



Medway Council

A Guide to Managing Allegations against Foster Carers

Title	Managing Allegations Against Foster Carers
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1.0 SCOPE OF THIS CHAPTER

This guidance relates to all concerns, complaints and allegations made against Medway Council foster carers or any foster carers residing within Medway who are managed by an independent fostering agency (IFA) or any other local authority. It should also be used in relation to historical concerns, complaints or allegations relating to current or ex-carers. This guidance does not cover Private Fostering.

This guidance should be read in conjunction with:

MSCP Guidance for managing allegations against staff;
<https://www.medway.gov.uk/mscb/downloads/file/16/guidance-for-managing-allegations-against-staff---april-2018>

Working Together – Chapter 2: Organisational Responsibilities states... ‘Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint.’

This guidance should be applied when there is an allegation or concern that a person who works, or worked with children, has:

- Behaved in a way that has harmed, or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

The response to these allegations or concerns may involve a number of processes and procedures:

- Child protection
- Criminal investigation
- A review of the foster carer’s suitability to foster in accordance with the Fostering Regulations
- Complaints procedures.

Foster carers and members of their household are not allowed to use any form of corporal punishment, or any measure of control, restraint or discipline which is excessive or unreasonable. Physical intervention should only be used in exceptional circumstances where it is the only appropriate means to prevent injury to the child or other people, or likely serious damage to property, and in a manner consistent with the actions of any good parent. (The Children Act 1989 Guidance and Regulations - Volume 4: Fostering Services, 98).

Foster carers are also expected to promote a child’s emotional and psychological wellbeing and to avoid the use of demeaning verbal reprimands or personal criticism that undermines self-esteem.

RELEVANT LEGISLATION AND GUIDANCE

- **Children Act 1989**

<https://www.legislation.gov.uk/ukpga/1989/41/contents>

- **Working Together to Safeguard Children**

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

- **Keeping Children Safe in Education**

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

- **Fostering Services Regulations 2011**

<http://www.legislation.gov.uk/uksi/2011/581/contents/made>

- **National Minimum Standards, Fostering Services 2011 – Standard 22**

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192705/NMS_Fostering_Services.pdf

- **Safeguarding Vulnerable Groups Act 2006**

<https://www.legislation.gov.uk/ukpga/2006/47/contents>

2.0 Jurisdiction

- 2.1 The Local Authority Designated Officer (LADO) exercise a statutory duty to manage allegations against individuals who work with children in a paid and / or voluntary capacity (Appendix 1) All referrals should be progressed to the LADO service within 24 hours of a concern and / or allegation being raised –

<https://www.medway.gov.uk/mscb/info/4/advice-resources-professionals/2/concerned-childcare-professional>

Should you need to speak with the Medway Children’s LADO, the best number to call is **01634 331065**.

The LADO function is exercised on the premise of where an individual works rather than where they live. As foster carers essentially live where they work, even though they may work for another local authority (LA) or Independent Fostering Agency (IFA), allegations about foster carers come under the jurisdiction of the LADO for the local authority in which they live. For example, if Medway Council foster carers live in Kent, then allegations or concerns about them come under the jurisdiction of the Kent County Council LADO. However, discussions may take place between the LADO for the local authority in which the foster carers live and the LADO for the local authority they foster for, to make the most effective arrangements for overseeing the investigation.

- 2.2 For IFA carers, the LADO managing the allegation will be the local authority where the foster carer(s) live, even though their host organisation may be based in another local authority, e.g. if a Kent based IFA organisation has IFA carers in Medway then the Medway LADO will lead on the allegation management process.
- 2.3 Child protection matters should be investigated in line with local child protection procedures with appropriate communication between authorities, e.g. a Medway

looked after child placed in Devon who makes an allegation about their carer should be dealt with by Devon LA. The same applies for another local authority looked after child placed in Medway.

- 2.4 The application of these procedures should be in accordance with the purpose, scope, policy and principles as outlined above.

3.0 Good Practice Considerations

The welfare of the child remains of paramount importance throughout any enquiries, this includes their safety and placement stability

Any concern about the quality of care in fostering households should be investigated in a thorough, fair, timely and consistent manner

Referrals should be progressed to the LADO service within 24 hours of the concern and / or allegation being raised

All parties should be treated with dignity and respect

During their interview with the investigating social worker, the foster carer(s) should be given an opportunity to answer any concerns fully, either verbally or in writing

It is often traumatic for foster carers to be involved in these processes. It is essential that they are advised how to access the support of independent advice and mediation service

Foster carers must be kept informed throughout, but the nature and detail of the information that can be shared with them at different points in the process must be agreed at Strategy Meetings **(Appendix 1)**

The investigation should be proportionate to the seriousness of the concern, complaint or allegation. The route of progression of investigation can be escalated or de-escalated as information, assessment, analysis and conclusions allows **(Appendix 1)**

The outcome of the investigation should rely on analysis of the information provided. This may include historical information about the alleged perpetrator or child where this is relevant to the investigation

It is important to reach a conclusion on all cases, including where there is a failure to cooperate or resignation.

The Medway Children's Safeguarding Partnership (MCSP) procedures explain that it is reasonable to expect that 80% of cases will be resolved within one month, 90% within three months and all but the most exceptional within twelve months. This practice guidance reinforces this message in the interests of all parties.

Record keeping should provide a clear, comprehensive and accurate account of why decisions or judgements are reached and be recorded on the child's and carer's file.

Every effort should be made to maintain confidentiality.

4.0 Allegation Management Procedure Overview

Standard of care concern **(Level 1)**

Concerns of a safeguarding nature that fall below the threshold for Section 47 child protection investigation **(Level 2)**

Allegation requiring investigation under Section 47 child protection procedures **(Level 3)**

The definitions outlined have corresponding 'levels' to aid communication and understanding between the involved workers.

4.1 Standard of care concern (Level 1)

Issues related to day-to-day management, for example:

- Having a child's hair cut without discussion with parents where delegated authority has not been agreed for the foster carer
- Quality or nature of diet, clothing or routine care and low-level discipline issues
- An accumulation of extremely low-level issues that have not met the threshold for complaints and allegations.

4.2 Concerns of a safeguarding nature that fall below the threshold for Section 47 child protection investigation (Level 2)

Issues that may fall into this category are:

- Concerns that have been dealt with at Level 1 but have persisted, despite intervention and support from the Fostering Service
- Allegations made by a child against the foster carer that do not meet the Section 47 threshold but, nonetheless, are deemed to need investigating further
- Allegations or concerns that are deemed to require a joint response from the Fostering Service and the child's social work team.

