

allegations

a foster carers' guide





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1. Introduction



Foster care can be a truly rewarding career with many benefits; it is also a huge commitment and one that is not without problems. Many of the children who come into care have been abused or neglected, and because of the nature of fostering, this can put foster carers at risk of allegations during their fostering career.

When allegations against foster carers are made, the local authority and the fostering service have a legal duty to carry out an investigation to ensure that the child is safe and receives appropriate help, regardless of whether the allegation is true or not. Although this is a necessary process, it can put the accused foster carer and their family under considerable emotional strain.

While research has shown that the majority of allegations (78%) are unsubstantiated, (Biehal, 2014¹; Sebba & Plumridge, 2016²), the impact of the investigation may leave foster carers feeling extremely vulnerable and distressed. The willingness and ability of the foster carer to continue to foster following an unsubstantiated allegation often depends on the level of input and support they receive from their fostering service throughout this process.

¹ Keeping Children Safe: Allegations Concerning the Abuse or Neglect of Children in Care. Biehal et al, 2014

² The Impact of Unproven Allegations on Foster Carers. Plumridge, G & Sebba, J. 2016

Research into the Impact of Unfounded Allegations on Foster Carers carried out by Oxford University on behalf of FosterTalk in 2016, found that while the impact of the allegation on foster carers was devastating, both emotionally and financially, the lack of information about the allegation itself, the investigation process and the support to which they were entitled, led to confusion, destruction of confidence and dismay. The study also found that foster carer's subsequent relationships with their fostering service also suffered. (Sebba & Plumridge, 2016)

This information booklet aims to address some of the issues raised in the research by:

- Explaining what an allegation is and why allegations may be made
- Explaining what advice and support is available and how to access it
- Providing information about the investigative process
- Providing information regarding any police involvement and your rights
- Explaining the process for concluding an investigation
- Suggesting how foster carers might reduce the risk of an allegation

Regulations, Standards and best practice guidance for investigating allegations differs in England, Scotland, Wales and Northern Ireland. Therefore, this booklet will refer to National Minimum Standards or best practice guidance as a general term.

The FosterTalk website contains specific information regarding the law and guidance in each UK Country, and FosterTalk members can speak to our Fostering Advisors for further information. There are links to the main documents governing safeguarding on page 21.

2. What is an allegation?



An allegation is an accusation that someone has caused harm to a child by physical, sexual or emotional abuse. Anyone in a foster family may be accused of harming a child, including the foster carer's own children. An allegation may be made by the child, or by someone acting on their behalf, such as a birth parent, or teacher.

Every fostering service has a duty to investigate 'allegations of harm' as well as look into 'allegations of poor standards of care' (sometimes referred to as a complaint) and fostering services will have a separate policy for dealing with each of these scenarios.

A complaint about a foster carer would not generally be treated as an allegation unless it related to physical, emotional or sexual abuse of the child. Complaints would normally be investigated under the fostering service's complaints procedure.

National Minimum Standards and best practice guidance seek to ensure that foster carers are provided with independent support throughout the process of the investigation and in dealing with the aftermath. FosterTalk works with fostering services to provide independent support to foster carers through our Foster carers Independent Support Service (FISS). Visit: www.fostertalk.org/face-face-support/face-face-support

Independent support for foster carers

At FosterTalk we believe that providing the best possible support during these difficult times can make the process clearer and more manageable for everyone involved. FosterTalk therefore provides all the necessary help and support for foster carers who find themselves in this situation, enabling them to feel more in control. To talk to a trained advisor in confidence about an allegation please call FosterTalk on **01527 836 910**.

Jargon explained

LADO or DO	Local Authority Designated Officer (Safeguarding) or Designated Officer
Section 47 or S47	Child Protection Investigation carried out under Section 47 of Children Act 1989
Strategy Meeting	Strategy meeting usually involving police, local authority and fostering service. Sometimes called a POT meeting or a LADO meeting.
IUC	Interview under caution (police)
ADM	Agency Decision Maker
QD	Qualifying Determination (made by Agency Decision Maker)
IRM	Independent Review Mechanism (a service that considers appeals in England and Wales)
NMS	National Minimum Standards
Regs	Fostering Regulations
SOC Meeting	Standards of Care Meeting
POT Meeting	Position of Trust Meeting, sometimes called strategy meeting

3. Advice and support during allegations



Role of the fostering social worker and fostering service

Your fostering service should continue to provide you with advice and support during the process. Sometimes, your fostering social worker will be the best person to support you as they already have a relationship with you. However contact with your social worker might be limited by fostering service policy during the investigation because they are likely to have details of the allegation but cannot immediately share these with you.

