

Best Practice Guidance:  
Responding To Allegations  
Against  
Foster Carers



***Interim guidance on Best Practice in responding to allegations against foster carers – covering note***

The National Foster and Kinship Care Strategy, published in December 2007 by the Scottish Government identified the need for a protocol for responding to allegations made against foster carers. The Fostering Network was asked to convene a group to undertake that task.

Moira Walker, a skilled and experienced researcher and practitioner in foster care issues, chaired a Reference Group, which involved key stakeholders in this area of work. The Group met over several months to produce a guidance document

It became clear in the early stages of the work that the range of current procedures and policies around allegations against foster carers was very wide. All Child Protection Committees had procedures for addressing child protection in their area, most contained some guidance on dealing with allegations against carers but few addressed the range of complexities of placements in a foster care setting.

The group assessed that it would be more realistic to ask Child Protection Committees to adopt good practice guidance rather than provide a detailed national protocol.

The guidance produced by the Group recommends a set of values and responses to be adopted in dealing with these allegations. The Group hopes that Child Protection Committees will adopt these values and embed the recommended responses into their procedures to guide workers in their approach to dealing with allegations against foster carers.

Evidence from carers and agencies highlighted that carers were often not informed about the nature of the allegations at the start of the process, were not kept informed of the progress of any investigation, and some children were removed from carers where concerns were apparently minor and before any consideration of the specific circumstances of the foster placement. These experiences led to carers feeling demoralised, unsupported and seen as guilty till proved innocent. The impact on the child and the foster carers' family of precipitate action is serious and potentially affected their future as carers within the family and outwith. The group believed that improvements in the way in which Fostering Agencies, Children and Families Social Work Teams and Child Protection Committees deal with foster families is crucial for the child and to retain existing carers and recruit other carers.

The Group recognised that the safety of the child always had to be the first consideration but that the additional factors, arising when the child is living with foster carers or indeed placed away from home in any setting, must be taken into account in responding to an allegation and in planning a response.

Before submitting the report to the Scottish Government in March 2009, extensive consultation took place and varied views emerged about the guidance that was required. Many of the respondents were carers who felt very strongly about the process being more consistent and taking into consideration the nature of the foster care task and the issues that young people bring to a placement. This was in no way to detract from the need for the child's safety to be paramount but to recognise that there are considerations that are specific to foster care placements. Some respondents were concerned that the guidance could be read as setting up a potentially two-tier child protection system.

The document submitted to the Scottish Government set out the range of factors that the Group believed should be considered without in any way diluting the robust process for investigating whether harm to a child placed with foster carers may have occurred.

In the light of the range of comments on the guidance, the complexities of this area of practice and more recently the major review of 1998 Child Protection Guidance, the Scottish Government delayed the circulation of the Guidance.

It is clear that a major review of Child Protection guidance created more than 10 years ago may recommend substantial changes to procedures, terminology, timescales and categories of abuse.

Since the group completed their work, the Looked After Children (Scotland) Regulations 2009 have been published and changes in relationships between local authorities and Registered Fostering Services have been set out. This will need to be reflected in the final guidance.

The role of kinship carers with looked-after children has also been clarified. Much of the current guidance particularly the considerations about the context of the child's care are applicable to situations where a kinship carer has an allegation made against them. Tensions in kinship care placements often stem from contact between the parents of the child and the kinship carer and allegations may result. The same principles of respect, involvement and information sharing about process apply to kinship carers. However as the Looked After Regulations do not specify a schedule of reviews for kinship carers, the latter part of the Interim guidance is not so easily applied. In the work to extend the guidance for kinship care and residential care the process for review and possible de-registration of kinship carers will be covered.

Additionally the reports from the National Residential Child Care Initiative have been published (2009) and provide further opportunities to address the response to allegations against residential care staff, an equally important and sensitive topic.

The Scottish Government is now planning for these areas of work to be completed so that comprehensive good practice guidance can be produced

which will address the way that agencies should respond whatever the placement of the looked after child.

These important extensions to guidance will take a few months to prepare and for consultation with key workers, carers and young people to take place.

There continue to be reports of situations that arise for foster families and looked after children where there is a perceived precipitate removal of the child or a full child protection investigation commenced for apparently minor incidents where the child is not at risk of significant harm. These responses affect the ability of agencies to recruit new carers who fear the impact of an allegation. Established carers who have been the subject of an allegation, which is found to have no substance, also feel very demoralised and unsupported and may leave the service.

To try to bring more consistency to the procedures and to keep the child's safety in foster care at the heart of any process, the Scottish Government has agreed to issue the Reference Group's report as interim guidance to be used by agencies for a period of six months with a commitment to review it, if necessary, at the end of that period. This period will also allow for amendments to be made in the light of the recommendations from the 98 Child Protection Review.

As indicated in the Foreword, the guidance is intended to be adapted to fit local circumstances. However, any comments on what needs to be clarified or what changes could be made to make the process more robust will be welcomed by 31 October 2010.

The foreword to the Reference Group report has been amended to explain some of the issues identified in this note.

It will be important for Child Protection Committees to consider all timescales as suggested rather than required ones.

Agencies will require to translate the staff designations in the guidance to suit their own structure and staff designations within their organisation

Depending on the way in which abuse criteria are defined by the 1998 Child Protection Review Group the final guidance may be re-titled as Best Practice when responding to concerns about the welfare or safety of a looked after child placed away from home. This will allow the guidance to be used in whatever setting the looked child is placed and the scope of concerns that may be raised.

The Fostering Network is committed to continue to work with the Scottish Government as well as with the specialist agencies to develop additional sections of the document, which will cover the responses required in other settings when allegations are made.

We hope that all Fostering Agencies, Children and Families Teams and Child Protection Committees will use the interim guidance in this sensitive area of protecting children and will be committed to comment on its comprehensiveness and clarity so that revised and extended guidance can be prepared in the latter part of 2010.

We believe that this opportunity to use the guidance in practice and submit any comments on the processes set out will mean that the final document can enhance the safety and welfare of looked after children in a range of placements and give respect to their carers.

The Fostering Network  
April 2010

# Best Practice Guidance: Responding To Allegations against Foster Carers

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This guidance is being circulated as an interim document to enable the best practice recommended in it to be tested out across Scotland. There is a commitment by the Scottish Government and The Fostering Network to review the document after a period of six months to ensure that it is comprehensive and clear and to identify what needs to be changed to improve the final document. That review will also inform the production of guidance about responding to allegations in the other main settings where looked children may be placed.

## FOREWORD

This document is designed to help to ensure positive outcomes for looked after children and to minimise stress on foster carers when concerns are raised about the welfare and safety of a child placed with foster carers. This guidance is not proposing a different or parallel Child Protection system when foster carers are alleged to have harmed a child. It does, however, aim to highlight the specific issues that need to be considered when the child is placed with foster carers.

This guidance aims to provide workers in Children and Families Teams, Family Placement workers Child Protection workers in social work and the Police, foster carers, children and their birth parents with a framework that will assist with responses to concerns and which will ensure proportionate and timely action about any concern.

There are likely to be some changes, relating to timescales, processes and terminology, required to this guidance once the wide review of the 1998 National Child Protection Guidance which the Scottish Government is currently undertaking is completed. This guidance therefore provides an interim process for responding to concerns about the welfare and safety of a child placed with foster carers.

Foster carers provide a care service within their own home and family to children who are in public care. The tensions of providing that care within a family setting but subject to statutory regulation need to be recognised in the way that carers are treated throughout any investigation.

The guidance underlines the need for respect for carers throughout the process, for the need to collect information about the context of the placement, for an understanding of why the young person is being looked after and an appreciation of the challenges that their care as well as their contacts with their birth family will present to foster carers.

