



# Phoenix Community Care Ltd Foster Care Agency Policy & Procedure

## 0203 - Allegations Against Foster Carers

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# Conducting an Investigation

## 1. Scope

All PCC Foster Care Agency foster carers must understand what they must do if they receive an allegation that they have:

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

PCC Foster Care Agency staff and directors must understand how to manage an allegation.

## 2. Purpose

The purpose of this policy and procedure is to provide investigation guidelines in order to ensure a fair, thorough and consistent approach to dealing with allegations and complaints when formal investigations are being carried out.

## 3. Introduction

PCC Foster Care Agency is committed to fulfilling its duties and responsibilities in regard to handling allegations and suspicions of harm. These are outlined in the:

- Foster Service Regulations 2011 (Section 11, 12, 17, 30, 36)
- Foster Services: National Minimum Standards 2011 (Standard 22)

These guidelines should be read in conjunction with the appropriate policies and procedures i.e. complaints, whistle blowing, disciplinary, grievance, harassment and bullying, protection of the vulnerable adult against abuse, dependent on the origin of the allegations and the issues involved.

## 4. Procedures for managing Allegations against Foster Carers

When allegations are made against foster carers, PCC Foster Care Agency will ensure that Safeguarding Procedures are complied with, children are listened to, co-operation is given in working in partnership with Local Authorities and carers' views are represented. The agency recognises that this is a very stressful and difficult time for foster carers and it will support its carers through any investigation.

The term 'allegation' may be used when there are reasonable grounds to believe an individual has:-

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or

- Behaved towards a child or children in a way that indicates that s/he is unsuitable to work with children.

There may be up to three strands in the consideration of an allegation:

- The police investigation of a possible criminal offence
- Enquiries and assessment by the Children's Social Care Services as to whether the child is in need of protection or in need of services
- Consideration by an employer of disciplinary action in respect of the individual.

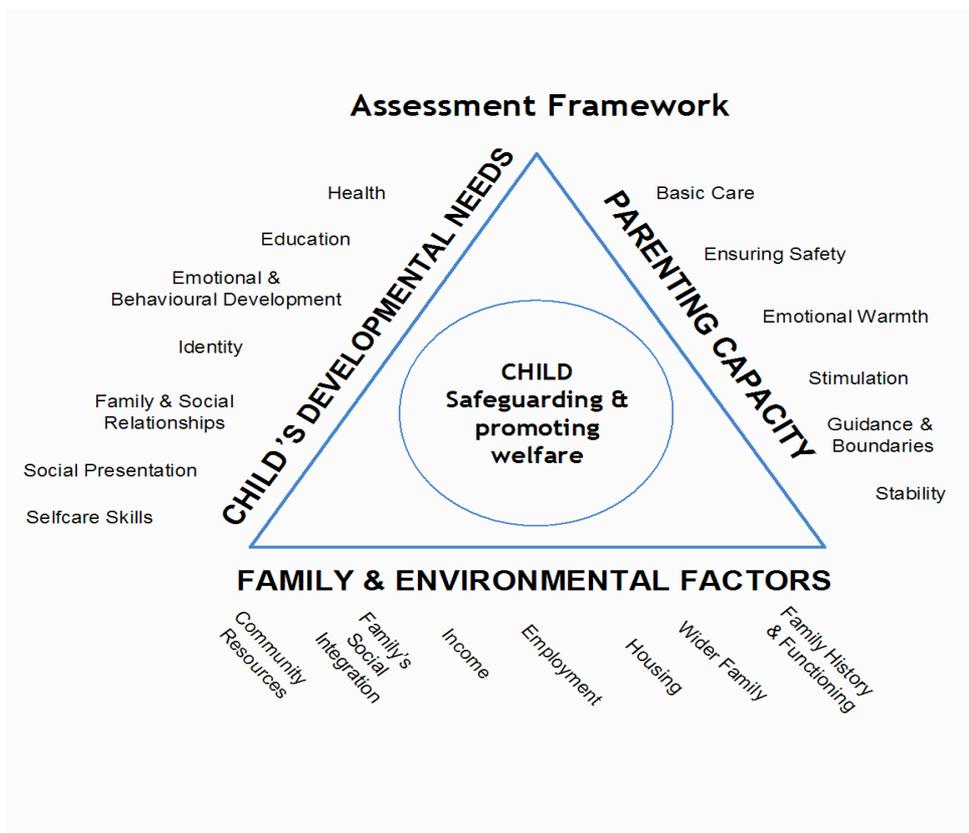
This agency will ensure that there is a clear distinction between investigations into allegations of harm and discussions over standards of care. Investigations that find no evidence of harm will not become procedures looking into poor standards of care (Standard 22.10).

