

**Fostering Service Procedure  
(Dec 2008)**

## **Allegations against Foster Carers**

This procedure applies where allegations are made or concerns are raised that approved foster carers have caused **Significant Harm** to a child.

They should be read in conjunction with the **Local (SCB) Safeguarding Childrens Board Procedures** (p8 - 17 of this document)

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### **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 the principles, policies and procedures laid down by the Local Safeguarding Children Board Procedures.

Allegations or concerns that a foster carer has caused **Significant 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.

Clear timescales will be integral to the procedure and those involved must avoid delay unless there is good reason. There will be clarity regarding access to reports and documents relating to the investigation.

It is important to note that, although there may be insufficient evidence to support a Police prosecution, this does not mean that action cannot be taken to protect a child nor that the termination of a foster carer's approval cannot be considered.

It will be necessary to consider during an investigation whether there are implications for any other children. This will include all children with whom the foster carers have contact, including their own children.

## 1.2 Thresholds

Supervising fostering officers must ensure that all allegations and concerns are investigated. Some concerns may not warrant a full strategy meeting and investigation under the Local Safeguarding Procedures. However, all concerns about foster carers will be fully investigated. In discussion with the SFO's Team Manager a decision will be made as to the appropriate intervention. These interventions may include a home visit by the SFO, with or without the Child's SW or Fostering Team Manager. Further action may not be required but if necessary might include a professionals meeting, further investigation and/or foster carer review. This will be determined by the Fostering Team Manager in consultation with the Resource Team Manager and/or Child Protection Co-ordinator. The outcome will be recorded on the foster carer file using the decision record sheet.

Three issues of concern will trigger a foster carer review, which will also be referred to Panel.

The investigation of any allegation of abuse will be referred back to Fostering Panel for consideration.

The SFO must accurately record details of all allegations and concerns on the foster carer file. They must also maintain the front sheet record that is on file for this purpose.

## 2. Introduction

The expectation is that:

- a. At the time of a child's placement, foster carers will be provided with detailed information relating 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 in the foster carers handbook and the Local Safeguarding Children Board 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, and 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. For this reason it is essential that they keep diary records up-to-date.

### **3. Procedure**

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#### **3.1 Initial Action**

#### **3.2 Strategy Meeting**

#### **3.3 Investigation and Action**

#### **3.4 Concluding the Investigation**

#### **3.1 Initial Action**

Any person who receives information or suspects that a child has suffered or is suffering **Significant Harm** (ChildrenAct 1989) in a foster placement must immediately inform the child's social worker.

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

- Inform his or her team manager and Children Service Delivery Manager
- Inform the supervising fostering officer linked to the foster carer and his or her manager.

- Refer the matter to the social work team with case responsibility for the foster child.

The SFO will:

- Inform the social workers for any other child in the placement
- Inform any other local authority with an interest in the foster placement
- Provide support to the foster carer

The social work team with case responsibility for the foster child will be responsible for implementing the Child Protection Procedures in relation to the allegation/concern. They will complete an **Initial Assessment** and convene a **Strategy Meeting** within 2 working days of the referral.

### **3.2 Strategy Meeting**

The **Strategy Meeting** will take place within 2 working days of the referral and will involve a face-to-face meeting. The purpose of the meeting will be to plan the investigation of the allegation/suspicion. The following people will be invited:

- a. The manager of the team undertaking the **Initial Assessment**
- b. The child's social worker and his or her manager
- c. The supervising social worker linked to the foster carer, and his or her manager
- d. Social worker for any other foster children in placement
- e. The Police
- f. Any other agency involved with the child or foster family, including education

The Chair of the meeting will be a manager from the C&YPSC Safeguarding and Reviewing Service.

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. The safety of all children in the household including; the foster carer's own children, whether any action is necessary to protect the children, the removal of all or any of the children while the investigation is conducted
- f. How the needs of any child who has to leave the placement will be met including contact with other children in the placement
- g. How and by whom the investigation is to be conducted
- h. The time-scales for the investigation
- i. How the child should be informed of the procedure to be followed and supported through the process
- j. How, when and by whom the foster carers should be informed of the allegation
- k. Whether the alleged perpetrator should be asked to leave the home while the investigation is conducted
- l. How to inform the child's parents of the allegation
- m. What support to offer the carers
- n. How the contents of the reports on the investigation and assessments will be shared with the foster carers
- o. How and when the matter should be reported to the **Fostering Panel** and whether further placements should be suspended in the meantime

Whether or not the Strategy Meeting considers that the allegation or concern has any foundation, the matter should be investigated unless there are exceptional circumstances.

