

Concerns, Complaints and Allegations Against Foster Carers

Introduction

From time to time, those working with children and young people can be subject to complaints made by others. This guidance is primarily intended to help Foster Carers understand the way in which complaints will be dealt with. It will also hopefully serve as a guide to all those who become involved in complaints against Carers, so that a consistent approach is applied across Devon.

Being subjected to complaints can feel hurtful, and at times stressful. All those involved in dealing with a complaint can feel hurt, concern and stress. The seriousness of complaints ranges from very minor concerns which require informal discussion, through more serious complaints which need more formal consideration and action, to very serious allegations which fall with the Department's multi-agency Child protection procedures. The outcome of complaints accordingly ranges from discussion and advice, through concerns and warnings to deregistration and possible prosecution through the courts.

Those employed and approved to care for other people's children are in a very trusted and responsible position, and all concerned are duty bound to consider any complaint made thoroughly, and responsibly deal with the outcome.

It is in no-one's interest to 'cover-up' where complaints are raised. The lowest level of intervention required will be used to consider complaints. Where serious allegations are concerned, the Devon County Child Protection Committee is committed to a policy of openness and honesty in relation to child protection work, as long as this does not obstruct the Department's paramount responsibility, which is to protect children and promote their welfare.

These principles of openness and paramount responsibility to the child's welfare apply to all levels of complaint.

Preventing Complaints

Prevention

Prevention of incidents is always the best option. Foster Carers should make the child's Care Manager aware of behaviour which is challenging, provocative or worrying at an early stage, and should record concerns.

Many situations arise as a result of misunderstandings, lack of thought or sensitivity, or lack of knowledge. Carers should be sure that children's or young person's Care Managers pass to them information regarding behaviour which could be difficult, or which requires a careful response. Actions which are innocent may be misinterpreted by a child who has previously experienced some form of abuse, and greater care may need to be taken in terms of what Carers say, and their level of familiarity. The manner in which Carers relate to their own children may not be appropriate in relation to Fostered children.

Recommended Reading

The NFCA (National Foster Care Association) has produced an excellent booklet entitled '*Safe Caring*' which can help Carers prepare for or avoid difficult situations, and manage inappropriate behaviour. Carers should talk to their Social Worker (Fostering) to obtain a copy or seek further information.

1. Concerns

The majority of complaints which are made against Foster Carers are concerns over practice issues, such as the Carer's style of parenting, the way the child is being cared for, the way a particular incident is handled, a lack of confidentiality, or the way the Carer is working – or perhaps failing to work – with other professionals involved. Concerns can be raised by the child or young person being cared for, the child's family, the child's Care Manager or another professional, or others such as schools. Most commonly, concerns are voiced directly to the Carer, to the child's Care Manager or the Carer's Social Worker (Fostering).

Occasionally anonymous concerns are received by the Department. Whilst these are more difficult to deal with because the complainant cannot be questioned, they are received with equal concern.

On receipt of a complaint regarding a Foster Carer, the level of seriousness has to be judged. This is decided by those immediately involved, usually one or more of the child's Care Manager, and perhaps Practice Supervisor, the Foster Carer's Social Worker (Fostering) and Practice Manager (Fostering).

Dealing with Concerns

Dealing with concerns is normally an informal process which involves discussion between the Social Worker (Fostering) and the Carers. The child's Care Manager may be involved as appropriate.

Afterwards information should be discussed with the Practice Manager (Fostering) in order that a decision can be reached about what action if any should be taken. At the end of the discussion between the Carers and the Social Worker (Fostering) the conclusion/resolution will be recorded. The outcome of the discussion will be passed on to whoever raised the concerns.

Following the conclusion suggestions may be made to the Carers regarding future practice, and training needs may be identified. Where resolution has not been possible, for example if two people have differing opinions, this too will be recorded.

2. Serious Complaints

Where more serious complaints are made against Carers such as inappropriate use of sanctions, misuse of allowances, care of the child or about the Foster Carer as an individual, a discussion will take place between Fostering workers and District staff as appropriate. The District for the child or young person concerned will need to be clear that the complaint is not sufficiently serious that it needs to be dealt with through the child protection procedures. Once this is clear, the responsibility for managing the complaint rests with the Practice Manager (Fostering).

As with concerns, the Foster Carer should be made aware of complaints as soon as possible, and have the opportunity to respond verbally and/or in writing. The Carer will have opportunity to discuss the matter with their Social Worker (Fostering) and the Practice Manager (Fostering) – a visit will be arranged for this purpose. Ideally all concerned will agree about the outcome and the action that should be taken. Where the concern is of a more serious nature, the Practice Manager (Fostering) may need to reflect before reaching a decision regarding action to be taken. Where agreement is not reached, the Foster Carers have the right to appeal to the Group Manager (Fostering).

During the period that information is being gathered following a serious complaint, the Practice Manager (Fostering) can decide that no further children are placed with the Carers until the matter is concluded.

In some situations, where the Practice Manager (Fostering) has been closely involved with the Foster Carers concerned, it may be appropriate for a Practice Manager (Fostering) from another area to look into the complaint.

The results could be:

- ❖ That the matter is not proved, or that the complaint was malicious, and that no further action should be taken.
- ❖ That there are some matters of concern, and that the Social Worker (Fostering) should talk with the Carer regarding changes of practice and/or identify appropriate training.

Where there is still uncertainty, the Practice Manager (Fostering) will need to reach a view as to how to deal with the matter. In these situations:

- ❖ The Carers may be warned that a repeat of such behaviour could result in future deregistration.
- ❖ The Carers may be recommended for deregistration (see deregistration process).

