

Central  
Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



**TO ALL MEMBERS OF THE CORPORATE PARENTING PANEL**

29 June 2017

Dear Councillor

**CORPORATE PARENTING PANEL – MONDAY, 3 JULY 2017**

Further to the agenda and papers for the above meeting, previously circulated, please find attached the following late report:

**7. Investigating Concerns and Complaints against Foster Carers**

To consider the investigation of concerns and complaints in relation to foster carers.

Should you have any queries regarding the above please contact me.

Yours sincerely

Leslie Manning  
Committee Services Officer

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**Central Bedfordshire Council**

**CORPORATE PARENTING PANEL**

Monday, 3 July 2017

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**Investigating Concerns and Complaints against Foster Carers**

Report of: Cllr Carole Hegley, Executive Member for Social Care and Housing  
([carole.hegley@centralbedfordshire.gov.uk](mailto:carole.hegley@centralbedfordshire.gov.uk))

Advising Offices: Sue Harrison, Director of Children's Services; Annie Craig,  
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**Purpose of this report**

1. The report introduces the new procedure in relation to: Investigating Concerns and Complaints against Foster Carers report for Members to consider and note.

**RECOMMENDATIONS**

The Executive or Committee is asked to:

1. That Corporate Parenting panel considers and notes the new procedure in relation to: Investigating Concerns and Complaints against Foster Carers.

**Overview and Scrutiny Comments/Recommendations**

1. The procedure does not need to be presented to Overview and Scrutiny.

**Background**

2. The National Minimum Standards (NMS) for Fostering Services, along with the Fostering Regulation 2011, relevant to the placement of children in foster care, form the basis of the regulatory framework under the Care Standards Act 2000 (CSA) for the conduct of fostering services. The Standards and Regulation focus on securing positive welfare, health and

education outcomes for children and reducing risks to their welfare and safety.

### **Issues**

- The Fostering Service have a range of policies/procedures/practice guidance in place to support staff and foster carers on what the expectations are of the service/CBC.
- The Fostering Service uses Children's Services Complaints Procedure for dealing with and monitoring complaints by foster carers, birth parents and relatives, staff and other partners with a relevant interest in the CBC Fostering Services as provided. This procedure, however does not address concerns and complaints that may be made against foster carers.
- In order to support staff and foster carers and provide clarity when concerns and complaints are raised, a procedure has been written in relation to investigating concerns and complaints against foster carers.

### **Council Priorities**

- Improved educational attainment and progress
- Protecting vulnerable children and young people
- Early help and improving life chances
- Being healthy and positive

### **Corporate Implications**

#### **Risk Management:**

3. Regulatory Risks: The provision of sufficient and suitable foster placement is a key activity monitored by Ofsted during inspection, forming part of their judgement about services for Looked after Children.
4. Child Protection Risks: Failure to recruit or retain sufficient foster carers would be a child protection risk.
5. Reputational Risk: Recruitment of foster carers is a competitive market activity and has a high media profile.

6. Financial Risk: Looked after Children placements is a demand led activity. Independent Agency Placements are high cost, and variations in the proportion of independent versus in-house placements can have significant and immediate impact on forecast spend.

### **Legal Implications**

7. This report provides an updating policy to consolidate the investigation procedure in relation to foster carers. Safeguarding the welfare of Looked After Children and monitoring and assessing foster carers are key objectives of the Council which are set out in primary and secondary legislation. This policy brings together the investigation procedure into one consolidated document.

### **Financial and Risk Implications**

8. This report does not include any financial implications or possible financial risks . This is a practice guidance to provide staff with a framework.

### **Equalities Implications**

Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The procedure includes some important principles which support the promotion of equality:

- Any concerns about the quality of care in fostering households should be investigated in a thorough, but fair, timely and consistent manner,
- All parties should be treated with dignity and respect
- The carer should be given a full opportunity to answer the concern/complaint and make representations,
- The investigation should be proportionate to the seriousness of the concern or complaint. The level can be increased or decreased as information, assessment, analysis and conclusions allow,

## **Conclusion and next Steps**

This procedure has already been presented to the Senior Management Team (SMT) for approval and to the foster carers Talktime. The next step will be to distribute to fostering staff and foster carers and place the new fostering procedure on Tri-X (our online procedures manual) and embed the procedure into practice.

