

Managing Allegations Against Foster Carers



**Guidance for foster carers
who live within Hertfordshire**



1. Introduction. What is an allegation?

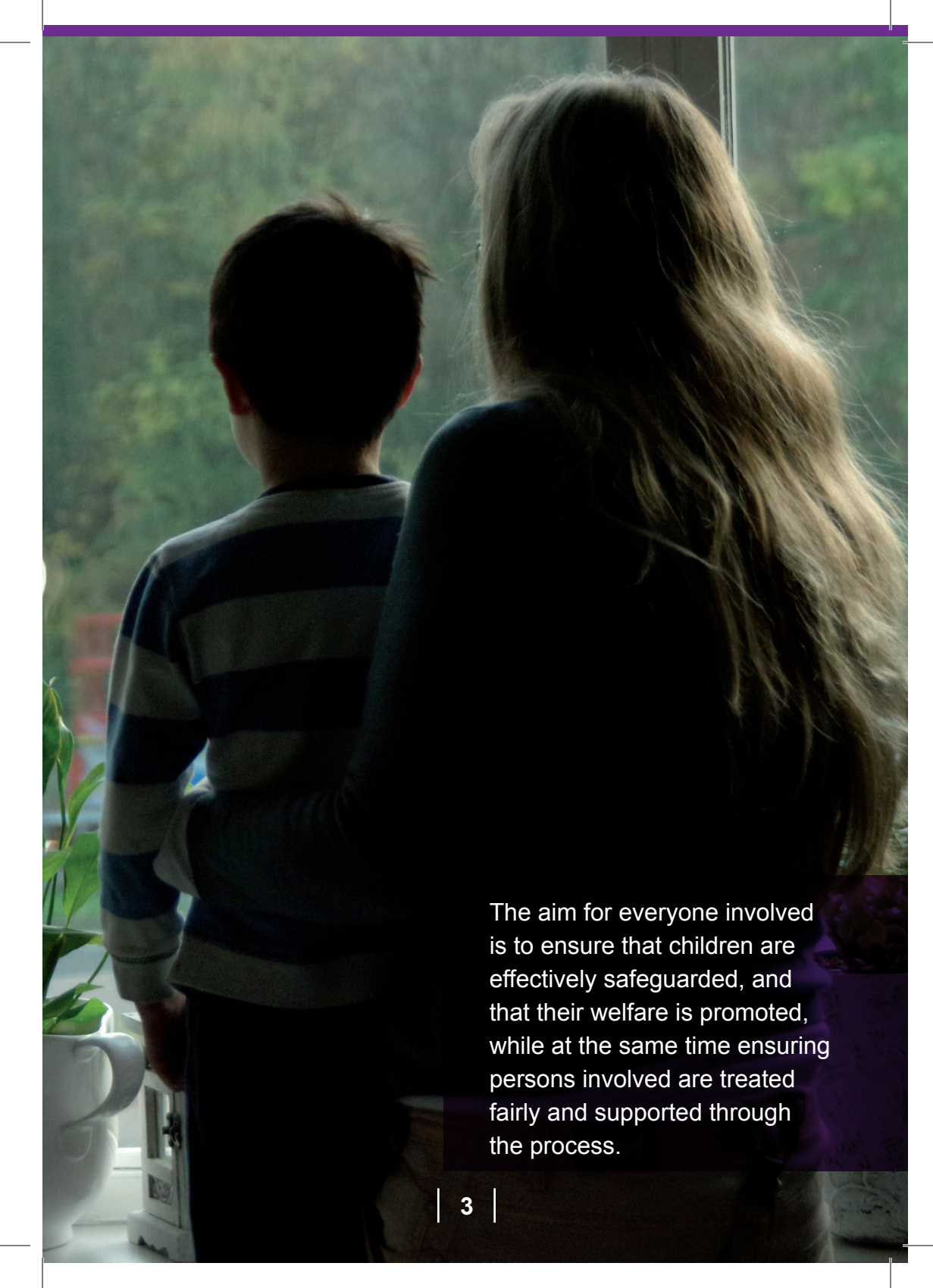
“An allegation is an assertion from any person that a foster carer or another member of the fostering household has or may have behaved in a way that has harmed a child, committed a criminal offence against a child or behaved towards a child in a way that indicates they are unsuitable to work with children.”