Children come to carers with complex emotional issues; some will have challenging behaviour and have experienced difficult family relationships. With this complexity it is likely that some allegations may be made about the foster carers because of the child's conflicting loyalties as well as their lack of basic trust in adults.

This guidance recommends an approach which is proportionate, fair and thorough but which retains at its centre the protection of the child and focuses on ensuring their safety and well-being. This guidance provides a detailed approach to responding to concerns which involve foster carers. Appendix 4 provides the process as a flow chart which can help to guide workers through their response to concerns

## Responding to Allegations against Foster Carers

### 1. Background to the Guidance

1.1 The Scottish Government document *'Getting it Right for Every Child in Kinship and Foster Care'* acknowledged a need for a national protocol to ensure that allegations against foster carers were handled sensitively and efficiently. The Fostering Network (TFN) was commissioned to develop *'a national protocol, capable of being adapted to fit local circumstances and to include the needs of kinship carers'*<sup>1</sup>.

1.2 The same policy document indicated that the protocol should *'have as its starting point the importance of protecting the child and ensuring they are not exposed to abuse or neglect of any kind, whether emotional, physical or sexual'*. It also recognises that foster and kinship carers may face unsubstantiated allegations and that allegations may be a means by which a child draws attention to their underlying needs. Thus allegations against carers need to be investigated and managed in a way which safeguards children, while also treating carers justly.

1.3 A Reference Group<sup>2</sup> of key stakeholders informed the development of the document, then it was issued for consultation. Forty-three written responses were received from a wide range of agencies.<sup>3</sup> Both the Reference Group and a majority of consultation respondents expressed the view that practice guidance would be more appropriate than a protocol. This document therefore offers guidance on best practice which should be implemented as part of local child protection and fostering service procedures. Consistency of practice across Scotland could be monitored by inspection processes addressing key aspects of the guidance.

1.4 The guidance was commissioned in response to concerns that failure to develop more flexible and measured practice in response to allegations against foster carers was detracting from foster carers' capacity to care for children in a number of ways. Those identified by Reference Group members included: making it more difficult to recruit and retain foster carers, undermining foster carers by creating fear that they will be subject to a false allegation and disrupting stable placements in ways which are not in the interests of the children concerned. The purpose of this guidance is to assist agencies and practitioners to develop responses to allegations which protect children, but are also fair to carers.

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<sup>1</sup> A similar document has been developed by TFN for use in England: *managing allegations and serious concerns about foster carers' practice or standards of care*. The Fostering Network, 2006

<sup>2</sup> Composition of the Reference Group is at Appendix 1

<sup>3</sup> Consultation respondents are listed at Appendix 2



1.5 The guidance will apply when it is alleged that a foster carer or member of the foster carer's family has:

- behaved in a way that has caused or may have caused harm to a child;
- possibly committed a criminal offence against a child or related to a child.

In most situations the allegation will be about a specific harmful action, but in others there may be a cluster of concerns or complaints which indicate that some aspect of the carer's practice, for example attitude to the child, use of discipline or standard of physical care may be harmful. Allegations can be made against any member of the carer family, including the foster carers' own children.

1.6 Where a complaint is made against the carer which does not imply any harm to the child, local authority, voluntary organisations' and/or independent providers' complaints procedures may be used.<sup>4</sup> However complaints can cover a wide spectrum of situations and many will be able to be sorted out by a range of approaches, for example by involving the Children's Rights Officer to make sure a child's wishes or worries are heard and taken seriously or through a member of staff meeting with the child's parent(s) to try to understand and address any issues they are unhappy about.

1.7 Where the concern is raised about a child's welfare or safety and they are looked after and placed with approved kinship carers, this guidance will be applicable with some additional factors identified. While there are special considerations for a child placed within their wider family, any concern raised will require the same robust examination to ensure the safety of the child, but the subsequent reviews outlined for foster carers will not be as directly applicable and workers will require different approaches. Additional information to deal with the complexities of many kinship care situations and suggested best practice for responding to allegations against kinship carers will be included in the revised guidance to be published later this year.

1.8 The guidance should be able to be adapted to fit local circumstances, so it is envisaged that it will be implemented by incorporating key elements into relevant local authority and fostering agency policy and procedures. Where implementation affects the interagency response, it will be necessary to negotiate local agreements and policies with key partners, notably police and health. Child Protection Committees will be well placed to co-ordinate these negotiations.

1.9 Recognising that certain terms are used differently in different local authorities or agencies, the following provides an explanation of how terms are used within the guidance<sup>5</sup>.

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<sup>4</sup> Social Work (Scotland) Act 1968 and the Regulation of Care (Requirements as to Care Services) Scotland 2002.

<sup>5</sup> A glossary of these and other relevant terms is at Appendix 3.

1.10 The term ‘allegation’ is used to refer to any claim or concern that a carer or member of the carer family may have harmed a child. Allegations can be made by anyone, including children who were previously fostered but no longer live in the foster home. Use of the term ‘allegation’ does not necessarily imply that the alleged level of harm is necessarily *significant* or that the matter should automatically be investigated through a child protection investigation. Section 3 of the guidance proposes an initial process for collating information about the nature of the allegation, circumstances in which it arose and the actual or potential impact on the child. Having considered these, staff will decide whether this is an allegation of abuse which should be subject to a child protection investigation (Section 4) or whether internal enquiries and review will be more appropriate (Section 5). It should be borne in mind that inherent in the term ‘allegation’ is the notion that there may be no substance to what is claimed, i.e. the carer or member of the carer family may not have behaved in the way which is being alleged.

1.11 Clarification is also needed of terms to refer to different processes for responding to allegations. The term ‘investigation’ is used where the response is part of a child protection procedure. In situations where the fostering agency needs to find out more about the nature or implications of an allegation, the term ‘further enquiries’ is used. When completed, information from these enquiries or obtained during a child protection investigation will inform a ‘special circumstances review’ of the foster carers’ practice. The term ‘special circumstances review’ is used to refer to the process of collating relevant information and considering its implications. The information and recommendations based on this are to be outlined in a ‘special circumstances report’ and considered at a ‘special circumstances review meeting’<sup>6</sup>. This meeting may decide to make a recommendation to the agency fostering panel. At the close of the formal process an ‘evaluation’ of the process may be arranged. Three quite different kinds of evaluation are referred to in the document. One involves hearing from the foster carers about the impact on themselves and their family, the other refers to giving staff involved in managing the allegation an opportunity to identify what can be learned from the process. A system of management evaluation is also proposed, so that as much as possible can be learned from an overview of current practice in local authorities and independent agencies.

1.12 Shared understanding is also required of the titles used for different staff who would be involved in responding to an allegation against a foster carer. The social worker responsible for the child is referred to as the ‘child’s social worker’, while the line manager for this worker is designated as ‘child’s senior social worker’. The term ‘child protection social worker’ is used to denote social workers who carry out the child protection investigation, though it is recognised that the child’s social worker may sometimes take on this role too. Senior staff responsible for child protection within the carers’ local

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<sup>6</sup> A ‘special circumstances review meeting’ is convened specifically to consider a report following an allegation, so has a different purpose from the annual statutory foster carer review.

authority are referred to as 'designated managers'. Fostering agency staff who support foster carers are referred to as 'supervising social workers' and their line manager as the 'fostering manager'. A more senior manager in the fostering agency is 'senior fostering manager'.

1.13 The term 'fostering agency' is used to denote any fostering service, whether in the voluntary, independent or statutory sector.

1.14 Where the guidance refers to '**independent**' support or reviews, this will usually be provided by someone within the fostering agency who has had no previous contact with the foster carers or children affected by the allegation and so is able to bring an element of objectivity to the task. The Fostering Network's independent advice service can offer this kind of support. Some smaller agencies may find it helpful to establish reciprocal agreements with other fostering providers to provide independent practitioners as required. Only in unusual circumstances, for example when the situation is very complex or strongly contested, is it envisaged that independent services will be commissioned from an external agency or practitioner.

