

## Complaints and Whistleblowing

### Description

# Complaints & Allegations Policy

<https://sparksfostering.org/wp-content/uploads/speaker/post-369.mp3?cb=1704325357.mp3>

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Sparks Fostering takes allegations of harm and complaints of poor service seriously and ensures that complaints and allegations are managed in accordance with the policies and procedures of the local Safeguarding Partnerships (previously known as Local Safeguarding Children Boards) and [Working Together guidance](#).

When a critical comment is made about the service provided by Sparks Fostering (including foster carers and staff), foster carers and staff members must ascertain if the comment (whether in writing or verbally) can be considered to be a complaint, standards of care concern, allegation, or whistleblowing.



## Complaints

Include expressions of dissatisfaction about the service provided. An example of a complaint would be if a foster carer used inappropriate language or if the fostering service hasn't replied to enquiries in a timely manner.

## Whistleblowing

Any concerns raised about the functioning of Sparks Fostering are considered to be 'whistleblowing' and are managed under the complaints policy. Examples of whistleblowing include the improper use of funds, misuse of company time, discrimination, or health and safety concerns. There is a clear duty to report to an appropriate authority any circumstances within the fostering service which is likely to significantly harm the safety, rights or welfare of any child placed by the service. Staff or foster carers who 'whistleblow' would not suffer adverse consequences in terms of their treatment within Sparks Fostering.

## Standards of Care Concern

Standards of care concerns are negative feedback regarding a foster carer that do not relate to abuse, neglect or serious issues (i.e. allegations). Examples of standards of care concerns include that the foster carer is not making themselves available to visits by the agency on an ongoing basis; they have missed appointments with staff; they constantly arrive late for training or they are displaying negativity about a child.

## Allegations

Allegations include claims or 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.

An example of an allegation would be if it was alleged that a foster carer had been verbally abusive towards a child in their care.

Complaints or allegations can be made by anyone (including children, birth parents, teachers, staff, panel members or members of the public), and be directed towards anyone in the organisation, including children, foster carers, social workers, senior managers, panel members or other staff. Children may ask someone they trust to submit a complaint on their behalf – for example they may ask a teacher, support worker or independent advocate to help them to express their views to Sparks Fostering staff.

Sparks Fostering can only handle and oversee allegations or complaints made against Sparks Fostering foster carers or staff; however, if we are made aware of allegations or complaints against anyone outside the organisation, we would share the information appropriately (with permission if

needed i.e. permission is only required if there are no safeguarding implications) and we would signpost the person making the complaint or allegation to appropriate services.

Complaints (including allegations) can be received in any format (verbally, in writing, in person or remotely etc.); the person receiving the complaint will ask to record the complaint and will ensure that sufficient information is provided to proceed.

Sometimes complaints or allegations by children are unfounded. Reasons for this may include that the child has been prompted to make allegations by family members, that the child wishes to damage the placement (and move back to their family or to another foster home), that the child is angry with the foster carer, or perhaps the child is confused or has misread a situation. Foster carers or staff may also make false complaints or allegations due to personal disputes or because they are trying to deflect attention away from their own poor practice.

This can be a frustrating time for the subject of the complaint, especially if the child is moved to another placement or it takes up a lot of time. If a child makes a false allegation or complaint, it should be seen to be part of the child's journey and we would hope that an appropriate response and good support for the child would lead to healing, learning and growth for the child.

When a complaint or allegation is made, the person making the complaint will not suffer adversely and will not be offered a different level of support as a result. In fact, complaints and allegations are considered to be a valuable part of personal and professional growth within Sparks Fostering. If it is considered that a complaint or allegation has been made maliciously, Sparks Fostering will work to identify the underlying reasons for the complaint and will work with the complainant so that they can be more confident and supportive of the work of Sparks Fostering.

The timescales for resolving complaints and allegations are difficult to predict; however, it is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months. For those cases where it is clear immediately that the allegation is unfounded or malicious, it is expected that they should be resolved within one week.

Complaints or allegations against a member of staff follow the processes outlined in this policy and may result in increased supervision, identification of training needs, or termination of employment. Complaints and allegations against staff would also be subject to the notifications outlined below (where appropriate).

