

7 SAFEGUARDING LOOKED AFTER CHILDREN

7.1 SAFE CARE PLANS

- 7.1.1 Standard 9.3 of the National Minimum Standards for Fostering Services requires safe caring guidelines to be provided, based on a written policy, for each foster home, in consultation with the carer and everyone else in the household. These guidelines must be cleared with each child's Social Worker and be explained clearly and appropriately to the child.
- 7.1.2 During the assessment process foster carers will be alerted to the need to consider what safe care plans they need to draw up to ensure they keep both the young person and their family safe.
- 7.1.3 The Fostering Network Safe Caring book will be given out to all registered carers by the support worker.
- 7.1.4 The Foster Carer Handbook clarifies the areas that carers should be thinking about together with key points to be included in the safe care plan.
- 7.1.5 A copy of the plan must be made available to each child who stays in the home.
- 7.1.6 The plan may well have additional issues included when a new placement is made, highlighting and detailing how known risks are to be managed.
- 7.1.7 The child's Social Worker and the support worker should jointly take responsibility to ensure an updated plan has been put together. They should help the foster carer consider clear strategies for unexpected behaviours or risks.
- 7.1.8 The Foster Carer Handbook endorses the need for careful thought to be given to ensuring all parties are alert to potential risks. Carers also have a responsibility to clarify the implications of information being passed to them.
- 7.1.9 The safe care plan must be reviewed during the foster carer's annual registration review.

7.2 BEDROOMS

- 7.2.1 No child over the age of 1 year should not sleep in her/his carer's bedroom.
- 7.2.2 Any child aged 2 years and over should not share a bedroom with a child of the opposite gender who is unrelated.
- 7.2.3 All children over the age of 2 years, where it has been known or suspected that they have been involved in sexually related incidents, should not share a bedroom.
- 7.2.4 If it is decided to override any of these standards it is necessary for the agreement of any Team Manager and parents to be sought. Details of the agreements must be noted on the child and foster carer's file.

7.3 RECORD OF INCIDENTS OF INAPPROPRIATE SEXUALISED BEHAVIOUR IN FOSTERED YOUNG PEOPLE

- 7.3.1 Whenever an incident of inappropriate sexualised behaviour by a fostered young person takes place in a foster home it must be fully recorded in an incident book held by the Fostering Service and completed by the worker with access to the information.
- 7.3.2 At the same time a red asterisk must be placed on the young person's T-card and on the index card.
- 7.3.3 It is the responsibility of the supervising Social Worker, in the case of planned placements, the duty Social Worker in emergency placements and the out of hours Social Worker when s/he returns to the office, to seek out and pass on any recorded information in written form to the new carer.
- 7.3.4 When a young person, whose behaviour has caused concern, is placed in a new foster home, the supervising Social Worker must remind and support the carer in their responsibility to consider what new strategies should be adopted and added to the foster family's safe care plan.

7.4 VIOLENCE TO FOSTER CARERS

- 7.4.1 Isle of Wight Council's Violence and Aggression policy statement offers detailed strategies about the prevention and avoidance of violence to staff, how to deal with violence if it occurs and what to do

to help staff who have suffered violence. Carers are viewed as staff in this respect.

- 7.4.2 The Fostering Service will ensure training is available to carers in strategies to deal with violence.
- 7.4.3 Carers must be encouraged to report all incidences of violence. The carer must make a full record of any incident, as soon after it as possible.
- 7.4.4 The carer must be offered longer-term support by the Fostering Service or, if s/he prefers, a colleague from the local support group or by a confidential counsellor sought through the Improvement and Development Service.
- 7.4.5 Carers have the right to inform the Police of any assault suffered and may need support to do so.
- 7.4.6 The perpetrator's Social Worker must be informed of the incident as soon as possible.
- 7.4.7 Carers must be informed that they may be entitled to an award from the Criminal Injuries Board and advised how to apply (See 4.4).
- 7.4.8 The Fostering Service Manager must maintain a record of all violent incidents against carers in order that incidents can be monitored.

7.5 ACCEPTABLE MEASURES OF DISCIPLINE, CONTROL AND RESTRAINT

- 7.5.1 Fostering services are required by Regulation 13 of the Fostering Services Regulations 2002 to prepare and implement a written policy on acceptable measures of control, restraint and discipline of children placed with foster carers.
- 7.5.2 Regulation 28 requires that the Fostering Service enter into a written agreement with all approved carers (The Foster Care Agreement) covering the matters specified in Schedule 5 of the Regulations. These include the requirement '*Not to administer corporal punishment to any child placed with him*'.
- 7.5.3 Standard 9.4 of the National Minimum Standards for Fostering Services requires fostering services to make it clear to carers that corporal punishment is not acceptable and set this out clearly in written information for carers.

