

Policy on allegations of abuse against foster carers

Policy statement

Children's Services will ensure that any allegations made against the foster carer are fully investigated following the council's complaints procedure, and, where appropriate, child protection procedures.

Policy status

The Children Act 1989

Care Standards Act 2000

Fostering Service (Wales) Regulations 2003

All Wales Working Together Procedures

Key points

1. Foster carers should be aware of the possible implications of any allegations made against them. In serious cases where the allegation is considered to have substance, it may result in a criminal prosecution. Foster carers are therefore strongly recommended to seek legal advice from the outset either independently, or via Fostering Network.
2. It must be accepted that the abuse of children may be perpetrated by all sections of the community, including foster carers. In dealing with any allegation it should, however, be acknowledged that foster carers are in a particularly vulnerable situation, perhaps having children in their care who have previously been abused and may be especially challenging and testing in their behaviour. It will therefore be important for foster carers to have received appropriate guidance on acceptable methods of control and safe care.
3. Allegations of abuse made against foster carers will be dealt with in accordance with the general principles of child protection and, if an investigation is necessary, it will be undertaken within the requirements of the All Wales Child Protection Procedures.
4. A formal review of the foster carer's approval will be carried out following an investigation of alleged abuse.
5. Where possible the [review](#) will be presented to the first available [foster panel](#). Where the allegations are unfounded or withdrawn, a review will allow the Directorate and the foster carers to reflect upon the events and discuss the basis of the foster carer's future service.
6. No additional children will be placed with foster carers during
 - (a) the process of any investigation and
 - (b) until a subsequent review has been held.

Standards

1. When any allegation is made which could constitute abuse, the member of staff who first becomes aware of such an allegation must ensure that it is immediately passed on to the Team Manager responsible for the supervision of the child and the team manager of the relevant fostering team.
2. The Investigating Team Manager will discuss the allegation with the Child Protection Co-ordinator who will make the decision whether or not to proceed to a strategy discussion.
3. If the decision is to treat the incident as a matter of inappropriate caring, the relevant fostering team manager, in conjunction with the child's team manager will decide an action plan as to how the matter will be followed up and the foster carer must be informed in writing of the outcome.
4. In circumstances where it is clear that child protection procedures should be instigated (whether or not the process outlined has been followed), the following should be considered:
 - a. Team managers to inform respective Service managers.
 - b. The relevant Service manager may inform the Assistant Director, Children's Services
 - c. The Assistant Director, Children's Services may inform the Director of Social Services
5. Any allegations of abuse must be dealt with by a team manager, and social work staff independent of the responsibility to supervise the placement of any children concerned. If possible, the investigating team should be free of significant previous involvement with the foster family concerned. Consideration should be given to using an independent agency if appropriate.
6. The relevant fostering team manager is responsible for ensuring that the investigation will be undertaken by the appropriate assessment team. The relevant fostering team manager is responsible for ensuring that all relevant information is available to the investigating team manager.
7. The investigating team manager will consult with the Child Protection Co-ordinator and is responsible for informing their own Service Manager (if he/she is not already aware).
8. The Child Protection Co-ordinator will ensure that a strategy discussion is co-ordinated which may include a planning meeting. This must include liaison with both the team manager who has responsibility for the supervision of the child and any other children in placement and the appropriate supervising social worker/support worker.
9. Depending upon the circumstances, legal advice may need to be sought at this stage.

10. There may be occasions when a child living in a foster home is involved in allegations of abuse against another child either within or outside of the foster home. In such cases the principles for investigation will be no different to those outlined previously, irrespective of whether the child is a foster child or a child of the foster carers. However if the foster carers live outside of the county the social services department for the area they live in will be the lead authority and their child protection guidelines will be followed.
11. In situations where it is alleged that any child within the foster home has been abused by a child or adult who is not a member of the foster home, the same principles of independent investigation outlined previously will also apply to the children within the foster home.
12. Following the strategy discussion, the responsible team manager must decide if an investigation under Section 47 of the Children Act 1989 is required. If so, the investigation should be conducted as agreed during the strategy discussion and (if there has been one) planning meeting.
13. If there is a disagreement between the responsible team manager and the relevant fostering team manager as to whether an investigation under Section 47 of the Children Act 1989 should be undertaken, the case should be immediately referred to the Assistant Director, Children's Services for a decision.
14. Where it has been decided that a full investigation is necessary, a strategy discussion will have included consideration of:-
 - a. Whether there are any reasons for asking another agency to investigate.
 - b. Who will investigate
 - c. Who should be interviewed and where should the interview take place.
 - d. Whether the child and any other children should remain in the placement whilst the investigation takes place.
 - e. How the investigation process will be recorded and who will receive copies.
 - f. How the child's own parent(s) will be informed.
 - g. How previous history of the child and foster carers will be collated.
 - h. Gathering information about the context of previous allegations made by the child or allegations made against any person within the foster home concerning the current or any previous placements.
 - i. The process and outcome of any previous enquiry or investigations about any person within the foster home or allegations made by the child.

