



***Working Together  
to Safeguard Children***



**Procedures for safeguarding and promoting the welfare of children and young people who are placed away from home including those with foster carers**

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## Introduction

Concern for the safety of children living away from home has to be put in the context of attention to the overall developmental needs of such children, and a concern for the best possible outcomes for their health and development.

Every setting in which children live away from home should provide the same basic safeguards against abuse, founded on an approach which promotes their general welfare, protects them from harm of all kinds, and treats them with dignity and respect. These values are reflected in regulations and the National Minimum Standards which contain specific requirements on safeguarding and child protection for each particular regulated setting where children live away from home.

Bedfordshire County Council takes its role as a Corporate Parent seriously and as such will ensure that children who are placed in fostering families are properly safeguarded. This procedure is designed to maintain the safety of children in our care and to allow a safe, swift and co-ordinated response to any allegations or concerns about foster carers

## Section 1

### Procedures for managing allegations and concerns about Foster Carers

These procedures should be read in conjunction with *Bedfordshire LSCB Safeguarding procedures 2006* and *Bedfordshire County Council and Bedfordshire LSCB procedures in respect of managing allegations against staff, carers and volunteers working with children and young people 2007*.

#### Scope

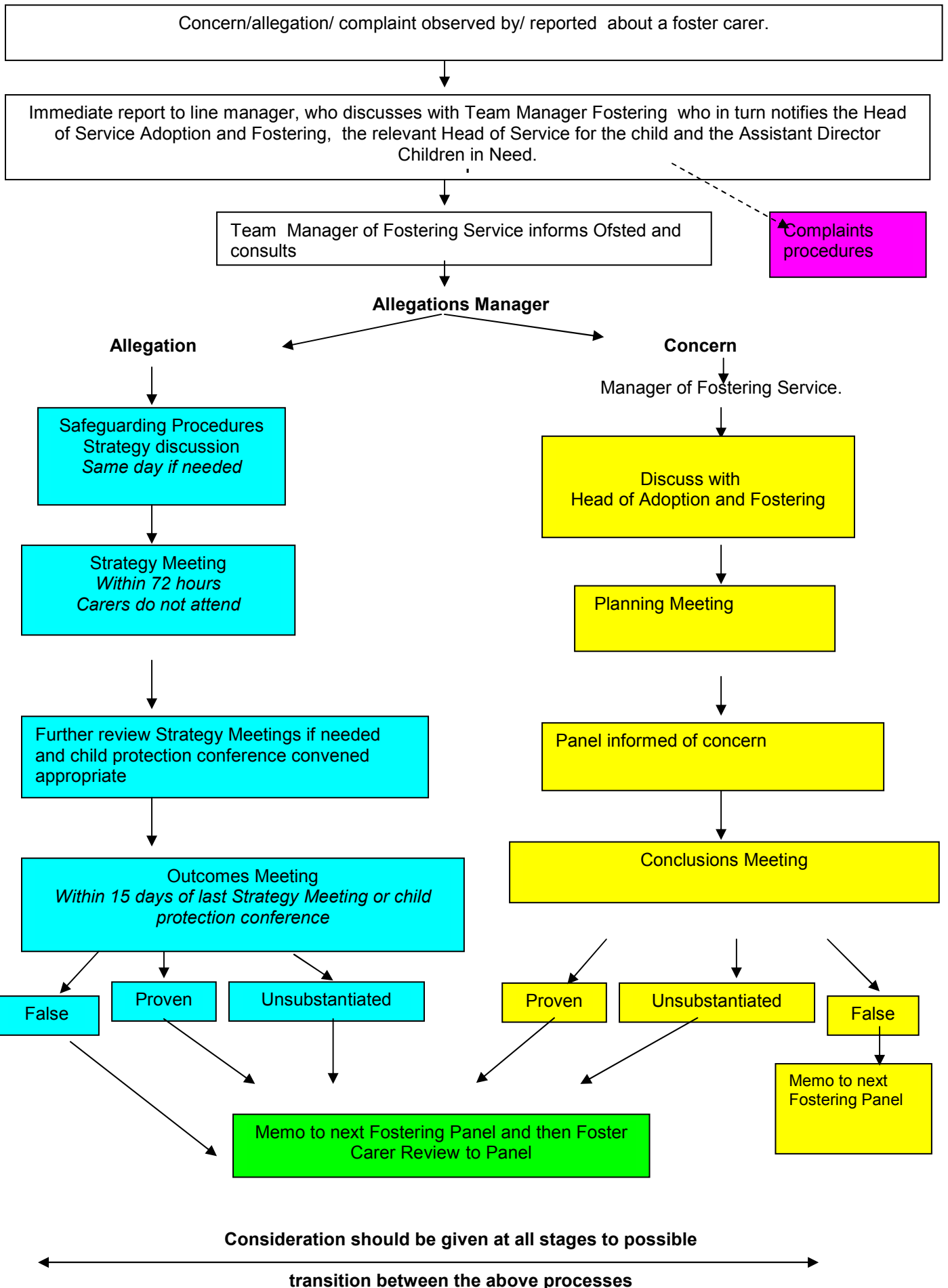
These procedures should be followed whenever there is an allegation or concern that a foster carer has:

- **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**
- **behaved towards a child or children in a way that indicates s/he is unsuitable to work with children**

There are **two** procedures set out below:

- The Allegations Procedure which outlines the management of enquiries and investigations into allegations that a child has suffered, or is at risk of suffering, significant harm due to the actions or in-actions of a foster carer.
- The Concerns Procedure which applies to Bedfordshire Foster Carers only. It governs the enquiries/ and follow up of concerns that a foster carer has seriously breached National or Local Standards.

**1.0 Outline flowchart**



**2.0. The Allegations Procedure** outlined below applies to allegations against a foster carer(s) approved by Bedfordshire County Council and has relevance for **all** foster carers living in Bedfordshire including those approved by other fostering service providers as any allegation that a child placed in foster care in Bedfordshire has, or is at risk of, suffering significant harm at the hands of foster carers will be referred to Bedfordshire Children's Social Care and dealt with under the procedure below.