## 2: Context, Underpinning Principles and Relationship between the carer and fostering agency.

### *Context*

2.1 During discussions within the Reference Group it was acknowledged that certain aspects of the context in which foster carers care for children can present obstacles to a measured and fair approach to allegations against them. Increasing awareness of these contextual factors plays a part in achieving good practice and so points raised by the group are summarised here.

2.2 As evidence has come to light of children in public care being abused by their carers, public perceptions of the trustworthiness of people who care for children have changed. Social work professionals are not exempt from these shifts in public attitudes. In addition they may worry that they themselves have placed children with people who have abused them. It was acknowledged within the Reference Group that this underlying anxiety is activated when an allegation is made against foster carers, thus influencing the professional response in ways which may not always be conscious.

2.3 Foster carers have a dual status in that they are both families living in the community and private households providing a public service. Many foster carers now care for extremely demanding and challenging children, and they have become more like services and less like 'ordinary' families. Fairness requires that allegations against foster carers are investigated in a way which takes account of the unusual and demanding situations in which they care for children. This is not about offering a lower level of protection for children in foster care, but about recognising that a high level of professional skill will often be needed to discern what may have prompted an allegation and how children with very particular needs can best be safeguarded. Effective procedures need to be able to allow for this level of professional understanding and judgement.

2.4 It was acknowledged in the Reference Group that unsubstantiated allegations can be used by both children and parents as a means of drawing attention to worries or unhappiness which seem to be being ignored. These kinds of allegations could perhaps increase if the child, their family and the carers do not have good avenues for support. .

### *Underpinning Principles*

2.5 Basing practice on key underpinning principles will help ensure that responses to allegations are in the best interests of the children concerned, while also being fair to carers. The following principles would be reflected in best practice.

- 2.6 The safety and well-being of children should always be the primary concern.
- 2.7 Whilst quick action should be taken to protect any child who is considered to be at risk of immediate harm, decisions about whether or not to remove a child should, as far as possible, be based on well informed assessment which balances the possible risks associated with leaving the child in placement against those which might arise from leaving the placement abruptly as the result of an allegation. When it is considered necessary to move a child, the move should be timed and planned in a way which minimises distress to the child being moved and to members of the foster family.
- 2.8 Decisions about whether or not to investigate allegations using child protection procedures should be based on the level of actual or potential harm to the child and whether an offence may have been committed. Thresholds for invoking child protection procedures and involving the police should be the same for foster carers as for other families living in the community.
- 2.9 Carers should be treated in a fair and honest way which means that:
- carers should be kept as fully informed as possible throughout an investigation;
  - investigations should be completed within indicative timescales which are backed up by local commitments to meet and even exceed these;
  - to avoid foster carers experiencing financial hardship during an investigation, a proportion of their usual payments should be paid from the point when they are suspended from fostering following an allegation till the suspension is lifted or the fostering service provider makes a decision to deregister them, based on a recommendation from the fostering panel and decision by the agency decision maker. Agency policy on this should be clearly set out in the Foster Care handbook and in the fostering agreement when the carers start their fostering career.

*Relationship between the foster carer and the fostering agency<sup>7</sup>*

2.10 Fostering agencies have a duty to ensure that foster carers are enabled both to safeguard fostered children and to minimise the possibility of allegations being made against them or members of their family. To this end, the fostering agency has a duty to provide appropriate training, supervision and support throughout carers' fostering careers. Appropriate support should continue after an allegation has been made, until such times as the fostering

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<sup>7</sup> The term 'fostering agency' refers to the agency responsible for the carers. This may be a local authority fostering section, a voluntary organisation or an independent fostering agency.

agency decision maker accepts a fostering panel recommendation that the carers be de-registered and this decision has been communicated to the foster carers.

2.11 The relationship between fostering agencies and foster carers should be fair and honest. This can be difficult to maintain when an allegation is made against the carer, because strong feelings of fear, anger and guilt can be triggered in both carers and staff. It is the responsibility of fostering agencies to ensure that, through appropriate training and support, staff are equipped to continue to treat carers fairly and honestly in these fraught situations.

2.12 While an allegation is being investigated, the link worker should normally have continuing responsibility for communicating between the fostering agency and the foster carer family. However if the foster carer requests that another member of the fostering agency's staff should fulfil this role, the foster carer's views should be taken into account. This contact should continue, even when independent support is also provided.

2.13 Foster carers subject to an allegation should have immediate access to information and advice from an independent source. This should include legal advice. Details of the service provided by The Fostering Network Scotland are contained at Appendix 5. Some legal support is only available to members of the Fostering Network.

2.14 The fostering service should provide independent support<sup>8</sup> for carers during an investigation into an allegation of abuse which is being investigated in accordance with child protection procedures. Consideration should also be given to independent support for the foster carer's sons and daughters, whether or not the allegation has been made against them. In some situations it may be appropriate for the fostering agency to also consider providing independent support for other relatives affected by an allegation.

### 3. Initial responses to an allegation against a foster carer or member of the foster carer family

3.1 This section provides guidance on considerations which should inform initial decision making. The aim is to develop practice which ensures that responses are proportionate, i.e. that situations which merit a child protection investigation are reliably identified, but that other situations which do not involve child abuse are managed in ways appropriate to the nature of the allegation and the child and carers' circumstances. It is envisaged that the process and guidance will be incorporated into local authority and fostering agency procedures and so be customised to suit local circumstances.

3.2 Each local authority should identify in relevant procedures which of their personnel will be nominated as 'designated managers', that is which senior staff will have responsibility for overseeing and/or managing the

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<sup>8</sup> See par 1.14 for what is meant by the term 'independent'.

response to allegations against foster carers living in their area. Those appointed should have experience and understanding of both child protection and fostering practice.

3.3 When an allegation is made against a carer, staff receiving the allegation should respond in accordance with local child protection procedures in terms of making an initial assessment of the immediate risk to the child and any other child living in the household. If the child or any other child is considered to be at immediate risk of harm, decisions need to be taken urgently to ensure the threat is removed or the child is moved to a place of safety. This would lead to an interagency discussion immediately and action to protect the child.

3.4 ***Unless there are indications that a child is at immediate risk of serious harm***, decisions about removing children should be delayed at least until a discussion on this issue has taken place between the child's social worker or senior social worker / team leader and the supervising social worker or fostering manager. The designated manager responsible for overseeing the response to the allegation might also contribute to discussions about whether children should be moved from the placement.

3.5 Ideally a decision to move children should be based on systematic and well-informed assessment which identifies and describes the nature of the danger to the child and weighs up the risks associated with remaining in the foster home against those which would arise if the child were moved and placement stability disrupted. To allow this assessment to be as well-informed as possible, where practicable, decisions about moving children should be delayed until an interagency planning meeting as described at paragraph 4.4. The aim of this careful assessment is to ensure that children affected by the allegation are protected with the least possible disruption to their lives.

#### *Initial Internal Discussions*

3.6 Whenever an allegation is made, one of the designated managers should be informed without delay. Within the same working day (or shift if out-of-hours), the designated manager should discuss with the fostering manager and team leader for the child the nature of the allegation, circumstances in which it was made and the actual or potential impact on the child.

3.7 The purpose of this discussion is to find out the nature of what is being alleged, taking into account the circumstances in which the allegation was made. Taking account of the child's and carers' circumstances is important in arriving at the best decisions for children and ensuring that carers are treated fairly. The following areas would be relevant to the discussion:

#### Nature of the Allegation

Consideration should be given to: the actual or potential impact on the child, taking into account the child's age, developmental stage and

previous experience; the level of alleged harm to the child; the circumstances in which the alleged incident or lack of care took place; the intent behind the carer's action i.e. was it unintentional, did the carer intend to hurt the child or was the motivation to keep the child ?

