



## Allegations:

### Guidance for foster carers and prospective adopters

#### **1. Introduction**

Anyone working with children is vulnerable to having allegations made against them. Many children who come into care have been abused or neglected prior to entering care which may increase the risk of them making allegations. Their behaviours may also make them more vulnerable to abuse.

Foster carers provide these vulnerable children with emotional and physical warmth in the privacy of their own homes. Whilst this is an essential part of this unique and invaluable role, it does leave foster carers particularly vulnerable to allegations. Indeed, foster carers are unlikely to have a fostering career without facing the challenge of an allegation or standard of care concern at some point in time.

It must also be acknowledged that children in care have been abused by people in positions of trust, such as their caregivers and this includes their foster carers. Allegations may also be made against other members of the fostering household/family; in these cases, the foster carer(s) may still be subject to investigation.

When an allegation is made against a person in a position of trust, the local authority has a legal duty to investigate and to ensure that children are safe. Although this is a necessary process, we fully understand that it puts the foster carer and their family under emotional strain.

We understand that the impact for foster carers, even when an allegation is 'unfounded' can be profound. It is recognised that a perceived lack of information about the allegation itself, the investigation process and the support which carers are entitled to, can lead to frustration and distress for foster carers.

**This guidance aims to provide the information Suffolk foster carers and adopters need to understand the process and know what support is available to minimise the impact when an allegation or 'standard of care concern' is made.**

*The **5 possible outcomes** from the formal allegation process can be found at section 9 on page 4 of this document.*

*NB – throughout this document the term 'foster carer' also includes adopters pre-adoption order.*

## **2. Jargon explained**

LADO	Local Authority Designated Officer. This is a safeguarding officer who is responsible for managing all allegations against people working with children in trusted positions; e.g., teachers, nursery workers, social workers, foster carers, etc. The LADO will oversee all allegations against foster carers and could oversee investigations regarding ‘standard of care concerns’
Section 47 or 47	Child Protection Enquiry carried out under Section 47 Children Act 1989
Strategy Discussion	A strategy discussion is a decision-making process to establish if an allegation needs to be referred for a S.47 Enquiry. It will usually involve the police, the local authority, and the fostering service.
LADO discussion/ meeting	This is a multiagency meeting to share information and make recommendations following an allegation being made against a person in a position of trust.
ADM	Agency Decision Maker. The ADM Is the person in the Local Authority who is responsible for making decisions about the registration of foster carers. All decisions about registration must be ‘ratified’ by the ADM.
IRM	Independent Review Mechanism. A service that considers appeals about registrations if foster carers disagree with the ADM decision.
NMS	National Minimum Standards e.g. for Fostering, created by the Department for Education
Regs	Fostering Regulations

## **3. What is an Allegation & what is a ‘standard of care concern’?**

The threshold for an allegation that is considered by the LADO is wider than those in which there is reasonable cause to suspect a child is suffering, or likely to suffer, harm. The LADO threshold is, in respect of all people working or volunteering with children in a position of trust, is where they have:

- Behaved in a way that has harmed a child or may have harmed a child;
- Possibly committed a criminal offence against, or related to, a child; or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

Whilst some behaviours may not constitute a criminal offence, and some may not reach the threshold of ‘harm’, consideration will need to be given as to whether they may indicate unsuitability to work with children.

Concerns may arise due to the person’s behaviour as a carer or outside of this role.

If concerns arise about the behaviour of a carer, in relation to their own children, the police and/or Children and Young People’s Services will need to consider if there is any further action required. This will include what implications there may be, if any, for fostered children in the household. Anyone in a foster family or their extended network may be accused of harming a child, including the foster carer’s own children.

A LADO strategy meeting may be held where this is the best vehicle for sharing information and making recommendations. Typically, those invited to this meeting would be police, the Fostering Support Worker and the Child's Social worker and IRO, though others relevant may also be invited. There will always be a representative from the fostering service present.

A 'standard of care concern' is an accusation that the care provided to a child does not meet the standards expected of a registered foster carer. An allegation or standard of care concern may be made by the child, or by someone acting on their behalf, such as a birth parent, teacher, or social worker.

Every local authority has a duty to investigate 'allegations of harm' as well as a duty to investigate any alleged 'standards of care concerns'. Both allegations and 'standard of care concerns' are managed through our safeguarding procedures and may be overseen by Suffolk's Local Authority Designated Officer (LADO)

An allegation may be investigated jointly with fostering and child care social workers. If, however, a potential crime has been committed, the Police may lead the investigation.

