

safeguarding children in foster care

a practice guide
to inform local
*Safeguarding Children
Boards* in the preparation
of local procedures

Foreword by
Maria Eagle MP

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The role of foster carers is a unique and challenging one. They look after some of our most vulnerable children, 24 hours a day, and it is essential that they are properly supported. The way in which allegations are handled is an integral aspect of this.

Fostering services need to have clear processes for dealing with allegations, ensuring that their carers are aware of them. They must treat their carers fairly and honestly – in line with the procedures set out – and give them appropriate support throughout the process of any investigation.

Only by addressing the issues which matter to foster carers will it be possible to encourage greater numbers of people to take up, and remain in, fostering – leading to improved outcomes and better life chances for looked after children and young people.

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1. Introduction

1.1 This practice guide was produced as part of a project led by the Fostering Network in 2005/2006 with support from the Department for Education and Skills. It was prepared with the help of a reference group representing fostering services in the public and independent sectors, child protection managers, foster carers, their children, young people with experience of being in foster care, and parents of children in public care. It takes account of both *Working Together*¹ and *the Fostering Services Regulations 2002*. It should be read alongside a procedure for fostering services which was also produced as part of the project². In addition, a leaflet and training materials: *Protecting Children: supporting foster carers*, has been published by the DfES. The leaflet, designed for an audience of foster carers, their families, young people, parents and others, sets out what can be expected when there is an allegation made against foster carers or family members, or there are other serious concerns about them. The training materials are for fostering services to use with prospective, approved foster carers and others.

1.2 This guide represents good practice and is addressed primarily to Local Safeguarding Children Boards in relation to their responsibility to develop policies and procedures for safeguarding and promoting the welfare of children. It begins with a discussion of the issues to be considered in relation to allegations of abuse in foster care, and then considers issues of good practice.

2. Foster care and allegations of abuse

2.1 Foster carers and their families are subject to investigation on the same basis as anyone else if it is alleged that they may have abused children. Yet, in other respects, they are in a unique position. The regulatory framework requires the careful scrutiny of foster carers from application through to arrangements for reviewing and terminating their approval to foster. As a result, much of their family life is lived in the public arena, open to social workers from children's social care and the fostering service provider, as well as the families of looked after children and other members of the community. They provide care for looked after children 24 hours a day, seven days a week in their own homes, but the vast majority of carers do not have an employment relationship with their fostering service provider. Although children may be abused in foster families, most allegations have little or no foundation when they are closely

¹ *Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children 2006*

² *Managing allegations and serious concerns about carers' practice or standards of care: a guide for fostering services.*

investigated³. Well-established placements may be disrupted with serious consequences for the children concerned. Foster carers and their families are subject to enormous stress during enquiries into an allegation, and are often isolated. Family relationships and almost every other aspect of life are severely affected.

2.2 There is currently no information collected on a national basis about the annual number of allegations and their outcomes. In 2004, the Department for Education and Skills commissioned the Fostering Network to undertake a survey of foster carers who had allegations made against them⁴. Among other findings, the survey found that:

- *Most allegations were not substantiated and criminal prosecutions were rare.*
- *The majority of police investigations were completed within six weeks but the majority of local authority child protection investigations had taken more than 16 weeks to complete.*
- *Most foster families felt the police had been courteous and respectful, and conducted their investigation thoroughly and professionally. The opposite was true for how foster carers felt about social workers and their managers.*
- *One out of five foster carers had their approval terminated. One out of six had their approval fully re-assessed and one out of eight was required to attend further training.*
- *Foster carers felt the 'knee jerk' removal of fostered children ignored children's welfare.*
- *One in four foster families lodged complaints about the investigation.*

Foster carers are a valuable resource. They care for the vast majority of looked after children and there is currently a shortage of 8,200 foster carers in England. It is important that, while being rigorous about safeguarding children, steps should be taken to ensure that foster carers are treated consistently, fairly and with consideration.

2.3 Safeguarding children policies, procedures and practice should therefore take account of the need to:

³ *Fostering can never feel the same for us: a study of foster families that have been the subjects of an allegation*: June 2004; unpublished report for the DfES.

⁴ *Fostering can never feel the same for us: a study of foster families that have been the subjects of an allegation*: June 2004; unpublished report for the DfES.

