Children and Families Service

Title	Managing Complaints, Allegations and Any Other Concerns Relating to Foster Carers Policy
Policy Area	Fostering
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Equality and Diversity: Hackney is committed to promoting equality and diversity in all its activities to promote inclusive processes, practices and culture. This policy was updated to ensure that it caters to cultural differences and contains gender neutral language and is inclusive of our LGBTQI+ children and young people.

Anti-Racism Position Statement: "Hackney's Children and Families Service is committed to eradicating systemic racism, discrimination, injustice, making anti-racism a foundation of our practice. We will be a voice and force for change, for every child and family that we work for and with, to recognise and address the impact of racism on children and families within our practice, to apply our anti-racist principles in all of our interactions with and decision-making about children and to determinedly and actively, demand the same from our partners. We will be committed to calling out racism, discrimination, microaggressions and will ensure that this is addressed at all levels in the council to ensure that children and their families and the workforce are supported and valued.

Within Hackney Children and Family Service, we acknowledge the harm and impact of racism and that the experience of our Black staff and those from other global majority ethnic groups, is not the same as that of our white staff and we are committed to ensuring that all voices are represented and heard at every level providing support to staff who experience work-based racism and microaggressions. To that end, making sure that our workforce reflects the community which we serve, especially at the senior leadership level."

Systemic Practice: Our core values are driven by systemic principles and they underpin how we do our work in Hackney and the way we behave. This includes:

- **Context: *We see the bigger picture.*** Children and families are part of a wider set of systems and relationships, including race, religion, culture, gender, family stories and beliefs.
- **Collaborative: *We work with, not to.*** We don't separate or elevate ourselves from families. We want to understand and learn from the people and communities we work with. We understand that our own experiences can affect our views and decisions.
- **Curious: *We always want to understand.*** We know we cannot always know things for certain; we are continuously curiously creating, testing and creating our

thoughts and ideas around the way things are and why.

- **Relationships:** ***We focus on relationships.*** The problem is the problem, not the person. By working together, we believe we can find solutions. We do not blame or judge, and we do not focus on labels.
- **Multiple Voices/ Many Truths:** ***We know all viewpoints are valid.*** There is no single truth or 'one right way' of doing things. We aim to hear and understand all perspectives in order to open up opportunities for change and to safely manage risk and uncertainty.

Privacy notice: The Council takes the security of personal data seriously. It is necessary in order for our service to do its work that sometimes personal and private information will be gathered, collected, stored and shared in a secure and confidential way. For further information on this, please check the Council's privacy notice homepage

Managing Complaints, Allegations and Any Other Concerns Relating to Foster Carers

Contents

1. Purpose
2. The Statutory Framework
3. Principles and Expectations
4. Definitions
5. Support Offered to Foster Carers
6. Processes and Procedures
7. Serious Concerns and Allegations
8. Standards of Care Process
9. Confidentiality and Information Sharing
10. Complaints Procedure

Appendix A: Hackney Local Authority Designated Officer (LADO) Flowchart - Fostering Specific
Appendix B: Hackney's Standards of Care Assessment Template

1. Purpose

This policy has been developed to support staff in their duties when investigating standards of care or allegations made in relation to foster carers. The policy also makes reference to Hackney's complaints procedure. This policy may also be helpful to foster carers to refer to for their consideration.

There are three processes that this policy refers to:

- Investigating standards of care concerns in relation to foster carers;
- Allegations made against foster carers; and
- Complaints made by and against foster carers.

2. The Statutory Framework

This policy is situated within the context of the following legislation and guidance:

- The Children Act 1989;
- The Children Act 1989 Guidance and Regulations Volume 4: Fostering Services (Department for Education, 2011);
- Fostering Services: National Minimum Standards (Department for Education, 2011);
- The Fostering Services (England) Regulations 2011;
- London Safeguarding Children Procedures; and
- Working Together to Safeguard Children 2018.