#### Child

Background: reasons for being accommodated; how the child has experienced parental care; previous abuse of the child; previous placements and how these have ended in the past;

Current issues: any pressures on the young person, for example a hearing or review coming up; contact issues; school issues; recent sanctions; any situations where the carers have had to limit their activities.

Past and present behaviour: how the child behaves when under pressure; his/her responses to stress; any previous allegations or complaints made by the child or members of his/her family; how the child has responded to the alleged behaviour on the part of the carer or member of the carer family.

#### Carers

History of placements: the number and types of placements; the experience of and response to different kinds of challenges; how placements have ended; any previous allegations or complaints against carers.

Current issues: the demands of current children placed; financial pressures; family problems e.g. illness, separation or family tensions.

#### Person making the allegation

Consideration should be given to: the relationship between the child, foster carers and the person making the allegation; current tensions or circumstances which may have contributed to the allegation being made; any previous allegations, how these were investigated and the outcome; taking the allegation seriously, while also acknowledging factors which suggest that the allegation may be not be true.

#### *Obtaining additional information to inform initial decisions*

3.8 In some situations it will be clear to the relevant managers whether or not the allegation involves abuse, but in others they may decide that additional information is needed to help them come to a decision about the best way to proceed. It will be important that managers making this decision consult fully with the social worker for the child and supervising social worker for the family who are likely to have a fuller understanding of the child and family. There may also be a case for having further discussion with the child or adult making the allegation, members of the carer family or other professionals who know the child or carer family well, for example a teacher,



psychologist or worker from a voluntary organisation. In some instances it may be helpful to consult with the designated contact person within the Police. Any enquiries of this kind should be authorised by the designated manager.

3.9 There may be a few occasions where a serious allegation is made which would usually lead to an early Joint Child Protection Investigation. However alongside that allegation there may be strong grounds to believe that the allegation is false. This could be because the child has made allegations in the past that have been false or they have recently indicated that they are going to make an allegation possibly to end the placement. It is important that there is an early discussion of these two aspects of the allegation which ensures that what the child is saying has been listened to and carefully assessed. Action to remove the child in such situations should be deferred until these discussions have taken place unless there is an immediate risk to the child. If the decision from the discussion is that further enquiries are necessary before action is taken then the designated manager could authorise the fostering agency staff or the child's worker to make those further enquiries.

3.10 Where young people have a history of making false allegations and there are strong reasons to believe that the current allegation is also false, social workers must nevertheless listen carefully to what the young person is alleging and take it seriously. They should bear in mind that allegations can be an indication of trauma in the past or deep unhappiness about their present situations. The social worker needs to help the young person see that the worker will take appropriate action to protect him or her and wants to understand what has happened and what the circumstances are. In a small number of situations, the worker may also need to give the message that it is unacceptable to make malicious allegations. These discussions require considerable skill and knowledge and should usually be carried out by two professionals, where possible including someone whom the young person knows well and trusts.

3.11 Local authority procedures should specify the timescale for carrying out additional enquiries and reporting back to the designated manager. Written and verbal reports should be provided. Having considered these, the designated manager should consult with others who took part in the initial internal discussions and make a decision on how to proceed.

3.12 At each stage of the initial decision making process, a record should be made of all key information considered, decisions taken and the reasons for them. A proforma for recording relevant information is available at Appendix 6.

#### *Decisions about the nature of the allegation*

3.13 Having considered all of these matters, most allegations will fall into one of the four categories below, though some may straddle one or more. Concerns about emotional abuse or neglect are often particularly difficult to categorise.

1. An allegation which includes information that there may have been significant harm or risk of significant harm to the child, as a result of physical, sexual or emotional abuse or neglect;
2. An allegation that amounts to a carer acting inappropriately or in ways which are considered unsuitable for the child, but not causing or likely to cause harm. Examples might include the carer or member of the carer family criticising the child and/or child's family.
3. No aspect of the carers' behaviour or practice has been observed to be problematic, but some concerns have been raised about the child's behaviour, lifestyle or frame of mind. For example a child may be reluctant to go home to the foster home or have talked about feeling depressed in the placement. Concerns of this kind might emerge from a range of sources e.g. school staff, psychologist, social worker. In assessing the significance of this kind of concern, it is particularly important to take account of the child's age, stage and previous experience.
4. Complaint from the child, the child's parent or someone else about some aspect of the foster carer's behaviour or practice, but the complaint does not imply any risk of significant harm to the child. Examples might include complaints about choice or quality of food, clothing or use of sanctions.

### *Moving into Initial Interagency Discussions*

3.14 In any situation where there may have been actual or potential significant harm, an Initial Interagency Discussion should be convened in accordance with local child protection procedures<sup>9</sup>. This will apply in all category 1 situations and in any other situations where there is evidence of actual or potential harm to a child. Situations involving the possibility of emotional abuse or neglect will often be difficult to assess in terms of the level of actual or potential harm. In these situations decisions about how to proceed should be based on what is likely to achieve the best outcome for the child. Medical or psychological assessments may be required to assist with assessing the impact on the child.

3.15 The purpose of the initial interagency discussion is to review the matters outlined at 3.7 and to ensure that relevant information held by other agencies such as health and police is included in the decision making process. The interagency discussion should take place as soon as possible, but no later than five working days after an allegation has been made. These discussions will ideally take place in a meeting, but if necessary, all the key parties can be consulted by phone. The decision of the interagency discussion may be to move into a child protection investigation or to refer the matter back to the fostering agency for further enquiries and review.

3.16 Practice in relation to Child Protection Investigations is covered in Section 4.

3.17 Where initial discussions conclude that the allegation or concern does not involve abuse, the most appropriate way of taking the matter forward would be to refer back to the fostering agency for further enquiries and review (Section 5). At any point during these enquiries it may emerge that a child has been harmed or is at risk of significant harm, in which case the matter should be referred back to senior child protection staff without delay.

3.18 The proforma at Appendix 6 can be used to guide and record initial decision making. Completed forms would also provide information on current practice in managing these complex situations which in turn might be used for practice development. These records will contain very confidential information and agencies must set out how they will be safely stored or shared.

4. Inter-agency Investigations into Allegations against Foster Carers or members of their Family.

### *Planning and Carrying out a Child Protection Investigation*

4.1 As soon as a decision is taken to initiate a child protection investigation, this should be communicated to the fostering agency decision

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<sup>9</sup> In some local authorities these are referred to as Initial Referral Discussions (IRDs).

maker, any local authorities responsible for children placed with the carers and the Scottish Commission for the Regulation of Care. Local procedures should indicate where responsibility for this lies.

4.2 Arrangements for informing the foster carers that an allegation has been made against them or a member of their family should be agreed by the key professionals involved. These would include the police, child's social worker and the link worker for the foster family.

4.3 When an allegation is made against a foster carer or member of the foster carer family it will be good practice for the initial inter-agency discussion to be followed by a more comprehensive inter-agency case discussion and planning meeting. The purpose of this meeting is to share all available information and to agree a plan for carrying out the investigation. Unless there is an immediate risk to the child, it would be preferable to delay decisions about whether or not to remove a child until the planning meeting has taken place.

4.4 Wherever possible the inter-agency planning meeting should take place within three working days of initial inter-agency discussions. It should be chaired by senior child protection staff responsible for the investigation. Those attending should include police, an appropriate representative from education and health services, senior staff from the fostering agency for the carers and from the local authority responsible for the child or children currently affected by the allegation. The social worker for the child and link worker for the family should also be present. It is important that those present include someone who knows the child and foster carer family well.