The designated person (who is responsible for overseeing all safeguarding concerns) for Sparks Fostering is the Registered Manager.

## **Managing Complaints**

This process would be followed in case of complaints, standards of care concerns and whistleblowing.

### **Stage 1**

The first stage of managing a complaint (including standards of care concerns and whistleblowing) is to

attempt to deal with the complaint informally. This should be done with the involvement of the next senior person and their line manager. If children looked after are involved, their social worker would be notified. The Sparks Fostering Registered Manager will also be notified of all complaints at the point that the complaint was made and at the point that it was resolved.

The hierarchy of people who would have oversight of complaints is as follows:

1. Children looked after (their social worker is also notified)
2. Foster carer
3. Support worker
4. Supervising social worker
5. Registered Manager (informed immediately of all complaints)
6. Responsible Individual or Agency Decision Maker

For example, if a complaint is made by (or about) a child looked after, it would be discussed informally with the foster carer, who would notify the children's social worker and their Sparks Fostering social worker as soon as possible. The Sparks Fostering social worker would notify the Registered Manager and would also contact the children's social worker.

The person who is managing the complaint will keep the complainant informed of the progress of the complaint, including the steps to be taken and the expected timescales. The only exception is when it is decided (by social workers or their managers) that certain information is to be withheld for safeguarding purposes.

## **Stage 2**

If the complainant isn't satisfied with the outcome at stage 1, they may request an escalation to stage 2.

To initiate a stage 2 complaint, a summary of the stage 1 discussions and outcomes should be written up and provided to the Registered Manager. If the Registered Manager feels that the complaint could be managed as a stage 1 complaint and that appropriate time hasn't been provided for the complaint to be resolved, the Registered Manager may request that the complaint is returned to stage 1, alongside a plan of action and timeframe.

If the complaint is managed at stage 2, the Registered Manager may meet with the complainant and may arrange a meeting with all relevant professionals. Also, the Registered Manager will maintain oversight over the complaint until the point of resolution.

## **Stage 3**

If the Registered Manager feels that a complaint would be better managed by an external investigator, the complaint would be escalated to stage 3 and the Registered Manager would allocate a social worker (who is not involved in the incident) to investigate the complaint.

The complainant may request (in writing) that the Registered Manager to escalate the complaint to a stage 3 concern at any stage of the complaint; the Registered Manager will consider the request and reply to the request in writing.

All stage 2 and stage 3 complaints would be presented at the next available panel.

If there are concerns about the level of care provided by a foster carer or member of staff, a decision may be made to temporarily suspend their availability to take on any further placements. If there are serious concerns, which are evidenced, the panel may decide to deregister a foster carer and the Registered Manager may terminate the employment of a staff member.

## **Managing Allegations**

Allegations are overseen by the Registered Manager. If an allegation or complaint is made against a senior manager (Registered Manager, Agency Decision Maker or Responsible Individual), the response will be overseen by the other two managers.

Ofsted is notified of all allegations. It is also a regulatory requirement that allegations against people that work with children or members of the fostering household are reported by Sparks Fostering to the Local Authority Designated Officer. 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. Furthermore, as soon as possible after an investigation into a foster carer is concluded, their approval as suitable to foster is reviewed. See section '[Resignation and Deregistration](#)' for information about the circumstances under which a foster carer may be deregistered.

Allegations are particularly difficult for foster carers when they are untrue, especially when a foster carer has put a lot of effort into building a relationship with the child. Furthermore, allegations are particularly frustrating for the foster carers, because professionals may not be able to share the details of the allegation with the foster carers until the investigation is concluded. In addition to these challenges, the children may be removed from the foster carer's home and it may not be possible to place any more children into the home until the matter is resolved.

This may leave the foster carers feeling hurt because they may miss the child, they may feel like they've been judged unfairly, they may be frustrated that they haven't been given any information about the allegation, and they may be disappointed that they didn't achieve the outcomes that they wanted for the child. Foster carers may also be frustrated that they won't have the fostering allowance until the matter is resolved and they can resume caring for children in our care – some foster carers may be able to access respite payments or bridging payments during this time.