3. Principles and Expectations

Complaints and allegations by or on behalf of children looked after by Hackney are always taken seriously and the overriding principle to all procedures is that the needs of the child are paramount. The highest priority is to ensure that looked after children receive safe and supportive care which is of the highest standard. It is acknowledged that the complex and sensitive work foster carers are required to undertake means that there will be occasions when complaints and concerns are expressed about them as a result of misunderstandings or difficult relationships. When concerns are expressed Hackney Children and Families Service (CFS) have a duty to investigate these thoroughly. It is recognised that this process can be uncomfortable for carers, though the clarification arising from investigation can also be beneficial to carers, especially if misunderstandings are resolved through improved communication.

Allegations or concerns that a foster carer has caused harm to a child through abuse or neglect will be investigated thoroughly, speedily and sensitively under set procedures and will involve open and honest communication with, and support to, all those affected. It is important to also note that, though there may be insufficient evidence to support a police prosecution, this does not mean that action cannot be taken to protect a child nor that the termination of a foster carer's approval cannot be considered.

When a care arrangement is agreed, a number of expectations apply for both staff and foster carers:

- At the time of a child's care arrangement, foster carers will be provided with detailed information as to the child's background and in particular the context of any abusive experiences and/or previous allegations made by the child.
- All foster carers will receive preparation, safer caring training and guidance to help provide a safe environment for the child and all members of the foster family.
- All foster carers will be familiar with and will adopt the procedures for recording on a daily basis the progress of children placed with them, including any incidents or complaints, and understanding that these procedures have been made to protect all those involved in the child's placement, particularly at times of high stress and will provide important evidence if an allegation is made.
- All staff within the fostering service are aware of the requirements of this procedure, including the role of the Disclosure and Barring Service.

4. Definitions

Complaints and allegations will be dealt with under the most relevant procedure depending on the nature of the issues raised.

Allegations

Working Together to Safeguard Children 2018 states that:

> An allegation may relate to a person who works with children who has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

In addition to these, an allegation or concern may arise about a foster carer not directly related to their work with children, but which may present a risk of harm to children in regular contact with them. In such instances, these procedures would also apply.

In some cases, an allegation or concern about someone closely associated with a foster carer (for example, a partner, member of the family or other household member) may present a risk of harm to children being cared for by the foster carer. In such instances, these procedures would also apply and the following points should be considered:

- The ability and/or willingness of the foster carer to adequately protect children;
- Whether measures need to be put in place to ensure children are protected; and
- Whether the role of the foster carer is compromised.

Allegations that involve possible harm to a looked after child will be dealt with in line with the London Safeguarding Children Procedures. Please see section 7 of this guidance for detail.

Serious Concerns

A serious concern may arise from a single incident or complaint, or from a series of incidents or complaints. The fostering service may have serious concerns about a carer, which may not warrant investigation by the local authority under child protection procedures. Examples of serious concerns may involve issues of disciplining fostered children, or non-cooperation with contact arrangements with fostered children's families. Complaints or concerns that raise issues about the standard of care provided by the carer will be dealt with under Hackney's Standards of Care Process, especially where agreed National Minimum Standards are not being adhered to. Please see section 8 of this guidance for detail.

Complaints

A complaint about a foster carer may be made by a fostered child, a parent (or anyone with parental responsibility for the child), a foster carer, or anyone with a legitimate interest in a child's welfare. Most complaints should be able to be resolved at an early stage with the fostering service, however some complaints may need to be resolved formally via Hackney's complaints procedures. Please see section 9 of this guidance for detail.

Staff and carers should be aware that any complaint, concern or allegation has the capacity to be redefined after initial referral or part way through a procedure, depending on forthcoming information, and may therefore need to be dealt with under a different process.

5. Support Offered to Foster Carers

All Hackney foster carers are members of the Fostering Network, which provides them with a free legal advice and expenses scheme.

In order to support foster carers when concerns are expressed, the fostering service will:

- Contact carers to inform them that concerns have been expressed regarding the quality of care provided. The carer will be told the substance of the concern;
- Ensure that the investigation is carried out by a competent and experienced worker;
- Signpost the carer to independent advice and support while the investigation in the complaint is carried out and once the findings have been reported;
- Ensure that foster carers are treated fairly and with transparency;
- Keep the carers informed throughout the process of investigation;
- Provide mediation between the foster carer and child's social worker if needed; and
- Inform foster carers on how they will be supported emotionally, what financial support is available whilst they are under investigation and how long they will be supported for (see Foster Carer Fees and Allowances Policy).

