



## Allegations against Foster Carers

This policy applies where allegations are made or suspicions are raised that approved foster carers have caused Significant Harm to a child. It also applies where a foster carer's conduct brings into question his or her suitability as a foster carer.

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## **Contents**

1. **Policy**
2. **Introduction**
3. **Procedure**
  - 3.1 **Initial Action**
  - 3.2 **Section 47 Strategy Meeting**
  - 3.3 **LADO considerations**
  - 3.4 **Concluding the Investigation**
  - 3.5 **What are the possible outcomes from the Professional Strategy Meeting?**
  - 3.6 **Recording**

## 1. Policy

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All children are entitled to the same level and standard of protection from harm including those receiving services from statutory or other agencies. For this reason, enquiries and investigations relating to children in receipt of such services must be dealt with under Newport City Council Safeguarding procedures, which are in line with the **Wales Safeguarding Procedures (2019)**, section 5, Safeguarding Allegations.

Allegations or suspicions that a foster carer has caused Significant Harm to a child, or may pose a risk of harm to a child, will be investigated thoroughly, speedily and sensitively under those procedures and will involve open and honest communication with and support to all those affected.

It is important to note that, although there may be insufficient evidence to support a Police prosecution, action may still be taken to protect a child and termination of a foster carer's approval may be considered.

It should also be noted that it will be necessary to consider during an investigation what action, if any, should be taken with regard to other children with whom the foster carers have contact, including their own children. If the carers also work with children or vulnerable adults, consideration will need to be given to informing the employer and inviting them to any meetings; this also includes any voluntary work. For a non-mobile baby under 6 months any injury, even with an explanation by the carer, may result in a Child Protection Medical. This should not be taken as a reflection of the views of the Local Authority about the level of care provided by the carer. These injuries should be reported by the carer to the allocated social work team, supervising social worker, Emergency Duty Team (if out of hours) and health visitor. The recording of an injuries and how they occurred is really important.

## 2. Introduction

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The expectation is that:

- a. At the time of a child's placement, foster carers will be provided with detailed 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. The foster carers capacity to safeguard any child placed with them will be considered as a part of their assessment. The preparatory training of prospective foster carers will contain a session on safeguarding children, supporting foster carers to understand the possible needs of children placed with them and what they will need from foster carers to ensure their safety. Foster carers will also have access to safeguarding training to further develop their understanding of the actual or likely needs of any child placed with them.
- c. All foster carers will have been given access to information about this procedure and the All Wales Safeguarding Children Procedures.
- d. All foster carers will be familiar with and adopt the procedures for recording on a daily basis the progress of children placed with them, including any incidents or complaints. 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;
- e. Where there is an investigation into any foster carer's conduct, they will be offered independent support.

In addition it is expected that guidance from The Local Authority Fostering Services (Wales) Regulations 2018 are followed and that all staff within the Fostering Service are aware of the requirements involved.

### **Resignations and Compromise agreements**

The investigators will reach a conclusion in all cases, regardless of whether a person resigns or otherwise ceases to provide their services, or refuses to co-operate. "Compromise agreements" i.e. resignations without disciplinary action and an agreed reference, must not be used as any investigation must be concluded.

### **3. Procedure**

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### 3.1 Initial Action

Any person who receives information or suspects that a child has suffered or is suffering Significant 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 his or her line manager to decide if a Section 47 Strategy Discussion is needed and if to inform the LADO at this point.
- The relevant Team Manager or Duty Manager will action a Strategy Discussion on WCCIS from the child's Social workers case note when the allegation is first reported.
- The child's Social worker will inform the relevant supervising social worker in writing.

**N.B.** If there are serious and/or multiple referrals about standards of care, it may still be appropriate to hold a Section 47 Strategy Meeting for a full investigation.

The supervising social worker will:

- Inform their Team 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.

Where it is appropriate to treat the allegation/suspicion as a child protection concern, the child's social worker will be responsible for initiating the Wales Safeguarding Procedures in relation to the allegation/suspicion. If the child lives in another local authority area, the social worker will make a referral to the relevant local authority and that local authority will be responsible for leading the Strategy Meeting and investigation, although should involve the child's social worker and the carer's supervising social worker fully in the process. They will gather relevant background information for the Lead Team Manager in the relevant local authority to make a decision if there is reasonable cause to suspect significant Harm and so a Strategy Meeting is needed, which would then take place within 1 working day. If the

threshold for Significant Harm is not met, the LADO will then consider whether a Professional Strategy meeting is needed.

Any action to protect the child in question or any other children in need of protection **should not be delayed** because of the Strategy Meeting.