In addition Bedfordshire Local Safeguarding Children Board also has responsibility for procedures governing enquiries into all allegations of child abuse in Bedfordshire. The procedures below are designed to fit within the overall framework for managing allegations and responding to concerns about a child's welfare as provided by Bedfordshire LSCB.

### **Allegations involving carers approved by Bedfordshire but resident elsewhere**

Bedfordshire Children's Social Care place children with foster carers approved by them, who live outside of Bedfordshire. It is the responsibility of the Local Authority in whose area the carers live to investigate any allegation of harm under their own safeguarding procedures. However the relevant Local Authority will wish to work alongside the child's Bedfordshire social worker, team manager and fostering social worker. The procedures set out below will be followed by Bedfordshire in close liaison with the relevant authority in relation to the management of the concern/ allegation against the carer, in order to ensure the child's safety and a timely and effective response to the concern/allegation.

### **Allegations against carers approved by other fostering service providers, who live out of Bedfordshire, but with whom Bedfordshire children are placed.**

In these cases it is the responsibility of the Local Authority in whose area the carers live to investigate any allegation of harm under their own safeguarding procedures. However the relevant Local Authority will wish to work alongside the child's Bedfordshire social worker and team manager to investigate the concerns/allegations. Close adherence to the procedures set out below in relation to conduct of the enquiries in another authority area, in order to promote the child's welfare and reach a timely and managed conclusion for carers will be sought by Bedfordshire in such cases.

The **Concerns Procedure** for the investigation of possible serious breaches of standards applies **only** to those carers registered with Bedfordshire County Council. Each Fostering Service Provider has its own service standards in addition to those set out in the Fostering Service Regulations and National Minimum Standards 2002. Other Fostering Service Providers conducting an investigation into a concern or complaint under their own procedures should be mindful of the possibility that a child has been harmed and that a child protection referral may be necessary.

## **3. Definitions**

### **Bedfordshire Carer**

All foster carers living in Bedfordshire, whether approved by Bedfordshire County Council, another local authority or an independent Fostering Service Provider. This also includes those carers, who whilst resident in Bedfordshire, only have children placed by other local authorities.

### **Bedfordshire Local Authority Carer**

Those foster carers who are approved by Bedfordshire County Council.

## **Allegation**

Any concerns that a child may be suffering, or is at risk of suffering ill treatment, due to the actions or in-actions of a carer will be treated as allegations of significant harm pending further enquiries. Suspicions that a child is or has been:

- neglected, (e.g. insufficient clothing, inadequate supervision or diet),
- sexually abused ( e.g. inappropriate touching)
- emotionally abused (e.g. taunted, constantly criticised, ignored or belittled)
- physically abused (e.g. assaulted, bruised, burnt)

will be dealt with under Bedfordshire's LSCB Safeguarding procedures. Concerns that a child has been hit, smacked, handled roughly, or subject to severe punishment will also be treated as child protection matters.

Allegations may come from a variety of sources; an accusation that a child is, or has been, mistreated by a carer may be made by a child, a parent, a member of staff, another carer, or anyone else. Concerns about significant harm may arise as the result of a single event, observation or accusation, or a number of events which, individually, might not be seen as significant but collectively constitute harm.

## **Concern about Breach of Standards**

Bedfordshire Local Authority Carers are expected to adhere to national and local standards as set out in the Foster Care and Foster Placement Agreements, local policies and procedures, the Carers Manual and the National Minimum Standards 2002. As carers are entrusted with other people's children, it is essential that the care they offer is of a higher quality than that deemed 'good enough' parenting. Standards cover matters such as:

- the need to notify Childrens Services of certain events concerning a child, (especially illnesses or accidents) or changes in the household composition
- health, hygiene and safety,
- expectations about recording
- a breach of confidentiality
- pocket money rates for children and young people

Minor infringements of the standards may be addressed by the carer's supervising worker informally. However where it appears that a significant breach has occurred, or informal methods have failed, an investigation will be conducted using the Concerns Procedure below.

If, at any stage, there are grounds for suspicion that a child, or children, have suffered or are at risk of suffering significant harm, the matter will be referred for investigation under Safeguarding procedures.

## **Complaints about carers**

Complaints may be made about a carer's actions or behaviour by a child, parent or member of the public. Where the need to invoke the Allegations or Concerns Procedures or the Fostering Service Provider's Procedures has been ruled out, complaints will be dealt with under the Children's Services complaints Procedures as governed by the Children Act 1989, Representations Procedure (England) Regulations 2006. Eligible complainants should be informed of their rights under the Children's' Services Complaints procedure and given a copy of the leaflet 'Comment, Compliment, Complaint'. Alternatively in the case of

other Fostering Service providers a complaint will be responded to according to the Fostering service Providers own complaints procedure as appropriate.

Matters investigated under the Allegations or Concerns Procedures may also constitute a complaint by a child or parent. Regulation 8(3) of the Children Act 1989, Representations Procedure (England) Regulations 2006 refers to 'concurrent consideration' and enables a Local Authority to give written notice to the complainant that the matter will be dealt with under disciplinary proceedings or is the subject of a criminal investigation. However the complainant is entitled under Regulation 8(4) to resubmit the representation once disciplinary proceedings or a criminal investigation is concluded. It is important that the need to inform the complainant about the outcome is not overlooked at the conclusion of an investigation.

The Children's Services Complaints Procedure or Fostering Service Provider Complaints Procedure may also be used where an investigation under the Allegations or Concerns Procedures has not covered all the issues raised by a child or young person.

#### **4. Referral & Immediate Response**

**Any person who is concerned about the welfare of a child placed in foster care in Bedfordshire should contact Bedfordshire Children's Social Care directly.**

Any person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

He/she should not:

- investigate or ask leading questions if seeking clarification
- make assumptions or offer alternative explanations
- promise confidentiality, but give reassurance that the information will only be shared on a 'need to know' basis.

Any professional receiving such information should report to their line manager (senior manager) at once.

The senior manager should not investigate the matter. He/she should:

- obtain written details of the concern/allegation, signed and dated by the person receiving (not the child/adult making the allegation)
- record any information about times, dates and location of the incident(s) and names of any potential witnesses and
- ensure that the following people are notified immediately:
  - the child's worker and Team Manager
  - the carer's Fostering Social Worker and Team Manager
  - the Team Manager (Senior Manager) of the Fostering Service with which the foster carer is registered.