A 'standard of care' concern will usually be investigated by Suffolk's Adoption and Fostering Service as an internal 'fact finding' investigation.

#### **4. Why are allegations made?**

Allegations can be made when:

- a child has been abused or harmed by their foster carer or by a member of the household
- there has been conflict or a confrontation between carer and child including where it has been instigated by the child.
- a child makes links between abuse that has taken place in the past and their current care giver.
- a child may wish to gain control or initiate a move in placement or a return home.
- the child's birth family may wish to gain control or disrupt the placement.
- a child misinterprets actions of the foster carer, such as a comforting arm around their shoulder.

#### **5. Why are 'standard of care concerns' made?**

Concerns may be raised:

- when a foster carer has not provided a child with the standard of care expected of a registered foster carer under fostering regulations and Suffolk's guidance.
- when there are different standards and expectations of care between fostering households.
- when others in the child's network; e.g. birth family, social workers, child's school do not agree with aspects of the parenting provided by the foster carer.
- when a child does not agree with aspects of parenting provided by the foster carer.

## **6. What is the process when concerns are raised, or an allegation is made?**

The investigation process from referral and discussions, through LADO process to a conclusion and what happens next, is described in the flowchart '*Process for managing allegations or standards of care concerns*' located at **Appendix 1** and the LADO Meeting Agenda at **Appendix 2**.

## **7. Police involvement**

The fundamental objective of safeguarding procedures is to ensure the welfare of the child is protected. The initial strategy meeting/discussion is convened by the social care fieldwork team with the police to decide whether the police will undertake a criminal investigation. Generally, the police will only investigate if there is potential that a criminal offence has or is likely to have been committed.

Few allegations result in a police investigation and, indeed, those that do may not automatically progress beyond an initial interview.

## **8. How long does it take to resolve an allegation made or 'standard of care concern'?**

It is difficult to specify timescales as much will depend on whether the police are involved in the investigation. Some allegations are resolved within days, some take several weeks, and unfortunately some can take many months to reach a conclusion; for example, where a complex police investigation is involved.

Suffolk's LADOs and the Adoption and Fostering service strive to resolve the issue as soon as possible and will advocate on your behalf to encourage other agencies to manage the matter in a timely way. The LADO can also formally escalate concerns regarding delays. Wherever possible you will be advised of the approximate or likely timeframe for resolution.

## **9. LADO outcome**

Suffolk Adoption and Fostering service are committed to ensuring that you receive a written record of the outcome of any allegation or standard of care concern investigation, together with any recommendations made. When the matter has concluded, foster carers will receive a letter from the Head of Service clearly detailing the outcome of the LADO matter. The LADO provides a 'summary conclusion document' that can be shared with Fostering Panel and so accessed by you also.

There are 5 possible outcomes (as described in government guidance)\*:

- **Substantiated** – where there is sufficient identifiable evidence to prove the allegation.
- **Unsubstantiated** – where there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded** – where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

- **Malicious** – where there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- **False** – there is sufficient evidence to disprove the allegation.

*\*(Handling Allegations of Abuse against Adults who work with Children and Young People – Practice Guidance 2009, adapted in Keeping Children Safe in Education, 2015)*

## **10. Disclosure and Barring Service (DBS)**

If, following a ‘substantiated’ allegation or concern, the fostering panel recommend deregistration, and this is agreed by the Agency Decision Maker, the fostering service will make a referral to the DBS. This would mean that the DBS will consider whether you should be barred from working with children again in the future.

The Fostering Network would be your most appropriate source of support in this instance. For more information on this see **Appendix 1 – Flowchart (IRM and DBS)**

## **11. Will the child be moved when an allegation has been made or ‘standard of care concern’ raised?**

**Most allegations do not require the child to be moved** from the placement and can be investigated whilst the child and any other child placed remains in your care.

When we first receive notice of an allegation, we will consider carefully whether any ‘child in care’ in the household is at immediate risk of harm. If a child is at immediate risk of harm, we will move them to an alternative placement. In some circumstances, the person who is the subject of the allegation e.g. the carer or other member of the household, may prefer to leave the home in order to maintain the child’s placement.

If a child has been removed from your care as a direct consequence of an allegation you will be entitled to full payment for a period of 14 days. This can be extended, in agreement with senior management, if there is a clear plan for the child to return to your care once the allegation has concluded.

