



**Children's Safeguarding and Social
Work**

Camden Fostering Service

Complaints and allegations against foster carers

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1 Introduction

Children living in foster care may be vulnerable to harm and abuse because they are living away from home. Camden has high expectations of the standard of care offered by foster carers and has a duty to safeguard LAC, but the council is also aware that sometimes situations can arise where standards may fall short leading to complaints and allegations being made against carers or concerns raised about their standards of care.

Under Regulation 12 of the Fostering Service Regulations 2011 and Standard 22 of the National Minimum Standards, the Fostering Service must provide a clear set of procedures stating how complaints and allegations against carers will be dealt with.

This policy sets out the procedures to be used for dealing with complaints and allegations, and the actions that need to be taken in order to safeguard Looked After Children and support foster carers. It relates to any allegations and complaints made against foster carers who have been approved by Camden, regardless of where they live.

2 Policy

It is the division's policy that allegations, complaints or concerns relating to the care of Looked After Children are treated with the same seriousness and investigated as robustly as concerns relating to children being cared for by their parents.

All foster carers should be aware that given the complex nature of their caring role, they are vulnerable to allegations being made by Looked After Children or birth families. For this reason, foster carers should be encouraged to follow safe caring guidance, keep a daily log for each child and to inform their supervising social worker of any issues within the placement. Please see the *Safeguarding and safe care* policy for more details: [Fostering 8 - safeguarding children in foster care.doc](#)

The Fostering manager will be the designated person for dealing with all complaints and allegations against foster carers; the role will involve liaising with child protection IROs and the LAC teams and informing foster carers of progress regarding allegations.

Complaints and allegations will be dealt with under the most relevant procedure depending on the nature of the issues raised:

- Minor disputes between carers and looked after children will be dealt with via Camden's complaints system (see section 5).

- Complaints that raise issues about the standard of care provided by the carer will be dealt with under care standards procedures (see section 6).
- Allegations that involve possible harm to a looked after child will be dealt with under Camden's child protection procedures as set out in this policy (see section 7).
- All allegations against foster carers which raise questions about their suitability to work with children must be reported to the Local Authority Designated Officer (LADO) for advice on how to proceed (see section 8).

Dealing with allegations and complaints against foster carers requires sensitivity and maintaining a balance between safeguarding the child and protecting foster families from unfounded or malicious allegations that can destabilise placements.

Decisions on how the complaint or allegation will be dealt with must be made by the Fostering manager as early as possible and a clear distinction made between which process is being followed.

3 Principles

Camden recognises that all children placed with foster carers have a right to be cared for in a safe manner, but equally that foster carers have a right to be protected from malicious allegations or complaints, and supported whilst investigations are on-going.

- The child's welfare will be the paramount consideration in all cases.
- The Fostering service will ensure that complaints and allegations are dealt with fairly and transparently, with a balance maintained between the need to safeguard the child whilst supporting carers who are the subject of allegations.
- Foster carers will be provided with full details regarding the allegation and the reasons for any child being removed from their care subject to on-going police or child protection investigations.
- Decisions will only be taken following a full investigation that has taken account of all available information unless emergency action such as the immediate removal of a child from the placement is required to safeguard the welfare of children. Information will be sought from all parties who have information about the child, the foster carer and the placement.

- The Fostering Service aims to deal with allegations within reasonable timescales.

4 Initial consideration of allegations and complaints

Allegations, complaints or concerns may come from various sources, such as the child, their parents, schools or members of the child's professional network, including their LAC social worker. Supervising social workers may also raise concerns following supervision with the foster carer or as a result of an unannounced visit.

All allegations, complaints and concerns should immediately be passed to the Fostering Manager who should hold a consultation/meeting with the relevant LAC manager. If it is considered the allegations may raise child protection concerns the designated IRO for LAC should also be involved.

The following information should be made available for this consultation/meeting:

- **LAC social workers** for all the children placed with the foster carer should provide any relevant information about their child, how they have progressed in the placement and their views on the placement.
- The **supervising social worker** should provide information about the foster carer, including any previous concerns, complaints or allegations and any weaknesses in meeting fostering competencies.
- The Fostering team manager should also check MOSAIC records to obtain information about any other child placed with that foster carer, including children placed by other boroughs and children who have recently left the placement.