## **Appendices**

**Appendix A:** Investigating Concerns and Complaints against Foster Carers

## **Background Papers**

None

Report author(s):

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## **INVESTIGATING CONCERNS AND COMPLAINTS AGAINST FOSTER CARERS**

### **SCOPE OF THIS CHAPTER**

This procedure relates to all concerns (Level 1), complaints (Level 2) made against Central Bedfordshire Council foster carers. Allegations against foster carers are dealt with under the Allegations Against Foster Carers procedure.

This procedure does not cover private foster care.

### **PURPOSE**

The purpose of this practice guidance is to provide staff with a framework to identify, distinguish between and respond to a concern (Level 1) and a complaint (Level 2) in relation to the actions of, or care provided by, a foster carer or placement in line with both departmental and regulatory requirements.

The scope of this procedure and terms used will be defined and the expectations on staff outlined.

### **POLICY**

A number of policy issues and principles underpin this practice guidance.

- The welfare of the child or young person remains of paramount importance throughout any enquiries, this includes both their safety and their placement stability,
- Any concerns about the quality of care in fostering households should be investigated in a thorough, but fair, timely and consistent manner,
- All parties should be treated with dignity and respect
- The carer should be given a full opportunity to answer the concern/complaint and make representations,
- Any issues must be considered fully and promptly before any action is taken, unless delay puts or leaves a child at risk of harm. A decision to remove a child from their foster placement must be based on an assessment to determine whether their immediate need is for protection or for additional services which will safeguard and promote his or her welfare in the placement. No child should be removed without the prior agreement of the relevant Head of Service (HoS).
- The investigation should be proportionate to the seriousness of the concern or complaint. The level can be increased or decreased as information, assessment, analysis and conclusions allow,
- It is important to reach a conclusion on all cases, including where there is a failure to cooperate or resignation. Central Bedfordshire Council's investigation will conclude in a determination as to suitability of the carer to foster, regardless of the foster carer's resignation.

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- Record keeping is a vital part of the process and a clear, comprehensive and accurate account of why decisions or judgements are reached must be fully recorded on both the child's and carers file in line with departmental record keeping policy
- Every effort should be made to maintain confidentiality and guard against publicity while any issues are being investigated and assessed.

**DEFINITIONS**

A concern (Level 1) or allegation (Level 2) is a formal or informal written or oral expression of dissatisfaction or disquiet in relation to the care provided to a child(ren) whilst the local authority exercises its functions under Part III of the Children Act 1989.

**Concern (Level 1): Issues relating to day-to-day management:**

- For example having a child's hair cut without discussion with parents,
- Quality or nature of diet, clothing or routine care and low level discipline issues,
- An accumulation of extremely low level issues that have not met the threshold for the complaints or allegations procedure

**Complaint (Level 2): A formal or informal complaint made in relation to but not limited to:**

- Foster carers parenting style and quality of care for example inappropriate discipline,
- Quality of working with other professionals/practitioners for example, failure to adhere to the child's care plan,
- Lack of breach of confidentiality/unsuitable practice with regard to families – for example, being discourteous towards parents,
- An accumulation or worsening of 'one-off' or continuing low level concerns about day to day care.

These type of cases fall into an exploration of suitability to foster.

**ROLES**

**The Registered Manager for the Fostering Service** has responsibility for ensuring that standards and management systems are in place, and adhered to, to protect each child from abuse, neglect, exploitation and deprivation in its' fostering households as well as monitoring and promoting the quality of care available.

**Children's Service Managers** responsible for all operational childcare teams must ensure that all children's services Team Managers (TMs) are aware of and adhere to this procedure and that they in turn ensure the social workers in their teams are aware of this procedure, and ensure compliance. Both Child Care teams and the Fostering Service will have a key role in investigating concerns and complaints in line with the procedure.

**Fostering Team Managers** and their supervising social workers have a key role in ensuring that concerns and complaints against foster carers are fully investigated and recorded in line with the procedures. They should provide support to facilitate and develop the fostering role to protect both carers and children by sound practices. The Fostering Team Manager is responsible for ensuring that identified work with carers has been completed.

Fostering and Permanence Panel members have a responsibility to review the approval of any foster carers and their suitability to continue fostering following any concerns or complaints if that case is brought to panel. The panel adviser will provide professional support and guidance on the process as required.

### **REPORTING AND RECEIVING CONCERNS AND COMPLAINTS**

**Recognition:** Identifying concerns (Level 1) and complaints (Level 2) may arise from any number of sources e.g. a report from a child or an adult linked to a placement, a member of the public or another professional etc.

