. Prospective Foster Carers should start from that point forward, preparing the immediate members of the household and their regular visitors about the principles of safe caring. This is usually regarded as 'household rules' and starts with applicant carers thinking about the rules they already have within their home settings but which may not be formally communicated. Usually members of the family have been brought up to know what they are and understand them. When children join households as fostered children, it is important that the rules become explicit, clear and are child friendly.

During the preparatory training foster care applicants will be guided to think about how the rules may need to be adapted, for example where a family are not in the practice of ensuring they have dressing gowns available should they need to get up in the night, then this is a practice that should be introduced to prevent a fostered child being exposed to a member of the household dressed inappropriately.

The Fostering Network, Safer Caring document suggests a list of key areas that are useful in a safe caring 'family policy':-

- The names you use
- Showing affection
- In the bathroom
- The way you dress
- Playing
- The foster carer's bedroom
- Children's bedrooms
- Bedtime
- When you go out
- Travelling by car
- Taking photos and videos
- Education about sex and sexuality

Foster carers are asked to write their safer caring home policy. It is essential that foster carers and their supervising social workers work together to develop individual safe caring policy within the home. Both parties should read the 'Safer Caring' publication to broaden understanding of the concepts involved and be clear about how each area will be addressed. These policies will be held on each carer's file.



Working Together

Although the safe caring policy/household rules will be devised by the foster carer, their household members and the supervising social worker it is important that foster carers recognise that the policy may need to be adapted for each individual child that joins the fostering household. Where carers take more than one placement and those placements are not necessarily of a sibling group, carers will find they have to revise a policy with existing fostered children because the needs of a new child joining changes the dynamics of a household.

Safe caring policies should always be introduced as positive working practices that are designed to keep everybody safe and feeling secure.

It is recommended that safe caring policies be shared with the children's Local Authority social workers wherever possible, to ensure that all those working closely with the child/children are aware of the main practices and routines observed in placement. The ideal place to share the policy would be at the placement agreement meeting. This forum is designed as an opportunity to discuss how a child has been previously cared for as well as looking at what they can expect from their new placement. If any of the household rules are likely to cause a problem both the child and their social worker will have an opportunity to express any concern in the placement agreement meeting document.

Training

New and existing foster carers need to remain aware of the importance of attending training to ensure they are kept up to date on legislation, practices and guidance in relation to all areas that impact on subject of safer caring. In particular foster carers should prioritise core training on:

- Child Protection
- Safe caring and Managing Allegations
- Record Keeping

Foster carer's must aim to complete their TS&D (formally CDWC) training within their first year of approval.

The panel and/or assessing social worker may request that earlier safe caring training be available to a new carer. A supervisory visit will be used on a training session for the foster carer/foster family.

Training is also always available as part of the supervisory visit procedure. Where a carer identifies a need and may be unable to wait for a training course to become available, requests should be made to the allocated social worker for the use of a supervisory session to address any training need that is felt to be pressing. Likewise a supervising social worker may choose to punctuate learning in a session.

Management of Allegations and Serious Concerns about Foster Carers' Practice or Standards of Care

Policy

This policy is based on guidance issued by the Fostering Network supported by the Department for Education and Skills. The guidance takes account of 'Working Together to Safeguard Children 2013' and the 'Fostering Service Regulations 2011'. In addition this document has been designed to complement the London Child Protection Procedures.

Phoenix Community Care (PCC) takes very seriously their responsibility to ensure the safety of any child placed with their agency.

PCC value their carers and make every endeavour to ensure that their assessments, ongoing support and training are of a high standard. We consider that it is our agency's responsibility as far as possible to ensure that our carers care for the children they foster safely and responsibly. We also recognise the often demanding task we ask our carers to undertake and the vulnerable position they can place themselves and their families in. We are committed to do all that we can to enable any investigation that is conducted is done within a good timescale, with efficiency, skill, respect and support.

PCC recognise that their foster carers perform a unique and challenging role and therefore require proper support. Unfortunately allegations are not an uncommon element of this work and it is important that foster carers understand that regardless of whether there are grounds for an allegation, clear procedures must be followed in every case. PCC is committed to treating carers fairly and honestly in line with the procedures set out in this document and to ensuring that carers receive appropriate support throughout the process.