The consultation/meeting should look at:

- the nature and seriousness of the allegation or complaint;
- the context of how the allegation or complaint arose;
- relevant information about the carer, the child and the placement;
- whether the incident and/or harm suffered by the child meets child protection thresholds, ie: actual or risk of significant harm;
- whether immediate action is needed to protect the particular Looked After Child or any other child in placement.

Following consultation a decision should be made on whether the allegation or complaint will be dealt with as a:

- complaint
- care standards issue
- child protection enquiry.

5 Complaints

If the issues raised relates to minor matters regarding the child's care, for example a disagreement over pocket money or boundaries, the child or any adult on their behalf may request that the matter is dealt with under Camden's children's complaints procedures.

Initially, these complaints should be dealt with informally at local level (level 1 of the complaints procedure) through discussions between the child, their LAC social worker, the foster carer and their supervising social worker in order to resolve them.

If no resolution can be found, the complaint should progress to level 2 (formal complaint dealt with by the Camden Complaints Unit) and an independent advocate identified to support the child throughout the complaints procedure.

6 Care standards procedures

6.1 Investigation

Serious complaints about a foster carer may raise concerns about their practice or parenting style, for example where the foster carer has handled confrontations or complex situations badly.

In these cases, if child protection thresholds have not been met, the designated IRO may advise that the complaint should be dealt with under care standards procedures, and the Fostering service should convene a care standards meeting.

The meeting should be attended by the Fostering manager, the foster carer's supervising social worker and the LAC social worker, and should consider:

- the nature and seriousness of the complaint;
- a full account of the incident as viewed by all involved;
- a report from LAC social workers;
- a report from schools and other agencies.
- any previous issues with the foster carer regarding their standards of care.

The meeting should consider how the investigation will be conducted and the roles of the professionals involved, and the following actions should be carried out:

- arranging a home visit to the foster carer to interview them and all LAC and birth children in the placement;
- explore whether other people need to be interviewed, and by whom;
- look at whether children should continue to be placed with the foster carer while the investigation is on-going and whether any payments to the carer should be withheld;
- consider what suitable support and training can be offered so that the foster carer is able to address the issues and weaknesses in their care that gave rise to the allegation or complaint;
- consider what support should be offered to the foster carer while the investigation is in progress, and by whom;
- agree the date of any follow up meeting;
- draw up an agreed plan for social worker visits;
- consider whether child protection procedures should be used.

The Fostering manager should also:

- write to the foster carer explaining the reasons for care standards procedures being invoked, giving details of the alleged complaint and an outline of the procedures to be followed;
- notify OFSTED that the foster carer is subject to care standards procedures;
- arrange for the matter to be referred to the next meeting of Camden's Fostering and Permanence Panel to seek a decision on whether or not to continue with the carer's terms of approval.

This investigation is undertaken by the supervising social worker and is overseen by the senior practitioner in the fostering team. The assessment should be recorded as for a foster carer annual review.

A decision to suspend placing children with the foster carer during the investigation must be discussed and agreed by the LAC Head of Service.

6.2 Outcomes

Once the matter has been investigated, the outcome of the investigation will be recorded in the foster carer's annual review which is presented to the Fostering and Permanence Panel. The report will include recommendations regarding the carer's continued ability to foster based on information.

The Panel may recommend that:

- the foster carer's approval should continue and no further action needs to be taken as the Panel is satisfied that the care standards issues have been fully investigated and resolved;
- a recommendation is made to change the terms of approval, eg the number or ages of the children;
- the foster carer's approval should continue for 6 months but be reviewed again at that point;
- there are some areas of concern and that the supervising social worker should address these with the foster carer and identify suitable training and support;
- the foster carer's approval should not continue and should be terminated.

The Panel recommendations are verified by the CSSW Director as agency decision maker. The agency decision maker will send the foster carers a letter which clearly sets out the decisions of the panel. If the decision is for deregistration, the foster carers will be given 28 days to appeal this decision and will also be informed of their right to contact the Independent Reviewing Mechanism.

7 Dealing with allegations that involve child protection concerns

7.1 Role of the IRO

At the initial consideration of the allegation, the IRO must advise on the following:

- whether the threshold for child protection intervention has been reached
- whether the child should be removed from the placement
- how the foster carer will be supported and what information shared regarding the allegation.

7.2 Applying thresholds

Allegations should be dealt with as a child protection issue if it involves significant harm or risk of significant harm to a child. Examples of this may be:

- neglect including poor supervision
- inappropriate chastisement or inappropriate restraint causing injury to the child
- allegations of inappropriate sexual behaviour or abuse.

