

S-113 COMPLAINTS AGAINST A FOSTER FAMILY



In this document, the non implicit gender applies to both men and women.

Version 4 effective July 2015

(previously FA-19)

Policy

Even if the foster parents directly provide all care for the children in placement, the Agency assumes ultimate responsibility for the child's care. It may occur that the care provided by the foster parents is inadequate or that it becomes subject to complaints. In such situations, the Agency must act quickly and objectively in order to protect the child in care.

According to Ministry requirements, the Agency must investigate all complaints regarding the child's care made against a member or members of the foster family. The investigation of complaints must adhere to the Differential Response Model standards.

Throughout the investigation process, the Agency must ensure the safety of the child in care and treat the foster parents facing these allegations in a fair and equitable manner.

During basic training, foster parents and their teenagers are advised of the process to follow in the event that an allegation of mistreatment is brought against them, as well as their rights and the support available to them.

Valoris covers the cost of liability insurance for foster parents. In addition, Valoris contributes to a legal fund at a cost of \$0.15 per day per child in care; the legal fund is held in trust by Prescott-Russell's Services to Children and Adults Foundation. This fund allows foster parents to receive advance funding (loan) in order to retain the services of a lawyer in the event that serious or criminal allegations are brought against them or a member of their family regarding foster care.

Procedure

1. Nature of the allegation

1.1 Allegation of abuse or negligence

Refer to Policy **S-107 Reports of Abuse of a Child or an Adult by Employees, Volunteers or Other Agents of Valoris.**

The Residential Services worker will accompany and support the child concerned, and will take the necessary steps to ensure the child's protection within the guidelines set forth by the worker responsible for the investigation. The worker will also attend the child's interview with the police and the investigating worker.

In addition, the Residential Services worker will inform the foster parents of the procedure to follow in such investigations. The worker will also encourage the foster parents to seek the advice of a lawyer and contact a communicator from the Foster Parents' Association. If necessary, a Resource worker may also be involved.

The foster parent may be accompanied by a member of the Foster Parents' Association at any stage of the investigation process.

1.2 Legal Fund and Liability Insurance

The legal fund is available according to the conditions in article XV of the Constitution of Prescott-Russell's Foster Parents' Association. The fund is administered by a committee independent of Valoris. This committee is composed of one member of the Foster Parents Association's Executive Committee, a communicator, three other foster parents and a member of Valoris Foundation.

Foster parents wishing to have access to this fund must contact a member of the administrative committee for the legal fund. They must also sign form #1, confirming their commitment to reimburse the sum advanced by the Legal Fund.

If criminal charges are brought against a foster parent, a Residential Services worker will inform him that liability insurance paid by the Agency could cover up to 100% of the legal fees, with a maximum of \$100,000. The insurer may impose conditions for eligibility for coverage.

1.3 Breach of a policy, directive or guideline

The worker and the Residential Services Supervisor will evaluate the information received or noted.

The evaluation process could include the following steps:

- An interview with the individual who reported the breach;
- An interview with the foster parents against whom the breach was reported;
- An interview with the children residing in the foster home;
- An assessment of the severity of the incident and of the risk posed to the child.

The worker will document his assessment of the incident or the breach on file. This report must contain the following information:

- The date and nature of the incident or breach;
- The source of the complaint;
- The investigation process;
- The results of interviews conducted;
- Conclusions and recommended action.

The worker or the foster parent may call upon a communicator from the Foster Parents Association at any stage of the investigation process.

A severe breach of policy, directive or guideline may warrant the reassessment of the foster family. The worker will meet with the foster parents to discuss the Agency's concerns and establish goals for improvement.

The worker will take into consideration all breaches filed and investigated during the foster parents' annual reassessment.

1.4 Other serious complaints

Foster families must project a socially acceptable image in their community to avoid prejudice against the children in their care. The Agency may receive other serious complaints about the foster parents that are not directly related to the care of the children in placement.

A community member, the child in care or a staff member may inform the Agency of past or recent behaviour or attitudes by a member of the foster family that is deemed to be unacceptable. For example:

- The foster parent(s) is/are regularly seen frequenting undesirable places;
- The foster parent(s) is/are seen inebriated or taking illegal drugs;
- The foster parent(s) is/are accused of physical or sexual abuse, or of other criminal charges (driving under the influence, fraud);
- The foster parent(s) has/have voluntarily hidden or falsified medical or other information provided to the Agency during or after the initial assessment.

For any complaints of this nature, the family's worker shall follow the procedure governing a breach of policy, directive or guideline.

2. Measures that can be taken during or after the investigation

2.1 Elements to consider prior to taking action

- The severity of the injury or harm caused, or the risk of such to the child;
- The situation that caused the incident (degree of provocation);
- Whether the situation was isolated or repetitive;
- The child's problems and the ability of the foster parents to manage them appropriately;
- The foster parents' experience and training;
- The foster parents' state of exhaustion or need for relief;
- The intent of the foster parents' action or inaction;
- The use of a physical restraint to prevent the child from harm or from harming others.

2.2 Actions that may be taken by the Agency during or after the investigation

- The removal of the child temporarily or permanently (this action does not necessarily confirm that the foster parent is guilty, but rather recognizes the amount of stress that the child and the foster family may experience during such an investigation);
- The voluntary closure of the foster home;
- The closure of the foster home against the will of the foster parents (even if the foster parents do not face criminal charges, the investigation may reveal that some doubts persist and that the child or other children could be at risk of mistreatment under the foster parents' care);
- The registration of a foster parent's name in the Provincial Abuse Registry, if the situation meets the Agency's registration criteria;
- Offer relief, training or information to the foster parents;
- A review of the foster family's status and its availability to provide care for other

2.3 Training of personnel and foster parents

All employees and Valoris foster parents will be informed of this policy and line of conduct during their orientation following their hiring. In addition, the Agency will carry out an annual review of the policy with employees and foster parents working with children. Intake staff will receive training on the procedure to follow to receive an alert on an employee or a foster parent and the necessity for confidentiality.

Definitions, annexes and references

References

- Licencing Manual for Foster Homes, 2012 edition, Child and Family Services Act
- S-107 Reports of Abuse of a Child or an Adult by Employees, Volunteers or Other Agents of Valoris

- Ministry requirements:

CONDITION 11

Valoris

- a) has policies and procedures for inquiries and complaints about the actions of the foster parents who violate Condition one (unacceptable disciplinary measures) and provides them to employees and foster parents during orientation;
- b) shall respond to every complaint concerning the care by a foster family to their foster child or youth within 24 hours of receiving the complaint, and begin an investigation within five (5) working days if warranted. The results of the investigation shall be reported to the foster parents within five (5) working days following its conclusion and shall be recorded in the foster family file. The recording shall include:
 - a) the circumstances of the complaint that warranted the investigation;
 - b) who was involved;
 - c) the way in which the investigation was conducted;
 - d) the recommendation;
 - e) the action taken.