PCC are committed to working openly and co-operatively with any placing Local Authority. We would also work openly and co-operatively with a designated officer in the relevant Local Authority should an investigation take place. We will also encourage and educate our carers to do so.

PCC believe that both foster carers and professionals need to recognise the difference between an allegation and a serious concern. Allegations which might indicate that a person is unsuitable to work with children in their present position or in any capacity need to be investigated under the allegation procedure. This procedure applies when a foster carer of a member of their family has:

- Behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or related to a child or
- Behaved in a manner towards a child or children which indicates that s/he is unsuitable to work with children.

The guidance adhered to in relation to the investigation of allegations against foster carers is the framework of Working Together to Safeguard Children 2013.



Issues raised about the conduct or capability of carers may be dealt with under the procedure of investigating a serious concern. This procedure will also apply to all other incidents which fall outside the scope of an allegation (see overleaf). The grounds for investigating a serious concern is governed by the Fostering Services Regulation 2011 and relates to the suitability of a carer to foster in relation to the nature of the care they offer or the quality of their practice. We understand that should the investigating Local Authority not initiate a S.47, then we will follow our own serious concerns procedure.

It is not unusual for a matter to begin as an allegation and then after initial or prolonged investigation, for a decision to be taken that the matter is best dealt with under a Fostering Service Investigation or as a serious concern.

PCC will ensure that their foster carers are made aware that both allegations and serious concerns can lead to the termination of a carers' approval to foster.

It is PCC's wish that a practice focussed on resolution of allegations and serious concerns in a fair and timely manner is adopted. We believe this is best achieved where all parties understand their respective roles and responsibilities. PCC will ensure that their carers are made aware that any investigation will be led by the designated person of the Local Authority in which the foster home abides. They will also be aware that PCC, if we are the first people to hear of the allegations, will advise the placing authority immediately. PCC will remind carers that the investigation will follow the London Child Protection Procedure or those of the Relevant Local Authority. Professionals must also recognise that the process of investigation can be daunting and intimidating for foster carers and be mindful that this can be upsetting.

Foster carers will have access to immediate information and advice from the fostering network if there is an allegation against them and/or if we have informed them that there is a serious concern about their practice or standards of work. They also will have access to 'Fosterline', a national information and advice service available to foster carers by telephone, email or post. Fosterline is open between 9:00am and 5:00pm, Monday to Friday except bank holidays. Contact details are: freephone: 0800 040 7675; textphone 0800 040 7675; email fosterline@fostering.net. We will ensure that our foster carers are directed to this service as a first source of advice.

PCC will commission an independent support person if the carer requests this. Independent support will continue to be available throughout any review of a foster carer's approval. Foster carers who are the subject of serious concerns about their practice or standards of care can also have independent support to assist them, if appropriate.

The supervising social worker will usually continue to be the link between PCC and the foster carer, even when the carer has independent support. However, it is important to take the views of the foster carer into account, and another representative of PCC will be nominated if the supervising social worker will not be performing this task.

If fostered children are removed from placement during the investigation and further placements suspended a discretionary small proportion of the allowance will be made to the carer.



Management of an allegation

The PCC child protection officer or the Foster Care Registered Manager will immediately advise the placing Local Authority's designated person in the Local Authority where the foster home is, if PCC first hears of the allegation.

Within the Working Together framework, there may be up to three strands in the consideration of an allegation against a foster carer:

- a police investigation of a possible criminal offence
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services
- the operation of the fostering service's procedure concerning a review of a foster carer's suitability to foster, and the decisions of the fostering service's panel and decision-maker, in accordance with the Fostering Services Regulation 2011.