At this stage, the Regulatory Authority, Care Inspectorate Wales (CIW) 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 Section 47 Strategy Meeting.

To clarify; Child protection enquiries should not be carried out by anyone who has been involved in assessing the foster carer or who has operational responsibilities for the Fostering Service in the area. However, fostering staff can be important sources of information and may provide support to the foster carer, although consideration should always be given to the provision of independent support for the foster carer.

### **Immediate Action**

In exceptional cases where immediate action may be necessary to safeguard the welfare of the child, the child's social worker, their manager and a Fostering Service representative should consider whether it is necessary to remove the child to an appropriate placement to ensure that they are safeguarded.

Where a child is removed, any plans to place further children should be suspended until outcome of any investigation is completed. The Fostering Service will inform the foster carer(s) in writing of any such decision and the ADM (Agency Decision Maker) will be informed by the Team Manager.

Consideration should also be given to the position of **all** other children in the household, including the foster carer's own children.

### **3.2 Section 47 Strategy Meeting**

The Strategy Meeting will take place within 2 working days of the referral and will involve a face-to-face meeting unless this would lead to delay. The purpose of the meeting will be to decide if an investigation is necessary and, if so, how it should be carried out.

The meeting will be chaired by the manager of the team undertaking the **Section 47 Enquiry**.

The following people will be invited:

- a. The child's social worker and his or her manager;
- b. Representative from NCC HUB.
- c. The Local Authority Designated Officer (LADO), if felt appropriate as a Professional strategy meeting is being considered.
- d. The supervising social worker linked to the foster carer, and his or her manager (who will liaise as necessary with the designated senior manager within the Fostering Service).
- e. The police (PPU);
- f. LAC clinical nurse specialist or designated child protection/health professional;
- g. • Other relevant agencies e.g. education representative;
- h. • The person with details of the referral.
- i. Any other agency involved with the child or foster family e.g. SEWAS.

**The Strategy Meeting must consider:**

The nature of the allegation, its source and reliability and consider **each** child individually who may be involved/impacted;

- a. Pending child protection section 47 enquiries.
- 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 safety of all children in the household including the foster carer's own children and whether any **proportionate** action is necessary to protect the children including; NCC HUB Social workers opening files on other children in placement or impacted by the allegation, the removal of all or any of the children while the investigation is conducted;
- d. How the needs of any child who has to leave the placement will be met including contact with other children in the placement;
- e. The involvement of other agencies, for example if the child was placed by another local authority;
- f. The need to inform other agencies who use the foster home.
- g. 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 take no further action then the LADO will make a decision as to the need for a Professional Strategy meeting and what is felt to be a proportionate response. Interview notes must be taken and made available to future meetings and/or the Fostering Panel.
- h. The time-scales for the investigation (see below) and any contingencies should timescales prove unlikely to be met;
- i. The views of the child should be listened to in any decision making and consideration made as to how they will be informed of the procedure to be followed and supported through the process;
- j. Whether the alleged perpetrator should be asked to leave the home while the investigation is conducted and confirmation that the Social Worker or Team Manager will inform the carers of the safeguarding concern verbally and then in writing;
- k. How to inform the child's parents of the allegation, any support/ advocacy they may require. The disclosure of information to parents of other children in the placement should be carefully considered, particularly when a child has to be moved as the result of an allegation;

- l. Examples where it may **not** be appropriate to inform parents, carers, adults or child/ren or their representative immediately could include where the allegation made is against a family member, or if the Police investigation could be hampered by informing the parent/carer, child at risk or their representative. In these cases the timings for the parents or carers being told must be confirmed by Newport Children' Services and the Police, and reasons minuted.
- m. Once informed of the decision what support to offer the foster carers, this will include consideration as to the appropriateness of a social worker not involved in the case and thus independent of the investigation, and any independent external support;
- n. How reports on the investigation will be shared with the foster carers and the child or children in the placement;
- o. Arrangements for reconvening the Strategy Meeting.

Whether or not the Strategy Meeting considers that the allegation or suspicion has any foundation, it should be clearly recorded and the matter should be reviewed by the LADO.

The minutes of the meeting must contain clear action points and clear time-scales 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.

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 and any immediate, proportionate safeguarding steps to be taken during the investigation. Such protective action may include asking the person against whom the allegation has been made to leave the household while the investigation is conducted.

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.

The Fostering Service will also inform the foster carers on how they will be supported, and paid whilst they are under investigation, and provide them with the Fostering Network Allegations leaflet that explains the processes.