Support Available to the Foster Carer or Connected Carer

Fostering social worker	Your fostering social worker should continue to keep in regular contact to provide ongoing support. Sometimes we are unable to give you much information about the allegation, so as not to prejudice the independent investigation. We will give you more information as soon as we are able.
Independent support from Fostering Network (advocacy)	Referral via fostering social worker.
Fostering Network support line	020 7401 9582 from 10am to 3pm, Monday to Friday (answerphone if busy) Email: info@fostering.net
The payment of fees during the investigation	• Weeks 1 to 4 - 100% of the equivalent age-related fostering allowance at Level 1 • Weeks 4 to 8 - 50% of the equivalent age-related fostering allowance at Level 1 • No payment will be made after week 8 Only the skills element will be paid during this time, as the basic allowance is intended for the care of the child.

If a serious concern or allegation is made against a foster carer, immediate action may be necessary to safeguard the welfare of the child, and the child's social worker, Practice Development Manager (PDM) and/or Consultant Social Worker (CSW) may decide to request that a new care arrangement is identified. Any decision to suspend making further placements with the foster carer while an investigation is being conducted should be communicated in writing to the foster carer by the fostering service manager.

6. Processes and Procedures

Where a concern is raised, this must be shared with the fostering service PDM and/or CSW if the complaint or allegation is serious. All serious concerns and allegations made against a foster carer must be reported by the fostering service to the Local Authority Designated Officer (LADO) in the local authority in which the foster carer resides, within **one working day** of the notification. The decision as to which appropriate route to follow will be made between the LADO and the CSW or PDM, in consultation with the fostering service manager and the following factors will be considered:

- The level of seriousness;
- Whether inappropriate conduct took place;
- Whether poor practice took place;
- Whether reasonable restraint was used;
- Whether significant harm was caused; and
- Whether criminal behaviour took place.

When informed of a concern or allegation, the CSW or PDM and LADO should:

- Obtain written details of the concern or allegation, signed and dated by the person receiving the allegation (rather than the child or adult making it);
- Approve and date the written details;
- Record any information about times, dates and location of the incidents or incidents and names of any potential witnesses; and
- Record decisions about the child and/or foster carer, any decisions made and the reason for those decisions.

Allegations about foster carers will most likely be reported to either the fostering social worker or the child's social worker. The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations; or
- Promise confidentiality.

They should:

- Give assurance that the information will only be shared on a 'need to know' basis;
- Make a written record of the information (where possible, in the child or adult's own words), including the time, date and place of the incident or incidents persons present and what was said;
- Regarding allegations of physical abuse, they should record a written description of any injuries or marks that are immediately obvious; and
- Sign and date the written record.

If they are not the person to whom the allegation or concern was first reported, the child's social worker must also immediately be made aware of any concerns raised about the child's carer.

Where a child is placed with an independent fostering agency (IFA), the expectation is that the independent support social workers should follow their own agencies' procedures and notify the service manager in writing of any investigation and outcomes.

In line with the National Minimum Standards (22.7), information on allegations should be retained on file at least until the person concerned reaches normal retirement age, or for ten years if that is longer. The purpose of the record is to enable accurate information to be given in response to any future request for a reference.

Suspension of foster carers should be considered where:

- there is cause to suspect a child is at risk of significant harm;
- the allegation warrants investigation by the police; or
- the allegation is so serious in nature, it might be grounds for recommending termination of approval.

Suspension should not be seen as an automatic response to an allegation or be imposed reflexively. In some cases, it will not be immediately obvious that suspension is appropriate. The need for suspension may only become clear after information has been shared, and/or following discussion with other agencies at a strategy meeting.

If a decision is reached where we would not wish to place any further children with the carer during an investigation, then suspension should be considered.

If a foster carer is suspended, payment of their fee will continue as detailed in section 9.

