

managing allegations and serious concerns about foster carers' practice or standards of care

a guide for
fostering services

Foreword by
Maria Eagle MP

foreword

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.

Maria Eagle MP

Parliamentary Under-Secretary of State
for Children, Young People and Families

1. Introduction

1.1 Statutory guidance in *Working Together* requires organisations providing services for children to operate a procedure for handling allegations of abuse.¹ In 2005/2006, the Fostering Network led a project to develop the content of such a procedure 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 *Working Together*, the *Fostering Services Regulations 2002*, and applies to fostering services in the public and independent sectors. In addition, a practice guide has also been produced to inform Local Safeguarding Children Boards in relation to their responsibility to oversee and approve the preparation of local procedures².

1.2 Fostering service providers should be familiar with *Working Together* and will need to tailor their own procedure to comply with those of their Local Safeguarding Children Boards and their own needs. They should also take account of *Protecting Children: supporting foster carers*, published by the DfES. This includes a leaflet and training materials. The leaflet is designed for an audience of foster carers, their families, young people and parents. It sets out what can be expected if there is an allegation or other serious concern. The training materials are for fostering services to use with prospective, approved foster carers and others.

2. Scope of the procedure

2.1 In addition to the requirements of *Working Together*, fostering service providers also have to manage situations where there are serious concerns about foster carers' standards of care or practice. Both allegations and serious concerns may lead to the termination of a carer's approval to foster. The Fostering Regulations 2002 provide the basis for this³. The way in which this operates in practice needs to be addressed as part of a procedure concerning allegations and serious concerns. Moreover, aspects of the relationship between the fostering service provider and the foster carer should be spelt out in order that the resolution of an allegation or serious concern can be seen to have proceeded in a way that is fair to the carer and their family.

¹ *Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children 2006* Part One, Section 4.145.

² *Safeguarding children in foster care: a practice guide to inform Local Safeguarding Children Boards in the preparation of local procedures*.

³ Fostering Services Regulations 2002 Part IV S.29 Reviews and terminations of approval.

2.2 The framework of *Working Together* makes provision for allegations that might indicate that a person is unsuitable to work with children in their present position, or in any capacity. It applies when it is alleged that a foster carer or member of their family has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or,
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children, in connection with the person's employment or voluntary activity⁴.

2.3 Appendix 4 of *Working Together* concerns procedures for managing allegations against people who work with children, and has the status of practice guidance. The following sections have had regard to Appendix 4, but the indicative timescales differ⁵. It is vital that foster carers and their families should not be subjected to unnecessary delay. It is equally important to be thorough and fair in the complex circumstances that often surround allegations against foster carers or family members. The reference group, and others consulted about this guide, were of the view that the timescales in the following sections are realistic. However, it must be emphasised that the issue of the time taken to manage allegations is crucial. Decisions and actions should be taken without delay and in advance of the indicative timescales in this guide wherever possible⁶.

2.4 Outside the framework of *Working Together*, serious concerns about a foster carer's standards of care or practice resemble disciplinary and capability procedures that would be in operation if the foster carer had an employment relationship with the fostering service provider. The vast majority of foster carers are not employed by fostering services, and even where they are, the question of a carer's suitability to foster in relation to the nature of the care they are able to offer or the quality of their practice is governed by the Fostering Services Regulations 2002.

2.5 The following sections begin with material about the relationship that should exist between the fostering service provider and the foster carer during the process of resolving an allegation or serious concern. This is followed by the procedure to be followed by the fostering service within the *Working Together* framework. The final section deals with the process of reviewing the approval of the carer's suitability to foster, and the termination of approval

⁴ *Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children 2006* Appendix 4, Procedures for managing allegations against people who work with children.

⁵ *Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children 2006* Appendix 4, s.10 says that the indicative target timescales it specifies are not performance indicators and that the time taken to investigate and resolve individual cases depends on a variety of factors.

⁶ *Working Together (Section One, Statutory Guidance)* 4.151 says that 'The investigation should be conducted as quickly as possible consistent with its effective conduct'

whether as a result of an allegation of abuse or serious concern about standards of care or practice.

3. Relationship between the foster carer and the fostering service provider

3.1 The relationship between fostering service providers and foster carers should be fair and honest. Decision-making and communication with foster carers should be timely. In addition, training, supervision and continuing support are vital to ensure that foster carers are enabled to safeguard fostered children and minimise the possibility of allegations of abuse being made.