#### **Bedfordshire Local Authority Foster Carers**

The child's Team Manager and the Fostering Team Manager will, **within one working day**, contact Bedfordshire's Allegations Manager.

The Fostering Team Manager will:

- Consult immediately with the Head of Service Fostering and Adoption, and notify the relevant Head of Service for the child i.e. Head of Service Intake, Assessment and Family Support or the Head of Service Looked After Children and the Assistant Director Children in Need
- Notify Ofsted.

### **Foster Carers resident in Bedfordshire but approved by another Fostering Service Provider**

For children placed by Bedfordshire Children's Social Care, the child's Team Manager and the Senior Manager of the Fostering Service Provider will, **within one working day**, contact Bedfordshire's Allegations Manager. The Allegations Manager will decide whether on the information available the matter should be investigated under the Allegations Procedures. In reaching a decision, the Allegations Manager will be guided by the definitions of allegations and concerns set out above. The procedures as set out below in respect of the actions of the Allegations Manager will then be followed.

The child's Team Manager is responsible for alerting the placing authorities of any other children in placement immediately.

If the child has been placed in Bedfordshire by another Local Authority, the responsible authority should contact Bedfordshire's Allegations Manager who will consult with the relevant senior officer of the placing authority.

If the concern relates to a carer for an independent agency and it is not clear who should be notified the Allegations Manager and Ofsted should be contacted.

### **Actions by the Allegations Manager**

There are up to 3 strands in the consideration of an allegation:

- A police investigation of a possible criminal offence
- Social care enquiries and/or assessment of whether a child is in need of protection
- Consideration of disciplinary action

The Allegations Manager and the Team Manager Fostering should consider first whether further details are needed and whether there is evidence that the allegation is false or unfounded.

If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or likely to suffer significant harm, the Allegations Manager should convene an immediate strategy discussion.

The Allegations Manager will be responsible for convening of a strategy meeting within **48 hours**, or sooner if in consultation with the child's team manager and the carer's team manager, the Allegations Manager considers that there is a need for **urgent** action via an immediate strategy discussion on the **same day**.

If the Allegations Manager decides that the matter **does not** meet the threshold for investigation under the Allegations procedure (significant harm, or the risk of significant harm) but **does** constitute a serious breach of standards:

- the Fostering Team Manager will immediately consult the Head of Service Adoption and Fostering for advice on how to proceed.
- For carers fostering for an independent agency, the Allegations Manager will discuss with the agency the feasibility of using its own internal concerns or disciplinary procedures.

In either case the Fostering Manager should ensure that a regular report on progress, at least once every 2 weeks, is made to the Allegations Manager

All participants will keep a record of the action they have taken, and, if appropriate, the reasons for any decisions made at this stage. A record will be placed on the child's and the carer's files.

The initial decision to invoke the Allegations or the Concerns Procedures should be open to review in the light of further information. If, at any stage of the investigation, it appears that a matter initially viewed as a concern is more properly dealt with as an allegation, or conversely, the worker responsible for the matter should seek guidance from the Allegations Manager.

## **5. Strategy meeting and subsequent enquiries**

Following the actions outlined in Section 4 the Allegations Manager will convene and chair a complex **strategy meeting** to consider the need for any action to :

- safeguard the welfare of the child concerned, any other children living in the household, or with substantial contact with the carer(s) including the carers children;
- arrange for a medical to be undertaken if needed

The following should always be invited to the strategy meeting:

- The child's social worker
- The allocated social workers team manager
- The worker or manager for any other child currently placed with the carers
- The carer's fostering social worker
- The Fostering Team Manager
- The Police Child Protection Investigation Unit

The following may also be invited:

- A professional with substantial knowledge of the child, e.g. a health worker or therapist
- A representative from the child's school

Consideration should also be given as to the need for a social worker other than the child's allocated social worker should be invited. This will be necessary in cases where it is considered appropriate for a worker from another team to conduct any subsequent enquiries/ investigation on account of the circumstances of the allegation, and/or the need for a suitably trained worker to conduct the enquiries/investigation.

The Fostering Team Manager should ensure that Ofsted are notified about the allegation and invited to the strategy meeting and if in proceedings the child's Guardian.

If it is felt necessary to remove, or prevent the carers from having contact with, a child or children, the participants will agree what information can be shared at this stage with the child(ren), their parents, and the carers involved and who will do this. Consideration should be given to any specific communication needs and if necessary interpreters provided.

A worker should be identified to inform the carers of the support available to them. If the child(ren) are to be placed with other carers, then clarification should be sought on what explanation should be offered to the new carers for the change of placement.

The Allegations Manager will ensure the strategy meeting is recorded and circulated to all involved.

The strategy meeting should also consider if an immediate referral to POCA/POVA/ISA is required as set out in the 'Safeguarding Vulnerable Groups' Act. The advice of the Allegations Manager should be sought in such circumstances

#### □ **Preparation for the Strategy Meeting.**

The **child's social worker** will ensure that the following information is available to the strategy meeting.

- The full name and date of birth of the child or children
- Whether the child has any special needs, communication difficulties, or uses a language other than English
- How long the child has been in the placement
- Significant recent events in the child's life
- Details of any other worker closely involved with the child
- The date the child was last seen by the worker and the circumstances
- Any previous concerns the worker has had about the carers and what action was taken
- Details of the child's own family members, particularly those with parental responsibility
- The child's legal status

If there are **other children in placement**, then their worker or manager will also prepare the information outlined above.

The fostering social worker and their manager will ensure that the following information is available to the strategy meeting:

- Full name, address and date(s) of birth of the carer(s)
- Whether apart from their fostering role, the carer(s) work or have worked with children in either a paid or voluntary capacity
- Full names and dates of birth of any other members of the household
- Date of first approval, dates of Carer Reviews and current approval terms
- Carer's Accreditation level and experience
- Details of children currently placed and their workers

- Details of other children living in the carer's household or who have significant contact with the carers
- A list of all the names of all children previously placed with the carers, their dates of birth.
- A summary of any previous concerns or allegations concerning these carers and their outcomes as recorded on the file.

