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Independent support for foster carers facing allegations or concerns

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March 2024

This document is intended to provide direction in relation to what is, and the purpose of independent support for foster carers facing allegations, or where ongoing suitability is in question. The guidance can be shared with foster carers, panel members, anyone working within or on behalf of the fostering agency, and independent supporters to offer clarification of the role.

The fostering regulations and standards across the United Kingdom highlight the requirement for all fostering services to provide independent support to their foster carers:

Fostering Services National Minimum Standards - (NMS 11 - England - 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:

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

National Minimum Standards, Care Inspectorate, Wales (22.9)

Information about the procedures to deal with investigations into allegations is made known to foster care staff, carers, children, and young people and includes the provision of independent support to the foster carer(s) during an investigation.

Appendix 3 - Managing allegations against foster carers and approved kinship carers - How agencies should respond - gov.scot

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.

Regional Policy and Procedure for Managing Allegations and Complaints made in respect of Foster Carers in Northern Ireland

Foster carers should be advised that they can have independent support to accompany them to the foster panel.

Independent support to foster carers

It can be very difficult when an allegation is made against a foster carer or a member of their family/ household. It can evoke feelings of disbelief, confusion, and anxiety which can lead to being angry, upset, hurt, let down, etc. However, fostering services are required to take part in the investigation and this can lead to foster carers feeling abandoned and alone - this should not be the case and independent support can be invaluable during this time.

Independent support can provide independent, confidential advice to foster carers facing an allegation or serious concern, to ensure foster carers are informed and supported. This service offers foster carers a safe place to share concerns and worries. Fostering agencies should be committed to carers receiving support and advice to help foster carers through a very difficult time.

Foster carers are entitled to bring a "supporter" to the fostering panel, acting as a source of support. This is someone who can listen to any concerns being raised and be able to talk to the foster carer following the meeting. A benefit of this person being present is that they might capture things that the foster carer misses due to them feeling anxious, worried or upset in the meeting. The independent supporter is not there to talk on behalf of the foster carer, as those present in the meeting need to hear directly from the foster carer. Having someone there can be helpful, especially if they arrive and leave with the foster carer, so they have a "listening ear" to clarify and support outside of the meeting.

What is independent support?

The role of the independent supporter is to take a balanced approach, with the welfare of the child remaining paramount at all times. The role is to inform, clarify and enable foster carers to present their views of the allegation, complaint or standards of care enquiry. They can also capture the discussion and decisions being made in case the foster carer needs to talk through what this means for them later. The independent supporter might advise the foster carer on the process being undertaken to ensure that the process is transparent and that policies and procedures are adhered to. Where this is not the case, the independent supporter might advise the foster carer on how they seek clarity from and challenge the fostering agency.

It is essential that foster carers have the opportunity to speak to someone independent of either the placing local authority or the fostering agency to express their views, have a listening ear, and verify that the investigation/complaint is being dealt with fairly and in a timely manner.

Who can be an independent supporter?

A foster carer may choose to bring a friend, or may instead choose to access the independent support that is offered through the fostering agency. This does not mean that the support being offered by the agency is not independent - fostering agencies have identified professionals who are knowledgeable about legislation, fostering regulations, national minimum standards and how policy or process the agency has adopted might be applied.

Some foster carers do not choose to accept any independent support services that are offered and may opt to provide their own supporter, however, the same role applies.

Who will provide the support?

Independent supporters that many agencies recommend might be qualified social workers or someone with a sound knowledge of fostering who does not work for the agency. They will be skilled in the following areas:

- Sound knowledge of fostering practice and the legislation and standards that inform the fostering requirements
- Excellent listening skills
- Ability to promote good practice
- Ability to support the foster carer to present information clearly, both verbally and in writing
- Ability to represent the views of others, as appropriate in a non-confrontational way
- Ability to enable and support foster carers to present their case to the fostering service
- Ability to demonstrate commitment to equality and diversity
- Ability to ensure that safeguarding remains a priority, and children's welfare is paramount at all times

What will the independent supporter have access to?

All information about any concerns, allegations or standards of care reviews that will be considered in any meetings, or review documentation will be shared, as appropriate directly with the foster carer (unless there is a criminal investigation or information that could compromise children's safety, which will be directed by the police, or investigating safeguarding officers). The supporter is not entitled to request this information and access should only be shared with the foster carer and those directly involved with the investigation.

Where foster carers have access to information that is about children in their care, they must not share this with anyone as this is confidential information that the foster carer has access to as part of their foster carers'

agreement in their role of caring for children. The fostering agency should ensure that all policies, procedures and relevant agency information, such as the statement of purpose, is made available to the foster carer. This enables them to consider if the agency has followed any national guidelines, and the fostering agency's own policies and guidance. Where children or third parties are not identified the foster carer might choose to share this information with their supporter so they can consider together what this means and how this is being applied.

If the foster carer chooses to bring a lawyer to support them, they should not act as a lawyer, they should act in the same capacity as any other independent supporter.