3.2 Foster carers should have access to immediate information and advice from an independent source if there is an allegation against them, or the fostering service has informed them that they have a serious concern about their practice or standards of care. The Department of Education and Skills has commissioned 'Fosterline', a national information and advice service available to foster carers by telephone, email or post. Fosterline is open between 9.00am and 5.00pm, Monday to Friday except bank holidays. Contact details are freephone 0800 040 7675, textphone, 0800 040 7675, email, fosterline@fostering.net. Fostering service providers should ensure that foster carers are signposted to this service as a first source of advice.

3.3 The National Minimum Standards for fostering services (Standard 22.9) specify that fostering services should provide independent support during an investigation into an allegation⁷. As soon as possible, and in consultation with the foster carer, the fostering service should commission a suitable independent provider, and consideration should be given to support for the foster carer's sons and daughters, whether or not the allegation has been made against them. Independent support should continue to be available throughout any review of a foster carer's approval. Foster carers who are the subject of serious concerns about their practice or standards of care should also have independent support to assist them to clarify the stages of the procedure and help them to represent their point of view. Further information about independent support is included in appendix 1.

3.4 The supervising social worker should normally have continuing responsibility for being the link between the fostering service and the foster carer, even when the carer has independent support. However, it is important to take the views of the foster carer into account, and another representative of the fostering service provider should be nominated if the supervising social worker will not be fulfilling this task.

⁷ *Working Together (Section One, Statutory Guidance)* 4.152 says that 'the provision of information and advice must take place in a manner that does not impede the proper exercise of s.47 enquiries, disciplinary and investigative processes'.

3.5 If fostered children are removed from placement and the foster carer is suspended from taking new placements, the fostering service provider should ensure that the foster carer is paid a proportion of the allowance for each placement that the foster carer is approved to take. This is to cover the continuing household costs incurred by foster carers in relation to fostering, whether or not there are children in placement. Consideration should also be given to the continuing payment of any fee that the foster carer would have received before the removal of the child/children.

3.6 The fostering service provider should continue to make such payments, at least until the time of any decision by the fostering service decision-maker (taking into account the recommendation of the fostering panel) to terminate the carer's approval.

3.7 Arrangements for paying foster carers in the circumstances covered by the procedure should be set out in the foster carers' handbook and should be confirmed in writing to the foster carer if they are suspended from taking further placements.

3.8 Under the Fostering Services Regulations (2002) 29 (7) written notice must be given to the foster carer that the fostering service proposes to terminate the carer's approval, together with the reasons, and inviting any representations within 28 days. As part of this procedure, the letter should also confirm that payments will cease, and the date.

3.9 If a foster carer wishes to transfer from one fostering service provider to another during the course of the operation of this procedure, the foster carer's current fostering service provider should notify the other fostering service that the foster carer is subject to a S.47 enquiry or other action under the procedure, and inform them of the target time for completing the investigation/review of approval.

4. Allegations against foster carers/members of their families within the *Working Together* framework.

4.1 Within the *Working Together* framework, there may be up to three strands in the consideration of an allegation against a foster carer:

- 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;
- the operation of the fostering service's procedure concerning a review of a foster carer's suitability to foster, and the decisions of the fostering service's panel and decision-maker, in accordance with the Fostering Services Regulations 2002.

Depending on the circumstances, it may be necessary for these strands to operate in parallel. For example, a fostering service may decide to suspend a foster carer from receiving further placements while a police investigation and/or enquiry by children's social care is taking place, and pending a review of the carer's approval to foster.

4.2 In rare cases, allegations will be so serious as to require immediate intervention by children's social care and/or police. Others that meet the criteria in paragraph 2.2 may seem much less serious and on the face of it will not warrant consideration of a police investigation, or enquiry by children's social care. Sometimes there may be reason to believe that the allegation is untrue. However, the role of the local authority designated officer⁸ is central to the initial decision making process in all circumstances. The relevant local authority designated officer should be informed without delay by the fostering service of all allegations of abuse that appear to meet the criteria in 2.2. The designated officer must then contact the police and will consult children's social care colleagues. The relevant designated officer is the person nominated by the local authority in which the foster carer or family member lives, whether or not there are children in placement from that or other local authorities at the time of the allegation.

