

Safeguarding Policy

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1. Introduction

TSD 4 Foster Carers both values and supports the pivotal role that foster carers play in providing the children of The UK with a positive 'family life' experience.

TSD 4 FOSTER CARERS, as a whole, is committed to meeting the holistic needs of [Looked After Children](http://trixresources.proceduresonline.com/nat_key/keywords/looked_after_child.html) and in promoting the profile of the Fostering Service as 'corporate parents'.

As a foster carer, you are required to meet standards of care, and are not permitted to use any form of physical punishment. High standards of behaviour are expected from you at all times, regardless of the difficulties presented by some of the children you may look after.

Your home should reflect a caring culture.

The onus is upon you to be a positive role model for Looked After Children.

Children who are looked after are vulnerable to various forms of abuse and exploitation and have the same right to protection as all other children in society.

Occasionally allegations are made against foster carers and those in their family. This places you in a difficult and sometimes distressing situation.

Ways in which you can reduce risks:

* Think about who in the household may be vulnerable to allegations;
* Keep a Log Book;
* Be clear on what behaviour is expected;
* Develop your own Safer Caring policy for keeping everyone safe. See [Developing a Safer Caring Policy](https://www.fosteringhandbook.com/rotherham/safer_plan.html);
* Make use of training and support from your Supervising Social Worker;
* Have insurance cover.

Work closely with other professionals and talk to them with any concerns.

2. Foster Carer: Investigations

There exists a clear understanding that if you are subject to [Child Protection](http://trixresources.proceduresonline.com/nat_key/keywords/child_protection.html)concerns, serious incidents, complaints and care standard issues can prove to be a stressful and difficult time for you, your families and, therefore, require additional support at such times.

Ongoing packages of support will be provided in the following areas:

* Enquiries will be dealt with in a way that is fair and open to you and your family as well as to the child;
* It will ensure that decisions and actions are taken without delay and in line with legislative and Local Authority timescales;
* You will have immediate access to information and advice from the Fostering Service and an independent agency in the event of an allegation being made against you or, alternatively, the Fostering Service has informed you that they have a serious concern, complaint or issue relating to your standard of care;
* As part of the assessment and preparation training of you, you will be provided with training relating to the Safer Caring Policy and the potential for allegations to be made against you;
* You will develop along with your Supervising Social Worker a Safer Caring Family Policy which will be updated in accordance with changes within your family life.

Allegations involving you which may require a strategy discussion could contain elements of one or more of the following:

* Allegations of sexual abuse;
* Allegations of inappropriate sexual behaviours which might constitute 'grooming', such as deliberately allowing access to 'adult' sexual material, such as videos or photographs;
* Physical chastisement which cannot be defined as 'minor' i.e. that has caused bruising or lasting marks;
* Inappropriate restraint which has caused bruising or lasting marks;
* Severe verbal chastisement, defined as highly inappropriate and emotionally damaging verbal abuse over a period of time.

3. Referrals

A referral which can be processed as a complaint relating to you might include the following:

* An incident of minor physical chastisement resulting in no injury or a very minor injury;
* Inappropriate verbal chastisement;
* A child being restrained or inappropriately handled, resulting in no injury or a very minor injury;
* Incidents indicating inadequate supervision, such as inadvertently allowing a child access to alcohol, prescribed medication or unsuitable viewing of 'adult' sexual material;
* Incidents indicating a lack of due care, such as inadvertently wrongly administering prescribed medication.

A referral which can be dealt with as a practice standard issue relating to you might include:

* An issue of dispute over clothing, pocket money or food;
* Criticism of your home or your foster child's room;
* Statements or comments claimed to have been made by you.

4. Child Protection Concerns

The following definition is used in all cases in which it is alleged that a person who works with children (this includes foster carers) has:

* 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.

5. Serious Incident or Complaint Issue

Local Authorities have to make a clear distinction between allegations of harm to a child compared with issues associated with your standard of practice in your care of looked after children.

Therefore, the distinction between a serious incident and a child protection concern will be decided on the basis of the threshold of [Significant Harm](http://trixresources.proceduresonline.com/nat_key/keywords/significant_harm.html)/[Neglect](http://trixresources.proceduresonline.com/nat_key/keywords/neglect.html).

