

Managing allegations against foster carers and approved kinship carers

How agencies should respond



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Allegations Guidance: Ministerial Foreword



Looked after children need to feel safe and nurtured at all times. *Managing allegations against foster carers and approved kinship carers* provides detailed best practice guidance on how to respond when there are concerns that this may not be the case. It is designed to both help to ensure positive outcomes for looked after children and to minimise stress on foster and kinship carers when concerns are raised about the welfare and safety of a child in their care. It provides direction on specific issues that relate to foster and kinship care placements and should be considered an additional resource to national child protection guidance.

We recognise the difficult task we ask from foster carers and kinship carers when they take children into their homes and care for them as if they are their own. Children come to carers with complex emotional needs; some will have challenging behaviour and have experienced difficult family relationships. With this kind of complexity it needs to be understood that some allegations may be made about the foster and kinship carers because of the child's conflicting loyalties as well as their lack of basic trust in adults as a result of trauma or neglect.

Managing allegations against foster carers and approved kinship carers recommends an approach which is proportionate, fair and thorough but which retains at its centre the protection of the child and focuses on ensuring their safety and well-being. In the spirit of Getting it Right for Every Child, it will require the willingness of services involved to work and co-operate together to ensure the best outcomes for looked after children. *Managing allegations against foster carers and approved kinship carers* sits alongside the guidance relating to residential care workers we published in March 2011.

We acknowledge the work carried out by The Fostering Network in consultation with stakeholders to pull together such a thorough guidance document which we hope will be of assistance to agencies when handling situations where allegations have been made.

A handwritten signature in black ink that reads "Aileen Campbell".

Aileen Campbell MSP
Minister for Children and Young People

Introduction

Foster carers and approved kinship carers look after children who will all have experienced trauma, abuse or neglect in their early years which has led to them being placed away from their birth family.

Caring for these children is challenging for carers and children may find living with another family difficult and this may lead them to try to find ways to break up the placement. This may be through making an allegation that the carer has abused or neglected them or through complaining about things being wrong in the placement.

As looked-after children are in public care it is vital that services respond appropriately when children or young people, their parents or others raise concerns about the child's safety or well-being when in the care of foster carers or approved kinship carers. This document aims to describe good practice in managing and responding to allegations, concerns or complaints.

It is recommended that the areas covered in this good practice guidance are incorporated into local child protection and fostering services procedures. Child Protection Committees will be central to ensuring that the particular considerations that are required in responding to allegations or concerns where the child is looked-after by a foster carer or kinship carer are addressed and that opportunities for familiarisation with the guidance are provided.

Interim guidance has been used across Scotland for a number of years and a parallel guidance document is available for managing allegations in residential care settings.

Since the publication of all these earlier documents GIRFEC principles and approaches have been embedded across Scotland and the role of the named person and lead professional have been included in this guidance. SHANARRI outcomes are relevant to this document with the child's safety and need for nurturing being central to protecting children.

The National Guidance for Child Protection in Scotland was published in 2010 and the strong message from that guidance is that child protection investigations should be closely linked to situations where there has been significant harm or risk of significant harm to a child. The National Guidance stresses that it is not appropriate for child protection investigations to be used for minor concerns.

“Only where risks cause or are likely to cause significant harm to a child would a response under child protection be required.” (Scottish Government, 2010, para 46).

This guidance on responding to allegations against foster or kinship carers reflects the National Guidance and covers situations where the concerns relate to situations where significant harm means that a child protection response is required as well as situations where the concerns are about the general well being of the child but where no significant harm has been identified.

The child's plan will be at the heart of decision making and the lead professional for the child and named person where in place will be key people to participate in gathering information to help in making the decision about how best to deal with any allegation or concern.

This guidance does not propose a different response to allegations and concerns because the child is a looked-after child living with foster or kinship carers, rather it outlines the importance of considering fully the context of care for the child and carer and how the allegation and behaviour may be linked to a child's emotional state.

The central consideration must always be the safety of the child and that will determine the activities of enquiry and decision making. In relation to the carer it is important that the carer is respected and kept involved and their views valued throughout the whole process.

Appendix 1 contains definitions of the key terminology used in this guidance.

Part 1

Key principles

Some key principles which it is recommended are adopted by Child Protection Committees and agencies dealing with this area of work are set out below.

The well being and safety of the child must always be the central and primary concern

Any allegation or concern raised about the child's well being or safety must be listened to and taken seriously.

An assessment of the well being and safety of the child should be set within the GIRFEC framework and the use of the My World triangle will assist with the assessment of need and risk. The National Risk Assessment Framework (Scottish Government, 2012) will also be relevant for the assessment of a child's safety and well-being.

Responses should be proportionate to the perceived/assessed risk to the child

Timely action should be taken to protect any child where significant harm has happened or there is risk of significant harm.

Decisions about whether to remove a child from a foster or kinship care placement should, as far as possible, be based on a well informed assessment which balances the risks of harm to the child remaining with the carer with the associated risks which removal from the placement abruptly may bring.

Where the child must be moved then the timing of the move should be planned in a way that minimizes distress to the child being moved, and to the members of the foster or kinship care family the child will be leaving.

Early and full information sharing among the range of workers who may be involved is critical to making sound decisions about the child's safety

Throughout any investigations, the child, their family and the carers should be regularly updated on progress.

Foster or approved kinship carers against whom an allegation is made should be treated fairly and the principles of natural justice for them should apply.

Delays in reaching decisions about the way to progress enquiries or undertake investigations should be kept to a minimum recognising the impact for children, carers and families of uncertainties which will be stressful.

The context of care

Children who are living with foster or kinship carers will have experienced significant trauma in their life. Some allegations may have their roots in their previous experiences rather than the current placement. Social workers placing a child in foster or kinship care should ensure that the carers have full information about the child's emotional and mental development and their previous care experiences. They should also advise the carers of any history of the child dealing with difficulties in placement by making an allegation about abuse.

Over the years there has been evidence that some carers and residential workers have abused their position of trust and harmed a child physically, sexually or emotionally. These situations have led some members of the public to distrust all carers and workers without appreciating the challenges that carers face and the very low number of carers who abuse a looked after child.

Social work staff will also worry that they may have placed a child with carers who do not care for the child in a safe and nurturing way.

Underlying anxieties about whether the carer may have harmed a child can lead to more punitive responses from the professionals.

Additionally it needs to be acknowledged that foster carers and kinship carers work in isolation within their family home while also providing a public service. They are caring for children whose behaviour and emotions may have been affected by early life adversities and carers are asked to manage all aspects of the child's care at the same time as providing an experience for the child of living in an ordinary nurturing family in the community.

A comprehensive, up to date Child's Plan will provide the best possible understanding for workers and carers about the child's perceptions and concerns.

For approved kinship carers there is often a tension between the carers and the child's birth family who may resent the kinship carers being supported to care for their child. This context can lead to malicious complaints and loyalty conflicts which may make following up concerns challenging.

Significant Harm

In considering whether significant harm has occurred or is likely to occur, the following extracts from the National Guidance [paras 39-43] provide useful guidance in managing the complexity of the definition of the term, significant harm.

“Significant harm is a complex matter and subject to professional judgement based on a multi-agency assessment of the circumstances of the child and their family.

Harm means the ill-treatment or impairment of health or development of the child.

Whether the harm suffered or likely to be suffered is significant is determined by comparing the child’s health and development with what might be reasonably expected of a child of a similar child.

[Significant harm may be] a single traumatic event, a violent assault, suffocation or poisoning [...] or an accumulation of significant events [...] that interrupt, change or damage the child’s physical or psychological development.

To understand significant harm it is necessary to consider [a range of factors including]:

The nature of the harm [...];

The impact on the child’s health and development [...];

The context of the harmful incident or behaviour.”

(Scottish Government, 2010, paras 39-43).

Who is a looked-after child in relation to this guidance?

A looked-after child is defined as a child up to the age of 18 years. Where the child is aged between 16 and 18, decisions will be required about whether to progress concerns via child or adult protection routes.

What kind of allegations/ concerns may be raised against foster carers and approved kinship carers?

This section sets out the range of concerns/allegations that may be made against foster carers or approved kinship carers:

- Allegations/concerns about the well-being of any looked-after child placed with a foster carer/approved kinship carer, in particular about the child’s safety.
- Allegations/concerns that the carers have acted in a way that has caused or may have caused significant harm to a looked-after child.
- Allegations/concerns that the carers may have committed a criminal offence against a child or related to a child.