4.3 The fostering service manager⁹ should make a record of the discussion, which may take place by telephone, with the local authority designated officer. The fostering service manager should have the following information to contribute to the discussion:

- information about the legal status of the child concerned, the local authority responsible for the child, length of time in placement with the foster carers, contact details of relevant staff and foster carers;
- information about other children in the foster home, including the foster carer's own children;
- details of the allegation;
- any action already taken by the fostering service, the responsible local authority or others;
- whether the foster carer (and family member, if they are the subject of the allegation) are aware of the allegation, bearing in mind that unless there are exceptional reasons not to, they should be informed of the substance of the allegation as soon as possible, and within 3 working days of any discussion with the LA designated officer (see below);

⁸ LSCB member organisations, County and unitary level local authorities should each have officers who fill the roles described in *Working Together to Safeguard Children: a guide to inter-agency working to safeguard and promote the welfare of children 2006* Chapter 4, 4.148 and 4.149.

⁹ We have referred to the fostering service manager throughout this guide. This term should be taken to mean the relevant manager in the fostering service who may be a team manager or at a more senior level.

- a discussion about the needs of all the children in the foster home and what might need to be done in relation to decisions about their care;
- information about the carer's record in fostering and whether the foster carers are temporarily suspended from taking further placements of children;
- the foster carer's views, where known, concerning the allegation;
- the views of the supervising social worker;

and, if available:

- the views of the social workers of children in placement;
- the views of the independent reviewing officer.

The fostering service manager and the LA designated officer should exchange confirmation in writing about the discussion, including next steps, within 24 hours.

4.4 The fostering service manager may need to decide whether to suspend the foster carer from taking any or further placements, depending on the nature of circumstances of the allegation, in which case, see section 3 above.

4.5 The fostering service decision-maker and the Commission for Social Care Inspection¹⁰ should be informed of the allegation and kept up-to-date as necessary.

4.6 Depending on the circumstances of the allegation, children's social care may initiate strategy discussions, either by phone or meetings in order to determine, along with the police, whether a Section 47 enquiry, or concurrent police investigation is necessary. The fostering service provider should be invited to participate in all strategy discussions.¹¹ Issues that should be considered at strategy discussions are set out in paragraph 3.7 of *Safeguarding children in foster care: a practice guide to inform Local Safeguarding Children Boards in the preparation of local procedures*, which accompanies this procedure.

4.7 Strategy discussions should decide on a plan for informing foster carers and those with parental responsibility about the decisions of the meeting, both verbally and in writing. The foster carer's supervising social worker, or the

¹⁰ The Fostering Services Regulations 2002, Schedule 8, Events and notifications, requires that the CSCI is informed of the instigation of any child protection enquiry involving a child placed with foster parents.

¹¹ Working Together refers to the contribution of other professionals on a number of occasions. See in particular, 4.37. Paragraph 4.41 says that all those participating 'should be sufficiently senior and able therefore to contribute to the discussion of available information and to make decisions on behalf of their agencies.'

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 meeting (unless there are restrictions imposed by the police). Whoever is delegated as a result of the strategy discussion to communicate the decisions of the discussion to the foster family, 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 informed of the independent support that will 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 assisted in communicating with investigating agencies;
- are informed verbally, and in writing on a regular basis of the progress of the investigation¹².

4.8 The fostering service manager should inform the fostering service decision-maker and the CSCI about the decisions of the strategy meeting and any recommendations about the carer's approval status. The fostering service decision-maker should inform the foster carer in writing about temporary changes in approval status during the course of the S.47 enquiry, e.g. if further placements are suspended until the enquiry is complete, placements are restricted, or children currently in placement are only able to remain if the person accused of the abuse is no longer resident. The plan for supporting the foster carer and family members should be given to the fostering service's decision-maker.

4.9 Lengthy enquiries require further strategy meetings, and a representative of the fostering service provider should be at each meeting¹³.

¹² The nature and extent of the supervising social worker's contact with the carer should be clarified with all concerned, bearing in mind the responsibilities & procedures of the fostering service and the requirements of the Fostering Services Regulations 2002.

¹³ If possible, the same representative of the fostering service representative should continue throughout.

4.10 As above, a plan for keeping the foster family informed should be agreed at each strategy discussion. Foster carers should normally be informed by their supervising social worker or the manager of the fostering service.

