

Allegations Report

This report was prepared in May 2008 following discussions with foster carers in all 4 Kent areas. The purpose of the report is to open dialogue with KCC on the allegation process.

Allegations and Complaints

The KFCA have met with foster carers in WK, EK1, EK2 and MK to gather information on issues related to the allegation process. This report summarises the information gathered and is meant to form the basis of discussions with KCC management about improvements to the system.

The experiences of carers highlighted both the fear foster carers have of allegations being made and the emotional stress resulting from any allegation/ complaint. We also note the potential financial hardship that can result from allegations reducing income sometimes for lengthy periods.

Also of serious concern to carers is the need to protect their birth children from any potential allegation.

The key area of criticism is the support given to carers during and following an allegation. We note that the lack of communication with the carer during the complaint process leaves them feeling vulnerable and isolated.

Support

The National Minimum Standards for Foster Care (22.9) states “Information about the procedures to deal with investigations into allegations is made known to foster care staff, carers and children and young people and **includes the provision of independent support to the foster carer(s) during an investigation.**”¹

Support has several elements that need to be looked at independently.

- 1) Legal support is critical for a serious allegation that would involve the police or any potential court action. TFN (the Fostering Network) membership provides insurance to cover legal cost. Most KCC carers are not member of the tFN and, unlike most LA, KCC do not provide tFN membership to carers. *Foster carers propose a) that membership to the tFN should be mandatory and be seen as a professional requirement and b) that KCC should provide tFN membership to all their Foster Carers.*
- 2) We reviewed the 3 tiers of support that KCC provide according to their booklet². The overriding consensus was that this published level of support is not available when required. It is proposed that KCC take steps to ensure that the support documented is made available to carers in a timely manner and that the booklet is amended to clarify how the support can be accessed. It is suggested that the logical process to include would be that a foster carer request support via their fostering supervising officer in the first instance.

Keeping Foster Carers Informed

¹ www.dh.gov.uk

² Kent County Council Foster Care Service Allegations Booklet

6.27 of Working Together to Safeguard Children states: “Staff, foster carers, volunteers and other individuals about whom there are concerns should be treated fairly and honestly, and should be provided with support throughout the investigation process, as should others who are involved. They should be helped to understand the concerns expressed and the processes being operated, and be clearly informed of the outcome of any investigation and the implications for disciplinary or related processes. However, the police and other relevant agencies should always be consulted before informing a person who is the subject of allegations that may possibly require a criminal investigation.”

Of major concern to carers was the lack of communication during an allegation investigation. It often proved very difficult to track progress of investigation, timescales, dates etc. In complex cases, knowledge of the system needs to be improved.

When an allegation is made, KCC should make available the booklet ‘Protecting Children - Supporting Foster Carers’ (DfES, April 2006) as well as the KCC Booklet. Access to the main manual “Kent & Medway Safeguarding Children” section 11 “Allegations Against those who Work with Children” should be made available.

It is recommended, when a complaint or allegation has been initiated, that KCC produce a written letter to the carer which includes information about the process to be undertaken, highlights the carers rights, how to access support options available and provides a named contact who would provide the carer with information and keep them informed of progress. This should be completed immediately following the strategy meeting and not more than 3 working days later.

There have been highlighted cases where a carer has not been told an allegation is being investigated. Foster carers should always be informed of an allegation and only in exceptional cases where there are police investigations preventing such, they should be told what the allegation is about.

Confidentiality

Confidentiality was raised as an issue when support is provided. The support person allocated should provide the carer with information about ‘professional responsibilities relating to confidentiality’ and any limitations therein. In order to provide a demonstrably ‘arms length’ service, arrangements for monitoring, quality assurance, confidentiality, ownership of records and the supervision of the person providing independent support needs to be documented. The KCC allegations booklet should refer to where this document can be found.

Carers voiced strongly the need for an independent advisor; someone neutral of the LA who could liaise between relevant parties when necessary/appropriate, be available for support and accompany them to meetings etc. Carers requested too a counsellor who is independent of the Local Authority, with whom they (and/or members of their family) could discuss their feelings throughout the investigation process. It was suggested that carers might not avail themselves of such a service on learning that information shared during counselling could/would be fed back to the local authority. Access to and guidance on such procedures and ethical boundaries therefore would need to be included as part of the Foster Care Service Allegations Booklet, as well as information for carers obtaining an independent counsellor via the British Association for Counselling & Psychotherapy (BACP).