Examples of a Level 2 concern may be:

- Foster carers parenting style and quality of care e.g. inappropriate discipline
- Quality of working with other professionals e.g. failure to adhere to the child's care plan
- Breach of confidentiality
- Persistent concerns that a child is failing to flourish in a foster placement.

The boundary between the level of concerns may be blurred and change as the assessment is undertaken. The criteria in Level 3 below will need consideration at Level 2 in establishing the concerns and response made.

Examples of Level 2 concerns would be referred by the Fostering Service to the Medway Children's LADO. Examples of Level 2 concerns would ordinarily be progressed via the LADO Consultation and Advice pathway.

4.3 Allegation requiring investigation under Section 47 child protection procedures (Level 3)

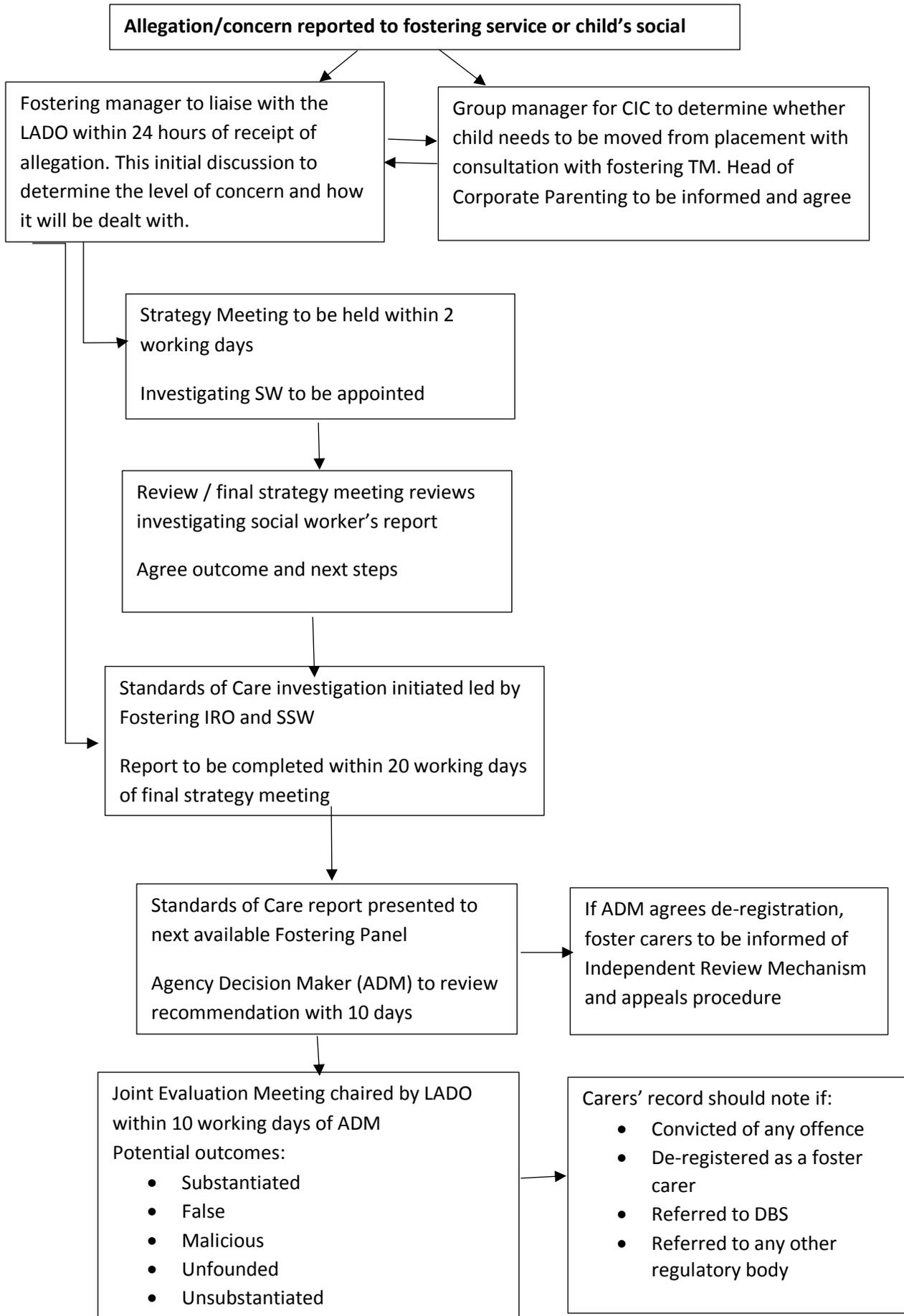
An allegation of this nature would be when a child may be suffering or likely to suffer, significant harm due to the action or inaction of the foster carer. They may have:

- Behaved in a way that has harmed, or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children, e.g. viewed images of child abuse, consumed excessive alcohol whilst with a child, or engaged in domestic violence.

All allegations which sit within the above criteria would be referred by the Fostering Service to the Medway LADO Service.

4.4 Disagreement about the level of a concern/allegation

If the fostering team manager and child's social work team manager are unable to agree on the level of a concern/allegation, this should be escalated to the relevant service managers. Best practice guidance would encourage and support the relevant parties to discuss and seek the view of the LADO.