- 7.5.4 When a child is placed in a foster home, consideration must be given to the types of behaviour s/he is likely to present, to each member of the household and agreement given to acceptable measures of discipline. Full details must be included in the Placement Agreement.
- 7.5.5 It is important that a foster carer is not left on their own to determine the most appropriate form of discipline or sanction to be used. Sanctions that may be quite appropriate for children within the carer's own family may be experienced as frightening, or even abusive to a child from another family.
- 7.5.6 When the behaviour presented by the foster child is likely to put that child or a member of the foster family at risk, the Social Worker and carer together should seek guidance from the Team Manager.
- 7.5.7 It must be set out in writing what forms of control or restraint are acceptable for the carer to use and endorsed by the Directorate. Wherever possible the parent must be fully involved in the making of these decisions. The carer must inform the Social Worker when restraint has been used.
- 7.5.8 Should a carer use any method of restraint on a young person fostered with them, without prior agreement, they should contact the Directorate immediately afterwards, when it is safe to do so, and pass on the circumstances and details of what occurred, either during working hours or out of hours.
- 7.5.9 Full details of the incident must be recorded by the foster carer in the diary. Reporting and recording the information is essential. It serves to protect the carer should the child report the incident her or himself either at the time or in the future.
- 7.5.10 Foster carers who have forcibly held a child should consider the effect this may have on any other person in the family who witnessed the event.

CORPORAL PUNISHMENT

- 7.5.11 Standard 9.4 defines corporal punishment as including smacking, slapping, shaking and all other humiliating forms of treatment or punishment. This list is indicative rather than exhaustive and other forms of control may also be viewed as corporal punishment.

GENERAL PROVISIONS

- 7.5.12 Sanctions and physical restraint must not be excessive or unreasonable and physical restraint must only be used:
- To prevent likely injury to the child concerned or
 - To others, or
 - To prevent likely serious damage to property
- 7.5.13 Restraint must not be used as a punishment, as a means to enforce compliance with instructions, or in response to challenging behaviour which does not give rise to reasonable expectation of injury to someone or serious damage to property.
- 7.5.14 Where there has been physical intervention, the child will have the right to be examined by a registered nurse or medical practitioner within 24 hours.
- 7.5.15 All children must be given an opportunity to discuss incidents and express their views away from the foster carers.
- 7.5.16 When disciplinary measures or restraint are used, children should be encouraged to write down their views or have their views recorded and sign their names against them if possible in the records kept by the carer.

UNACCEPTABLE FORMS OF DISCIPLINE AND CONTROL

- 7.5.17 In addition to the restriction on corporal punishment, none of the following should be used as a form of control or discipline in foster homes:
- Any punishment relating to the consumption or deprivation of food or drink
 - Any restriction, other than one imposed by a Court on—
 - (i) A child's contact with his parents, relatives or friends
 - (ii) Visits to her/him by his parents, relatives or friends
 - (iii) A child's communications with any of the following persons:
 - (a) Any solicitor or other adviser or advocate acting for the child
 - (b) Any officer of the Children and Family Court Advisory and Support Service appointed for her/him
 - (c) Any Social Worker for the time being assigned to the child by her/his placing authority

(d) Any person appointed in respect of any requirement of the procedure specified in the Representations Procedure (Children) Regulations 1991 and any subsequent legislation

(e) Any person appointed as a visitor for her/him in accordance with paragraph 17 of Schedule 2 to the 1989 Act

(f) Any person authorised by the Commission for Social Care Inspection

(g) Any person authorised by the local authority in whose area the foster home is situated

(h) Access to any telephone helpline providing counselling for children

- Any requirement that a child wear distinctive or inappropriate clothes
- The use or withholding of medication or medical or dental treatment
- The intentional deprivation of sleep
- The imposition of any financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments) by way of reparation
- The locking of a child in a room, other than in circumstances to ensure the safety of the child or others
- Any intimate physical examination of the child
- The withholding of any aids or equipment needed by a disabled child
- Any measure which involves any child in the imposition of any measure against any other child or the punishment of a group of children for the behaviour of an individual child

7.5.18 Nothing in the foregoing should restrict the taking of any action by, or in accordance with the instructions of, a registered medical practitioner or a registered dental practitioner which is necessary to protect the health of a child, or the taking of any action immediately necessary to prevent injury to any person or serious damage to property.