PCC will be guided by the Local Authority's designated officer as to the course that the allegations will follow initially. The PCC manager will provide, in the initial discussion with the designated officer:

- Information about the legal status of the child concerned, the local authority responsible for the child, length of time in placement with the foster carers and contact details of relevant staff and foster carers;
- Information about other children in the foster home, including the foster carer's own children
- Details of the allegation
- Any action already taken by the fostering service, the responsible local authority or others;
- Whether the foster carer (and family member, if they are the subject of the allegation) is aware of the allegation, bearing in mind that, unless there are exceptional reasons not to, they should be informed of the substance of the allegation as soon as possible, and within 3 working days of any discussion with the Local Authority designated officer.
- Discussion about the needs of all the children in the foster home and what might need to be done in relation to decisions about their care;
- Information about the carer's record in fostering and whether the foster carers are temporarily suspended from taking further placements of children.
- The foster carer's views, where known, concerning the allegation.
- The views of the supervising social worker.

The PCC manager will record the discussion review of the carer. If necessary a request to the investigating Local Authority designated officer will be made for records of interviews.

PCC manager will decide whether to suspend further placements at this time

PCC manager will inform the PCC Decision Maker and Ofsted of the allegation and commit to keeping them updated.



If PCC is informed of an allegation against one of its carers by the placing Local Authority we will work openly and co-operatively and encourage our carer/s under investigation to do likewise.

PCC will expect to attend a children's social care strategy meeting to determine whether a Section 47 or concurrent police investigation is necessary. The supervising social worker or PCC manager will inform the carer about the decisions of this meeting if the Local Authority considers this is appropriate. If this is the case, PCC will ensure that the carers:

- Are given a copy of the local authority's safeguarding children procedure
- Have access to legal advice and representation
- Understand the process of the enquiry and why it is taking place
- Know when, where and by whom interviews will be conducted
- Are informed of the independent support that will be provided
- Are informed about the financial arrangements that PCC will make

We will also ensure that the foster carers:

- Know the reasons for removal of children, if applicable
- Understand the current status of their approval to foster
- Are assisted in communicating with investigating agencies
- Are informed verbally, and in writing on a regular basis of the progress of the investigation

PCC manager will advise Ofsted and the PCC Decision Maker of the decisions of the strategy meeting. The Decision Maker should then inform the carer in writing about temporary changes in approval status during the course of the S.47 enquiry e.g. further placements suspended.

The PCC manager will attend future strategy meetings and inform foster carers as appropriate.

PCC Investigation

If a decision is made by the Local Authority/Police that a S.47 enquiry need not continue but concern still remains, PCC will address these through their own procedure for allegations and serious concerns about practice and standards of care.

Once a decision has been made by the designated officer not to continue a S.47 enquiry, the PCC manager will make a decision as to whether further information is required prior to undertaking a review of the foster carers' approval

As required by the Fostering Service Regulations, PCC will review foster carers regularly and at intervals of not more than one year. The UK National Standards state that a review should also be undertaken following any 'significant incident, complaints or allegations of abuse or neglect'.

The PCC manager's decision will depend on whether the material gathered for the Section 47 enquiry is sufficient. In order to decide this, the PCC manager will consult with the Local Authority designated officer to obtain necessary copies of records of the interviews by the

police and child social care. If a further investigation by PCC is considered necessary, i.e. to ensure that all information is brought together prior to a review of the foster carer, PCC will endeavour to ensure that this investigation is proportionate to the circumstances of the case.

If the PCC manager decides further investigation is necessary the following decisions will be made:

- Who will inform the foster carers and when?
- Who will investigate and how will they be supervised?
- How will children or young people (including the children of the foster carer) who have been affected by the allegation/serious concern be involved?
- What support will the children or young people be given?
- How will those with parental responsibility be involved or consulted?
- Whether the foster carer be suspended from taking further placements whilst investigations are undertaken?
- Who will provide independent support to the foster carer/s, if this is required?
- Investigations will be undertaken by a suitably qualified worker who is not working with the foster carer

The PCC manager will meet with the allocated worker and brief them. Every effort needs to be made to take account of any needs the carer or members of their family may have in relation to language and/or disability.