5.0 Roles

- 5.1 The Registered Manager for the Fostering Service is the Fostering Team Manager. They have responsibility for ensuring standards and management systems are in place, and adhered to, to protect each child from abuse, neglect, exploitation and deprivation in its fostering households, as well as monitoring and promoting the quality of care available.
- 5.2 The Fostering Team Manager (FTM) and their supervising social workers have a key role in ensuring issues against carers are fully investigated. They should provide support to facilitate and develop the fostering role to protect both carers and children by sound practices. The FTM is responsible for communicating with the foster carers at key points e.g. following Strategy Meetings. The FTM is responsible for ensuring identified work with carers has been completed.
- 5.3 The Supervising Social Worker (SSW) has a key role in supporting the investigation process as directed by the FTM and the chair of the Strategy Meetings. Usually this will involve providing information about the foster carers, including a chronology for the initial Strategy Meeting.
- The SSW has an on-going role to provide supervision to the foster carer during the investigation process. Regular contact should be maintained. The SSW should have clear guidance from the Strategy Meetings about what information can and can't be shared with the foster carers at particular junctures of the investigation process. SSWs must ensure that foster carers have information about how to access support from the Fostering Network. (See Section 10, Support for Foster Carers) SSWs must ensure that foster carers are clear on how they can access their personal data the Local Authority holds via the Subject Access Request process (Section 7 of the Data Protection Act 1998)
- 5.4 The investigating Social Worker has the role of investigating the allegations made against the foster carer(s). It should be made clear at the initial Strategy Meeting, who has the role of investigating social worker. This worker should not be the allocated social worker for the child or the foster carer. The investigating social worker will gather all relevant information. In agreement with the police, when involved, this role should include contact with the child, and foster carer(s) who are subject to the allegation(s). The investigating social worker will be responsible for presenting information collated and provide an analysis to the Strategy Meeting.
- 5.5 The investigating social worker's team manager will have the management responsibility for the investigation.
- 5.6 Child's Social Worker will ensure that appropriate safeguarding arrangements are made to ensure the safety of the child, and support arrangements are in place. There may be a role for this worker in facilitating communication with the child.
- 5.7 The Local Authority Designated Officer (LADO) has a key role in the allegation management process. They are involved in the co-ordination and oversight of individual cases, providing advice and guidance to employers and voluntary organisations. They liaise with the police, partner agencies and monitor the progress of cases to ensure they are dealt with in a thorough, timely and fair manner.

- 5.8 The Fostering Independent Reviewing Officers (FIRO) review the status and suitability of foster carers annually, taking account of information from the child; carers; child's social worker; SSW. A FIRO will also hold a Review within 28 days if there are concerns of the carer's suitability to foster.
- 5.9 Fostering Panel members have a responsibility to review the approval of any foster carers and their suitability to continue fostering following any complaint or allegation if the case is brought to panel. The panel advisor will provide professional support and guidance to the panel on the process as required. The fostering panel's recommendation will be considered by the Agency Decision Maker within 10 days of the panel and a final decision made on suitability to foster.

6.0 Initial Response

- 6.1 When the fostering team or the child's social work team receive any information of concern, this should be shared at the earliest opportunity with social workers and team managers across the relevant fostering and child social work teams.
- 6.2 The child's social work team manager and the FTM should discuss and agree the nature and level of the concern or allegation, and whether safeguarding procedures or any protective action is required. This will include whether to refer to the LADO, whether they will deal with the allegation as a standard of care concern or whether the information provided does not require any further action. This discussion and decision should be recorded on FWi/Mosaic and an alert sent to both the child's group manager and the fostering group manager.
- 6.3 When the team manager (either FTM or child's TM) holds the initial discussion with the LADO, reference should be made as to how the situation may or may not meet the criteria for a level 3 investigation as detailed in Section 3.3.

During the discussion the following information should be available:

- Information about the legal status of the child, the responsible LA for the child, length of time in placement, contact details for key people
- Information about other children in placement, including carers' own children
- Details of the allegation or complaint
- Any actions already taken
- Whether the carers are aware of the allegation
- Discussion about all the needs of the children in the foster home
- Information about the carers' record in fostering and if now suspended, the circumstances
- The views of the foster carer if known
- The views of the SSW, child's social worker and anyone relevant.

For Level 2 concerns the LADO will give a view as to whether a Strategy Meeting is required. However, the decision to progress a strategy meeting sits with Children's Social Care. Level 3 concerns will automatically progress to a Strategy Meeting.

- 6.4 The FTM will inform the Head of Corporate Parenting of any serious allegations or complaints without delay. The Head of Corporate Parenting will need to consider whether an Ofsted Notification is required.

6.5 The FTM in consultation with the Group Manager will decide if the foster carer should be on hold from taking further placements while a police investigation, enquiry by Social Care, or any potential review of their approval to foster is taking place. This may be further discussed at the Strategy Meeting. Where allegations require investigation under Section 47 child protection procedures, no further children will be placed with the carer until the matter is resolved.

If the decision is made to put a carer on hold from taking further placements a retainer fee may be payable.

6.6 Depending on the nature of the concern/allegation the Group Managers for fostering and for Children in Care, FTM and child's team manager will need to consider the safety and best interests of the child/ren in placement. Where a decision is made to move or not move the child/ren to an alternative placement, the rationale for this decision, including an assessment of the risk should be clearly evidenced on FWi, shortly to become Mosaic. Current placements may remain if discussed and agreed with the Group Managers and the Head of Corporate Parenting.

6.7 Resignations will not preclude the investigation being progressed to conclusion.

7.0 Responding to Standard of Care Concerns (Level 1)

7.1 If the issue about day to day care is still at the lower end of the spectrum, then, by agreement with their respective team managers, the child's social worker and/or the SSW should, as soon as possible, make a joint visit, to the foster carer to discuss the concern and agree measures, with timescales to address the concern/s.

7.2 The FTM will decide whether the matter can be concluded (usually in consultation with the child's Team Manager) and recorded as a team manager decision on FWi / Mosaic (both adult and child file). The outcome can be reviewed at the next routine Foster Carer Annual Review (FCR) or a decision made that one will be held sooner. Any actions or training identified through any of these processes should be followed up by the SSW and checked in supervision by the FTM.

7.3 If the social workers and the team manager(s) are not satisfied with the outcome of their visit, a recommendation can be made to upgrade the matter to a concern of a safeguarding nature which falls below the threshold for Section 47 child protection investigation (level 2). If there are a number or pattern of concerns, consideration should be given to the level of response. Persistent or repeated low-level concerns about day-to-day care may constitute a real issue with regard to the quality of care, suitability or professionalism shown by the carer. Here, a referral would be progressed to the LADO service.

7.4 It may be felt that it is appropriate to hold an FCR to consider the concerns in the context of the foster carer's overall competence. If an FCR is required, it should be held as soon as possible in consultation with the FTM and chaired by a fostering independent reviewing officer. The child's social worker will submit a written report. The purpose of the review is to consider whether the foster carer meets the National Minimum Standards and to make recommendations.

- 7.5 The FTM should write to the carer detailing the outcome of the concern and should include a copy of the review, if this has been held, within 10 working days. A complaints leaflet must also be included. A copy of the letter should be uploaded to carers' file on FWi / Mosaic and the child's social worker and team manager alerted.
- 7.6 The concern should be recorded on the on the form 'Foster Carer Record of Concerns or Allegations' on the carer's file on FWi / Mosaic.