Managers in conjunction with the Allegations Manager should consider the need for a media strategy and who will be responsible for this in accordance with the specific case and should alert the Assistant Director Children in Need to any such requirements.

### **Decision to proceed with Section 47 Enquiries**

The purpose of a strategy meeting is to consider, whether in the light of the information available at this time, it is possible that the child(ren) may have suffered, or be at risk of suffering, significant harm.

If this possibility cannot be ruled out then child protection enquiries under Section 47 of the Children Act 1989 **must** take place and those present at the meeting will need to plan how the enquiries should proceed. The team manager for the child will attend the strategy meeting and will be responsible for arranging for a social worker to conduct the section 47 enquiries. In cases where it is decided that a social worker other than the child's social worker should undertake these, it needs to be clear which manager is responsible for managing the section 47 enquiries.

The possibility of a criminal investigation should be explored, and decisions taken about whether the scope of enquiries should include children previously placed with the carer. It is important that, without prejudice to the investigation, the support and communication needs of both the child(ren) and carers should be considered.

Careful planning will be needed to ensure that child(ren) and carers are given information as quickly as possible about what is happening. Those present at the strategy meeting will also need to consider what information the police record as it may be disclosed for Criminal Records Bureau checks on the carer in future. It is especially important that if the police attend the first strategy meeting but are not involved in subsequent enquiries, that the police are given accurate information on the outcome of enquiries.

Time-scales for the enquiries must be established which take into account the distress caused to children and carers by delays and uncertainty. Whilst it is rarely possible to predict how long enquiries may take, a date for further strategy/enquiry planning meeting or, if possible an **Outcomes Meeting** should be set for **within 15 working days**. Where available information about the allegation is limited and a clarification interview is planned, a further review meeting should be arranged at the Strategy Meeting.

No further placements should be made with the carer until enquiries are concluded and the outcomes meeting held. Any further placement prior to a Foster Home Review going to Panel and the Agency Decision Maker, can only be made with the agreement of the Head of Service Adoption and Fostering.

### **Decision not to proceed with section 47 enquiries.**

If it is considered that the concerns do not meet the threshold for significant harm, then the reasons for a decision not to proceed must be recorded by the Allegations Manager and

copied for the child and carer's files. If it is felt appropriate to refer the matter for investigation under the Concerns Procedure below, this decision should also be recorded.

#### □ **Notifications and Record Keeping**

It is the responsibility of the Fostering Team Manager to update Ofsted unless represented at the strategy meeting. A copy should be placed on the carer's file.

#### □ **Informing the carers**

Unless otherwise advised by the police to avoid prejudicing a criminal investigation, the carer(s) should be informed as soon as possible after the strategy meeting if not already aware of the allegation. Carers should be given the following information, both verbally and in writing in their preferred language:

#### □ **Informing the child's parents**

Consideration should be given at the initial and subsequent strategy meeting as to whether when and how the child's parents should be informed of the concerns and the response to the concerns. A written record of all decisions should be maintained on the child's file signed by the child's team manager.

#### □ **Informing the child**

Where the alleged victim has made the allegation(s) under investigation, as well as ensuring protection from future harm, it is important that he or she is informed of what actions have been taken in response to his or her concerns. Normally responsibility for keeping the child informed will fall to the child's social worker. In all circumstances the child has the right to know the outcome of any enquiries and/or investigation.

#### **Where enquiries are not continuing:**

Where no further action is proposed under this procedure, it is the joint responsibility of the child and fostering team manager to inform the carers in writing of the details of the allegations. Carers should be given a copy of the papers that will be placed on their file, and invited to make written representations if they wish. Where further exploration under the Concerns procedures is planned, this should be clearly explained to the carer.

#### **Where enquiries are continuing:**

It may not be possible to share full details of the allegations or concerns at this stage as it is likely that the social worker conducting the section 47 enquiries and /or police will need to conduct a formal interview. However, unless the police advise otherwise, the Fostering Team Manager should ensure that carers are informed both verbally and in writing about:

- the process of the enquiry and why it is taking place;
- the time-scales agreed at the Strategy meeting in respect of s 47 enquiries and what will happen next.
- the reasons for the removal of children, if applicable;
- when, where and by whom interviews will be conducted;

- advice to obtain legal representation if interviewed by the police and information on legal representation
- details of the current status of their approval to foster
- contact details for Fostering Network's support line and Carers should be given a copy of the procedures and, where appropriate, a copy of Fostering Network's booklet 'Allegations against Foster Carers'.
- the information and support needs of the carer's own children should be discussed and recorded.

Where a child has been removed, or a decision made that no further placements should take place until the matter is concluded, Bedfordshire Carers should be informed that they will continue to receive the full allowance for an agreed period. The financial arrangements should be confirmed in writing.

All information supplied should be confirmed in writing in the carer's preferred language following verbal discussion.

#### □ **Section 47 enquiries**

Wherever possible, the social worker conducting the section 47 enquiries and /or their team manger should attend the strategy meeting.

The social worker should meet with the child's worker to consider:

- The child's history, with particular reference to any known or suspected previous abuse or allegations
- The child's placement history and current placement, including any particular problems previously identified
- The child's preferred method of communication and how best to conduct the interview.

The social worker should also meet the carer's worker to consider:

- The carer's experience, strengths and weaknesses
- Relevant Information about the carer's family
- The carer's use of supervision and support
- Previous placements, and the reasons they ended
- Any problems previously identified with the placement of the child(ren) concerned.
- The carer's preferred method of communication and how best to conduct the interview.

Following these preliminary enquiries the child should be interviewed as soon as possible. In some circumstances this may be a joint interview with the police. Where the police are not involved, a full written record should be made of this interview and a copy sent to the child's Team Manager, carer's Team Manager and the Allegations Manager.

The carer should also be interviewed by the investigating officer(s) as soon as possible after the above enquiries have been completed. It is important that interviews of both carer and child are conducted by the same investigating officer(s).

Where the enquiries are being conducted jointly with the police, information about the nature of the allegations will be withheld from the carers unless the police consent to disclosure.

The conclusion of the police investigation will not necessarily end Section 47 enquiries by Children's Social Care. However the investigating social worker will, when the police consent, inform the carers of the outcome of the police investigation and what will happen next.

