

MEDWAY COUNCIL FOSTERING SERVICE

Allegations, Complaints and Concerns

Guidelines and Procedures

Introduction

Foster carers are required to meet exacting standards of care. They are not permitted to use any kind of physical punishment and high standards of behaviour are expected from them at all times, regardless of the difficulties presented by some of the children they look after.

Children who are looked after in any form of substitute care are vulnerable to abuse and exploitation and have the same right to protection from abuse as all other children.

In recognition of this, all agencies must be alert to the possibility of child abuse in foster families and, if abuse is suspected, respond with the same urgency as is demanded by child protection concerns within other kinds of families. In all situations the paramount concern will be to act in the best interests of the child about whom there is a child protection concern. This includes an early strategy discussion (within 24 to 48 hours, depending upon the seriousness of the allegations). The strategy discussion must consider what action needs to be taken and must ensure that the voice of the child is heard and that any proposed medical examination is arranged expeditely.

At the same time it is important that the investigation process acknowledges the demanding role which foster carers fulfil on behalf of Medway Council. In caring for some of its most needy children, who may have disturbed or challenging behaviour, and with parents who might not be in agreement with their children being 'looked after', foster carers may be vulnerable to false allegations or unwarranted criticism. As in any other investigation, those against who there is an allegation or child protection concern should be treated with respect at all times and unnecessary delay must be avoided.

The following procedure should address some of these issues by providing explicit guidance or where an allegation has been made regarding substitute carers.

Scope of the Guidance

This guidance and procedure applies to situations where there are child protection concerns or where an allegation has been made regarding substitute carers who are:

- a. Approved foster carers for Medway Council and have Medway children placed with them.
- b. Approved foster carers for Medway Council and have other local authority children placed with them.
- c. Approved Medway adopters, prior to the granting of an Adoption Order.
- d. Approved Medway support accommodators.

- e. Medway Link carers.

Notes

1. These procedures do not apply to the carers of children who are privately fostered e.g. children placed directly by parents under a private arrangement, with carers who are not defined as close relatives by the Children Act 1989.
2. These procedures do not apply to carers who are approved by another local authority but live in Medway.
3. These procedures do not apply to carers who are approved by another local authority but live in Medway.
4. If foster carers have been approved by Medway Council but live in another local authority area, any allegations or child protection concerns arising from that placement should always be referred to that local authority to investigate. Regardless of the outcome a review of the foster carers should take place and be presented to the Medway Fostering Panel.
5. For ease of reading, wherever the term 'foster carer' is used in this guidance and procedures it should be understood to include and apply to approved adopters, approved support accommodators and Link carers.

Referral

It is necessary to consider an allegation of child protection concern regarding foster carers in terms of three separate, but inter-related, processes. These are:

- The child protection investigation.
- Any criminal investigation which may take place.
- The review of the foster carer's approval with Medway Council by the Fostering Panel and any other relevant approval or work undertaken.

The latter will take place whenever there is an allegation or a serious complaint regardless of the outcome of the investigation. The investigation is the central process that will inform any criminal investigation and the review of the foster carer's approval or their continued work in any other capacity.

No new foster children will be placed with a family until each of these three processes of the investigation have been completed. It is therefore of great importance that the investigation is carried out within agreed timescales. If, for any reason, the timescales cannot be met then all parties should be notified of the delay in writing, with reasons given. This is the responsibility of the Child Protection Team Manager.

Immediate action where there is an allegation against a foster carer

Any person or worker who is aware of, or receives information which indicates that a child has suffered, or is at risk of suffering significant harm in a foster placement, must immediately refer their concerns to the Social Services Child Protection Team. If initially the referral is received by the Police they, in turn, will inform the Child Protection duty social worker.

On receipt of an allegation against a foster carer, the Child Protection Team will notify the child's social worker who will inform the Fostering Team Manager.

When a referral is received through the fostering service, the Fostering Team Manager will inform the Placements Manager and Child Protection Team Manager.

