

## **Practice Concerns, Complaints and Allegations against Foster Parents**

This procedure details the ways in which the agency will investigate concerns, complaints and allegations received in relation to foster parents' conduct and the care and safety of children in placement. It should be read in conjunction with our safeguarding policy and procedures, and our Foster Parent Charter and Professional Code of Conduct. ISP has a separate Complaints & Representations Procedure for the investigation and management of complaints against the agency, its staff and foster parents.

Foster parents are provided with an information leaflet that explains the procedure, possible outcomes of the investigation and support available to them.

Concerns, complaints and allegations about foster parents' practice may be received by the agency from children and young people, agency staff, other foster parents, members of the public, local authority social workers or other outside agencies.

The agency's response, investigation and outcomes will depend upon the seriousness of the complaint or allegation.

### **Procedural decision-making**

The member of staff who receives details of the concern, complaint or allegation will, in the first instance, inform the Registered Manager. The Registered Manager will liaise with the agency's Head of Safeguarding and Quality Assurance, and decide how to proceed:

- The matter may be referred to the supervising social worker to be managed through supervision and training.
- If there are concerns about the foster parent's suitability to foster, a Standards of Care investigation may be called.
- The complaints procedure may be utilised to investigate and draw conclusions.
- A 'serious complaint' about a foster parent must be reported to Ofsted.
- Allegations of harm to children, or risk of harm to children, by foster parents, will be referred to the Local Authority Designated Officer (LADO), Children's Services and, in some circumstances, the police.
- Consideration will be given to whether the incident needs to be logged on the agency's Risk Portal.

- The Registered Manager may request a review of approval at any time.

## Procedures

*(See appendix 1 for flow charts, and Procedure Checklists are available on Charms for reference)*

### 1. Practice Concerns

***(Refer to Procedure Checklist – Practice Concerns Foster Parent)***

If a concern is raised that does not involve harm or threat of harm to a child or young person, and the suitability of the foster parent to foster has not been called into question then this may be dealt with through the supervision process.

The Supervising Social Worker will discuss the concerns with the foster parent/s and record the details of this discussion in the supervision record.

The Supervising Social Worker will discuss the outcome of discussions with the Registered Manager, who will record the outcome within the CHARMS progress line to evidence how it has been addressed.

If concerns remain, or new concerns arise, consideration may be given to holding a foster parent review ahead of the usual annual schedule, or escalating the problem to a Standards of Care enquiry. This is the Registered Manager's decision, and the response must be proportionate to the level of concern.

<b>Charms reporting:</b> Practice Concerns (foster parent)
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### 2. Complaints

***(Refer to Procedure Checklist – Complaint against Foster Parent)***

A concern that is raised as a complaint will be investigated within the agency's Complaints, Representations and Compliments procedure. Depending upon the nature of the complaint, the local authorities for children in placement may be notified at the start of the investigations. They will always be notified if a complaint is upheld.

In accordance with the agency complaints procedure, initial investigations ('Stage 1') are conducted by the Registered Manager or another member of the registration and should be concluded within 10 working days of the complaint being received (although an extension of up to a further 10 days can be made with the agreement of the complainant).

The outcome of the investigation will be to either 'uphold' or 'not uphold' the complaint. If a complaint is upheld then the Registered Manager will make a decision to manage the issue

through supervision, progress to either a Standards of Care Investigation or a Full Review of Approval (with presentation to the Fostering Panel).

If the complaint is not upheld then no further action will be taken. However, the complainant has the right to escalate their complaint in these circumstances, which will result in further (independent) investigations and the outcome may change.

A concern that is raised to ISP as a complaint may, during the course of investigation, become a more serious concern and the investigation change accordingly. It may be raised to the status of an allegation with LADO consultation, or a Standards of Care Investigation may commence.

**Charms reporting:** The RM will notify the ISP Complaints Officer and the Head of Safeguarding. The Complaints Officer will record the relevant complaint progress line (ME03 or ME04) and manage the Charms recording, including outcomes.

If the Registered Manager considers the complaint to be serious, they\* must notify Ofsted and record this on Charms (NE10 – Notifiable Event – Serious Complaint about a Foster Parent). Most serious complaints are managed through the allegations procedures.

\*The RM may nominate a suitably experienced team member to record/report on their behalf.

