

Children Living Away From Home

Multi-agency Protocol 2

Children Living Away From Home

Introduction:

- 1.1.1 Recent Inquiries, most noticeably the Waterhouse Inquiry into the widespread abuse within residential establishments across North Wales, have highlighted the vulnerability of children and young people who are living away from home to abuse by adults who are in a position of trust.
- 1.1.2 This section on children who are living away from home has been included in the Wiltshire/Swindon Child Protection Procedures to emphasis the importance of all of us, exercising particular care, vigilance and energy in our approach to safeguarding and promoting the welfare of these children and young people.
- 1.1.3 This section draws on the Waterhouse Inquiry, National Standards in Foster Care and Working Together to Safeguard Children and is set out as follows:
 - ◆ Key principles underpinning our approach to children living away from home.
 - ◆ Responding to allegations of abuse in foster care or residential homes.

1.1.4 Key Principles underpinning our approach to children living away from home.

- θ Children and young people who are looked after should be actively encouraged to speak out if they have concerns about their care. Statutory reviews should routinely check out the accessibility of the Children's Rights Officer to the child or young person, the child or young person's knowledge about the complaints procedure and who a child or young person would tell if they felt unsafe in any way while they are being looked after.

- θ Children and young people who are looked after who do not have regular contact with their family should all have access to an Independent Visitor.

- θ Children and young people who are looked after should have regular direct contact with their social worker, which should take place away from the foster home or residential home.

- θ Staff in residential homes/schools and foster carers should receive training, regularly updated, in all aspects of safeguarding children.

- θ Rigorous recruitment and selection processes should be in place for all staff who have substantial unsupervised contact with children who live away from home.

- θ All agencies should have a whistle-blowing policy, which is regularly reviewed and re-submitted to staff members.

- θ All agencies who are involved with children and young people who are living away from home should be particularly mindful of their vulnerability and be responsive to any concerns, which emerge about their care.

- θ Children in residential schools who are not looked after should have ready access to a trusted adult who is not employed by the residential school.

- θ Residential schools, residential homes and foster homes should all have in place anti-racist and anti-discriminatory policies, which are rigorously implemented. These policies should recognise that racism causes significant harm and that failure to consider the effects of racism may undermine efforts to protect the children from other forms of significant harm.

Residential Homes/Residential Schools and Foster Homes should have in place anti-bullying policies and strategies, which should be rigorously enforced.

1.2 RESPONDING TO ALLEGATIONS OF ABUSE IN FOSTER HOMES

1.2.1 The duty of the Social Services Department to conduct Section 47 Enquiries when there are concerns about significant harm to a child applies on the same basis to children who are in foster care as it does to children who live with their own families.

1.2.2 However, foster carers stand in a particular relationship with the department; whilst they are not employees, neither are they members of the public. The following considerations should apply therefore when there are concerns that a child in a foster home has suffered or may be at risk of suffering significant harm:

- ∅ Enquiries must be completed as thoroughly and quickly as possible in recognition of the Local Authorities direct responsibility for looked after children.
- ∅ Every attempt should be made to ensure that the enquiries have a strong independent component. This will usually involve referral to the NSPCC Regional Special Investigation Service. Where this is not possible the Emergency Duty Team may be asked to undertake these enquiries. In exceptional circumstances where neither are available the enquiry should go ahead but this should be undertaken by another Fieldwork team.
- ∅ Foster carers should be given as much information as is possible throughout the process of enquiry and support for them should be actively encouraged, recognising the stressful nature of these procedures.
- ∅ The enquiries should involve a comprehensive approach, addressing the foster carers previous history of looking after children and young people, exploring the context in which the concerns have arisen and addressing any associated needs i.e. support and training.
- ∅ The fullest possible information should be made available to those undertaking enquiries by those who have in-depth knowledge of the foster carers and the children who are the subject of enquiries. It is important that this information is provided in an open accessible way.

1.2.3 Procedure

Any staff from any agency who receives a report that a child in a foster home is suffering or may be at risk of suffering significant harm, must report this immediately to Social Services.

1.2.4 On receipt of this information the relevant Fieldwork Manager with operational responsibility for the child who is the subject of these allegations, must be informed.

1.2.5 The Fieldwork Manager should then immediately inform the Area Manager or in their absence the other Area Manager. In the absence of either Area Manager, the Principal Officer, Child Protection & Quality or the Assistant Director (Children and Families) should be consulted.