Where the police are not involved in the enquiries, a full written record will be made of the interview and the carer's responses. Carers should be encouraged to provide all information they feel will assist in making their case. The carer should be invited to make a written response to the investigating social worker if they wish to do so. If such a submission is received, the investigating social worker will ensure a copy is sent to the Allegations Manager and the child's team manager and the Fostering Team Manager.

It is the responsibility of the investigating social worker to keep the Allegations Manager and the child's and fostering team managers updated about the progress of the investigation. The Fostering Team Manager will need to ensure that the carer is kept informed of events.

The Allegations Manager is responsible for ensuring that enquiries are concluded within the time-scales set out at the Strategy Meeting. If a delay is unavoidable due to the need to gather further information, or to widen the scope of the investigation, then the reasons for the delay should be recorded. The Fostering Team Manager will keep the carer informed of the timetable of the investigation and any necessary delays. The Allegations Manager should immediately set a revised date for the Outcomes Meeting and ensure all parties are notified

### **Decision not to pursue Enquiries**

If it appears that the evidence does not support the continuation of enquiries under this procedure, then the Allegations Manager and other participants in the Strategy meeting should be informed immediately. The Allegations Manager will make a decision about whether an Outcomes Meeting should be held in these circumstances.

The ending of enquiries under section 47 will not necessarily conclude the investigation as there may still be serious issues that require exploration under the procedure for managing concerns about the carer's practice. The Allegations Manager and the Fostering team manager (Senior Manager) should be consulted and a decision made as to whether the circumstances warrant investigation under the Concerns Procedures below.

Information gathered by children's social care in the course of making the decision about whether to proceed with a section 47 enquiry should be made available for use by the fostering service provider in relation to implementing its own procedure, unless there are restrictions applied by the police. Similarly, information gained by the police should also be shared with the fostering service to assist them in the course of implementing their own procedures.

❑ **Carers wishing to resign or transfer to another Fostering Service during an investigation or before a decision on approval has been made**

Carers who wish to resign in these circumstances should be informed that the Fostering Service will disclose the fact that the carer is subject to a section 47 enquiries and the anticipated time-scales before completion to any new fostering service considering their application. If the carer refuses to co-operate with enquiries, the Fostering Team Manager should inform the carer in writing that a record of the information available will be placed on file and invite the carers to respond. It should be explained that details of the enquiries made and conclusions reached will form part of the reference for any future involvement with children. A post enquiries review of approval should be conducted to determine whether termination of approval should take place.

### **Concluding Enquiries**

The investigating social worker officer should prepare a written report to include details of the allegation or concern, the enquiries undertaken and his or her findings taking account of any issues of consent for disclosure. If time-scales have slipped the reason for the delay should be recorded in the report. The carers should also be encouraged to make a written submission in advance of the Outcomes Meeting.

The report **must** be distributed at least **7 working days** before the Outcomes Meeting to those who will attend. The Investigating social worker and the Fostering Team manager and Fostering social worker will arrange to visit the carer to discuss the report's contents. The carer should be reminded of the date of the Outcomes Meeting and invited to attend with a supporter if they wish. If the carer does not wish to attend he or she should be invited to make a further written submission.

❑ **Outcomes Meeting**

At the conclusion of the section 47 enquiry into allegations against foster carers, it is good practice for the chair of the strategy discussion to call a further strategy meeting to conclude the investigation and final outcomes. This will ensure that links are made between the section 47 enquiry, the needs of the children and adults concerned, and any action to be taken by the fostering service in relation to its own procedures under the Fostering Services Regulations 2002.

Where a criminal investigation is in progress an Outcomes Meeting can be conducted unless legal advice is received that it should not.

All those who attended the Strategy Meeting should attend plus the carers and their representative, and the investigating officer(s). Ofsted should also be invited. Consideration should be given, where appropriate, to whether a legal advisor should be invited to attend, or if not, whether legal advice should be sought in advance of the meeting.

If the carers wish to have their own legal representation, then the chair of the meeting should clarify roles at the start of the meeting.

The Team Manager Fostering or alternatively the Head of Service Adoption and Fostering will chair the Outcomes Meeting. If, in the opinion of the Chair, the investigation is not concluded, and further evidence may be available, the Chair should defer the Outcomes Meeting for a maximum of 15 working days

The Chair is responsible for ensuring a written record of the Outcomes Meeting is made. A copy of will be sent to the child and fostering Team Managers, and Ofsted. The reasons for non-attendance of any invitees should be recorded.

Participants in the Outcomes Meeting should have copies of the records of interviews conducted by the investigating officer and his or her report. The carers should also have copies of all papers that will be placed on their file, unless third party rights of confidentiality would be breached by the disclosure.

The Outcomes Meeting **must** consider, irrespective of the outcome of any police enquiry, whether there is reasonable cause to suspect the child has, or is likely to, suffer significant harm and arrive at one of the following determinations concerning the allegation:

- **Proven** (supported by evidence and found to be true)with **risk of continuing harm if child remains in placement**
- **Proven** (supported by evidence and found to be true) with **no risk of continuing harm if child remains in placement**
- **False** (evidence shows it to be untrue)
- **Unsubstantiated** (the available evidence is insufficient to show it to be true or false)

All professionals attended the meeting will be asked by the Chair to give their opinions concerning the appropriate determination.

The Outcomes Meeting **may** also make recommendations for further action.

Any recommendations made concerning the carer's approval will need to be referred to Fostering Panel. The final decision will be made by the Agency Decision Maker and subject to the normal Appeals process.

A recommendation for referral to POCA/ POVA and the Independent Safeguarding Authority will be referred to the Allegations Manager and the Assistant Director Children In Need for consideration. Unless otherwise advised by the Allegations Manager, the Assistant Director Children In Need will make a referral to POCA within one month of such a recommendation.

The meeting should determine what information should be given to all those affected by the enquiry, including parents, and identify who should do this, and what records will be kept on the files of the child(ren) and carer. The meeting should identify who will ensure that the police are updated where necessary.

The Outcomes Meeting should also consider whether there are lessons arising and whether it should make general recommendations for improvement in policy or practice.