### 3. Allegations

*(Refer to Procedure Checklists – Allegation against Foster Parent, Internal Investigation)*

A concern raised will be investigated as an allegation if it is suggested that the foster parent has:

- behaved in a way that has harmed, or may harm a child
- possibly committed criminal offence against or related to a child
- behaved towards a child in a way that indicates they may pose a risk of harm to children

The agency will make a referral to the Local Authority Designated Officer (LADO) and request their advice in writing. The Local authority for every child in placement will be notified. At this stage, the child's welfare and protection will be discussed and a plan devised to ensure the child's physical and emotional safety and well-being. The plan may involve a visit by the child's local authority social worker.

If a child protection enquiry (S47) is launched then consideration will be given to the measures which may be necessary to protect children placed with the foster parent. If a child has to move to another foster home, the child's local authority children's services department will decide whether or not this should be provided by ISP. If provided by ISP, no contact between the two sets of foster parents would be permitted during the course of the enquiry in order to avoid any interference or collusion in the process.

The agency is required to notify Ofsted of child protection (S47) enquiries.

Registered Managers will need to be aware of their regional child protection procedures.

The agency will request the Children's Social Care and LADO consultation outcomes in writing. These must clearly inform us whether the allegation has been judged to be substantiated, unsubstantiated or false/unfounded/malicious.

- If the allegation has been substantiated then a Full Review of Approval with presentation to the Fostering Panel will take place and be concluded within approximately 8 weeks.
- If the allegation was unsubstantiated then an Internal Investigation will take place. A report of the investigation will be completed within approximately 3 weeks, and this report will be subsequently presented to the Fostering Panel for their independent oversight. If the Registered Manager feels that the concern was sufficiently serious, or if there have been a series of unsubstantiated allegations then they may request a Full Review of Approval.
- If the outcome is that the allegation was false/unfounded/malicious then no further action will be taken.

If the threshold for S47 investigation is not met, the LADO may request that ISP conducts either an Internal Investigation or a Standards of Care Investigation.

The Registered Manager will ensure the foster parent is notified and provided with details of the allegation, outcomes and any next steps.

**Charms reporting:** The Registered Manager\* will log the appropriate progress line 'ME01 – Monitoring Event – Serious Concern/Allegation – Consultation with Designated Officer'.

If a strategy discussion takes place then Ofsted must be notified, and this recorded on Charms 'NE12- Notifiable Event – Instigation and Outcome of CP Enquiry – related to foster parent'. This record must be linked to ME01.

\*The RM may nominate a suitably experienced team member to record/report on their behalf.

#### **4. Standards of Care procedures**

***(Refer to Procedure Checklist – Standards of Care Investigation)***

Investigations of concerns or complaints received may lead to a Standards of Care investigation if it is felt that the actions of the foster parent/s call into question their suitability to foster.

An ISP Fostering Social Worker, or an Independent Social Worker will conduct the investigation on behalf of the agency. The local authorities for any children in placement will be informed, and the LADO may be contacted for advice. Any advice they give will be requested in writing.

The Standards of Care Investigation may conclude that any concerns can be managed within supervision, or may recommend a Full Review of Approval with presentation to the Fostering Panel.

**Charms reporting:** The Registered Manager\* will log a progress line of 'Standards of Care Enquiry'

\*The RM may nominate a suitably experienced team member to record on their behalf

## Support for foster parents

Being subject to a serious complaint, allegation or Standards of Care Investigation (and potentially a child protection enquiry) is an extremely stressful experience. It is therefore essential that foster parents are offered, and encouraged to use, the support structure in place through ISP. It is equally important that foster parents are kept informed of the process of any child protection enquiry, e.g., dates of meeting held and timely feedback from these meetings. The foster parent will be informed of the nature of the allegation during the course of the local authority child protection enquiry/investigation, generally during a meeting with the local authority social worker assigned to the investigation. ISP will not discuss the detail of any allegation without prior agreement from the strategy meeting to do so.

ISP will provide access to an independent support and advocacy service for the person made subject to an allegation, and where this is a foster parent, to their household. Such services can provide:

- Information and advice about the process;
- Emotional support;
- Mediation between the foster parent and ISP;
- Advocacy (including attendance at meetings and Fostering Panel hearings).

Access to an independent support and advocacy service may also be made available for foster parents subject to a serious complaint or Standards of Care investigation.

