

Managing allegations and 'standards of care' concerns

Paul Adams 2025



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1. Allegations of harm

The arrangements for dealing with ‘allegations of harm’ against foster carers and members of their household are set out in *Working Together to Safeguard Children (2023, p.108)*. Each fostering service is required to have a ‘designated person’ who is a senior manager responsible for referring to the Local Authority Designated Officer (LADO) where there is an allegation that a foster carer or member of their household 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*
- *behaved towards a child or children in a way that indicates they may pose a risk of harm to children*
- *behaved or may have behaved in a way that indicates they may not be suitable to work with children*

The requirement to refer to the LADO is repeated in *Fostering Services National Minimum Standards (NMS) 22.6*, with an additional comment that encourages the reporting of allegations ‘that on the face of it may appear relatively insignificant’.

All organisations and agencies working with children and families are expected to have clear policies for dealing with allegations against people who work with children, and as set in paragraph 3.75 of statutory guidance accompanying the *Fostering Services Regulations 2011*, these should ‘reflect the requirements of the Local Safeguarding Children Board of the area where the foster carer lives, and as far as possible those of the responsible authority’.¹ There are also requirements (paragraph 3.78) to ensure that the foster carer’s record includes ‘a clear and comprehensive summary of any allegations made [including] details of how the allegation was followed up and resolved’.

Statutory guidance stresses the importance of distinguishing between allegations and ‘standards of care’ concerns:

3.72 The fostering service must make a clear distinction between investigations into allegations of harm and discussions over standards of care. An investigation which finds no evidence of harm should not become a procedure to look into poor standards of care, which should be addressed separately.

¹ Under the Children and Social Work Act 2017 Local Safeguarding Children Boards were replaced by a requirement for local authorities in England to establish safeguarding partnerships and child death review partnerships.

2. 'Standards of care' concerns

'Standards of care' concerns are not defined in regulations, statutory guidance, or NMS, but presumably sit somewhere on a continuum between good or average parenting, and harm or abuse. By definition they must fall short of the 'harm' threshold for an allegation, as described above. Some practitioners have talked about 'standards of care' concerns as potentially referring to practices that might be deemed acceptable in parenting generally, but which fall short of the high standards that might reasonably be expected of approved foster carers.

It is difficult to list matters that would constitute a 'standard of care' concern, as opposed to an allegation of harm, not least because frequency or severity may be a significant determining factor, and a single incident or behaviour cannot easily be seen in isolation. Context will often be important, and differences in human judgement mean that these matters cannot be easily categorised. That said, Williams (2021, p.95) attempts to set out some circumstances and behaviours that might be deemed 'standards of care' concerns, including:

- *poor standards in the home, or [in relation to] the child's hair care, diet or clothing*
- *inappropriate language towards children*
- *failure to show emotional warmth to the child or to apply suitable discipline or boundaries*
- *lack of honesty and transparency*
- *being unreasonably demanding or non-compliant*
- *not reporting young people missing, not keeping appointments, maintaining adequate records or attending training*
- *not using the fostering allowance appropriately*

It is important to recognise that even where a foster carer has not harmed a child, their actions or inaction might mean that they are not fully meeting that child's needs. In such situations, any short-comings of the foster carer will need to be addressed, and they will need to be supported to improve the fostered child's experience.

Additionally, 'standards of care' can also be applied to failures to meet what is expected of foster carers, such as not working effectively with others, poor record keeping, or failing to evidence personal development. Although these issues may not always immediately link to sub-optimal outcomes for children, they have potential to impact adversely in the future. Many fostering services use the *Training, Support and Development Standards for Foster Carers* (TSDS) as a framework against which to judge foster carer performance.

In the absence of clear guidance that defines ‘standards of care’ concerns, or specifies the requisite approaches to managing them, it is left to practitioners to develop appropriate practice. This practice note advocates an approach that distinguishes between:

- ‘Standards of care’ *discussions*, that take place within supervision, and
- ‘Standards of care’ *investigations*, that are a stand-alone process.

3. The process for managing allegations and ‘standards of care’ concerns

The flow chart contained at the end of this practice note attempts to set out the process for considering and managing allegations and ‘standards of care’ concerns, and practitioners might find this helpful as they consider the discussion that follows.

When a precipitating incident or issue comes to light, the supervising social worker and their line manager and/or the ‘designated person’ should arrange to have a discussion. The seriousness of the matter will determine how quickly that discussion needs to take place.