Foster Carers will always receive a written outcome which explains why the decision has been made, and what action is to be taken. A copy of this will be kept on the Carer's file.

3. Child Abuse Allegations against Foster Carers

By their very nature, child abuse allegations are usually the most serious form of complaint which can be made against Foster Carers. The Children Act 1989 directs Social Services Departments to investigate such allegations in the same way as child abuse allegations concerning birth families or institutions. It is the responsibility of the District's Practice Supervisor to decide if the County's Child Protection procedures should apply.

Strategy Meetings

In all situations where an allegation of child abuse is made, a strategy discussion or meeting is held. The purpose of a strategy meeting is the

collection of all relevant information, and to reach agreement as to how the matter will then be investigated, and by whom. It is important that serious complaints are managed in a co-ordinated manner with all involved understanding their role in any inquiry. All information shared at meetings is viewed as strictly confidential.

A strategy meeting will normally involve the child's Social Worker, Practice Supervisor, Police, Fostering Workers and any other professional involved with the child. The meetings may be chaired by Child Protection Officers. The Social Worker (Fostering) will provide background details of the Carers which would enable those at the meeting to understand the foster family better.

Foster Carers themselves are not invited. This is because the strategy meeting may lead to the inquiry of a criminal offence, prior knowledge of which might contaminate subsequent evidence. For similar reasons, Foster Carers may be told that there is an enquiry under way, and its general area of concern, without giving details prior to them being formally interviewed.

Informing Foster Carers

Whilst openness with Carers regarding complaints is a basic principle, there may be circumstances in which a decision is made to delay informing the Carer, for example:

- ❖ Lack of clarity regarding the complaint
- ❖ Concern that the inquiry may be obstructed if Carers are informed prematurely

This can prevent Carers being subjected to an extended period of anxiety whilst the situation is clarified and an inquiry is commenced. The best interests of the child involved has to take precedence. Support to Carers will be made available to assist them through the process.

The Inquiry

Where an investigation is considered necessary, a decision will be made as to whether the police should be involved. Where the police are involved Carers will be interviewed under Police Caution. Depending on the nature of the inquiry, further strategy meetings may be necessary.

Carers subject to child abuse allegations are clearly in a stressful position, and those involved in the inquiry will try to ensure that the matter is dealt with as quickly, openly and fairly as circumstances will allow. Such investigations are difficult for all concerned, as many of those involved know the Foster Carers, and understand the stress they will be experiencing. Where Carers are involved in a child abuse allegation, arrangements will be made to provide them with independent support, which may be separate from the Social Worker (Fostering).

The flow diagram at the end of this section gives an indication of the probable stages undertaken:

Support for Carers

It is not possible to prevent a serious inquiry being stressful. The Social Worker (Fostering)'s position in such circumstances is a difficult one. Whilst part of their role is to support Carers they remain Departmental employees, and also have a supervisory responsibility for the placement. Therefore they have a duty to pass on any information which they feel is pertinent to any inquiry.

Carers will need to consider where they turn to for support. Many turn to other Foster Carers whom they have come to know through support groups; others turn to family and friends. It is important that Carers try to share their circumstances with someone, although the nature of the allegations can clearly make this difficult. The NFCA (National Foster Care Association) may also provide a useful source of support. Additionally in complex situations, the Department may provide an independent Social Worker (Fostering) to give impartial support to Carers.

Legal Advice

Being accused of child abuse is clearly a serious matter, and Foster Carers finding themselves in this situation are strongly advised to seek immediate legal advice. Devon Social Services are members of the NFCA (National Foster Care Association). This entitles Foster Carers to seek initial guidance from the NFCA, but not for further legal support.

Carers may wish to consider taking out personal membership and insurance through the NFCA, as this will provide them with higher levels of support and legal advice in the event of an allegation being made against them.

Where Carers are to be interviewed by the Police, they are strongly advised to have a solicitor present.

Immediate Action

Where Carers are subject to serious allegations, no further children will be placed with them until the matter has been fully investigated. The Districts responsible for the children accommodated by the Foster Carers will judge whether it is safe to leave the children with them, or whether those children should be removed. The children's safety in such situations will be paramount. Care will be taken to consider the impact removing a child or young person from a placement will have on them; the views of young people able to understand the situation will be considered. Making the decision to remove children is not taken lightly. The decision will rest with the Care Manager and Practice Supervisor.

Further Action

Once an inquiry is completed, and those involved in the strategy meeting have carefully considered the information available, decisions will be made as to what should happen next. The outcomes listed under *Complaints* apply.

The most serious outcome for Foster Carers would be a referral of the complaint to the Crown Prosecution Service for consideration of serious charges. In these circumstances, children or young people placed will most probably be removed.

The worst situation is again where there is no clear conclusion, because evidence is word against word. The Social Services Department then has to

decide, on the balance of probabilities, whether the abuse occurs or not, and whether, with no proof either way, it can risk the placement of further children.

As with serious complaints, decisions regarding Carers possible deregistration will be taken at the area Foster Care Approval Panel

The outcome of the enquiry, and the Panel, will be given to Foster Carers both verbally and in writing. Details of the outcome will be held on the Carer's file. The Foster Carer can have access to this in line with County policy, unless there are criminal proceedings pending.

4. The Complaints Service

Devon Social Services operates a complaints service which can be used by any recipient of a service. Certain decisions made by the Foster Care Approval Panel fall outside of this complaints process. Further information can be provided if required.