- Allegations/concerns that the carers have acted in a way that could cause a child distress but not leading to significant harm.
- Allegations/concerns/dissatisfaction about the level of care carers are providing which is not reaching the high standard the person raising the concern feels is required for children in public care or where care is not seen as meeting the child's needs.

Some concerns may be expressed as complaints about some aspect of the carer's behaviour which does not imply any risk of significant harm. Some concerns will be specific, others may be a cluster of issues that need to be addressed. Some concerns may be more appropriately treated as a complaint if no significant risk to well-being is raised.

The complaints procedure of a local authority, voluntary organisation, or registered fostering provider may be the appropriate route for further discussion of such concerns.

Some concerns or complaints may be resolved by the involvement of workers from a Children's Rights Service or Who Cares? Scotland in discussion with the child and with the person raising the concern or making the complaint, and their carers if possible. (See appendix 3 for contact details of Who Cares? Scotland).

Whatever the route to follow up an allegation, concern or complaint, it is important that the child's wishes, views and feelings are respected and explored and that the child remains involved and informed.

Organisational arrangements for responding to allegations and concerns involving foster carers or approved kinship carers

Each local authority and Child Protection Committee will have differing organisational arrangements for managing their child protection, children and families and fostering services. To ensure a consistent collective response to allegations involving foster carers and approved kinship carers, it is important that the partners within the Child Protection Committee approach these allegations within the context of this guidance.

To assist in responding in a consistent way to the complex concerns/allegations raised, each local authority should identify a designated manager, with responsibility for overseeing and/ or managing the response to concerns raised about foster and approved kinship carers living in their area. The designated manager will require to liaise with fostering colleagues, with managers in registered fostering services, with managers of Children and Families Services, with the police, health colleagues and child protection staff when a concern/allegation is made. Each local authority should consider fully how the designated manager will involve the named person or the lead professional as that person will already have responsibilities for the coordination of information about the child and their care plan. Procedures should identify the scope of the task expected to be carried by the designated manager and clarify their reporting lines.

Each registered fostering provider should identify a senior member of staff to be their designated manager. They will be responsible for managing the response to concerns about carers approved by their agency and for working with the appropriate local authorities as well as the police to plan and carry out any enquiries or investigations that may be required, liaising with the lead professional/named person as appropriate.

Some recent practice issues addressed in the guidance

Across the country there have been reported variations in the response of child protection teams to concerns and allegations involving foster carers and kinship carers. Some appear to have progressed quickly to a child protection investigation although no significant risk of harm appears to have been identified.

As identified above, paras 39-43 of the National Guidance for Child Protection (2010) make it clear that child protection investigations should not be used where there is no evidence of significant harm to a child. Child Protection procedures locally will reflect the National Guidance and there needs to be a commitment to apply it to situations involving foster carers and kinship carers as for any other family in the community.

Child Protection Committees work in partnership across agencies and in following up concerns or allegations it is important that actions reflect the partnership approach and that individual agencies do not act unilaterally.

The national process for interviewing any person (including carers) following an allegation which potentially involves a criminal offence includes the requirement for interviews of people who may have committed a criminal offence, that legal representation must be obtained before interviews take place and the interviews must be held in appropriate facilities where safe recording of information is possible. This may be distressing for carers who have no previous experiences of police interviews.

In relation to the Protection of Vulnerable Groups legislation, where a concern is investigated within a child protection process, although no firm evidence of harm has been found and the concern is unsubstantiated, information about the investigation may appear on any subsequent disclosure checks on foster or kinship carers. Furthermore, this could lead to consideration by Disclosure Scotland about whether to refer the carer for listing as unsuitable for doing regulated work with children.

Part 2

The initial stages of responding to an allegation/concern

When a concern is raised about a carer, staff receiving the information should respond in accordance with local procedures. The child's social worker and/or lead professional and their line manager will usually be the first to respond to an allegation or concern and will start gathering information to enable the agency to consider whether an urgent response in terms of a child protection investigation

appears to be needed. The Child's Plan will be integral to the collation and examination of information to reach an initial assessment of the immediate risk to the child and any other child living in the household as well as the specific needs of the child involved.

As soon as possible after a concern is raised, the designated manager should be informed. Within the same working day, the designated manager should discuss with the fostering manager, the senior/team leader for the child's social worker and the child's lead professional, the nature of the concern, the likelihood of significant harm to the child, the context for the child's care, the carers' suitability to continue to care for the child during any investigation and the circumstances in which the concern was raised.

If the child or any other child is considered to be at immediate risk of significant harm, decisions need to be taken urgently under local child protection procedures to ensure the threat of harm is removed or the child is moved to a place of safety. Such considerations must involve notification to the police as set out in National Guidance and an immediate inter-agency discussion and an action plan agreed to protect the child. (Scottish Government, 2010, para 299).

Unless there are indications that a child is at immediate risk of significant harm, decisions about removing children should be delayed at least until a discussion on this issue has taken place between designated manager, the child's social worker or senior social worker/team leader, the supervising social worker or fostering manager and the lead professional. The designated manager will be responsible for overseeing the decisions about whether children should be moved from the placement.

Where an allegation relates to a carer who is supervised by a registered fostering service, their designated manager must be fully involved by the local authority responsible for the child and by the agreed Child Protection contact in the area where the carer is resident. If the concern is first brought to the attention of the Registered Fostering provider then their designated manager must make immediate contact with the appropriate local authority for the child and for the Child Protection staff from the geographical area where the carer is living.

In both settings the suitability of the carers continuing to provide care while investigations are carried out must be part of the consideration of the designated manager and colleagues. These initial discussions will provide the basis for subsequent inter-agency discussions about the safety and well being of the child and whether a Child Protection investigation is needed. In parallel, discussions about whether there is a need to move the child from the placement should take place based on the information gathered and the information in the Child's Plan.

The designated manager must also decide at what point the concern requires to be shared with the Care Inspectorate.

Although information at this early stage may be incomplete, the areas outlined below are seen as relevant to the discussion. This will ensure that as much information on

the child, carers and the nature of the concern can be collated as the basis for future decisions.

Nature of the Concern

Consideration should be given to: the actual or potential impact on the child, taking into account the child's age, developmental stage and previous experience; the level of alleged harm to the child and or the likelihood of risk; the circumstances in which the alleged incident or lack of care took place; the intent behind the carer's action i.e. was it unintentional, did the carer intend to hurt the child or was the motivation to keep the child safe?

Child or young person

Background: reasons for being accommodated; how the child or young person has experienced parental care; previous abuse of the child or young person; previous placements and how these have ended in the past.

Current issues: any pressures on the child or young person, for example a hearing or review coming up; contact issues; school issues; recent sanctions; any situations where carers have had to limit the child or young person's activities.

Past and present behaviour: how the child or young person behaves when under pressure; his/her responses to stress; any previous allegations or complaints made by the child or members of his/her family; how the child or young person has responded to the alleged behaviour on the part of the carer.

Carers

History of their fostering/kinship care to date, the experience of and response to different kinds of challenges; any previous allegations or complaints against them or issues identified as part of their ongoing supervision. Current issues affecting performance, the demands of current children placed.

Consideration also needed about whether children can safely remain with the carers or whether the carer should be required to stop caring for a temporary period.

Person making the allegation

Consideration should be given to: the relationship between the child, the carer and the person making the allegation (if these are different people); current tensions or circumstances which may have contributed to the allegation being made; any previous allegations, how these were investigated and the outcome; taking the allegation seriously, while also acknowledging any factors which suggest that the allegation may be not be true.

After considering the areas outlined, it will often be clear to the relevant managers whether the allegation involves abuse, but in others they may decide that additional information is needed to help them come to a decision about the best way to proceed. It will be important that managers involved in these decisions consult fully with the child's social worker/ lead professional and any other managers who may

have a fuller understanding of the child and the foster/kinship care placement, including consideration of any previous allegations made against the carer.

There may also be a case for having further discussion with the child or person making the allegation, other family members or other professionals who know the child or carer well, for example a teacher, psychologist or worker from a voluntary organisation. In many instances it may be helpful at this early stage to consult with the designated contact person within the police. Any enquiries of this kind should be authorised by appropriate managers so that a future formal investigation is not compromised.

There may be occasions where a serious allegation is made which would usually lead to an early Joint Child Protection Investigation but there may be reasonable grounds to believe that the allegation is not likely to be substantiated. This could be because the child has made unsubstantiated allegations in the past or they have recently indicated that they are going to make an allegation to achieve another purpose; for example, in order to end the placement. It is important that there is an early discussion of these aspects of the allegation to ensure that what the child is saying has been listened to and carefully assessed.