## **12. Will I be able to continue to foster?**

Whilst there is an active investigation into an allegation or a standard of care concern, Suffolk Adoption and Fostering service **will not place any additional children** with you. Any vacant placements will be put ‘on hold’ until the investigation is concluded.

If the matter is concluded as ‘unfounded’, ‘malicious’ or ‘false’ you will be able to resume taking placements immediately. If the matter is concluded as ‘unsubstantiated’ it is likely that you will be able to resume taking placements again immediately, but you will need to discuss this with your supervising social worker to consider any actions or learning needed in response to the allegation.

If the matter is concluded as ‘substantiated’ you will not be able to take new placements until the Fostering Panel have considered if continued registration is appropriate and, if it is, have confirmed that your support and learning needs are being met appropriately by the service.

Regardless of the outcome, some foster carers choose to take a break from fostering for a while and this option can be discussed with your supervising social worker.

### **13. What about my own children?**

When carrying out an investigation into allegations of abuse against a foster child, the local authority has a legal duty to consider the welfare of any other children in the household, including the foster carer's birth children, adopted children or children on Special Guardianship Orders.

In very serious circumstances when these children are deemed to be at risk they would be subject to the same safeguarding procedures as any other child in the community.

### **14. Return to Fostering Panel**

If the outcome of the allegation is 'unfounded', 'malicious' or 'false', details of the allegation will be noted at your next scheduled annual review. It is expected that you and your supervising social worker will have explored the impact of the allegation and any possible learning for you and the service. This will be recorded in the review report.

If the outcome of the allegation is 'unsubstantiated' a household review needs to be presented to the fostering panel within 3 months of the matter concluding. The Panel will review your registration and ensure that any support and learning needs have been considered appropriately by the service, for you and the service itself.

If the outcome of the allegation is 'substantiated' a household review needs to be presented to the panel within 28 working days of the matter concluding. The Panel will review your registration and ensure that any support and learning needs have been considered appropriately by the service. If the allegation is serious and substantiated it could result in the panel recommending deregistration, but this will depend on the individual circumstances of each case.

The review paperwork is the same as for a normal annual review but with the addition of information about the allegation and the LADO finding. As with any other Panel review, you will be invited to attend with your supervising social worker and anyone else you may wish to bring for support. Panel will ask you about the circumstances around the allegation and will be looking for any learning that has occurred as a result.

### **15. Advice and Support for Suffolk Foster carers during allegations**

#### **➤ Supervision:**

Suffolk Fostering and Adoption service will continue to provide you with advice and support throughout the process. Your allocated social worker may be the best person to support you or you may wish to utilise independent help that is available or access both, whatever most suits your needs.

Your allocated social worker will continue to meet you, carry out supervision visits and should remain a source of emotional support.

Your social worker will be responsible for liaison with all professionals involved in the investigation and will provide you with all information that they are able to share throughout the process.

Whilst there is an open investigation into an allegation your social worker may not be able to give you specific details about the allegation as this could interfere with the investigation. This can cause frustration and confusion. Indeed, foster carers have described feeling that they are 'guilty until proven innocent' or have no way to defend themselves if they are not allowed details of the allegations.

Your allocated social worker will be empathetic and mindful of these frustrations. They must also be open minded to the possibility that something has happened, at the same time as being open to the possibility that it hasn't. This is sometimes a very challenging balance to strike. You will hopefully feel less 'judged' personally if you focus on the fact the local authority has a legal duty to ensure that all concerns raised about children and young people are listened to and dealt with appropriately.

If you feel unable to work with your allocated supervising social worker, please contact their manager who will arrange for a different fostering social worker to support you including via supervision visits.

➤ **Support from Suffolk Foster Carers Association (SFCA):**

It is not unusual for foster carers to feel isolated when they are the subject of an allegation. Emotional support is available via SFCA from fellow foster carers. You can access this support by emailing [suffolkfca@gmail.com](mailto:suffolkfca@gmail.com)

➤ **Independent Support:**

Under Fostering National Minimum Standard 22.12, foster carers have a right to support that is independent of the fostering service. This is available to the person subject to the allegation and, where this is a foster carer, to their household, in order to provide:

- a. information and advice about the process.
- b. emotional support (including attendance at meetings and panel hearings); and,
- c. if needed, mediation between the foster carer and the fostering service.