7. Serious Concerns and Allegations

The London Safeguarding Children Procedures are invoked when an allegation, concern or complaint is made indicating that a foster carer has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

The Agency Decision Maker (Head of Service, Corporate Parenting) is required to inform the regulatory authority, Ofsted, about all allegations and serious concerns against foster carers that relate to the above. Refer to Schedule 7 of The Fostering Services (England) Regulations 2011 for further details of notifiable events.

Initial Consideration

The LADO and fostering service should first consider whether further details are needed and whether there is evidence or information that establishes that the allegation is false or unfounded. If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or likely to suffer significant harm, the child's social worker must convene a strategy meeting within **24 hours** of the notification and decide whether the child can be safeguarded within the placement or whether removal of the child from the placement is

required. The strategy meeting can be combined with an Allegation Against Professional[1] strategy meeting (AAP), which should be chaired by the LADO.

The police must be consulted about any case in which a criminal offence might have been committed. If the threshold for significant harm is not reached for children's social care involvement, but a police investigation might be needed, the LADO should immediately inform the police (via the MASH), request an 87A referral to the child abuse investigation team (CAIT) for initial evaluation and convene an AAP strategy meeting.

Strategy Meeting

The purpose of the AAP strategy meeting is to decide if an investigation is necessary, and, if so, how it should be carried out. Detailed information on who should be invited and what the meeting should consider are found in section 7 of the London Safeguarding Children Procedures. Foster carers are not invited to AAP strategy meetings but their views should be represented in their absence by the Fostering Service or via another representative.

The minutes of the meeting must contain clear action points and clear timescales for each action, and should be circulated immediately after the meeting. Copies of the action points and the minutes should be held on the child's and the foster carer's records. Any decision to take no further action following the AAP strategy meeting must be clearly recorded by the Fostering Service on the child's and the foster carer's records.

Investigation and Action

Unless there are circumstances when the details or nature of the allegation cannot be shared immediately, the foster carers should be advised of the allegation as agreed at the AAP strategy meeting and of the process to be followed in the investigation. This includes the possibility that an Initial Child Protection Case Conference may be convened in relation to their own children. If this happens, the Independent Chair must be consulted in advance to discuss whether the foster carers should be invited to attend. In any event, the foster carers' views must be obtained and communicated to the Conference.

Where considered appropriate by those at the AAP meeting, the foster carers should be given the opportunity to respond to the allegations before any final decision is made about necessary action to protect the child and other children in the household. Such protective action may include asking the person against whom the allegation has been made to leave the household while the investigation is conducted.

Concluding the Investigation

A final AAP strategy meeting or strategy discussion should take place to conclude the investigation. If a formal meeting takes place, the same people should be invited and the same person should chair the meeting.

[1] This meeting might also be referred to as the Allegations Against Staff and Volunteers strategy meeting

The purpose of the final strategy meeting is to agree on the outcome of the investigation and responsibilities for any further action, including reviewing the foster carer registration, reporting on the matter to the Fostering Panel and/or considering whether it may be appropriate to make a referral to the Disclosure and Barring Service (DBS) for inclusion of the foster carers on the Children's Barred List.

The AAP strategy meeting should take into account the following definitions when determining the outcome of allegation investigations:

- **Substantiated:** There is sufficient identifiable evidence to prove the allegation.
- **False**: There is sufficient evidence to disprove the allegation.
- **Malicious:** There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- **Unfounded:** There is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
- **Unsubstantiated:** This is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence.

Possible outcomes include:

- If the Fostering Service remains concerned, the foster carer will require an immediate review of approval. Please refer to the annual review process. Any change of approval or de-registration must be taken to the Fostering panel following the annual review;
- Referral to DBS;
- Suspend further placements;
- Initial Child Protection Case Conference held for carer's own children;
- Police prosecution and criminal conviction;
- Professional advice and training; and
- No further action.

If a review or termination of approval is sought, foster carers are entitled to have an advocate present at any Fostering Panel meeting. Should a foster carer not be in agreement with a chance or termination to their fostering approval terms, they are able to make a representation to the Independent Review Mechanism (IRM) for an independent review.