4.5 The planning meeting should consider the following areas:

- Significant information about the child concerned, including previous placements, and information about any previous allegations or complaints made by the child and up to date information on their circumstances;
- Significant information about the foster carers, including the terms of their approval, their record as carers and any past allegations/serious concerns relating to them or members of their families;
- Whether anything needs to be done immediately to safeguard the welfare of the child or any other children in the foster carer's household;
- The likely impact on any children who may need to be moved from their current placement, how any negative impact might be minimised and arrangements for supporting children after the move;
- Whether anything needs to be done to safeguard the welfare of other children with whom the foster carer or relevant members of their family have contact e.g. as childminders, youth workers;
- What action, if any, needs to be taken in relation to other children previously placed in the foster home;
- What action, if any, needs to be taken in relation to the carers' own children;

- Identifying key people and the information to be given to them, including foster carers, adult members of the foster family, parents/people with parental responsibility, other local authorities who have children in placement/ previously had children in placement; out-of-hours services
- Deciding what information is to be given to the fostered children and by whom, what support /counselling will be provided for them and what will be recorded;
- Decisions by the fostering service provider regarding any temporary changes concerning the foster carer's terms of approval, pending the completion of the investigation;
- Arrangements that could be made if someone were to move out of the foster home in order to safeguard a placement;
- The time-scale for interviewing key adults and children;
- Time scale within which the agencies involved, including police, will aim to complete an investigation;
- Clarification of the role of the supervising worker and the fostering service's ongoing support to the foster carer and their family;
- Appointment of independent support to foster carers and relevant members of their family and the need for advocacy for any of the children affected by the allegation;
- Management of any media implications and potential for preserving anonymity for the carer against whom the allegation has been made.

4.6 Planning meetings should agree what information can be shared with the carers at each stage of the investigation, what cannot be shared and who would be responsible for communicating key information to the foster carers. Police may not always be able to share all the information they hold at the meeting. While carers want to hear from the police what is happening, this may not be possible as the police investigation into the alleged actions of the carer or member of the carer family may still be on-going. It is important that whoever is appointed to keep carers informed about the progress of the investigation maintains this role until the investigation has been completed.

4.7 Minutes of the planning meeting should record decisions and action points on each of the above matters. A copy should be sent to each person attending the group and to the decision maker for the appropriate fostering panel within 10 working days.

4.8 A date should be set for the planning meeting to reconvene one month from the date of the first meeting in order to review progress. Further meetings should be held on a monthly basis until the enquiry is completed.

4.9 The length of time needed to complete investigations will vary widely, but a target timescale should be agreed at the planning meeting and progress reviewed at least monthly, when the planning group reconvenes. Local Area Child Protection Committees may wish to agree indicative timescales which are realistic for their area. In situations where enquiries are continuing beyond the agreed timescale and reasons for this are not clear, it will be the

responsibility of the fostering service manager to liaise with police and local authority colleagues carrying out the investigation in order to ascertain the reasons for the delay and discuss possible ways of overcoming them. Unless there are good reasons for withholding the information, carers should be told about these discussions.

4.10 When a decision is made to end a child protection investigation, those who have contributed to the planning discussions should be informed as soon as possible, usually within three working days. Fostering agency staff and social workers for the child should be told the reasons for ending the child protection investigation and advised whether any further inquiries are continuing. The investigation may have uncovered some issues for the child in the placement or in relation to the foster carers' practice. The child's social worker and fostering agency must be informed of these, in case there are concerns and issues to examine further, once the child protection investigation has been completed.

4.11 In most instances the outcomes will fit into one of the following four categories:

- Criminal charges continue to be processed through criminal justice system and further review of implications for carers' future fostering is needed;
- No criminal case is being pursued, but concerns persist and further review is needed of the implications of some aspects of the carers' practice or conduct;
- No concerns have been substantiated about the carers' practice, but the allegation has highlighted or resulted in stress between the carer and one or more of the children placed, so the implications of this need further review;
- No concerns have been substantiated about the carers' practice or their relationships with the children currently in placement.

4.12 Within three working days of a decision to bring a child protection investigation to a close, the fostering agency decision maker, any local authorities responsible for children placed with the carers and the Scottish Commission for the Regulation of Care should be informed that the investigation has ended and given reasons for concluding the investigation and brief details of the outcome. Local procedures should indicate who is responsible for conveying this information. For a number of other people, for example birth parents and some people interviewed in the course of the investigation, it will be appropriate to consider at what point they should be notified and what specific information should be conveyed to them.

4.13 If the investigation indicates that a carer or member of the carer family should be referred to the *Disqualified from Working with Children List*, notification should be made in accordance with local procedures.

*Fostering Agency Responsibilities to Carers and their Families during an Inter-agency Child Protection Investigation*

4.14 Once the foster carers have been informed that an allegation of abuse has been made against them, the fostering agency should ensure that foster carers:

- are given a copy of the local authority's safeguarding children procedure;
- have access to legal advice and representation;
- understand the process of the investigation and why it is taking place;
- as far as possible, know when, where and by whom interviews will be conducted;
- are informed about the independent support that will be provided;
- are informed about the financial arrangements the fostering service will make in relation to allowances/fees if fostered children are removed or the carer is temporarily suspended from taking further placements.

They must also ensure that foster carers:

- know the reasons for the removal of children, if applicable;
- know what contact, if any, each member of the foster family is permitted to have with each child affected by the allegation;
- understand the current status of their approval to foster;
- are assisted in communicating with investigating agencies;
- are informed on a regular basis of the progress of the investigation, both verbally and in writing
- understand that if they resign while the investigation is underway, this will not affect the progress or outcome of the investigation.

If any of the above has not yet been decided when the carers are first informed about the allegation, any remaining information should be provided within 2 working days of the relevant decisions having been made.

4.15 Once foster carers have been informed that an allegation has been made, if appropriate, options for safeguarding children without moving them from the placement should be explored with them. For example it may be possible for certain member(s) of the foster care family to live elsewhere while matters are investigated. In such cases all possible assistance should be provided.

4.16 Decisions about whether carers should be suspended from caring for any children while the matter is investigated will be made in accordance with fostering agency procedures. These decisions would usually be taken by senior staff within the fostering agency in consultation with senior child protection staff within the local authority in which the carers live.

4.17 Foster carers and any members of the foster family named in the allegation should be informed personally and in writing when the child protection investigation has been concluded. Reasons for this decision and what further steps will follow should also be explained<sup>10</sup>. This information should be conveyed as soon as possible and within three working days of the relevant decisions having been taken. If applicable, the foster carers should also be informed in writing of arrangements to continue payments and independent support. They should also be offered an opportunity to meet with the fostering manager in order to clarify the implications of these decisions for the foster carer family.

*Responsibilities of the Fostering Agency and Local Authority Social Workers to Children during an Inter-agency investigation*

4.18 If children are to be moved from a placement because of an allegation, the reasons for this should be explained carefully to them, using appropriate methods for communicating with younger children or children with special needs.

4.19 Children and young people should, as far as possible, be given an opportunity to express their views on moving placement. These views should be taken into account, giving due consideration to the child or young person's age, maturity and understanding. In some circumstances it may be appropriate to offer children and young people the support of an independent advocate or children's rights officer to help them effectively present their views.

4.20 Responsibility for discussing these matters with children will usually rest with the social worker for the child and/or the carers, but in some circumstances, for example if the social worker has seldom met the child, it may be helpful to also involve someone whom the child knows well and trusts.

4.21 Unless they are considered to be at immediate risk, children should be given time to say goodbye to the carer family and friends in the local area. They should also be made aware of what opportunities there will be for maintaining contact with people who have been important to them. Unless there may be immediate risks to the child, no major changes, for example to schooling, should be made until the matter has been considered and decided at their next LAC review.