- 1.2.6 The Area Manager receiving the report should decide whether the allegation gives the department reason to believe that the child has suffered or may be suffering significant harm.
- 1.2.7 If the allegation does meet this criterion, the area manager should appoint a Fieldwork Manager to convene a strategy meeting and co-ordinate the enquiries. NB this Fieldwork Manager should be from another team.
- 1.2.8 The Fieldwork Manager appointed to co-ordinate the enquiries will consult with the Area Manager regarding whether any action is needed prior to the strategy meeting in relation to immediate protection of the children and the need to inform parents and/or foster carers of the nature of the allegation.

1.2.9 Strategy Meeting

The following should be invited to attend the strategy meeting:

- NSPCC Regional Special Investigation Service or EDT,
- Police
- Fieldwork Manager
- Social Worker for the child/children,
- Family Placement worker for the foster carers
- Family Placement Manager
- Children's Rights Officer.

1.2.10 The meeting should take place as soon as possible following the first report to the Area Manager. The immediacy of this will depend on the nature of the allegation.

1.2.11 The meeting should review the information available and should make one of the following decisions:

- θ Joint enquiries by Police and NSPCC (or EDT)
- θ Single agency enquiry by NSPCC (or EDT)
- θ The concerns relate to standards of fostering rather than risk of significant harm and therefore the matter should be dealt with as a fostering issue.
- θ No further action on the basis that further information available at the meeting leads to the conclusion that the concerns cannot be substantiated. In these circumstances foster carers should be informed that an allegation has been made, and that the decision of the strategy meeting will be recorded on their file.

1.2.12 If further enquiries under Section 47 are agreed as necessary the meeting will agree:

- o The scope and timescale of the enquiries including the proposed date for a debriefing meeting at the conclusion of the enquiries.

- o How/whether the parents of the child or young person should be informed about the outcome of the strategy meeting.
- o How the carers will be informed of the outcome of the strategy meeting and how they will be enabled to access support during the process of these enquiries.
- o Whether the carers fostering payments should continue for the duration of these enquiries.
- o Whether the child/children who are the subject of the enquiries should remain in a foster home pending the outcome of the enquiry. NB this should include consideration of the safety of the foster carer's own children.

1.2.13 The Section 47 Enquiry

1.2.14 The scope of these enquiries will have been outlined at the strategy meeting. As indicated at the beginning of this section, the enquiries should be thorough and should involve ascertaining information about children previously placed with these foster carers.

1.2.15 The nominated investigation managers i.e. the team manager for NSPCC Regional Special Investigation Service and the Police Sargeant of the Child Protection Unit are responsible for co-ordinating all aspects of these enquiries.

1.2.16 Where the child is accommodated under Section 20 the parents of the child should give consent to the child being interviewed and medically examined. Where the child is subject to a Care Order the parents should be encouraged to give consent wherever possible but interviews and medical examination can go ahead without this consent.

1.2.17 The enquiries should allow the foster carers to give a full account of their understanding of the concerns, which are the focus of the Section 47 Enquiries and to identify for themselves any associated needs in relation to support and training.

1.2.18 The Debriefing Meeting

1.2.19 The debriefing meeting will be chaired by the Fieldwork Manager who chaired the strategy meeting.

The meeting may make the following decisions:

- o If the outcome of the Section 47 Enquiries is that a child/children are at ongoing risk of significant harm a Child Protection Conference should be called. NB any child or young person who is looked after and who is identified as being at ongoing risk of significant harm if they remain with the foster carers will be removed from this placement immediately. A Child Protection Conference will therefore only be held in respect of the foster carer's own children.

- o A recommendation to the Area Manager should be made regarding whether immediate suspension of the fostering approval should take place pending the next meeting of the foster care panel.
- o If no evidence of significant harm has been found but the enquiries have revealed concerns about the standard of fostering, the procedures for major breaches in standards in foster care should be followed. (see Foster Care handbook)
- o If there is no evidence to indicate that any child has suffered or is likely to suffer significant harm, nor have any significant issues regarding standards of foster care arisen the meeting can decide to take no further action.
- o Consideration needs to be given to how the foster carers and parents of the child/children will be informed about the outcome of the enquiries and the debriefing meeting. In relation to the foster carers this should normally take the form of a meeting between the Family Placement Manager, Link-worker and Fieldwork Manager or Area Manager and the foster carers to explain the decisions reached.
- o Following receipt of the Report from the debriefing meeting, it is the responsibility of the Area Manager to consider the recommendations from the meeting, consulting with the foster care panel as appropriate.

1.2.20 In all circumstances a brief report of the enquiry and its outcome should be prepared by the foster carers Link-worker for presentation at the foster care panel. A copy of this report and any recommendations made at the debriefing meeting should be also given to the Principal Officer (Child Protection & Quality).

1.2.21 Support for Foster Carers During and After the Enquiries

1.2.22 As indicated above foster carers are entitled to a high standard of support during the process of these enquiries.

