



Allegations & Foster Care Factsheet

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Providing foster care to vulnerable children is a vital role that can provide stability care and opportunities to children who may be at risk of abuse and/or whose lives may be at a point of crisis. Whilst the role can be rewarding there is no doubt that it also brings many challenges and perhaps the biggest concern for many foster carers is the risk of allegations.

Allegations may come from the child, their family, other professionals, or members of the public. Foster carers can feel vulnerable and if an allegation is made against them or another household member the impact can be immense emotionally, physically, and financially. This factsheet explores how the likelihood of allegations can be minimised, information about the allegation process and what help is available to a carer should they find themselves subject to an allegation.

Allegations or concerns can be made for many reasons and carers particularly struggle when they may have come from the child. Children make allegations for several reasons examples include the child may have experienced abuse by a foster carer, the actions of a carer may have been misinterpreted by a child perhaps as a result of earlier experiences, a child may wish to return home or move to another placement or they may be coerced in to making an allegation by another party such as a birth family member.

Whoever makes the allegation it is important that all concerns about the care of children are investigated appropriately to protect them from abuse whilst at the same time providing support to those subject to the allegation.

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All who work with children are vulnerable to allegations and as foster carers do much of their role within their own home, without others around, they may be particularly vulnerable. There are many preventative actions that carers can take with their fostering services to minimise the risk of concerns/allegations such as:

- Make sure as a foster carer you are familiar with and understand the fostering service policy and procedures in relation to safeguarding, behaviour management, restraint, contact, levels of child supervision, pocket money and savings etc. Ensure any delegated responsibility for day-to-day decision making is clearly understood and recorded. Revisit these issues regularly in supervision, particularly when policies and procedures change and seek clarity from the supervising social worker if there are any issues with current foster care practice and the needs of the fostered children and young people in placement.
- Ensure a safer care policy is completed and reviewed regularly as the needs of household members change or when a new placement is made. The policy should focus on keeping all household members safer including other children and the foster carers and can include visitors to the home and contact with extended family of the foster carers. Include all household members in these discussions so that all are aware of the rules in place and the reasons why in an age-appropriate way.
- If there are issues that are cause for concern discuss whether a risk assessment may be helpful to focus on any risks and what actions are needed by the fostering service and foster carer to minimise risks for the child and all other household members. Examples may be current or previous; self-harming behaviour, frequent absconding, previous aggressive behaviours and use of alcohol or drugs. Depending on the age and level of understanding it can be helpful to include the fostered child or young person within the risk assessment process so they understand what rules are in place, why and any actions the carer may need to take.
- Foster carers should ensure they keep up dated on safeguarding, safer care, behaviour management and other relevant training. Many fostering services also offer Allegations Training- discuss any training needs with your supervising social worker and ensure your personal development plan addresses your needs and those of your household.



- Contact can sometimes be fraught and foster carers may try to advocate for a child and find themselves targeted by families or caught up in disputes. Foster carers may wish to request a Contact Agreement is drawn up to clarify plans for any contact; frequency, times, venue, transport arrangements as well as any roles and responsibilities for the carer, contact worker (if applicable) and the family.
- If there are disputes about contact or care planning etc... looked after children can access independent advocacy talk to the child or young person and their social worker or independent reviewing officer to arrange this or contact National Youth Advocacy Service on 0808 808 1001.

Concern raised about a foster carer may fall into allegations, complaints, or standards of care concerns. Each may have the potential to raise questions about a carers suitability to foster but will have their own policy and procedure within the fostering service outlining how the situation will be responded to dependent on how the concern is categorised. Below are brief definitions with examples of each category:

ALLEGATION- an assertion that someone may have behaved in a way (by action or omission) that has harmed, abused, or neglected a child. This might also involve a possible criminal offence. An allegation may indicate that that someone is unsuitable to work with children as they may pose a risk of harm to them. Examples may include that a carer has hit a child or emotionally abused them via screaming and shouting. Ask the fostering service for a copy of the relevant policy.

COMPLAINT—A written or verbal expression of dissatisfaction about the service given. Fostering services will produce a complaints policy and procedure and foster carers can ask for a copy of this. Examples might include a complaint about pocket money, savings or food choices provided by the foster carer. **If the complaint is in relation to possible safeguarding concerns, it is likely to be dealt with as an allegation.**

STANDARDS OF CARE ISSUE— this is when concern is raised by another that the care provided by the foster carer is deemed below the appropriate standards for foster care. Examples might include the standard of the foster care accommodation or quality of clothing provided for the child. Ask the fostering service for a copy of the relevant policy. **If the standard of care is in relation to possible safeguarding concerns it is likely to be dealt with as an allegation.**

If you need advice and support around a complaint or standards of care issue, please contact Fosterline . Fostering services are not required to provide independent support to carers who are subject to standards of care or to a complaint however, some may choose to do so, and foster carers can request this.