4.11 At any stage in the course of strategy discussions, children's social care may decide that the evidence does not justify continuing with the S.47 enquiry. However, concerns may still remain, and these should be addressed through the fostering service provider's procedure for managing allegations of abuse or serious concerns about foster carers' practice or standards of care. In this case the following paragraphs apply.

5. Fostering Service Provider investigations

5.1 This part of the procedure comes into operation only after the designated officer has consulted the police and when children's social care have decided not to commence or continue with a Section 47 enquiry.

5.2 As soon as the police have been consulted, and children's social care decide not to commence or continue with a Section 47 enquiry the fostering services manager will need to decide whether they require further information, prior to undertaking a review of the foster carer's approval¹⁴. The manager's decision will depend on the extent of the material gathered prior to the decision by children's social care not to proceed with the Section 47 enquiry. The fostering service manager should consult with the LA designated officer in order to obtain the necessary records of interviews conducted by children's social care and the police. When this information is available, it may be possible to proceed straight to a review of the carer's approval to foster, or the fostering service's investigation may be brief in the light of information already available. If an investigation by the fostering service is necessary, its purpose is to ensure that all information about the allegation is brought together prior to a review of a foster carer's approval to foster. It may also assist with decisions by the responsible local authority about the future placement of the children concerned. The process of the investigation should be proportionate to the circumstances of the case. It should be borne in mind that allegations vary in terms of seriousness and their impact on the child/children concerned. There is a balance to be kept between a rigorous approach to the allegation, being seen to be fair to carers and their families, and, importantly, securing placement stability for children and young people. Keeping this balance relies on good professional judgement and common sense in each case

¹⁴ In accordance with the Fostering Service Regulations fostering service providers shall 'review a carer's approval not more than a year after approval, and thereafter whenever the fostering service considers necessary, but at intervals of not more than a year'. According to the regulations, the fostering service must also 'make such enquiries and obtain such information as it considers necessary in order to review whether the person continues to be suitable as to act as a foster parent and his household continues to be suitable'.

5.3 If the manager of the fostering service decides that an investigation is necessary, then decisions about the following are required:

- who will inform the foster carer and when;
- who will investigate and arrangements for their supervision;
- how children or young people who have been affected by the allegation (including the children of the foster carer) will be involved, including an option for the appointment of an advocate for each of them;
- what support the children involved, including the children of foster carers will need;
- how parents/those with parental responsibility will be involved and consulted;
- whether the foster carer is suspended from taking further placements while the matter is being investigated;
- who will provide independent support for the foster carer;
- the arrangements for liaising with the local authority responsible for the child.

5.4 In some circumstances (for instance where more than one responsible local authority has children in placement with foster carers approved by an independent fostering provider) it may be necessary for the manager of the fostering service to liaise with more than one local authority responsible for all the children placed.

5.5 A suitably qualified worker who does not know the foster carer should investigate the allegation/s and another worker should be available to make a record of interviews and meetings. Every effort should be made to take account of any needs the carer or members of their family may have in relation to language and/or disability. The manager of the fostering service should co-ordinate the process and meet together with the two workers to brief them.

5.6 The foster carer concerned should be informed of the substance of the allegation as soon as possible, and within 3 working days of any discussion with the local authority designated officer, if they are not already aware of it, except in exceptional circumstances. The foster carer's supervising social worker, or the manager of the fostering service provider, will be responsible for communication with the foster carer/adult member of the carer's family about the investigation. They should receive written confirmation of the information below within 24/48 hours. It should include information about:

- the substance of the allegation;
- who will be involved in investigating the allegation;
- the process and time-scales;
- who will be informed or interviewed;

- the right of the foster carer to independent advice and support throughout the process and details of where this can be obtained;
- financial arrangements (see 3.5 – 3.8, above);
- decisions about children currently in placement and reasons for them;
- any temporary variation in the foster carer's terms of approval;
- next steps.

Foster carers should also be informed about

- the reasons for the removal of children, if applicable;
- whether they are suspended from fostering during the investigation;
- the progress of the investigation, both verbally and in writing, and on a regular basis thereafter.

A discussion should take place with the foster carer and members of their family about any arrangements that may be required to safeguard a placement, e.g. for a member of the household to live elsewhere during the investigation. In such cases all possible assistance should be provided.

