

Fostering Advice and Mediation and Intercountry Adoption Service: Further Information in Relation to Statutory Requirements

Fostering Minimum Standards (2011)

Standard 22 - Handling allegations and suspicions of harm

Underpinning legislation:

- 11 – Independent fostering agencies – duty to secure welfare
- 12 – Arrangements for the protection of children
- 17 – Support, training and information for foster parents
- 30 – Case records relating to foster carers and others
- 36 – Notifiable events

Children Act 1989:

- Section 22 – General duties of local authority in relation to children looked after by them
- Sections 61 and 62 – duties of voluntary organisations and local authorities in relation to children accommodated by or on behalf of the voluntary organisation

Outcome:

Allegations and suspicions of harm are handled in a way that provides effective protection and support for children and the person making the allegation, and at the same time supports the person who is the subject of the allegation.

22.1) All foster carers, fostering service staff and volunteers understand what they must do if they receive an allegation or have suspicions that a person may have:

- a. behaved in a way that has, or may have, harmed a child;
- b. possibly committed a criminal offence against or related to a child; or
- c. behaved towards a child in a way that indicates he or she is unsuitable to work with children.

The fostering service ensures that the required actions are taken, or have been taken, in any relevant situation of which it is aware.

22.2) The fostering service's procedure is in line with Government guidance and requirements, including the duty to refer information to statutory bodies⁹. It is known to foster carers, fostering service staff, volunteers and children.

22.3) A copy of the fostering service provider's child protection procedures is made available to foster carers, fostering service staff, volunteers and children. Any comments on these procedures are taken into account by the provider.

22.4) The fostering service provider's child protection procedures are submitted for consideration and comment to the Local Safeguarding Children's Board (LSCB) and to the Local Authority Designated Officer (LADO) for Child Protection¹⁰ (or other senior officer responsible for child protection matters in that department). They are consistent with the local policies and procedures agreed by the LSCB relevant to the geographical area where

the foster carer lives. Any conflicts between locally agreed procedures and those of other placing authorities are discussed and resolved as far as possible.

22.5) Each fostering service has a designated person, who is a senior manager, responsible for managing allegations. The designated person has responsibility for liaising with the LADO and for keeping the subject of the allegation informed of progress during and after the investigation.

22.6) Allegations against people that work with children or members of the fostering household are reported by the fostering service to the LADO. This includes allegations that on the face of it may appear relatively insignificant or that have also been reported directly to the police or Children and Family Services.

22.7) A clear and comprehensive summary of any allegations made against a particular member of the fostering household, or staff member, including details of how the allegation was followed up and resolved, a record of any action taken and the decisions reached, is kept on the person's confidential file. A copy is provided to the person as soon as the investigation is concluded. The information is retained on the confidential file, even after someone leaves the organisation, until the person reaches normal retirement age, or for ten years if this is longer.

22.8) As soon as possible after an investigation into a foster carer is concluded, their approval as suitable to foster is reviewed. There is a clear policy framework which outlines the circumstances in which a foster carer should be removed as one of the fostering service provider's approved foster carers, in the interests of the safety or welfare of children. This is available to foster carers.

22.9) Investigations into allegations or suspicions of harm are handled fairly, quickly, and consistently in a way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation. Fostering services follow the framework for managing cases of allegations of abuse against people who work with children as set out in Working Together to Safeguard Children.

22.10) Fostering services ensure that a clear distinction is made between investigation into allegations of harm and discussions over standards of care. Investigations which find no evidence of harm should not become procedures looking into poor standards of care - these should be treated separately.

22.11) There is written guidance for foster carers and staff, which makes clear how they will be supported during an investigation into an allegation including payment of allowance and any fee to foster carers while investigations are ongoing.

22.12) During an investigation the fostering service makes support, which is independent of the fostering service, available to the person subject to the allegation and, where this is a foster carer, to their household, in order to provide:

- a. information and advice about the process;
- b. emotional support; and,
- c. if needed, mediation between the foster carer and the fostering service and/or advocacy (including attendance at meetings and panel hearings).

Adoption Minimum Standards 2013

Standard 11 – Intercountry - Promoting assessing prospective adopters

This standard applies to:

- Adoption Agencies
- Adoption Support Agencies

Underpinning legislation:

- Adoptions with a Foreign Elements Regulations 2005
 - Regulation 13 Requirements applicable in respect of eligibility and suitability
 - Regulation 14 Counselling and information
 - Regulation 15 Procedure in respect of carrying out an assessment
- Restrictions on the Preparation of Adoption Reports Regulations 2005
- Suitability of Adopters Regulations 2005

Further guidance:

- Statutory guidance Adoption July 2014- Chapter 3.