If it is deemed that the harm criteria have been met, or might have been met, then there is a requirement to refer the matter to the LADO for consideration. This is considered further in section 4. If the incident falls short of the harm threshold, then it will likely need to be considered as a ‘standards of care’ concern. Different approaches to managing these concerns are considered in sections 5, 6 and 7, and it is suggested that the fostering service might undertake a ‘standards of care’ investigation, have a ‘standards of care’ discussion, or consider the matters within a foster carer review.

Whatever pathway is deemed the most suitable, it is important to recognise that the child is at the centre of the fostering experience, and their voice should be central to any investigation or discussion.

4. Referral of allegation to LADO

When considering a precipitating incident or issue, the supervising social worker and their manager will need to decide whether that concern sufficiently meets the 'allegation of harm' criteria that requires them to make a referral to the LADO. As noted previously, NMS 22.6 encourages the reporting of allegations 'that on the face of it may appear relatively insignificant', so where there is any doubt about whether the 'harm' threshold is met, the matter should be referred. Perceptions regarding thresholds can differ, and the failure to refer an allegation is a serious matter with potentially serious consequences.

In considering the referral, the LADO will categorise the situation in one of three ways, deeming it to be either:

- i) An allegation that meets the ('section 47') 'significant harm' threshold
- ii) An allegation that meets the 'harm threshold' (but not 'significant harm')
- iii) Not an allegation, but potentially a 'standards of care' concern

The LADO Network (undated) have developed a threshold document that provides guidance to LADO's about how to categorise and work with the referrals that they receive. The document notes that the 'LADO does not conduct investigations directly, but rather oversees and directs them to ensure thoroughness, timeliness and fairness'.

Allegations (significant harm)

When a referral is deemed by the LADO to meet the 'significant harm' threshold, it will require a strategy meeting/ discussion, which – if the threshold continues to have been met – will be followed by a 'section 47' inquiry that is undertaken by the local authority, with or without police involvement. This inquiry will be conducted entirely independently of the fostering service, who will be updated at appropriate stages, and at the conclusion of the investigation.

In some local authorities it is the norm for 'Position of Trust' (POT) or 'Allegations against Professional or Volunteers' (APV) meetings to be convened within, or as part of, 'section 47' strategy meetings, when the 'significant harm' threshold is met.

Allegations (harm)

In circumstances where it is deemed that the 'harm' threshold is met, but the 'significant harm' threshold is not met, the situation will be treated as an 'allegation' where the local authority does not have the right to conduct a 'section 47' inquiry. Instead, common practice is to hold what is sometimes termed a 'Position of Trust' (POT) meeting, or an 'Allegations against Professional or Volunteers' (APV) meeting, or to implement a 'Management of Allegations Process'. In practice that will usually mean asking the fostering service to undertake an investigation into the allegation, and to report back to the LADO, or to a meeting chaired by the LADO.

This approach is consistent with the guidance in *Working Together (2023)* which states that 'organisations and agencies working with children and families should have clear policies for dealing with allegations against people who work with children'. It is important however, to recognise that local authorities have an important role to play in these situations:

Local authorities should put in place arrangements to provide advice and guidance to employers, and voluntary organisations and agencies on how to deal with allegations against people who work with children. Local authorities should also ensure that there are appropriate arrangements in place to liaise effectively with the police and other organisations and agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. (Working Together, 2023, p.108)

'Standards of care'

In some cases where an allegation of harm has been referred to the LADO, they will take the view that the 'harm' threshold has *not* been met, and as such the matter will not be followed up as an allegation. The LADO will refer the issue back to the fostering service, often with the suggestion that they pursue matters through a 'standards of care' process. It is arguably inappropriate for the LADO to have further involvement if they have decided that the matter does not meet the threshold to be considered an allegation of harm, but in practice it is reported that feedback is sometimes requested.

5. 'Standards of care' discussions

In some cases, the initial discussion between the supervising social worker and the manager will conclude that the presenting concerns very clearly don't meet the threshold to require a conversation with the LADO. Some concerns will be less serious than others, for example requiring an intervention to improve practice or prevent matters deteriorating. In such situations practice may not be ideal, but may currently be having little or no impact on foster children. A common example of this might relate to personal development, or record keeping; matters that may not constitute harm in themselves, but may impact on a child's experience of foster care over time, or at a time in the future.

In situations where there are low level concerns, there are strong arguments in favour of having a 'standards of care' discussion; an approach whereby the identified deficit is considered within the foster carer's normal supervisory arrangements. This means that reflective conversations can take place in the context of what ought to be a supportive relationship, and within an established and agreed framework. The provision of advice and guidance about improving aspects of fostering practice should be an expected part of foster carer supervision, and foster carers are more likely to be open to 'challenge' or 'constructive criticism' in this context, rather than in a more formal investigation process.