8.0 Responding to Concerns of a Safeguarding Nature that fall below the Threshold for Section 47 Child Protection Investigation (Level 2)

- 8.1 Level 2 concerns should be discussed with the LADO to establish and agree how the concerns will be investigated and the timeline for completion, whilst ensuring the child / children in placement are safeguarded. If a Strategy Meeting is required, see paragraph 8.1 for further information.
- 8.2 When it is agreed that a Strategy Meeting is not required, the following process should be adhered to:

The plan of action should be discussed and agreed with the LADO. This should include agreement on who will be undertaking any further investigation. This may be a joint investigation between the Fostering Service and the child's social work team, or it may be agreed that one service leads on this. Alternatively, depending on the seriousness of the concern or the cumulative nature of any lower level concerns, social workers independent of the child or the foster carer may be required to undertake the investigation and provide some independence.

A professionals meeting should be arranged to share information and to discuss the outcome of the investigation. This meeting should agree any actions arising from the concern. There should be clear minutes which should be saved on both the children's and the foster carer's records on FWi / Mosaic. Depending on the significance of the concerns, the professionals at the meeting may decide to arrange a further professionals meeting to review progress.

Whilst being rigorous, the process of this investigation needs to be proportionate to the circumstances of the case, as concerns will vary in terms of seriousness and their impact on any child concerned. There is a balance required in terms of safeguarding children, being fair to carers and their families as well as looking at the impact on placement stability.

Following a Level 2 concern a Foster Care Review is required. This should be held as soon as possible in consultation with the FTM and chaired by a FIRO. The child's social worker will submit a written report. The purpose of the review is to consider whether the foster carer meets the National Minimum Standards and to make recommendations. All reviews following Level 2 concerns should be referred to the Fostering Panel for consideration

Any concern or allegation should be recorded on the foster carers file by the LADO and the fostering team.

9.0 Responding to Allegations Requiring Investigation Under Section 47 Child Protection Procedures (Level 3)

- 9.1 When it has been agreed by the social work team manager, FTM, police and other relevant agencies to pursue enquiries under Section 47, a Strategy Meeting will be held and chaired by the Team Manager for the child/children. A Strategy Meeting will always be held in the case of a Level 3 allegation, and in some cases for a concern of a safeguarding nature that falls below the threshold for Section 47 child protection investigation (Level 2).
- 9.2 The Strategy Meeting should be held within 5 working days, and 2 working days if the level of concern meets the Section 47 threshold, to agree a plan to investigate the matter. If immediate safeguarding action is required a strategy discussion will take place with relevant agencies possibly prior to a Strategy Meeting.
- 9.3 Actions and decisions from the initial discussion should be recorded within 24 hours on FWi / Mosaic for both the carer and the child.
- 9.4 Those with parental responsibility should be informed about the concern, or allegation and the outcome, unless there is a clear justification for not doing so, which should be recorded. This is the responsibility of the child's social worker. Consideration should be given whether to inform those with parental responsibility of other children in placement.
- 9.5 The investigating social worker should not be the allocated social worker for the child or the foster carer. There may be circumstances where it would be appropriate to utilise a social worker known to the child or foster carer but the rationale for this decision must be clearly recorded.
- 9.6 With due regard to any police advice the foster carers should be informed of the substance of the concern/allegation as soon as possible. This is the role of the FTM following agreement at the Strategy Meeting. The information provided should include:
- The substance of the concern/allegation
 - Who will be involved in the investigation?
 - The process and timescales of the investigation
 - Who will be informed or interviewed?
 - The right to independent support throughout and how this can be obtained
 - Any financial arrangements if the child has been removed
 - Decisions and reasons regarding any child in placement
 - Contact details
- 9.7 Strategy Meeting: The following people should be invited to the Strategy Meeting:
- Any nominated social worker to investigate the concern/allegation (consider independence), and team manager
 - The child's social worker and team manager
 - SSW and FTM
 - The LADO
 - Police representative as appropriate.

- Any practitioner with knowledge of the child such as:
 - Education
 - Health
 - Independent Reviewing Officer
 - Youth Services
 - Guardian.

9.8 There should be minutes of the meeting taken by an administrative person. Strategy Meeting minutes should be distributed to those who attended the meeting within 5 working days.

9.9 The initial Strategy Meeting as well as any further meeting will need to consider whether any action is required with respect to:

- Child protection / social care involvement
- Criminal investigation
- Fostering procedures
- A LADO referral / LADO Process
- Complaints procedures

If further Strategy Meetings are required to progress the matter, the LADO should be informed. The status of each of these processes will need to be reviewed and continued or discontinued as information becomes available.

9.10 The Strategy Meeting will need to consider the following information:

- Details of the allegation
- Whether or not there is a social care child in need or child protection assessment / investigation
- Whether or not there is a police investigation
- The views of the child if known in relation to the allegation or the placement
- Whether or not the child's parents or those with parental responsibility are aware of the situation, and their views and how this should be facilitated with consideration to the investigation and the rights of both the carers and the family
- Significant information about the child(ren) including legal status, individual needs, length of time in placement where relevant
- Information and views from the child's social worker, the SSW and their managers
- Information and views from professionals involved i.e. school, health, IRO, child's guardian etc.
- The significance of any other previous concerns, complaints or allegations made against the carers or their family / members of the household. Any other relevant information about the adult / carers. A Chronology should be available, provided by the SSW
- Other children living in placement and any information and actions in relation to them
- Any information relating to any other children the carer may have contact within any other role/employment
- Whether or not the carers are aware of the situation and if not, how this should be managed, and within the timescale set at the Strategy Meeting
- Information and views from the carers, when known, about the complaint / allegation
- Consider where the carers will get support from and if they have been encouraged to seek support
- How and when to respond to the complainant and who should undertake this