#### □ **Appeals against the decision of an Outcomes Meeting**

Any party to the Outcomes meeting can request a further meeting to consider substantial new evidence. Such a request should be made to the Allegations Manager. Carers who wish to appeal against the decisions of an Outcomes Meeting should be informed that a further meeting will not be held unless there must be evidence that procedures were not been followed correctly, or significant new information has come to light. Carers should be advised to use the Complaints procedure if they are not satisfied.

#### □ **Follow up**

The Fostering Manager should update Ofsted and ensure that carers know what information will be recorded on the file, and invite them to add their own comments to the record.

The Review Manager for the child should also be informed of the outcome of the enquiries and the Outcomes meeting

□ **If an allegation is subsequently withdrawn.**

If it comes to light at any stage that an allegation investigated under this procedure has been withdrawn, enquiries are needed to ascertain that the withdrawal is genuine. In all cases the worker for the child **must** ensure that this information is passed on to the Fostering Team Manager for the carer so that a record is made on the carer's file.

□ **Carer Review following exploration of an allegation**

In most circumstances a Foster Carer Review should be presented to Foster Panel as soon as possible after the ending of section 47 enquiries. The Fostering Team Manager should seek the advice of the Head of Service and the Allegations Manager on this matter.

The Allegations Manager should be informed of the outcome of the Review following the decision of the Agency Decision Maker.

If the Outcomes Meeting found that the allegation was proven or not substantiated, the Fostering Team Manager, in consultation with the Head of Service Adoption and Fostering, should identify a qualified worker to complete the review for submission to the Fostering Panel within one month from the date of the Outcomes meeting.

A copy of the Foster Carer Review should be given to the carers at least **10 working days** before the Panel hearing. If the carers wish to make a written response, they should do so within **7 working days** so that it can be submitted to Panel members one week in advance of the Panel.

Once the Review is completed it is good practice for the Fostering Team Manager to arrange for an 'Evaluation Meeting', to take place with the carer to discuss the impact of the investigation and any support needs they may have as a consequence.

### **Evaluation Meeting**

Carers should be offered an Evaluation Meeting between the carer(s) and their fostering social worker after a decision has been made about their approval following an investigation. The Fostering Team Manager or another Manager might also participate if appropriate. The Evaluation Meeting provides an opportunity for the carer and the fostering service to consider:

- the impact of the investigation on the carer and their family,
- the conduct of the investigation and its outcomes
- clarification of any remaining uncertainties about approval status or the consequences of the investigation for the future
- any risk management plan or training plan in place and how this will be monitored and reviewed
- any support needs the carer or their family may have

Where the carer considers it inappropriate for the carer's own children to be present, a separate meeting with the children may be arranged if it would be helpful.

A written record of the meeting should be sent to the carers and a copy placed on the carer's file.

## **Learning the lessons**

At the conclusion of enquiries if an allegation is substantiated, the Fostering Service should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future. Lessons to be learnt should be disseminated to all relevant staff across the Children in Need Service and the Fostering Panel.

## **Section 2**

### **Concerns Procedure - (Bedfordshire Local Authority carers only)**

#### **□ Minor breaches of standards of care**

Questions may arise concerning the care provided to a child, or a possible breach of the standards expected of foster carers. These may include issues related to discipline methods, hygiene standards, confidentiality, recording, or level of supervision.

Minor issues should be dealt with informally but should be recorded on the foster carers file.

Where a child's worker has initiated the concern, he or she should send a report of the concern to the carer's fostering social worker and Team Manager. The report should be used to record how the matter was addressed and a copy given to the carer.

#### **□ Use of formal measures**

A more rigorous formal approach may be needed following a serious breach of standards, or a number of minor ones which suggest a carer's practice has not improved. Concerns may arise as the result of a single event, observation or accusation, or a number of events which, individually, might not be seen as significant but collectively constitute a major concern about a carer's standard of practice.

Matters that may require formal consideration of the carer's practice should be referred to the Fostering Team Manager for a decision. If the Manager feels that the issue warrants further enquiries/investigation, the Allegations Manager and the Head of Service Adoption and Fostering will be asked for advice on whether the enquiries should be conducted under this procedure or the Allegation Procedures above.

If the decision is to use the Concerns Procedure, then the Head of Adoption and Fostering will be asked to advise on whether the investigation should be conducted by the carer's supervisor or a qualified worker from within the fostering team or from another team.

## **Informing the Carers**

Once further enquiries have been agreed, the Fostering Team Manager should inform the carer in the carer's preferred language within **3 working days** unless to do so would

prejudice the enquiries. The following information should be given both verbally and in writing:

- The reasons for the enquiries
- The process of the enquiries, and anticipated time-scales.
- Contact details for the worker who will conduct the enquiries.
- The names of those likely to be asked for their views
- How the views of children placed with the carer and their parents will be sought.
- What arrangements will be made for supervision during the investigation
- The arrangements for independent support.
- Where appropriate, and following consultation with the Head of Service, whether the carer is suspended from taking further placements during the enquiries and any financial arrangements made as a consequence
- The planned date for a Conclusions Meeting

The Fostering Team Manager is also responsible for ensuring Ofsted are informed of the concerns and planned enquiries.

#### □ **Planning Enquiries**

The worker conducting the enquiries will:

- read the carer's file
  - establish clarity about the causes for concern before making arrangements to interview the carer(s) and their supervisor
  - in conjunction with the Fostering Team Manager identify the persons whose views should be sought as part of the enquiries. The following should always be consulted/interviewed;
- the carer
  - the carer's social worker
  - the carer's manager
  - the social worker of any child placed
  - any child or adult who has reported a concern

Other possible sources of information might be;

- Placed or formerly placed children
- Workers of formerly placed children
- Other members of the carer's household
- Team Managers for placed children
- Parents of placed, or formerly placed, children
- Other professionals involved with the child
- Other professionals involved with the carer or their household

The workers of children placed, or who were placed with the carers should be contacted to establish how the views of children and parents can best be obtained. In some circumstances it may be appropriate for the children or parents to be interviewed jointly by the child's worker and the investigating worker.

## ❑ **Conducting enquiries**

The Fostering Team Manager or the Head of Adoption and Fostering if appropriate, should co-ordinate the process of the enquiries and ensure time-scales are met.

