

Investigating Standards of Care Concerns - AFC Independent Fostering Agency

Applies to:	AfC IFA Operational Areas 1 and 2 (London Borough of Richmond, The Royal Borough of Kingston upon Thames and the Royal Borough of Windsor and Maidenhead)
Date created/reviewed:	June 2020
Latest revision amendments:	Created in line with the new IFA arrangements
Signed off by:	
Equality Analysis completed:	n/a
Reviewing Arrangements:	Every 2 years (by Jan 2021)
Relating policies and procedures:	Policies on Safeguarding , Handling Allegations etc. are held both on Tri-x and LSCB web sites
Version	1

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1. Introduction

The procedure sets out how Achieving for Children investigates concerns regarding foster carers standards of care or practice.

2. Principles

Achieving for Children promotes the values, principles and practice enshrined in the legislative and regulatory framework governing children's social care services and our fostering operations. This procedure supports us to deliver the principles and standards of care of our fostering operations:

- The child's welfare, safety and needs are at the centre of their care.
- Children should have an enjoyable childhood and benefit from excellent parenting and education, enjoying a wide range of opportunities to develop their talents and skills, leading to a successful adult life.
- Children are entitled to grow up in a loving environment that can meet their developmental needs.

We recognise that facing investigations regarding standards of practice and care can be a stressful time for foster carers, and their families. We aim to support foster carers and their families during these occasions and to ensure that the investigation is completed with respect and fairness, and within reasonable timeframes.

3. Definition

Concerns regarding standards of care relate to a foster carer's care or practice as set out in the [National Minimum Standards for Fostering Services 2011](#) and the [Fostering Services Regulations 2011](#). The investigation process is managed by the Fostering Service.

4. The Process for Investigating Concerns

Reporting Concerns

When a concern about foster carer's standard of care or practice is observed or reported to a supervising social worker, the child's social worker, or another professional, that worker will make an immediate report to their line manager, or duty manager in their line manager's absence. The concern must be reported to the fostering branch manager or in their absence the Head of Fostering. The fostering service Branch Manager will take initial responsibility for investigation and inform the Head of Fostering. The Head of Fostering and Branch Manager will decide which one of them will take lead responsibility.

The Branch Manager or the Head of Fostering will ensure that s/he has all the relevant and available information about the issues causing concern, including any history of similar concerns about the carers, this is called initial fact finding.

Where a child or young person may have suffered or been likely to have suffered significant harm the Head of Fostering or Branch Manager will liaise with the Local Authority Designated Officer (LADO) to discuss the information and determine how the matter should be investigated within 48 hours as per normal immediate concern to a child practice.

If the concern is notified to the Emergency Duty Team the worker and or manager will consult with the senior officer on call to agree whether immediate action is required, or whether it is appropriate to refer the issue to the day staff. The senior officer on call will consult with the relevant practice manager(s) (fostering/adoption/care management) as appropriate in order to inform their decision.

If the concern relates to the carers' own child, this should be reported through the Safeguarding Children policy and the LADO notified, effective immediately with due process followed regarding this.

Where the foster carer to whom the concern relates is resident in another borough, the AfC LADO will contact the LADO of the home borough for an initial discussion on who should lead the process. Both boroughs will remain closely involved for the duration of the investigation.

Decision Pathway Meeting

Once the referral is received and initial fact finding is completed within 7 days, by the Fostering Branch Manager (in their leave Team Leader or Head of Fostering), a meeting is then convened with the Head of Fostering/Assistant Director and AfC LADO to discuss the concerns raised and facts found. A decision is then made for next actions;

- Section 47 Investigation
- Standards of Care Investigation
- Practice Issue Report

Section 47 Investigations:

Where the discussion with the LADO and the relevant social work team management decide that a strategy meeting under s47 of the Children Act 1989 (CA 1989) is required safeguarding procedures will be followed. Actions to safeguard the child or young person concerned must be agreed and implemented at this stage. Any investigation and action

under s47 must be completed before any Standards of Care process is initiated. The Section 47 investigation will usually be led by the Single Point of Access Team. The fostering team will notify Ofsted at the commencement and conclusion of this investigation.

Professionals Meeting:

Where discussion with the LADO and other relevant professionals determines that a concern does not warrant a Section 47 or police investigation but there is already sufficient information to determine that concern requires a full investigation by the Fostering Service, the Head of Fostering will call a Professionals Meeting. The Professionals Meeting will be held within 48 hours of notification wherever possible.