7.5.19 Carers may insist that children wear distinctive clothing in terms of any requirement that a child wear distinctive clothing for sporting purposes, or for purposes connected with her or his education or with any organisation whose members customarily wear uniform in connection with its activities.

- 7.5.20 Contact may be restricted if this is in the best interests of the child, but such restrictions can only be imposed by a Court or in certain circumstances by a Social Worker. Carers must not unilaterally take a decision to restrict contact unless there is clear and compelling evidence that the child is in immediate danger, when the carer may exercise their inherent duty of care to protect the child.
- 7.5.21 See 6.23.31 for further details of the procedure to be followed where contact needs to be restricted.

7.6 CHILDREN MISSING FROM A PLACEMENT

EMERGENCIES

- 7.6.1 An emergency absence is defined as a child who is unexpectedly missing **OR** they are vulnerable due to their age, learning difficulty, other specific problem (e.g. reliance on medication) or at risk of exploitation or abuse.
- 7.6.2 The carer must contact Wightcare (Tel 821105) and take advice from the Filtering Officer on a course of action to reduce any risk and stabilise the emergency.
- 7.6.3 The child must also be reported as missing to the Police, via IW control 0845 045454545.

PREDICTABLE ABSCONDING

- 7.6.4 Predictable absconding is defined as a child is regularly late returning home/ missing and with friends. There are no additional risks. These situations will have been discussed with parents and Social Workers in advance.
- 7.6.5 Carers must follow any procedures set out in the Placement Agreement or the Care Plan, in relation to reporting the matter to the Police.
- 7.6.6 If there are any additional concerns the carer should telephone the Police and discuss if it is appropriate to report the child as missing.
- 7.6.7 There is no need to inform the Filtering Officer of this report or subsequent return **UNLESS** there is an increase of risk factors, which might lead to an emergency.
- 7.6.8 Reports to the child's parent/s and the Social Worker will still be required the following working day.

- 7.6.9 The foster carer should note the details of the absence in the diary and complete a missing person log form. This must be passed onto the Fostering Support worker on their next visit and will be filed in the Fostering Service Team.
- 7.6.10 At the end of each financial year statistics relating to missing young people will be provided from this data to the DfES.

7.7 VISITORS TO THE FOSTER HOME

- 7.7.1 Carers are required to inform the Directorate of any changes to the membership of the household.
- 7.7.2 When members of the carer's extended family or well-known close family friends visit the foster home for a holiday, i.e. no longer than three weeks, it is not necessary for the visitors to obtain a CRB disclosure.
- 7.7.3 The foster carer will need to feel certain that they are prepared to take full responsibility for the visitors' behaviour in relation to any child fostered in the home.
- 7.7.4 Any friend or family members remaining in the home for longer than three weeks will need to obtain a CRB disclosure and be interviewed by the foster carer's supervising Social Worker who will need to agree to the visitor remaining in the home.
- 7.7.5 Before any full-time lodgers move into the home CRB disclosures will need to be obtained and an interview with the supervising Social Worker will need to take place.
- 7.7.6 It is not acceptable for foster carers to provide bed and breakfast accommodation to unknown visitors unless the visitors can have self-contained, separate accommodation. The nature of bed and breakfast is usually last minute and does not allow for CRB disclosures to be sought. It is felt that the risk involved in inviting unknown people into the home when foster children are staying is an unacceptable risk.
- 7.7.7 It is unlikely that agreement will be given for visitors who have CRB disclosures, but are unknown to the carer, to stay in the foster home while children or young people are in placement.
- 7.7.8 The needs of most children within the looked after system are such that it is not in their best interests to have strangers coming into the foster home when suitable preparation cannot take place.

- 7.7.9 Should this situation arise, a final decision will be given by the child's Social Worker after consultation between the fostering Team Manager and the Team Manager of the child in placement.
- 7.7.10 Where carers are seeking to take foreign students in the summer it is necessary for the Social Worker of the child in placement to approve the period of stay, having consulted with the child in placement. The carer would need to undertake responsibility for the safety of the fostered child for the duration of the stay.