1.2.23 Foster carers are entitled to seek support from NFCA and should be encouraged to seek their advice and support during the process.

1.2.24 Family Placement Officers should support foster carers by explaining to them the process that is being followed and by ensuring that the carers understand their rights and responsibilities in the situation. NB it is not appropriate for the Family Placement Officer to discuss the progress of the enquiries or to express an opinion about the likely outcome.

1.3 RESPONDING TO ALLEGATIONS OF ABUSE WITHIN LOCAL AUTHORITY RESIDENTIAL HOMES

1.3.1 If any member of staff from any agency has reason to believe that a child or young person has suffered or is likely to suffer significant harm within a Local Authority Residential Home they must inform Social Services immediately.

- 1.3.2 In whatever way such an allegation comes to light, the Social Services staff member in receipt of this information should contact the line manager of the worker against whom the allegation is made, immediately.
- 1.3.3 The line manager must inform the area manager immediately who must subsequently notify the Assistant Director (Children and Families).
- 1.3.4 The Area Manager in consultation with the Assistant Director (C&F) would decide on the basis of the information available whether or not there is reason to believe that a child or children has suffered or is likely to suffer significant harm and therefore whether a Section 47 Enquiry should take place.
- 1.3.5 If a Section 47 Enquiry is to be undertaken, the Area Manager will set up and chair a strategy meeting within 24 hours of the allegation being received.
- 1.3.6 The strategy meeting should be attended by the following:
- o NSPCC Regional Special Investigation Service
 - o The Line Manager of the worker against whom the allegation has been made
 - o The Police
 - o The Social Worker for the child or young person
 - o The Social Worker's Line Manager
 - o The Children's Rights Officer
- 1.3.7 The strategy meeting should review the information available and address the following issues:
- o Are there grounds for recommending immediate suspension of the worker pending the outcome of the enquiries?
 - o If suspension is not considered appropriate, are there grounds for moving the worker to another establishment pending the outcome of the enquiries?
 - o What support will be provided for the worker and the child/children during the process of these enquiries?
 - o What is the scope of these enquiries? Which other children/staff members should be interviewed in order to ensure that a full account is obtained of the nature and context of the concerns which have led to the Section 47 Enquiry?
 - o How should the child/young person and parents be informed of the S47 Enquiry? What information should be provided?
 - o Consideration should be given to whether the information available merits a joint enquiry between police and NSPCC or whether this should be a single agency enquiry undertaken by NSPCC.

- o The timescale of the enquiry should be agreed and a date set for the debriefing meeting.

1.3.8 The Section 47 Enquiry Process

1.3.9 The Section 47 Enquiries should follow the same process as that outlined in the section on Responding to Allegations of Abuse in Foster Homes.

1.3.10 **NB** *particular sensitivity is needed in relation to the vulnerability and anxiety of children and young people who are interviewed within a residential setting as part of these enquiries. Consideration should be given to the role of the Children's Rights Officer in supporting young people who are engaged in this process.*

1.3.11 Attention also needs to be given to the impact on the staff team within the residential establishment and recommendations regarding ongoing support for the staff team should be included in the report to the debriefing meeting.

1.3.12 As is the case with foster carers, the staff member against whom the allegations have been made should be given every opportunity to give a full account of his or her understanding of events which gave rise to the Section 47 Enquiry and should be encouraged to identify any further support or training needs which have relevance to the nature of the concerns.

1.3.13 Debriefing Meeting

1.3.14 The Debriefing Meeting should consider the outcome of the Section 47 Enquiries and any further recommendations, which have been made by NSPCC and/or the Police.

1.3.15 There are four possible outcomes from a Section 47 Enquiry:

- o The concerns have been substantiated and criminal proceedings are underway.
- o The concerns have been substantiated but it is not appropriate or there is insufficient evidence to pursue a criminal investigation.
- o The concerns have not been substantiated but areas of poor or unacceptable practice have been identified
- o The concerns have not been substantiated and no specific areas of concern in relation to the workers practice have been identified.

1.3.16 Depending on which outcome has been reached a recommendation should be made to the Assistant Director (C&F) regarding the onset or continuing suspension of the member of staff and/or the need for the instigation of disciplinary procedures.

1.3.17 In the event of concerns not being substantiated and no further action being taken, support should be given to the staff member in recognition of the stressful nature of these enquiries.

1.3.18 It is important that the outcome of the debriefing meeting, the recommendations to the Assistant Director (C&F) and the outcome of these recommendations are all carefully recorded and placed on the Personnel file of the member of staff.

1.3.19 As indicated above, consideration should be given to follow up support for the staff team depending on the nature and outcome of the Section 47 Enquiry.