

Practice Concerns, Complaints and Allegations against Foster Parents

A guide for Foster Parents

Introduction

ISP has a duty to investigate all concerns, complaints or allegations about foster parents that we receive. Such issues may be raised by children and young people, agency staff, other foster parents, members of the public, local authority social workers or other outside agencies.

Our response, investigation and outcomes will depend upon the seriousness of the complaint or allegation. We will investigate all concerns with an open mind and this is particularly important when it is a child or young person who raises concerns of maltreatment. It is possible that their complaint is due to a misunderstanding; feelings of rejection, anger or jealousy; or a desire to leave the foster home and return home to live with their birth family. These feelings sometimes lead to young people making false allegations, and the investigation into the allegation will explore this possibility.

Please also read the following documents:

- Fostering Services: National Minimum Standards (Standards 1-12)
- Foster Parent Charter and Professional Code of Conduct.

Concerns, complaints and allegations are often raised in relation to an actual or perceived breach of these standards and expectations.

ISP has a separate Complaints & Representations Procedure for the investigation and management of complaints against the agency, its staff and foster parents.

Definitions

Concerns: A dissatisfaction with a specific aspect of the care provided by a foster parent. These are usually minor issues which are addressed in supervision.

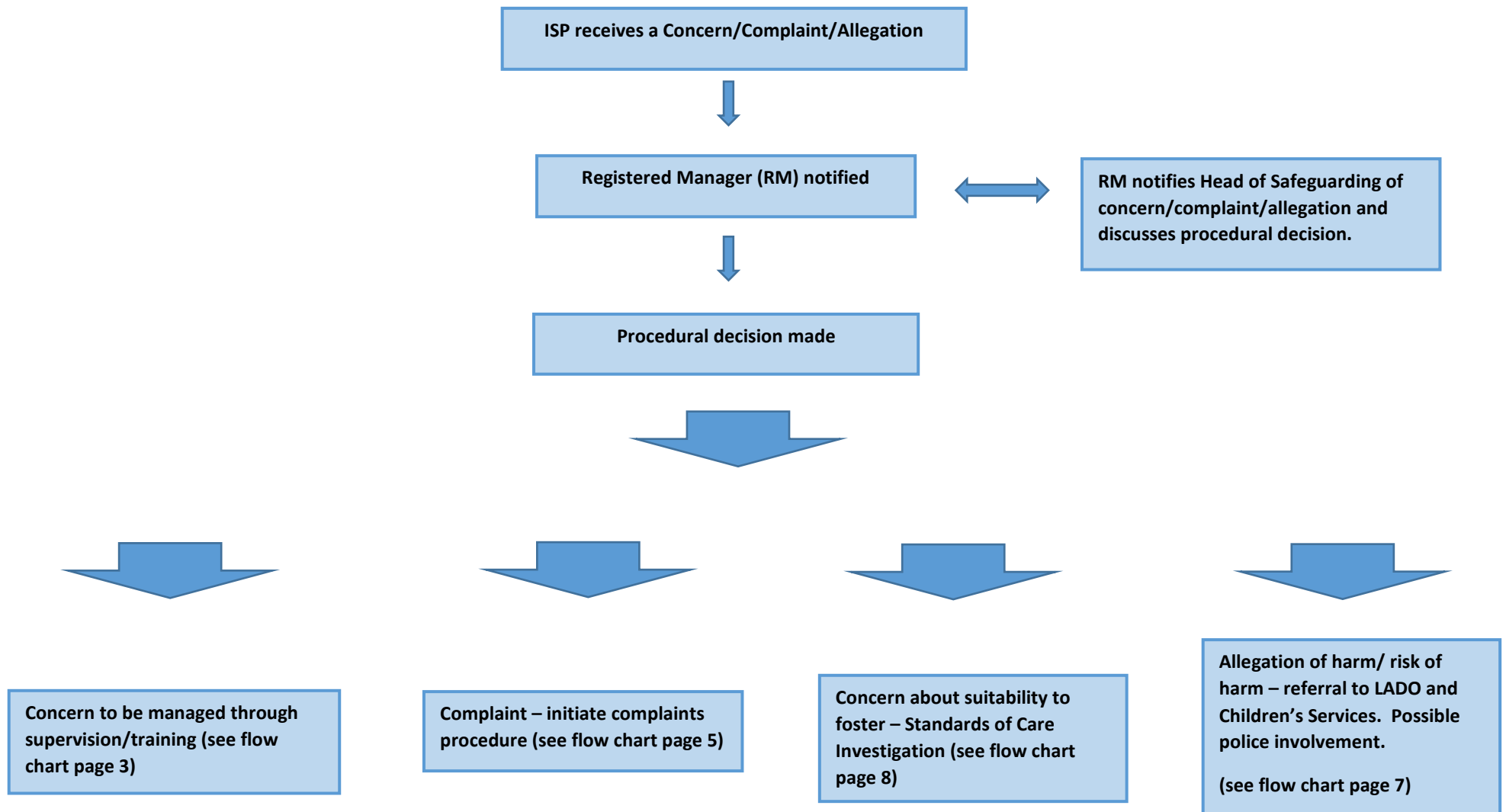
Complaints: A concern may be raised as a complaint, either orally or in writing. This usually happens when the complainant has a strong concern and wishes to ensure that it is addressed and that they receive a response. The complainant may request a particular outcome.