- Whether or not there are any further safeguarding measures that need to be put in place.
 - Allocation of tasks and timescales
 - Does this matter continue to meet the threshold for consideration by a Strategy Meeting? If so, set further strategy date (preferably within 28 days but this may be longer for example if bail conditions are set but there may be other tasks which need a more imminent review).
 - At a suitable point in the process whether or not a notification to Ofsted or DBS referral is appropriate. A recommendation in respect of this should be made and presented to the Head of Corporate Parenting, who will assess and act upon the recommendation.
- 9.11 Once the investigation and assessment has been completed and the information gathered the investigating social worker will provide a report to the Strategy Meeting to conclude the investigation. As far as possible the same individuals should attend all Strategy Meetings to ensure that all information has been shared and that there is a consistent approach.
- 9.12 The point at which the foster carers are interviewed by social workers will be dependent on any joint / police investigation. It may need to wait until the police make a decision in relation to the investigation, or if there is a criminal prosecution this may not be possible until the matter is concluded. The Strategy Meeting should be clear about this issue, and the minutes reflect the position. There is unlikely to be any police involvement with a Level 2 concern.
- 9.13 Where foster carers have refused to cooperate, have withdrawn from the process or resigned, it is important that allegation management process is completed, and conclusions reached on the information available. Resignations should not prevent an allegation from being followed up and concluded.
- 9.14 For Level 3 concern, following the completion of all investigations the LADO service will progress a Joint Evaluation Meeting. The meeting will reach a clear outcome and judgement, about whether the allegation is:
- Substantiated - there is sufficient identifiable evidence to prove the allegation
 - Malicious - there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
 - Unfounded - there is no evidence or proper basis which supports the allegation being made. It might also indicate 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
 - Unsubstantiated - this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term, therefore, does not imply guilt or innocence.
 - False – There is sufficient evidence to disprove the allegation.

Once there is sufficient information, the Chair (LADO) of the Joint Evaluation Meeting should consider all the potential outcomes and provide a clear rationale for their decision, this should be recorded clearly in the minutes of the Joint Evaluation Meeting. The minutes of the Joint Evaluation Meeting are circulated to attendees within 10 working days.

Where a concern is substantiated, the LADO should clearly note which of the criteria set out above is met and why, this should be recorded clearly in the Joint Evaluation Meeting minutes. The minutes will also set out what referrals should be made to regulatory bodies, for example, the Disclosure and Barring Service, OFSTED.

9.15 At the conclusion of the investigation the FTM should write to the carers, within two weeks, outlining the judgement and any actions reached with a copy of the complaints leaflet included. A copy should be placed on the child's and carer's file.

It should be clear on the foster carer's record if they were:

- Convicted of any offence
- De-registered as a foster carer
- Referred to the DBS
- Referred to another regulatory body

10.0 Redacted Minutes and Disclosure

10.1 Redacted minutes will be completed by the Chair as and when required and uploaded onto FWi / Mosaic and identified as such.

10.2 Redacted minutes provide anonymised information which protects the privacy and welfare of vulnerable children and their families whilst balancing transparency and openness.

10.3 Redacted minutes of Strategy Meetings will generally only be provided at the conclusion of the process but if there is a request and an argument for providing them at an earlier stage then this can be facilitated by agreement with the Chair and where necessary with the advice of the LADO. Where there is a police investigation, what information can be shared and provided in the minutes will be checked with the Police.

11.0 Support for Foster Carers

11.1 The Fostering Network provides a variety of support to foster carers including an informative website and a national helpline. Carers also have access to the services of an independent advice and mediation worker through the Fostering Network when dealing with concerns, complaints or allegations. Information about support is available in the Fostering Handbook, which is available to all foster carers.

11.2 SSWs will continue to provide supervision and support to foster carers throughout this process and will keep foster carers as informed as they are able to in line with guidance from the FTM and the chair of the Strategy Meetings.

11.3 This process can be distressing for carers, and staff should ensure that they are sensitive and supportive, whilst maintaining professional boundaries.

12.0 Foster Carer Review (FCR)

12.1 For Level 1 concerns a Foster Carer Review (FCR) is convened at the discretion of the Fostering Team Manager (FTM)

12.2 For concerns / allegations at Level 2 or Level 3 the SSW will ensure that a review of the foster carers, chaired by a FIRO, is held as soon as possible in consultation with FTM following the outcome of the process. This should be held within 28 days.

The FCR should review and confirm the status of the foster carers and make recommendation as to continued suitability to act as a foster carer.

12.3 A criminal prosecution should not necessarily delay this process; however, the police will need to be informed and agree to what information is shared. In all likelihood there will be sufficient information and assessment for the FCR to make its recommendations.

12.4 The report to the FCR will address:

- The nature and outcome of the allegation or complaint
- Whether or not a report has been forwarded to the crown prosecution service
- What, if any concerns remain
- The views and experience of the carer
- A chronology
- Views of the SSW
- Any implications for the safer caring agreement
- Training issues
- Any other information relevant to the carer or the child in placement.

12.5 The recommendations from the FCR will be confirmed by the FIRO in writing to the carer along with a copy of the review report. The possible outcomes and recommendations are:

- Re-assessment of the carer in relation to the identified concerns
- Immediate re-instatement of the carer if approval and use had been on hold
- Reconsideration of the terms and range of approval (variation)
- Future identified training or development needs
- The carer choosing to resign
- The concerns are sufficiently serious to recommend termination of approval regardless of whether there is a criminal prosecution.

12.6 It is important to avoid delay in holding a Review when there are concerns as to the continued suitability, as it further delays the Panel process, may cause further stress and anxiety to the carers, and have financial implications if retainer fees are payable.

12.7 If the carers resign and the Review is booked before the 28-day notice period ends, the Review shall still go ahead, whether the carers attend or not.