6. Safeguarding Children Unit

The Safeguarding Unit is a multi-disciplinary team which aims to promote the welfare and safety of children in The UK. The team offers advice on safeguarding issues and procedures; convenes and chairs [Child Protection Conferences](http://trixresources.proceduresonline.com/nat_key/keywords/child_prot_conf.html) and monitors children that are subject of[Child Protection Plans](http://trixresources.proceduresonline.com/nat_key/keywords/child_protection_plan.html).

The[Independent Reviewing Officer (IRO)](http://trixresources.proceduresonline.com/nat_key/keywords/indep_reviewing_officer.html) team is also based within the unit. The IRO's have responsibility for chairing all Looked After Children reviews and they are also required to closely monitor each Looked After Child's [Care Plan](http://trixresources.proceduresonline.com/nat_key/keywords/care_plan.html).

The duties of the[Local Authority Designated Officer (LADO)](http://trixresources.proceduresonline.com/nat_key/keywords/local_authority_desig.html)/Designated Officer, team of officers are also based within the Safeguarding Unit. This involves responsibility for advising the Authority (in this instance the Fostering Service) on whether an incident meets the criteria for a Child Protection enquiry or should be dealt with in another way. The LADO/Designated Officer, team of officers have a responsibility to regularly monitor the progress of the investigation to ensure that they are dealt with within appropriate timescales.

7. Notification Procedure

1. An allegation against you may arise out of any or all of the following and this is not an exclusive list:
	* An enquiry and assessment under Section 47 of the Children Act, 1989;
	* Police investigation of a possible crime;
	* An enquiry under the Fostering Regulations and National Minimum Standards (NMS) regarding the management of a serious incident/complaint about the practice and standard of care.
2. There is a clear requirement from the point of notification that there is a clear demarcation between allegations of harm/neglect compared with discussions relating to the standard of care in general;
3. When your Supervising Social Worker has information in relation to an allegation they should complete form SS.CC 524 and give you a copy;
4. The Supervising Social Worker will inform the designated person - Senior Manager (NMS 22.5) - immediately and made them aware of the allegation. The designated person for the purposes of this policy will be the Fostering Team Manager and the Deputy Manager in their absence. The designated person will verify with the Supervising Social Worker that there is a possibility the incident could have happened (being careful not to prejudice the gathering of information, which would be used in criminal proceedings);
5. If it is about the standard of care and does not meet the threshold for serious harm, the responsibility to collect and collate the information lies with the Fostering Service;
6. The designated person will inform the The UK Safeguarding Service and LADO within 24 hours. The Safeguarding Service is central to the initial decision making process in all circumstances;
7. The designated person and LADO/Designated Officer, team of officers will determine if the allegation is relating to serious harm or standard of care. The LADO/Designated Officer, team of officers will advise on whether a case meets the criteria for a Child Protection enquiry or if it can be dealt with in any other way. The LADO/Designated Officer, team of officers will advise regarding a decision about whether a child should be moved (although the final decision rests with the Locality Team Manager, who may defer the decision until the first Strategy Meeting discussion. The Locality Team Manager must always decide whether any immediate protective action is required. The Designated Manager in the Fostering Service will determine either at the point of notification or at the first Strategy Meeting if the foster carer should be placed on hold;
8. If it is a serious harm allegation, a strategy discussion / meeting will be set up between LADO/Designated Officer, team of officers, Service Area representative, the Police and the Fostering Service;
9. The Supervising Social Worker should normally have continuing responsibility and be the identified support link person for you. However on occasions it may be appropriate for another worker from the Fostering Service to be identified to possibly co work;
10. The Fostering Service will assess if you require additional independent support throughout the investigation. The authority has a Service Level Agreement with Foster Talk to provide independent support to you during any investigation.

