

Regional Policy and Procedure for Managing Allegations and Complaints made in respect of Foster Carers in Northern Ireland

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1) Introduction

In Northern Ireland the majority of looked after children (LAC), a number of whom will have experienced trauma, abuse or neglect, are cared for by *foster carers.

Research suggests that the vast majority of children in foster care will have a positive experience. Regrettably however, a small percentage will have an un-satisfactory experience and a smaller number may actually suffer abuse.

It is also the case that while the majority of foster carers will not experience an allegation or complaint made against them during their time as a foster carer or in the years following deregistration, a small minority will.

Where this is the case concerns should be dealt with without undue delay. While the welfare of the child is paramount it is also essential that foster carers are properly supported and kept informed of any investigation in a timely manner.

It is currently the case that the range of fostering providers in Northern Ireland i.e. Trusts and the independent sector have a variety of policies and procedures for dealing with allegations and complaints which in itself can be confusing for foster carers.

*Foster Carers refer to all registered foster carers (kinship and non-kin) caring for LAC.

** VOYPIC are commissioned to provide a range of services to all children looked after including independent support and advocacy. The Children Services Improvement Board have agreed that all LAC should be made aware of their entitlement to the Service.

***The Fostering Network are commissioned to provide a range of support services to foster carers.

This paper, developed under the auspices of the CSIB Regional Adoption and Fostering Taskforce sets out the policy and procedures which should apply regionally and which should be adhered to by all agencies, therefore ensuring a regionally consistent approach to managing allegations and complaints made in respect of foster carers.

2) Policy Context

The DHSSPS has consulted on new fostering regulations which are anticipated to be in place by 2015. This policy and procedure takes cognisance of procedural requirements in the rest of the UK.

A range of legislation, guidance, regulations and policies and procedures apply to children in foster care and to foster carers. For the purposes of this Guidance the following apply:

- The Children(Northern Ireland) Order 1995
- Co-operating to Safeguard Children May 2003
- The Regional Child Protection Policy and Procedures 2005
- The Foster Placement (Children) Regulations (NI) 1996
- The Arrangements for the Placement of Children (General) Regulations 1996
- Children Order Guidance and Regulations Volume 3 Family Placements and Private Fostering 1996
- Handbook of Policies and Procedures – Volume 2- Looked After Children
- Regional Guidance re: Children Missing from Care 2012
- The Representations Procedures (Children) Regulations (NI) 1996

- HSCB Procedure for the Reporting and Follow Up of Serious Adverse Incidents – April 2010
- UN Convention on the Rights of the Child 1992

This policy and procedure does not supersede any of the above and staff should ensure they are familiar with existing legislation, guidance, regulation and policies and procedures.

3) Key Principles and Values

Any allegation or complaint about a foster carer is a difficult and traumatic situation for all involved. Ensuring that a foster carer is treated with respect, kept informed and their views valued throughout the process is essential, whilst recognising that the child's safety and welfare **always** remains the paramount consideration and that there may be exceptional circumstances where there are on-going criminal proceedings and where it is not possible to engage in discussion with foster carers who are subject of allegations.

Children have a right to be heard, to be listened to and to be taken seriously.

Key Principles:

- **The welfare of the child is paramount:** any allegation or concern about a child's safety and welfare must be listened to and taken seriously.
- **Value and respect:** foster carers have a right to be respected and should be consulted and involved.

- **Timeliness:** information regarding an allegation or complaint should be provided to the foster carer (unless not to do so can be justified e.g. criminal proceedings) and dealt with in a timely fashion and within procedural timescales. Long delays in investigations or in decision making cause significant distress to children, carers and families.
- **Proportionate responses:** responses to allegations or complaints should be proportionate to the assessed risk to a child. If there has been significant harm or there is risk of significant harm to a child or young person and any other child/ren within the home or in close contact; then timely action must be taken to protect them. Where possible any move should be planned in a way that minimises distress to the child, the foster family and birth family.
- **Multi-agency Working:** early and full information sharing among the professionals who may be involved is critical to making sound decisions about a child's safety and welfare. Throughout any investigations the child, their family and the foster carers should be updated regularly on progress.
- **Independent Support:** foster carers against whom an allegation or complaint has been made should be offered independent support and advocacy via the Fostering Network.