The IRO may consult with the Child Protection Service Manager for further guidance on whether or not child protection thresholds have been reached. If the case is a child protection matter, section 15 of the London Safeguarding Board child protection procedures should be followed (see below).

7.3 Referral to the Local Authority Designated Officer (LADO)

Following a complaint or allegation against a foster carer, the initial consultation between the Fostering manager and IRO should decide whether any action needs to be taken under Camden's procedures for dealing with allegations against staff. This decision should be made within 1 day of the incident.

A referral should be made to the LADO whenever there are concerns that the foster carer has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child, or
- behaved towards a child or children in a way that indicates they are unsuitable to work with children.

Further details of the procedures are set out in the *CSCP Managing allegations against staff and volunteers* available at: <..\Child protection\CSCP guidance\Managing allegations against staff and volunteers - multi-agency guidance 2018.doc>

7.4 Removing children from placement

Where serious child protection allegations are being investigated, and the child has suffered significant harm or a criminal offence may have taken place, consideration should be given to the safety of all children in the household. This includes children looked after by other local authorities, the foster carer's birth children, and any children the foster carer may come into contact with as part of their employment.

However, statutory guidance makes it clear that there must be reasonable cause for concern before a child is removed. In the case where a child is removed the carer will continue to receive the fostering fee until the investigation is completed and the Annual Review is presented at the fostering panel.

If there are other children looked after by Camden living at the placement, their social worker should be notified and all children in the placement will be included in the investigation.

The LAC social worker, in conjunction with the supervising social worker, should ensure that all local authorities for any LAC placed with the foster carer are informed of the concern. In addition the views of the placing team manager and social worker should be sought regarding the progress of the child and their views regarding the placement. All social workers with children in placement should be involved in the child protection or care standards meeting.

7.4 Supporting the foster carer

Supervising social workers should ensure that independent support is available for the foster carer. As a member of the North London Fostering Consortium Camden can arrange for an independent social worker to support foster carers during investigations in order to:

- provide information and advice on the process
- provide the carer with emotional support
- act as a mediator between the foster carer and the Fostering Service.
- attend meetings and the fostering panel along with the foster carer.

In general, foster carers should be given appropriate information about the nature of the allegation and any reason for removing a child from their care or suspending them from caring for children.

However, it may be decided that the foster carer should not be informed of the allegation if it is unclear that the allegation will be substantiated or if there is a risk that the foster carer may obstruct any child protection enquiry. These decisions should be taken following advice from the Police CAIT and the LADO as part of the LADO procedures (see section 8).

Decisions suspend a foster carer will be taken by the LAC Head of Service following advice from the LADO and the police. Suspension of foster carers will not be an automatic response but will be taken only where there is a risk of continuing significant harm or a police investigation is likely to be carried out.

7.5 Children placed out of borough

If child protection concerns are raised about a child who is placed out of borough, the local authority in which the child is living has a responsibility to convene a strategy meeting/discussion.

- The LAC social worker is responsible for making an immediate child protection referral to the relevant local authority and they should attend any strategy meeting.
- The local authority convening the strategy meeting is responsible for inviting Ofsted.
- If the carer is Private and Voluntary carer, the Resources Team should be informed.
- The LAC social worker should inform Camden CAIT and at the same time request that the local authority convening the strategy meeting inform the CAIT where the child is living as they will be responsible for conducting any investigation.
- The LAC social worker and team manager should monitor and ensure that prompt action is taken by the local authority where the child is living. If there is any dispute over responsibility or delay in convening the meeting the LAC team manager should have direct contact with the local authority team manager.
- If the disagreement is not resolved then there should be consultation with the IRO who will then liaise with their counterpart.
- The team manager and social worker will still retain responsibility for immediately following up the relevant actions through liaison with the local authority and ensuring that information is shared.

7.6 Private and Voluntary Placements

If there are child protection concerns arising from a Private and Voluntary placement, the same procedures as outlined above should be followed. If there are care standards concerns arising from a Private and Voluntary placement, the care standards meeting will be chaired by either the fostering or the Resource team manager.

8 Child protection procedures

8.1 Strategy meeting

Within 1 working day, the allocated LAC social worker should contact the Police CAIT to discuss whether a criminal offence has taken place. The strategy meeting/discussion should take place within 5 working days or within 1 working day if the allegations are thought to be serious and requiring an immediate response.