7.8 OVERNIGHT STAYS

PARENTAL CONSENT

- 7.8.1 In all cases a child's Care Plan or Placement Plan Part 2 must clearly state the arrangements for allowing a child to stay away from their carers and the extent to which decision-making is delegated.
- 7.8.2 If the child is accommodated under s20 of the Children Act 1989 consent to overnight stays is most appropriately given in writing by the parent, usually when the Care Plan is signed. This can be:
- Delegated to the Directorate on all occasions
 - Requested on each occasion
 - Given for specific named individuals in advance
- 7.8.3 Where parental consent is forthcoming there is no requirement to seek CRB disclosures.
- 7.8.4 If the child is subject to a Care Order, parental views should be sought, wherever possible. However the Directorate will have the right to determine overnight stay arrangements by itself, if necessary.
- 7.8.5 If the child is remanded to local authority accommodation, consent should be sought as if the young person were accommodated under s20, subject to any conditions and expectations of the Court.
- 7.8.6 Once a young person reaches the age of 16 years, parents are no longer able to give or withhold consent. However their views will continue to be significant in any decision-making.
- 7.8.7 All decisions and reasons for them must be recorded on the child's file.
- 7.8.8 Foster carers must keep a record of all overnight stays away from the placement and share this information with the child's Social Worker.

ORGANISED TRIPS

- 7.8.9 Where a child wishes to stay away with a recognised organisation (Scouts, Guides or school) and the Directorate is satisfied that the organisation has sound recruitment practices, which will ensure the safety of children, then consent may be given by the child's Social Worker.
- 7.8.10 If the local authority is not satisfied as to the recruitment practices, then checks must be made before consent is given. Advice should be sought from the Team Manager/Contracts Officer. All decisions must be recorded and confirmed in writing.

AGENCY CONSENT

- 7.8.11 In all cases the child's Placement Agreement must state clearly the process for allowing the child to stay away from her/his carer. The guiding principle is that the carers will know the child and his/her friends best.
- 7.8.12 This means the carer is usually in the best position to judge the suitability of any overnight stay. This knowledge will depend on the child and the length of time s/he has been in placement.
- 7.8.13 Where the consent for the overnight stay rests with the Directorate, then the child may be allowed to stay overnight where the following applies:
- The period is no longer than 24 hours
 - The child is staying with a friend of similar age who is under 18 years
 - The child will be in the care of a responsible adult
 - The child's carer would permit the arrangement for a child of their own
- 7.8.14 The carer or Social Worker would need to consider how the arrangements are likely to meet the needs of the child including:
- The likely behaviour of the child
 - The influence the friend and the family may have
 - The risk the child may pose to others
 - The risks the child may face
 - The child's vulnerability
 - The child's own wishes and feelings

- The views of the child's parents
- 7.8.15 The responsibility of carers is no different from what would be expected of a reasonable parent and would include in every case:
- The carer had previously met the friend
 - The carer had agreed the arrangement with the friend's parent/carer
 - The carer knows the name and address and telephone number of the friend's home
 - The carer had been given some indication of what the child would be doing
 - The carers is clear that any health needs would be met
 - The carer has advised the responsible adult whom to contact in an emergency
 - The carer is able to enquire, if appropriate, during the stay how things are going
- 7.8.16 The granting of consent to stay overnight is designed to assist children in their social development and help them lead lives like any other child.

GOVERNMENT GUIDANCE

- 7.8.17 Further guidance can be found in LAC (2004) 4 Guidance on the Delegation of Decisions on Overnight Stays for Looked After Children, issued in February 2004.

7.9 BULLYING

- 7.9.1 All suspected or actual incidents of bullying must be taken seriously. They must be fully investigated by the Directorate and support must be provided to the victim as well as their carers.
- 7.9.2 Foster carers should ensure that they record all suspected or actual incidents and report these to the child's Social Worker as soon as possible.
- 7.9.3 The carer and the child's Social Worker should formulate a plan to address the concerns and this should include:
- Who should talk to the child
 - Who else needs to be notified (E.g. schools, birth parents)
 - Whether any immediate action is needed to safeguard the child

- 7.9.4 After the concerns have been discussed with the child, if bullying is confirmed or continues to be suspected, a protection plan should be drawn up to attempt to ensure the bullying ceases and does not re-occur.
- 7.9.5 The carer and the child's Social Worker should draw up the plan with the involvement of relevant others who may include:
- The foster child
 - Other children in the household
 - The foster child's birth parent(s)
 - The bully
 - The supervising Social Worker
 - The Social Workers and parents of other children in the foster home
 - Other relevant professionals such as teachers and therapists
- 7.9.6 If the bullying is being done by someone outside of the foster home attempts should be made to engage the child's parents in helping to put an end to the bullying. The child's Social Worker rather than the carer should normally undertake any contact with parents in such circumstances.

RECORDING

- 7.9.7 Foster carers must record all suspected and actual incidents of bullying against or by any foster child in their care. These must be reported to the child's Social Worker as soon as possible.
- 7.9.8 The carer must also ensure that their supervising Social Worker is made aware of the incident.
- 7.9.9 The fostering Team Manager will keep a central record of all reported incidents and the action taken to deal with them.