Outcome:

The adoption agency approves prospective adopters who can meet most of the needs of children who live outside the British Islands and who can provide them with a home where the child will be able to recover from the impact of their early life experience of loss and trauma, feel loved, safe and secure.

Standard

11.1. People who are interested in becoming adoptive parents and prospective adopters are treated fairly, without prejudice, openly and with respect. They are kept informed, on a regular basis, of the progress (or lack of progress) of their enquiry/application throughout the adoption process, in a manner which meets their individual communication needs. They are given regular opportunities to raise any specific concerns or questions, which are then answered as directly and fully as possible.

11.2. The assessment process is clearly explained to prospective adopters, including:

- the intercountry adoption process,
- details of requirements imposed upon prospective adopters by English legislation,
- information about the country or countries they wish to adopt from, including the eligibility criteria
- any laws governing adoption which the chosen country has in place that they must operate within
- details of fees involved in the application and post approval process,

- preparation, assessment and approval procedure, including checks, references, timescales and the prospective adopters' right to make representation to the adoption agency or apply to the Secretary of State for an independent review if the adoption agency considers them unsuitable to adopt at Stage Two of the approval process,
- adoption support,
- the adoption agency's expectation of prospective adopters, and
- how the adoption agency priorities applications to adopt children from outside the British Island and looked after children, including how they are referred on to other adoption agencies.

11.3. Agencies respond to requests for detailed information (following initial enquiries either to the National Gateway for Adoption or directly to an adoption agency) within ten working days, through an information session, a visit, pre-planned telephone call or similar arrangement with the prospective adopter.

11.4. The adoption agency issues a registration of interest form to the prospective adopters to begin Stage One of the process. On receipt of the completed form the agency decides within five working days whether to accept this. Where agencies are not currently recruiting, or do not currently have capacity they refer the prospective adopter to the National Gateway for Adoption or another adoption agency who they know is recruiting.

11.5. The agency completes Stage One of the adopter approval process within two months and Stage Two within four months unless there is good reason for not doing so or on request of the prospective adopter. The agency allows the prospective adopter to take an active role, advised by the agency, in the Stage One process. Certain previous adopters or approved foster carers are allowed to enter at Stage Two and receive a tailored assessment agreed by the agency and the applicants.

11.6. Applicants are given the opportunity to talk to approved adopters and adoptees.

11.7. Preparation courses are held and are made available to all prospective adopters. Preparation courses fit within a framework of equal opportunities, anti-discriminatory practice and are organised to encourage and facilitate attendance by prospective adopters, for example by including convenient times and venues. The effectiveness of preparation received is evaluated and reviewed annually.

11.8. Prospective adopters are prepared to become adoptive parents in a sensitive way which addresses and gives them skills, knowledge and practical techniques to manage the issues they are likely to encounter, and identifies the competencies and strengths they have or will need to develop. Preparation courses should give encouragement to prospective adopters, showing them the positive aspects of parenting a child as well as helping them to understand, for example:

- the impact of institutional care,
- the difficulties some children experience, such as neglect and abuse, and the effect on their development and capacity to form secure attachments,
- the key parenting skills and parenting capacities they need to care for children who have experienced neglect and abuse and who may be of a different ethnic or cultural background to the applicants,
- an understanding of the significance of the child's identity, their birth family, the need for openness to help the child to reflect on and understand their history, according to their age and ability, the role of contact, how to manage unauthorised contact,

including through online social networks; and the importance of significant memorabilia.

11.9. Prospective adopters understand why status and health checks, personal references and enquiries are undertaken about them and enhanced criminal records checks are required/made on themselves and adult members of their household.

11.10. Prospective adopters are considered in terms of their capacity to look after children in a safe and responsible way that meets the child's development needs.

11.11. The adoption team manager checks that the prospective adopter's report is accurate, up-to-date and has evidence based information which distinguishes between fact, opinion and third party information, before it is submitted to the adoption panel. The social worker who wrote the prospective adopter's report signs and dates it. The report is countersigned and dated by the adoption team manager (or a team manager of another adoption team within the agency) and the prospective adopters.