5.7 The investigating social workers will meet with the foster carers on as many occasions as is appropriate, and interview them both separately and together, if they are a couple. It may be necessary to arrange for the interviews to take place away from the foster carer's home, and limit the length of any one interview. The foster carer's supervising social worker should ensure that the foster carer has access to appropriate independent support. By arrangement with the foster carers, the person providing independent support may attend all interviews and meetings with the foster carer.

5.8 The person nominated to conduct the investigation will ensure that everyone concerned is interviewed. The process should include information/views of those involved and should be comprehensive where necessary, but proportionate. Those who might be involved are:

- any child or adult who has made the allegation or reported a concern;
- the foster carer(s);
- other children in the household;
- the parents of the child or those with parental responsibility;
- anyone else with information that will be material to the investigation, for instance, the child's school, health service professionals;
- in exceptional circumstances, young people previously fostered by the foster carers.

5.9 All written statements should be signed and a copy made available to the person making the statement, and to the foster carer. If there is a reason why any reports or statements cannot be made available to the foster carer, the

fostering service manager should make a record of this and inform the foster carers that some confidential information has to be considered as part of the investigation.

5.10 The investigation should take no longer than four weeks to complete from the date the investigators were appointed and will result in a report that summarises the information, sets out the findings and make recommendations. This report should be available to the foster carer 14 days before the meeting to discuss the recommendations and decide on the actions to be taken by the fostering service provider.

5.11 Arrangements should take the carer's needs into account. If the carer is not willing to co-operate, or cannot co-operate¹⁵, the fostering service manager should decide when the point has been reached to proceed without the carer. When that point is reached, the foster carer should be given 7 days notice that all the information generated by the investigation will be included on the carer's record and taken forward to a review of the carer's approval, giving time-scales for the process, and inviting them to participate.

5.12 The manager of the fostering service should convene a meeting to consider the investigator's report and any reports the foster carer wishes to submit. The objective of the meeting is to ensure that all available information has been made available to the investigation and that the foster carer has had every opportunity to give a full response to the allegation/serious concern. The meeting should be fully recorded. People attending the meeting may include: the foster carer, the supervising social worker, the social workers for the children involved, the report writer, and the person who is providing independent support to the carer, at the request of the carer.

5.13 The fostering service manager should report the findings of the investigation and the record of the meeting in 4.22, to the fostering service's decision-maker or the fostering panel, in order to decide whether to go on to the next stage of the procedure and review the carer's approval as a result of the investigation. The manager should inform the foster carers within 3 days of the meeting of a decision to review approval and ensure that the decision is given in writing, as well as verbally. The information should include an indication of next steps, arrangements for the continued provision of independent support, and the payments to be made to the carer until a final decision has been taken by the fostering service's decision-maker.

5.14 If the investigation does not proceed straight to a review of approval, the findings generated by the investigation should be placed on the carer's record and a copy given to the foster carers. At the next annual review of approval, the

¹⁵ If the foster carer cannot co-operate because of ill-health, there may be a delay, with their agreement, on production of a medical certificate.

findings from the investigation should be referred to, and subsequent changes and developments reviewed.

5.15 The manager of a local authority fostering service provider should inform the fostering service decision-maker and the CSCI about the progress of the investigation, and where applicable, other local authorities responsible for children in placement.

5.16 The manager of an independent fostering provider should inform the fostering service decision-maker, the CSCI and all the local authorities responsible for all the children in placement.

5.17 The fostering service manager should bear in mind that a representation or complaint under the Representations Procedure (Children) Regulations 2005 may have been made in relation to the same or related circumstances that give rise to the use of this procedure. The fostering service manager should consult with the complaints manager and the independent reviewing officer for looked after children in the local authority responsible for all the children involved, in order to discuss how the inter-action of the two procedures should be managed.

5.18 If the foster carer gives 28 days notice of their wish to cease fostering, there are no means of continuing with the investigation beyond the expiration of the notice that the carer no longer wishes to act as a foster carer¹⁶.

5.19 If the foster carer resigns before or during an investigation, the manager of the fostering service should immediately notify the senior manager in the local authorities responsible for all the children involved. The notification should be followed up in writing and will set out the fact that the carer has resigned with effect from the relevant date and summarise information collected to date in the course of the investigation.