Serious complaints: If a complaint is sufficiently serious to question a foster parent's suitability to foster, the agency is required to notify Ofsted.

Allegations: An allegation is a concern or disclosure that a foster parent has acted in such a way that caused (or could have caused) harm to a child, or committed a criminal offence against a child.

Procedures

When the agency receives a concern, complaint or allegation, we must make a decision about how to proceed. Serious complaints, and allegations, will always involve reports to external agencies, and those agencies may be involved in the investigation and decision making.



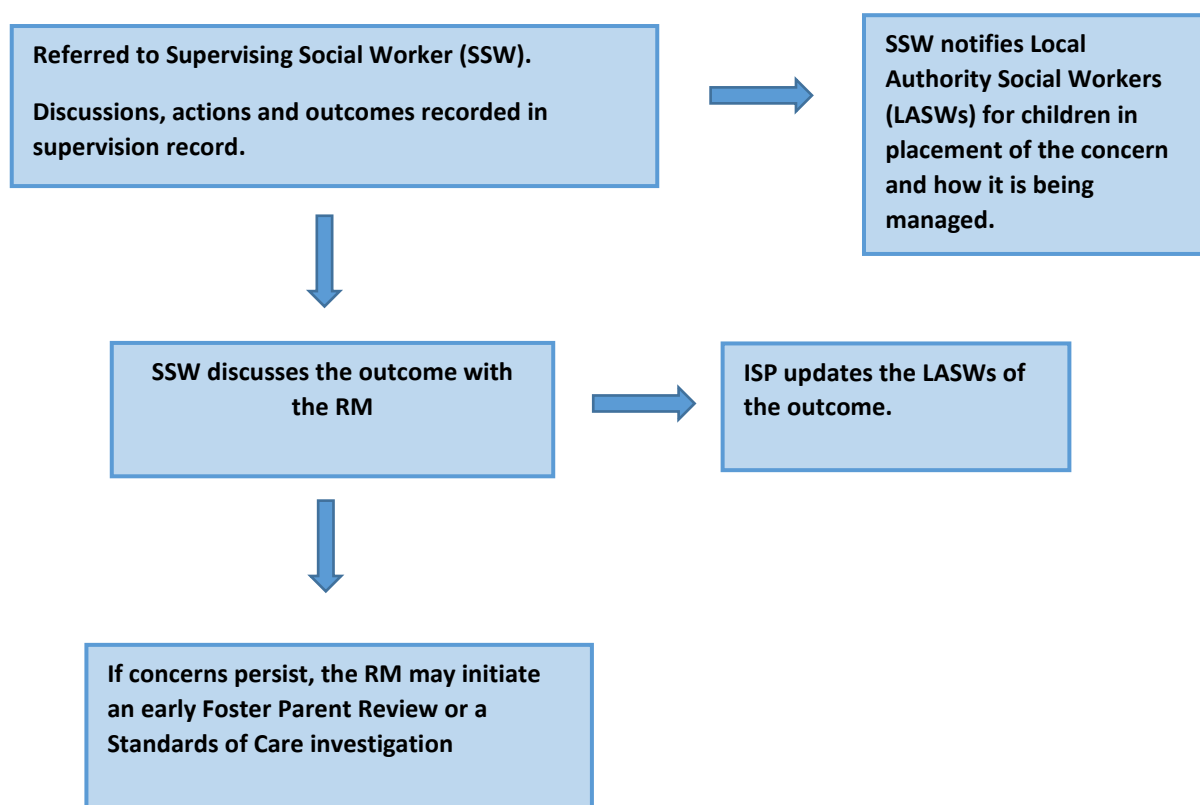
Concerns

Some concerns that are raised do not involve harm or threat of harm to a child or young person, and do not call into question your suitability to foster. These concerns will be discussed with you in supervision and an action plan may be agreed to resolve them.