The Professionals Meeting should be convened as soon as possible. There are two possible outcomes:

- 1) To continue with a the formal investigation as a Standards of Care concern
- 2) To divert to a Practice Issue Report

The following people should be invited to the Professionals meeting:

- Head of Fostering (Chairperson);
- Supervising social worker (SSW);
- SSW's manager;
- Child Looked After's social worker (CLA SW);
- CLA.SW's manager;
- Representative from any other local authority involved;
- Any other relevant professional.

In preparation for the Professionals Meeting, the foster carer's supervising social worker will update the carer's chronology retrospectively from the date of the carer's approval with a view to identifying any previous concerns or allegations and patterns in standards of care.

The child looked after and fostering Independent Reviewing Officer (IRO) should be informed about the meeting and its outcome.

The Agenda for the Professionals Meeting will include:

- Confirmation of reason for meeting
- Confirmation of the recommendation for any temporary change, restriction or suspension in the carer's approval status
- The course of action for investigating, with named persons responsible for identified tasks and agree timescales or whether the matter should be dealt with under

another route. The nominated Investigating Person should be someone with considerable experience of fostering work and offline from the management of the carer.

- Identify those people who should be interviewed
- Agreement on how cultural, linguistic and disability issues will be acknowledged and addressed
- Plan for informing the foster carer (and relevant others) about the decision of the meeting both verbally and in writing;
- Plan for supporting the carer and family members, including access to independent support;
- A provisional time frame for the completion of the investigation
- Where it appears timeframes are not going to be achieved stakeholders should be updated by the Chair

Should information come to light, during or following this meeting, that would suggest a need for an earlier meeting or a different route for the investigation of the concerns, the Chair should be notified immediately. If the Chair decides on an alternative course of action this will be put to the meeting attendees and if there is any disagreement a virtual meeting will be convened to discuss the rationale, the decision will remain with the Chair.

Practice Issue Report

Where an s47 (CA 1989) investigation is not required, a Professionals Meeting has already determined that a formal investigation by the fostering service is not required, or it has been agreed in discussion with the LADO that further fact finding needs to take place to establish the validity of the concerns a Practice Issue Report will first be undertaken. The Branch Manager or Head of Fostering will consult with the relevant professionals, including the carers supervising social worker, in a fact finding process and decide whether a full professionals meeting needs to be called. This decision should be made within 48 hours. Where it is decided that a full professionals meeting is not required the Branch Manager will arrange for a **Practice Issue Report** to be completed which is intended to be a briefer investigation completed within ten working days (see template). A meeting will be held with the carers and supervising social worker to consider the analysis and recommendations. Monitoring of the completion of agreed actions will take place within the normal supervisory process and the outcome of the Practice Issue Report will be shared both with the LADO and the children's social worker and IRO. The outcome of the Practice Issue Report will be either to close off the investigation or recommend that a full standards of care concerns report is completed.

7 The Standards of Care Concerns Investigation

The process and detail of the investigation should be proportionate to the circumstances of the case. It should be completed within 28 days of the investigating person being appointed, additional time may be granted with the permission of the Chair, or nominated manager, in their absence, up to a maximum of 56 days from the date of referral.

The Investigating Person will interview the people identified in the Professionals Meeting or Practice Issue Report and obtain a comprehensive account of their views. Depending on the nature of the concerns these may include:

- The referrer and/or any child or adult who has reported a concern
- The foster carer(s)
- Other children in the household
- The parents of the child or those with Parental Responsibility (PR)
- Anyone else with information that will be material to the investigation e.g. child's school, health service professionals
- In exceptional circumstances, young people previously fostered by the carers.

The Investigating Person will make a written record of the notes of the interviews and these will be shared with interviewees for comment and signature. Copies of the signed document notes will be provided for each interviewee.

In some circumstances potential interviewees may prefer to provide statements in response to the Investigating Person's questions and this can be agreed between the parties. Foster carers will be supported to fully participate in the investigation, independent support during the interviews and throughout the investigation will be provided independently by the FISS.

If the carer is not willing to or cannot cooperate, for example due to ill-health or because they do not agree with an investigatory approach, the Head of Fostering will decide whether the investigation should proceed without the carer. The Investigating Person's report will be made available to them for comment prior to completion.