When a concern is raised about a foster carer the fostering service will need to determine how the issue will be managed and this may be in conjunction with the responsible local authority and the Local Authority Designated Officer (LADO). If the situation is to be dealt with as an allegation the LADO will organise a Strategy Meeting (sometimes known as a Position of Trust Meeting) with the relevant professionals and this may involve the Police. In urgent situations this may be convened via telephone/ video chat discussions where urgent action may be needed.

The LADO is responsible for overseeing the management of the allegation, giving guidance to employers, and fostering services and agencies, liaising with the Police and other agencies, and monitoring the progress of the case to ensure it is concluded appropriately and as quickly as possible. If the foster carers have children placed from different local authorities, there will be liaison over which LADO should chair the meetings and representatives from the other local authorities are likely to attend.



The meeting will determine next steps to take, decide whether enquiries under Section 47 of The Children Act 1989 should take place and confirm any ongoing role for the Police if applicable. Working Together 2015 states that a Section 47 enquiry is initiated to decide whether and what type of action is required to safeguard and promote the welfare of a child who is suspected of, or likely to be, suffering significant harm. The strategy meeting will agree the conduct and timing of any criminal investigation which may involve an interview under caution for the foster carer(s) and a joint interview by the police and local authority of the child or children. Further strategy meetings may be held until an outcome has been agreed.

The possible outcome of an allegation is as follows (if there is more than one allegation being investigated each may be considered separately):

- Substantiated- there is sufficient evidence to prove the allegation. There may or may not be continued involvement of the police in respect to any alleged criminal offence (if applicable)
- Unsubstantiated- There is insufficient evidence to either prove or disprove an allegation. Innocence or guilt can therefore not be determined.
- Unfounded/False- evidence is sufficient to disprove the allegation OR where there is no evidence or proper basis which supports the allegation being made.
- Malicious/unfounded- Evidence disproves the allegation and demonstrates there has been a deliberate act to deceive

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Referrals will be made to the Disclosure and Barring Service (DBS) when an employer or organisation or fostering service believes a person has caused harm or poses a future risk of harm to vulnerable groups, including children. The DBS service will then consider the information to decide if the threshold has been met to bar individuals from working with children/adults. Foster carers can find information on this process and making representations **here**.

Foster carers concerned about DBS issues can contact Unlock for further advice **01634 247350**.

National Minimum Standards 2011 set out requirements for fostering services and foster carers and standard 22 addresses Handling Allegations & Suspicions of Harm with the outcome:

“Allegations and suspicions of harm are handled in a way that provides effective protection and support for children, the person making the allegation, and at the same time supports the person who is the subject of the allegation.”

The link to National Minimum Standards is here **<https://www.gov.uk/government/publications/fostering-services-national-minimum-standards>**

ADVICE FOR FOSTER CARERS SUBJECT TO ALLEGATIONS:

Many foster carers decide to resign as they are so distressed or disappointed to find themselves subject to an allegation. Some may feel pressured to do so from their family or from their fostering service. Fosterline advises carers to think carefully about this as resignation will take automatic effect after 28 days and cannot be retracted but the investigation process may likely continue. If a foster carer resigns, they will have a more limited voice in the process and no opportunity to appeal (see below). Information may be recorded on their file that would affect any future fostering application with any fostering service.

1. Fosterline can advise carers how to access independent support in the event of an allegation and recommends that carers do this as soon as possible. The National Minimum Standards 2011 (22.12) states: "During an investigation the fostering service makes support, which is independent of the fostering service, available to the person subject to the allegation and, where this is a foster carer, to their household, in order to provide:
 - Information and advice about the process
 - Emotional support; and
 - If needed, mediation between the foster carer and the fostering service (including attendance at meetings and panel hearings).

How the independent support is provided is not defined within the NMS and fostering services will determine this, examples may include a referral to an external organisation for an independent support worker or the use of a sessional worker for this purpose. Check the fostering services policy (see below) that may include details of this.