Sparks Fostering staff will do their best to provide emotional support to foster carers or staff who are subject to allegations; it should be noted, however, that it's not permissible or appropriate to share details of an investigation until the investigation is concluded.

## **Independent support and advice**

Sparks Fostering offers independent support and advice to foster carers (and members of their

household) and staff if it is requested during the process of investigation into an allegation.

The independent support will provide:

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

Foster carers may wish to note that they also have a right to bring a 'supporter' to panel; however, this is a different role to the independent support offered during an allegation. Foster carers may access support from their support network (including advisory fostering organisations); however, Sparks Fostering involvement with the support network is limited to the supporters right to attend panel (as outlined in the 'Panel Meetings' policy). The support arranged directly by foster carers cannot be used to fulfil the role of independent allegations support, reviewing officer or any other statutory function of Sparks Fostering. Sparks Fostering is not obligated to communicate directly with the foster carers' support network and any fees arranged with the support network would be paid by the foster carer.

## **Outcomes**

Complaints and allegations are concluded with a letter to the complainant, with the following outcomes and the justification for the outcome:

### **Substantiated**

Where there is enough identifiable evidence to prove the complaint or allegation. If formal action (i.e. notification to other services) is not required, Sparks fostering will aim to institute appropriate action within 3 working days. If action is required and can be done without further investigation, this will be done within 15 working days. Formal action may include increased supervision, identification of training needs, more frequent reviews, termination, or any other course of action suggested by the investigator.

### **Unsubstantiated**

Where there is insufficient evidence to prove or disprove the complaint/allegation. The term, therefore, does not imply guilt or innocence

### **Unfounded**

Where there is no evidence or proper basis which supports the complaint/allegation being made. It might also indicate that the person making the complaint/allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

### **Malicious**

Where there is clear evidence to prove there has been a deliberate act to deceive and the complaint/allegation is entirely false. Where it is clear immediately that the allegation is unfounded or

malicious, it is expected that they should be resolved within one week.

## **False**

There is enough evidence to disprove the complaint/allegation.

## **Notifications**

The following services may also be notified during or after investigations into complaints (including whistleblowing and standards of concerns) and allegations:

## **The Registered Manager**

The Registered Manager maintains oversight over all complaints and allegations. The Registered Manager is to be notified once any action required as part of the investigation is completed. The Registered Manager is reminded regularly of any outstanding responses.

In accordance with National Minimum Standard 29 the Registered Manager ensures all relevant persons and authorities (including LADO, LSCB/Safeguarding Partnerships, and Ofsted) are informed within 24 hours of significant events and allegations. Any verbal notification is followed up at the earliest opportunity in writing.

The Registered Manager will coordinate professionals meetings to discuss stage 2 and 3 concerns or allegations; invitations may be sent to the fostering social worker, the fostering social worker's manager, the children's social worker, the children's social worker's manager, a representative from any other involved local authority; and any other involved professionals.

If a complaint is made about the Registered Manager, the Responsible Individual will identify an appropriate professional to handle the complaint.

## **Foster carer or staff**

Foster carers and staff are notified if there is a complaint or allegation made against them or against children in their care. The Registered Manager and supervising social worker will liaise with other involved professionals to determine how much information can be shared with the foster carer or staff member; in some circumstances it may not be possible to share any information while the investigation is ongoing.

## **Other members of the household, the children's family and significant others**

The Registered Manager will liaise with other professionals to decide if any other people should be notified of the complaint or allegation. GDPR is adhered to, meaning that confidentiality is respected; except when information sharing is necessary for safeguarding purposes (in line with Working



Together statutory guidance).

## **children in our care**

The Registered Manager and supervising social worker will meet with other professionals to determine what information (if any) should be shared with the children in our care, and if additional support would be put in place.

## **Children's services**

Children's social care would be notified if there are concerns about the care provided to children looked after, or if there are concerns about care provided to any children (or vulnerable adults). The children's social worker may subsequently lead the investigation.

## **Police/DBS**

If, during the course of investigation into a complaint or allegation, it is found that someone may have committed a crime, the police will be notified. Any subsequent investigation may be led by police (possibly joint with children's social care). If police are notified and the foster carer is arrested, the foster carer may wish to appoint a solicitor to represent them.