The Fostering Service must ensure that, within **two weeks** of the concluding AAP strategy meeting or discussion, a letter is sent to all parties, including the foster carers, outlining the summary conclusions reached and actions to be taken (detail to be agreed at the AAP strategy meeting or discussion). The child's social worker should inform the child, the parent and other children in the placement or involved, if deemed appropriate. All relevant documents in relation to the investigation, whatever the outcome, must be retained on the child's and the foster carer's records. Foster carers are not automatically entitled to a copy of the documents and any requests in this respect must be undertaken through Subject Access Request or Freedom of Information Act procedures.

Consideration should be given to holding a debriefing meeting for all involved as to the impact of the allegations and the investigation, whatever the outcome, and any necessary assistance should be made available as necessary.

8. Standards of Care Process

Standards of care are achieved through high standards of practice in recruitment, preparation, training, support, supervision and review. The standards of care procedure refer to National Minimum Standards not being adhered to by foster carers and do not include concerns of a child protection nature.

Any perceived fall in standards of care should be identified quickly by fostering social workers and addressed in supervision with the foster carers. Support should be provided to raise the standard of care to an acceptable level. As part of supervision, the social worker should clearly document the concerns, conversation, decision and ongoing support and monitoring in the case notes.

If a lapse in standards of care continues or it is decided that a concern expressed will be investigated under the standards of care procedure, the Practice Development Manager (PDM) is responsible for ensuring the following takes place within **28 days**. The concern must also be put in writing by the person who has expressed it in order for the procedure to be invoked.

Joint Visit

If appropriate, a joint visit should be made to the foster carers by the Fostering Service and the child's social worker to explain the concerns and seek clarification. The outcome of this visit must be fed back to the Fostering Service CSW or PDM, who will make a decision on the appropriate actions to be taken in consultation with the child's CSW as appropriate. The relevant Service Managers should be informed about the decision, as should the child's Independent Chair and the LADO if appropriate.

Planning Meeting

A standard of care planning meeting should be held and chaired by the Fostering Service CSW or PDM. The meeting should include:

- The foster carer;
- The Fostering Service CSW;
- The child's social worker;
- The child's Independent Chair (optional); and
- A support person for the foster carer (optional).

The foster carer should also be encouraged to submit a report to the meeting outlining their version of events. The meeting will be minuted by the Fostering Service unit coordinator.

The standard of care planning meeting should agree a plan of action and the process for informing the carers of the concerns. All decisions must be recorded with actions clearly ascribed to individuals, setting out timescales for the completion of these where appropriate. In some cases, it may be necessary to hold more than one planning meeting. The meeting should consider, along with the purported lapses in standards of care currently being reviewed, the foster carers' previous (good) conduct and fostering history.

Information about the standard of care concerns should be gathered from relevant sources jointly by members of the Fostering Service and the child's social worker, but it is the responsibility of the Fostering Service to collate this information.

Investigation and Plan

If, at any point during the process, information emerges to suggest that the nature of the concern warrants consideration of the London Safeguarding Children Procedures, consultation should take place with the LADO without delay.

As part of the investigation, a number of outcomes may be decided and may include a combination of the following:

- In cases where there is no substance to the concern or the issue has already been addressed - no further action.
- In cases where there is some substance to the concern but the issues can be dealt with through normal supervision, further discussion with the foster carers should take place in supervision and progress in addressing concerns be recorded. The foster carer's annual review (which can be brought forward if necessary) should consider whether concerns have been sufficiently resolved and whether the case needs to return to the fostering panel.
- In cases where there is significant substance to the concerns but the issues can be dealt with through supervision and training, a specific training and development plan should be put in place to address the concerns. The foster carer's annual review should consider whether concerns have been sufficiently resolved and whether the case needs to return to the Fostering Panel.
- In cases where concerns may affect registration, the foster carers' annual review should be brought forward and the report from this and specific recommendations should be presented to the Fostering Panel for consideration. This may, in some circumstances, include a recommendation for the termination of the carer's approval or a recommendation to change to the carer's terms of approval. If a review or termination of approval is sought, foster carers are entitled to have an advocate present at any Panel meeting. Should a foster carer not be in agreement with a change or termination to their fostering approval terms, they are able to make a representation to the Independent Review Mechanism (IRM) for an independent review.