**Support from Fostering Network:**

All Suffolk foster carers are members of Fostering Network as Suffolk Fostering Service pays your membership fees. This support includes different telephone helplines especially following an allegation:

- *I am facing an allegation* **020 7401 9582** 10am - 3pm, Monday to Friday
- *I am looking for legal advice or representation* – this is important should the allegation become a criminal matter **01384 885 734** open 24 hours a day, every day of the year.
- *I am looking for professional emotional support* **01384 889 549** open 24 hours a day, every day of the year. The service, operated by Care First, is staffed by trained counsellors offering emotional support, advice and information.

For more information, visit: [The Fostering Network helplines | The Fostering Network](#)

**Support from Fosterline:** Fosterline is the Dept of Education funded helpline that's available to all foster carers. See link for details:-

[Supporting Foster Carers and those that want to Foster | Fosterline](#)

**Your own family and friends’ network inc. fellow foster carers**

You may have someone who you know, who you prefer to act as your support. In this case, you are free to make whatever arrangements you wish. It is helpful for your supervising social worker to know that you are getting this additional support and who is providing it. Remember that you should not share any confidential information about a fostered child or their family.

**16. Allegations Toolkit**

Having an allegation made against you can be an enormous shock and even the most experienced foster carers can find it devastating.

Research has found that foster carers who are prepared for this eventuality often cope better, so our tool kit (top tips) for being prepared are found in the table below.

**Toolkit for Foster Carers**

<ul style="list-style-type: none"> <li>• Take part in all training on allegations offered to you.</li> <li>• Have a safer caring policy and regularly update this with your fostering supervising social worker.</li> <li>• Talk to your own children and extended family members about allegations and safer caring.</li> <li>• Keep detailed daily recordings; ensure these are read by your supervising social worker and shared with the child’s social worker too.</li> <li>• Ensure any marks or bruises on the child are always recorded and reported.</li> <li>• Immediately report any serious incidents, arguments or altercations with or about a child in your care.</li> <li>• Ensure you have a risk assessment for each child in placement and make sure it’s updated when necessary.</li> <li>• When considering a new placement ensure you discuss any previous allegations made by the child.</li> </ul>	<ul style="list-style-type: none"> <li>• Make a note of who to contact in the event of an allegation and make sure adult members of the household know where this is.</li> <li>• Remember Suffolk provides out of hours support through Fostering Out of Hours Advice Service, if you are experiencing difficulties with the child’s behaviours, use this service.</li> <li>• Build a good local support network which includes other foster carers and close family members and friends.</li> <li>• Join a local foster carers’ support group or start one with other carers in your area.</li> <li>• Remember Suffolk Foster Carers Association can provide emotional support to you <a href="mailto:suffolkfca@gmail.com">suffolkfca@gmail.com</a></li> <li>• Keep your Fostering Network membership details and telephone number to hand. 020 7401 9582 <a href="mailto:memberhelpline@fostering.net">memberhelpline@fostering.net</a></li> </ul>
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## Appendix 1 - PROCESS FOR MANAGING ALLEGATIONS OR STANDARD OF CARE CONCERNS REGARDING FOSTER CARERS

### REFERRAL:

Information received alleging a possible safeguarding concern about a Foster Carer.

### DISCUSSION (usually within 1 working day):

This usually includes the LADO (Local Authority Designated Officer), Supervising Social Worker & Child Care Social Workers. It is likely to be by telephone or email.

#### Aim:

- \*To establish if the matter meets the criteria for LADO involvement.
- \*To establish if the matter requires a child protection response which will proceed separately from the LADO process.
- \*To consider the immediate safety of children in the fostering household, and decide if they can remain in placement.

### Discussion concludes LADO involvement is not necessary:

Supervising Social Worker to discuss the referral with the Foster carer to plan any appropriate action or learning, record the alleged concerns raised, and confirm that **No Further Action** will be taken.

**NB:** The matter will be included in the next fostering household annual review.

### Discussion concludes LADO involvement is necessary:

#### LADO Discussion/ Meeting (usually within 3-5 workings days):

Police are invited (this is standard safeguarding practice) alongside other relevant people. The subject of any LADO matter is not invited.