The social worker should help the young person to be confident that the worker will take appropriate action to protect him or her and that they want to understand what has happened and what the circumstances are.

Local authority procedures should specify a reasonable timescale for carrying out any additional enquiries and reporting back to the designated manager responsible for managing the allegation. Written and verbal reports should be provided. Having considered these, the designated manager should consult with others who took part in the initial discussions and reach a decision on how to proceed.

At each stage of the initial decision making process, a record should be made of all key information considered, decisions taken and the reasons for them.

A suggested pro-forma for recording relevant information is available at Appendix 4.

Decisions about the nature of the allegation

Having considered all of the information available, most allegations will fall into one of the categories listed below (though some may straddle one or more categories):

- An allegation which includes information that there may have been significant harm or risk of significant harm to the child, as a result of physical, sexual or emotional abuse or neglect;
- An allegation that appears to indicate a carer is acting inappropriately or in ways which are considered unsuitable for the child, but not causing or likely to cause significant harm. Examples might include the carer regularly criticising the child for minor issues.

- An allegation which indicates no aspect of the carer's behaviour or practice has been observed to be problematic, but some concerns have been raised about the child's behaviour, lifestyle or frame of mind. For example a child may be reluctant to go home to the carer or have talked about feeling depressed in the placement.
- An allegation which is more accurately defined as a complaint from the child, the child's parent or someone else about some aspect of the carer's behaviour or practice, but which does not imply any risk of significant harm to the child. Examples might include complaints about choice or quality of food, clothing or use of sanctions.
- An allegation about perceived poor practice, e.g. the way that the carers are said to have restrained the child and about which the child has complained.

The designated manager will be responsible for making a decision about the actions that need to follow the initial discussions and where significant harm is suspected should always initiate discussions with the local police child protection personnel.

At any point in the processes described above if there are indications that the child has suffered significant harm or an offence may have been committed, social work managers must consult with the police as soon as possible, if the police are not already involved in the discussions.

Actions following initial discussions

There are a range of actions that may appropriately follow the initial internal discussions which will have clarified the nature of the allegation/concern.

The fostering agency and the child's worker progress further enquiries about care provided and the capabilities of the carers and the viability of the placement continuing.

The appropriate workers engage further with the child to try to understand more about their concerns.

An inter-agency meeting/Initial Referral Discussion is set up where the child is seen as at risk of significant harm in the light of emerging information to plan what further enquiries/investigations are required.

There is enough information to indicate the need for the planning of a joint child protection investigation by social work, police and health.

Where the initial discussions and assessments indicate that no Joint Child Protection Investigation is required then the appropriate way of taking the matter forward is likely to be to refer the concerns back to the fostering agency and the child's social worker for further enquiries and review. On occasions decisions to undertake further work with the child to explore the concerns may be the appropriate outcome.

At any point during these further enquiries it may emerge that a child has been harmed or is at risk of significant harm. In which case the matter should be referred back to senior child protection staff/designated managers without delay and they should immediately contact the police to discuss the next steps.

Staff involved with the carers and the looked-after child should advise the carers and the child when there is no plan to carry out a child protection investigation. They should explain what other work is proposed and who will be undertaking the work and in what timescale.

The designated manager should also advise the regulatory body, the Care Inspectorate, that the concern has been explored and no child protection action is being planned.

Recording initial discussions

The pro-forma at Appendix 4 may be helpful to guide and record the initial decision making. Completed forms would also provide information on current practice in managing these complex situations which could be used for evaluating and developing practice. All recording and the retention of the records should comply with the Looked After Children (Scotland) Regulations 2009, [ss. 31, 32, 42, 43].

Part 3

Actions where a child protection investigation is indicated

Inter-agency discussions/initial referral discussions

Where the initial discussions identify that a child has suffered significant harm or is at risk of significant harm then inter-agency discussions must take place as soon as possible to progress enquiries and to address the safety of the child. Agencies should follow the local child protection procedures for planning and holding inter-agency discussions prior to decisions about setting up a child protection investigation. This section identifies the specific considerations required where the concern is about a looked-after child placed with foster or approved kinship carers. The designated manager will have a crucial role in progressing an inter-agency planning meeting. This decision should be communicated to the fostering agency decision maker, any local authorities responsible for children placed with the carers and to the Care Inspectorate. Local procedures should indicate which professional is responsible for these notifications.

Arrangements for informing the foster carers/approved kinship carer that a concern raised about them or a member of their family is going to be further investigated should be agreed by the key professionals involved. This would include the police, child's social worker and the supervising social worker for the foster family or approved kinship carer, including workers from Registered Fostering Services, where relevant.

When a decision is made that a child protection response is needed to address the concern, the first inter-agency discussion is likely to lead to a more comprehensive inter-agency planning meeting. The purpose of the first meeting will be to share all available information and to agree an outline plan for carrying out any required investigation. Unless there is an immediate risk to the child, it is preferable to delay decisions about whether or not to remove a child until the planning meeting has taken place. That decision should be based on a systematic and well-informed assessment which identifies and describes the nature of the harm to the child. The assessment must weigh up the risks associated with the child remaining with the foster/ kinship carer against those which would arise if the child were moved and placement stability disrupted. Additionally convening a Child's Plan meeting will ensure that the assessment is as well-informed as possible. The aim of the assessment at every stage is to ensure that children affected by the concern raised are protected but with the least possible disruption to their lives and in a manner that best secures their well-being.

Where the child is a looked-after child accommodated on a voluntary basis, a local authority can decide to move the child to another placement. However if it is assessed that the child needs the protection of a compulsory order, a Child Protection Order should be considered. If the child is subject to a supervision requirement then a hearing will require to be convened to consider the protection of the child and any placement move required. Workers must also inform the Reporter to the Children's Hearings so that a Hearing can be convened to consider the care of the child.

The inter-agency planning meeting should take place within the timescales set out in local procedures but always taking account that any delay is distressing for the young person and the carer. The Planning Meeting should be chaired by senior child protection staff responsible for the investigation. This will be determined by the address of the carers rather than the original home address of the child. Those attending should include police, an appropriate representative from education and health services, senior staff from the fostering agency for the carers and from the local authority responsible for the child or children currently affected by the concern. The social worker and/ or the lead professional for the child and supervising social worker for the family should be present.

The planning meeting should consider the following areas building on the information already collated during the initial discussions:

- Significant information about the child concerned from the Child's Plan, including previous placements, and information about any previous allegations or complaints made by the child and up to date information on their circumstances;
- Significant information about the foster carers/approved kinship carers, including the terms of their approval, their record as carers and any past allegations/serious concerns relating to them or members of their families;
- Whether anything needs to be done immediately to safeguard the well-being of the child or any other children in the foster carer's household or young people placed with the carers as part of an adult placement scheme;

- The likely impact on any children who may need to be moved from their current placement, how any negative impact might be minimised and arrangements for supporting children after the move;
- Whether anything needs to be done to safeguard the well-being of other children with whom the foster carer/kinship carer or relevant members of their family have contact e.g. as childminders, youth workers. If the foster carer/kinship carer is also a childminder then concerns must be notified to the Care Inspectorate who carry responsibility for registration of all childminders. The Care Inspectorate should be consulted about any action needed to protect the other children who are child-minded in the home.
- What action, if any, needs to be taken in relation to contacting other children previously placed in the foster home;
- What action, if any, needs to be taken in relation to the carers' own children;
- Identifying key people and the information to be given to them, including named person, foster carers, adult members of the foster family, approved kinship carers, parents/people with parental responsibility, other local authorities who have children in placement/previously had children in placement; out-of-hours services. (Information to parents or people with parental responsibilities must comply with any non-disclosure order that may be in place when the child is subject to a supervision requirement);
- Notification to the Reporter if the child is subject to a supervision requirement;
- Deciding what information is to be given to the looked-after child and by whom, what support/counselling will be provided for them and what will be recorded;
- Decisions by the fostering service provider regarding any temporary changes concerning the foster carer's terms of approval, pending the completion of the investigation;
- Arrangements that could be made if someone were to move out of the foster home/approved kinship care home in order to safeguard a placement;
- The timescale for interviewing key adults and children;
- Timescale within which the agencies involved, including police, will aim to complete an investigation;
- Clarification of the role of the supervising worker and the fostering service's ongoing support to the foster carer and their family;
- Consider the provision of independent support to foster carers/approved kinship carers (and relevant members of their family) and the need for advocacy for any of the children affected by the allegation;
- Management of any media implications and potential for preserving anonymity for the child and for the foster/kinship carer about whom the concern has been raised.