Further information will be sought from the Fostering Team and the child's social worker and exchanged with the Child Protection Team Manager or duty senior. They must consult with the Fostering Team Manager and agree to proceed as one of the following:

- A referral of child protection which requires an initial strategy discussion (see below).
- A complaint against the carers which requires a planning meeting.
- A complaint against the carers, which is designated by the Placement Manager as a Concern that will be dealt with by the fostering service.

NB If a complaint is made by a child or young person, consideration must always be given to whether the complaint should be passed to NCH for investigation.

A child protection referral will involve allegations which go **beyond** what is adjudged to be a complaint regarding the care or management of a child in placement and may constitute a criminal offence in relation to the child. Working Together to Safeguard Children gives the following definitions of what constitutes abuse or neglect:

- **Physical abuse:** this may involve hitting, shaking, throwing, poisoning, burning or scalding, suffocating or otherwise causing harm to a child. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes, ill health in a child.
- **Emotional abuse:** this is persistent emotional ill-treatment which causes severe and long lasting effects on a child's emotional development. It may involve conveying to children that they are unloved or worthless, inadequate or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed. It may involve causing children to frequently feel frightened or in danger, or the exploitation or corruption of children. A degree of emotional abuse is involved in all types of ill treatment.
- **Sexual abuse:** this involves forcing or enticing a child or a young person to take part in sexual activities, whether or not the child is aware of what is happening. The abuse may involve physical contact, including penetrative or non penetrative acts. It may include no physical contact, such as involving children in the production or viewing of pornographic material, watching sexual activities or encouraging children to behave in sexually inappropriate ways.
- **Neglect:** this is the persistent failure to meet a child's basic physical and psychological needs and is likely to result in the significant impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, failure to protect a child from physical danger or harm or a failure to ensure access to appropriate medical care or treatment. It may also include neglecting a child's basic emotional needs.

Allegations involving foster carers which will require a strategy discussion will therefore contain elements of one or more of the following:

- a. Allegations of sexual abuse.
- b. Allegations of inappropriate sexual behaviours which might constitute "grooming", such as deliberately allowing access to "adult" sexual material such as videos or photographs.
- c. Physical chastisement which cannot be defined as "minor" i.e. that has caused bruising or lasting marks.
- d. Inappropriate restraint which has caused bruising or lasting marks.
- e. Severe verbal chastisement, defined as highly inappropriate and emotionally damaging verbal abuse over a period of time.
- f. Persistent denial of basic needs, such as to comprise neglect.

A referral which can be proceeded with as a complaint against the carers might include:

- a. An incident of minor physical chastisement resulting in no injury or a very minor injury.
- b. Inappropriate verbal chastisement.
- c. A child being restrained or inappropriately handled, resulting in no injury or a very minor injury.
- d. Incidents indicating inadequate supervision such as inadvertently allowing a child access to alcohol, prescribed medication or unsuitable viewing of "adult" sexual material.
- e. Incidents indicating a lack of due care such as inadvertently wrongly administering prescribed medication.

A referral which can be proceeded with as a concern against the carers might include:

- a. An issue of dispute over clothing, pocket money, food.
- b. Criticism of the foster home or foster child's room.
- c. Statements or comments claimed to have been made by the foster carer.
- d. A minor issue of carer supervision of a child.

The decision-making regarding whether to deal with an allegation or incident as a child protection complaint or concern requires, in every case, consideration of the following:

- a. The nature and severity of any actual harm to the child.
- b. The context in which the harm occurred.
- c. Whether the alleged behaviour of the foster carer was:
 - i. intentional, and/or

- ii. has, or is likely to, result in significant harm to the child in question or any other child in the household.

In the event that agreement cannot be reached between the Fostering Team Manager and the Child Protection Manager regarding the status of the referral, the Medway Service Manager for Child Protection must be consulted who will advise on which category the matter should proceed.