13.0 The Fostering Panel

- 13.1 If the FTM decides an FCR is required following Level 1 concerns, it is then the discretion of the FTM to decide whether the matter should proceed to Fostering Panel. However, if a Review is held, and the FIRO recommends progression to Panel following Level 1, and the FTM disagrees, the matter would progress to Panel. Progression to Panel at Level 1 would depend on the seriousness and context of the concern or complaint and whether there is a pattern of concerns emerging with the foster carers.
- 13.2 Following a Level 2 or 3 concern/allegation and the subsequent FCR, foster carers must be reviewed and referred to the Fostering Panel.
- 13.3 Foster carers will be invited to panel. The SSW and FTM will attend the panel. It is good practice for the FIRO to attend, particularly if the recommendation is de-registration.
- 13.4 Where carers have offered their resignation and this takes effect (this mean that the notice period of 28 days is complete) prior to an FCR, the FCR and Fostering Panel will not go ahead. The SSW will write a concluding case note on FWi / Mosaic outlining the concerns, complaints or allegations raised about the foster carer and the outcome of the process. The SSW should specify if there are areas where the foster carer was not considered to be meeting the National Minimum Standards for Fostering. Any concerns the SSW or FTM would have about the individual applying to be a foster carer in the future should be clearly recorded and analysed. The SSW must alert the FTM to their case note and the FTM will add their comments. The FTM must then alert the Head of Corporate Parenting who will acknowledge and sign off the case note. A copy of the case note, and analysis should be sent to the foster carers.
- 13.5 Prior to reaching any conclusions the panel must consider the following:
- Report of the investigation by the SSW
 - FCR report and recommendations
 - Views of the child's social worker
 - Chronology
 - Views of the child
 - Any written representations by the carers
 - Decisions from the Strategy Meetings
 - A copy of the concluding letter from FTM
- 13.6 The panel should make recommendations in line with the requirements of the Fostering Services Regulations 2011. The reasons for the recommendation will be made clear. The possible recommendations are:
- The carer(s) remains suitable to foster and the terms of the approval are confirmed (which may be changed).
 - The carer is not regarded as suitable to continue fostering.

- 13.7 The panel chair will, without delay, forward the panel's recommendations to the agency decision maker who, informed by the panel's conclusions, must determine and progress it in accordance with the requirements of the Fostering Services Regulations 2011 Regulation 27 (6) (7) (8).
- 13.8 The carers must be informed in writing of the agency decision maker's conclusion and the reasons for this within 10 working days.
- 13.9 If, after taking into account the recommendations of the panel, the agency decision maker is no longer satisfied that the foster carer or their household is suitable to continue (or their terms of approval are appropriate) as foster carers, written notice must be given to the carer that it is proposed to terminate or revise the terms of the approval. This is called a 'qualifying determination'. The reasons for the decision should be provided with a copy of the panel recommendations.
- 13.10 This notice must also include the right to challenge this decision, the carer may:
- Within 28 days of this notice, submit any representations about the case to the agency decision maker
 - Apply (via the agency decision maker) to the Secretary of State for a review by an independent review panel of the determination.
- 13.11 The opportunity to appeal to the Independent Review Mechanism (IRM) via the Secretary of State does not apply in circumstances covered in Regulation 26(6). This is essentially where the foster carer or a member of their household over 18 years old has been convicted or cautioned of a specific offence (these offences are listed in Regulation 26 (5) and in Schedule 4 of the Fostering Regulations).
- 13.12 If the carers do not respond within 28 days, and make no representation or request for a review, the determination can be progressed to a decision (Regulation 27 (8)). This will then be confirmed in writing to the carer.
- 13.13 If any representations are received following the determination these will then be passed to Medway Fostering Panel for consideration. (Regulation 27 (9)). Good practice would suggest that this would be a different panel to build in independence and further scrutiny.
- 13.14 The new panel should consider the representations made by the foster carer in conjunction with the minutes and documentation from the previous panel. The foster carer and participating parties would need to attend panel. The panel will make recommendations whether or not the foster carer remains suitable and the terms of that approval suitable.
- 13.15 These further recommendations will be passed to the agency decision maker who will make a further decision in line with the Fostering Services Regulations 2011 (Regulation 27 (9)).
- 13.16 If the carers request that the matter be heard by the independent review panel it must be facilitated via the agency decision maker. Information should be sent to the Secretary of State within 10 days. All of the documentation considered at panel, minutes and correspondence to and from the carer should be sent.

- 13.17 Once the independent review panel has heard the matter and made its recommendations the agency decision maker can proceed to make a decision based on both the original panel's recommendations and those of the independent review panel (Regulation 27 (10)).
- 13.18 The agency decision maker should send a copy of their notification to the foster carer and to the Secretary of State (Regulation 27 (12)).
- 13.19 The decision made by the agency decision maker following the subsequent panel or review panel is final.
- 13.20 Carers can use the complaints process to challenge the agency decision maker decision. This may be if:
- The carers assert that the process and procedure followed was flawed, e.g. the investigative process, the household review process or the panel process was not followed.
 - There was significant inaccuracy in the information relied on to reach the panel recommendation and the agency decision.
- 13.21 The agency decision maker may review the decision in the light of any findings arising from the complaints process.
- 13.22 In circumstances where Medway foster carer's approval to foster is terminated but they reside in another local authority, or if a child from another local authority is placed with the carers, that local authority should be notified with the reasons as set out in the written notification to the foster carers.

14.0 Complaints Process

14.1 The following has been agreed as a modified process in response to complaints regarding the managing allegations process or outcome. This covers both contemporaneous and historical allegations. Where the primary complaint does not relate to the managing allegations process or its outcome, the complaint will be referred to the relevant manager for their coordination.

Stage 1 complaint responses will be led by Group Managers for fostering and children in care services.

Where the complaint includes other aspects of the case (e.g. the social worker or LADO) then their respective managers will be asked to provide a response to be included in the overall response.

Where complaints are particularly complex, colleagues in the complaints team will assist in clarifying the complaint record and coordination of the response (this will be negotiated on a case by case basis)

As with all stage 1 responses, consideration should be given to offering to meet with the complainant either as part of the initial response or following the written response at the request of the complainant.

Where a complainant remains dissatisfied following the stage 1 response (and any attendant meeting), in circumstances where the outcome of the final meeting remains the central factor, the case holder within the complaints team will discuss with the group manager Safeguarding, Assurance and Improvement / Historical Abuse. Where felt appropriate the group manager will independently review the case before a decision is made about progression to stage 2. (This will be a file review)

The outcome of this review will be:

- Upholds the original decision
- Recommends a further 'Allegation against Foster Carer' meeting
- A change to the outcome classification (this will only be an outcome in exceptional circumstances).

The outcome of the review will be communicated to the complainant. If the complainant remains dissatisfied the complaints team will consider whether the case is eligible to progress to stage 2 of the complaints process.

15.0 Referral to Disclosure and Barring Service (DBS) and / or Notification to Ofsted

15.1 The fostering agency has a statutory duty to refer any carer to the DBS for consideration of inclusion on a list of people about whom there is concern that they are unsuitable to work with children. This is on the basis that the foster carer may have been de-registered due to misconduct that has harmed a child, or put a child at risk of harm, or if they have resigned in circumstances that may have reached the same conclusion.

15.2 A referral to DBS should be considered at the culmination of the process, and when the outcome of the concerns /allegations have been substantiated. The Fostering Service would take the lead in making the referral to DBS.