The child's Social Worker and / or the Supervising Social Worker will have a discussion with the Rights2Rights service to ensure that appropriate support is provided to the child and any impact on the child is minimised;
11. Consideration about whether it may be appropriate to make a referral to the Disclosure and Barring Service for your inclusion on the Children's Barred List should take place;
12. The designated person will ensure that the Panel Advisor is informed and notification of the allegation is given to the next Panel following notification/ LADO/Designated Officer Meeting, whichever is more timely;
13. If you wish to transfer from one service provided to another during the course of this procedure, the current Fostering Service should notify the other Fostering Services that you are subject to a Section 47 or other action under the procedure and inform them of the target time to complete an investigation/review of approval;
14. The LADO/Designated Officer, team of officers will record within one working day, the conversation and recommended action to all parties as part of the allegations management outlined in the Working Together document;
15. Strategy discussion decisions will be recorded by the Safeguarding Unit;
16. The fostering Team Manager will inform Ofsted of the Child Protection concern/serious incident on the relevant Ofsted notification form at the point of the decision taken in discussion with the LADO/Designated Officer, team of officers as to whether a strategy discussion / meeting is required. The fostering Team Manager will keep Ofsted informed throughout the process;
17. The child's Social Worker is responsible for informing birth parents following discussion with Team Manager and in consultation with the LADO/Designated Officer, team of officers. If at the point of the strategy discussion / meeting the parents have not been informed, the meeting will determine how, who, what and when they will be told;
18. The Supervising Social Worker, subject to the LADO/Designated Officer, team of officers's guidance and/or the decisions of the strategy discussion, will inform you verbally and in writing within three working days of the decision;
19. If you are placed on hold from taking new placements and the child removed as a result of the allegation being made, the Fostering Service will ensure you are paid a retainer whilst the investigation is ongoing. The retainer will be made up of the 50% of allowance minus pocket monies and clothing plus 50% of the skill payment. This is to cover the continuing household costs incurred by you in relation to fostering, whether or not there are children in placement;
20. Under Fostering Service Regulations, written notice must be given to you, if the Fostering Service proposes to terminate your approval, together with the reasons and inviting representation within 28 days, also confirming the payments will cease and the date;
21. The Supervising Social Worker will re issue you with the following:
	* A copy of the Safeguarding Children Procedure;
	* Access to legal advice and representation - this will usually be through the Fostering Network;
	* Support to understand the process of the enquiry and why it is taking place;
	* Be informed as to when, where and by whom interviews will be conducted, unless the strategy discussion / meeting determines that such information should not be provided;
	* Be provided with information about the Independent Advice and support that they will be provided with throughout and post the investigation and Fostering Panel Review process;
	* Be informed about the financial arrangements the fostering provided will make in relation to allowances and fees if fostered children are removed or the foster carer is temporarily placed on hold and restricted from taking further placements.
22. The Supervising Social Worker must also ensure that you know the reasons for the removal of the children, if applicable:
	* Understand your current status of approval to foster;
	* Is assisted in communicating with investigating agencies;
	* Is informed verbally and in writing on a regular basis of the progress of the investigation.
23. On conclusion of the investigation / strategy meetings, the Supervising Social Worker will complete the allegations report and request that a review is undertaken within seven working days by the Independent Reviewing Officer;
24. The Supervising Social Worker will book in advance a date on the RMBC Foster Panel for the matter to be reviewed;
25. The Supervising Social Worker will present all relevant information at the Fostering Panel and provide ongoing support to you, both at and following the Panel Review.

Someone from the fostering team will be in contact with you each week until the investigation is concluded or the complaint dealt with. If you would like a particular Fostering Supervising Worker to contact you then ask, and if at all possible they will be given responsibility for supporting you.

8. Process Regarding Serious Incidents / Complaints against Fosters Carers about the Quality of Care

A decision will be reached following the decision not to commence / continue with a [Section 47 Enquiry](http://trixresources.proceduresonline.com/nat_key/keywords/sec_47_enq.html) as to whether any formal action is required. The decision will be made by the Fostering Service Manager following discussion with the Locality Manager / Fostering Team Manager within 3 days of the decision not to commence / continue with a Section 47 Enquiry. The outcome of the discussion will be:

* No further formal action is required;
* Further formal action is required.

The decision will be clearly recorded by the Fostering Service manager on, detailing reasons and actions to be taken.