Your fostering social worker should still continue to meet you, carry out supervision meetings if appropriate and agree a plan of support that suits you. A fostering manager or someone senior should be the person who is liaising with other professionals and should give you regular updates.

If you are a FosterTalk member, the following services will be able to provide you with the independent advice, support and guidance that you may need at this stressful time.

Legal assistance

If you are a FosterTalk member you have access to legal advice and support 24 hours a day, 7 days a week via our legal helpline. Your 24 hour helpline number is on your membership letter.

You and your extended family are also covered by our legal expenses insurance which ensures you have ample cover in the event that an allegation arises out of fostering.

Legal expenses insurance provides:

- Up to £10,000 per person for interview under caution
- Up to £100,000 for defence against a criminal prosecution
- Up to £25,000 for defence against civil proceedings
- Up to £5,000 to make representation against a barring recommendation

Counselling helpline

You and your family can also access our 24 hour counselling helpline which offers a confidential telephone counselling service providing immediate emotional support, helping you to manage stress, and offering advice and guidance at times of distress.

Qualified fostering advisors

Foster carers and their families can speak to one of our qualified and trained fostering advisors about any issue relating to fostering including allegations or serious complaints. Our fostering advisors can provide advice and support, explain the processes to you and answer any questions you may have about your rights. Fostering advisors are available Monday to Friday 9am to 5pm, except for bank holidays. Members can email or telephone out of hours and all enquiries will be responded to the next working day.

Independent financial advice

Having an allegation made against you can have severe financial implications, especially if children are removed for a long period of time. We would always advise you to check the fostering services own policy regarding payments during investigations. Our tax and benefits helpline will explain your rights with regard to claiming benefits and provide advice and support on financial issues. The tax and benefits team is available Monday to Friday 9am to 5pm, except for bank holidays.

Foster carers Independent Support Service “FISS”

Sometimes foster carers need more intensive support during allegations and National Minimum Standards (in England and Wales) and good practice guidance (in Scotland) recommend that foster carers are offered independent support by someone outside of the fostering service. This is where “FISS” could help.

Some fostering services use “FISS” to support their foster carers, others will have other methods of support available.

“FISS” provides emotional support, advice, information, advocacy and mediation including face to face support from a locally based qualified and experienced independent advisor. They will help foster carers prepare for and attend meetings, reviews and panels following an allegation.

If you feel that you would benefit from face to face support you should discuss this with your fostering service and ask what their policy is on offering independent support. More information can be found at www.fostertalk.org/face-face-support/allegations-foster-carers or call FosterTalk on **01527 836910**.

4. Understanding the process



Allegation made or concern raised

Once an allegation is made this will be reported to a senior manager who will decide the next steps. To begin with, there will be an initial strategy discussion to agree any immediate steps that need to be taken. This may involve discussions between the police and the local authority social work team, together with the fostering service as appropriate.

An initial risk assessment will be carried out to consider any precautionary action such as removal of a child.

It is then usual to convene a meeting that will be chaired by a LADO (Local Authority Designated Officer) or other senior manager (England-Wales). This meeting is sometimes called a strategy meeting, or position of trust meeting or LADO meeting. Foster carers are not invited to these 'initial discussions' but this meeting will agree if and how an investigation should be carried out (and by who) as well as what information can be shared with foster carers.

Sometimes other relevant professionals may also be invited, for example a representative from education or health.

Investigation

One of the responsibilities of those present at the initial discussion or strategy meeting is to ascertain if an investigation is necessary and if so which agency (fostering service, local authority or police) is best placed to carry out this investigation. This will depend on the nature of the allegation and whether it is likely that a criminal offence may have been committed.

Section 47 investigation

In the event of an allegation of harm, local authority children's social care must initiate enquiries to find out what is happening to the child and whether protective action is required. Local authorities, with the help of other organisations as appropriate, also have a duty to make enquiries under Section 47 of the Children Act 1989 if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, to enable them to decide whether they should take any action to safeguard and promote the child's welfare.

In some cases, the local authority children's services may carry out an investigation without the need for this to be under

Section 47 of the Children Act. The type of investigation will depend on local safeguarding procedures.

If it is the LA or fostering service that is to investigate, they will interview you and any other relevant people at the earliest opportunity. A report will be written once your views and responses have been taken into account and this report and findings will usually be presented to a 2nd strategy (LADO) meeting to determine the outcome of the investigation.