Where needed, ISP will also provide access to an independent counselling service. This service is available for staff members and foster parents and can be a helpful resource during a Child Protection process. Foster parents also have access to the Foster Talk service.

Support will also be provided by the following members of the ISP team:

## **ISP Managers**

The Registered Manager (and other managers in the team) will ensure that contact is maintained with the foster parent and that they are offered appropriate information and advice about the process. Furthermore, the manager can help ensure that all permissible information is passed to the foster parents in a timely manner and advocate on their behalf if there are difficulties, e.g. delays in the process. This may include escalating requests for information from the local authority. The manager will liaise closely with the ISP Head of Safeguarding during the course of a Child Protection enquiry and relay any concerns on behalf of the foster parents. The Registered Manager might identify a named member of the ISP team to be the foster parent's main point of contact throughout the investigation process.

The manager or the staff member acting as main point of contact will schedule regular meetings with the foster parent to update them regarding the progress of investigations. They will communicate the outcome of investigations face-to-face or by telephone, and follow up with written notification.

## **ISP Fostering Adviser**

The Fostering Adviser will continue to offer day-to-day support and guidance to the foster parent but will not discuss specific details related to the allegation. The Fostering Adviser will assist the Manager in encouraging the foster parent to maintain meaningful links with their centre. They will also relay any concerns or questions raised by the foster parents to the Manager.

It is important to be open and transparent about the purpose of any meetings held during the allegations process. If the foster parent shares additional information regarding the allegation during support meetings, they must be informed that this information will be shared with the investigating team. The ISP Manager must be informed of any new information immediately by telephone.

## **ISP Supervising Social Worker**

The Supervising Social Worker will maintain contact with the foster parents, even if the child has moved placement. It is important that the social worker liaises with the foster parents regarding the progress of the Child Protection enquiry. The Social Worker will also liaise closely with the host Local Authority and the investigating Local Authority, where necessary.

It is important to be open and transparent about the purpose of any meetings held during the allegations process. If the foster parent shares additional information regarding the allegation, they must be informed that this information will be shared with the investigating team. The ISP Manager must be informed of any new information immediately by telephone.

## **Head of Safeguarding**

The Head of Safeguarding can be accessed by all staff and foster parents regarding general queries or with concerns related to a specific enquiry.

Above all, it is crucial that foster parents are kept in mind and receive regular communication from centre staff and relevant Central Office management during a typically stressful and anxiety-provoking time. Together, we must make every effort to ensure that foster parents feel supported, and receive information in a timely and transparent manner.

## **Payment to Foster Parents during an Allegation**

If a child is suddenly moved from your home following an allegation against a member of your family, limited financial support may be available in some circumstances.

Any agreed payments would be limited to the foster parent fee for one child only. This is the amount you would receive if taking a period of respite (i.e. with the deduction of the '*child allowance*').

Decisions to agree a request for financial support are at the discretion of the Registered Manager, and any one of the following reasons would terminate payment except in the most extraordinary circumstances:

- The decision is made that the child/children will not return to your family. This decision may be made by you, the local authority, or by ISP;
- The child was due to leave your family for other reasons;
- In the Registered Manager's reasonable opinion, at least one serious allegation is proved on the balance of probabilities to be true;
- Any enquiry into the allegations has concluded, whether or not it has been able to make recommendations (e.g. final Child Protection Strategy Meeting);
- If you, or any member of your family, fail to co-operate with an investigation into the matters alleged;
- Twelve weeks have passed since any children were first removed;
- Children return to your family or new children are placed;

To request financial support, please discuss this with the Registered Manager.

## Termination of approval

After an investigation into a foster parent's conduct is concluded, their approval as suitable to foster may be reviewed.

In cases where the outcome of the investigation is that the foster parent or adult member of the household is found to have committed a specific offence (Fostering Services (England) Regulations; regulation 26), ISP must recommend to the Fostering Panel that the foster parent's approval be terminated. In these circumstances, the foster parent will not have recourse to the Independent Review Mechanism (Fostering Services (England) Regulations; regulation 28).