In all cases where standards of care procedures have been invoked, a judgement must be made about whether it is appropriate to notify the Fostering Panel. This decision will usually be made in the foster carer's annual review. Where significant concerns have been identified and the annual review has been brought forward, the case should return to the Fostering Panel as soon as possible after the conclusion of any investigation (with a detailed report presented to the panel) on the agreement of the Head of Service (Agency Decision Maker). Consideration should also be made about whether or not to invite the Independent Chair.

Post Investigation

Serious concerns about a foster carer approved by Hackney Council must be notified to the Regulatory Authority, Ofsted and to DBS if appropriate. Notification must be made through

the Agency Decision Maker. See Critical Incidents in Foster Placements guidance for more detail.

In those instances where concerns are not deemed serious under the Fostering Service Regulations, the outcome of the investigation, and any action to be taken, must be recorded on the carer's file and communicated in writing to all parties, including carers, within **28 days** of the complaint being investigated.

Foster carers will be able to have access to records held about them under Hackney's policy on access to files, subject to them not normally having access to any confidential third-party information unless permission has been obtained from the person or persons concerned. Foster carers will also be able to record their own views about any complaint or its investigation and have these records placed on their file.

9. Confidentiality and Information Sharing

Children, if sufficiently mature, and their parents should be helped to understand the process involved and be kept informed about both the progress of the case and, where there is no criminal prosecution, the outcome. This will include the outcome of any fostering review process, but not the deliberations of, or the information used at, a Fostering Panel.

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and the person about whom the allegation has been made (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who have a need to know in order to protect children, facilitate enquiries, and manage related disciplinary or suitability processes.

The police should not provide any identifying information to the press or media, unless and until a person is charged, except in exceptional circumstances, for example an appeal to trace a suspect. In such cases, the reasons should be documented and partner agencies consulted beforehand.

In cases which are likely to be high profile and may attract media attention, the Council's communications team should be notified and a press release drafted in case it is required. The police may similarly prepare a press release for the same reason. Advice on this will be provided by the LADO.