- j. Details of the investigation process.
 - k. Arrangements for considering the outcome of the investigation.
15. During the course of an investigation, a decision will need to be made as to whether there are grounds for interviewing any children who have previously lived in the foster home.
 16. A decision should be made by the responsible team manager as to whether independent support should be brought in.
 17. It is important for the foster carers and child that the situation is concluded as soon as is practicably possible.
 18. The investigating social worker should complete their investigations regarding the protection/welfare of the child(ren) within the agreed timescales.
 19. Following the investigation, the social worker should complete the outcome of the S47 investigation report and discuss this with the responsible team manager. The Team manager must decide whether or not a child protection conference is required.
 20. The responsible team manager will ensure that this information has also been shared with the relevant fostering team manager, the team manager of the relevant child care team and relevant Service managers.
 21. At this stage decisions about the child's placement will need to be taken.
 22. A child in foster care should not automatically be removed following an allegation of abuse. Removal is, however, always necessary where the child is considered to be at risk of suffering significant harm. The prime purpose of any investigation is to protect children within the household in accordance with the child protection procedures and to progress the investigation of possible criminal offences.
 23. Following the investigation and agreement of the staff identified, the investigating social worker will inform the foster carers of the outcome of the investigation and provide them with a written copy of the investigation report's conclusions.
 24. Following any investigation, whether or not a child protection conference is held, the following areas need to be addressed by the supervising social worker/support worker:
 - a. Further work with foster carers prior to review at foster panel.
 - b. Presentation of review at foster panel.
 - c. Training plan.
 - d. Where a child has been removed as a result of an allegation of abuse, and the foster carers are being paid a fee in respect of that child, the fee will continue to be paid until a formal decision has been taken that the child will not return. Any such decision must be notified

immediately to the foster carers in writing by the relevant team manager.

The role of the supervising social worker/ support worker

25. A decision will be made by the relevant fostering team manager as to whether it is appropriate for the supervising social worker to continue supporting the foster carers.
26. Within these procedures, the primary duty of the Social Services Directorate is to address the welfare and safety of the children in foster care and any other child in the household. There is also, however, a responsibility to any foster carers against whom allegations of abuse have been made.
27. It is the role of the supervising social worker/ support worker to provide any appropriate support to the foster carer who is the subject of allegations.
28. In every case the foster carers will be advised to contact Fostering Network for advice and that an independent worker will be made available should the carer think it necessary.
29. While the worker's role is one of support and guidance they are not in a position to keep information confidential which is relevant to any enquiry or investigation.
30. Similarly this worker may well be aware of information which cannot be divulged to the foster carer.
31. When this worker receives information that could constitute child abuse it is not their role to investigate the matter. The information should be immediately passed on to the team manager responsible for the supervision of the child and the relevant fostering team manager.
32. The supervising social worker/independent support worker maybe part of the investigation process and should be invited to any initial child protection conference where he/she would act on behalf of the Social Services Directorate and not as an advocate or representative for the foster carers.

Child Protection Conference

33. A decision will be made by the team manager responsible for the investigation, as to whether a child protection conference is necessary, in relation to (a) the child/ren subject to the investigation (b) any other child in placement (c) the foster carers own children.
34. Foster carers should be advised that they can be accompanied for support by a friend, relative or a solicitor acting in the capacity of a friend.

35.The result of any conference decision should be notified to the relevant fostering team manager, who will then arrange a review of the foster carers approval.

Records

36.A copy of any allegations made against foster carers, together with a summary of the enquiry or investigation, should be placed on the foster carer file.

37.The allegations or complaint should also be recorded in the separate central register of complaints and allegations held by the relevant fostering team manager. This record is used to monitor the management of complaints and allegations independently.

Number	Task	Responsible Officer	Record	Timescale
1.	Complaint made against foster carer or member of household.	Child's social worker/supervising social worker	SWIFT	Immediately
2.	If complaint meets Section 47 of Children Act 1989 criteria, then refer to the All Wales Child Protection Procedures.	Team manager of the relevant child care team & child protection co-ordinator	SWIFT	Immediately
3.	If complaint does not warrant Section 47 enquiry it will be considered under the Council's complaints procedure.	Supervising social worker/team manager	SWIFT	Immediately