You may be asked to attend a training course or be given additional support to manage a young person's challenging behaviour.

If concerns continue, your Registered Manager may request that your annual review of approval is brought forward, or may initiate a Standards of Care investigation. Action will always be proportionate to the level of concern raised.

Procedure for the investigation and management of concerns



Complaints

The agency's Complaints & Representations Procedure will be used to investigate any concerns raised as a complaint. The first stage of the investigation is completed by your local registration, within 10 working days (although an extension to these timescales may be agreed if this is necessary to draw conclusions).

If the complainant is not happy with the outcome of the investigation, they may escalate their complaint to Stage 2 and subsequently Stage 3. See our complaints procedure for more information, and the flow chart on the next page.

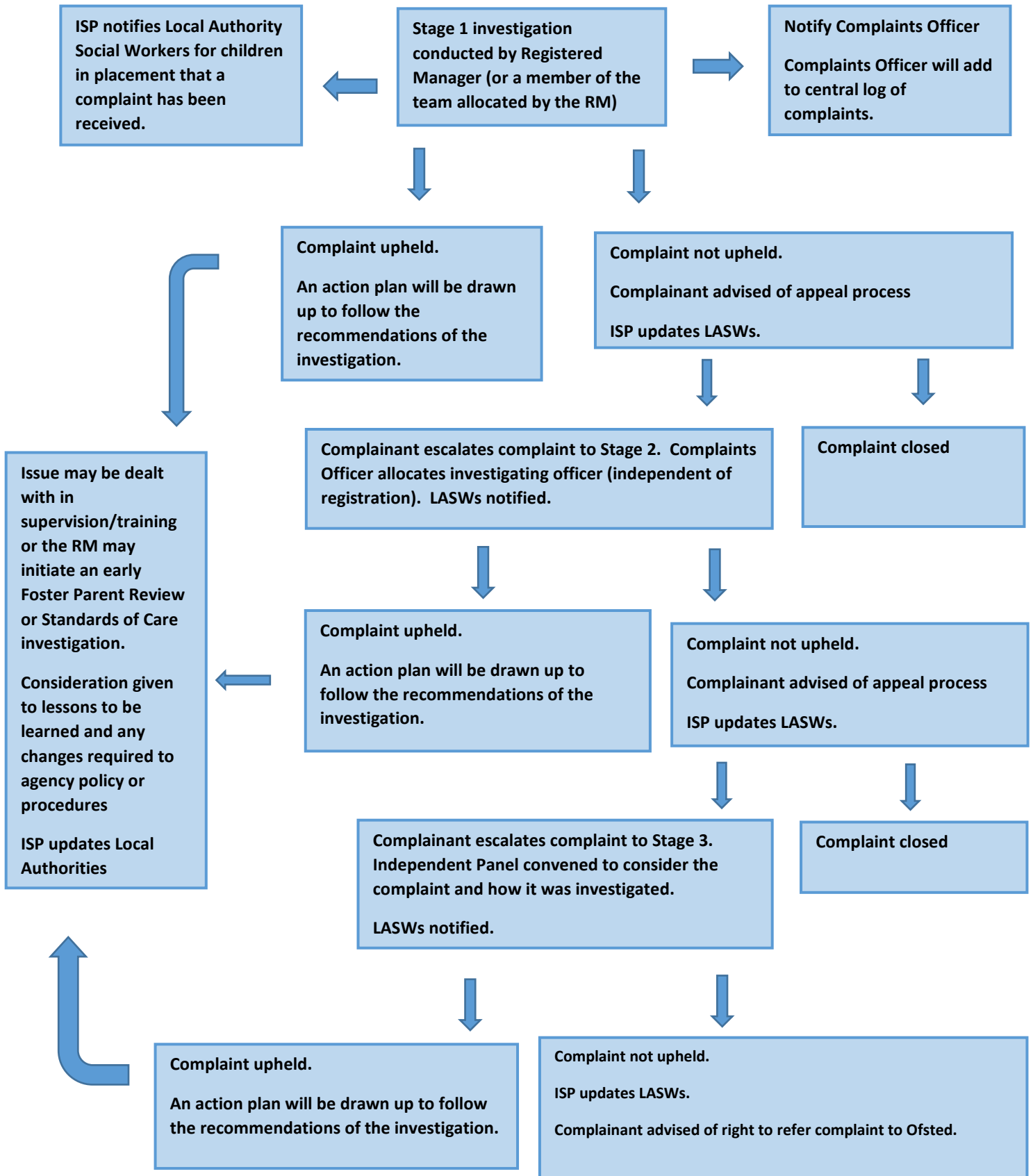
A concern that is raised to ISP as a complaint may, during the course of investigation, become a more serious concern and the investigation may change accordingly.