4) Organisational Arrangements for Responding to Allegations and Complaints

The nature of the allegation or complaint will determine how the matter progresses e.g. under the *Protocol for Joint Investigation by Social Workers and Police Officers Of Alleged and Suspected Cases of Child*

Abuse – NI (2013) and/or The Representations Procedures (Children) Regulations (NI) 1996 (Children Order Complaints Procedure).

4) (a) Responding to Allegations

Allegations will be dealt with under the *Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – NI (2013)*

The following should be defined as an allegation:

- Information which suggests that there has been or may have been significant harm or immediate risk of significant harm to a child/ren as a result of physical, sexual or emotional abuse or neglect. The definition of significant harm is set out in the Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – NI (2013) Appendix 1.

If the nature of the concern is such that the Trust determines this to be a safeguarding/child protection matter then an investigation under the *Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – NI (2013)* commences. The Protocol clearly sets out the procedure for the investigation.

The role of the supervising social worker is to support the foster carer and their family during the investigation; however the sharing of information may be limited due to the joint protocol investigation and possible criminal investigation. The birth parents of the child will, unless in very exceptional

circumstances which would require to be agreed at Assistant Director/ Director level, be advised of any investigation concerning their child.

***On receipt of an allegation the foster carer's supervising social worker will provide them with details of the Fostering Network's advice and information service which offers independent support and advocacy. The Trust's Fostering Panel should be notified of the allegation/s and updated on developments.

Where a Joint Protocol investigation is initiated, it is important to be mindful of the requirements therein in respect of the child. Any referral to VOYPIC must take cognisance of this process and the progress of the investigation.

Following the outcome of the investigation an interagency, e.g. Social Services, PSNI, meeting will be convened. The purpose of which is:

- To ensure that all information has been shared.
- Agree the conclusion of the investigation.
- Confirm all actions agreed have been completed.

Once the investigation has been concluded the Trust's Fostering Panel should be informed of the outcome of the investigation.

A decision will then be made in respect of the foster carer's registration.

Foster carers should have a copy of the panel report at least 1 week prior to the meeting of the Trust's Fostering Panel.

Foster carers may submit their own written comments for consideration by the Panel or choose to express these verbally during attendance.

Foster carers should be advised that they can have independent support to accompany them to the Foster Panel.

Where an investigation has not been completed within 4 months the Senior Manager with responsibility for the investigation should communicate

directly with the PSNI Officer in Charge of the investigation to ascertain the reason for the delay and the likely timeframe for the completion of the investigation.

4) (b) Responding to a Complaint

It will be important that all staff are clear that any complaints may relate to or link with a historical allegation of abuse. In this eventuality the response should be from a safeguarding perspective and the Protocol for Joint Investigation will be applied. The Strategy Discussion will therefore inform who is to be involved and the timing of engagement with foster carers and what information can be shared. The Strategy Discussion should be chaired by a senior member of staff with a safeguarding background and current responsibility to ensure that requirements are appropriately discharged. The priority should be to promote the best interests of children and account must also be taken of any criminal investigations.

On becoming Looked After the Complaints Procedure should be clearly explained to children and their families. They should also be provided with a contact card setting out whom they may contact if they have complaint and the relevant telephone number/s. In the main, complaints made in relation to children in foster care will be dealt with under the The Representations Procedures (Children) Regulations (NI) 1996 (**often referred to as the *Children* Order Complaints Procedure**).

Where possible the field social worker and supervising social worker should seek to resolve the complaint through the use of a problem solving approach. On receipt of a complaint the foster carer's supervising social

worker will provide them with details of the Fostering Network's advice and information service which offers independent support and advocacy.

Representation may also be made in writing to the Trust's Complaints Department by parents; foster carers etc. which will instigate the procedure.

When a formal complaint is being pursued the time frame set out in the policy and procedures should be followed.

The role of the supervising social worker is to support the foster carer and their family during the investigation; however the sharing of information may be limited due to the investigation. The birth parents of the child will, unless in very exceptional circumstances which would require to be agreed at Assistant Director/ Director level, be advised of any investigation concerning their child.