DBS service and police are notified of all allegations that a child placed with foster parents has committed a serious offence.

Police are also notified if it's suspected that a child placed with foster parents is involved in prostitution.

## **Local Authority Designated Officer (LADO)**

If concerns (even those that on the face of it appear relatively insignificant) are raised which suggest that a foster carer or member of staff may not be suitable to work with children, young people or vulnerable adults, a referral would be made to the Local Authority Designated Officer (LADO).

## **Ofsted**

Ofsted will be notified of: death of a child placed with foster carers; when a foster carer is reported to LADO; serious illness or serious accident of a child placed with foster parents; outbreak at the home of serious infectious diseases; suspected involvement of the child placed with foster parents in prostitution; serious incident requiring police being called to the foster carer's home; any serious complaint about any foster carer; or child protection enquiry involving the child placed with foster carers.

## **Other local authorities**

If it is thought that the child was placed at risk while visiting another local authority, the local authority would be notified.

Also, if the child is placed by a local authority outside of the foster carer's home, both the local and placing authorities would be informed.

## **The team around the child**

Other professionals (such as education and health professionals) may be notified of the complaints and allegations. They may also be invited to professionals meetings.

## **The fostering panel**

The outcome of completed stage 2 or 3 complaints and allegations against foster carers would be presented at the next available panel, where the foster carer's approval as suitable to foster is reviewed. If there are ongoing concerns about foster carers ability to care for children, the foster carer's approval status may be put on hold while a review is presented at the next panel.

If a foster carer resigns during the process of the investigation, it may not halt the investigation. Resignation would be presented at the next available panel. The panel comments would be stored on file alongside the complaints and allegations records.

## **Record keeping and confidentiality**

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 subject of the investigation 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. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future CRB Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction, and will prevent unnecessary reinvestigation if allegations re-surface at a later date.

Malicious allegations are removed from personnel records and unsubstantiated, unfounded and malicious allegations are not referred to in references.

Every effort is made to maintain confidentiality and guard against publicity while an allegation is being investigated/considered. In accordance with the Association of Chief Police Officers guidance, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. In

exceptional cases where the police might depart from that rule, for example, an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand.

The system of self-regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.

## **Contacts**

Complaints or allegations can be made directly to any foster carers or members of staff linked to Sparks Fostering.

Alternatively, the agency can be contacted at

### **Address**

Sparks Fostering (c/o Tay Jiva MBE), East Tower, Deansgate Square, 9 Owen Street, Manchester, M15 4UG

### **Phone**

0161 262 0999

### **E-mail**

[info@sparksfostering.org](mailto:info@sparksfostering.org)

## **Ofsted**

If there are concerns about the way that Sparks Fostering is being run, Ofsted may be notified. Ofsted is the regulatory body for all fostering providers: Ofsted's role is to ensure that fostering providers are compliant with fostering regulations and guidance.

### **Address**

Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD

### **Contacts**

**General Enquiries:** 0300 123 1231

**Concerns:** 0300 123 4666

## E-mail

enquiries@ofsted.gov.uk

# Children's Commissioner

If complaints or allegations are not handled in a satisfactory manner, and there are concerns about institutional level failures, the Children's Commissioner may be notified. The Children's Commissioner promotes and protects the rights of children, especially the most vulnerable, and stands up for their views and interests.

## Address

Children's Commissioner for England, Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT

## Contacts

020 7783 8330

## Website

www.childrenscommissioner.gov.uk

## Additional resources (optional)

### Allegations support

The Centre of Excellence in Child Trauma has produced an '[Allegations support pack](#)' for foster carers who are subject of an allegation from a child they have cared for.

### Workplace bullying

'Family Lives' has produced a series of short articles on the topic of bullying, which can be accessed via the following links:

[Bullying at work](#)

[Myths and stereotypes about workplace bullying](#)

[Recovery from workplace bullying](#)

[Serial bullies in the workplace](#)

[Traits of a serial bully](#)

**Date Created**

July 3, 2022

**Author**

user