5.20 If the foster carer resigns, the manager of the fostering service should continue to collate the information already known in order to include it on the foster carer's record. Based on this information, the manager of the fostering service should consult the local authority designated officer about the issue of referring the foster carer for inclusion on the list under the Protection of Children Act 1999. The manager should then produce a report for the fostering panel, including where necessary a recommendation for referral for inclusion on PoCA list. The panel should then submit a recommendation about this to the

¹⁶ Fostering Services Regulations (2002) 29 (11). A foster parent may give notice in writing to the fostering service provider at any time that he no longer wishes to act as a foster parent, whereupon his approval is terminated with effect from 28 days from the date on which the notice is received by the fostering service provider.

fostering service decision-maker¹⁷. The CSCI should be informed of any decision to refer a carer for inclusion on the PoCA list.

5.21 Before the panel hearing, the manager should send a copy of the report to the foster carers, informing them that it will form the basis of any reference the fostering service provider may give about the foster carers, and giving them the opportunity to correct any remaining disputed matters of fact.

5.22 If a foster carer makes a complaint or representation about the fostering service provider during the course of the investigation and review, the process for dealing with the complaint can begin before the conclusion of the investigation or review, but they should not be held up by the process of dealing with the complaint.

6. Managing serious concerns about a foster carer's standards of care or practice

6.1 Occasionally, when there are serious concerns about the carer's practice or standards of care, as opposed to an allegation of abuse, the fostering service manager may need further information before proceeding to a review of the carer's approval to foster. For instance, the concerns may have been brought to their attention by third parties. When more information is required, the process in 4.4 – 5.22 above should be followed, bearing in mind the need to be proportionate, and the need to put in place financial support if children have been removed and/or carers are prevented for taking further placements, and independent support.

7. Evaluation meeting following a child protection enquiry and/or investigations by fostering service providers

7.1 Allegations of abuse are extremely stressful for foster carers and their families. At the end of a Section 47 enquiry or an investigation by the fostering service, foster carers should be offered a formal opportunity of having a evaluation meeting, during which they are enabled to express the impact of the proceedings on them and members of their family, and any needs that they may have as a result. This should be offered and arranged within fourteen working days of the conclusion of the enquiry or investigation.

7.2 The meeting should be chaired by the fostering service manager and, in addition to the foster carers and the supervising social worker, adult family members should be invited to attend if they were the subject of an allegation, or substantially affected by it. Care should be taken to ensure that the meeting does not become a 're-run' of the investigation process. It should be conducted at a time and place that takes account of the needs of the foster family

¹⁷ Working Together, Appendix 4, Procedures for managing allegations against people who work with children, paragraph 45

Consideration should also be given as to whether a separate process should take place for any children and young people, including the sons and daughters of foster carers. A record of the meeting should be kept and sent to everyone present within 3 working days.

7.3 The meeting should consider:

- the impact of the allegation and investigation on the foster carers/family member who was the subject of the allegation/others in the family;
- the impact of any decision to remove children in placement;
- the needs of everyone in the foster carer's family;
- the perspective of the fostering service provider;
- clarification of the carer's current approval to foster and the need for any review of the carer's approval;
- the foster family's comments on the way in which the fostering service provider undertook their roles and responsibilities;
- how any needs raised by the foster carer/s or identified by the fostering service will be met.

8. Reviews of foster carers' approval

8.1 Fostering service providers should decide if a review of a carer's approval is necessary, at the following stages: following a child protection enquiry, and following investigations by fostering services, or whenever they consider it necessary if they have a serious concern about a foster carer's practice or standard of care.

8.2 In addition to 'one-off' information leading to a serious concern about a foster carers' practice, there may be continuing 'low level' concerns about a carer's practice or standard of care which may arise in the course of normal supervision of the carer and/or the annual review process. Examples of such concerns are:

- methods of disciplining children;
- the quality or nature of the diet, clothing or routine care provided for children;
- non-compliance with contact arrangements etc.

When taken individually, such concerns may not be serious, but over time they may accumulate, or worsen to the point when they amount to a serious concern that calls into question the suitability of the carer to foster.

8.3 Concerns of any kind should be addressed with foster carers immediately they arise. Documented opportunities (including post-approval training) with milestones, should be put in place for foster carers to improve, and outcomes recorded. However, if the quality of care provided remains unchanged, it may well call into question the foster carer's suitability to foster.