- actively manage cases and eliminate unnecessary delays;
- protect placement stability wherever possible;
- maintain openness and honesty with foster carers;
- ensure that information is passed onto foster carers at the earliest opportunity;
- fully involve fostering service providers in strategy discussions and other discussions under safeguarding children procedures;
- ensure that all professionals involved in safeguarding children are informed about the role of foster carers, and the regulatory framework that governs fostering service providers.

2.4 Investigations into an allegation that a child may have been abused may have three related, but independent strands:

- a police investigation of a possible criminal offence;
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services;

and, where there is an allegation against a foster carer,

- the operation of the fostering service's procedure concerning a review of a foster carer's suitability to foster and the decision making processes of the fostering service's panel and decision maker, according to the Fostering Services Regulations 2002.

The fostering services procedure under the Fostering Services Regulations 2002 is equivalent to an employer's disciplinary procedure.

3. Issues of good practice in relation to allegations against foster carers

3.1 The following paragraphs set out good practice when procedures concerning the safeguarding of children within the *Working Together* framework interact with the practice and procedures of fostering service providers. They also deal with the needs of looked after children, foster carers and their families that arise as a result of the implementation of safeguarding children procedures.

3.2 *Working Together* requires that when a parent, professional or other person contacts children's social care about any child's welfare, it is the responsibility of children's social care to clarify: the nature of the concerns; how and why they have arisen; and what appear to be the needs of the child and the family. In order to achieve this in relation to concerns about fostered children, an immediate discussion between the local authority's designated officer and the manager of the fostering service will enable them to exchange information about the nature of the concerns; how and why they have arisen; information

about the foster placement and what immediate actions need to be taken. The designated officer is required by *Working Together* to consult with the police. Children's social care will decide about the need for further investigation under safeguarding children procedures. Following consultation with the police and children's social care, the designated officer may notify the fostering service manager that the allegation is a matter to be determined by the fostering service provider's procedures. There may be situations that remain unclear after this discussion. Consideration should then be given to convening a strategy meeting to share information, consider thresholds, and any actions that need to be taken.

3.3 As set out in *Working Together*⁵, the police, children's social care and the fostering service should decide together when foster carers should be told about the allegation if they are not otherwise aware of it, bearing in mind that foster carers should normally be told about the allegation at the earliest opportunity.

3.3 Following the discussion between the local authority designated officer and the fostering service provider, and in accordance with *Working Together*, children's social care will decide on the next course of action within 24 hours. If emergency action is required to protect a child, it is crucial that, in the case of fostered children, the fostering service provider should be included in an immediate strategy discussion as one of the relevant agencies.

3.5 Local authority children's social care should give every consideration to securing *both* the child's safety and placement stability. For example, it may be possible to make arrangements for the foster carer or a member of their family to live elsewhere while an enquiry is underway.

3.6 In addition to the manager of the fostering service (or someone they delegate), the following should also be invited to the strategy discussion.

- the Commission for Social Care Inspection⁶.
- the employer's HR representative should be invited if the foster carer is an employee of the fostering service provider.
- any independent agency commissioned to undertake the investigation.

3.7 The discussion will need to consider the following issues:

- significant information about the child concerned, including previous placements, and information about any previous allegations or complaints made by the child;

⁵ *Working together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children 2006*; Appendix 5, para 15.

- significant information about the foster carers, including the terms of their approval their record as carers and any past allegations/serious concerns relating to them or members of their families;
- whether anything needs to be done immediately to safeguard the welfare of any other children in the foster carer's household;
- whether anything needs to be done to safeguard the welfare of other children that the foster carer or relevant member of their family has contact with e.g. as child minders, youth workers etc;
- what action, if any, needs to take place in relation to other children previously placed in the foster home;
- decisions about information to be given to key people e.g. foster carers, adult members of the foster family, parents/people with parental responsibility, other local authorities who have children in placement/may have had children in placement, out-of-hours services;
- what information is to be given to fostered children and by whom, what support/counselling will be provided for them, and what will be recorded;
- decisions by the fostering service provider regarding any temporary changes concerning the foster carer's terms of approval, pending the completion of the investigation;
- arrangements that could be made if someone were to move out of the foster home in order to safeguard a placement;
- the time-scale for interviewing key adults and children;
- clarification of the role of the supervising worker and the fostering service's ongoing support to the foster carer and their family;
- whether the appointment of an advocate for each child in the family, including the children of foster carers is necessary or not;
- the management of any media implications;