7.10 CONCERNS, ALLEGATIONS AND COMPLAINTS AGAINST FOSTER CARERS AND PROSPECTIVE ADOPTERS

POLICY

- 7.10.1 It is the policy of the Directorate that all concerns, allegations and complaints are resolved at the lowest level possible. They must be thoroughly investigated and resolved appropriately. The welfare of the

child is paramount at all times. Foster carers must be treated fairly and with consideration throughout the enquiry/investigation process.

DEFINITIONS

- 7.10.2 A **concern** relates to any aspect of the care provided that relates to the standards of care or poor practice by foster carers or prospective adopters.
- 7.10.3 An **allegation** is a written or oral expression of dissatisfaction or disquiet in relation to an individual person through the local authority's exercise of its function of looking after the young person under Part Three of The Children Act 1989, by placement with approved foster carers or under the Adoption Agency Regulations when looked after children are placed with prospective adopters.
- 7.10.4 A **complaint** relates to a Council procedure which has not been appropriately followed or an action or decision that the complainant disagrees with.

INFORMAL CONCERNS

- 7.10.5 During the course of a placement there may well be minor concerns that arise. These should be dealt with by the child's Social Worker at the time they arise, directly with the foster carer.
- 7.10.6 The Fostering Service Social Worker must always be advised and will be involved in a three-way meeting, if necessary. The Fostering Service Social Worker will record the concerns and discuss them with the Fostering Service Manager, in the event that a number of concerns are received or a pattern is emerging in relation to the concerns.
- 7.10.7 The issues should be record as 'informal concerns' on the significant events sheet. They should be noted as raised and dealt with on the child's file.

CONCERNS WHICH RELATE TO THE STANDARDS OF CARE OR POOR PRACTICE BY FOSTER CARERS OR PROSPECTIVE ADOPTERS

- 7.10.8 When the concern is received directly by a field or Fostering Service Social Worker, the worker should record all the information accurately and ask for any clarification at the time the concern is raised.
- 7.10.9 With indirect referrals, the referrer should be contacted for further information/clarification if required.

- 7.10.10 Within 24 hours of receiving the concern the child's Social Worker and the Fostering Service Social Worker must discuss the issue(s) with their Team Managers who must agree whether this should be dealt with at Level 1.
- 7.10.11 The Fostering Service Manager must log the concern and send a copy to the Complaints Officer.
- 7.10.12 Within three working days the Fostering Service Manager must acknowledge the concern to the referrer, in writing.
- 7.10.13 As soon as practicable the child's Social Worker and the Fostering Service Social Worker must make a joint visit to the foster carer to inform them of the concern, discuss it and reach a suggested solution. A copy of the concern must be given to the carers in writing.
- 7.10.14 The suggested solution will be passed to the Fostering Service Manager for consideration and a decision.
- 7.10.15 The child must be interviewed, separate from the carers to seek their views.
- 7.10.16 The child's parents must be informed of the incident, by the child's Social Worker, unless there is clear justification for not doing so; this must be recorded on the child's file by the Social Worker.
- 7.10.17 If the carers are ISP providers or registered with the Early Years Unit the Fostering Service Social Worker must notify the relevant team that a concern has been raised, with details if appropriate.
- 7.10.18 Within 28 days of the concern being received, the Fostering Service Manager must inform the referrer in writing of the outcome, within the constraints of confidentiality. The referrer must be advised to contact the Fostering Service Manager if they are unhappy with the outcome.
- 7.10.19 Within 28 days of the concern being received, the Fostering Service Manager must write to the carers confirming the outcome and any actions required by the Directorate. Carers must be informed of any reports to the Panel that are required.
- 7.10.20 The Fostering Service Social Worker must record the concern fully together with the outcome on the carer's file, including completing the Significant Events sheet.
- 7.10.21 If there are any disagreements, at any stage, between the fieldwork team and Fostering Service, reference should be made to the relevant Service Manager.