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.

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

A decision to take no further action may be an outcome of the Strategy Meeting. This decision and the reasons for the decision must be clearly recorded by the decision-maker on the child's file and the foster carer's file.

### **3.3 Investigation and Action**

In anticipation of the outcome of the investigation being reported to the **Fostering Panel**, the SFO should contact the Panel Advisor to ensure that the matter is on the agenda to be discussed at the next available meeting.

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. This should include 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.

Protective action may include asking the person against whom the allegation has been made to leave the household while the investigation is conducted.

A decision may be made to suspend making further placements with the foster carer while the investigation is being conducted and should be communicated clearly to the foster carer.

Those supporting the foster carers must contact the foster carers as soon as practicable after they are made aware of the allegation and explain their role to them. They must make clear that whilst they are there to provide support to the carer, they have a responsibility to report to the local authority, the Police and in some circumstances to the Court, if any information relevant to the investigation that comes to their attention.

They must ascertain and inform the foster carers of any implications for the foster carer's financial allowances particularly where placements have been suspended.

They must provide to the foster carers:

- a. A copy of this procedure and the relevant part of the Local Safeguarding Children Board Procedures.
- b. The address and contact telephone number of the Fostering Network Mediation Service ([www.fostering.net/](http://www.fostering.net/))
- c. Advice about consulting a solicitor
- d. Advice about insurance arrangements for their legal expenses
- e. Contact details for independent support

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. The foster carers' views must be obtained and communicated to the Conference.

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.

### **3.4 Concluding the Investigation**

Where appropriate the **Strategy Meeting** will be reconvened within 15 days of the first meeting.

The purpose of the reconvened Strategy Meeting is to agree on the outcome of the investigation and responsibilities for any further action.

The response of the foster carers to the allegations /concerns should be reported to the meeting.

The Chair will notify the foster carers, the child, the parents, other relevant agencies and the **Regulatory Authority** (if not in attendance) of the decisions made at the meeting.

A report should be presented to the next available Fostering Panel. The procedure to be adopted for the Fostering Panel will be the same as for the Review of Foster carers.

The SFO preparing the report should consult with the Panel Advisor who will advise on who should attend the Panel meeting (usually the child's social worker and the SFO linked to the foster carers) and whether or not a special Panel meeting should be convened.

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

Consideration should be given to holding a debriefing meeting for all involved (including the foster carers) as to the impact of the allegations and the investigation. Whatever the outcome, appropriate assistance should be made available.



## **Leeds Safeguarding Children Board**

(Chapter Number 1.1.2)

### **Underlying Policy, Principles and Values**

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2. **Child Protection**
3. **Principles Underpinning all Work to Safeguard and Promote the Welfare of Children**
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6. **Case Recording**

#### **1. Safeguarding and Promoting Childrens Welfare**

Throughout this Manual, safeguarding and promoting the welfare of children is defined as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care

and undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully.

Protecting children from maltreatment is important in preventing the impairment of health or development. Protecting children from maltreatment and preventing impairment of children's health or development are necessary, but not sufficient to ensure that children are growing up in circumstances consistent with the provision of safe and effective care. These aspects of safeguarding and promoting welfare are cumulative and all contribute to the five **Every Child Matters** outcomes that are key to children and young peoples wellbeing, namely:

1. Stay safe.
2. Be healthy.
3. Enjoy and achieve.
4. Make a positive contribution.
5. Achieve economic wellbeing.

## **2. Child Protection**

Child protection is part of safeguarding and promoting welfare. This refers to the activity that is undertaken to protect specific children who are suffering or at risk of suffering **Significant Harm**.

Effective child protection is essential as part of wider work to safeguard and promote the welfare of children. However, all agencies and individuals should aim pro actively to safeguard and promote the welfare of children so that the need for action to protect children from harm is reduced.