3.8 The foster carer's supervising social worker, or the manager of the fostering service provider, should normally be responsible for communication with the foster carer/adult member of the carer's family about the decisions of the strategy discussion (unless there are restrictions imposed by the police). Whoever is delegated by the strategy discussion to communicate with the foster carer, they should ensure that foster carers:

- are given a copy of the local authority's safeguarding children procedure;
- have access to legal advice and representation;
- understand the process of the enquiry and why it is taking place;
- know when, where and by whom interviews will be conducted;
- are assisted in communicating with the investigating agencies;

- are informed verbally, and in writing on a regular basis of the progress of the investigation⁷;
- are informed of the independent support that can be provided;
- are informed about the financial arrangements the fostering service provider will make in relation to allowances/fees if fostered children are removed or the carer is temporarily suspended from taking further placements.

They must also ensure that foster carers:

- know the reasons for the removal of children, if applicable;
- understand the current status of their approval to foster;
- are informed verbally, and in writing on a regular basis of the progress of the investigation.

3.9 All statements taken during the course of an investigation should be in writing, signed, and a copy made available to the person making the statement and to the foster carer/relevant member of their family/their legal representative in due course. If, exceptionally, there is a reason why any reports or statements cannot be made available, the investigator should inform the fostering service manager. A record of this should be made and the foster carers informed that privileged information has to be considered as part of the investigation.

3.10 Foster carers should be enabled to contribute their point of view in full, and should be encouraged to provide all information that they feel is necessary to provide their perspective.

3.11 Lengthy enquiries may require subsequent strategy discussions, and a representative of the fostering service provider should be present at each meeting⁸.

3.12 The foster carer/member of their family, the children and young people concerned, parents and those with parental responsibility should be given information about the progress of the investigation, verbally and in writing, and a plan for doing this should be included on the agenda of each strategy discussion. Foster carers should normally be informed by their supervising social worker or the manager of the fostering service.

3.13 At any stage during the enquiry, the strategy discussion may decide that the evidence does not justify continuing with an enquiry. However, serious concerns may still remain, and these should be addressed through the fostering

⁷ The nature and extent of the supervising social worker's contact with the carer should be agreed, bearing in mind the fostering service's responsibilities under their procedures and the regulations.

⁸ If possible, the same chair and representative of the fostering service representative should continue in these roles throughout.

service provider's procedure for managing allegations of abuse or serious concerns about foster carers' practice or standards of care.

3.14 Information gathered by children's social care in the course of making the decision about whether to proceed with a S.47 enquiry should be made available for use by the fostering service provider in relation to implementing its own procedure, unless there are restrictions applied by the police. Similarly, information gained by the police should also be shared with the fostering service to assist them in the course of implementing their own procedures.

3.15 At the conclusion of the S.47 enquiry into allegations against foster carers, it is good practice for the chair of the strategy discussion to call a further strategy meeting to conclude the investigation and final outcomes. This will ensure that links are made between the S.47 enquiry, the needs of the children and adults concerned, and any action to be taken by the fostering service in relation to its own procedures under the Fostering Services Regulations 2002. The foster carer could be invited to participate in part of the meeting. The objectives are to:

- review and evaluate the information and findings of the investigation;
- decide whether, on the balance of probabilities, there is evidence that the allegation is:
 - (a) substantiated (allegation proven/positive evidence that the alleged abuse has occurred)
 - or
 - (b) unfounded (there is no substance in the allegation and the alleged abuse did not occur)
 - or
 - (c) not proven (there is no evidence that the alleged abuse occurred or did not occur).

3.16 The meeting should make recommendations about:

- what information should be given to each child and person affected by the enquiry, including parents and those with parental responsibility, and how and by whom this will be done;
- the arrangements necessary for acknowledging the end of the placement in a way that meets the child's needs, if the placement has been disrupted;
- what information will be placed on files relating to the child, the foster carer and any other looked after children affected by the allegation;
- any action to be taken in relation to the foster carer or adult members of a foster family who were the subject of the allegation or concern;
- counselling/therapeutic support for those affected by the enquiry;
- further action in relation to the child, including whether or not a child who has been removed should return to the foster home when the

enquiry has concluded, and if they are to return, how this will be managed⁹.

- 3.17 Guidance about procedures to be followed by fostering services under the Fostering Services Regulations 2002 is provided in the accompanying guide for fostering services.

⁹ Recommendations about action in relation to a child should be made through the independent reviewing officer of the responsible local authority.