Notification

Where the decision made is that the allegation will proceed as a complaint, concern or as no further action, a written record of the decision and the reasons should be completed by the Assessment Team Manager and signed off by the Service Manager for Child Protection. This will then be copied to:

- Child Protection Team Manager
- The Children & Families Service Manager
- The Placements Manager
- The Fostering Manager
- The child's Social Worker
- The social worker for any other children in placement

The written record should outline:

- Details of the nature and source of the allegation/complaint
- Any other information gained which is relevant to the allegation/complaint
- Decision agreed (i.e. NFA, proceed as complaint) and reasons for this decision
- Parties to this decision
- If not already aware, how and when the foster carers be informed

If not already aware, the Manager of the Children & Families Team involved will decide how and when the persons with parental responsibility for the child(ren) be informed.

The Child Protection Team Manager will also ensure that the referrer is advised of the decision.

If the referral proceeds as child protection, records of strategy discussions must be copied to those named above.

Decision – Referral of Child Protection

If the decision is made that the referral should proceed as one of child protection, this will be managed in accordance with Medway Council's Child Protection Procedures.

The Child Protection Team Manager will ensure that an Initial Strategy discussion is held. Where the referral indicates that the child has suffered significant injury (such as a broken limb, severe bruising/lacerations or serious scalds/burns) there must be an immediate strategy discussion, followed by a Section 47 investigation. In these circumstances, the child must be seen and spoken to within 24 hours of the allegations being communicated to Social Services. If this timescale is not met the reasons must be clearly recorded on the child's file.

In all other cases where allegations of deliberate harm are made an initial strategy discussion will normally take place within 24 hours. If this timescale is not met the reasons must be clearly recorded on the child's file.

Unless there are exceptional circumstances agreed by the Police and Social Services, the strategy discussion must take place on the same or the next working day that the referral was received. The reasons for any additional delay must be noted in the minutes of the strategy discussion. This will normally be chaired by the Child Protection Team Manager or duty senior. In complex situations or in cases where there might be a conflict of interests, it may be chaired by the Medway Child Protection Manager or by a person delegated by the Assistant Director, Children & Families.

The purpose of the strategy discussion is to consider the allegation and plan any subsequent enquiries and/or protective action. The initial strategy discussion should involve the following:

- The Child Protection Team Manager or duty senior
- The allocated social worker for the child
- The Fostering Team Manager
- The social worker for the foster carer
- The social worker of any other child placed in the household
- A representative from the Police SIU in the area where the foster carer is normally resident

And, as appropriate:

- The local consultant community paediatrician (where a medical examination may be considered)
- Any other involved professional (such as a school representative) who has relevant information to contribute

The strategy discussion should consider all children being care for or having significant contact with the subject(s) of the allegation or concern. The strategy discussion will then agree one of the following decisions:

- i. That further enquiries need to be made in order to determine what further action is required.
- ii. That the allegation/concern is not substantiated and no further action will be taken in relation to the referral.
- iii. No further child protection action will be undertaken, but that concerns are sufficient to undertake a review of the care provided by the foster carers under the Fostering Regulations.
- iv. That a child protection investigation should be undertaken.

In order to maintain confidentiality, strategy discussion records which contain sensitive information about third parties should be filed in the restricted access section of client records and a note made in the running records recording this fact.

Regardless of the outcome, the strategy discussion will give consideration to what support should be provided for the foster carers during this process.

Further Enquiries

When 'further enquiries' are decided, the strategy group will determine the nature of these enquiries, who will undertake them and within what timescales.

The outcome will be reported back to the strategy discussion who will make a final decision and may then make recommendations to the Fostering Panel.

No Further Action

When a strategy discussion decides on 'No Further Action' under child protection procedures, or that the allegation should be investigated as a complaint or concern against a carer, records of the strategy discussions must be signed off by the Service Manager for Child Protection and copied to the Fostering Team Manager, the child's social worker, the social worker for any other children in placement.

Child Protection Investigation

Consideration will be given to the children currently within the placement, the carer's own children and children who have been placed previously with the foster carer. The discussion on each child must be recorded on the strategy discussion record.

The strategy discussion will inform the decision as to whether the child's own social worker or a social worker from the Child Protection Team will investigate the allegation with the Police.