Support and advice can be accessed through the [Fostering Network](https://www.thefosteringnetwork.org.uk/). The Fostering Supervising Worker will provide the details.

If the decision is that no further formal action is required, the Fostering Service Manager and Fostering Team Manger will determine if a review of your approval is required. The Supervising Social Worker and child's Social Worker will inform you and the child/ parents verbally and in writing within 2 working days of the decision being made.

Where further formal action is deemed as being necessary.

The Fostering Service Manager and Fostering Team Manager will decide if further information is required and whether there is a need for formal action, under the Fostering Service Regulations.

If further information is necessary, the Fostering Manager will decide:

* Who will inform you and when;
* Who will investigate and arrangements for their supervision, how the children or young people who have been affected by the serious incident (including your children ) will be involved, including an option for the appointment of an advocate for each of them. Consideration of the rights of the children should always be given;
* What support the children involved, including your children will need;
* How parents/ those with parental responsibility will be involved and consulted;
* Whether you are suspended from taking further placements whilst the matter is being investigated (if this decision has not already been taken);
* Who will provide independent support for you;
* The arrangements for liaising with the local authority responsible for the children if placed by another LA.

9. Conducting the Enquiry

The Fostering Team Manager will appoint a suitably qualified Supervising Social Worker who does not support you to investigate the serious incident / quality of standard of care complaint.

Every effort will be made to take account of your needs or your family members in relation to language and / or disability. The workers will report back to the Fostering Team Manager who will co ordinate the process.

The Supervising Social Worker will inform you of the serious incident (verbally and in writing) if they are not already aware of it. This must be within 3 working days of the strategy decision/ LADO/Designated Officer decision to conclude the section 47 enquiry. The Fostering Service investigation will aim to take no longer than 4 weeks from the date of the appointment of the investigating officer.

The fostering officers undertaking the investigation will meet with you as often as necessary and interview carers separately or together as appropriate.

All written reports / statements will be signed and a copy made available to the person making the statement and to you. If there is a reason why any reports or statements cannot be made available to you, the Fostering Team Manager will record this and inform you that some information has to be considered confidential as part of the investigation.

The investigating Supervising Social Worker will produce a report.

The Fostering Team Manager will:

* Convene a meeting to consider the investigators report and any representations that you may wish to make. The purpose of the meeting is to ensure that all information has been gathered and that you have every opportunity to give your response. This meeting may include you, the allocated worker, the child's Social Worker and the independent support worker (at your request).

If you are not willing to co operate or cannot co operate, the Fostering Team Manager will decide when the point has been reached to proceed without you. When that point is reached you will be given 7 days notice that all the information generated by the investigation will be included on your record and taken forward to a review of your approval, giving the timescales for the process, and inviting them to participate.

The report should be available to the carers 14 days before the Fostering Panel, where the recommendation will be discussed.

If a decision is taken not to proceed to Panel, the report and records will be kept on your file and copies will be given to you, these will be considered at the next review.

The Fostering Team Manager and Social Work Team Manager will need to be aware that a complaint has been made. The Fieldwork Manager will consult with the Independent Reviewing Officer and the children rights officer in these circumstances.

10. Resignation of Carers

If you give notice to resign, the Local Authority will continue to collect information / make necessary enquiries and may decide to submit a report to the Fostering Panel.

Evaluation following an enquiry or investigation.

Serious incidents and their subsequent investigations are extremely stressful for you and your families. The UK Fostering Service will ensure that you have the opportunity to:

* Reflect on the impact of the serious incident and investigation;
* Give their comments about procedure and process;
* Identify any needs they may have as a result.

A meeting will consider:

* The impact of the serious incident and investigation on your family member who were subject of the serious incident /others in the family;
* The impact of any decision to remove the children in placement;
* The needs of everyone in your family;
* The perspective of the Fostering Service provider;
* Clarification of your current approval and the need for any review your approval;
* Your family's comments on the way in which the Fostering Service undertook their roles and responsibilities;
* How any needs raised by you or identified by the Fostering Service will be met.

The Fostering Panel will have a role, in gathering the evaluations together and ensuring lessons learned are disseminated throughout the service for children and young pepode.

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