2. Obtain a copy of the allegations policy and/or child protection procedures within the fostering service. (NMS 22.3)



3. Each fostering service should have a designated person usually a senior manager who has responsibility for managing allegations and liaising with the professionals and the subject of the allegation to keep them informed of progress during and after an allegation (NMS 22.5). Foster carers should be informed about an allegation as soon as possible but the details of the allegation may be withheld initially if there is concern that this may compromise any ongoing investigation.
4. Dependent on the content of the allegation a decision may be taken for a child or children to be removed from the foster carer(s) whilst an investigation is undertaken. A decision on this should be taken based on the best interests of the child or children in the household considering all risk factors. It is not a presumption of guilt. If children remain with a foster carer during an investigation, they should continue to receive support from a supervising social worker in respect of the placement but can still request independent support as outlined above.
5. Each fostering service are required to have a Payment Policy that sets out criteria for payments and includes information on their policy in relation to payment of any fees and/or allowances in the event of an allegation. Foster carers can request a copy of the payment policy. (NMS 28.5 and 28.6)

6. Consideration of any specialist support services may be helpful early in the process. The foster carer may have a membership service (provided by the fostering service or purchased individually) that may provide access to a free legal helpline for phone advice, counselling support and legal representation if a foster carer is to be interviewed under caution and assistance with legal costs in relation to defending any legal action. If in doubt check with the fostering service if any membership service has been taken out and contact the membership organisation for details of what help they can offer. Fosterline can also provide impartial advice to any foster carer in England <https://www.fosterline.info/about-us/contact-us>
7. If the foster carer(s) are employed or volunteer with children in other roles in addition to fostering they may wish to seek legal advice about whether they should disclose details of an allegation to their employer.
8. Make sure that recordings are up to date, and it may be helpful to do a timeline if a particular incident is fresh in the mind. You may wish to make a subject access request to seek details of records held by the fostering service if you need further information on this process, please contact Fosterline (see the contact us link above).
9. Occasionally the allegation may be so serious that carers may find their care of birth children and/or grand children may be part of the section 47 enquiry. If this is the case seek legal advice at the earliest opportunity via the membership service in place or via Citizens Advice Bureau (08444 111 444) or Family Rights Group (0808 801 0366).
10. Following the conclusion of an allegation foster carers should receive a written summary of the allegation, action taken and the outcome (NMS 22.7). Fostering services are required to arrange a post allegation review "As soon as possible after an investigation" (NMS 22.8)

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11. Check that the fostering service will provide an opportunity for the foster carer to respond to any review reports in writing prior to the review meeting – see details of the fostering service allegations/review policy. The Fostering Services (England) Regulations 2011 states when undertaking reviews fostering services must “Seek and take into account the views of the foster parent” (Reg 28(3)).
12. An independent support worker if provided may be able to assist in responding to reports and/or attending review and/or panel meetings. In the absence of this foster carers can ask about the supporting person policy if the foster carer wishes to have someone else with them for support in reviews and panels.
13. Following the post allegation review the report from the meeting should be shared with the foster carer and a date agreed for Panel. The report is likely to include recommendations about whether there is continued suitability to foster and any changes in terms of approval—but this a recommendation not a decision. Should a foster carer wish to submit any additional responses or information to Panel members check with the fostering service the date this is required to be submitted as reports are usually circulated to panel members a minimum of 5 working days before the meeting but may be sooner than this in some services. Foster carer(s) should be invited to attend the Foster Panel. Again the independent support worker may attend with the foster carer or the foster carer can ask about the accompanying person policy if they wish to have someone with them for support.
14. Fostering panel will make a recommendation about suitability to foster and terms of approval, but it is the Agency Decision Maker (ADM) that will write to you with a decision and in some situations, this can be different to the recommendations that may have been shared at the Panel.
15. If a foster carer is unhappy with the proposed decision by the ADM, they have 28 days to appeal (suitability to foster or changes to the terms of approval) and can choose to do this via a return to foster panel or via the Independent Review Mechanism (IRM) in most cases– details of this will be included in the letter.



16. The fostering panel or IRM will invite the foster carer(s) to submit any additional information and will invite them to the panel. The panel will again make a recommendation to the ADM and the ADM will consider this. If the recommendation is different from the first panel and ADM original decision the ADM will need to consider carefully and record any reasons for the final decision. This result is then final.
17. Foster carers can make a complaint using the complaints procedure if they feel they have been treated unfairly by the fostering service however this will not address suitability to foster. Foster carers may choose to transfer to another fostering service if they are unhappy with a change in the terms of their approval or in the event of deregistration. Any new service will wish to take up a reference from the current fostering service and to access the files with the carers consent.

For further advice and support please contact Fosterline
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