Police involvement

The fundamental objective of safeguarding procedures is to ensure the welfare of the child is protected, and the initial strategy meeting/discussion convened by the LADO or similar will decide whether or not the police will be involved. Generally, the police will only want to be involved if it appears that a criminal offence has or is likely to have been committed.

Not all allegations result in a formal interview by the police, and indeed those that do, may not automatically progress beyond an initial interview. However, in the event that an issue arises, the following information will help explain how the police will potentially engage with you (in order to establish the facts relating to an allegation) and whether any further action/intervention will be required.

Interview under caution (IUC)

An interview under caution is a formal interview between you and the police, which is usually tape recorded to establish whether or not a criminal offence has been committed and whether or not there is a realistic prospect of the alleged offence being proved to the satisfaction of a criminal court.

Who do I need to contact if I am told by police that they wish to interview me under caution?

FosterTalk members should contact FosterTalk's legal helpline without delay. They will arrange for a legal representative to attend the interview with you. Please also refer to page 9 for support.

If you are not a FosterTalk member or do not have any other legal insurance protection, you should ask for a duty solicitor.

Why do I need a solicitor? I haven't done anything wrong

FosterTalk advises very strongly to exercise your right to have a legal representative. Some people wrongly believe that to ask for a legal representative to advise and assist them indicates that they are guilty or have something to hide.

That is not the way the police, or the courts think about the role of a solicitor or legal representative or the motive of a person who chooses to exercise their right to have one; solicitors are an important part of the process.

What happens if I am charged?

Formal legal proceedings will only arise if you, or a member of your household are charged with a criminal offence. If a decision is made to bring a prosecution, then FosterTalk members should contact FosterTalks legal helpline without delay. Non members should seek independent legal advice.

Concluding the investigation

Once the investigation has concluded, further strategy meetings/discussion will be held with the placing authority and fostering service until an outcome has been agreed. You should note that even if the police have withdrawn from the investigation, your fostering service or the local authority may wish to continue their own enquiries.

Potential outcomes of investigation

One of the following definitions might be used to describe the outcome of an investigation

- Substantiated/upheld – there is sufficient evidence to uphold the allegation. In this case the police or local authority will advise the next steps. This will depend on whether or not a criminal offence has been committed.
- Unsubstantiated – there is insufficient evidence to either prove or disprove the allegation.
- False/unfounded – there is sufficient evidence to disprove the allegation OR there is no evidence or proper basis to support that the allegation exists.
- Malicious – there is sufficient evidence to show there has been a deliberate intention to deceive.

How long does all this take?

It is really difficult to specify timescales as much will depend on whether or not the police is involved in the investigation. Some allegations are resolved within days, some take several weeks, and unfortunately some can take many months to reach a conclusion.

National Minimum Standards and good practice guidance dictate that you should receive a written record of the outcome of the investigation together with any recommendations made.