4.22 Children will need support to adjust to the move and opportunities to talk about how this has affected them. They may also need to be updated on implications for their future care, especially if there is a possibility that they will return to the carers. This would usually be the responsibility of the child's social worker, but might be delegated to another suitable person if the child's social worker cannot be allocated adequate time to carry out this role<sup>11</sup>.

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<sup>10</sup> Possible outcomes are at 4.11

<sup>11</sup> Decisions about who will support children will be made at the inter-agency planning meeting (par. 4.4) and at subsequent LAC reviews.



4.23 Irrespective of whether they made the allegation or not, children affected by an allegation, should be informed of the outcome of an investigation and given an opportunity to express their views about how this has affected them.

*Responsibilities to Birth Parents of children who are the subject or are affected by allegations*

4.24 At each stage of the decision making process, consideration should be given to arrangements for informing birth parents that an allegation has been made against the carers looking after their child. In deciding that information should be given to parents and when, social work staff should take into account their statutory responsibility to involve parents in decisions which affect their children, alongside the child's wishes on what their parents should be told and, if appropriate, considerations to do with the child's safety. Records of initial decision making discussions and planning meetings should indicate what decisions were made in relation to informing birth parents, what information is to be shared and who is responsible for telling them and how, that is verbally or in writing. The child's social worker will usually carry out this task. Parents should also be informed when an investigation has been completed. In situations where staff decide to delay or limit the information given to parents, reasons for this should be recorded in the minute of the meeting where the decision is taken.

## 5. Further Enquiries and Review by the Fostering Agency

5.1 At three stages following a report/ allegation/ concern, fostering agencies may be called upon to carry out further enquiries with a view to reviewing implications both for the foster carers' capacity to foster and appropriateness of current placements. These are:

- Following initial consideration of a report/allegation/concern by senior child protection staff, the fostering manager and senior social worker for the child ( 3.5-3.12);
- Following formal or informal interagency discussions which decide not to proceed with a child protection investigation (3.8& 3.14-3.15);
- Following the completion of a child protection investigation (4.11)

5.2 The complexity of matters to be addressed and appropriate level of formality for these processes will vary widely. Some situations may only require fostering agency staff to carry out one or two interviews, followed by discussion of relevant issues at the carers' next foster care review. Others may call for an independent review carried out over several weeks. To differentiate this process from the usual foster care review system, the process of carrying out further enquiries, reporting key findings and making subsequent decisions might be termed a 'special circumstances review'.

5.3 Irrespective of how formal the review is, its purpose will be to find out whether change is needed to any aspects of the foster carers' practice, current placements or category of registration. Key findings will be reported in a special circumstances review report which will be considered either at a special circumstances review meeting or the carers' annual review. In some situations this process may result in a recommendation to the fostering panel that a carer's approval to foster should be terminated. However in many instances the special circumstances review will identify ways of supporting the carers to continue their fostering career.

5.4 The senior fostering manager will have managerial responsibility for deciding how extensive and formal the review should be. It is important that the response to any specific situation is proportionate to possible risk of harm to children, so within their policies and procedures, fostering agencies may wish to develop more specific guidelines on appropriate levels of response to different levels of concern<sup>12</sup>. Following a child protection investigation, the senior fostering manager may also decide that there is no need for further enquiries and proceed straight to a review meeting or fostering panel. If there is a recommendation for termination of approval, this must be made to the Agency Decision Maker by the Fostering Panel.

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<sup>12</sup> In accordance with the regulations, fostering agencies should have a separate procedure for dealing with complaints. It would be helpful for fostering agencies to outline in the foster care handbook examples of situations which will be treated as complaints and those which will result in a more formal enquiry. One example might be that diets not being varied enough would be a complaint, whereas concerns that children were malnourished would be a serious concern which merited a more formal enquiry. Social Work (Scotland) Act 1968 and the Regulation of Care (Requirements as to Care Services) Scotland 2002.

5.5 The senior fostering manager will be responsible for defining:

- what issues are to be addressed in the review,
- who is to be interviewed as part of the process;
- within what timescale the review report should be completed;
- who should carry out the enquiries and prepare the review report.

5.6 Unless there are unusually complex issues to be addressed, the review report should be completed within four weeks. Should the process extend beyond four weeks, the person conducting the special circumstances review should inform the senior fostering managers of the reasons for this and a revised date for completion should be agreed.

5.7 In deciding who should undertake the review the senior fostering manager should weigh up the advantages of involving someone who is already familiar with the family against introducing an element of independence, in which case the review would be carried out by someone who has not previously been involved with the foster carers or the children in their care. A suitably qualified practitioner from the fostering agency will often be able to offer this element of independence and objectivity. However in smaller fostering agencies or in situations where the relationship between the carer and agency is contentious, there may be advantages in someone from an outside the agency being commissioned to conduct the enquiries and review.

5.8 Foster carers should be given the option of requesting that the special circumstances review be carried out by someone independent and advised on the procedure for making this request which should be considered by the senior fostering manager.

5.9 In deciding who should undertake the review the senior fostering manager should take account of the complexity of the task. Where a member of the carer family has been charged with abuse, it will be important that the person carrying out these enquiries has appropriate understanding of the complex family dynamics which may be operating, how this may affect the non-abusing carer and what kinds of support would be needed to enable the carer to continue to foster safely.

5.10 Within three days of the senior fostering manager agreeing that a review is required, carers should be informed of this decision and what the review will entail. Carers who have been subject to a child protection investigation should be informed about this at the completion of that investigation (par. 4.18). For other carers, the fostering manager will be responsible for informing them, both verbally and in writing that a review is to be carried out.

5.11 Carers should be informed of:

- the reasons for the review;
- what the review will entail;
- within what timescale the review will be carried out;
- who will be responsible for completing the review report;
- the process for considering the review report, arrangements for a review meeting and possible outcomes from the review.

Foster carers should also be informed that they can request that the review should be carried out by someone independent of the fostering agency and advised how to go about making this request. This information should also be included in the fostering agency's policies and foster carer handbook.

5.12 Arrangements for reviews should take the carer's needs into account. If the carer is not willing or able to co-operate, for example because of illness,<sup>13</sup> the fostering agency should take all possible steps to enable the carer to participate fully in the process. Where appropriate, this should include reconsidering who has been appointed to carry out the review. If the carer remains unwilling to participate with enquiries, the senior fostering manager should decide when the point has been reached to proceed without the carer's participation. When that point is reached, the foster carer should be given seven days notice that all relevant information will be considered at a review meeting and taken forward to a review of the carer's approval by the agency fostering panel, should this be recommended. Foster carers should be informed of the time-scales for this process, and again invited to participate fully.

5.13 If the foster carer gives 28 days notice of their wish to cease fostering, there are no means of continuing with internal enquiries beyond the expiration of the notice that the carer no longer wishes to act as a foster carer. In this situation, the agency should nevertheless continue to investigate the matter as fully as possible and formally deregister the carers if this is considered to be the appropriate action. The senior fostering manager should continue to collate the information already known in order to include it on the foster carer's record. S/he should immediately notify the relevant senior manager in the local authorities responsible for all the children involved. This notification should be followed up in writing, setting out the date from which the carer has resigned and summarising information collected to date in the course of the investigations and/or further enquiries undertaken as part of the review process.