Fostering Network

As can be seen from the definition above, the term allegation covers a wide range of different circumstances however becoming the subject of an allegation is always stressful and distressing for the individual concerned and for their family.

Children make allegations for many different reasons which can be linked to developmental trauma and making sense of their experiences but there are times when children can be harmed by adults who are caring for them, intentionally or otherwise, so allegations always need to be investigated fully.

Allegations of poor standards of care also need to be investigated fully from a national legal standing set out by the Department for Education for however there should be a clear distinction between an allegation of harm and discussions over standards of care. Complaints regarding foster carers would not usually be treated as an allegation unless they involve physical, emotional or sexual abuse of a child and they should be investigated under the Hertfordshire County Council complaints procedure.

A photograph of a woman with long, light-colored hair and a young boy with dark hair, both seen from behind as they look out a large window. The boy is wearing a blue and white striped long-sleeved shirt. The woman is wearing a dark-colored top. The window looks out onto a dense, green forest or park. The scene is dimly lit, with the light coming from the window, creating a silhouette effect on the subjects. A small potted plant is visible on the windowsill to the left.

The aim for everyone involved is to ensure that children are effectively safeguarded, and that their welfare is promoted, while at the same time ensuring persons involved are treated fairly and supported through the process.

Terminology

The following references may be made:

LADO – The LADO (Local Authority Designated Officer) provides advice and guidance to employers and other individuals/organisations who have concerns relating to an adult who works with children and young people (including volunteers, agency staff and foster carers) or who is in a position of authority and having regular contact with children (for example religious leaders or school governors).

Children's Services – is the new term that has replaced 'social services'. These services support and protect vulnerable children, young people, their families and young carers.

Child Abuse Investigation

Unit – This is the department of Hertfordshire Police that investigates allegations against adults that work with children.

Strategy meeting or JEM (Joint Evaluation Meeting)

– Strategy meeting usually involving police, local authority and fostering service. Sometimes called a LADO

Section 47 or s47 – Child protection investigation carried out under Section 47 of the Children Act 1989

ADM – Agency Decision Maker

SOC – Standards of Care

IRO – Independent reviewing officer

Some of these terms may differ in other local authorities.

2. Advice and Support during allegations

Your supervising social worker will continue to meet you and carry out supervision and will agree a plan of support with you. If this support by any chance cannot be provided by your supervising social worker, another member of the Fostering team will provide this support. You should continue to receive updates from the fostering service, either from your supervising social worker or a fostering manager. If you feel you need any additional support, please contact the Fostering team manager.



As a carer with Hertfordshire you are automatically a member of the Fostering Network, giving you access to a legal helpline for expert advice on allegations and help with any legal queries as well as:

- attendance by a qualified and experienced solicitor should you or any of your household have to attend a police interview under caution as a result of an allegation
- cover for up to £150,000 legal expenses if a criminal prosecution or civil proceeding is brought against you or any of your household as a result of an allegation
- cover for any allegations that you are made aware of during the period of your membership including historic allegations.

You can access the legal helpline on **0345 013 5004**.

Your supervising social worker will also offer you independent support through Foster Talk who offer face to face support by trained advisors who can help foster carers prepare for and attend meetings and panel and can provide emotional support, advice, information, advocacy and mediation.

The Fostering service will also offer Foster carer peer support where you can get support from another Hertfordshire Foster carer.

Facing an allegation is a difficult and upsetting situation and we encourage our carers to look after their mental and emotional health throughout and after the process. For emotional support Hertfordshire can refer you – or you can refer yourself – to our Employee Assistance Programme on **0800 1116 387**, quoting the username 'Hertfordshire' or an independent, confidential counselling service.