**Responsibility:** The recipient of the initial information or anyone at any stage in the process must **NOT** unilaterally determine the validity of the information. Failure to report it in accordance with procedures is a potential disciplinary matter.

**Referral:** Any issues of concern/complaints about the conduct of a foster carer or their family or friends (in contact with the child) should be reported even if there is no apparent risk to the child. This should then be followed up in writing, times, dated and signed; email communications should not be relied on.

**Receiving and Exchange of Information:** The information will be passed to the child's social work team or fostering team depending on where the concerns originate and whether or not they relate to the child or the carer. The receiving social worker should inform their manager and colleague in the other team without delay who will in turn advise their manager.

### **Responding to Issues**

**Minor Issues:** For minor issues that arise with regard to day-to-day care by the foster carers these matters, by agreement with the Fostering Team Manager, can be dealt with immediately by the Supervising Social Worker (SSW) or during regular supervision with the carer but within one month.

This falls outside of the concerns and complaints procedure but attention to the frequency noted and recorded on the chronology. Cumulatively these minor issues may trigger a concern (Level 1) process.

In the absence of any further triggers practice and development issues will be followed up via the normal household review process, through supervision and post-approval training.

Recording is vital to document the improvements made by the carer or development areas still outstanding. Outcomes should also be recorded on the child's file (if appropriate).

### **Responding to Concerns (Level 1)**

**Concern:** If the issue about day to day care is more serious but still at the lower end of the spectrum and meets the concerns criteria then, by agreement with the respective Team Managers, the child's SW and the SSW should, as soon as possible, make a joint visit, to the foster carer to discuss the concern and reach an agreed solution.

**Outcome:** The outcome of the visit will be fully discussed and recorded on Mosaic (both adult and child files as appropriate). The Fostering Team Manager will decide whether or not the matter can be concluded (usually in consultation with the child's TM if appropriate) and recorded as a Case Management decision on Mosaic. The outcome can be reviewed at the next routine household review or a decision made that one will be held sooner. Any actions or training identified through any of these processes should be followed up by the SSW and checked in supervision by the Fostering Team Manager.

If the social workers and the Team Manager(s) are not satisfied with the outcome of their joint visit then a recommendation can be made to upgrade the concern (Level 1) to a complaint (Level 2) and follow these procedures.

**Repeat concerns:** It must be borne in mind that a number or pattern of these concerns may result in a requirement to look at them in terms of the next level i.e. a complaint (Level 2). Persistent or repeated low level concerns about day to day care may constitute a real issue with regard to the quality of care, suitability or professionalism shown by the carer.

**Foster Carer Review:** If a review is required then this should be held within 28 days. The child's SW is expected to send a written report. The household review will make recommendations and will also need to consider if the matter should be referred to the fostering panel for consideration.

The Fostering Team Manager has the discretion to make a decision about whether or not the matter should be referred to the fostering panel.

The Fostering Team Manager should write to the carer detailing the outcome of the concern and should include a copy for the review, if this has been held, within 10 working days. A complaints leaflet must also be included. A copy of the letter is to be sent to the TM and SW for the child via Mosaic.

The concern should be recorded on Mosaic on the carers chronology.

### **Responding to a Complaint (Level 2)**

A professionals meeting will need to be convened chaired by either the TM for the child or the fostering team.

Whilst being rigorous, the process of this investigation needs to be proportionate to the circumstances of the case, as complaints will vary in terms of seriousness and their impact on any child concerned. There is a balance required in terms of safeguarding children, being fair to the carers and their families as well as looking at the impact on placement stability.

Depending on the seriousness of the complaint or the cumulative nature of any low level concerns social workers independent of the child or the foster carer may be required to undertake the investigation and provide some independence.

**Planning Meeting:** The following people should be invited to the meeting. They will attend prepared and with relevant records. For serious complaints Minutes of the meeting should be taken by a business support officer.