The Fostering Team Manager should also ensure that the carer and the Allegations Manager are kept informed about the progress of the enquiries.

Carers should be informed that they are entitled to have independent support during interviews.

All records and written statements should be dated and signed and a copy given to the carers. If, exceptionally, information has to be withheld from the carer, then the Team Manager should record this fact and inform the carer that privileged information has been withheld.

## ❑ **Carers wishing to resign or transfer to another Fostering Service during an investigation or before a decision on approval has been made**

Carers who wish to resign in these circumstances should be informed that the current Fostering Service will disclose the fact that the carer is subject to enquiries under the Concerns Procedure and the anticipated time-scales before completion to any new fostering service considering their application.

If the carer refuses to co-operate with enquiries, the fostering manager should inform the carer in writing that a record of the information available will be placed on file and invite the carers to respond. It should be explained that details of the enquiries made and conclusions reached will form part of the reference for any future involvement with children.

A Review of approval should be conducted. All efforts should be made to notify the carer of these developments and to give them copies of reports and papers prepared for Panel. Carers should be given a minimum of **7 days** in which to make a written response prior to the Panel hearing. Any written response received should be submitted to Panel members not less than one week prior to Panel.

The Allegations Manager and Ofsted should be kept informed of these developments.

## ❑ **Concluding Enquiries**

The enquiries should normally be completed within **4 weeks** of commencement and a draft report prepared for the Conclusions meeting.

A copy of the report should be given to the carers in person and its contents discussed with them **14 days** before the Conclusions Meeting. Carers should be invited to make a written response for the meeting /record within **7** working days.

## ❑ **Conclusions meeting**

The Fostering Team Manager should convene a meeting to discuss the draft report and any reports submitted by the carer.

The following should be invited to attend

- the carer
- the carer's fostering social worker
- the workers for all children in placement
- the social worker who undertook the enquiries

The purpose of the meeting is to confirm the accuracy of the report, review its findings, allow the carer full opportunity to respond and to reach conclusions about any further action necessary. Actions might include:

- recommendations about further training or guidance for the carer
- recommendations about the carer's practice
- recommendations about future approval terms, deregistration or referral to POCA/POVA/ISA
- further risk assessments or a risk management plan

A written record will be kept of this meeting and a copy given to the carer.

Brief details of the concern and outcome will be recorded and on the Carer's file.

### **Follow up**

The Fostering Team Manager, in consultation with the Head of Adoption and Fostering, should determine whether a foster home review should immediately be placed before Fostering Panel. If a decision is made that this is not necessary, then the reports will be placed on the carer's file with a note explaining the reasons the matter was not referred to Panel and written reference made to the investigation in the papers submitted for the carer's next Annual Review.

### **Review of Approval following exploration of an allegation or concern**

A review of approval should be completed within 4 weeks of a Conclusions Meeting unless otherwise advised by the Head of Adoption and Fostering or the Allegations manager.

The Fostering Team Manager is responsible for ensuring that carers understand the nature, purpose and scope of the Review, and for identifying the person who should undertake it if this is not the person appointed as investigating officer.

It is important that a full picture of the career of the foster carer is obtained, and strengths and positives noted as well as the circumstances giving rise to the Review. However the presentation of the review to Panel should not be unduly delayed by difficulties in obtaining the views of children's workers or other sources of information.

Most of the information required for the Review should have already been collated however the worker undertaking the review will need to specifically address suitability and competence of the carer, appropriate approval terms, and comment on any training and development needs or other assistance identified as necessary. The worker may also wish to comment on the support provided to the carer and make suggestions on improvements in practice.

The completed report and copies of all paperwork that will be submitted to Panel should be given to the carers **14 days** before the Panel hearing, and the carers should be invited make a written response within **7 days**. All written submissions by carers should be sent to Panel members one week before the Panel meeting.

## **Fostering Panel**

The carers should always be invited to attend the Panel meeting, and may, if they choose be accompanied by an independent source of support.

On the basis of written and verbal information received Panel will reach a recommendation about the carer's approval, and, where appropriate, approval terms in future.

## **Post Panel Actions**

The Agency Decision Maker will review all papers, and notify the carer in writing whether he or she is minded to accept the Panel's recommendations. Where the Agency Decision Maker is minded to terminate the approval of the carer, the letter of notification will include details of the Appeals process.

Following the final decision, the Fostering Team Manager should ensure that Ofsted, the Strategy Meeting Chair and the Allegations Manager are informed of the outcome.

## **Follow up & recording**

The Fostering Team Manager should ensure that all appropriate papers are placed on carer's file and that the carers file is updated with the final outcome. He or she should confirm that no confidential information concerning third parties is left on the carer's file. If the third party information concerns the child and the placement is continuing, it should be filed with the other papers relating to the child for removal at the end of the placement.

The Fostering Team Manager will, in discussion with the carer's supervising worker, consider the support needs of the carer and family, and make arrangements for this to be provided where appropriate. An Evaluation Meeting may be helpful for all parties.

If plans for the carer to undertake further training, or a risk management plan, were recommended, the Fostering Team Manager should, in conjunction with the carer's fostering social worker, discuss how compliance with the plan will be recorded, monitored, and Panel and the Agency Decision Maker updated where appropriate.

The Fostering Team Manager should also ensure that the Team Managers for the child(ren) concerned are informed.

The Team Manager(s) for the child(ren) will ensure that the records contained on the child's file are accurate and complete, that the outcome is recorded and that any confidential information concerning the carer is removed. The Team Manager(s) for the child(ren) will also consider how the child should be informed about the outcome, whether therapeutic or other support is needed, and if appropriate liaise with the Complaints Officer about any outstanding complaints .

The Registered Manager will monitor the process and outcome of all investigations under the Allegations and Concerns procedures, as required under Regulation 42(1) of the Fostering Services Regulations 2002.

## References and CRB checks

Carers should be informed that information about any investigation under the Allegations or Concerns procedures will be disclosed as part of a reference for future work with children in any capacity. If the matter was dealt with under the Allegations Procedure it may also be disclosed in the course of a CRB check. Carers will want to ensure that records are accurate, fair, and include their own views.