Possible outcomes

The investigation will consider whether the complaint is 'upheld' or 'not upheld'. If the complaint is 'upheld', this may result in a decision to conduct a full review of approval, a Standards of Care investigation or management of the issue through supervision.

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 an independent investigation and the outcome may change.

Procedure for the investigation and management of complaints



Allegations

A concern raised will be investigated as an allegation if it is suggested that a 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. The LADO has responsibility for the management and oversight of allegations against people who work with children in their local area. 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 in placement. 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 fostering families would be permitted during the course of the enquiry in order to avoid any concerns of interference or collusion in the process.

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

Regional child protection procedures vary. The outcome is, however, always decided by Children's Services and/or the Police. The outcome will make a judgement of whether the allegation has been substantiated, unsubstantiated, or if it appears to be false/unfounded or malicious.

Possible outcomes

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.

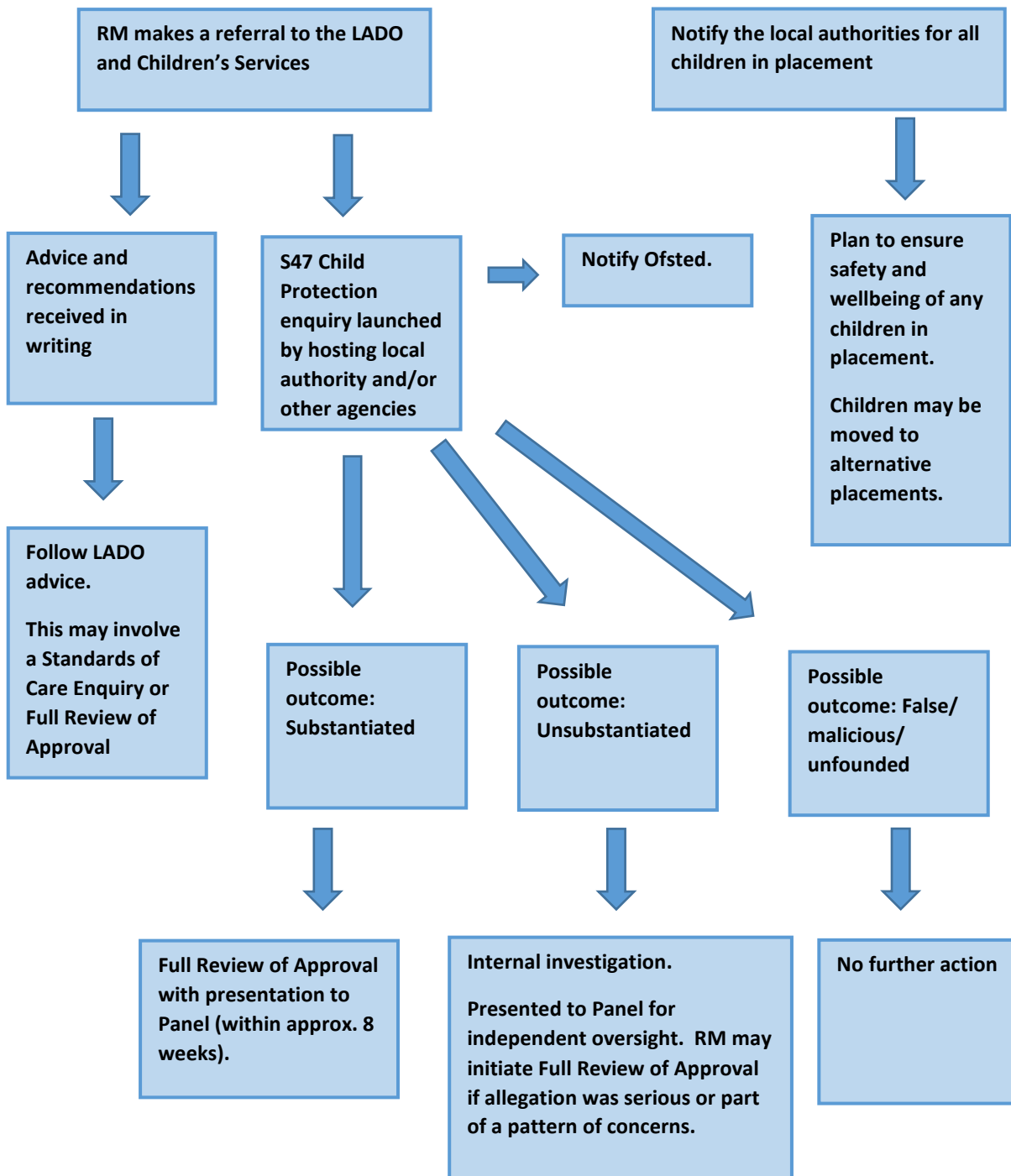
If the allegation was unsubstantiated then an internal investigation will take place. A report of the investigation will be completed within approximately 3 weeks, and this report will be presented to the Fostering Panel for their independent oversight. If the Registered Manager feels that the concern was sufficiently serious, or if there have been a series of unsubstantiated allegations then they may request a full review of approval instead.