The Planning Meeting/Initial Referral Discussion will agree the nature and scope of any investigation needed to assess the risks to the child, the measures necessary to protect the child and the action to be taken with the foster or kinship carers in

relation to their continuing to provide care to looked-after children during further investigation.

Activities during a Child Protection Investigation

The formal Child Protection Investigation will follow the procedures agreed by the local Child Protection Committee with regular feedback to subsequent Planning Meetings. These meetings should agree what information can be shared with the carers at each stage of the investigation, what cannot be shared and who would be responsible for communicating key information to the foster carers or approved kinship carers. It is important that whoever is appointed to keep carers informed about the progress of the investigation maintains this role until the investigation has been completed. Appropriate information about the progress of any investigation should also be given to the child and their family and the person making the complaint. This may be a task for the child's social worker or senior and/or lead professional. At each stage all participants need to be mindful of the level of anxiety for the looked-after child, the foster or approved kinship carers and their children, and all agencies should work to minimise any delays in the investigation.

The length of time needed to complete investigations will vary widely, but a target timescale should be agreed at the planning meeting. The local Child Protection Committee could agree indicative timescales which are realistic for their area and which reflect the National Guidance for Child Protection.

In situations where enquiries are continuing beyond the agreed timescale and reasons for this are not clear, it will be the responsibility of the fostering service manager to liaise with police and local authority colleagues carrying out the investigation to ascertain the reasons for any delay and discuss possible ways of overcoming them. Unless there are good reasons for withholding the information, carers should be told about these discussions.

Minutes of planning meetings should record decisions and action points on relevant matters described above. Local procedure for notifying key people involved with the child and carers should be followed.

Throughout the range of further investigations, the National Guidance for Child Protection and local procedures should be followed in relation to Child Protection Case Conferences and Core Group meetings.

Concluding a Child Protection Investigation

When a child protection investigation is concluded, those who have contributed to the planning discussions should be informed in line with local procedures as soon as possible, usually within three working days. Fostering agency staff and social workers for the child should be told the reasons for concluding the child protection investigation and advised whether any further inquiries are continuing.

In most instances the outcomes of the investigation will fall into one of the following four categories:

- Criminal charges will be processed through the criminal justice system and further review of implications for foster/ kinship carer's future in caring for looked-after children will be needed;
- No criminal offence is being pursued, but concerns continue to exist and further review is needed of the implications of aspects of the carers' practice or conduct;
- No concerns have been substantiated about the carers' practice, but the investigation has highlighted or resulted in stress between the carer and one or more of the children placed, so the implications of this will need further review;
- No concerns have been substantiated about the carers' practice or their relationships with the children currently in placement.

The investigation may have uncovered some issues for the child in the placement or in relation to the foster/kinship carer's practice. The child's social worker and/or lead professional and fostering agency must be informed of these, so that any outstanding concerns and issues can be examined further after the conclusion of the child protection investigation.

Notification that an investigation has concluded should be given to the fostering agency decision maker, any local authorities responsible for children placed with the carers and the Care Inspectorate. They should be given reasons for concluding the investigation and brief details of the outcome.

The foster carer/kinship carer and the child and his/her family, where appropriate, should also be notified. Local procedures should indicate who is responsible for conveying this information but agencies should try to provide a person known to and trusted by the child. Notifying birth parents and other people interviewed in the course of the investigation, about the completion of enquiries should be considered, including when they should be notified and what information should be conveyed to them.

Local procedures should also identify the circumstances in which the referral of a foster carer/approved kinship carer or member of the carer's family should be made to the Protection of Vulnerable Groups Vetting and Barring Scheme. The Scheme has responsibility to consider whether factors or actions that have been identified by an investigation may make the person unsuitable to work with children or vulnerable adults. It is important to advise carers that a record of the investigation of an allegation and action taken may be included in future checks for vetting and barring information. There will be instances when the information is passed to the PVG scheme and the PVG Scheme decides to consider whether the carer should be listed as unsuitable for working with children. This creates a high level of anxiety for carers, children and fostering agencies and carers will require sound advice and support to help them to understand the processes.

After the conclusion of the Child Protection Investigation where the outcome is that criminal charges are to be progressed there may be delays in final decisions by the Procurator Fiscal service. These are unavoidable but regular information to the foster carers or approved kinship carer can reduce some of the tension and help

carers to understand the complex strands of enquiry that may be required and that will require time to resolve.

Fostering agency/Council responsibilities to foster carers/approved kinship carers during an inter-agency child protection investigation

The relationship between fostering agencies and foster carers should be fair and honest. This can be difficult to maintain when a concern is raised about the carer, because strong feelings of fear, anger and guilt can be triggered in both carers and staff. It is the responsibility of fostering agencies to ensure that staff continue to treat carers fairly and honestly in these difficult situations.

Once the foster/kinship carers have been informed that a concern has been raised about the wellbeing of the child in their care the fostering agency should ensure that foster carers/approved kinship carers:

- are given a copy of the local authority's Child Protection procedure;
- have access to legal advice and representation;
- understand the process of the investigation and why it is taking place;
- as far as possible, know when, where and by whom interviews will be conducted;
- are informed about any independent support that will be provided;
- are informed about the financial arrangements the fostering service or local authority will make in relation to allowances/fees if looked-after children are removed or the carer is temporarily suspended from taking further placements.

Agencies must also ensure that foster/kinship carers:

- know the reasons for the removal of children, if applicable;
- know what contact, if any, each member of the foster/kinship care family is permitted to have with each child affected by the concern/allegation;
- understand the current status of their approval as foster carer or approved kinship carer;
- are assisted in communicating with investigating agencies;
- are informed on a regular basis of the progress of the investigation, both verbally and in writing;
- understand that if they resign while the investigation is underway, this will not affect the progress or outcome of the investigation.

If this information has not been fully shared when the carers are first informed about the concern, any remaining information should be provided as quickly as possible and preferably within three working days of the relevant decisions having been made.

While an allegation/concern is being investigated, the supervising social worker should normally have continuing responsibility for communications between the

fostering agency and the foster carer. However if the foster carer requests that another member of the fostering agency's staff should fulfil this role, the foster carer's views should be taken into account. The contact with the supervising social worker should continue, even when independent support is also provided.

Where the concern relates to a looked-after child placed with approved kinship carers, support should be provided by a kinship care worker from the local authority or by a worker from a kinship care support agency who is well known to the kinship carer. In some situations there may be only one worker supporting the carer and working with the child and social work managers need to consider if that one worker can fulfil a supportive role to both the child and the kinship carers. Workers from a fostering team could be asked to provide specific support to the kinship carer during an investigation.

Once foster carers/kinship carers have been informed that a concern has been raised, if appropriate, options for safeguarding children without moving them from the placement should be explored with the carers. For example it may be possible for certain member(s) of the foster or kinship care family to live elsewhere while matters are investigated. In such cases all possible assistance should be provided to enable this to happen. In other situations a member of the wider family may be able to provide a safe place for the child.

Decisions about whether carers should have their approval to care temporarily suspended for any children while the concern is investigated will be made in accordance with fostering agency and local authority procedures. These decisions would usually be taken by senior staff within the fostering agency in consultation with senior child protection staff within the local authority in which the carers live. For kinship carers, decisions about them continuing to provide a home to the child should be taken by the senior worker for kinship carers and senior child protection manager. Discussion with the child's worker and/or lead professional will be critical to reach the best decisions.

Foster/kinship carers and any members of the foster/ kinship care family named in the concern should be informed personally and in writing when the child protection investigation has been concluded. Reasons for this decision and what further steps will follow should also be explained. It is suggested that this information should be conveyed within three working days of the relevant decisions having been taken. If applicable, the foster/kinship carers should also be informed in writing of arrangements to continue payments and the provision of independent support. They should also be offered an opportunity to meet with the fostering manager/ senior manager responsible for kinship care in order to clarify the implications of these decisions for the foster/kinship carer family.

Foster carers about whom a concern has been raised should have access to information and advice from an independent source. This should include legal advice.

Foster carer members of the Fostering Network in Scotland can access independent legal advice and support as part of their membership package.

Foster carers who are members of the independent advice service provided by FosterTalk can access a range of services during any investigation.

Kinship carers can access a range of support and advice services from workers within Children 1st who have specific expertise in the issues faced by kinship carers.

Details about these organisations and accessing their services can be found in Appendix 3.

Responsibilities of the fostering agency and local authority social workers to children during an inter-agency investigation

Children and young people should be given as much information as possible about the processes that are being followed and the likely outcomes of different enquiries.