STAGE 1 ALLEGATIONS

- 7.10.22 Stage 1 is an allegation about inappropriate punishment or serious concerns about the standards of care or professional conduct.
- 7.10.23 When the complaint is received directly by either a field Social Worker or a Fostering Service Social Worker, the worker should record all the information accurately and ask for any clarification at the time the allegation is made. A logging sheet must be completed.
- 7.10.24 Consideration should be given to whether the criteria for Child Protection Procedures have been raised.
- 7.10.25 Within three working days the Fostering Service Manager must acknowledge the complaint in writing and log the allegation.
- 7.10.26 The fieldwork and Fostering Service Team Managers, in discussion with the Service Manager, must agree:
- Whether the allegation constitutes a Stage 2 allegation
 - Which independent staff at a Team Manager or Service Manager level should most appropriately visit the carers
 - Whether the child needs to be seen alone
 - The time scale to be worked to.
- 7.10.27 If the carers are CAS providers or registered with the Early Years Unit the Fostering Service Social Worker must notify the relevant team that an allegation has been made, with details if relevant, as soon as is possible.
- 7.10.28 The identified manager must visit the carers as soon as is practicable to inform them of the allegation and to seek the carers' views and explanation for the substance of the allegation.
- 7.10.29 A written copy of the allegation must be given to the carers. The carers must be advised of their rights and access to support/counselling throughout the process. They must be advised that a report might be presented to Panel, who may wish to review their registration.
- 7.10.30 The child's Social Worker must inform the parents, unless there is clear justification for not doing so which must be recorded in the confidential section of the child's file.

- 7.10.31 Clear recordings must be kept throughout the enquiry process. The field Social Worker must maintain the child's file and the Fostering Service Social Worker, the carer's file.
- 7.10.32 When the enquiries are completed a meeting involving the workers involved in the enquiries their Team Managers and the Service Manager must be called to seek agreement regarding the outcome or to decide to progress to a Stage 2 allegation.

STAGE 1 ALLEGATIONS, WHICH ARE SUBSTANTIATED OR UNSUBSTANTIATED

- 7.10.33 When all are satisfied that the allegation is substantiated/ unsubstantiated then it must be the investigating Team Manager or Service Manager who compiles a report.
- 7.10.34 The investigating manager must write to the complainant, parents and carers informing them of the outcome within 28 days of the allegation.
- 7.10.35 The letter to the foster carers must include a clear statement of the recommendations to the Panel regarding the future registration of the foster carers and any actions or follow up required by the Directorate.
- 7.10.36 The agreed solutions/outcome must be recorded on both the child's and foster carer's file.
- 7.10.37 A report on the outcome and recommendations for further use (incl. placement history and the carer's views about the outcome of the allegation and wishes for the future) must be taken to the next available Fostering Panel.
- 7.10.38 Following the Panel meeting the Agency Decision Maker must write to the carers with the agency decision, giving the carer the opportunity to make further representations if it is proposed to vary or terminate their registration.

ALLEGATIONS, WHICH ARE UNRESOLVED

- 7.10.39 The Service Managers must jointly decide whether the allegation should be investigated under IOW ACPC procedures. The decision must be recorded by the Service Managers on both the child and the foster carer's files.
- 7.10.40 A report on the outcome and recommendations for further use (including placement history and the carer's views on the outcome of

the complaint and wishes for the future) must be taken to the next available Fostering Panel by the Fostering Service Social Worker.

- 7.10.41 Following the Panel meeting the Agency Decision Maker must write to the carers with the Agency decision, giving the carer the opportunity to make further representations if it is proposed to vary or terminate their registration.
- 7.10.42 If there are disagreements, at any stage, between the Team Managers, reference should be made to the relevant Service Manager.

STAGE 2 ALLEGATIONS

- 7.10.43 Stage 2 allegations relate to either present or past abuse or potential abuse or neglect by the foster carers or members of the carer's family.
- 7.10.44 There must be circumstances which would trigger a s47 Children Act 1989 investigation under the IOW ACPC procedures. This also includes a situation where the child is no longer in the placement in which the alleged abuse occurred but where the carers are still registered.
- 7.10.45 The guidance below follows that issued in the ACPC and Safeguarding Children's Procedures.
- 7.10.46 Any allegation received by the Directorate must be referred directly to the child's Team Manager who must consult with the child's Social Worker and the Fostering Service before making a decision whether or not the allegation constitutes a child protection referral.
- 7.10.47 The child's Social Worker must make the usual initial enquiries and bring the information available at this stage to the discussion with the Team Manager.
- 7.10.48 Any allegations/suspicions of abuse/neglect must be brought to the attention of the Service Manager by the Team Manager at the first available opportunity.
- 7.10.49 Consideration needs to be given to how and when the child's parent or anyone with parental responsibility is to be informed and involved at each stage of the process.
- 7.10.50 If the allegation warrants an enquiry under s47, within 24 hours the Service Manager must be asked to take responsibility for the enquiry

and appoint an appropriately independent Social Worker to undertake further enquiries.