- Any nominated SW's to investigate the complaint (consider independence)
- The child's SW and TM,
- SSW and Fostering TM

Any practitioner with knowledge of the child such as

- Education:
- Health:
- IRO
- Youth Offending Service

Consider inviting

- Legal,

The planning meeting may need to consider the following information and issues;

- Details of the complaint;
- The views of the child if known in relation to the complaint or the placement;
- Significant information about the child(ren) including legal status, length of time in placement;
- The significance of any other previous concerns or complaints made against the carers or their family/members of the household. Any other relevant information about the carers. A **Chronology** must be available;
- Any other children living in placement and any information and actions in relation to them;
- Any information relating to any other children the carer may have contact with in any role;
- Information and views from the child's SW and TM and of the SSW and Fostering TM;
- Information and views from professionals involved i.e. school, health, IRO, Child's Guardian, if in court;

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- Whether or not the carers are aware of the concerns and if not how this should be managed;
- Whether or not the child's parents or those with Parental Responsibility are aware of the complaint and their views and how this should be facilitated appropriately and with consideration to the investigation and the rights of both the carers and the family;
- How and when to respond to the complainant and who should undertake this;
- Information and views from the carer, when known, about the complaint;
- Whether or not the children remain in placement and any support or safeguarding measures required. For a Level 2 concern removal is unlikely;
- Allocation of tasks and timescales;
- Further planning date (preferably within 28 days) to review or conclude matters;
- Does the matter remain a Level 2 complaint?
- Whether or not a notification to Ofsted or DBS referral is appropriate or if further information is required. Contact with either or both will depend on the criteria for notification/referral by both organisations.

The foster carers should be advised of the substance of the complaint as soon as possible and this should be confirmed in writing. The Fostering TM along with the SSW should arrange to meet with the carers to go through the complaint issues with the carers and gain their views/response to the complaint.

**Outcome of the investigation into the complaint**

Following the complaints meeting with the carers the Fostering TM will need to decide what plan of action is needed , if any. The following actions may be taken, for example,

- No further action required
- Further discussion is needed with the carer (recorded in supervision notes). This option could include the Practice Manager in a joint visit.
- The development of a specific training and development programme to address any issues identified regarding the carers practice as a result of the complaint.
- Bringing forward the carer's annual review with a report and specific recommendation to the Fostering and Permanence Panel.
- Referral to the LADO and relevant Child Care TM if it transpires the complaint warrants consideration of Child Protection and Safeguarding Procedures.

**Foster Carer Review**

A foster carer review is convened at the discretion of the Fostering TM and, in some circumstances (Level 1 and 2) a foster carer review may not be considered necessary.

Appendix A

For concerns (Level 1) and complaints (Level 2) the Fostering TM has the discretion to make the decision about whether or not the matter should be referred to the fostering and permanence panel. The decision making process should be followed.

The report for the Foster Carer Review will include;

- The nature of the complaint;
- The strengths and vulnerabilities summary from the carers original assessment report;
- All panel recommendations and minutes from all panel attendance;
- All recommendations and summaries from all previous foster carer reviews;
- Chronology of fostering career highlighting any previous concerns/allegations also highlighting any positives/strengths, ability to work with professionals, reason placements ended, particular challenges presented by children and foster carers ability to meet the needs of the child;
- Past strengths and vulnerabilities and support the department have provided in relation to the identified vulnerabilities;
- Placements made outside the terms of the carers approval;
- Any additional support and training provided to support the foster carer;
- Whether or not a notification to Ofsted or DBS referral is appropriate
- Any other information relevant to the carer or the child in placement.

The recommendation from the Foster Carer Review must be confirmed in writing to the carer along with a copy of the review report. The possible outcomes and recommendations are;

- Immediate re-instatement of the carer, if approval and use had been suspended;
- Re-assessment of the carer in relation to identified concerns;
- The carer choosing to resign (will still need to go to panel);
- The concerns identified are sufficiently serious to recommend termination of approval
- Further training or development needs;
- Reconsideration of the terms and approval (variation)

#### The Fostering and Permanence Panel

Following an allegation or complaint and the subsequent Foster Carer review the matter must be referred to a panel.

Carers must be invited to panel, the SSW and Fostering TM must attend. For all serious complaints and allegations the chair of the Foster Carer review should also attend.

In situations where the foster carer may have offered their resignation they should still be invited to panel and full information should be presented to panel to enable it to reach an informed recommendation and record their decision making which should include full reasons for recommendations made.

Appendix A

Prior to reaching any conclusions the panel must consider the following;

- Report of the complaint investigation;
- Foster Carer report and recommendations;
- Views of any childcare SW involved;
- Chronology;
- Any written representations by the carers;
- Any views of the child, where appropriate;
- A copy of the concluding letter from the Fostering TM;
- Any other relevant paperwork;
- Whether or not a notification to Ofsted or DBS referral is appropriate;

The panel should make recommendations in line with the requirements of the Fostering Service Regulations 2011 as they relate to all cases presented and the usual ADM (agency decision-making) process should be followed.