Children and young people should, as far as possible, be given an opportunity to express their views if moving placement is being considered. Their views should be taken into account, giving due consideration to the child or young person's age, maturity and understanding. In some circumstances it may be appropriate to offer children and young people the support of an independent advocate or children's rights worker to help them effectively present their views. This could be a worker from Who Cares? Scotland, an Independent Reviewing Officer who knows the child, or a children's rights worker. These views should be noted and recorded on the Child's Plan.

Where the child is looked-after and placed with approved kinship carers, consideration should be given to the suitability of any other members of the child's wider family to care for the child on a temporary basis. This would include relevant checks of their suitability for an emergency placement. (Looked After Children (Scotland) Regulations 2009, s.11).

Responsibility for discussing these matters with children will usually rest with the social worker for the child/ lead professional and/ or worker for the carers, but it may be helpful to involve someone whom the child knows well and whom the child trusts (e.g. the Lead Professional).

If it is decided that children are to be moved from a placement because of a concern, the reasons for this should be explained carefully to the children, using appropriate methods for communicating with younger children or children with special needs.

Unless they are considered to be at immediate risk, children should be given time to say goodbye to the family of the carers and their friends in the local area. They should also be made aware of what opportunities there will be for maintaining contact with people who have been important to them. Unless there appear to be immediate risks to the child, no major changes, for example to schooling, should be made until the matter has been considered and decided at their next LAC review.

Where children are subject to a supervision requirement then the local Reporter to the Children's Hearing must be informed of any move required and a Children's

Hearing review requested and convened. Support should be in place for the child to share their views and concerns at a Children's Hearing.

Children will need support to adjust to any move and opportunities to talk about how this has affected them. They will also need to be kept up to date about the implications for their future care, especially if there is a possibility that they will return to the carers. This would usually be the responsibility of the child's social worker and/ or lead professional.

Irrespective of whether the child raised the concern, children affected by any investigation into a concern should be informed of the outcome of an investigation and given an opportunity to express their views about how this has affected them.

Responsibilities to birth parents of looked-after children involved in inter-agency investigations

At each stage of the decision making process, consideration should be given to arrangements for informing birth parents that a concern has been raised about the carers looking after their child. In deciding what information and when it should be given to parents, social work staff must take into account their statutory responsibility to involve parents in decisions which affect their children, alongside the child's wishes about what their parents should be told with full consideration given to the child's safety. Where the child is subject to a non-disclosure order from a Children's Hearing then care is essential in deciding what information can be shared with a parent. The worker should consult with the local Reporter to the Children's Hearings about how to proceed.

Care is also needed to ensure that parents who do not have parental responsibilities, particularly if their rights have been removed by a court, are not inappropriately included in the full range of notifications.

Records of initial decision making discussions and planning meetings should indicate what decisions were made in relation to informing birth parents, what information is to be shared, who is responsible for telling the parents and how, (i.e. verbally or in writing). The child's social worker and/ or lead professional will usually carry out this task. Parents should also be informed when an investigation has concluded. In situations where a decision has been taken to delay or limit the information given to parents, reasons for this should be recorded in the minute of the meeting where the decision is taken.

Part 4

Reviews of foster carers/kinship carers

The Looked After Children (Scotland) Regulations 2009 [s.25] sets out the timescales for foster carer reviews and also includes the expectation that a local authority will carry out an additional review of a foster carer's approval when appropriate to safeguard the welfare of any child who has been placed with that carer. Regulation 25(8) of the Looked After Children Regulations does not require every review of a foster carer to be carried out by the fostering panel. A review

following concerns about the safety and well being of a child placed with foster carers will involve considering the suitability of the carers to continue as carers and it is suggested that a fostering panel should be involved from the start rather than holding a preliminary review which will report to a fostering panel.

Exceptions would be where the complaint has been withdrawn or the investigations have concluded that there are no remaining issues for the foster carer or the child over the concerns. These matters could be reviewed at the next scheduled Foster Carer Review.

Where the carer is approved by a registered fostering provider then the procedures in the agency should reflect the need to review the approval of the carer following any concern being raised.

The National Care Standard for Foster Care Services ('NCS'), Standard 11 requires a review of the carers to be held as soon as possible after any significant incident, complaint or allegation of abuse or neglect.

Good practice requires the fostering agency to consider, on an ongoing basis during the planning and process of the investigation, the capacity of the foster or kinship carer to continue to care for looked-after children.

The complexity of matters to be addressed after any concern has been raised will vary and the appropriate level of formality for the reviews will also vary. Where the matters are complex the Fostering Manager might decide to ask for an independent review of all the circumstances relating to the carer and the concerns and to provide options for the way forward. This would then inform the foster care review in terms of Regulations 25 and 26 and NCS 11.10.

In preparing for the foster carer review information should be gathered about whether change is assessed as needed in any aspect of the foster carer's current placements or category of registration. Key findings from the enquiries and any investigation into the concern should be included in a report which will be considered at the foster carers' review.

Whatever the route, the fostering panel which reviews the carers should make clear recommendations to the Agency Decision Maker about the continuing approval of the carers, any variations in approval of the foster carer or the termination of their approval. It is important that the Review can also identify any areas where the carers may require additional support to provide care for looked-after children.

Where a carer decides not to cooperate with any further enquiries after the conclusion of an investigation, they should be advised that the issues will be taken directly to a foster carer review even if they decide not to attend that review. They should be advised that the Review may recommend formal termination of their approval and the process for their seeking a review of that decision.

Reviews of approved kinship carers

Where the carer is an approved kinship carer the procedures for regular reviews should already be agreed in the agency and an Agency Decision Maker identified. Many of the same considerations apply to reviews of approved kinship carers as for foster carers and kinship carers should be given opportunities to discuss the concern, the circumstances that may have contributed to it being raised and the outcome of the child protection investigation if carried out.

As there is no provision in the Looked After Children (Scotland) Regulations 2009 for the review of approved kinship carers, best practice would be to convene a specific meeting to review all the information from the enquiries undertaken following the concern. This meeting should discuss whether care for looked-after child can be continued safely with the kinship carers. It should also look at what supports would assist the carers. Discussions might lead to a recommendation that the child should be moved and thus terminate the approval of the kinship carers.

The review should consider whether the carer should continue to be approved, should have their approval varied or terminated or what additional supports the carer requires to care for the child safely.

The wellbeing, and in particular, the safety of the child must be at the centre of the decisions but all efforts to support the kinship carer arrangements should be discussed to make the placement safe enough for the child. The role of the child's birth family should also be discussed to assess whether they can contribute to the future support and safety of the child placed with kinship carers.

A record of the meeting should clearly state what decisions were made and the reasons for them. It should also clarify what action points were agreed, who is responsible for carrying them out and within what timescales. The minute of the meeting should be held in the kinship carers' file and be fully considered at any subsequent review. The minute should highlight if further support, training or changes to the carers' terms of approval are required.

Reports for review of carers

Reports for the foster/approved kinship carer review should summarise the nature of the concern, circumstances which may have contributed to it being raised and, if applicable, the outcome of the child protection investigation. Any implications for the carers' current suitability to care for a looked-after child, and their training or support needs should be highlighted. Based on this information, the report should analyse what action is needed to ensure that children placed with the carers will be safeguarded and cared for to the standard expected by the fostering agency.

Recommendations may include:

- that the foster/kinship carers receive additional training, support or advice on specific aspects of practice;

- that the appropriateness of individual children's placements be reviewed with the child's social worker and/or lead professional and senior social worker;
- that the agency fostering panel review the number, ages of gender of children the foster carers are approved to care for;
- that the agency fostering panel consider terminating the foster carers' approval as foster carers in line with agency procedures;
- Where the review is of an approved kinship carer then the same areas require to be addressed and a decision made about the continuing approval of the kinship carers in line with agency procedures.

Other issues relating to Reviews

Where there is a decision to recommend to the Agency Fostering Panel that a foster carer's approval should be terminated or their approval to foster amended it is suggested that consideration by the fostering panel should take place within six weeks from the decision to refer having been taken. Maintaining strict timescales should reduce further delays in decisions being reached about the future approval of the foster carer or the placement of a child.

The fostering manager should inform the foster carers, both verbally and in writing, within three working days, if possible, of a decision to refer them to the fostering panel for a review of their approval. They should be informed if the recommendation to the panel is that the carers' approval to foster should be terminated or changed. The information given to foster carers should include information on what will happen next. If applicable, arrangements for the continued provision of independent support and/or payments to the carers should be made until a final decision has been taken by the fostering agency's decision-maker.