The investigators will produce a report that:

- Summarises the concern

- Summarises the information gathered
 - Sets out the findings:
- 1) Substantiated: A concern is deemed to be substantiated if there is clear evidence to support it
 - 2) Unsubstantiated: A concern is deemed to be unsubstantiated if there is insufficient identifiable evidence to either prove or disprove it
 - 3) Unfounded: This indicates that the person making the allegation misinterpreted the incident or was mistaken about what they saw/heard. There will need to be evidence to disprove the allegation if such an outcome is reached
- Makes recommendations for individual or organisational learning and development, changes to practice or procedure, recommendations for carer review, reporting and referral to the Disclosure and Barring Service.

This report will be submitted those attending the Outcomes Meeting at least 3 days prior to the meeting. The foster carer may wish to prepare a report or statement for consideration at the Outcomes Meeting or present their views verbally.

8 The Outcomes Meeting

The outcomes meeting will be held within 35 days of the Professionals Meeting unless an extension to the investigation timescales has been agreed. The meeting will consider the investigator's report and any submissions from the foster carer.

The objectives of Conclusions Meeting are to:

- Review and evaluate the information and findings of the investigation
- Decide whether or not the concerns are upheld
- Agree whether the concerns are :
 - Substantiated
 - Unsubstantiated
 - Unfounded
- Agree what action should be taken in relation to the carer or other adult members of the household and by whom
- Agree what feedback should be given to the person raising the concerns and by whom
- Agree what information will be placed on the carer's file

- Confirm whether or not an early review of the carer's approval is required.

9 Resignation of a Carer

In some cases carers have resigned or applied to transfer to another fostering agency rather than participate in the Standards of Care process. If the foster carer wishes to transfer from Achieving for Children to another Fostering Service provider during the course of the investigation, we will be required to notify the other Fostering Service that the carer is subject to investigation and inform them of the target time for completing the investigation and review of approval.

If the foster carer gives 28 days' notice of their wish to cease fostering, the Head of fostering will continue to collate information already known in order to include it on the carer's file and to present a report to the Fostering Panel. The carer will be informed of this and allowed seven days to respond in writing about any facts they dispute as well as any comments about the recommendations. The carer's written response will be submitted to the panel along with the report.

The IFA will send a formal letter to the carer detailing the outcome of the investigation. This letter should make clear whether or not an early review of the carer's approval will be conducted and give a provisional date for Panel presentation.

Where concerns are not substantiated and no further action is planned, carers should be offered a formal opportunity to meet with Head of Fostering and relevant staff to talk about the impact of the proceedings on them and their family and any needs they may have as a result.

If the decision is made not to have an early review of the carer's approval, the findings generated by the investigation will be placed on the carer's file and referred to at the carer's next annual review.

10 Review of Foster Carer's Approval

Under Fostering Services Regulations 2011, the IFA will decide if an early review of the carer's approval is required after a standards of care investigation. If an early review is deemed necessary, the Fostering IRO should be informed immediately so a date can be agreed for the review meeting and Panel. The review will need to be completed within 28 days of the Outcomes Meeting.

The supervising fostering social worker will prepare a Standards of Care Report for the foster carer's review. The purpose of the report is to inform the review and Panel of the investigation and its outcomes and make recommendations regarding future placements and/or registration or approval.

A copy of the Standards of Care Report will be provided to the carer before the review.

The usual contributions including those from the placing social workers, children placed since the last review and from the foster carers themselves will be obtained for the review meeting.

The review meeting will:

- Clarify the foster carer's career and strengths
- Summarise the nature of the concerns and the findings of the serious concerns investigation
- Identify/clarify any specific needs of the foster carers, including training needs
- Consider what the Fostering Service has put in place to support the carers prior to and after the serious concerns
- Consider the foster carer's ongoing approval.

The review will be attended by:

- Fostering IRO (Chair)
- Foster carers
- Their independent support worker (as agreed by foster carer)
- Supervising social worker

11 Fostering Panel

The foster carer will be invited to attend the Panel that considers the review report, along with the person that has been providing independent support, or another person of their choice, as long as it does not compromise the confidentiality of information pertaining to children named in the report.

The Panel will make a recommendation to the agency decision maker (ADM) who has the final say regarding the future registration of the foster carer.