The Supervising Social worker, or allocated independent Social worker who are supporting the foster carers must contact them as soon as practicable after they 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 should confirm that the foster carers are aware of the following:

- a. The contents of this procedure and Wales Safeguarding Procedures;
- b. The address and contact telephone number of Fostering Network, the agency identified to provide the foster carers support;
- c. Information regarding consulting a solicitor, which is available through their membership of Fostering Network.

In the exceptional circumstance that an Initial Child Protection Conference is convened in relation to a Looked After child in the placement, the Conference Chair must be consulted in advance to discuss the arrangements for facilitating the respective participation of the foster carers and the parents/persons with Parental Responsibility.

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.

### **3.3 LADO Considerations**

Where an allegation or concern has arisen, which is not of Significant Harm (Section 47) but which may suggest that the carer poses a risk of harm, the relevant line manager will refer to the LADO within one working day as to the way in which the complaint/allegation should be investigated and managed.

A decision will then be made as to whether the LADO convenes Professional Strategy meeting to assess the facts. If there is a meeting it will be chaired by the LADO.

The following people will be invited/consulted:

- The manager of the team who will carry out the investigation;
- The social workers for the children in the placement;
- The HUB social worker considering the welfare of other children;
- The supervising social worker;
- A Police representative from the PPU;
- A health representative if appropriate;
- Any other agency involved with the child;
- A representative of the Regulatory Authority;
- Minute taker.

Where necessary legal advice will be available to the meeting.

The purpose of the meeting is to agree timescales for the investigation and information sharing.

The Professional Strategy will consider:

- The current allegation;
- Is there a concurrent Police investigation?
- Any previous allegations against the foster carer(s);
- Any previous allegations by the child(ren) concerned;

- Whether there should be no placements made with the foster carer or whether the child should remain in the placement or whether the foster carer should move out or live elsewhere whilst the investigation is carried out;
- The safety and wellbeing of other children living with the foster carer(s) or having contact with them;
- Support to the family to be offered by the fostering service and any independent support and support to be offered to the children;
- Who will inform the foster carers of the actions/meeting?
- What information will be given to the parents of the children placed with the foster carers?

The meeting will reconvene to consider the outcome of the investigation and, if the allegations have been substantiated, make recommendations as to any further action required, including as to training, supervision and support of the foster carers, which will then be taken to the Fostering Panel for their consideration.

### **3.4 Concluding the Investigation**

The Strategy Meeting will be reconvened to conclude the investigation. The same people will usually be invited. The same person will chair the meeting.

The purpose of the reconvened S.47 Strategy Meeting is to agree on the outcome of the investigation and responsibilities for any further action, including the need to call an urgent review of the placement.

The LADO will consider responsibilities for any further action and may advise around any recommendation to the Fostering Panel and/or whether it may be appropriate to make a referral to the Disclosure and Barring Service 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 discuss in the meeting who will be the best placed to notify the foster carers, the child, the parents, other children in the placement or involved, other

relevant agencies and the Regulatory Authority (if they do not attend the meeting) of the recommendations made at the meeting.

A report should be presented by the Supervising Social worker to the next available Fostering Panel. The Foster Panel Advisor should consult with the Chair of the Fostering Panel who will advise on who should attend the Panel meeting (usually the child's social worker and the supervising social worker for the foster carers) and whether or not a special Panel meeting should be convened.

Prior to Fostering Panel, the foster carers and their representative 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. If the Panel recommends that the foster carer is no longer suitable to foster a child, or where it is proposed to vary a foster carer's terms of approval, there will need to be a Qualifying Determination (QD) period of 28 days following the ADM decision. During this time, the carer/s must be given the opportunity to submit any written representations to the agency about the matter (ie make a complaint about the process), or the applicant can seek a review through the Independent Review Mechanism.

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

### **3.5 What are the possible outcomes from the Professional Strategy Meeting?**

- **Substantiated** – a substantiated allegation is one which is established by evidence or proof
- **Unsubstantiated** – an unsubstantiated allegation is not the same as an allegation that is later proved to be false. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded** – this indicates 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. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation.

- **Deliberately invented or malicious** – this means there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- Where the concerns are substantiated, employing or volunteer agencies should consult if not already done so with the Disclosure and Barring Service and other relevant professional bodies about the requirement for a referral.

### 3.6 Recording

All relevant documents in relation to the investigation, whatever the outcome, must be retained on the foster carer's records. The record of a Section 47 investigation must also be held on the child's file.

The outcome should also be recorded on the WCCIS Allegations tab under the foster carer by the Supervising Social worker, which is available for inspection by the Regulatory Authority.