The meeting should be chaired by the designated IRO and attended by:

- the LAC social worker and LAC manager
- the Fostering manager and supervising social worker
- a representative from the Police CAIT
- any other professional who may have important information to share.

The purpose of the meeting is to consider the allegation and decide on whether or not to proceed to a section 47 investigation. If this is the case, the meeting should plan what action needs to be carried out as part of the investigation and by whom.

The meeting should look at the following:

- all significant information about the child, including their history, previous placements and any previous allegations or complaints they have made;
- all significant information about the carer, including their terms of approval, their care record to date and whether any previous allegations or complaints have been made against them;
- where concerns are serious, whether any immediate action needs to be taken in order to ensure the safety and welfare of all children living in the placement or whom the foster carer has substantial contact with as a result of their employment;
- what information will be shared with key people such as the foster carer, the child, the child's parents and other local authorities who have placed children with the foster carer, and who will be responsible for this;

- what action the Fostering Service will take regarding the foster carer's current terms of approval pending the outcome of the investigation, and what support will be offered to the foster carer during this time.

8.2 Outcome of meeting

The meeting may decide that:

- The allegations are unsubstantiated and that no further action should be taken. However, the evidence may point to concerns in the foster carer's care practice and the Fostering Service may decide to pursue the matter under care standards procedures.
- The allegations are substantiated and there should be a child protection investigation. This will be carried out by the LAC social worker. A decision may be made at this meeting on removing other children from the placement and/or suspending the foster carer.
- Further enquiries need to be made in order to decide the matter and that a further strategy meeting should be convened.

At this point, the Fostering manager should write to the foster carer giving details of allegations and decisions made at the strategy meeting, including what action will be taken.

The foster carer should also be informed of any further procedures that will be carried out and what support the Fostering Service will provide to the carer while the investigation is on-going.

8.3 Child protection investigation

This should be carried out by the LAC social worker and may involve the Police where there is a likelihood that criminal charges could follow. The foster carer may be interviewed under caution, and it is important that the Fostering manager ensures that the foster carer has access to impartial legal advice.

The Fostering Service will ensure that the foster carer has access to an independent social worker that can provide advice and advocacy.

Where the outcome of a child protection investigation is that the allegations are substantiated, the Fostering Service should take immediate steps to deregister the foster carer via the Fostering Panel.

9 Timescales

The Fostering service aims to deal with allegations and complaints within the timescales set out in the Fostering Service Regulations 2011 and the London Safeguarding Children Partnership child protection procedures 2017.

- Allegations that are clearly unfounded or malicious will be dealt with within 1 week.
- Allegations or complaints that do not require formal action under child protection procedures or police investigation will be investigated under care standards. This investigation will be undertaken within tight timescales and the foster care will be made aware of these timescales. All allegations are recorded in annual reviews (including allegations which are unsubstantiated) and presented at the next available Fostering panel.
- Once a decision is made to follow child protection procedures, the timescales set out in the London Safeguarding Children Partnership child protection procedures will apply. The initial strategy meeting / discussion will take place within three days of child protection concerns being identified except in the following circumstances:
 - • For allegations or concerns indicating a serious risk of harm to the child (e.g. serious physical injury or serious neglect) the strategy meeting / discussion should be held on the same day as the receipt of the referral.
 - • For allegations of penetrative sexual abuse, the strategy meeting / discussion should be held on the same day as the receipt of the referral if this is required to ensure forensic evidence.
 - • Where immediate action is required, the strategy meeting / discussion must be held within one working day.
 - • Where the concerns are particularly complex (e.g. organised abuse / allegations against staff) the strategy meeting / discussion must be held within a maximum of five working days, but sooner if there is a need to provide immediate protection to a child.

10 Records

Under the Fostering Regulations 2011, the Fostering Service has a duty to record all allegations, complaints and concerns relating to foster carers and the outcome of any process investigating them.

Any allegations made against a carer should be recorded on their fostering record and the annual review record giving details of the allegation made and what action was taken to resolve the matter, including decisions made. This information also clearly state if the allegation was unsubstantiated. Only provably false or malicious allegations should not be recorded.

Foster carers will be informed in writing of the details of the allegations, the actions taken and the outcome of the investigation. A copy of this letter will be uploaded onto their Framework i record.

This record will be kept on the foster carer's record at least until the foster carer reaches retirement age or 10 years if that is longer. This is so that accurate information can be given for any future requests for references.

Appendix 1: Flowchart

