



# Services for Children, Young People and Families

## **CHILDREN IN CARE COMPLAINTS AGAINST FOSTER CARERS PROCEDURE (FOSTER CARE)**

March 2013

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**Date to be Reviewed:** March 2014

## COMPLAINTS AGAINST FOSTER CARERS PROCEDURE

### 1. Principles and Aims

#### 1.1 There are three key principles underlying the way that complaints against foster carers are investigated in Trafford. These are:

a) In all cases the needs of the child in care will always take precedence over other considerations.

b) While the Fostering Regulations 2011 make provision for the use of the ultimate sanction of a carer's deregistration, where possible the local authority will seek to work with carers to implement change and improvement.

c) It is anticipated that wherever possible, issues and less serious complaints made against foster carers will be dealt with informally and only once this has been exhausted will a formal process be initiated.

#### 1.2 The Fostering Service will seek to minimise, as much as possible, the stressful situation facing carers going through this process. Throughout any investigation under these procedures, in addition to support from the Family Placement Team, foster carers will have access to support from an independent source, including access to a telephone helpline and an independent advocate.

#### 1.3 The Children Act 1989 places a duty to investigate all allegations and complaints involving children wherever they are living.

In cases where an allegation has been made as defined in **2.2**, Trafford's **Child in Need-Child Protection Procedures** will take precedence over any other procedures.

#### 1.4 The Fostering Regulations 2011 and the National Minimum Standards for Fostering Services put a duty on fostering services to investigate, monitor, record and review allegations and complaints against foster carers.

### 2. Definitions

#### 2.1 The Fostering Network's guide, "Protecting Children - Supporting Foster Carers" defines complaints and allegations in the following way. These definitions will be used throughout these procedures.

To view this guide online, see:

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00860-2009>

## **2.2 Allegations**

*“An allegation may be made by anyone: a member of the public, a health or education professional, a member of a fostered child’s family or by a child. An allegation involves an accusation of physical, sexual or emotional abuse or neglect; for example, that a carer had injured a child or that a carer or someone in the family has behaved in a sexually inappropriate way towards the fostered child.”*

## **2.3 Complaints**

*“A complaint about a foster carer may be made by a fostered child, a parent (or anyone with parental responsibility for the child), a foster carer, or anyone else with a legitimate interest in a child’s welfare. A complaint may involve a view about a carer’s approach to the care of a fostered child or the way in which they respond to a child’s needs or behaviour; for example, when a child complains that she is not being fed properly or a parent complains that a child’s culture or religion is being ignored.”*

## **2.4 Serious concerns**

*“A fostering service may have serious concerns about a carer, which may not warrant investigation by the local authority under child protection procedures. Examples of serious concerns may involve issues of disciplining fostered children, or non-cooperation with contact arrangements with fostered children’s families.”*

## **3. What is expected of Carers**

**3.1** It is expected that carers will provide children with good quality care. This care is to be safe and nurturing in character. Carers are expected to work positively with everyone involved in the care of the children they are looking after, and ensure that all good communication is maintained with all parties in order to promote their welfare. Carers are expected to engage positively with children’s birth families wherever possible and children are to be encouraged to have contact with their birth families. It is expected that carers will actively promote a child’s welfare in terms of health, education and emotional well being.

**3.2** Carers will be encouraged to express their views to the service regarding the plans for the care of a child, but will work within the confines of the Local Authority’s plan for the care of a child for whom they are caring. Carers are expected to ensure that information they receive regarding a child in their care remains confidential and must demonstrate an active commitment to training.

*(A more detailed explanation of the expectations of foster carers is given in the Written Agreement and the foster carers’ contract)*

#### **4. What carers can expect**

- 4.1** Regardless of the circumstances, carers will be treated fairly.
- 4.2** Foster carers will receive access to training and have the support of a Supervising Social Worker who will serve as their link to the service. The CYPS can provide a range of services to foster carers and the children they care for, including; the services of a Child Psychologist, Community Nurse and support from the Outreach Teams.
- 4.3** The Family Placement Team recognises how stressful an allegation and complaint is for foster carers and will seek to ensure that these are dealt with as promptly as possible.

#### **5. Who can complain and how**

- 5.1** Anyone with a legitimate interest in the care of a child can report their concerns to the fostering service.
- 5.2** A child can complain. Children in care have access to a Children's Rights Officer, who may relay concerns from a child to the Family Placement Team. Concerns raised by a child and reported by the Children's Rights Officer must also be treated in the same way. Any concerns relayed by a child in care must be reported to the Family Placement Team Manager at the earliest opportunity. This must then be recorded and a decision taken as to whether the concerns warrant an investigation under the child protection procedures (See **6.1**).
- 5.3** Complaints from professionals, including other social workers must be put in writing to the Family Placement Team Manager who must acknowledge these in writing within **7 working days**.