In all other respects, local policies and procedures for reviewing and terminating approval of foster carers should be followed. Carers should be informed of the decisions from the meeting, both verbally and in writing, as soon as possible.

A record of the meeting should clearly state what decisions were made and the reasons for them. It should also clarify what action points were agreed, who is responsible for carrying them out and within what timescales. If there is a decision to refer the carers to the agency fostering panel to review or terminate their approval, the fostering manager should inform the fostering agency decision maker.

The same timescales should be used for reviews of approved kinship carers.

The minute of all meetings should be held in the carers' file and be fully considered at their review. The minute should highlight if further support, training or changes to the carers' terms of approval are required.

The relevant senior manager in the local authorities responsible for the children involved should be notified of the outcome of meetings and reviews as soon as possible.

If a foster carer/approved kinship carer gives 28 days notice of their wish not to continue to be an approved foster/ kinship carer, during inquiries or investigation, there will be no means of continuing with internal enquiries beyond the expiration of the notice from the carer intimating their decision not to continue as carers. In this situation, the agency should continue to review all relevant information as fully as possible and take steps to formally terminate the approval of the carers if this is considered to be the appropriate action following a carer review. The senior fostering manager should ensure that all relevant information is included in the record of the foster carer/kinship carer.

Follow up actions

Foster carers and approved kinship carers will be very anxious throughout the enquiries and until decisions about their future have been made. It is essential that whatever the final decision, the carers are clear about their future. It is very important that the carers know when the process is completed and no more enquiries required.

If there has been a Child Protection investigation and hence a Child Protection Case Conference/Child's Plan Meeting, good practice would be for the Chair of the CPCC to write to the carers to thank them for their contributions and to confirm that there are no further child protection concerns.

In any cases where there is evidence of harm then the Chair of the CPCC should write to the carers to explain the next steps for the child and themselves.

It is also important that where no concerns have been substantiated the carers are aware of the records kept by agencies and, following a Child Protection investigation, by the police, as the outcome of enquiries may appear on any subsequent PVG or enhanced disclosure forms.

Part 5

Evaluation of processes

This guidance suggests that at the close of the formal review/s an evaluation of the whole process of exploring a concern/allegation may be helpful.

Any concern expressed about the well-being of a child looked after by foster carers or approved kinship carers is extremely stressful for foster carers, approved kinship carers and their families. At the end of the process of investigation and review, foster carers and approved kinship carers could be offered a formal opportunity to talk about the impact of the concern/allegation and the subsequent investigation and review on them and members of their family. They should have an opportunity to identify any support or other services which would have helped them manage the process better and any continuing support they require to deal with the impact of enquiries or investigation.

If a meeting is planned it should be held at a time and place that takes account of the care responsibilities of the foster carer or kinship carer.

Workers should consider whether a separate meeting should take place for any children and young people involved, including the sons and daughters of foster carers.

A record of any meeting should be made available to all who attended.

Points which might be considered at the meeting would include:

- the foster family's/kinship carer's comments on the way in which the agencies undertook their roles and responsibilities;
- the impact of the concern raised and any subsequent investigation on the foster carers/approved kinship carers/family member about whom the concern was raised;
- the impact of any decision to remove children from the placement;
- the current needs of everyone in the foster carer's/approved kinship carer's family;
- plans for meeting the ongoing needs of members of the foster or kinship carer's family by the fostering agency or social work service.

The complexity of exploring concerns raised about foster/approved kinship carers is evident and it may also be helpful for those staff involved to have time to reflect on their own experience of managing the enquiries and supporting the carers and any implications for future practice. This meeting could include the supervising social workers for the carers, staff who carried out the investigation and lead professionals/social workers responsible for the child. Building in this kind of debriefing and period of reflection could help staff to manage their own anxiety and so continue to treat carers fairly and honestly when faced with any future concerns about the wellbeing of a looked-after child.

Fostering Agencies or Area Child Protection Committees may wish to include in their procedures arrangements for monitoring how effective this guidance is in practice, whether or not using it results in any changes in how agencies respond to concerns about foster carers/kinship carers and whether or not these changes are helpful. A draft recording outline is provided in appendix 4 which could help to collate relevant information from the various decision making meeting and evaluations.

Any issues about the processes followed on responding to concerns could be reviewed by managers at least once a year to consider learning from the events which could improve future practice and process.

Reflecting on the concerns and the process undertaken may also assist in recognising any gaps in the support and training for foster carers and approved kinship carers.

Concluding Comments

However much guidance is developed and procedures made clearer, dealing with concerns about the well-being or safety of looked-after children placed with foster carers or approved kinship carers will always provoke anxieties for all involved. Fostering agencies will be concerned that they have selected as carers people who may have caused harm to the child. Carers will have felt under suspicion, that they were not trusted and will need a lot of reassurance to continue as carers for other children. For the child, ongoing support and opportunities to talk about events whether the concerns are substantiated or are found to be unsubstantiated will be important. If a legal process follows then the support for the child and for carers needs to be sustained through that process and beyond.

Putting the safety and wellbeing of the child first, understanding the special context for looked-after children placed with foster or approved kinship carers, working in close partnership with agencies which are part of the Child Protection Committee and treating the carers with respect throughout should help to achieve a proportionate response to any concerns raised.

References, legislation and guidance

Calder, M.C, McKinnon, M and Sneddon, R, (2012) *National Risk Framework to Support the Assessment of Children and Young People*, The Scottish Government

HMSO (2009), *Looked After Children (Scotland) Regulations 2009*, The Stationery Office

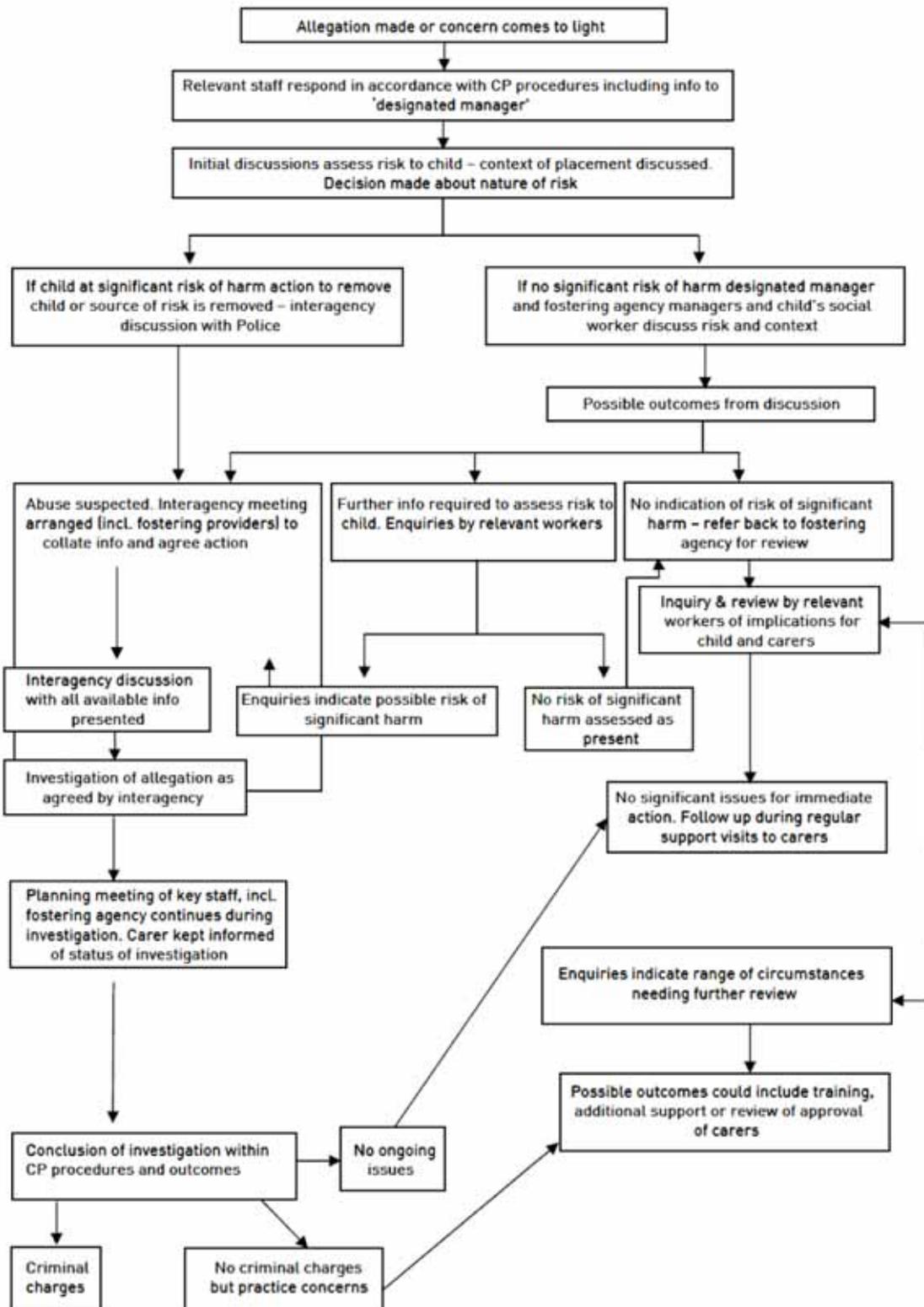
HMSO (1995) *The Children (Scotland) Act 1995*, HMSO/The Stationery Office