While a 'standards of care' discussion is less formal and may be viewed as less serious than a 'standards of care' investigation, that does not mean that the issues can be treated lightly. Good practice requires that any concerns are shared clearly and honestly, and recorded fully, with the carers' responses and observations being noted and considered. Where there is an expectation that carers need to change their behaviour or practice, this should be clearly explained, and if support is required to make these changes, then that should be provided. It should be clear to all parties as to how any changes will be measured, and progress should be reviewed at appropriate intervals within supervision. Where appropriate, an action plan might be agreed, and all of this should be carefully recorded in supervision records, copies of which should be provided to the foster carer².

In most cases it is hoped that such an approach will yield positive results. Most foster carers wish to practice as effectively as they can, and are committed to doing their best for the children in their care. Where identified concerns have been addressed, or where they are one-off minor incidents that do not get repeated, then they should be referenced in the next scheduled foster carer review, being clear that the matter was raised, and has been addressed in a positive and productive fashion.

² In some cases, it may be deemed helpful to use the 'standards of care' recording form that is included within this practice note, cross-referenced from the supervision record.

It is important not to ignore the matter entirely, nor focus on it excessively, but to bring a proportionate approach that recognises practice improvement as a normal part of professional development.

If discussions in supervision fail to resolve the concerns within the agreed timescale, then it will be necessary for the supervisory social worker, in consultation with their manager, to escalate matters. This might be because of unacceptable behaviours that have been repeated, or because the identified and necessary changes have not happened, even though the foster carer has been given every reasonable opportunity. In such situations it will often be necessary to move to a foster carer review ('standards of care') that will bring together the matters that were explored in supervision. This will provide a suitable forum to consider ongoing suitability to foster.

6. 'Standards of care' investigations

More serious or complex 'standards of care' concerns are often best dealt with through a formal 'standards of care' investigation. This is usually the case for:

- 'Any serious complaint about a foster carer' which requires notifications to Ofsted and the local authority under Regulation 36(1) schedule 7 of the Fostering Regulations 2011
- Any 'standards of care' concerns that were deemed serious enough to be referred to the LADO, but have been 'sent back' for investigation

It will be for individual fostering services to determine the specific processes for such investigations, but good practice will require the supervising social worker to:

- Gather full information about the concern, and share this with the foster carer
- Ensure that the foster carer is given every opportunity to respond; making sure that these responses are carefully and accurately recorded
- Put in place, or facilitate, any support that might help the foster carer to engage meaningfully in considering the concerns
- Notify the carer in writing if any decision that has been made not to make new placements for the period of the investigation, with the reasons for any such a decision

- Take account of any circumstances that might have been impacting on the foster carer at that time of the concern
- Consider the matter in the wider context of the foster carer's overall performance, including any previous concerns

Where it is envisaged that the foster carer will likely continue to foster following an investigation into a 'standards of care' concern, good practice in moving forward requires the supervising social worker to:

- Help the foster carer to recognise the investigation as a learning opportunity, and as an opportunity to modify their practice for the better
- Provide effective support through supervision, training or other developmental opportunities
- Be clear about what is expected from the foster carer, and about any specific arrangements to monitor and review matters

Although it is legally permissible, and quite possible, to consider 'standards of care' issues within a foster carer review process (see section 7) and without a stand-alone 'standards of care' investigation, the latter can sometimes be the most appropriate way to investigate or look at a particular concern or set of concerns. This will allow everyone to focus their full attention on the specific concerns, and where feedback from a 'standards of care' investigation is required by a LADO, it is arguably easier to provide that using paperwork that specifically and exclusively considers the concerns.

Each fostering service will likely have their own preferences for how a 'standards of care' investigation is carried out. Some will routinely allocate two supervising social workers to undertake the task; others might involve managers in the process. It would be unhelpful for this practice note to be too prescriptive about the detail. However, in undertaking a 'standards of care' investigation some fostering services might find it helpful to use the form that is included within this practice note that asks the practitioner to detail:

- What are the 'standards of care' concerns that have been identified?
- How and when did the concerns come to attention of the fostering service?
- Was the LADO consulted (with dates) and what was the outcome?
- What was the foster carer's initial response to the stated concerns?