Financial Security

If a child is removed due to an allegation, KCC do continue to pay the reward element of payment until the conclusion of the investigation. We note that there are times that when a child has been moved from a placement, particularly if notice had been given by the carer, that they are more likely to make an allegation. During the period a allegation is under investigation, any vacancies the carer might have will not be filled. *We therefore propose that in all fairness, the reward payment should be made on the basis of number of places the carer is registered for.*

We also note that there is a strong argument that payment during an allegation should include a proportion of the maintenance fee which would cover overheads associated with fostering such as insurance, mortgage etc. Income tax guidelines allow an exemption of about £50 per week to cover the cost related to renting a room. *We are suggesting that a 30% proportion of the maintenance allowance would be a fair sum.*

When a complaint (as opposed to an allegation) has been made, children are not normally removed, but if they were, then the same rules would apply. If any restrictions are placed on new placements during an investigation of a complaint, then the same should apply as per above.

Training

All new carers are given 'safe care' training routinely. We suggest that there is a requirement to provide refresher training for those who have been fostering for a number of years. Not only would that enable carers to refresh their memory of the training, but with the experience gained they may benefit from more in-depth discussion of the risk and safeguards. It also gives the opportunity to discuss new technology risks, policy / guideline updates, etc.

We would also request that KCC develop a training package aimed at the older birth children of carers. This should be kept short and run in the early evening to enable attendance. Consideration should be given to extending this to other family members who might be involved (parents / siblings of carer and sons or daughters in law) and approved babysitters.

It is also proposed that a support group, lead by either a SW or an experienced carer with appropriate training, would be of benefit for those carers who have undergone an allegation. We have found there is significant post investigation emotions that carers need to deal with and this type of shared experience forum would be useful.

Timeframes

A complaint or allegation can be immensely stressful for the foster carer and their family. KCC staff need to remain aware of this and, within the constraints of the system, ensure the investigation is completed in a timely, fair and compassionate manner.

Government guidelines, (Working Together to Safeguard Children), gives a guide to timescales that would be reasonable for resolving complaints / allegations. They state that 80% of cases should be resolved within one month; 90% within 3 months; and all but the most exceptional cases should be completed within 12 months.

Currently KCC do not collect statistics on timescales taken to resolve complaints/allegations. We propose that this is rectified and that KCC take steps to meet the government guidelines.

We are aware that the current KCC processes of taking all complaints to panel may limit their ability to meet the target of completing 80% of investigations within one month. Consideration should be given to reviewing the process so that complaints proved unfounded after an initial investigation

should be dealt with without having to refer to panel. Reference to the complaint should be included in the next annual review.

By reducing the timescales, it will reduce carer stress.

Also note that tFN are campaigning for enforceable statutory time-scales to be set and the performance of fostering services to be monitored against them. To move in this direction now, would definitely be seen as good practice.

Foster Carer's Records

Under the Data Protection Act, carer's have the right to view records held by KCC about themselves. This right should be noted in the allegations booklet. It should also note that they may not have the right to amend the record but they do have the right to provide a written response to information held and for this to be included in their records.

Disclosure

When a child has made unfounded allegations in previous placements, this information must be made available to prior to placing with another carer to enable informed decision about the placement and ensure appropriate safeguards are put in place.

Complaints about Process

The KCC booklet should direct carers to where they can obtain information on making a complaint if they are unhappy about the way they have been treated or the way the investigation has been conducted.

Specific Comments on Allegation Booklet

The definition of a complaint versus an allegation is comparatively clear in the booklet. It is also true a complaint can become a Child Protection issue (allegation) or the other way round. It is therefore suggested that the booklet is renamed the 'Allegations and Complaints Booklet'.

In the section on 'Initial Strategy Discussion Meeting', there needs to be some clarity about when a carer is told there is an allegation (this is often not until after the strategy meeting) and to set a timeframe when they will be given verbal and written notification.

Some guidelines on written notification to the foster carer should be included. We would expect the notification to provide details of the allegation, estimates of timescales, planned meetings, and independent support arrangements and where to seek further information. A serious allegation would suggest legal advice is sought. A contact within KCC should be made clear who will be responsible for providing the carer information on progress etc. and who will be undertaking the investigation. Copies of the Allegation Booklet should be included.