## **3. Principles Underpinning all Work to Safeguard and Promote the Welfare of Children**

The West Yorkshire Consortium encompassing Calderdale, Leeds, Kirklees and Wakefield Safeguarding Children Boards and all managers, employees, professionals, volunteers, carers, independent contractors and service providers must ensure that their practice reflects an approach which is:

### **i. Child-centred**

Some of the worst failures of the system have occurred when professionals have lost sight of the child and concentrated instead on their relationship with the adults. The child should be seen by the practitioner and kept in focus throughout work with the child and family. The child's voice should be heard and account taken of their perspective and their views.

### **ii. Rooted in child development**

Those working with children should be informed by a developmental perspective which recognises that, as children grow, they continue to develop their skills and abilities. Each stage, from infancy through middle years to adolescence, lays the foundation for more complex development. Plans and interventions to safeguard and promote the child's welfare should be based on a clear assessment of the child's developmental progress and the

difficulties a child may be experiencing. Planned action should also be timely and appropriate for the child's age and stage of development.

iii. Focused on outcomes for children

When working directly with a child, any plan developed for the child and their family or care giver should be based on an assessment of the child's developmental needs and the parents/caregivers' capacity to respond to these needs within their community contexts. This plan should set out the planned outcomes for each child and at review the actual outcomes should be recorded.

The purpose of all interventions should be to achieve the best possible outcomes for each child recognising each is unique. These outcomes should contribute to the key outcomes set out for all children set out in the Children Act 2004:

- i. Stay safe
  - ii. Be healthy
  - iii. Enjoy and achieve
  - iv. Make a positive contribution
  - v. Achieve economic wellbeing

iv. Holistic in approach

Having an holistic approach means having an understanding of a child within the context of the child's family (parents or care givers and the wider family) and of the educational setting, community and culture in which he or she is growing up. The interaction between the developmental needs of children, the capacities of parents or care givers to respond appropriately to those needs and the impact of wider family and environmental factors on children and on parenting capacity requires careful exploration during an assessment.

The ultimate aim is to understand the child's developmental needs within the context of the family and to provide appropriate services which respond to those needs. The analysis of the child's situation will inform planning and action in order to secure the best outcomes for the child, and will inform the subsequent review of the effectiveness of actions taken and services provided. The child's context will be even more complex when they are living away from home and looked after by adults who do not have parental responsibility for them.

v. Ensuring equality of opportunity

Equality of opportunity means that all children have the opportunity to achieve the best possible development, regardless of their gender, ability, race, ethnicity, circumstances or age. Some vulnerable children may have been particularly disadvantaged in their access to important opportunities, and their health and educational needs will require particular attention in order to optimise their current welfare as well as their long-term outcomes in young adulthood.

vi. Involving of children and families

In the process of finding out what is happening to a child it is important to

listen and develop an understanding of his or her wishes and feelings. The importance of developing a co-operative working relationship is emphasised, so that parents or care givers feel respected and informed, they believe agency staff are being open and honest with them, and in turn they are confident about providing vital information about their child, themselves and their circumstances. The consent of children, young people and their parents or care givers should be obtained when sharing information unless to do so would place the child at risk of **Significant Harm**. Decisions should also be made with their agreement, whenever possible, unless to do so would place the child at risk of significant harm. See also **Information Sharing and Confidentiality Procedure**

vii. Building on strengths as well as identifying difficulties

Identifying both strengths and difficulties within the child, his or her family and the context in which they are living is important, as is considering how these factors have an impact on the child's health and development. Too often it has been found that a deficit model of working with families predominates in practice, and ignores crucial areas of success and effectiveness within the family on which to base interventions.

Working with a child or families strengths becomes an important part of a plan to resolve difficulties.

viii. Multi and inter-agency in approach

From birth, there will be a variety of different agencies and programmes in the community involved with children and their development, particularly in relation to their health and education. Multi and inter-agency work to safeguard and promote children's welfare starts as soon as there are concerns about a child's welfare, not just when there are questions about possible harm.

ix. A continuing process not an event

Understanding what is happening to a vulnerable child within the context of his or her family and the local community, and taking appropriate action are continuing and interactive processes and not single events. Assessment should continue throughout a period of intervention, and intervention may start at the beginning of an assessment.

x. Providing and reviewing services

Action and services should be provided according to the identified needs of the child and family in parallel with assessment where necessary. It is not necessary to await completion of the assessment process. Immediate and practical needs should be addressed alongside more complex and longer term ones. The impact of service provision on a child's developmental progress should be reviewed.

xi. Informed by evidence

Effective practice with children and families requires sound professional judgements which are underpinned by a rigorous evidence base, and draw on the practitioners knowledge and experience.