7.10.51 The normal Child Protection Procedures must now apply with a strategy discussion being arranged promptly.

7.10.52 The strategy meeting must consider areas outlined in the Joint Investigation Strategy Discussion Proforma:

- Is the child safe? Plan to protect made?
- Does the child need immediate medical treatment?
- Is a crime alleged? Crime scene to be examined?
- Forensic evidence to be secured?
- Have there been previous referrals on this child/family?
- Have the parents/carers been informed?
- Is one of the parents/carers a suspect?
- When should the parents/carers be informed?
- Have all the necessary background enquiries been made?
- Are there likely to be any communication difficulties?
- When and where to see the child?
- Who should see the child?
- Joint interview required?
- Accompanying adult? Should the extended family be involved?
- Medical examination required? Consent? Emergency Protection Order/Child Assessment Order?
- Staff involved from each Agency?
- Who will co-ordinate the investigation and be responsible for feedback to the family?

7.10.53 The following issues should additionally be addressed in the strategy discussion:

- Fostering Service Social Workers must be consulted for their knowledge of the carers, of the placement details and history of previous placements
- The risk to other children placed and carer's birth children
- Define the roles and responsibilities of workers
- Set clear time scales and agree how carers, parents and complainants will be kept informed of the progress of the investigation

- Consider whether the alleged perpetrator could move out
- Consider whether previous foster children need to be contacted
- Consider the preparation and timing of moving children out of the home, having regard to how frightening this may be for children who may have previous experience of such events
- Particular attention should be given to the breadth of the enquiries - the child's investigation should avoid an over narrow approach

7.10.54 All decisions must be recorded.

7.10.55 There will be situations where delay is inevitable, e.g. Police investigations. Where delay occurs the Service Manager must be kept fully informed and s/he in turn must inform the Head of Children's Services.

7.10.56 In parallel with the investigation the Fostering Service Social Worker must support the carers and members of the household as follows:

- Ensure that the carers have a copy of and understand the procedures relating to allegations against foster carers and a copy of them in writing
- Ensure the foster carers have a copy of the allegations in writing
- Ensure that the carers understand the allegations, and the steps that are being taken and how updates and outcomes will be conveyed
- Offer access to additional support, e.g. counselling, another support worker, legal advice through Fostering Network 24 hour help line
- Inform the carer of the Directorate's complaint's procedure
- Represent the carer and their views and opinions to those responsible for the investigation
- Ensure the carers understand that when children have been removed from their care as a result of an allegation being made, they should, if instructed, cease all contact with the children, as much to protect themselves as the children, until the process is concluded
- Advise carers that when children have been removed from their care, the fostering allowance will continue for a further week and then cease, while enquiries continue.

7.10.57 On completion of the investigation the Child Protection Coordinator must decide whether a Child Protection Conference (CPC) is necessary. This may necessitate a further strategy discussion. The

decision to call a CPC will be given the same consideration as in any child protection situations.

7.10.58 If a decision is made to hold a case conference the ACPC procedures must be followed.

7.10.59 In addition, the following issues should be addressed:

- Due to the extreme sensitivity of the issues under discussion, great care must be taken in planning the format of the meeting, given the likely presence of both the carers and the parents
- If carers are to be invited to the CPC, they should be prepared in the same way as parents for attendance at this meeting and should be advised of the possible legal implications of their participation. This preparation must be undertaken by the Fostering Service Social Worker. The field Social Worker must share any written reports before the conference and the CPC must meet with the carers
- Parents must be invited unless there is good reason for exclusion for all or part of the meeting
- A representative of the Fostering Service should be invited to attend
- Children aged 10 years and above may be invited to attend the conference

7.10.60 The Decisions to be made at the CPC can be found in the ACPC procedures.

7.10.61 In addition the following must be addressed:

- Registration, or not of any child still in the foster home
- The setting up of a Child Protection Plan

7.10.62 The investigating Social Worker's Team Manager must clarify in writing the outcome of the investigation.

7.10.63 The letter must advise what decision and recommendations are being forwarded to the Fostering Panel.

7.10.64 If an allegation has been made against another adult member of the carer's household s/he must also receive a letter explaining the outcome.

7.10.65 Carers must receive minutes of the conference, as parents would receive in the same situation, subject to any restriction on the grounds of confidentiality.