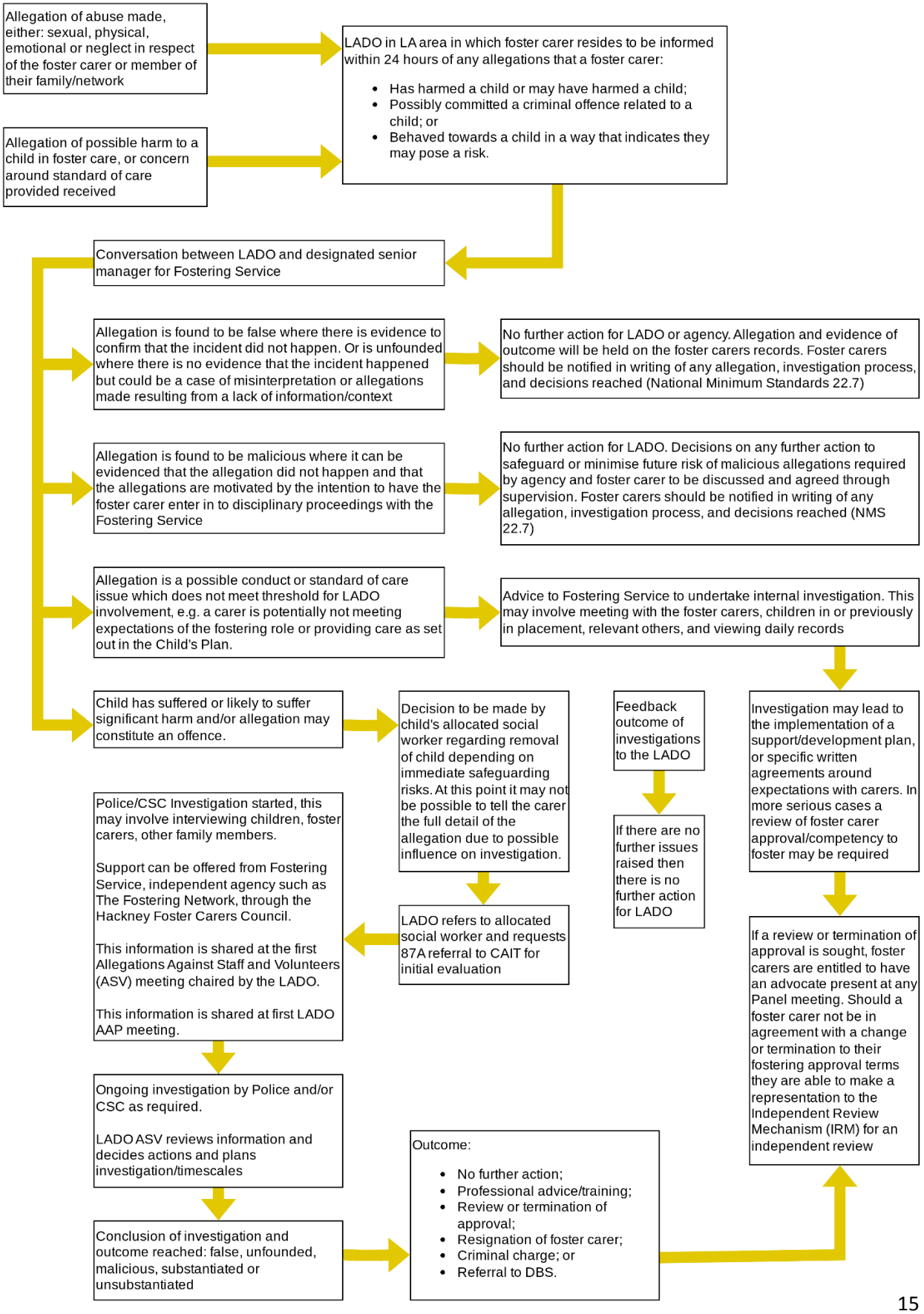
10. Complaints Procedure

The Hackney complaints procedure is available to any child, young person or parent wishing to make representation or complaints. Sometimes a complaint can be dealt with informally through the Fostering Support Unit and may typically relate to a service request, however there are times when complaints need to be dealt with in a formal capacity.

If the decision is made that the concern does not meet the child protection threshold or is not a breach of standards of care, then the matter may be dealt with under Hackney's corporate or statutory Children's Act complaints procedure. In this case, the Complaints team will record the complaint and advise on who should investigate and respond to the complaint within the required timescale.

The time limit for making a complaint is usually 12 months from the date that the complainant became aware of the problem. Please contact the Complaints team for more information at Children.Complaints@Hackney.gov.uk or on 020 8356 5800.

Appendix A: Hackney Local Authority Designated Officer (LADO) Flowchart - Fostering Specific



Appendix B: Hackney's Standards of Care Assessment Template

Hackney's Standards of Care Assessment Template

Report for Standards of Care Investigations

Name of Carer(s)	
Current approval including preferred age range	
Children involved and Legal Status	

Reason for referral

Chronology

A list of all names of all children previously placed with the carers and their dates of birth

Relevant Fostering National Minimum Standards being considered with supporting evidence

(Please refer to any relevant NMS (including sub-points) e.g. Standard 4.1)

Standard 1- The child`s wishes and feelings and the views of those significant to them.

Standard 2- Promoting a positive identity, potential and valuing diversity through individualised care.

Standard 3- Promoting positive behaviour and relationships.

Standard 4- Safeguarding children.

Standard 5- Children missing from care

Standard 6- Promoting good health and wellbeing

Standard 7- Leisure activities

Standard 8 – Promoting educational attainment

Standard 9 – Promoting and supporting contact.

Standard 10 – Providing a suitable physical environment for the foster child.

Standard 11 – Preparation for a placement.

Standard 12 – Promoting independence and moves to adulthood and leaving care.

Actions Taken

Include any sources used e.g who has been interviewed, any reports referred to etc.

Conclusion

Main areas of vulnerabilities

Positives

Recommendations

Signature…….. author of the report…… Date…….

Signature……Practice Development Manager……Date…….