Who will know about the allegation?

Confidentiality should be respected and people only told about allegations on a 'need to know' basis. Those informed may include:

- The child concerned, his/her parents and any party making the allegation
- The LA Designated Officer for Allegations (LADO).
- The Fostering Service
- Social work team for the child(ren)

If the allegation is substantiated (see below) and the Foster Carers approval is terminated the relevant agency should discuss with the LADO whether to make a referral to the Disclosure and Barring Service for consideration of inclusion on the barred lists. There are legal duties around the DBS referrals.

It is not possible for the LADO to confirm if any allegation will be present on a DBS check. It is advisable to contact the relevant department of your local police, should you wish to confirm.

Whilst the allegation is being considered by LADO and until a strategy meeting is held, the Fostering service may be unable to discuss any details about the nature of the allegation with you. This approach is vital to ensure the investigation is carried out fairly and is in line with national best practice. We appreciate that this can be a very difficult time for you and although we can not discuss any details of the allegation, the Fostering service will continue to support you.

3. Practical steps to prepare yourself against allegations.

As a foster carer there are things you can do to reduce the risk of an allegation being made against you or to be prepared if this does happen.

Safer caring – You should attend safer caring training which forms part of your core training as a foster carer and should be repeated every three years. As part of your assessment you will complete a family Safer Caring policy and this should be viewed as a working document to be updated for every new child and as circumstances change within your household or for the child in placement. You should be provided with a copy of The Fostering Network book “Safer Caring: a new approach”. All of your family should be aware of Safer Caring guidance, taking into account their age and understanding and confidentiality.

Support – Fostering can bring many stresses and some difficult times and making use of your fostering supervision, support from the child’s social worker and your own family and personal support network (taking into account confidentiality) can help reduce the impact on you. Support from other foster carers can be invaluable and attendance at support groups gives an opportunity to talk to other foster carers. You can also ask your supervising social worker about the peer mentor scheme which is offered by experienced Hertfordshire foster carers.



Please see your training guide for dates of Keeping Records training.

Daily recordings – keeping accurate, regular records can provide additional information if an allegation or complaint needs to be investigated. For example, if it is reported that a child has an injury such as a bruise you may not remember how this happened and referring back to daily records can help with this.

Communication – sharing information with your supervising social worker and the child's social worker can help avoid misunderstandings and inform investigations. For example, if any difficult dynamics within your household are known before concerns are raised this might assist with understanding how problems might have arisen.

4. What happens when an allegation is made?

Our aim is to complete an investigation as quickly as possible following an allegation, but this process can not be rushed as we need to be completely thorough.

The relevant Team Manager for the child and the Fostering/ Friends and Family Team Manager should jointly decide whether the allegation satisfies the following criteria from Working Together (2015), that a person has:-

- Behaved in a way that has harmed or may have harmed a child;
- Possibly committed a criminal offence against, or related to, a child;
- Behaved towards a child in a way that indicates he or she is unsuitable to work with children.

If they believe this criteria has been met they must refer the matter to the LADO.

An initial risk assessment will also be carried out to consider any precautionary action such as the removal of a child. Good practice guidance suggests that foster children should not automatically be removed due to the added trauma and disruption this would cause the child so the needs of the child and the nature of the allegation need to be considered. If the allegation is felt to be so serious that there is no alternative but to move the children due to safeguarding reasons, the foster carers will be put on hold until the investigation is completed.



This is in line with Hertfordshire County Council's Safeguarding procedures. In these circumstances fees in dispute can be paid for up the sixteen weeks as described in the foster carers' payments document.

If it is deemed by the LADO that the above criteria are not met there may still be quality of care concerns. In that case the supervising social worker and/or child's social worker will address the concerns with the foster carer(s), through internal processes. Once this intervention has taken place you will receive a form from the Fostering Team manager summarising the concerns and actions.

This may result in an IRO review and a return to Panel (see below).

What will LADO do?