The foster carer should be informed that an agency investigation will continue as soon as possible and within 3 working days of any discussion with the designated officer (**this will be the second time a foster carer is notified about the same matter however there could be circumstances whereby a foster carer is informed that a matter is being investigated under S.47 but then the matter switches to being managed under serious concerns**) except in exceptional circumstances. The supervising social worker or their manager will communicate with the foster carer/adult family member about the investigation. They will also receive written confirmation within 48 hours which covers the following:-

- the substance of the allegation/serious concern
- who will be involved in investigating the matter
- the process and timescales
- who will be informed or interviewed
- the right of the foster carer to independent advice and support throughout the process and details of where this can be obtained.
- discretionary financial arrangements throughout the investigation
- decisions about children currently in placement and the reasons behind them
- any temporary variation in the foster carers terms of approval
- what will happen next

The social worker appointed to conduct the investigation will ensure that everyone concerned is interviewed. The interview should gather information and views of those involved, taking account of the need to gather comprehensiveness and proportionality; those likely to be interviewed are as follows:

- Any child or adult who has made the allegation/reported a concern



- The foster carer(s)
- Other children in the household
- The parents of the child or those with parental responsibility as appropriate, with the involvement of the placing Local Authority social worker
- In exceptional circumstances, young people previously fostered by the carers
- Anyone else with information that can be used as material for the investigation

All written statements should be signed and a copy made available to the person making the statement and to the foster carer. If there is a reason why any reports or statements cannot be made available to the foster carer, the PCC manager should make a record of this and inform the foster carers that some confidential information has to be considered as part of the investigation.

The investigation should take no longer than four weeks to complete from the date the social worker is appointed and should conclude with a report which summarises the information, sets out the findings and makes recommendations. This report should be available to the foster carer 14 days before the meeting to discuss the recommendations and decide on the actions to be taken by the fostering provider.

Arrangements should take account of the foster carer's needs. If the carer is not willing to co-operate with the investigation or is unable to co-operate with the investigation i.e. due to ill health, the PCC manager will have to take a decision as to when the matter should proceed without the carer. When that point is reached the foster carer should be given 7 days notice that all information collated during the investigation will be included on the carer's file and incorporated into a review of the carer's approval, giving timescales for the process and asking them to participate.

The PCC manager will convene a meeting to consider the investigating social worker's report and any reports the foster carers wish to submit. The purpose of the meeting is to establish that all information has been made available to the agency's investigation and to give the foster carer every opportunity to make a full response. The meeting will be fully recorded. Those who could be invited are: the foster carer(s); the supervising social worker; the investigating social worker; the social workers for the children involved and the person who is providing independent support to the carer, at the request of the carer.

The PCC manager should report the findings of the investigation and the record of the meeting to PCC's decision maker or the fostering panel to reach a decision about moving the next stage of the procedure and reviewing the carer's approval as a result of the investigation. The PCC manager will inform the foster carers verbally and in writing within 3 days of the outcome of this discussion. The carers must be notified about what is likely to happen next; what arrangements will be made for continued independent support and how payments may be affected.

If a decision is taken not to proceed directly to a review of approval, the findings generated by the investigating social worker will be placed on file and given to the foster carers. At the next annual review of approval the finding will be incorporated into the review and progress will be recorded.

Resignations

If a fostering carer gives 28 days notice of their wish to cease fostering, there will be no means of continuing with the investigation beyond the expiration of the notice given

If the foster carer resigns before or during an investigation, the manager of PCC will notify the relevant senior managers in the childcare department who hold responsibility for any child in placement. The notification will be followed up in writing and set out the relevant dates for resignation and summarise information collected to date in the investigation

If the foster carer resigns PCC will continue to collate the information already known and record on the carer's file. Depending on the information, the manager of PCC will need to consult with the Local Authority designated officer about the issue of referring the carer for inclusion on the list under the Protection of Children Act 1999. The manager will then produce a report for the fostering panel, including, where necessary, any recommendation for referral for inclusion on PoCA list. The panel will then submit a recommendation about this to the PCC decision maker.

Before any panel hearing the PCC manager will send a copy of their report to the foster carers informing them that it will form the basis of any reference the department may give about the foster carers and giving them the opportunity to correct any disputed matters of fact.

Should a foster carer make a complaint or representation about the foster service during the course of the investigation or review, the complaints procedure can be invoked immediately but should not delay the conclusion of the investigation or the review of the foster carer's approval.