Scottish Executive (2005) *National Care Standards: foster care and family placement services*, The Scottish Executive

Scottish Government, (2010), *National Guidance for Child Protection in Scotland 2010*, The Scottish Government

Appendix 1

Key stages in the process of responding to allegations against foster carers and approved kinship carers



Appendix 2

Glossary of terms as used within the good practice guidance

Agency Decision Maker: person in the agency who receives the recommendations from a fostering panel (and in some authorities the recommendations relating to kinship carers) and must decide about approvals, any conditions relating to the approval or the termination of the approval of foster carers/approved kinship carers for looked-after children.

Allegation: any claim or concern that a person may have acted in a way that leads to harm to a looked-after child.

Child Protection Committee: locally based, inter-agency strategic partnerships responsible for the design, development, publication, distribution, implementation and evaluation of child protection policy and practice across the public, private and third sectors in their locality and in partnership across Scotland. (National Guidance for Child Protection in Scotland 2010).

Child Protection Investigation: an investigation carried out in accordance with local authority child protection procedures usually involving joint interviews of those involved by the police and social work.

Child Protection Social Worker: social worker in the local authority with responsibility for investigating allegations of abuse. They may be part of specialist Child Protection team or a worker from a Children and Families Team.

Child's Social Worker: social worker responsible for the looked-after child. They may also hold lead professional responsibilities.

Complaint: an accusation which is based on a belief either of the agency or another key person or anonymously that a carer's behaviour or practice has not met the standard expected of foster carers/approved kinship carer. This complaint could be made by the child, their birth parent, another agency or professional.

Concern: This is the term used in the National Guidance for Child Protection. A concern may be raised about a foster carer or approved kinship carer when someone believes that the child's wellbeing may be adversely affected by the actions of the carer or a member of their family.

Designated Manager(s): manager(s) in the local authority where the foster carers live who have been designated as responsible for overseeing concerns about the welfare or safety of a looked-after child who is being cared for by foster carers or approved kinship carers. In a registered fostering service, the designated manager will have responsibility for overview of any concerns raised about one of their foster carers and for liaison with the local authorities and other professionals involved with child protection enquiries.

Evaluation: opportunities at different stages of enquiry to reflect on the way the enquiries have been carried out and the impact on carers, children and staff. Focus will be on any learning from the process that should be incorporated into procedures. These meetings could offer Child Protection Committees a system for collating information on decision making and outcomes following concerns, so that they can monitor process and learn from current practice.

Foster Care Review: A foster care review as carried out in accordance with the Looked After Children (Scotland) Regulations 2009 [Regulations 25 and 26].

Fostering Manager: Line manager to the supervising social worker.

Fostering Panel: A panel set up to consider the case of every foster carer and prospective foster carer- Looked After Children (Scotland) Regulations 2009 [Regulations 17-20].

GIRFEC: 'Getting it Right for Every Child' Government led approach to ensure the wellbeing of every child and young person is secured. This provides a framework for services working together to meet children's needs and to their achieving their potential. It includes the SHANARRI indicators: safe, healthy, achieving, nurtured, active, respected, responsible and included.

Independent Support: The term 'independent' is used in relation to support and reviews. In most instances this means that the practitioner involved is outside line management for the child and carer family and so brings an element of objectivity. In small agencies, a reciprocal arrangement with a neighbouring authority to provide independent support could be considered. In very complex and contentious situations, it may be helpful for someone outside the fostering agency to provide independent support.

Initial Internal Discussion: Discussion held following notification of a concern to a member of staff in fostering services or to senior child protection staff. Its' purpose is to make an initial assessment of the nature of the concern and decide how best to respond to it. Those involved in this discussion are senior child protection staff, child's senior social worker and the fostering manager. In a case where significant harm or risk of significant harm is present this discussion must include the police.

Initial Interagency Discussion/Initial Referral Discussion: If the initial internal discussion indicates that the concern may involve a child being abused, an initial interagency discussion should be convened to consider how best to proceed. The decision may be to initiate a child protection investigation or to refer back to the fostering agency for further enquiries and review.

Lead Professional: Person who coordinates help for a child, young person and their family when two or more agencies need to work together to provide help to that child and family. It is an active role to promote team work to deliver the child's plan.

Named Person: Appointed for every child from birth to 18. May not be required to take an active role but is the first point of contact for children and family when they are seeking help. Named person can help to work out the advice, support and services that the child may need.

Planning or Strategy Meeting: An interagency meeting to plan a Child Protection Investigation. A planning meeting should always be convened to plan and review investigations involving foster carers or approved kinship carers.

PVG Scheme: The Protection of Vulnerable Groups Scotland Act came into force in 2007. It sets out the way in which checks about the background history of an applicant for a post involving Regulated work with children or vulnerable adults will be carried out. Where the record shows that the person has a history of offences or behaviour which could pose a threat to vulnerable groups they may be listed as unsuitable for that work. Any person listed as unsuitable is barred from working with children and vulnerable groups and commits an offence in applying for such posts. Any employer who engages a person who is listed as unsuitable also commits an offence if they employ that person.

Senior Fostering Manager: Senior manager within the fostering agency/service.

Senior Social Worker Child Protection/Team Manager: Senior worker who supervises child protection social workers and with responsibility for overseeing enquiries and investigations.

Supervising Social Worker: Fostering agency worker who supports the carers.

Team Leader/Child's Senior Social Worker: Line manager for the child's social worker.

Well-being: Based on SHANARRI indicators - safe, healthy, achieving, nurtured, active, respected, responsible and included.

Key Relevant Legislation

'Looked After Child': defined in Section 17(6) of the Children (Scotland) Act 1995 as a child who is cared for by a local authority in terms of Sections 25, 70 or subject to an order, authorisation or warrant made under Chapter 2, 3 or 4 of Part 2 of the Children (Scotland) Act 1995 as amended by Schedule 2 para 9(4) of the Adoption and Children (Scotland) Act 2007

The following terms are used as defined in the Looked After Children (Scotland) Regulations 2009 or other relevant regulations.

Fostering Agency: A local authority or a registered fostering service, as defined in Looked After Children (Scotland) Regulations 2009

Foster Care Review: A foster care review carried out in accordance with the Looked After Children (Scotland) Regulations 2009 [25 and 26].

Fostering Panel: A Panel set up to consider the case of every foster carer and prospective foster carer. Looked After Children (Scotland) Regulations 2009 [17- 20].

'Foster Carer': Person approved in accordance with a decision made under regulation 22(3), 23 or 26(8), Looked After Children (Scotland) Regulations 2009.

Approved Kinship Carer: A person approved in accordance with a decision made under Regulation 10 of the Looked After Children (Scotland) Regulations 2009.

Kinship Carer: A person related to the child or a person who is known to the child and with whom the child has a pre-existing relationship.

Appendix 3

The Fostering Network's advice and information service known as **Fosterline Scotland**



The Fostering Network is the UK's leading charity for foster care and is dedicated to making foster care better. With over 56,000 foster carers and nearly 400 fostering service members across the UK, the Fostering Network connects everyone involved in fostering and helps everyone work effectively as part of the fostering team.

Members have access to expert advice, the latest information about fostering and the right support when it is needed. All members also get access to exclusive online content, www.fostering.net

Foster carer members receive:

Access to expert advice

- 24hr dedicated confidential helplines:
 - legal advice for all legal queries be they related to fostering or not;
 - medical advice on any medical issue including practical advice regarding first aid;
 - stress counselling.
- Expert legal assistance from a qualified and experienced local solicitor:
 - should the foster carer or any member of their household be required to attend a police interview as a result of an allegation;
 - legal expenses cover (up to £50,000 in Scotland) if a criminal or civil proceeding is brought against a foster carer or any of their household as a result of an allegation;
 - up to £5,000 of legal expenses incurred in respect of representation (including correspondence) during the period when a carer has been referred through the PVG Scheme for consideration for listing following the investigation of a concern.
 - cover for Supported Lodging (for foster carers and former foster carers) who look after a young person up to the age of 25.