If the criteria/threshold are met, the LADO's role is to ensure that everyone is treated fairly and offered support. The LADO will also keep a watch over how long investigations are taking and challenge any unnecessary delays.

It is very important that everyone involved is listened to and that all the evidence is considered carefully. In this way the LADO helps to ensure that the right outcome is achieved.

The LADO will convene a strategy meeting or a Joint Evaluation Meeting (JEM) to consider if and how an investigation should be carried out, and by who as well as what information can be shared with you. This meeting will be chaired by the LADO and will include the supervising social worker and their manager, social workers for any children the placement, the police (if appropriate) and a health representative. Other professionals will be invited as appropriate.

You will not be asked to attend, neither will the child or their family. You will be told about the allegation as soon as possible. This will be dependent on advice from the either the police and/or LADO.

In most cases the LADO will not have direct contact with the subject of the allegation (or the affected child/children and their family). Communication will be via the Fostering Service.

Police involvement

The initial strategy meeting will decide whether or not the police will be involved which will generally only be the case if it appears that a criminal offence has or is likely to have been committed. If the police decide to investigate an alleged criminal offence you may be arrested, or formally invited to assist with the investigation. Foster carers should consult with Fostering Network to obtain legal advice. (Legal Helpline **0345 013 5004**).

At the police station you will be entitled to free and independent legal advice. You can see a Duty Solicitor, but you may wish to use your own solicitor to make sure s/he specialises in criminal law.

What happens if the police do not need to investigate?

If the allegation is not felt to meet the threshold for police involvement, it may still be deemed necessary for Children's Services to conduct a planned enquiry.

This investigation should be conducted by a social worker who has a level of independence i.e. not the social worker for the child. Although in some circumstances it may be felt more appropriate for the child's social worker to speak to the child.

Concluding the investigation

Once the investigation is concluded then there needs to be a reconvened strategy meeting where the outcome will be discussed.

Agreement will be reached on the following outcomes:

Substantiated – There is sufficient evidence to prove the allegation

Malicious – There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive

False – There is sufficient evidence to disprove the allegation

Unsubstantiated – There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence

The meeting may wish to use the additional definition of ‘unfounded’ to reflect cases where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

The Chair (the LADO) will notify the foster carers in writing to inform them of the outcome and relevant actions/recommendations.

5. Fostering Panel

After an investigation is concluded a fostering review will be carried out, with oversight of an Independent reviewing officer (IRO).

This will look at the nature of the allegation and what lessons can be learned from it. The Foster carer review report and IRO report will be presented to fostering panel and you will be given a copy of the reports and will have the opportunity to provide your own written comments or report to be submitted to panel. For more information about the IRO process, please see Fostering IRO review leaflet ([link](#)).



The fostering service have a duty to inform panel that an allegation has been made regardless of the outcome of the investigation. You will be invited to attend panel. It may be, where there are no ongoing concerns, this will be a formality, or panel may be asked to consider whether the foster carers approval continues to be appropriate.

The recommendations made by panel will be notified to the ADM (Agency Decision Maker) who will make a decision regarding continuing approval. This may be to continue fostering with no changes to approval, continue fostering with some changes recommended (there will need to be a clear plan and timescale for this to be achieved in this instance) or that you are unsuitable to foster and should be de-registered. If the decision is de-registration the ADM must give written notice to you that they propose to terminate or revise your terms of approval and advise you of your right to appeal.

What happens if I want to resign and want to leave?

You can resign however it is important to reach a conclusion in all cases of allegations, including any in which the person chooses not to be involved with the process, it may be difficult to reach a conclusion when someone resigns and does not wish to take part in the process, but it is important to reach and record a conclusion wherever possible.

You will be invited to be part of the Panel Outcome process.