- Provide details of any subsequent discussions
- What are your findings or conclusions (with analysis)?
- Provide details of any agreed plans or actions that have been put in place

It is important that practitioners understand that any 'standards of care' investigation process set up by their fostering service cannot be an alternative to the foster carer review process. The requirements for undertaking foster carer reviews are prescribed in regulations, and a foster carer review is the only way to change a foster carers' terms of approval, or to terminate the approval of a foster carer (see Adams, 2019).

Undertaking a 'standards of care' investigation - as opposed to a discussion - risks introducing a layer of unnecessary bureaucracy to matters, and it is important to ensure that any investigation process dovetails neatly and efficiently into the foster carer review process. Decision-making about continued suitability should not take place as part of a 'standards of care' investigation; this being a matter that should be reserved for the foster carer review. It is important that processes and paperwork are not repetitive, and the write-up of a 'standards of care' investigation will need to be included with the review paperwork, with cross-referencing as appropriate.

7. Foster carer review ('standards of care')

NMS 22.8 requires that 'as soon as possible after an investigation into a foster carer is concluded, their approval as suitable to foster is reviewed'. It is not entirely clear what is meant by 'investigation' here, but it can reasonably be applied to 'section 47' investigations and investigations into allegations of harm. It could be argued that it is also good practice to hold a foster carer review following any 'standards of care' investigation.

Under Regulation 28(2), a decision can be made to hold a foster carer review 'whenever the fostering service provider considers it necessary', and there is nothing to require an investigation to have taken place before this course of action is pursued. Where matters have already been considered as 'standards of care' discussions within supervision, but concerns have not been alleviated, it will often make sense to escalate matters using a foster carer review, rather than holding a stand-alone investigation prior to implementing the review process.

Fostering services will use a variety of formats for collecting and analysing information for foster carer reviews, but many will choose to use the CoramBAAF Form-FR materials (Adams, 2019). Within these, there are specific sections for listing allegations, concerns and complaints that have arisen in the period under review, and the accompanying practice guidance (Adams, 2019, p.18) states:

The supervising social worker is expected to briefly summarise the fostering history, and within that is specifically asked to identify any themes or patterns that have emerged over time, including allegations, concerns and complaints (even where their veracity may be in doubt). Supervising social workers should use their judgement, and attach a chronology... where appropriate.

Form-FR was developed in a way that means it can be used to consider 'standards of care' concerns within the review process itself, without having first held a 'standards of care' investigation. The form contains a series of headings based on the TSDS, under which supervising social workers are expected to evaluate and appraise the performance of foster carers. These headings will usually provide an appropriate structure to consider the 'standards of care' concerns.

When 'standards of care' issues are considered within a foster carer review, it is important that they are not the only thing that is considered, and 'the review should place the current concern in the context of the carer's fostering record, balancing strengths against any concerns' (Williams, 2021, p.100). It is also important that the review reflects on whether the carers have been provided with clear expectations and suitable support, and if that is not the case, this needs to be acknowledged and taken into account when making any judgements about continued suitability to foster.

In some circumstances the fostering service might conclude that the foster carer is no longer suitable to foster. It is important that practitioners understand that 'no one has a right to be a foster carer', and decisions about suitability or otherwise should be taken in a way that prioritises the best interests of children living in foster care. Borthwick and Lord (2019, p.43) suggest that when an 'early' review has been conducted to consider the ongoing suitability of a foster carer, it is good practice for that review to be presented for consideration by the fostering panel.

8. Conclusion

Managing allegations and 'standards of care' concerns is a core task for fostering services. There are specific guidelines within the legal framework, and fostering services should ensure compliance with good practice as follows:

- Each fostering service should have a clear policy that sets out how allegations and 'standards of care' issues will be considered
- These processes should ensure that the safety and well-being of children is the over-riding priority
- The processes should be fair and supportive, and ensure that foster carers are empowered to contribute, and are treated with respect
- Processes should dovetail effectively with the foster carer review process, and the review process must be used to consider 'ongoing suitability to foster' and 'terms of approval'
- The fostering panel should be involved in considering 'post-allegation reviews', and situations where there are significant 'standards of care' concerns

When considering 'standards of care' concerns specifically, good practice might also include an expectation of the following:

- The process should help foster carers to reflect on their practice, and to improve that practice wherever possible
- The processes should take place within, or should otherwise complement, the established supervision process
- Where 'standards of care' are not consistently at a level that is effectively meeting children's needs, then robust action should be taken to address this