5.14 The special circumstances review report should summarise the nature of the allegation, circumstances which may have contributed to it being made and, if applicable, the outcome of the child protection investigation. Any implications for the carers' current suitability to foster, and training or support needs should be highlighted. It may also be relevant to highlight the

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<sup>13</sup> If the foster carer cannot co-operate because of ill-health, there may be a delay, with their agreement, on production of a medical certificate.

implications of the allegation for each individual child who is currently placed in the foster carers' home or may be returning there on completion of the review process. Based on this information, the report should indicate what action is needed to ensure that children placed with the carers will be safeguarded and cared for to the standard expected by the fostering agency. Recommendations may include:

- that the fostering carers receive additional training, support or advice on specific aspects of practice;
- that the appropriateness of individual children's placements be reviewed with the child's social worker and senior social worker;
- that the agency fostering panel review the number, ages of gender of children the foster carers are registered to care for;
- that the agency fostering panel consider terminating the foster carers' approval as foster carers.

5.15 The fostering manager or senior manager should convene a meeting to consider the report and its recommendations. The review report should be available to the foster carer 14 days before the meeting. Any reports the foster carer wishes to submit should also be considered at the meeting. People attending the meeting may include: the foster carer, the link worker, the social worker and senior social worker for the children involved, the report writer, and, at the request of the carer, the person who is providing independent support to the carer.

5.16 At the meeting the carer and/or the person providing independent support to the carer should be given every opportunity to put their point of view and comment on the report, particularly if they disagree with any aspects of its findings. Their views and those of all participants should be given full consideration. However the senior manager is responsible for any decisions. In some circumstances the fostering service manager may wish to take time to consider what is discussed at the meeting and come to a decision later. If this is the case, the decision should be made within three working days of the meeting having taken place.

5.17 The carers should be informed of the decisions from the meeting, both verbally and in writing, within three working days of them having been made. The record of the meeting should clearly state what decisions were made and the reasons for them. It should also clarify what action points were agreed, who is responsible for carrying them out and within what timescales. If there is a decision to refer the carers to the agency fostering panel to review or terminate their approval, the fostering manager should inform the fostering agency decision maker.

5.18 The minute of the meeting should be held in the carers' file<sup>14</sup> and be referred to at their next annual review. The minute of this review should indicate what progress has been made on implementing agreed actions

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<sup>14</sup> Retention of records will be in line with revised Looked After Children Regulations after 2009.

and/or highlight if further support, training or changes to the carers' terms of approval are required.

5.19 Procedures followed by local authorities and fostering agencies should specify who should be informed when reviews of this kind are completed and who is responsible for informing them. The fostering agency decision maker should be informed and, where applicable, an appropriate manager in local authorities responsible for children in placement. Local procedures should also include a mechanism for ensuring that findings from this process link into arrangements for referral for inclusion in the List of People Disqualified from Working with Children.

## 6 Reviews of Foster Carers' Approval by the Fostering Panel

6.1 A decision to recommend to the agency fostering panel that the foster carers should be deregistered or their approval to foster amended might be made directly following a child protection investigation or following further enquiries and review. The matter should be considered by the fostering panel within 6 weeks from that decision having been taken.

6.2 The fostering manager should inform the foster carers, both verbally and in writing, within 3 working days of a decision to refer to the fostering panel for a review of their approval. They should be informed if the recommendation to the panel is that the carers' approval to foster should be terminated. The information given to foster carers should include information on what will happen next and, if applicable, arrangements for the continued provision of independent support and/or payments until a final decision has been taken by the fostering agency's decision-maker.

6.3 In all other respects, local policies and procedures for reviewing and deregistering foster carers should be followed.

## 7. Evaluation following an allegation

7.1 Allegations of abuse are extremely stressful for foster carers and their families. At the end of the process of investigation and review, foster carers should be offered a formal opportunity to talk about the impact of the allegation and subsequent investigation and review on them and members of their family. They should have an opportunity to identify any support or other services which would help them manage the impact.

7.2 The evaluation meeting should be chaired by the manager of the fostering agency and attended by the link worker and the foster carers. Any adult family members who were the subject of the allegation or substantially affected by it should also be invited to attend. Care should be taken to ensure that the meeting does not become a 're-run' of the investigation process. It should be conducted at a time and place that takes account of the needs of the foster family. Consideration should also be given to whether a separate process should take place for any children and young people involved,

including the sons and daughters of foster carers. A record of the meeting should be taken and sent to everyone present within ten working days.

7.3 Points which might be considered at the meeting would include:

- the foster family's comments on the way in which the fostering agency undertook their roles and responsibilities;
- the impact of the allegation and subsequent investigation on the foster carers/family member who was the subject of the allegation/others in the family;
- the impact of any decision to remove children from the placement;
- the current needs of everyone in the foster carer's family;
- how any needs identified by members of the fostering family or fostering agency will be met.

7.4 Following an allegation there should also be an opportunity for fostering agency staff to reflect on their experience of managing the allegation and any implications for future practice. Where the investigation has been particularly stressful or contentious, there may be value in also including staff who carried out the investigation and social workers responsible for the child. In some circumstances it may be appropriate to engage an independent person to facilitate this kind of evaluation meeting. Building in this kind of debriefing and support will help staff manage their own anxiety and so continue to treat carers fairly and honestly when faced with an allegation. This in turn will help ensure that children's safety and welfare remains paramount in their decision making.

7.5 Both forms of evaluation should be used to critically review and learn from practice.

7.6 Fostering Agencies or Child Protection Committees may want to institute arrangements for monitoring how effectively procedures incorporating this guidance operate in practice, whether or not they result in any changes in how agencies respond to allegations against foster carers and whether or not these changes are helpful. A proforma which could be used to collate relevant information is at appendix 6.

## Appendix 1: Members of the Reference Group

Gail Aboim, Dundee City Council

Bill Atkinson, Perth and Kinross

Anne Black, the Fostering Network

Paul Carruthers, Strathclyde Police

Sue Hardman, The Fostering Network

Marie Hindmarsh, Foster Care Associates

Colin McFarlane, East Lothian carer

Mary McKenna, The Fostering Network

Sandra Moody, The Fostering Network

Rae Ormiston, Fife Council

Lexy Plumtree, BAAF

Margaret Rooney, Scottish Government

Margaret Sim, Glasgow City Council

Theresa Stephenson, Fife Council

Stephanie Stone, Foster Care Associates

Donald Urquhart, Midlothian Child Protection Committee

Ken Whitty, Glasgow carer

Clare Williams, Glasgow carer



## Appendix 2: Respondents to the consultation

### Local Authorities

Aberdeenshire  
Angus  
Clackmannanshire  
East Dunbartonshire  
East Lothian  
Edinburgh City  
Falkirk  
Galashiels Family Placement Team  
Glasgow  
Highland  
Inverclyde  
North Ayrshire  
Shetland  
South Lanarkshire  
Stirling  
West Lothian

Some of the local authorities who responded indicated that they had consulted with carers and a range of relevant staff and at some points highlighted particular issues raised by certain groups.

### Independent or Voluntary Fostering Agencies

Includem  
Foster Care Associates  
SWIIS  
Barnardo's  
Aberlour Sycamore  
Quarriers  
Fosterplus

### Other Agencies

Foster Carer Committee East Ayrshire  
Glasgow Foster Carers' Association  
ACPOS  
NESCPC  
Edinburgh Child Protection Committee  
Dumfries and Galloway Child Protection Committee  
NHSGGC – Child Protection Unit  
Children in Scotland  
Children 1<sup>st</sup>  
Glasgow City Children's Rights Service  
Debate Project (young people with experience of foster care)  
Nine<sup>15</sup> individual carers.

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<sup>15</sup> an additional two responses were received from carers but not included because the carers were not fostering in Scotland.