In addition, ISP will have the option of recommending to the Fostering Panel that a foster parent's approval be terminated in the following circumstances:

- An allegation of abuse and/or neglect has been found to be substantiated (by the LADO or a s47 enquiry).
- A series of allegations have occurred whether substantiated or unsubstantiated.
- A serious complaint has been upheld.
- A serious offence has been committed, or on the balance of probabilities has been committed.
- A breach of the Foster Parent Agreement has occurred.
- A series of standards of care concerns have arisen.
- Failure to keep the child/young person safe from harm through non-compliance with the agency's health and safety requirements and/or the specific risk assessment relating to the placement.
- Matters of concern arising in another setting or in their private life (e.g. in the foster Parent's place of work; online activity; as a result of a DBS update), which may indicate a risk to a child in placement.
- Failure to adhere to ISP policy and procedures.
- Bringing ISP's reputation into disrepute.
- Being unwilling or unable to change their practice following advice and guidance.

In cases where termination of approval, or a change to approval category is recommended, and the Decision Maker agrees with the recommendation, the foster parent will receive a 'Qualifying Determination' (see Fostering Panel Policy & Procedures). This does not apply in cases where a specified offence has been committed.

Under circumstances where a foster parent submits their resignation during a process of investigation, the social worker conducting the investigation will consider the available evidence and record the recommendation that they would have made had the foster parent not resigned. This recommendation will be presented to the Fostering Panel for their independent oversight.



## Notification to DBS service

ISP has a duty to refer a person to the DBS service when:

- We have removed a foster parent from regulated activity due to concerns about their suitability to foster;
- We believe that the person has engaged in 'relevant conduct';
- We believe that there is a significant risk of harm;
- The person receives a caution or conviction for a 'relevant offence';
- We have terminated a foster parent's approval as the result of 'relevant conduct' or would have done had they not resigned.

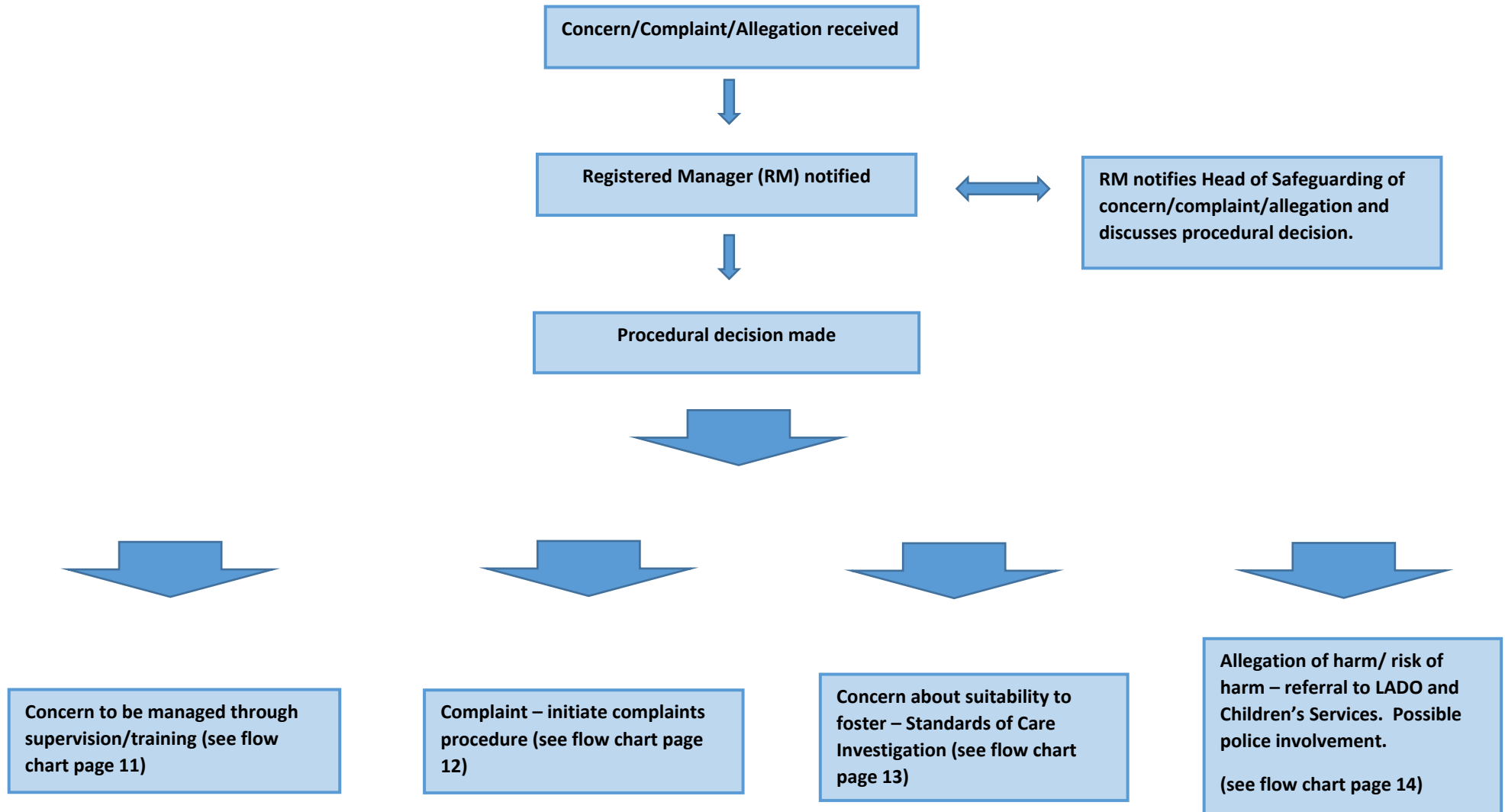
Relevant conduct involves that which:

- Harms a child
- Causes a child to be harmed
- Puts a child at risk of harm
- Incites others to harm a child
- Involves sexual activity with a child
- Involves sexually explicit images/material relating to children

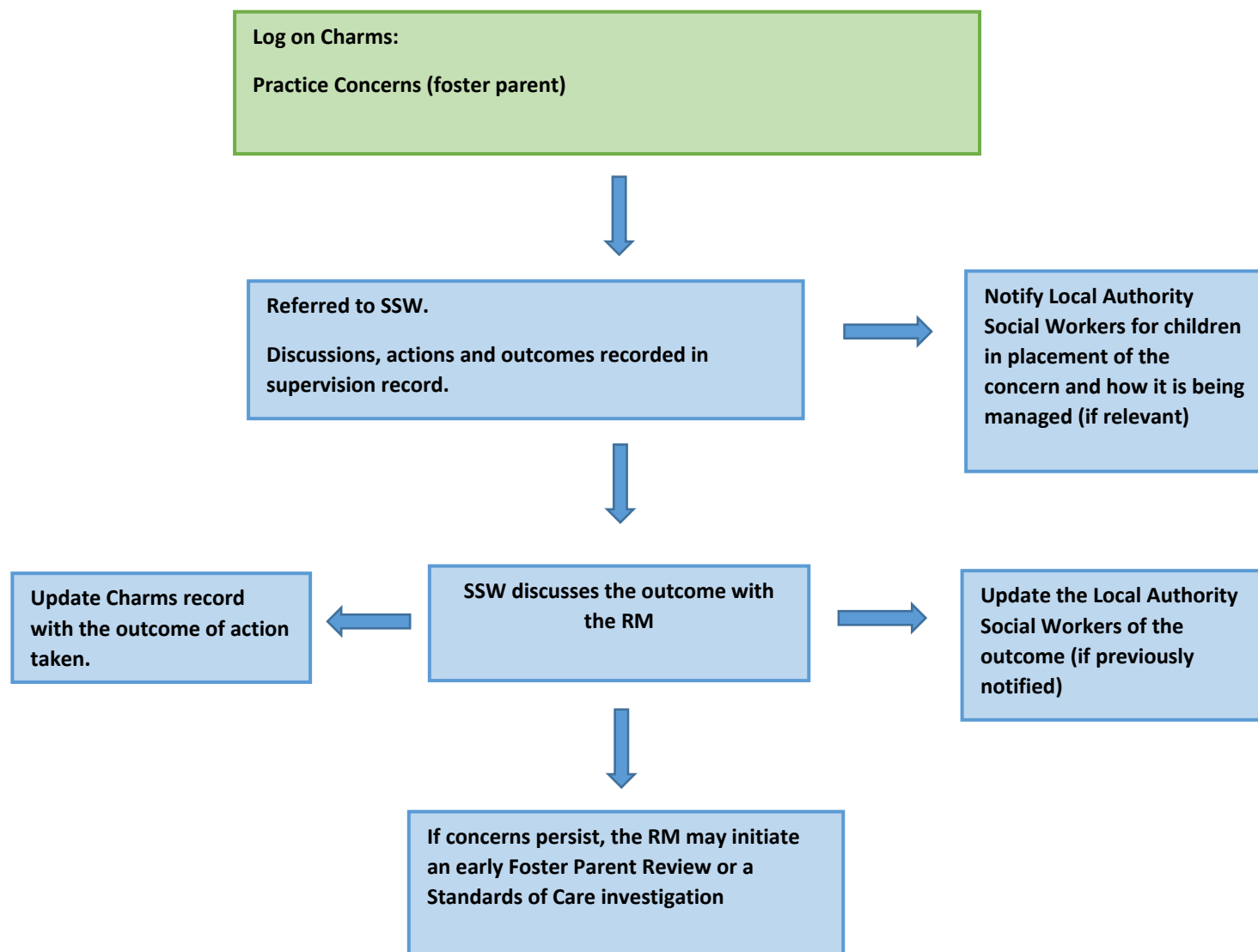
For a full list of 'relevant offences' visit:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/157242/dbs-factsheet-05.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/157242/dbs-factsheet-05.pdf)