15.3 Ofsted must also be notified of any serious incident, a child protection enquiry or significant event in line with the Fostering Regulations 2011 Schedule 7 Events & Notifications. The FTM will complete a notification to Ofsted and send to the Group Manager, who will forward to the Head of Corporate Parenting, for referral to Assistant Director and Ofsted.

16.0 Additional Circumstances

16.1 Historical information on current and ex-carers

Historical information relating to concerns, complaints or allegations against current and ex-carers should be responded to in the same way as contemporary information.

Standard of Care Concern (Level 1): If the information is of a minor nature and having consulted the chronology there is no suggestion of a pattern of concerns, this matter should be recorded on the ex-carers file as received but not investigated. Feedback to the referrer if it is the former looked after child will be an important part of the process. A letter should be sent to the ex-carer if their address can be confirmed to say information had been received and kept on file and if any further information is required to contact the department.

Concern/Allegation (Level 2 or 3): The response should follow the allegation process in the same way as with a current matter. If there are any current safeguarding issues a Strategy Meeting should be held within the usual timescales, consistent with Child Protection Procedures.

If there is no Social Care current involvement with the ex-carers, in agreement with the police, the ex-carers should be contacted to explain a complaint has been received which needs to be addressed with them and seek their views on. If this is not possible then the information should be stored on the carer's file with conclusions reached as far as is possible.

Feedback should be given to all referrers by the LADO service.

16.2 Investigations of concerns, complaints, and allegations made against members of the foster carer's extended family / friends

On occasion concerns, complaints or allegations will be made against members of the foster carer's immediate household or extended family. This can be difficult for foster carers, and they will need to be supported through this process. The needs of the looked after child/ren in placement and any other relevant children need to be prioritised.

Where relevant social workers need to assess whether there was any role by the carer either directly, or indirectly e.g. by omission/commission/failure to protect.

16.3 Where a complaint / allegation is made against a child under 10 years in the foster care household (i.e. under the age of criminal responsibility)

If there is any concern or suspicion that the foster carers were aware of any abuse, allegations or complaints, then the same response should be followed in principle as when an allegation is made against the carer. Judgment should be applied by the relevant managers in consultation with the LADO.

The decision-making process regarding the removal of the foster child from the home should be applied and remains the responsibility of the service manager for the child. Where the child is stable in placement, balance regarding the placement stability needs to be considered alongside the safeguarding issues.

The needs of the child against whom the foster child has raised the concerns also need to be addressed in their own right, and appropriate safeguarding processes if required.

The relevant manager dealing with the strategy discussion / meeting to consider:

- Should child protection procedures apply to the perpetrator and a joint interview of them as well as any complainant or victim
- How, when and by whom should the birth parents of both the victim and the alleged perpetrator be told of the allegation and how much involvement they should have in the investigation
- How best can the information about both parties be gathered?
- Do previous foster children and other children in the family / household need to be interviewed or files read

- The continuing safety of all children in the foster home and in contact with the alleged perpetrator must be addressed
- The role of the foster carer, did they know of any abuse? How effective were they in safeguarding the children?

Following the investigation, a further Strategy Meeting should be arranged to consider:

- A decision whether any further action is needed and whether a child protection conference should be held
- To reach conclusions about the complaint or allegation on the information available, and any recommendations about services required
- To consider any legal implications for the local authority.

16.4 Where a complaint / allegation is made against a child in the foster care household over 10 years, but under the age of 18

The same issues apply as for a child under 10 years old but because the child is of an age to be criminally responsible, the police may become involved. The same issues in relation to the placement of the foster child needs to be applied. Placement stability and safeguarding issues need to be discussed for both the foster child and the alleged perpetrator. The ability of the foster carers to safeguard the children need to be considered. The placement of the alleged perpetrator (not the looked after child) with other family members could be considered.

16.5 Where a complaint / allegation is made against a family member who is 18 years or over

The member of the family may live in or outside the fostering household e.g. an adult child or a grandparent.

During the Strategy Meetings, the following additional issues should be covered:

- How, when and by whom should the birth parents be told of the allegation and how much involvement they should have in the investigation
- How best can the information about both parties be gathered?
- Do previous foster children and other children in the family need to be interviewed or files read
- The continuing safety of all children in the foster home and in contact with the alleged perpetrator must be addressed
- The role of the foster carer, did they know of any abuse? How effective were they in safeguarding the children?

16.6 Organised or complex abuse involving foster carers

If it becomes evident that there is an organised or complex abuse situation then guidance should be sought from the LADO immediately.

Even greater consideration needs to be given to planning and strategy, legal advice and the use of independent and a dedicated team of staff.

Appendix 1

<u>Name of Report / Process</u>	<u>Timescale for Completion</u>	<u>What Happens Next</u>
<p><u>Strategy Meeting / Discussion</u></p> <p>A Strategy Meeting / Discussion is held when concerns and / or allegations are raised that a child is suffering or likely to suffer significant harm</p>	<p>As soon as possible, bearing in mind the needs of the child and should normally be held within 24 hours of child protection concerns being identified.</p>	<p>The Strategy Discussion / meeting will decide whether the concerns / allegations meet the threshold for a Section 47 Child Protection Investigation. A single agency investigation is led by the Children/ children’s social work team. A joint Section 47 investigation involves the Police and Children’s Social Care.</p> <p>The Strategy Meeting / Discussion will confirm that a referral has or will be made to the LADO service within 24 hours of the concerns / allegations being raised.</p>
<p><u>LADO Referral</u></p> <p>The LADO delivers a statutory function on behalf of the Local Authority to oversee and/or manage all cases where allegations have been made against an adult who is employed or works in a voluntary role with children. Their role includes providing advice and guidance to employers and voluntary organisations, liaising with the Police and other agencies and monitoring the progress of cases to</p>	<p>Within 24 hours of a concern and / or allegation being raised.</p>	<p>The LADO will review the referral and make a decision as to whether the threshold for a LADO process is met</p> <p><u>The LADO Threshold</u></p> <p>An adult who works with children in a paid or voluntary capacity has.</p> <ul style="list-style-type: none"> • Behaved in a way that has harmed a child or may have harmed a child