6. Support and contact details

The Fostering Network

Member's Legal Helpline:

0345 013 5004

<https://www.thefosteringnetwork.org.uk/advice-information/advice/fostering-network-helplines>

Employee Assistance Programme

0800 1116 387

Quote the username
'Hertfordshire'

Foster Talk

01527 836910

www.fostertalk.org

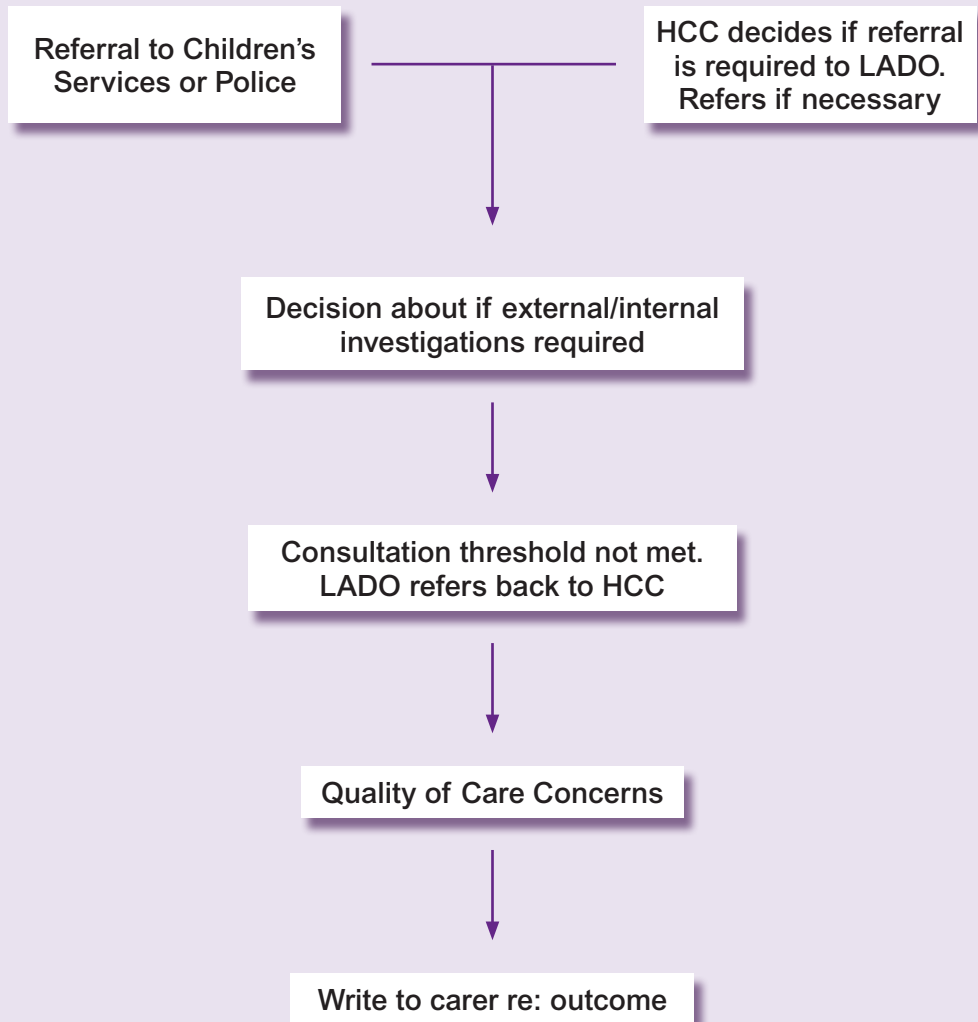
Foster carer peer support

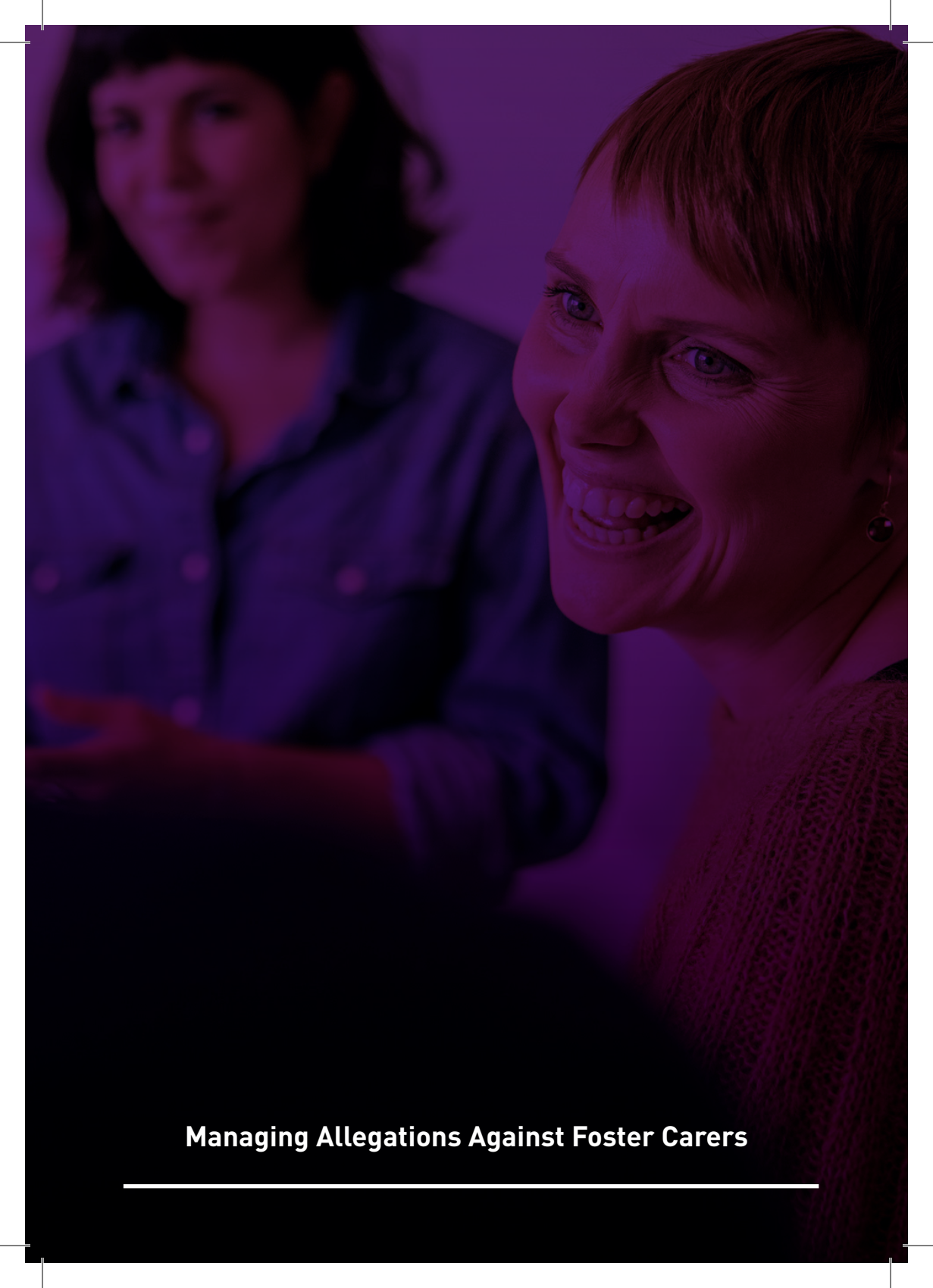
If you would like support from another foster carer during the process, the Fostering service can put in touch with one of our peer support foster carers.



The full procedures can be viewed at:

https://hertsscb.proceduresonline.com/chapters/p_manage_alleg.html#against



A photograph of two women smiling, overlaid with a purple gradient. The woman in the foreground is on the right, looking towards the left and smiling broadly. She has short brown hair and is wearing a dark top. The woman in the background is on the left, also smiling, with long dark hair and wearing a light-colored button-down shirt. The entire image is covered with a semi-transparent purple overlay.

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If carers live in another authority their procedures will have to be followed and they may differ from Hertfordshire County Council.