If the outcome is that the allegation was false/unfounded/malicious then no further action will be taken.

The Registered Manager will ensure that you are notified and provided with details of the allegation, outcomes and any next steps.

Procedure for the investigation and management of allegations

(Regional procedures may vary)

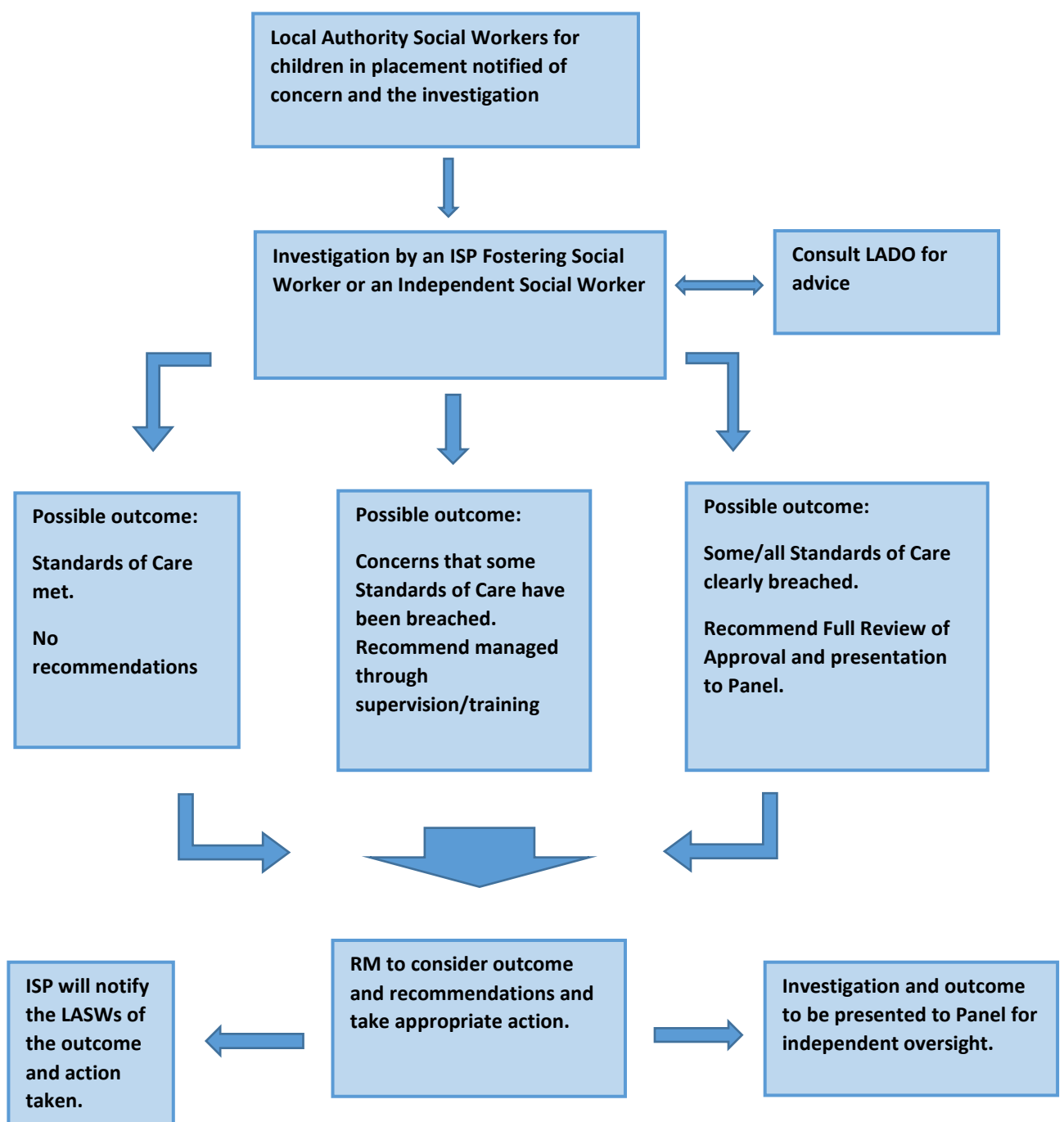


Standards of Care investigations

Investigations of concerns or complaints received may lead to a Standards of Care investigation if it is felt that your actions call into question your 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.

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. The outcome of a Standards of Care investigation is always presented to the Fostering Panel for their independent oversight.



Support for foster parents

We understand that being subject to a serious complaint, allegation or Standards of Care investigation (and potentially a child protection enquiry) is an extremely stressful experience. Accordingly, we will always offer you a range of support options, both within ISP and from independent services.

We will keep you informed of the process of any child protection enquiry, although we are not able to discuss the detail of any allegation without prior agreement from the local authority strategy meeting to do so. You will be informed of the nature of the allegation during the course of the local authority child protection enquiry/investigation, usually during a meeting with the local authority social worker assigned to the investigation.

Within ISP, support can be available from the following members of the ISP team:

ISP Managers

Your Registered Manager (or another manager in the team) will be responsible for making sure that you receive all permissible information about any investigations in a timely manner, and the support you need. They might identify a named person of your ISP team to be your main point of contact throughout the investigation. If at any point you are unhappy with the support you are receiving, please contact your Registered Manager.

ISP Fostering Adviser

Your Fostering Adviser can continue to offer you day-to-day support and guidance, and help you to keep in touch with your centre. They cannot discuss specific details related to an allegation, but can relay any concerns or questions you have to the manager.