#### **4. Working in Partnership with Children and Families**

Work in partnership with families must be based on the following principles:

- Treat all family members with dignity and respect and offer a caring and courteous service
- Enable all family members to participate in the assessment process, regardless of race, culture, religion, gender, sexual orientation or ability
- Ensure family members know the child's safety and welfare has priority
- Minimise infringement of privacy consistent with protecting the child
- Be clear about powers and purpose of any intervention
- Be aware of the impact on the family of professional actions
- Respect confidentiality and pass on information and/or observations about the family only with permission or to protect the child
- Listen to and try to understand the concerns, wishes and feelings of the child and family before formulating explanations and plans
- Learn about the child's religious, cultural, community and familial context
- Consider strengths, potential and limitations of family members
- Ensure all family members know their responsibilities and rights with respect to receipt or refusal of services and its consequences
- Use simple jargon-free language appropriate to age and culture of each individual
- Be open and honest about concerns and professionals' responsibilities, plans and limitations
- Allow individuals time to absorb professional concerns and processes
- Distinguish between personal feelings, values, prejudices and beliefs, and professional roles and responsibilities and seek and use supervision to check achievement of this
- Always acknowledge errors, failures or oversights and the distress caused to families
- Give explicit consideration to the potential conflict between family members and the possible need for children or adults to speak without other family members present.
- Children and young people should be consulted and kept informed about what is to happen to them
- Children's welfare must be safeguarded by prompt, positive and pro-active attention

#### **5. Time Scales**

Any timescales referred to in the procedures are the minimum standards required by the West Yorkshire Consortium Safeguarding Children Boards.

Where the welfare of the child requires it, shorter time-scales must be achieved.

Any extension to the time-scales must be authorised by the relevant manager following consultation with relevant managers from the other agencies.

#### **6. Case Recording**

The following is intended to ensure the security of children's case records and the integrity of the information that they contain.

Good quality case recording is essential in ensuring:

- continuity of service to children and families when staff are unavailable or change, or when a service resumes after a period of time
- effective risk management practices to safeguard the well-being of children, especially in emergency situations;
- effective partnerships between staff, children, their families, their carers, other agencies and service providers;
- clarity of information for everyone involved in the planning and delivery of services, and in the event of investigations, inquiries, or audits;
- adequate information for staff and managers to ensure the best possible utilisation of available resources;
- as a means by which to ensure accountability and adherence to procedures and statutory responsibilities

#### 6.1 Records Must Be Kept On All Individual Children and Family Members

Records may be in the form of paper files and/or computer records; audio or video recordings may also be kept. Separate case/file records must be made for each child.

All case records must be organised in order to safeguard the contents, protect the confidentiality of the individuals concerned, and make them as easy as possible to use.

Information held in electronic records must accurately reflect the corresponding information recorded within paper files.

Records held on paper may extend to more than one volume. Where more than one volume exists, the dates covered by each volume must be clearly recorded on the front cover.

Where information is held on a paper file, the electronic record must be used to identify the source and location of the paper record.

#### 6.2 Forms must be completed in accordance with instructions

Forms must be completed in all fields as indicated by the agencies instructions and signed and dated.

#### 6.3 Individuals have a right to be informed about their records

Individuals have a right to be informed about their records, the reasons why they are kept, their rights to confidentiality and how to access their records.

Information should be provided in a form that individuals will understand. An interpreter should be provided if needed.

#### 6.4 The practitioner primarily involved should complete the record

The practitioner primarily involved, i.e. the person who directly observes or witnesses the event that is being recorded or who has participated in the meeting/conversation, should complete the record.

Where this is not possible and records are completed or updated by other people, it must be clear from the record which person provided the information being recorded. Preferably the person with first hand knowledge should read and sign the record as well as stating their post title. There must be clear differentiation between opinion and fact.