#### **6. What happens next**

- 6.1** On receipt of information pertaining to an allegation or complaint, the information must be put to the relevant team manager for that child so that they can decide what procedures any investigation should follow. This decision should be made within **1 working day** by the relevant Head of Service or in their absence, a person with delegated authority, in accordance with the definitions in section 2 of these procedures. Where the information is put forward by a professional, such as the child's social worker, this will be set out in writing, clearly stating the nature of the concerns and their source.

a) It is anticipated that those complaints that are defined as 'Allegations' (as in **2.2**) will be dealt with under the **Child in Need - Child Protection Procedures**.

b) Those complaints defined as 'Complaints' or 'Serious Concerns' (as in **2.3** and **2.4**) will usually be investigated by the Family Placement Team

possibly in conjunction with a Social Worker from the Social Work team with case responsibility for any child in placement or connected to the complaint.

## **7. Children Protection Investigations (Section 47 Children Act 1989)**

- 7.1** Where it is decided that an investigation is to be conducted under Section 47 of the 1989 Children Act, the **Trafford's Child in Need Child Protection Procedures** (professional abuse) should then be followed. The outcome of this investigation should then be addressed under **7.4** in these procedures. Throughout any such investigation, carers will have access to the support from the independent agency appointed by Trafford for this purpose. Alternatively, carers can arrange their own independent support in agreement with the Family Placement Team.
- 7.2** While the Family Placement Team would seek to inform carers at the earliest possible opportunity when a complaint has been received about their care, there may be occasions when this will not be possible. This will usually be where to do so could hinder an investigation or compromise the care or safety of a child.
- 7.3** No new placements will be made with carers while the investigation is ongoing. Consideration will need to be given as to whether the carer should be suspended (see **8.6**)
- 7.4** Once a Section 47 investigation is completed, carers will be advised of the outcome within 1 working day. Supervising Social Workers will complete the 'Record of Allegations and Complaints' form.
- 7.5** Where an allegation investigated under Section 47 of the Children Act 1989 has been found to be substantiated, this will cause an early review of the foster carers to be undertaken. This must consider any changes to the carer's approval, further training needs and if necessary, recommend termination of their approval. In such cases, carers will remain suspended until an early review and a formal decision has been made (see **10.2**).
- 7.6** Where an allegation investigated under Section 47 of the Children Act 1989 is found not to be substantiated but where other less serious concerns as defined in sections **2.3** and **2.4** of these procedures are identified, a decision can be made to initiate an early review of a foster carer and this could include suspension of the carer. This decision should be taken by the Head of Service (Children in Care) following a request in writing from the Family Placement Team Manager. (This decision must be clearly recorded on the carer's file.)
- 7.7** Carers must be informed in writing if an early review is to take place. Any decision to suspend them pending such a review must also be put in writing. (The payments available to carers undergoing suspension are outlined in section 8).

## **8. Investigation by the Family Placement Team**

- 8.1** Where it is felt that an investigation is not warranted under Section 47 of the Children Act 1989, but it is found that there are legitimate concerns (as defined in **2.3** and **2.4**), a member of the Family Placement Team will undertake an investigation, possibly in conjunction with the relevant fieldwork team.
- 8.2** Consideration will be given as to whether this investigation will be undertaken by the carers' existing Supervising Social Worker, or whether another member of the team should be allocated to this task. This decision should be taken by the Family Placement Team Manager or the Placements Manager in their absence, within **1 working day**, with consideration being given to the nature of the concerns raised and the impact that any investigation will have on the future working relationship between the carers and their Supervising Social Worker.
- 8.3** As per **7.2**, **7.3** and **7.4**, The Family Placement Team will seek to ensure that carers are informed that concerns have been raised about their care and consider whether the foster children in the household should be removed. No new placements should be made while an investigation is underway.
- 8.4** The Supervising Social Worker undertaking the investigation should ensure that they conduct this as promptly as possible, while ensuring that all of the necessary information is gathered. This process should include speaking to other relevant professionals. The child's views must also be sought, if this is not possible, the reasons for this should be documented on the carer's file. Carers must also be spoken to. Throughout this process the foster carer will have access to the support of an independent advocate if they so wish.
- 8.5** As per **7.5** and **7.6**, once the investigation is complete, if the concerns are found to be substantiated, consideration must be given to what further work is required if any, to be undertaken with the foster carer to prevent similar concerns arising again. This could include an early review and suspension of the carer.
- 8.6** Any decision to suspend the carer can only be taken by the Head of Service for Children in Care and should be taken in consultation with the Family Placement Team Manager and clearly recorded on the carer's file. In making a decision as to whether an early review and suspension of a carer is necessary the Head of Service will consider:
1. The nature and seriousness of the concerns and the possible risk that these pose to any children living with the carers
  - 2) The risk that the concerns may pose to the carer and their family