## Section 3 – Essential safeguards – children placed in all settings

In responding to information indicating actual or suspected abuse of a child living away from home in accommodation provided for them as a service, agencies should go through the process of investigation, assessment and planning on the agreed inter-agency basis as in other cases of suspected child abuse. The possible implications for other children in the establishment or home should always be considered and protection plans formulated and acted upon whenever necessary.

There are a number of essential safeguards which should be observed in all settings in which children live away from home, including foster care, residential care, private fostering, armed forces bases, healthcare, boarding schools (including residential special schools), prisons, young offenders' institutions, secure training centres, and secure units. Where services are not directly provided, essential safeguards should be explicitly addressed in contracts with external providers. These safeguards should ensure that:

- children feel valued and respected and their self-esteem is promoted;
- there is an openness on the part of the establishment which is subject to external scrutiny, including contact with families and the wider community;
- staff and foster carers are trained in all aspects of safeguarding children; alert to children's vulnerabilities and risks of harm; and knowledgeable about how to implement safeguarding children procedures;
- children who live away from home are listened to and their views and concerns responded to;
- children have ready access to a trusted adult outside the institution, e.g. a family member, the child's social worker, independent visitor, children's advocate. Children should be made aware of the help they could receive from independent advocacy services, external mentors, and ChildLine;
- staff recognise the importance of ascertaining the wishes and feelings of children and understand how individual children communicate by verbal or non-verbal means;
- there are clear procedures for referring safeguarding concerns about a child to the relevant local authority;
- complaints procedures are clear, effective, user friendly and are readily accessible to children and young people, including those with disabilities and those for whom English is not their preferred language. Procedures should address informal as well as formal complaints. Systems that do not promote open communication about

'minor' complaints will not be responsive to major ones, and a pattern of 'minor' complaints may indicate more deeply seated problems in management and culture which need to be addressed. Records of complaints should be kept by providers of children's services, for example there should be a complaints register in every children's home which records all representations or complaints, the action taken to address them, and the outcomes. Children should be genuinely able to raise concerns and make suggestions for changes and improvements, which are taken seriously;

- bullying is effectively countered;
- recruitment and selection procedures are rigorous and create a high threshold of entry to deter abusers;
- there is effective supervision and support, which extends to temporary staff and volunteers;
- contractor staff are effectively checked and supervised when on site or in contact with children;
- clear procedures and support systems are in place for dealing with expressions of concern by staff and carers about other staff or carers. Organisations should have a code of conduct instructing staff on their duty to their employer and their professional obligation to raise legitimate concerns about the conduct of colleagues or managers. There should be a guarantee that procedures can be invoked in ways which do not prejudice the 'whistle-blower's' own position and prospects;
- there is respect for diversity and sensitivity to race, culture, religion, gender, sexuality and disability; and
- staff and carers are alert to the risks of harm to children in the external environment from people prepared to exploit the additional vulnerability of children living away from home.

The Commissioning Service Children's Services monitor and review contracts with external providers in adherence to the above principles.

## **Section 4**

### **Children in Residential Establishments and Children receiving Respite Care**

Procedures for responding to safeguarding concerns raised by children and young people placed in residential establishments and receiving respite care services, who disclose abuse and/or neglect by adults who are in position of trust and /or responsible for their care or any aspect of the child's well being are contained within Bedfordshire Inter Agency Safeguarding Procedures (2006) and Bedfordshire LSCB and Bedfordshire County Council Procedures for managing allegations and concerns regarding staff, carers and volunteers working with children and young people (2007).

## Section 5 - Historical Abuse

Adults and young people occasionally disclose experiences of abuse which constitutes significant harm after a period of time has elapsed and/or when they reach adulthood.

Organisational responses to historical allegations by a young person or an adult of abuse experienced as a child/young person must be of as high a standard as a response to current abuse because:

- There is a significant likelihood that a person who abused a child/ren in the past will have continued and may still be doing so:
- Criminal prosecution may be possible if sufficient evidence can be carefully collated.

### Response

When an adult/ young person discloses childhood abuse, the professional receiving the information should record the discussion in detail. If possible, the professional should establish if the adult/young person has any knowledge of the alleged abuser's recent or current whereabouts and contact with children/young people.

In view of the potential continuing risk the alleged abuser may pose to children/young people, the profession should make a referral to Children's Social Care

The social worker receiving the referral should seek sufficient information to develop a chronology, and all records must be dated and the authorship made clear.

If information about the current whereabouts of the alleged abuser has not yet been gathered, Children's Social Care should establish this as a matter of urgency.

The adult/young person who has historical disclosed should be asked whether they want a police investigation and must be reassured that the police are able and willing to progress an investigation even for those adults/young persons who are vulnerable as a result of mental ill health or learning difficulties.

Children's Social Care should reassure the adult that, even without their direct involvement, all reasonable efforts will be made to investigate the alleged abuse. Children's Social Care should support the adult to access therapeutic or other services, as appropriate

The social worker should:

- inform the police at the earliest opportunity and establish if there is any information regarding the alleged abuser's current contact with children, irrespective of the wishes of the victim as to whether a police prosecution should take place;
- Inform the Head of Service if the adult/young person who has disclosed requests a police investigation or if the allegations involve organised and complex abuse (police involvement in an investigation will depend on a number of factors, including the victim's wishes and the public interest);
- Initiate section 47 enquiries if the alleged abuser is known to be currently caring for children or has access to children. This must include making a referral to Children's Social Care in the area where the alleged abuser is currently living.

Where an adult/young person alleges abuse in childhood in a different local authority area, the case should be transferred to agencies in the area where the abuse is alleged to have taken place. Parallel enquiries may be needed if the alleged abuser has contact with children elsewhere. The co-ordinating LA children's social care should be the one responsible for the geographical area where the abuse is alleged to have taken place.

Where the abuse is alleged in a former children's home or residential school, the responsible LA children's social care should be the one relating to the local authority responsible for running the establishment concerned, irrespective of where the children's home or residential / boarding school is / was located. It is important that there is effective communication about roles and responsibilities between agencies in such circumstances. See Government guidance [Complex Child Abuse Investigations: Inter-Agency Issues \(Home Office and DH, 2002\)](#).

The responsible police service for investigation will be the one covering the area where the alleged abuse is said to have taken place.