If the foster carer chooses to bring a trade union representative to support them, they are attending as an independent supporter, as discussed within this document.

When and how can foster carers access this support?

Foster carers are entitled to request independent support if they are faced with any of the following:

- Allegations or investigations
- Standard of care review
- Where ongoing suitability is being considered by the fostering agency

Fostering agencies would usually put in a request to their identified independent support service and provide details of the foster carer so they can make direct contact. If the foster carer has declined the offer of independent support and has identified an alternative person to support them, the foster carer should advise the agency of who this is so anyone involved in the meetings is made aware.

Some independent support services require a cost, and the fostering agency will need to be clear on any initial hours of support that will be funded. This is likely to be kept under review and a short mid-way meeting could be arranged to provide an update and overview to date, to determine any additional support hours that may be required, and supported.

Support is likely to involve telephone/virtual contact at a mutually agreed time, however, there may be times when it is better to meet in person. This support package can be determined between the foster carer, their supporter and knowledge of the fostering agency so they can agree to the type of support and any costs.

What can a foster carer share with their independent supporter?

They are there to listen. However, they should remain impartial and only comment on how the investigation process is being dealt with, rather than agree or disagree with foster carers.

They can listen to and acknowledge how carers are feeling and they might also be able to signpost to other useful support and guidance.

Should there be anything said that could potentially result in harm to a child, the independent supporter cannot withhold information and must relay this to the relevant professional(s).

At the end of the support period, the independent supporter might provide a brief report highlighting their work, however, if this is helpful for all, the report will not divulge actual conversations as these are confidential between the carer and the worker (unless this concerns safeguarding children).

Throughout any investigation or concerns, the foster carer(s) will continue to receive ongoing support from their supervising social worker as they are required to undertake any statutory work, such as supervisory

visits. However, they will not ask about the foster carers' independent support, this is personal and will remain separate.

Foster carers should continue to work alongside the fostering agency in their role as foster carers and adhere to the agreement they made in their foster carer's agreement and their terms of approval. Foster carers should continue to access support and learning and development opportunities that will continue to be available even if there are no children placed with the family. This is essential for foster carers to evidence their ongoing commitment as foster carers, as the fostering agency is required to provide evidence within any foster carer review of foster carers' ability to meet the requirements of their role, and how the agency has continued to support this in the review period.

Fostering agencies have a duty of care to foster carers and their families, and should provide additional support to foster carers to help them learn and develop. This includes providing supportive opportunities before any recommendation to terminate the approval, however, foster carers must be available to accept this support.

At all times everyone should consider the child's views and feelings and children should be seen alone to ensure they feel safe and cared for.

Attending fostering panel

Following the closure of any investigation or concern, the fostering agency will follow its own process in relation to foster carers' reviews.

The usual practice will be to undertake a foster carer's review and this will be completed with the foster carer alongside the supervising social worker, who will make recommendations, with reasons. Following this, there will be a review meeting that is often undertaken by an independent reviewing officer, who will be impartial

and provide their own recommendations, with reasons.

Foster carers will always have access to the report and an opportunity to read, sign and add their comments.

Foster carers are entitled to bring someone to the fostering panel to ensure they do not feel alone. However, the members of the panel will want to hear from the foster carers, so are likely to introduce the process and ask that the independent supporter does not talk on the foster carers behalf, but takes notes so they can summarise the meeting with the foster carers following panel (in case carers have missed something or need to seek clarification).

If foster carers would like to speak to their independent supporter at any point during the meeting, or they feel they have some guidance to offer, then a request for a brief break in the process could be appropriate, where the agency is likely to provide some privacy to talk matters through.

The panel chair is likely to confirm the time available to pause the meeting, and as long as the panel members have all the information they require to make an informed recommendation, with their own reasons, they are likely not to defer the meeting and are within their rights to reach the recommendations, with reasons to support the decision-making process, undertaken by the agency decision maker (ADM).

The fostering agency, the fostering panel, and the ADM should do their utmost to ensure matters are dealt with, without unnecessary delay and as fairly as possible. Should the foster carer not agree with any decision made, they have the right to make a representation back through the fostering panel process, or request their representation be heard by the Independent Review Mechanism (IRM England)/ (IRM Cymru), more information is available on their websites.

For carers in Scotland, they can appeal against the decision and have 28 days to make a representation,

and for carers in Northern Ireland their appeal will be considered by an independent panel, clarification of rights and process should be made clear by the foster carers' fostering agency.

This will be the end of any independent supporter intervention.

Final thoughts

Facing allegations, or being questioned about ongoing suitability to be a foster carer is a difficult time for all concerned, and fostering agencies should be able to evidence how they have communicated with their foster carers, provided the right support and learning opportunities, and made reasonable adjustments, so that foster carers can be the best they can be, which can improve practice and give opportunities to learn and develop following allegations and complaints. Also, it is important to demonstrate the role the agency plays to equally improve its own practice, all of which is essential to achieve the best possible outcomes for children.

Where possible, all concerned should promote the speedy resolve as stated in NMS 11 (England) – 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.”*

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