The Police Officer and the investigating social worker, together with a fostering social worker or senior practitioner, will report back to the strategy discussion who will make decisions regarding the next stage of the investigation.

Foster carers can, if they wish, submit a written account of the concern/incident.

The investigating social worker, together with a fostering social worker or senior practitioner will assess the foster carers in relation to the incident/allegation in the context of the family (risk/needs) including other children placed and/or children who have significant contact with the carers.

Final Strategy Discussion

A final strategy discussion must be held on completion of the investigation.

The chair of the final strategy discussion should ensure that all written records are signed off by the Service Manager for Child Protection.

Review by Fostering Panel

The fostering social worker/senior practitioner must present a report to the Fostering Panel for a review of the foster carer's approval and suitability of them and their household to continue to act as foster carers. The report must include an account of the allegations and investigation and the relevant recommendations and decisions of the final strategy discussion. It will also include consideration of previous placements, endings, supervision/support and training. The report should incorporate the views of the foster carers regarding the allegation and the ensuing investigation.

Decision – Complaint against a Foster Carer

If the decision is that the allegation should be investigated as a complaint, a review of the foster carer will take place in accordance with fostering complaints procedures. A planning meeting will discuss details of the incident(s) together with information on the child, carer and placement. If there is a decision to investigate, this will be

undertaken by an experienced social worker/senior practitioner who is independent of the Fostering Team and foster carer.

It will be the responsibility of the Fostering Team Manager to ensure that appropriate support/advocacy is made available to the foster carers during this process which is independent of the complaints investigation.

At the conclusion of the investigation, the report and recommendations will cover the following:

- a. The continued placement of children currently in the foster carer's household.
- b. The placement of future children.
- c. The continued approval of the foster carers.
- d. Any identified training needs or additional support required.

The report should be presented to the next available Fostering Panel.

NB If, at any stage of a concern or complaint investigation, the investigating social worker has reason to believe that the carers present a risk of significant harm to any child in their care, this must be discussed with the Child Protection Team Manager and consideration must be given to suspending the complaints investigation and initiating a Section 47 investigation.

Decision – Concern against a Foster Carer

If the decision is that the allegation or complaint should be investigated as a concern this must be discussed and confirmed by the Placements Manager. A meeting between the Fostering Team Manager and foster carer's social worker will consider the referral, together with information on the carer, child and details of the placement. If there is agreement to investigate a decision will be made as to the most appropriate person(s) to carry out the investigation.

It will be the responsibility of the Fostering Team Manager to ensure that appropriate support/advocacy is made available to the foster carers during this process.

At the conclusion of the investigation, the report and recommendations will be considered and agreed by the Placements Manager.

The Medway Fostering Panel will be notified of the Carer Concern and the report recorded in the foster carer's file.

'Complaint' – an issue of practice, care or conduct by carers

Status of a complaint to be confirmed by the: Child Protection Team Manager
Placements Manager
C&F Operations Manager

details given to: Child's Social Worker
Social Workers of other children
in placement
Placement Manager
Fostering Manager

Case referred to Child Protection Team Manager

Investigation will be off line

Can be conducted by child protection team social worker
joint with fostering social worker/other

Fostering Team actions:

- Set up file
- Attend strategy meetings/provide details of carer, placements and previous allegations, complaints and concerns
- Inform/support carer as directed by planning meeting
- Advise carers of internal/external support systems
- Inform child's social worker of outcome
- Report to Placements Manager and Fostering Panel
- Ensure carers notified of outcome
- Complaint recorded in Fostering Team systems

'Concern' – an issue of care or conduct by or about carers and their families

Status of concern to be confirmed by: Placements Manager
Child Protection Team Manager
C&F Operations Manager

details given to: Child's Social Worker
Social Workers of other children
in placement
Placement Manager
Fostering Manager

Investigation by fostering team social worker(s).

Fostering Team actions:

- Set up file
- Inform/support carer
- Completed report to Placements Manager
- Report outcome to referrer
- Inform child's social worker of outcome
- Report to Placements Manager and Fostering Panel
- Ensure carers notified of outcome
- Concern recorded in Fostering Team systems