### Appendix 3: glossary of terms as used within the guidance

Child's social worker - social worker responsible for the foster child

Team Leader/ Child's senior social worker – line-manager for the foster child's social worker

Supervising social worker - fostering agency worker who supports the carers

Fostering Manager - line manager to the supervising social worker

Senior Fostering Manager - senior manager within the fostering agency

Child protection social worker – social worker in the foster carers' local authority with responsibility for investigating allegations of child abuse

Designated manager(s) – manager(s) in the local authority where the foster carers live who have been designated as responsible for overseeing allegations against foster carers.

Independent - The term 'independent' is used in relation to support and reviews. In most instances this means that the practitioner involved is outside line-management for the child and carer family and so brings an element of objectivity. In small agencies or in very complex and contentious situations, it may be helpful for someone outside the fostering agency to provide independent support.

Allegation: any claim or concern that a carer or member of the carer family may have harmed a child.

Concern: any indication that the care of a child may not be meeting the standard expected of foster carers and/or be having an adverse effect on one or more children.

Complaint: any accusation which does not imply that a child has been harmed, but alleges that carers' behaviour or practice has not met the standard expected of foster carers either by the agency or another key person, for example the child, the child's parent or another professional.

Initial internal discussion: discussion held following notification of an allegation to senior child protection staff. Its purpose is to assess the nature of the allegation and decide how best to respond to it. Those involved in this discussion are senior child protection staff, child's senior social worker and the fostering manager.

Initial interagency discussion: if the internal discussion indicates that the allegation may involve a child being abused, an initial interagency discussion should be convened to consider how best to proceed. The decision may be to

initiate a child protection investigation or to refer back to the fostering agency for further enquiries and review.

Child Protection Investigation: an investigation carried out in accordance with local authority child protection procedures.

Planning or strategy meeting: an interagency meeting to plan the investigation. A planning meeting should always be convened to plan and review investigations involving foster carers.

Special circumstances review: Enquiries carried out by the fostering agency or person appointed by them to assess what action needs to be taken following an allegation being made against foster carers or a member of the foster carer family. The enquiries can be carried out following a child protection investigation or in situations where the allegation, concern or complaint does not involved abuse to the child, so no child protection investigation is considered necessary.

Special Circumstances report: The report which summarises findings from further enquiries and review and makes recommendations about what action is needed to ensure high standards of foster care practice are maintained.

Special Circumstances Review meeting: A meeting at which the review report is considered

Foster care review: a foster care review as carried out in accordance with regulations

Evaluation -three kinds of evaluation are referred to: a) hearing from the foster carers about the impact on themselves and their families; b) giving staff involved in managing the allegation an opportunity to identify what can be learned from the process; c) a system for collating information on decision making and outcomes, so that agencies and ACPCs can monitor and learn from current practice.

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The following terms are used as defined in the Looked After Children (Scotland) Regulations or other relevant regulations.

Fostering Agency – a local authority or a registered fostering service, as defined in Looked After Children (Scotland) Regulations

Fostering Panel - panel appointed by each fostering agency to carry out functions as specified in Looked After Children (Scotland) Regulations

Agency decision maker – person designated by the fostering agency to undertake responsibilities outlined at 7 (1) of the Children Act (Scotland) 1995 Guidance and Regulations Vol. 2.

Child Protection Committee - Scottish Executive (2005) Protecting Children and Young People, Child Protection Committees

Looked after child, - Defined by S17(6), Children (Scotland) Act 1995

foster placement, - Placement of a looked after child with foster carers, Regulation 27, Looked After Children (Scotland) Regulations 2009

kinship care placement, - Placement of a looked after child with an approved kinship carer, Regulation 11, Looked After Children (Scotland) Regulations 2009

kinship carer, - A person related to the looked after child or known to the child and with whom the child has a pre-existing relationship, Regulation 10, Looked After Children (Scotland) Regulations 2009

## Appendix 4: Key stages in the process for responding to allegations against foster carers



## Appendix 5: The Fostering Network's Independent Advice, Information and Mediation Service

This service provides independent and confidential help for foster carers. This includes:

- Advice on fostering related problems
- Information on legal and financial issues related to foster care
- Support and advice if carers are unhappy about some aspect of their agency's service
- Confidential, independent support and advice in situations where an allegation or complaint is made against a foster carer or member of the foster carer family.

More information on this service is available from The Fostering Network, telephone 0141 204 1400, [www.fostering.net](http://www.fostering.net)

### Legal Helpline:

Fostering Network membership gives access to a legal helpline and legal expenses insurance to allow members to defend themselves against criminal charges arising as a consequence of their fostering. If foster carers think that they are likely to be interviewed by the police, they should contact the legal helpline for advice.

Appendix 6: Draft record of initial decision making and outcomes following an allegation against a foster carer or member of the foster carer family.

1. Description of the allegation/ concern.
2. Source of the allegation /concern
3. Personnel involved in initial decision making about the nature of the allegation and appropriate response.
4. Format of discussion or information sharing e.g. by phone, e-mail, in person.

5. Conclusion on the Nature of the Allegation

- a) Allegation includes information that there may have been significant harm or risk of significant harm to the child, as a result of physical, sexual or emotional abuse or neglect.

Yes /

No

- b) Allegation amounts to a carer acting inappropriately or in ways which are considered unsuitable for the child, but not causing or likely to cause significant harm.

Yes

/ No

- c) No aspect of the carers' behaviour or practice has been observed

to be problematic, but some concerns have been raised about the child's behaviour, lifestyle or frame of mind. For example a child may be reluctant to go home to the foster home or have talked about feeling depressed in the placement.

Yes/ No

- d) Complaint from the child, the child's parent or someone else about some aspect of the foster carer's behaviour or practice, but the complaint does not imply any risk of significant harm to the child. Examples might include complaints about choice or quality of food, clothing or use of sanctions.

Yes

/ No

*Please give reasons for reaching the above conclusion*

6. Action taken

a) Tried to obtain additional information about the  
circumstances or nature of the allegation/concern/  
complaint  
e.g. by speaking informally with key people

Yes /

No

b) Convened a multi-agency Initial Referral Discussion

Yes / No

c) Referred to Police  
/ No

Yes

d) Convene a planning meeting prior to carrying out a child  
protection investigation  
Yes / No

e) Carried out child protection investigation  
No

Yes /

f) Matter dealt with through internal review  
No

Yes /

g) Matter dealt with through complaints procedure

Yes / No

h) Moved child(ren) named in the allegation from the placement  
No

Yes /

i) Moved other foster children from the placement

Yes / No

j) Moved at least one of carers' children from their care

Yes / No

*To be completed when the investigation or enquiry has been brought to an end*

7. Outcome from child protection investigation

- o Criminal charges continue to be processed through criminal justice system and further review of implications for carers' future fostering is needed.

Yes / No



- No criminal case is being pursued, but concerns persist and further review is needed of the implications of some aspects of the carers' practice or conduct. Yes / No

- No concerns have been substantiated about the carers' practice, but the allegation has highlighted or resulted in stress between the carer and one or more of the children placed, so the implications of this need further review. Yes /

No

- No concerns have been substantiated about the carers' practice or their relationships with the children currently in placement.

Yes / No

#### 8. Outcome for children's placements

- At least one child remained in the placement throughout

Yes / No

- At least one child was removed from the placement but returned following the allegation being investigated

Yes / No

- At least one child was removed from the placement and will not return there

Yes /

No

#### 9. Outcome for carers

- Referred to Fostering Panel with a recommendation that they be deregistered

Yes / No

- Referred to Fostering Panel with a recommendation that there should be changes to their category of registration

Yes / No

- Additional training, supervision or support provided by the Fostering Agency

Yes / No

- No changes considered to be necessary

Yes / No

10. Following the completion of the investigation:

- Was an evaluation/ debriefing meeting arranged for the carers and key members of the carer family?

Yes / No

- Was an evaluation / debriefing meeting arranged for staff involved in the investigation?

Yes /No