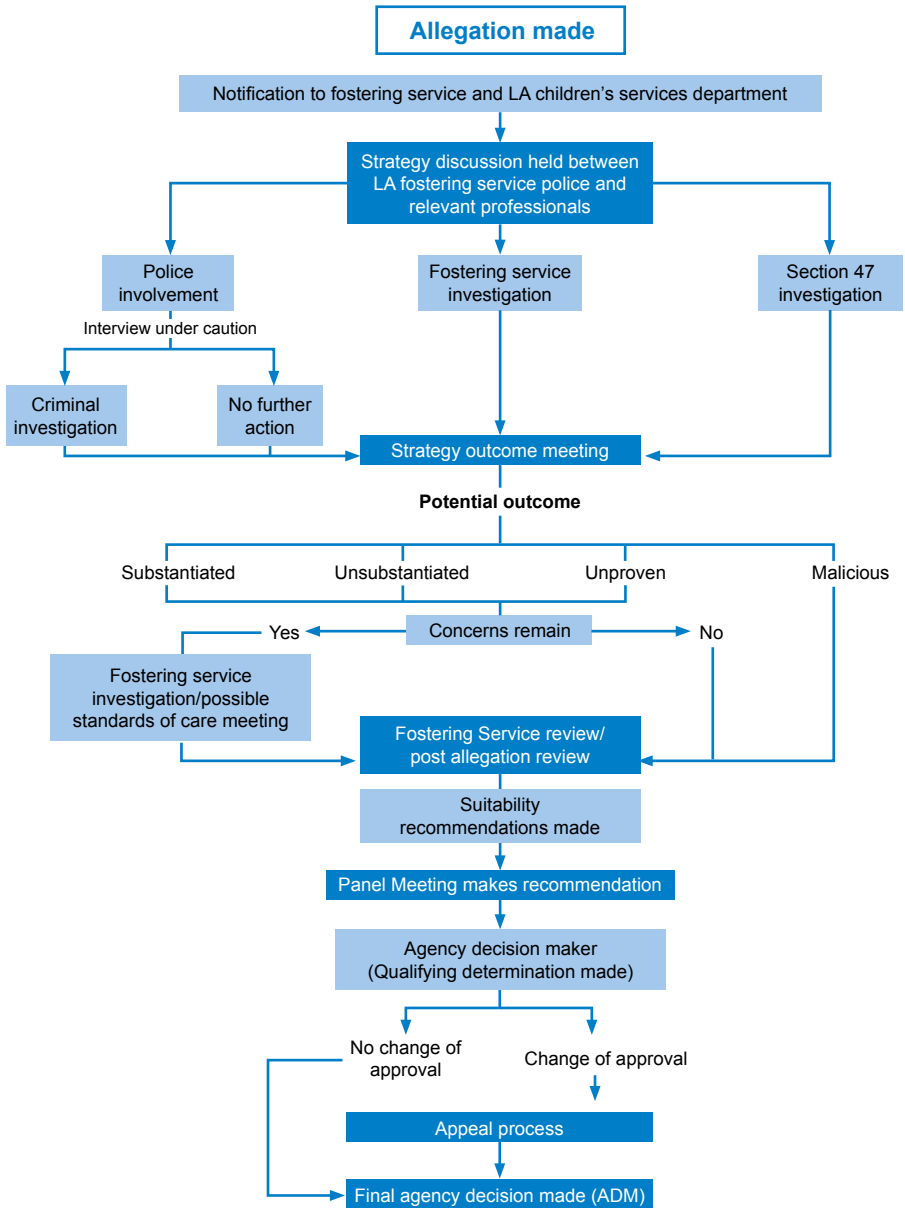
Disclosure and Barring Service (DBS)

It is important to note that the fostering service may consider making a referral to the DBS following an allegation. If you receive notification of a referral to DBS; FosterTalk members should contact FosterTalk for further advice and support.

If you are not a member of FosterTalk you should seek independent legal advice.

You may also visit:

www.gov.uk/government/publications/dbs-referral-guide-making-representations/dbs-barring-and-referrals-making-representations



Possible recommendations from panel

1. Suitable to continue fostering, 2. Unsuitable to foster, 3. Defer for more information, 4. Re-assessment or further training, 5. Change of carers approval terms

5. The role of the fostering panel



Foster carer review

After an investigation is concluded, the fostering service will carry out a review of your suitability to continue to foster. Sometimes this is called a post allegation review or an extra-ordinary review. This will look at the nature of the allegation and what lessons can be learned from it, for example, whether your practice needs to improve or if you may benefit from some additional training.

Once the review has taken place, a report will be prepared for the fostering panel. You should be given a copy of the report prior to panel and given sufficient time to be able to provide your own written report to the panel if you wish to do so.

Regardless of the outcome of the allegation all fostering services have a duty to inform their panel that an allegation has been made and of the outcome. The panel have a duty to monitor this, and duty to decide whether you should be referred to the relevant barring service.

Attending fostering panel

A panel date will be set and you should be invited to attend. Sometimes this is a formality (where there are no ongoing concerns) and sometimes it might be that the panel are being asked to consider if a foster carer's terms or approval continue to be appropriate. If an allegation has been substantiated it may be that a fostering service recommends termination of a foster carers approval. The panel's role is to make a recommendation to the fostering service.

Agency decision maker

The panel's recommendation is notified to a senior manager, generally called the Agency Decision Maker (ADM). The ADM will consider the panel's recommendations and make a decision as to your suitability to continue to foster.

The ADM will either:

- Consider you are suitable to continue to foster with no changes to current terms of approval.
- Consider you are suitable to continue to foster but with some changes to approval or training and learning highlighted. If training is identified usually there will be a clear plan of what this needs to be together with a timescale for this to be achieved.
- Consider you are unsuitable and should be de-registered
- In England and Wales this is known as a Qualifying Determination (QD).