The decision will be conveyed to the carer in writing, along with information about the process for making representation to the IFA or to the Independent Review Mechanism in accordance with regulations.

If the ADM endorses a recommendation of the Panel that a carer is no longer approved to foster, the manager of the IFA will consult with the LADO about referring the foster carer to the Disclosure and Barring Service (DBS) for inclusion on the Children's Barred List. The fostering Panel and ADM will be consulted on this recommendation. Referrals to the DBS will be made by the Head of Fostering.

The Head of Fostering will inform Ofsted of the outcome of the review of the foster carer's approval. The Children's Services in the local authority in which the foster carer resides will also be informed if the carer's approval has been terminated and the reasons for this.

12 Keeping carers Informed - Information Sharing Arrangements

The supervising social worker or the Head of Fostering will inform the foster carer of the substance of the concern within three working days of the referral including any discussion with the LADO unless there are exceptional reasons for withholding this information. Regular updates will be provided to the carer(s) and the timeframes and other details for the investigation agreed at the Professionals Meeting will be confirmed within 48 hours of the meeting.

A discussion must take place with the carer and members of their family about any arrangements for safeguarding a child in placement, e.g. either for the child placed to be removed or for a member of the household to live elsewhere during the investigation. Advice will be provided in such circumstances. This should be followed by written confirmation to the foster carer within 48 hours of that discussion and any agreement and arrangements arising from it.

The supervising social worker or their manager will ensure the carers:

- Are given copies of this procedure and the relevant sections of the London Child Protection Procedures
- Have independent support if requested
- Are informed of the nature of the concern
- Understand the process of the enquiry and why it is taking place
- Know when, where and by whom interviews will be conducted

- Are informed of the independent support that will be provided
- Are informed about the financial allowances and fees if fostered children are removed or the carer is temporarily suspended from taking further placements if applicable
- Know the reasons for the removal of children if applicable
- Understand the current status of their approval to foster, including any temporary variations in approval
- Are assisted in communicating with investigating agencies
- Are informed verbally and in writing on a regular basis of the progress of the investigation
- Are informed of next steps and any recommended changes to the household.

13 Other agencies may be informed in the following circumstances:

Ofsted will also be informed of the outcome of any investigation.

Other Local Authorities where the foster carer is resident in another borough or local authority. Representatives of that authority will be invited to contribute to the investigation. Where a foster carer has children of their own, their local authority's Children's Services will be informed and consulted.

Employers - where carer works (in employment or in a voluntary capacity) with vulnerable adults and children. Depending on the nature of the concerns, employers **may** be informed.

Disclosure and Barring Service – The Fostering Service is required to make a report to the DBS if a carer's approval is terminated because the carer's conduct leads to a conclusion that they are or may be unsuitable to work with children and young people. Referrals are not required where termination of approval is not being considered.

14 Support and Information for Carers Facing Standards of Care Concerns

Foster carers can access support from a range of places, including:

- Their supervising social worker
- Independent Support Worker, through our contract with The Fostering Independent Support Service (FISS)

- Fosterline: A confidential advice line funded by the Department for Education and delivered by FosterTalk, by phone on 0800 040 7675 or visit their website at <http://www.fosterline.info/>
- Fostering Network helplines, information is available on their website at: <https://www.thefosteringnetwork.org.uk/advice-information/advice/fostering-network-helplines>
- Your local Foster Carer Association

If fostered children are removed from placement and the foster carer is suspended from taking new placements pending the outcome of an investigation, Achieving for Children will pay up to eight weeks retainer (carer's fee) which will be reviewed until the final decision by the ADM regarding the investigation of the concern. This is to cover household costs incurred by carers in relation to fostering. Payments may stop before or extend beyond the eight weeks at the discretion of the Associate Director, for example, payments may be ceased early if the foster carer fails to cooperate with the investigation or may be extended where delays are caused by Achieving for Children.

Achieving for Children has a membership arrangement with Fostering Network through which foster carers can obtain legal advice if faced with an investigation of a serious concern. If carers wish to appoint their own solicitor at their own cost, they can access a list of accredited members of The Law Society's Children Panel through the Yellow Pages.

Every effort will be made to ensure appropriate services are arranged to enable carers with language or disability needs to participate fully in the investigation and have their views presented.