The Trust's Fostering Panel should be notified of the complaint and updated on developments.

Once the investigation has been concluded the Trust's Fostering Panel should be informed and a decision made in respect of the foster carers registration based on all the information available and not solely the outcome of the investigation.

Foster carers should have a copy of the report to panel at least 1 week prior to the meeting of the Trust Fostering Panel.

Foster carers may submit their own written comments for consideration by the Trust's Fostering Panel or choose to express these verbally to the Panel.

Foster carers should be advised that they can have independent support at the Fostering Panel.

On becoming aware of the complaint, the child's social worker will speak with the child/ren and/or family (given age and ability of the child) and seek agreement to make a referral to VOYPIC's advocacy service. On receipt of the referral the allocated advocate will make contact with the child/young person within 72 hours. At the initial meeting the advocate will explain their role and seek consent from the child/ young person to be involved to ensure they understand the process, have their voice heard and are supported.

Note: if the child is under 12 and/or there are reasons for concern about the child's capacity the advocate will negotiate their involvement with the child's social worker in line with VOYPIC's Under 12 and Non-Instructed Advocacy policies.

5) Role of the Trust's Fostering Panel

A review of approval may be needed when an investigation in respect of either an allegation or complaint is initiated and again upon completion of the investigation. Trusts should ensure that the review and any termination of approval are undertaken in line with The Foster Placement (Children) Regulations (NI) 1996 regulation 4.

The Trust must seek and take into account the views of the foster carers in advance of the review and foster carers should be invited to attend the Fostering Panel. Where a decision is taken to terminate approval, the decision and reasons should be generally discussed with the foster carers before the statutory notice is issued.

Foster carers who are unhappy with the decision and explanation given should be advised to write to the Agency stating their dissatisfaction and the reasons for this within 28 days. Foster carers should also be offered an opportunity to meet the reconvened panel within 28 days of receipt of their letter to have their views considered and the decision reviewed.

In some circumstances the outcome of an investigation is such that the allegation or complaint is unsubstantiated. In such circumstances it is important that every opportunity is taken to minimise similar concerns arising in the future. Any training/personal development required should be clearly identified and discussed with the foster carers.

If foster carers are unwilling to participate in such training then they should be re-refer to the Fostering Panel.

It is also important that Trusts are alert to any further concerns which may arise. Trusts must ensure that each allegation or concern is fully investigated in its own right, while taking cognisance of **any previous** concerns. Decision should be taken on the basis of full information.

NB Foster carers should be advised that a record of any complaint or allegation and the outcome is retained on their file.

A record of all allegations and complaints must be kept by the Trust and reported annually via the Delegated Statutory Functions (DSF) reporting mechanism.

The Trust should review allegations and complaints annually and the analysis used to inform future practice and learning.

A clear composite record of all allegations, complaints and concerns and outcomes should be contained at the front of the Foster Carers file.

6) Conclusion

The majority of children in foster care are provided with safety and stability and the opportunity to reach their potential. Where an allegation or complaint is made it is essential that this is taken seriously and investigated in line with the relevant policies and procedures outlined above, taking full cognisance of the key principles set out in this paper. The importance of good communication between agencies, social workers, foster carers, parents and children is critical as is support for those directly and indirectly involved both throughout and following an investigation. In addition any recommendations and learning from investigations should be actioned.

APPENDIX 1

Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – NI (2013)

Significant Harm - Definition

1.20 There are no absolute criteria for judging what constitutes significant harm. However, they may include the degree, extent, duration and frequency of harm. Sometimes, a single traumatic event may constitute significant harm, e.g. a violent assault, sexual assault, suffocation or poisoning. More often, significant harm is a series of events, both acute and long-standing, which interrupt, change or damage the child's physical and/or psychological development. Some children live in family and social circumstances where their health and development are neglected. For them, it is the corrosiveness of long-term emotional, physical and/or sexual abuse that causes impairment, sometimes to the extent of constituting significant harm.

When investigating allegations of abuse against children, practitioners need to be alert to the possibility that there may also be adults at risk of harm and liaise with Adult Safeguarding Services.