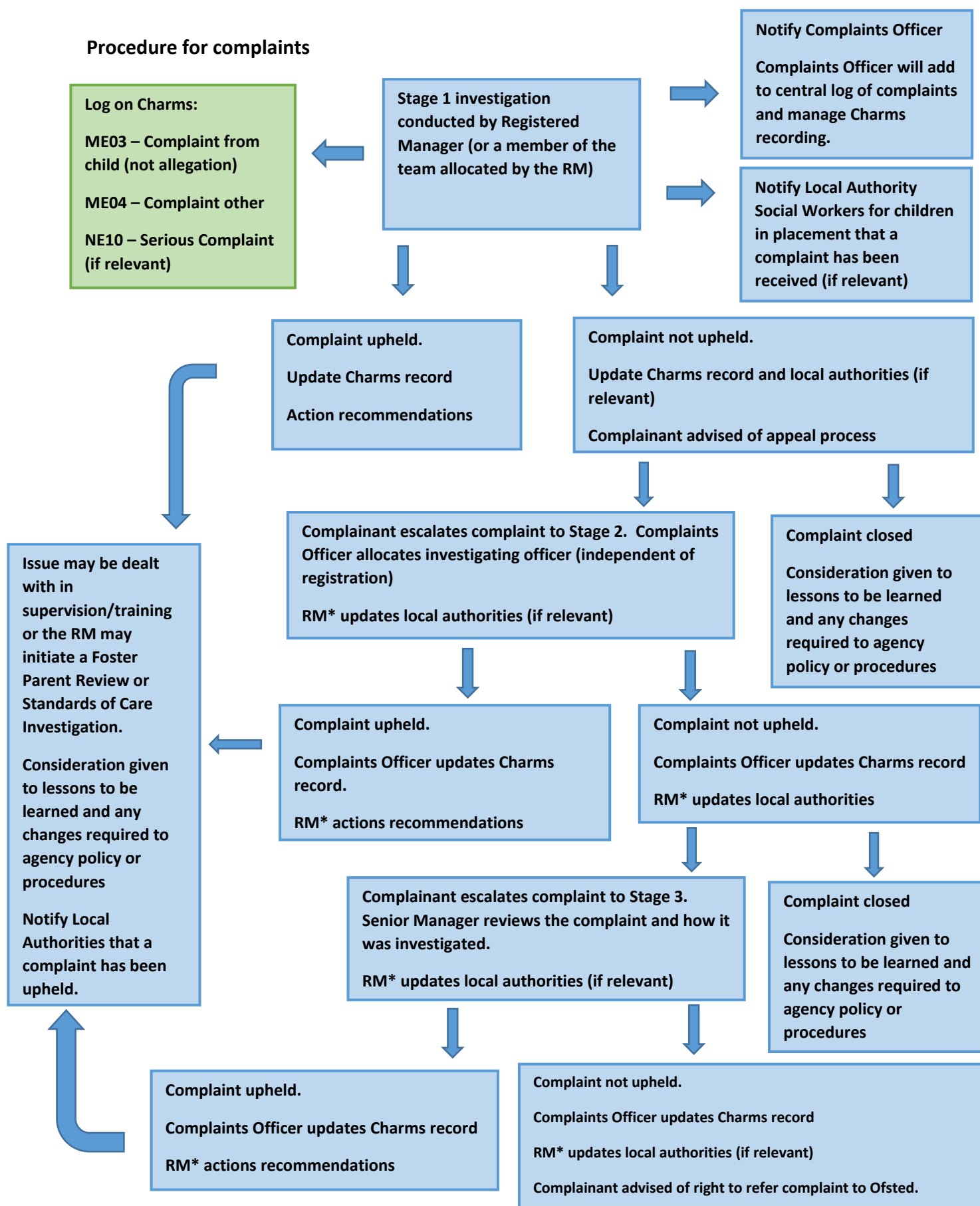
## Appendix 1: Flow Charts



## Procedure for concerns to be managed through supervision/training