Records of decisions must show who has made the decision and the reasons for which it has been made.

#### 6.5 All relevant information must be recorded

Every case file or electronic record must be completed with information about the individuals full name, address, date of birth, ethnicity, religion, any reference or identification number, any risk assessment, a transfer/closing summary (where appropriate) and, in the case of paper files, volume number.

#### 6.6 Children and families should be involved in the recording process

Children (depending on their age and understanding) and their families must be routinely involved in the process of gathering and recording information about them. They should feel they are part of the recording process.

They should be asked to provide information, express their own views and wishes, and contribute to assessments, reports and to the formulation of plans in respect of services they may receive.

Generally, they must also be asked to give their agreement to the sharing of their information with others, except where there are concerns about **Significant Harm**. For further guidance about when information can be shared without consent being sought, see **Information Sharing and Confidentiality Procedure**. Where there is uncertainty about information sharing where there are concerns about Significant Harm, staff should consult with supervisors / managers.

#### 6.7 Records must be legible, signed and dated

Those completing computerised records must show their name, post title and the time and date when the recording was completed. The sequence of the recording must also be noted.

Paper records should be typed or handwritten and all records must be signed, dated and the persons post title stated.

Any handwritten records must be legible.

It must be possible to distinguish the name and post title or status of the person completing the record. If there is any doubt of the identity of the writer from a signature, the name should be printed.

#### 6.8 Time scales for recording

Records should be completed contemporaneously or as soon as practicable after the event occurs and should be updated as information becomes available or as decisions or actions are taken.

Where records are made or updated late or after the event, the fact must be stated in the record, and the date and time of the entry should be included.

All agencies must adhere to their own agency recording policy and procedures.

#### 6.9 Records must be written in plain English and prejudice must be avoided

Records must be written concisely, in plain English, avoiding statements that are judgmental or speculative, and focusing instead on facts about the needs, strengths, and objectives of individuals.

Entries to case records should be written in a way which is sensitive to differences of diverse ethnic and religious backgrounds and lifestyles.

Use of technical or professional terms and abbreviations must be kept to a minimum; and if there is likely to be any doubt of their meaning, they must be defined or explained.

#### 6.10 Records must be accurate and adequate

Care must be taken to ensure that information contained in records is relevant and accurate and is sufficient to meet legislative responsibilities and the requirements of these procedures.

Every effort must be made to ensure records are factually correct.

Records must distinguish clearly between facts, opinions, assessments, judgments and decisions.

Records must also distinguish between first hand information and information obtained from third parties.

#### 6.11 Managers must oversee and monitor all records

The overall responsibility for ensuring all records are maintained appropriately rests with managers with day-to-day responsibility, delegated to other staff as appropriate.

The manager should routinely audit records to ensure they are up to date and maintained as required and, if not, that deficiencies are rectified as soon as practicable.

All management recommendations, decisions and actions must also be recorded and regularly reviewed.

#### 6.12 Records should be kept securely

All records must be kept securely, including electronic records and transfer of information across agencies.

Paper records will be kept in folders with all documents firmly affixed to prevent their loss.

Files in paper form should be stored in a locked cabinet, or a similar manner, usually in an office which only staff/carers have access to. Records should not be left unattended when not in their normal location.

#### 6.13 Removal of records

If it is necessary to remove a record from its normal location, a manager should approve this and should stipulate or agree how long it is necessary to remove the record. The manager must also be satisfied that adequate measures are in place to ensure the security of the record(s) whilst they are removed. For example, records must never be left in unattended vehicles.

Care must be taken so that records on laptops, discs, memory sticks or other information storage devices are removed only in accordance with each agencies procedures.

The authorisation for any record to be removed must be recorded and those who may need to see the records should be informed of their removal. The manager must then ensure the record is returned as required/agreed.

#### 6.14 Record retention after closure

Files should be retained for the period set out in each agencies own record retention policy.

In all agencies the relevant policies relating to retention and destruction apply and any member of staff responsible for a child's records when services end and the case is closed, is responsible for ensuring that the records to be retained are in good order and that unnecessary items have been removed, for example, compliment slips, duplicate copies etc.