ISP Supervising Social Worker

Your Supervising Social Worker will keep in touch with you, even if children have moved from your home. Your social worker will liaise with you about the progress of any child protection enquiries.

Head of Safeguarding

If you wish, you will be able to contact ISP's Head of Safeguarding regarding general queries or with concerns related to a specific enquiry.

We will also provide you and your family with access to an independent support and advocacy service (FACTS). This service can provide:

- Information and advice about the process;

- Emotional support;
- Mediation between the you and ISP;
- Advocacy (including attendance at meetings and Fostering Panel hearings).

Where needed, we 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 (<https://fostertalk.org/>)

Payment to Foster Parents during an Allegation

In the event of a child being suddenly moved from your home, following an allegation against a member of your family, your Registered Manager may agree to provide you with financial support.

Any such payment is discretionary and intended to support families whose income is significantly affected by the sudden removal of a child. Any agreed payments will be limited to the foster parent fee for one child. This is the amount you would receive if taking a period of respite (i.e. with the deduction of the child allowance). To receive financial support, you should make a request in the first instance to your Registered Manager. All payments are at the discretion of the Registered Manager, which they will exercise reasonably.

Duration of payments

Payments in these circumstances will continue until the earliest of the following:

- If 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 date on which a child was due to leave your family for other reasons;
- The date on which, in the Registered Manager's reasonable opinion, at least one serious allegation is proved on the balance of probabilities to be true;
- The date of which 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 after any children were first removed;
- The date on which any children return to your family or new children are placed;

Circumstances that lead to 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