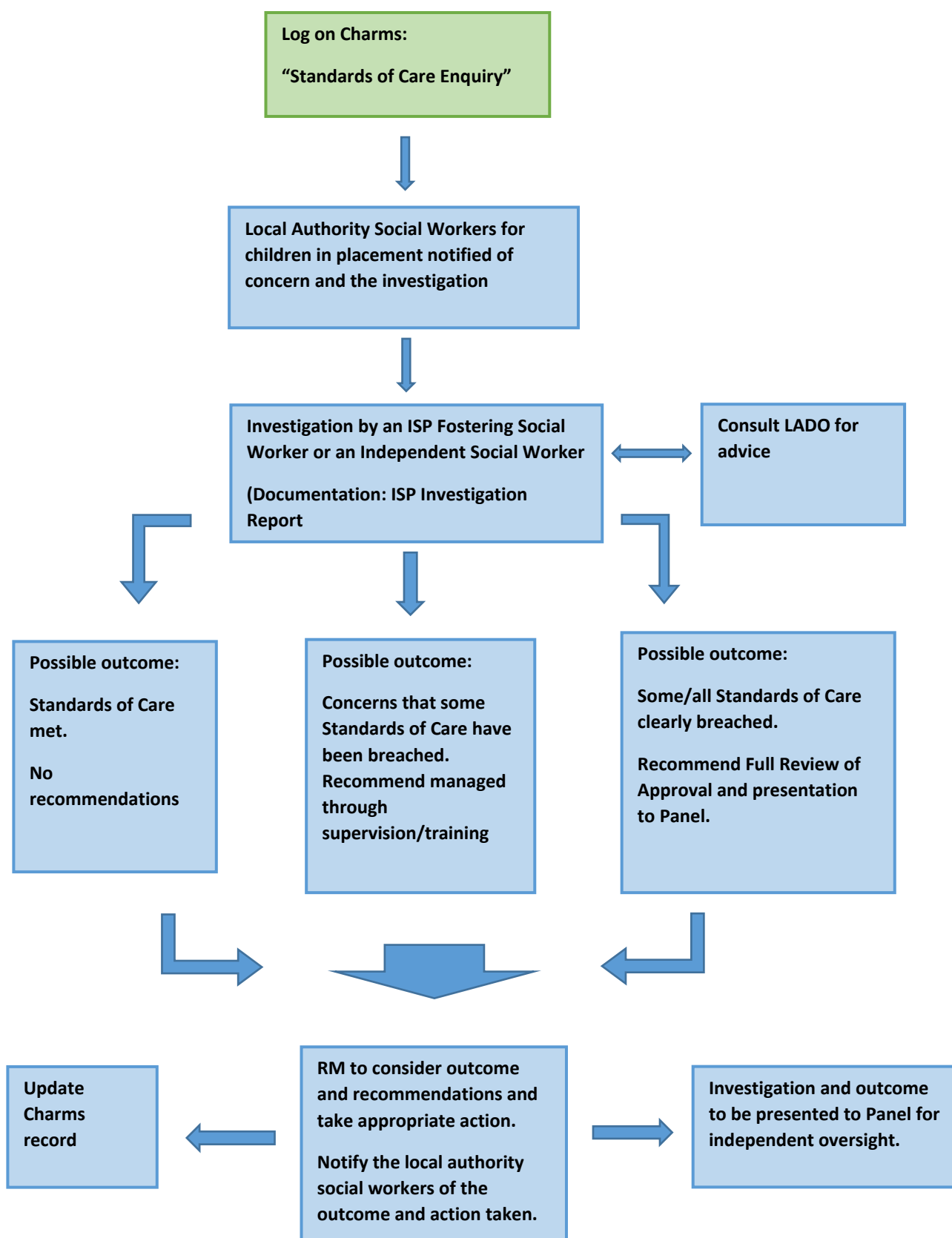


## Procedure for complaints



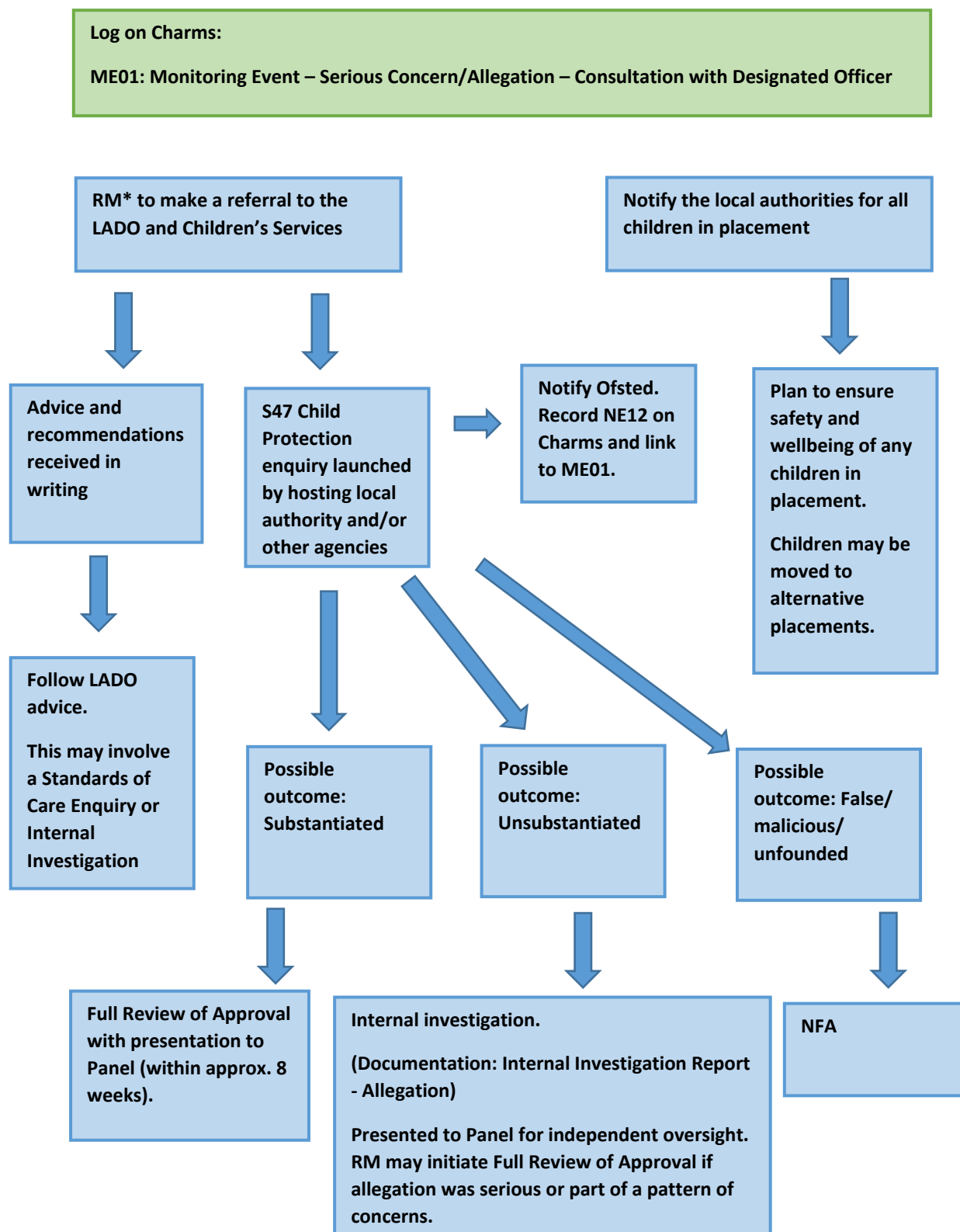
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## Procedure for Standards of Care enquiries



## Procedure for allegations

(Regional procedures vary)



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