Serious concerns about standards of care or practice

Where concerns are made about a foster carer(s) standard of care or practice as opposed to an allegation of abuse, the PCC manager may need further information before deciding to review a foster carer's approval. This could occur where the information is provided by a third party. Where more information is required the PCC manager may appoint an investigating social worker in line with the process covered in points 3.

Apart from 'one-off' reports which lead to a serious concern about a foster carer's standard of care or practice, there can be a succession of low level concerns which are on-going and arise through the course of the supervisory visits or statutory visits conducted by other professionals. Examples of such concerns might be:

- Methods of disciplining children.
- Quality and nature of diet, clothing or routine care provided.
- Non-compliance with contact arrangements etc.
- It is expected that these matters are addressed at the time of their occurrence and brought to the attention of the foster carer with recommendations about how improvements could be made. The notification and outcome of these occurrences will be documented.

If the situation does not improve or the number of low level incidents reaches a level of concern, the PCC manager may decide to progress to a review of approval. In such instances the review will commence within two weeks of the decision and following the department's procedure on conducting reviews as a result of an allegation or serious concern.

Review of Foster Carer's approval

When PCC takes the decision to review a carer's approval, whether following an allegation or when there is a serious allegation or when there is a serious concern about practice or standards of care, will ensure that the process starts within 2 weeks of the decision.

PCC intends that reviews of approval will:

- Clarify the nature of the review, ensure that the foster carer understands the process, the role of the fostering panel and PCC's decision maker, and provision for appeals
- Draw together a clear picture of the foster carer's career and their strengths
- Include a summary of S47 enquiry findings, or the findings of an investigation into the allegation or shortfall in terms of practice or standards of care/practice, or history of continuing concerns
- Enable the foster carers and PCC to explore the future in terms of continuing the carer's approval
- Consider what the fostering service has put in place
- Identify and clarify any requirements of the foster carer

The review will be conducted by a suitable qualified independent person who will prepare a full report for the fostering panel with recommendations about:

- The foster carer's suitability and competence to foster
- Any variations in the terms of their approval
- Any needs they may have for further training and development, or other assistance they may require

If a foster carer resigns from PCC before or during review, PCC will collate whatever information is available and a report will be prepared for the fostering panel, with recommendations. The carer will be informed of this, the recommendations that are made and the basis for them. A minimum of 7 days will be allowed for the carer to respond in writing about any matters of fact they dispute, as well as any comments they may want to make about the recommendations. The foster carer's written response will be submitted along with the report.

If the foster carer is unable or unwilling to co-operate with a review of approval within the time-scales that have been agreed at the outset, PCC will collate whatever information is available and a report will be prepared for the fostering panel, with recommendations. The foster carer will be informed of this, the recommendations that have been made, and the basis for them. A minimum of 7 days will be allowed for the carer to respond in writing about any matters of fact they dispute, as well as any comments they may have about the recommendations. The foster carer's written response will be submitted along with the report.



The foster carer will be given a copy of the report and recommendations prior to the fostering panel. A minimum of 7 days and a maximum of 14 days should be allowed for them to respond in writing about any matters of fact they dispute, as well as any other comments they may have about the content of the written report and recommendations. The foster carer's written response will be submitted to the panel along with the report.

The foster carer will be able to attend the meeting of the foster panel that considers the report, along with the person who has been providing them with independent support, or other person of their choice.

PCC's fostering panel will make a recommendation to PCC's decision-maker. PCC will inform the foster carer of the decision-maker's decision in writing.

If the fostering service decision-maker endorses a recommendation of the fostering panel that a carer is no longer approved to foster for PCC, the PCC manager will consult with the local authority designated officer about the issue of referring the foster carer for inclusion on the list under the Protection of Children Act 1999. The manager will produce a report for the fostering panel, including where necessary a recommendation for referral for inclusion on the PoCA list. The panel will submit a recommendation about this to PCC's decision maker.

PCC's manager will inform Ofsted of the outcome of the review of the foster carer's approval.

PCC will notify the local authority in which the foster carer resides if the carer's approval has been terminated, with reasons, as set out in the written notification to the foster carers.