#### Aims:

- \*To discuss the matter raised and share knowledge regarding; the allegation; the child; the foster carer including their strengths and any previous concerns.
- \*To establish if a criminal investigation is needed.
- \*To plan the investigation into the matter and establish if it is managed as an **allegation** or a **standard of care concern**.
- \*To agree plans for informing the foster carer, and agree information that can be shared with them at this stage (some information must be withheld as it might jeopardise the investigation.)
- \*To agree plans in respect of the care of children in the fostering household during the investigation.

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The (initial) LADO process may confirm that no investigation is needed and agree for the matter to be addressed in supervision between the Supervising Social Worker and the Foster Carer. The SSW must record the alleged concerns raised, plan any relevant action with the foster carer and record on file that **no further action (NFA)** is needed.

**NB:** The matter will be included in the next fostering household annual review.

### **INVESTIGATION (timescale monitored by the LADO ):**

An investigation is likely to include meetings or discussions with: the child; the foster carer, other relevant people in the child's network; the person/ people who made the referral; etc.

**Allegation:** If a potential crime has been committed this will be a joint investigation conducted by Social care and the Police.

**Allegation:** If a serious concern has been raised but the Police do not believe they could evidence that a crime has been committed this is likely to be a joint investigation conducted by the child care team & fostering.

**A standard of care concern:** will also be a 'fact finding' investigation, conducted by the fostering social worker/childs social worker.



### **CONCLUSION OF INVESTIGATION:**

A further LADO meeting or discussion will be held to agree the outcome of the investigation and confirm if it is: **Unfounded, Malicious, False, Unsubstantiated or Substantiated** and to make arrangements for informing the foster carer of this outcome. This will usually be in a joint meeting with the Foster carer, the SSW and their line manager.

The LADO will provide a 'summary conclusion document' that can be shared with Fostering Panel and therefore can be accessed by the Foster carer.



### **OUTCOME LETTER:**

Upon receipt of the 'summary conclusion document' from the LADO an 'outcome letter' is sent to the foster carer from the Head of Adoption and Fostering.



### **PRESENTATION TO FOSTERING PANEL**

**(within 28 days of receiving the LADO conclusion document):**

All Substantiated and Unsubstantiated concerns must be presented to the Fostering Panel and then ratified by the ADM. Panel's role is to explore whether adequate support is in place and to consider the foster carer's ongoing registration.

The SSW and Foster Carer will jointly present the usual annual review paperwork alongside the summary conclusion document and outcome letter.

Unfounded, Malicious, or False outcome will not be presented to the Fostering Panel but will be included in the next fostering household annual review, which is also ratified by the ADM.

All LADO referrals and investigations are recorded on the foster carers file including a clear outcome.



### **Independent Review Mechanism (IRM) and Disclosure and Barring Service (DBS)**

If the ADM agrees a panel decision to de-register a fostering household, the carers have the right to appeal the decision through the IRM. (See *Foster Carers Manual* for full details of this process)

It is important to note that following a **substantiated** allegation the fostering service may advise DBS. The LADO outcome is shared with all parties involved in the investigation even if they were only involved initially, then ceased to be part of the process e.g. police. The DBS have access to police records showing any involvement they may have had in an allegation process. However, when considering a DBS application, they will use their discretion as to whether it is relevant to that check or not; for example, depending on what role the subject has applied for.

## Appendix 2

### SCC CYP SERVICES

#### AGENDA OF ALLEGATIONS MANAGEMENT STRATEGY AND REVIEW STRATEGY MEETINGS

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**Held by Local Authority Designated Officer (LADO) under Suffolk procedures for managing allegations against adults who work with children (working together appendix 5)**

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1. Introductions and Apologies

2. Opening Statement

*The Chair explained that this was a LADO strategy meeting held under Suffolk Safeguarding Board procedures in relation to a person in a position of trust. The meeting is held in two parts with the purpose of first, sharing information, and secondly to make appropriate recommendations and assess if there is a continuing risk to children.*

*Minutes of the discussion will be taken which are not a word for word account but provide an overview of information shared. The minutes and the information shared are confidential and should not be shared without the permission of the chair. Participants should be aware that minutes may be subject to an access request and as such, information shared may become available to the subject of this meeting.*

3. Details of Allegation

4. History of Adult *(not always applicable for a Review Strategy Meeting)*

5. History of Child *(not always applicable for a Review Strategy Meeting)*

6. Agency information *(to include child's views where appropriate and support for adult)*

7. Chairperson's Summary and Conclusion

8. Action Plan

9. Lessons to be Learnt (where appropriate)