In these circumstances, the fostering service provider may wish to proceed to a review of approval.

8.4 When the fostering service provider has taken the decision to review a carer's approval, whether following an allegation or when there is a serious concern about practice or standards of care, it should ensure that the process starts within 2 weeks of the decision.

8.5 Reviews of approval should:

- clarify the nature of the review, ensure that the foster carer understands the process, the role of the fostering panel and the fostering service's decision-maker, and provision for appeals;
- draw together a clear picture of the foster carer's career and their strengths;
- a summary of S47 enquiry findings, or the findings of an investigation into the allegation or shortfall in terms of practice or standards of care/practice, or history of continuing concerns;
- enable the foster carers and the fostering service to explore the future in terms of continuing the carer's approval;
- consider what the fostering service has put in place;
- identify and clarify any requirements on the foster carer.

8.6 The review should be conducted by a suitably qualified independent person¹⁸ who will prepare a full report for the fostering panel with recommendations about:

- the foster carer's suitability and competence to foster;
- any variations in the terms of their approval;
- any needs they may have for further training and development, or other assistance they may require.

It should include any suggestions about the way in which a fostering service provider could improve its practices based on the findings of the review.

8.7 If a foster carer resigns from fostering for the fostering service provider under the Fostering Services Regulations (2002) 29 (11) before or during the review, the fostering service should collate whatever information is available and a report should be prepared for the fostering panel, with recommendations. The carer should be informed of this, the recommendations that are made and the basis for them. A minimum of 7 days should be allowed for the carer to respond in writing about any matters of fact they dispute, as well as any comments they may have about the recommendations. The foster carer's written response should be submitted to the panel along with the report.

¹⁸ in some local authorities this role is undertaken by independent reviewing officers

8.8 If the foster carer is unable¹⁹ or unwilling to co-operate with a review of approval within the time-scales that have been agreed at the outset, the fostering service should collate whatever information is available and a report should be prepared for the fostering panel, with recommendations. The foster carer should be informed of this, the recommendations that have been made, and the basis for them. A minimum of 7 days should be allowed for the foster carers to respond in writing about any matters of fact they dispute, as well as any comments they may have about the recommendations. The foster carer's written response should be submitted to the panel along with the report.

8.9 The process of the review should not take longer than 6 weeks, commencing from the date when the independent person was appointed. In the course of the process, the foster carer should have clear opportunities to express their point of view about all aspects of the information, evidence and opinion relevant to the review.

8.10 The foster carer should be given sight of the report and recommendations prior to the fostering panel. A minimum of 7 days and a maximum of 14 days should be allowed for them to respond in writing about any matters of fact they dispute, as well as any other comments they may have about the content of the report and recommendations. The foster carer's written response should be submitted to the panel along with the report.

8.11 The foster carer should be able to attend the meeting of the fostering panel that considers the report, along with the person who has been providing them with independent support, or another person of their choice.

8.12 The fostering panel will make a recommendation to the fostering service's decision-maker. The fostering service provider should ensure that the foster carer is informed of the decision-maker's decision in writing, along with information about the process for making representations, in accordance with the regulations.

8.13 If the fostering service decision-maker endorses a recommendation of the fostering panel that a carer is no longer approved to foster for the fostering service provider, the fostering service manager should consult with the local authority designated officer about the issue of referring the foster carer for inclusion on the list under the Protection of Children Act 1999. The manager should then produce a report for the fostering panel, including where necessary a recommendation for referral for inclusion on PoCA list. The panel should then submit a recommendation about this to the fostering service decision-maker.

¹⁹ If the foster carer cannot co-operate because of ill-health, there may be a delay with their agreement, on production of a medical certificate.

8.14 The fostering service manager should inform the CSCI of the outcome of the review of the foster carer's approval.

8.15 The fostering service provider should notify the local authority in which the foster carer resides if the carer's approval has been terminated, with reasons, as set out in the written notification to the foster carers.

8.16 The fostering service provider should consider the need to inform the local authorities responsible for the children who have been in placement with the foster carer of the termination of their approval, and the reasons, as set out in the written notification to the carer.

9. Learning the lessons

9.1 Following a review of a foster carer's suitability to foster as a result of an allegation or serious concern, the fostering service should review the circumstances of the case and the way any investigation was conducted to determine whether there are any improvements to be made in their procedures or practice.