- 7.10.66 In addition the Service Manager and the Fostering Service Manager must receive a copy of the minutes and any letters sent.
- 7.10.67 The Fostering Service Manager must place a copy of the letter sent to the carers on the carer's file.
- 7.10.68 Following the CPC the child's Social Worker must ensure that the child understands the outcome, as fully as possible.
- 7.10.69 In the event that the child's name is placed on the Child Protection Register, there must be a review within three months and a core group established to prepare the final protection plan.
- 7.10.70 Parents, unless unaware of the allegation, must be visited and the outcome explained, and be given confirmation in writing, by the investigating Social Worker.
- 7.10.71 The Fostering Service Social Worker must visit the carers as soon as possible after the investigation and the Child Protection Conference, to explain the procedure of the Fostering Panel reviewing the carer's registration in light of the recommendations and decisions of the CPC.
- 7.10.72 The Fostering Panel must consider the carer's registration in light of the report of the allegations and events as submitted by the Fostering Service Social Worker, which must have been seen by the carers, and a statement from the carers, if they wish to submit one.
- 7.10.73 Carers must be invited to attend Panel, in line with Panel procedures.
- 7.10.74 Following the Panel meeting the Agency Decision Maker must write to the carers with the Agency's decision giving the carer the opportunity to make further representations if it is proposed to vary or terminate their registration.
- 7.10.75 There is no appeal against the agency decision. However, carers have the right to complain if procedures have not been followed.
- 7.10.76 A letter of complaint should be addressed to the Complaints and User's Rights Service Manager, 46 Sea Street, Newport, Isle of Wight.

THE ROLE OF THE FOSTERING PANEL IN CONCERNS AND ALLEGATIONS

- 7.10.77 The Fostering Panel's role is one of oversight of the actions, activities and quality of practice of registered foster carers.

- 7.10.78 The Panel will receive regular reports of the number of concerns and allegations at Stage 1 and 2 being dealt with.
- 7.10.79 Panel will only consider individual foster carers when the enquiries/investigation indicates that the carer's registration approval should be reviewed.
- 7.10.80 As recommended by the Fostering Network, Panel requires an automatic review of a foster carer's registration to be presented to Panel when there is a pattern of repeated complaints at the rate of 3 in any one year.

REPEAT CONCERNS AND ALLEGATIONS

- 7.10.81 A repeat complaint that is the same complaint about the same circumstances will only be reopened if the complainant has new and specific factual information to add to the case.
- 7.10.82 With no further information, the submission of a repeat complaint will not be accepted and the complainant will be informed of this in writing.

PLACEMENTS WITH OTHER LOCAL AUTHORITIES OR VOLUNTARY/INDEPENDENT AGENCIES' FOSTER CARERS

- 7.10.83 When an IOW child is placed in another local authority foster home, or with a voluntary or independent fostering service provider and concerns or a Stage 1 allegation is made against the agency carer, the child's Social Worker, with the agreement of the Team Manager, must ensure that the local authority or other agency's procedures are invoked and the proper vigilant enquiries/investigations are carried out.
- 7.10.84 The Service manager (Joint commissioning and Looked After Children) must be informed.
- 7.10.85 If a Stage 2 allegation is made against the carers, The Team Manager responsible for the child, with the agreement of the Service Manager, must ensure that the relevant local authority's ACPC Procedures are invoked and followed.
- 7.10.86 The Service Manager (Joint Commissioning and Looked after children) must be informed.

RECORDING

- 7.10.87 It is important that all informal and formal concerns and complaints are logged at the time they are received.
- 7.10.88 Records must be maintained that account for enquiries, actions and decisions taken.

7.11 DEATH OF A LOOKED AFTER CHILD

- 7.11.1 Where a child dies the child's Social Worker must be informed without delay and the Head of Children's Services advised immediately. The Head of Children's Services will make any decisions about how to notify relatives and any others who will need to know.
- 7.11.2 A report will be required into the circumstances of the death by the manager for the case and the files may be secured for the purposes of any other investigation that may be required.
- 7.11.3 Where the death occurs out of hours the Out of Hours Team must be informed who will arrange to notify the senior manager on duty without delay.
- 7.11.4 Under s20 of Schedule 2 of the Children Act 1989 the local authority:
- Must notify the Secretary of State
 - Must, so far as is reasonably practicable, notify the child's parents and every person who is not a parent of her/him but who has parental responsibility for her/him
 - May, with the consent (so far as it is reasonably practicable to obtain it) of every person who has parental responsibility for the child, arrange for the child's body to be buried or cremated
 - May make payments to any person who has parental responsibility for the child, or any relative, friend or other person connected with the child, in respect of travelling, subsistence or other expenses incurred by that person in attending the child's funeral
- 7.11.5 Where the child was placed in a foster placement or an independent sector residential children's unit the Commission for Social Care Inspection must also be notified of the child's death as must the relevant area authority where the foster placement or children's home is located.