Should an assessment under safeguarding protocols be required, it should be child centered, dynamic, systematic and uses the Assessment Framework (Fig. 1)

Where there is conflict between the needs of the child and their foster carers, decisions should be made in the child's best interests.

Each assessment must take into account the child or young person's view and the Local Authority must pay due regard to the child's age and understanding when considering actions to be taken.

Figure1



## 5. When allegations are made

If a child placed with PCC Foster Care Agency's carers makes an allegation regarding their carers or anyone in their household to a member of the agency staff, this must be reported to the Team Manager who is the designated manager for handling allegations. In their absence the matter will be referred to the Responsible Person.

Team Manager will ensure that the Local Authority responsible for the child making the allegation and/or the Local Authorities of all children placed with the carer(s) subject to the allegations is informed immediately. **The foster carer(s) will not be informed at this stage that an allegation has been made.**

The decision as to how the matter is followed through will be made **within one working day** of a referral being received by the Local Authority in which the foster carer(s) reside or the alleged incident occurred. A decision will be taken as to whether a Strategy meeting should be called.

Working Together 2013 states:-

*Whenever there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm there should be a strategy discussion involving local authority children's social care, the police, health and other bodies such as the referring agency. This might take the form of a multi-agency meeting or phone calls and more than one discussion may be necessary. A strategy discussion can take place following a referral*

*or at any other time, including during the assessment process.*

Every Local Authority is required to have a protocol for assessment which sets out clear arrangements for how such situations will be managed.

## **6. When No Further Investigation is recommended**

Should the Local Authority decide from an initial assessment that the matter does not constitute an allegation, upon receipt of this information, the PCC Foster Care Team Manager will, within 3 working days, set up appropriate action to be taken by the agency. In every case where an allegation has been made, a review of the foster carer will take place.

## **7. If a Strategy Meeting is called**

If the Local Authority convenes a strategy meeting, PCC foster Care will be represented by the Team Manager and, if appropriate, the Supervising Worker for the foster carers. This may be preceded by strategy discussions by telephone which should be with the Team Manager.

At the strategy meeting, close attention will be paid as to what information can and cannot be shared with the foster carer(s). **Strategy meetings cannot make recommendations regarding children being removed from placement or foster carers being deregistered.** However the relevant agencies may be asked to consider their position relating to such matters.

The strategy meeting will:-

- Share available information
- Agree the conduct and timing of any criminal investigation
- Decide whether enquiries under Section 47 of the Children Act 1989 should be undertaken. The purpose of a section 47 enquiry is to decide whether and what type of action is required to safeguard and promote the welfare of a child who is suspected of, or likely to be, suffering significant harm.

Where there are grounds to initiate a Section 47 enquiry, decisions should be made as to:-

- What further information is needed if an assessment is already underway and how it will be obtained and recorded
- What immediate and short term action is required to support the child and who will do what by when and
- Whether legal action is required.

The timescale for the assessment should be based on the needs of the child and no longer than 45 working days from the point of referral.

Should a Section 47 enquiry need to be undertaken by the Local Authority, PCC Foster Care Agency will assist in whatever way it can and required so to do.

If recommendations are made for ongoing action or investigation, PCC Foster Care Agency will ensure representation at a future review meeting, the dates which should be set at this meeting.

The Team Manager will complete a Schedule 7 notification, which is countersigned by the registered manager, and this is forwarded to the relevant inspectorate.

Each Local Authority will have a Designated Officer (LADO) who is involved in the management and oversight of individual cases. This individual will provide advice and guidance and will monitor the progress of the case to ensure they are dealt with as quickly as possible, consistent with a thorough and fair process.

#### **8. Supervision and Support Visits**

If children remain in placement the Supervising Worker will continue with the existing pattern of visiting and support, with the focus on placement issues unless it has been agreed within the strategy meeting that certain information relating to an allegation may be shared with the carer(s).

If the placing Local Authority has decided to remove the children from the carer(s) a pattern of visiting and support will be agreed between the carer(s) and PCC Foster Care Agency with the understanding that there may be some awkwardness in the situation when one party knows an investigation is ongoing and the other cannot discuss this. However PCC Foster Care Agency recognises a duty of care to its registered foster carers and will endeavor to offer support that does not compromise any investigation.