If, taking into account any recommendation made by the fostering panel, the ADM is no longer satisfied that you continue to be suitable or the terms of approval are no longer appropriate, they must give written notice to you that they propose to terminate or revise the terms of your approval and advise you of your right to challenge the decision.

Appealing against an ADM decision

Once the ADM decision has been received, you have 28 calendar days from the date of the letter (QD) to submit any written representations to the fostering service, or in England and Wales, to apply to the Secretary of State for a review by the Independent Review Mechanism (IRM).

In Scotland and Northern Ireland any appeal is heard by the fostering service who must convene a differently constituted panel to hear your appeal.

In England and Wales, The Independent Review Mechanism (IRM) will convene an independent panel to hear your appeal. The IRM is able to make a fresh recommendation to the fostering service which must be taken into consideration by the ADM in making their final decision. However, the IRM does not have the power to overturn the original Qualifying Determination and the ADM may decide whether or not to change their decision.

No representation (appeal) made

You decide not to appeal against the ADM decision within 28 days, the fostering service is able to proceed to make their final decision, which should be communicated in writing to you.

6. Frequently asked questions

Will I be told what the allegation is?

It might be that you are told there has been an allegation but not what the allegation is straightaway. This can be extremely difficult for foster carers who will be aware that an allegation has been made about them, but not by whom. This is to ensure that any investigation can be done impartially and no information compromised prior to the foster carer being interviewed.

Why do I feel like I'm being treated as if I'm guilty?

Many foster carers tell us that during an investigation they feel they are treated as though they are 'guilty until proven innocent'.

Although it is difficult, it's important for foster carers that they try not to think this way. Local authorities and fostering services have a legal duty to ensure that all concerns raised about children and young people are listened to and dealt with appropriately.

Each fostering service will have set procedures in place when it comes to dealing with allegations. National Minimum Standards and best practice guidance state that foster carers who are under investigation should be provided with support that is independent of their fostering service, to help them through the process. It is also the foster carer's right to have information in writing about the allegation, the outcome of the investigation and further steps to be taken once it is over.

Why do I feel alone?

It is not unusual for foster carers to feel isolated during the investigation process. Some foster carers have told us that their fostering social worker has stopped visiting them or reduced contact with them. This can be distressing for foster carers who take this lack of contact to mean that their social worker doesn't believe them. This is not usually the case; instead, it is usually due to policies within fostering services which call for fostering social workers to withdraw temporarily in order to avoid any conflicts of interest during the investigation.

While FosterTalk is not there to replace your fostering social worker, we can provide you with all the necessary advice, information, and support that you will need to cope throughout the process. And if your fostering service agrees, FosterTalk can also provide a locally based independent advisor to offer face to face support, through our foster carers Independent Support Service (FISS).

Will the child be removed from my care?

Good practice guidance suggests that foster children should not automatically be removed. In practice however, if a serious allegation has been made, the foster child and any other foster children within the household are likely to be removed while an investigation takes place.

In some circumstances it may be suggested that the person who is the subject of the allegation leaves the home. This might be the preferred course of action in order to maintain the placement(s).

Will my own children be removed?

When carrying out an investigation into allegations of abuse against a foster child, the local authority has a legal duty to consider the welfare of any other children in the household – including the foster carer's own children. This includes birth children, adopted children or children on Special Guardianship Orders.

If the foster carer's children are deemed to be at risk they would be subject to the same safeguarding procedures as any other child in the community. In these circumstances, foster carers are advised to seek independent legal advice.

Will I still be paid?

If your foster child is removed, whether or not you will be paid depends on your fostering service's own policy. You should ask for a copy of this at the start of any investigation and seek advice from FosterTalk as to what benefits you may be able to claim in the absence of your fostering allowance.

Will an allegations affect other roles I have outside of fostering?

An allegation may affect other roles such as other employment or volunteering role or caring responsibilities. FosterTalk members should call FosterTalk for advice. Non members should seek independent advice for clarification.

7. Why do children make allegations?



It's sometimes difficult to understand or explain why young people in care might say something to accuse their foster carer or someone belonging to the foster family of wrongdoing. With most things, every young person is different and will have a different reason for making an allegation.

One common reason is the child's belief that if they tell someone that they are being mistreated, they will be able to return home to their parents. Birth parents may also initiate allegations with this in mind.

Another cause might be low self-esteem. If a young person has had a number of foster placements, an allegation might be made in order for them to discover whether those responsible for them truly care.

Other children might crave attention and will view even negative focus as better than nothing. Others will be upset about minor quarrels or sanctions imposed on them for poor behaviours, such as grounding or restricting access to social media.

