

Introduction

SCRA welcomes the opportunity to comment on the draft guidance. We agree that there is a need for a national protocol to ensure that allegations against foster carers are handled sensitively and efficiently. We support the principles that have been developed to underpin the guidance, that:

- It should be “capable of being adapted to fit local circumstances and to include the needs of kinship carers”
- It should “have as its starting point the importance of protecting the child and ensuring they are not exposed to abuse or neglect of any kind, whether emotional, physical or sexual”
- “Allegations may be a means by which a child draws attention to their underlying needs and thus allegations against carers need to be investigated and managed in a way which safeguards children, while also treating carers justly”

Detailed response

General points

There is some minor inconsistency of language which would benefit from being resolved. For example in paragraph 3.4, the guidance refers to “an immediate risk of significant harm” however, at paragraph 3.9, the phrase used is “immediate risk”.

Where the guidance refers to the application of child protection procedures, it may be helpful to refer and link to the Scottish Government's Child Protection Guidance, a revised version of which we understand will be published soon.

Points specifically in relation to the Children's Hearings System

We suggest the following additions to the guidance which would help to ensure that the necessary interfaces with Children's Hearings System processes take place:

Paragraph 4.5 lists the factors to be taken into consideration by the planning meeting. In addition, agencies should be required to consider and take account of the legal status of the child, including whether they are on supervision or subject to a referral to the Reporter.

At paragraph 4.1, we suggest that where the child is on supervision or is the subject of a referral, the Reporter must be informed that a child protection investigation has been commenced.

At paragraph 4.5 and elsewhere when considering what information could and should be provided to biological parents or those with parental responsibility, agencies should consider whether there is a non-disclosure order in place in relation to the child and ensure that any information provided is not at risk of breaching that order.

There is some duplication between paragraphs 4.10 and 4.12 in relation to who needs to be informed within 3 days about the end of a child protection investigation. As per our comment about paragraph 4.1, we would suggest that the Reporter be added to this list.

We consider that the Reporter must be informed immediately if, as a result of the allegations, the child is moved to live at a different address from that specified in the condition on their Supervision Requirement. Should the child subsequently be moved back to the foster placement, the Reporter must again be informed as soon as possible so that any correspondence can be directed to the correct address. It may also have an impact on whether the foster carer qualifies as a relevant person (and is therefore entitled to receive information).

In these circumstances, consideration should be given to the need for an emergency transfer or for a review Hearing. If the child is on a supervision requirement with a condition of residence that requires to be changed on a permanent basis, it is important for a Hearing to be able to review those changes and take a decision on what is in the child's best interests.

If it is likely that the child may be placed elsewhere and then returned to their current carer a timescale should be considered regarding this, including at what point a review Hearing is actually required, taking account of the difficulties of the absence of any legal authority for the interim placement.

Conclusion

We are supportive of the guidance's general principles and consider that in general it is straightforward, easy to read and well laid out. We hope that the changes suggested above can be made so that in particular the points at which there is a necessary interface with the Children's Hearings System can be made clearer.

SCRA
31 October 2010