<p>ensure that they are dealt with quickly, consistently and fairly.</p>		<ul style="list-style-type: none"> • Possibly committed a criminal offence against or related to a child • Behaved towards a child or children in a way that indicates they may pose a risk of harm to children. <p>In Medway, allegations received by the LADO are divided into three categories, 'Duty Enquiry', 'Consultation and Advice' and 'Referral' as not all the concerns and / or allegations received by the LADO require the same level of oversight or advice.</p>
<p><u>Risk Assessment</u></p> <p>A risk assessment will be undertaken by the Fostering Supervising Social Worker with the Social Work Team to consider the risk and whether it is safe enough for the child / children to remain in placement whilst a Foster Care Review or a Standards of Care report is completed.</p> <p>The risk assessment will be shared with the LADO service.</p>	<p>As soon as possible, bearing in mind the needs of the child.</p>	<p>The risk assessment will be shared with the LADO service.</p> <p>The Social Work team may assess that the risk cannot be managed whilst further investigations are completed, and the child / children may be moved to an alternative placement.</p> <p>The social work team and the Fostering Team may consider that safeguards can be exercised, making it safe enough for the child / children to remain in placement whilst a Foster Care Review or a Standards of Care report is completed.</p>
<p><u>Foster Care Review (FCR)</u></p> <p>A Foster care review is progressed when Level 2</p>	<p>20 working</p>	<p>The LADO will have oversight of the allegation management and review process</p>

<p>concerns have arisen. The Concerns are of a safeguarding nature that fall below the Threshold of Section 47 Child Protection procedures.</p> <p>The Fostering Service will progress a referral to the LADO service within 24 hours of the concerns / allegations being raised.</p>	<p>Days</p>	<p>The Foster Care review will make recommendations to mitigate and / or manage the assessed risk or concern. This plan of action will be completed with the foster carers and reviewed by the Fostering Supervising Social Worker.</p> <p>The Fostering Service will share the review and the recommendations with the LADO service.</p>
<p><u>Foster Carer Annual Review</u></p> <p>All fostering services must review a foster carer in accordance with appropriate legislation, fostering regulations and guidance. Reviews are an opportunity to reflect over the previous year, consult others, acknowledge what has gone well, and consider any challenges as well as exploring the support needs of a foster carer. Medway Council have local policy and practice guidance in relation to how they undertake foster carer reviews (this policy is currently subject to review) Terms of approval should be kept under review to consider (these are examples and not an exhaustive list):</p> <ul style="list-style-type: none"> • Any changes in circumstances, household members, age and range of children cared for etc • Allegations or concerns may trigger the need for a review as could any major 	<p>Completed Annually</p>	<p>A review of foster carers' approval must take place not more than a year after approval, and thereafter whenever the fostering service provider considers it necessary, but at intervals of not more than a year.</p> <p>The review will consider whether a foster carer's approval should continue and if there should be any changes to their terms of approval.</p> <p>The Annual Report is presented to the Fostering Panel which takes place monthly and the decisions and recommendations are ratified by the Agency Decision Maker (ADM) within 10 working days after the Fostering Panel.</p>

<p>change in the foster carer's household – for example, a serious health issue, or separation or divorce.</p> <p><u>The Process</u> –</p> <p>A report of the review must be written and shared with the foster carer and they should have the opportunity to include their own comments.</p> <p>A review should at a minimum seek and take account of the views of the foster carer, any children in placement during the last year, and the children's social workers.</p> <p>Fostering services must prepare a written report setting out whether the foster carer is suitable to continue to foster, their household continues to be suitable and the terms of approval continue to be appropriate and send out written notification to the foster carer.</p> <p>Where fostering services determine the unsuitability of approval of a foster carer, the carer must be informed of their rights and timescales to submit any written representations to the fostering service provider.</p>		
<p><u>Standards of Care Report</u></p> <p>Expectations of foster carers and care provided</p>	<p>The report will be completed within 20 working days and</p>	<p>If carers have failed to meet the standards, a review of their approval will take place and a recommendation made to fostering panel about whether their approval can continue with</p>

<p>are underpinned by the National Minimum Standards and failure to meet these standards will result in the progression of the Standards of Care process.</p> <p>A standards of care process will be initiated when allegations are raised that meet the Section 47 Child Protection threshold (Level 3 Concerns)</p>	<p>presented to the next available Fostering Panel. The Agency Decision Maker will ratify the decisions / recommendations of the Fostering Panel within 10 working days.</p>	<p>an action plan to address the concerns, or whether the issues are so serious that they should be de-registered as carers.</p> <p>The Standards of Care report will be shared by the author with the LADO</p>
<p><u>A Joint Evaluation Meeting</u></p> <p>The LADO service will convene a Joint Evaluation Meeting with all the professionals who have been involved in the review process, this usually includes the child/ children’s social worker, the Police, the Fostering Supervising Social Worker, the author of the Standards of Care report and the Police.</p> <p>During a Joint Evaluation Meeting (JEM) the LADO draws together all relevant evidence and information from the Police, employer, Children Social Care and YOS to enable the LADO to make recommendations about any other action to be taken on the case.</p> <p>Consideration is given to:</p> <ul style="list-style-type: none"> • The allegation • How the allegation was followed up and by whom 	<p>A Joint Evaluation Meeting will take place within 10 working days after the Agency Decision Maker has ratified the decisions / recommendations from the Fostering Panel.</p>	<p>There are four possible outcome LADO outcomes -</p> <ul style="list-style-type: none"> • Substantiated – the allegation is supported or established by clear evidence of proof • Unsubstantiated – there is insufficient evidence to neither prove or disprove the allegation, and neither indicates guilt or innocence • Unfounded – the allegation was misrepresented or mistaken by the person making the allegation and there is sufficient evidence to prove or disprove the allegation; and • Malicious - implies a deliberate intent to deceive or cause harm to the person subject to the allegation and there is sufficient evidence to prove this intention. • False – There is insufficient evidence to disprove the allegation. <p>These definitions are based on the DCFS practise guidance</p> <p><i>Handling allegations of Abuse against Adults who work with children and young people (2009)</i></p>

- The outcome reached and
- The action taken, including support to the alleged person and child / young person.

Children's Social Care should inform the LADO of the conclusion of any Section 47 inquiry and assessments in relation to any child or children involved in a LADO matter.

The Fostering Team should update the meeting on the outcome and recommendations from the Fostering Panel.

Complex investigations, especially where the Police are involved can take a substantial amount of time and Joint Evaluation Meeting reviews will be required.