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Access and citation

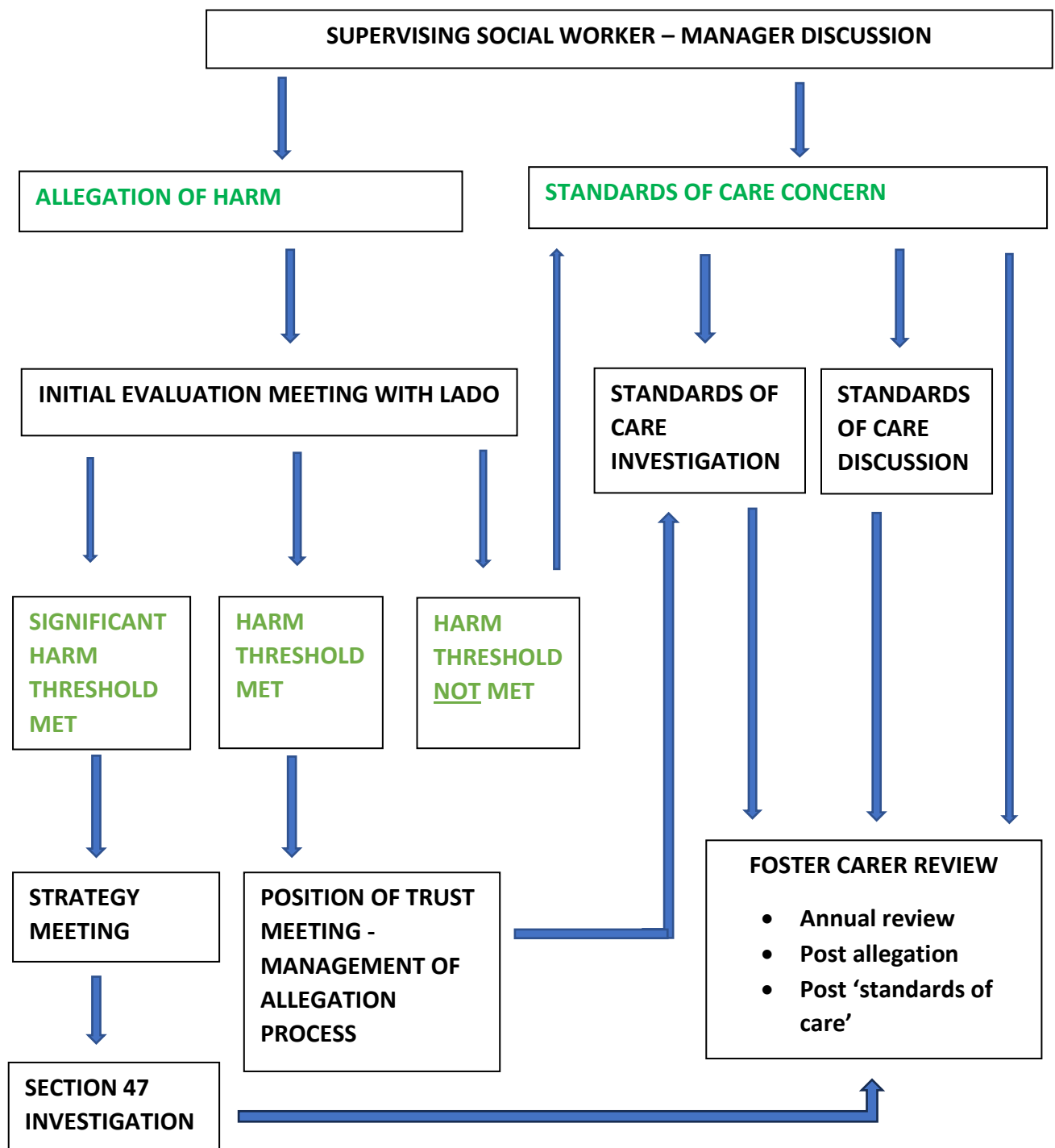
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It should be cited as Adams P (2025), *Managing allegations and 'standards of care' concerns*, available at www.pauladamsfostering.uk

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Allegations and 'standards of care' Flow Chart



Allegations and 'standards of care' Recording Form

Name of foster carer	
What are the allegations or 'standards of care' concerns that have been identified?	
How and when did the allegation or concerns come to attention of the fostering service?	
Was the LADO consulted (with dates) and what was the outcome?	
What was the foster carer's initial response to the stated allegation or concerns?	
Provide details of any subsequent discussions	
What are your findings or conclusions (with analysis)?	
Provide details of any agreed plans or actions that have been put in place	
Name (supervising social worker)	
Signature	
Date	