#### **9. Independent Support**

If it is considered appropriate, an independent social worker will be commissioned from the Fostering Network or an independent service to undertake some work with the carer(s) whilst an investigation is ongoing. This may be to allow the carer(s) to air their feelings regarding, or to support them in putting, any case they wish to put forward together; or supporting them at any meetings of the fostering panel. The independent social worker may also discuss the process of investigation in general terms with the carer(s) and ensure they are aware of the right to appeal, complaints procedures and the Independent Review Mechanism.

When independent social workers are commissioned, PCC Foster Care Agency will ensure that the individual has the right qualifications, skills and experience to undertake the task of offering effective support and correct advice and information to the carer(s). A package of support and work will be agreed and reviewed regularly.

## **10. Financial Support**

If placing Local Authorities remove children without notice as a result of allegations being made against carers, PCC Foster Care Agency will recognise that the carer(s) will experience a sudden loss of income. In line with Fostering Network guidelines the agency will continue to pay the household costs element of the allowance for each child removed (not exceeding the number of children for which the carer is approved). In the case of protracted investigations this will be reviewed on a monthly basis.

## **11. Post Investigation**

Once an investigation has been concluded the foster carer(s) will be made aware of the outcome without delay, with consideration to their future fostering career with PCC Foster Care Agency dependent on this.

If an allegation has not been substantiated and it is not believed the carers have acted inappropriately or unwisely, they will be notified of this and allowed to continue or resume fostering. A Foster Carers' Annual Review will be undertaken within a calendar month and presented to the next fostering panel. The purpose of this will be to identify any training plan deemed necessary from the experience, to make any adjustments to approval criteria, and also allow the carers to resume with a "clean sheet".

In some cases where allegations have been substantiated, and carers have acknowledged their conduct and understand the need for further training or a change in their criteria, a recommendation may be made to the fostering panel that they continue to foster with an agreed action plan. The placing social worker(s) of both children in placement and any placed in the forthcoming review period will be informed.

## **12. Learning Lessons**

Where an allegation has been substantiated, this agency will review the circumstances of the case to determine whether there are any improvements to be made to PCC Foster Care Agency's procedures or practice to help prevent similar events in the future.

## **13. The PCC Foster Care Fostering Panel**

Post Allegations Reviews or reports recommending deregistration following allegations will be heard by the PCC Foster Care Agency Fostering Panel. The timing of the panel will be determined by the carers' need to collate any evidence they feel may support any challenge to the recommendation.

PCC Foster Care Agency will supply the carer(s) with all reports and documents it intends to submit to the Fostering Panel no less than one week before the panel meeting. On sight of the documents, carers may request a deferment in order to be able to gather further evidence for their case.

Foster carers will be invited to attend Fostering Panel when a Post Allegation Review or report recommending deregistration is to be heard. They may also bring someone to support them who may be a friend, or their independent advisor.

On reading documents submitted and hearing the views of the foster carer(s), Supervising Worker and any others, the PCC Foster Care Agency Fostering Panel will make a recommendation regarding the carers' ongoing fostering. The carer(s) will be told verbally of this recommendation on the day.

The Panel Administrator will minute the meeting and forward these minutes to the Chair and Fostering panel members for approval. Once the minutes have been approved they will be sent to the Agency Decision Maker for a decision to be made as to continued approval.

Once this decision making process is complete, the carer(s) will be notified in writing. If the decision is one of deregistration or a change in the registered criteria, the carer(s) will be given notice of their right to appeal or to access the Independent Review Mechanism.

#### **14. Right to Appeal**

The foster carer(s) will be informed that they have 28 days in which to formally lodge in writing an appeal against a decision regarding their registration and this should be addressed to the Executive Director of the Foster Care Co- operative. Opportunity will then be given for fresh evidence to be collated and submitted to a future fostering panel meeting. The process will be put in writing to the carer(s) within one working week of receipt of the appeal.

#### **15. Independent Review Mechanism**

Foster carers registered with the England office have access to the Independent Review Mechanism (IRM). This is an independent process which can be commissioned to examine a Fostering Agency's decision making regarding carers' and prospective carers' registration.

Foster carers will be given information as to how to involve the IRM at the point of any decision regarding deregistration. Carers for whom deregistration or change to their criteria has been decided, can access the IRM at this point or following an unsuccessful appeal.

#### **16. Disclosure and Barring Service**

The Foster Care Co-operative has a duty to refer a foster carer or staff member to the Disclosure and Barring Service (DBS) if that individual has been cautioned or convicted of a relevant offence; or where their conduct has harmed a child or put them at risk of harm or where the Harm Test has been satisfied (there may be no relevant conduct but a risk to a child still exists). The DBS will carry out a risk assessment process which may lead to the individual being barred from working with children.