Sadly, sometimes an allegation is made because the young person in care has been abused in the past and has kept it a secret. Accusing a foster carer of abuse is a way of bringing this out into the open. And sometimes children who have previously been in emotionally harmful environments misinterpret things which in the past have been precursors to abuse i.e. the offer of a cuddle.

Of course, in some cases the allegations against foster carers are found to be true.

8. Allegations Toolkit

Having an allegation made against you is an enormous shock and even the most experienced foster carers can find it devastating. Research has found that foster carers who are prepared for this eventuality often cope better, so here are our top tips for being prepared.

- Take part in all training on allegations offered to you.
- Have a safer caring plan and regularly update this with your fostering social worker.
- Keep detailed daily recordings and ensure these are read by your fostering social worker regularly.
- Talk to your own children and extended family members about allegations and safer caring.
- Build a good local support network which includes other foster carers and close family members and friends. Join your local foster carers support group, or start one.
- Talk to your fostering social worker about what support would be available to you in the event of an allegation, e.g. independent support, financial support.
- Keep a copy of your fostering services' procedures for managing allegations against foster carers.
- Keep your FosterTalk membership details and telephone number to hand.
- Make a note of who to contact in the event of an allegation and make sure adult members of the household know where this is.
- Remember that the majority of allegations are unfounded and that the investigative process is there to ensure that both children and adults are protected.
- Report all concerns or issues immediately to the out of hours team if necessary.
- Ensure you have a risk assessment for each child in placement and make sure it's regularly reviewed by your social worker.
- When a new placement is made make sure any history of allegations is discussed at the post placement meeting and is included on the risk assessment.
- Make sure you have a placement plan in place for all children.
- Ensure any marks or bruises are recorded and reported.

9. Fostering again after an allegation



Whether or not you will be able to continue to foster again after an allegation depends on a number of factors. Even when an allegation has been unsubstantiated, some foster carers find the whole experience so traumatic and stressful that they decide “never again”. This is a great loss to fostering and with the right level of understanding and support, many foster carers can be helped to resume their fostering career and continue to provide care to vulnerable children and young people.

“

At first we wouldn't have even considered fostering again after an allegation was made against my partner, but after receiving professional support through the process helped keep us strong and now we are ready to take another placement

”

“

We felt like our fostering service had abandoned us at first, by seeking independent support helped us to understand the process, it was still hard but we got to the end of the investigation and although we took a break we carried on fostering

”

“

I was on my own as a single carer and felt so vulnerable after an allegation was investigated, it helped me to talk to other carers who'd been through a similar experience

”

“

My experience of an allegation made me realise just how important it is to keep refreshing our families safe caring practice to avoid misunderstandings or misinterpretations

”

“

Our daily recordings and regular communication with our SSW really helped us during the investigation into an allegation against my partner, having FosterTalk at the end of the phone felt like a lifeline!

”

10. UK policy and guidance

Listed below is the guidance that covers safeguarding children policy and procedure in your part of the UK.

England:

Working Together to Safeguard Children (2018): a guide to inter-agency working to safeguard and promote the welfare of children. (HM Gov. 2018)

www.fostertalk.org/wp-content/uploads/2015/04/working-together-to-safeguard-children.pdf

Wales:

Safeguarding Children: working together under the Children Act 2004. Sets out the Welsh Government's guidance on child protection and safeguarding for local authorities in Wales. (Welsh Government, 2004) ***www.gov.wales/topics/health/publications/socialcare/guidance1/safeguardingunder2004act/?lang=en***

Scotland:

National guidance for child protection in Scotland (2014) provides the current guidance and a national framework for anyone who could face child protection issues at work. ***www.gov.scot/Resource/0045/00450733.pdf***

Northern Ireland:

Co-operating to safeguard children and young people in Northern Ireland (2016) Provides the over-arching policy framework for safeguarding children and young people. (Department of Health, 2016) ***www.health-ni.gov.uk/publications/co-operating-safeguard-children-and-young-people-northern-ireland***

or visit ***www.fostertalk.org/fostering-information/legislation***

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FosterTalk provides face to face support (“FISS”) using our network of locally based, highly qualified, trained advisors to provide advocacy and mediation for foster families during difficult times. Support is delivered in line with National Minimum Standards (22.12) in England, and in line with best practice guidance in the rest of the UK.

CUSTOMER
SERVICE
EXCELLENCE



03/2018



Contact FosterTalk today on **01527 836910**