- 3) The number and nature of the concerns raised about the carer previously

If suspension is agreed, carer must be written to with details of the concerns that have led to the suspension, and an explanation of the support they can access and any further work, investigations or meetings that will be taking place.

- 8.7 Where carers have been suspended, and the children they have been caring for have been removed, the carers will continue to receive the full payments they were receiving at that point for a further 2 weeks. After 2 weeks suspended carers will receive 50% of that payment or a payment of £100 per week, (whichever is the greater) until the conclusion of the investigation. (The final decision as to when any investigation has been completed will be made by the Head of Service (Children in Care)). Once the investigation is completed they will then receive a further 2 weeks payment at this second lower rate. The Head of Service (Children in Care) may agree to extend these payments depending on the circumstances.
- 8.8 An early review can also be considered in the event that the concerns are not felt to be substantiated but that other concerns have been highlighted during the investigation that need to be addressed.
- 8.9 The Supervising Social Worker must ensure that the outcome, including any decision to suspend the carer and refer them back to the fostering panel for an early review, is relayed to the carer, child's social worker, and the complainant. This must be done in writing within 5 working days of the completion of the investigation.
- 8.10 The Family Placement Team Manager will also ensure that a formal notification of the complaint should be sent to Ofsted if necessary. A record of 'notifiable' incidents reported is maintained by the Family Placement Team Manager.
- 8.11 The investigating officer will complete a "Record of Allegations and Complaints" pro-forma which will be kept on the carer's file and on the complaints log which is maintained by the Family Placement Team Manager.
- 8.12 The carer's Supervising Social Worker should meet with the carer as soon as possible after the investigation is over to go through the findings with them and to explain what will happen next.

## **9. Early Review**

- 9.1 Where a decision has been taken by the Head of Service (Children in Care) for an early review to take place, the "Record of Allegations and Complaints" pro-forma will be submitted to the next Family Placement Panel in addition to the review report which will be completed by the carer's original Supervising Social Worker. Foster carers may make a written submission to the fostering panel related to the concerns that have been raised or the

investigation, and carers are able to attend in person accompanied by an independent advocate if they so wish.

- 9.2** *Carers wishing to make a complaint should do so through the process as specified under the general complaints procedure. (See the “Comments Compliments and Complaints” leaflet).*
- 9.3** In completing their report for the Family Placement Panel, the carer’s Supervising Social Worker must detail the outcome of the investigation. This should state whether an allegation or complaint was found to be substantiated, or unsubstantiated including the views of the complainant as well as the relevant professionals and the views of any children in placement. Supervising Social Workers should also make a recommendation regarding any changes to a carer’s approval, or what further training, if any, is required.
- 9.4** If the complaint has been upheld, then consideration should be given as to whether an early review of the foster carer should be conducted. In extreme cases, where, on assessment the conclusion is reached that there is little potential for the carer in question to make the necessary improvements within a reasonable timescale, or there have been a series of similar concerns over a period of time, a Supervising Social Worker should give consideration to recommending the termination of a foster carer’s approval.

## **10. Outcomes**

- 10.1.** The Social Worker’s report is then presented to the Family Placement Panel, along with any further submissions the foster carer may wish to make. The foster carer may also attend the panel if they so wish accompanied by their independent advocate.
- 10.2** When the Family Placement Panel has heard all of the information, they will consider whether to uphold the recommendation made by the Supervising Social Worker. This recommendation will then be put to the Agency Decision Maker for approval within 10 working days. Once the Decision Maker has made their decision, this will be sent in writing to the foster carer.
- 10.3** Carers can appeal against this decision if they respond in writing within 28 days to the Agency Decision Maker. At this point any further information is taken back to the Family Placement Panel for reconsideration. Alternatively carers can appeal to the Independent Review Mechanism and will be provided with support to enable them to do this if they so wish.
- 10.4** A copy of the ‘Record of Allegation and Complaint’ form will be kept on the complaints log by the Family Placement Team Manager. Further copies will be kept on the foster carers file with copies of the Family Placement Panel minutes and any other papers submitted. Copies will be sent to the carers and to the social workers of children involved in the complaint.