Advice on tax, national insurance and benefits through the Fostering Network's Signposts series and through Fosterline advisors.

The latest information and support

- Subscription to *Foster Care*, the UK's longest established fostering magazine.
- Regular updates through monthly e-newsletters.
- Training, learning and development opportunities.
- Access to online resources, which provide information and guidance.
- Discounts on a range of products and services, including days out for the family.

Connections to the whole fostering community

- The online community brings members together from across the UK to share their experiences, support each other and take part in 'ask the expert' sessions.
- Regular events on current topics in fostering.

Influence on the issues that matter

- Consultation with all our members to help influence UK governments, raise issues and help shape the legislation that affects foster carers – from benefits and pensions, to fair pay and fair allowances.
- Campaigning to raise the profile and status of foster carers with government and the public through high profile media work.
- Members can also join the Fostering Network's exclusive policy consultation group

Membership is priced per household per year and covers up to two foster carers and any sons or daughters living in the household, including over 18s. (Legal assistance includes the member, their parents, partner or children resident within Great Britain, Northern Ireland, the Channel Islands or the Isle of Man). Fostering services can also purchase block membership for their foster carers.

The Fostering Network is also able to provide independent face-to-face support to foster carers during the investigation of concerns, allegations or complaints, on a contracted or spot purchase basis.

To find out more about membership or the work of the Fostering Network t 0141 204 1400, e scotland@fostering.net or visit www.fostering.net



FosterTalk, a membership organisation, provides independent, confidential advice and support, including legal advice to foster carers who are their members.

Membership benefits include:

- 24 hr Legal Advice
- Legal Expenses Insurance
- Arrest and Interview Assistance
- Accountancy Helpline
- Counselling Helpline
- Independent Financial Advice
- Education Advisory Service
- Social Work/General Support
- Access to an online educational website
- Medical Helpline
- Quarterly magazine
- Online forum
- Discounts
- Links to relevant Government and other consultations affecting foster carers – Have Your Say

FosterTalk is also able to provide independent face-to-face support to foster carers during the investigation of concerns, allegations or complaints, on a contracted or spot purchase basis, through the Foster Carers Independent Support Service (FISS)

For more information about membership of FosterTalk or FISS t 0844 800 3880 or visit www.fostertalk.org



ParentLine Scotland is a free helpline and email service for anyone with a concern about a child.

Launched in 1999, ParentLine Scotland receives over 5,000 calls and emails every year. People call for all sorts of reasons including difficult relationships with teenagers, separation and divorce, bullying, family relationships, kinship care concerns, money, postnatal depression and child abuse for example, but they also call for lots of other reasons too. There really is no problem too big or small.

Calls come from parents, grandparents, aunts, uncles, brothers, sisters, neighbours and friends who all want the same thing – to try and make things better. Many callers get in touch when they are at the end of their tether and feel like they can't cope anymore. Sometimes callers are embarrassed about asking for help but they soon find that just talking things through can really make a difference.

If you have a problem, don't wait until you feel things get out of control. If you have never phoned a helpline before why not give Parentline a call on 08000 28 22 33 or email us and let us help?

To get in touch call the helpline on 0800 028 2233. It is open Mon, Wed and Fri 9am to 5pm, Tues and Thurs 9am to 10pm, Sat and Sun 12noon to 8pm. Or if you prefer, email trained volunteer call takers at parentlinescotland@children1st.org.uk.

Parentline also offer a specialist service of advice and information to kinship carers from this number.



About Who Cares? Scotland

Who Cares? Scotland is a national voluntary organisation - established in 1978 - providing a range of advocacy, advice and support services across Scotland for children and young people with experience of care up to the age of 25.

The organisation's core work is the provision of independent advocacy, advice, support to and representation of young people who are or have been looked-after and accommodated – we call these children and young people with care experience.

Who Cares? Scotland work throughout Scotland and have a national network of experienced children and young person advocates.

Who Cares? Scotland work directly with Scotland's children and young people in care, listening to what they say, supporting them and speaking out on their behalf. They promote and protect their rights and involve them in the decisions. Who Cares? Scotland place young people at the heart of everything they do to help them live a positive life now and to reach their full potential in the future.

Contact them, t 0141 226 4441 or visit www.whocarescotland.org

Appendix 4

Suggested format for a reporting tool which could be used for recording decision making processes, decisions reached, action taken and action post review.

Part 1

Record of decision making for initial enquiries and child protection processes

1. Description of the concern.
Consider using the SHANARRI indicators for the description.
2. Who has raised the concern?
3. Personnel involved in initial decision making about the nature of the concern and the appropriate response.
4. Format of discussion or information sharing e.g. by phone, e-mail, in person.
5. Conclusion on the Nature of the Concern
 - a) Concern includes information that there may have been significant harm or risk of significant harm to the child, as a result of physical, sexual or emotional abuse or neglect.
Yes/No
 - b) Concern is related to the actions of a foster or approved kinship carer which need to be addressed but do not indicate that the child has suffered significant harm
Yes/No
 - c) No aspect of the carers' behaviour or practice has been observed to be problematic, but some concerns have been raised about the child's behaviour, lifestyle or frame of mind. For example a child may be reluctant to go home to the foster placement or have talked about feeling unhappy in the placement.
Yes/No
 - d) Complaint from the child, the child's parent or someone else about some aspect of the foster carer's behaviour or practice, but the complaint does not imply any risk of significant harm to the child. Examples might include complaints about choice or quality of food, clothing or use of sanctions.
Yes/No

Please add a brief record of the reasons for your decisions on the categorisation of the concerns

6. Action taken following an initial discussion

- | | |
|---|--------|
| a. Tried to obtain additional information about the circumstances or nature of the concern/complaint e.g. by speaking with key people, gathering further information from the child or carers | Yes/No |
| b. Convened a multi-agency Initial Referral Discussion | Yes/No |
| c. Referred to Police | Yes/No |
| d. Convened a planning meeting prior to carrying out a child protection investigation | Yes/No |
| e. Carried out child protection investigation | Yes/No |
| f. Matter dealt with through internal enquiries and review | Yes/No |
| g. Matter dealt with through complaints procedure | Yes/No |
| h. Moved child(ren) named in the concern from the foster /approved kinship carer placement | Yes/No |
| i. Moved other children from the placement | Yes/No |
| j. Moved at least one of carers' children from their care | Yes/No |

Part 2

Agencies may wish to use this part of the reporting template when the investigation or enquiry has been concluded:

7. Outcome from child protection investigation

- | | |
|--|--------|
| o Criminal charges continue to be processed through criminal justice system and further review of implications for carers' future as foster carers or kinship carers is needed | Yes/No |
|--|--------|

- No criminal case is being pursued, but concerns persist and further review is needed of the implications of some aspects of the carers' practice or behaviour
Yes/No
- No concerns have been substantiated about the carers' practice, but the allegation has highlighted or resulted in stress between the carer and one or more of the children placed, so the implications of this need further review
Yes/No
- No concerns have been substantiated about the carers' practice or their relationships with the children currently in placement
Yes/No

8. Outcome for children's placements

- At least one child remained in the placement throughout
Yes/No
- At least one child was removed from the placement but returned following the concern being investigated
Yes/No

At least one child was removed from the placement and will not return there
Yes/No

9. Outcome for carers

- Referred to Fostering Panel with a recommendation that their approval is terminated
Yes/No
- Referred to fostering panel with a recommendation that there should be changes to their category of registration
Yes/No
- Approved kinship carer reviewed at arranged meeting
Yes/No
- Approved status of kinship carer removed
Yes/No

For either foster or kinship carer:

- Additional training, supervision or support to be provided by the fostering agency
Yes/No
- No changes considered to be necessary
Yes/No

10. Following the completion of the investigation:

- Was an evaluation/debriefing meeting arranged for the carers and key members of the carer family?

Yes/ No

- Was an evaluation/debriefing meeting arranged for staff involved in the enquiries/ investigation?

Yes/No

What learning was there from this evaluation/review for future responses to concerns about foster carers or approved kinship carers?

How do you intend to take forward this learning?

Were any issues referred for consideration to the Child Protection Committee?

Yes/No

What were they? Brief note of key issues referred.

Names & designations of those present

Date of meeting



**The Scottish
Government**
Riaghaltas na h-Alba

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The Scottish Government
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Edinburgh
EH1 3DG

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