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## **Maltreatment and Allegations of Maltreatment in Foster Care. A Review of the Evidence**

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**A review conducted in partnership with The Fostering Network.**

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## Chapter 1 Introduction

Since the 1980s The Fostering Network, and its predecessor the National Foster Care Association (NFCA), have expressed concern about the sensitive issue of allegations of abuse against foster carers (Nixon and Verity, 1996). This concern is shared by the Department for Education, the Scottish Government and DCSSF in Northern Ireland (Department for Education and Skills, 2006; Department for Children Schools and Families, 2009b; Department for Children Schools and Families, 2009a). Such allegations are profoundly upsetting for foster carers, can lead to the removal of children from their care and may result in some carers giving up fostering. Unfounded allegations therefore create immense stress for both children and carers, may cause placement disruption and may reduce the already inadequate supply of foster carers.

In cases where such allegations are substantiated, the implications are even more serious. Concern about abuse in care has been expressed at least since the late 1970s (Garrett, 1979). Following a series of high profile scandals about abuse in children's homes a number of official enquiries were conducted into abuse in residential care, but there has been far less attention to the question of maltreatment in foster care. However, the Utting review of safeguards for children living away from home did highlight the importance of awareness of abuse in foster care. It argued that since fostering is essentially a private activity, fostered children may be isolated and particularly vulnerable, especially as many of them are very young (Utting, 1997). This report also suggested that children in private fostering placements may be particularly vulnerable, as local authorities are unaware of how many such placements exist in their area.

Both unfounded allegations of maltreatment by foster carers and actual maltreatment of children in foster care are matters of serious concern. Yet despite the importance of these issues, there is little awareness in the policy, practice and academic communities of the research evidence available. This review has been conducted by the University of York, in partnership with The Fostering Network, and funded by The Nuffield Foundation. It draws together the research evidence that exists both on allegations of abuse and confirmed maltreatment and considers the implications of this rather limited body of evidence. The methods used to conduct this review are presented in Appendix A.





## Chapter 2 The Impact of Allegations of Abuse

At least since the mid-1980s, studies in the UK have highlighted the devastating effects of allegations of abuse on foster carers and their families. Unfounded allegations of abuse may engender feelings of shock, disbelief, distress, anger, isolation and powerlessness among foster carers. Acknowledging the impact of this experience, one UK study described foster carers themselves as the 'victims' of allegations (Hicks and Nixon, 1991), while an Australian study referred to false allegations of abuse *by* foster carers as '*the abuse of foster carers*' (Briggs and Broadhurst, 2005).

A series of UK studies, many of them conducted by or on behalf of The Fostering Network or its predecessor, the NFCA, have drawn attention to the difficulties faced by foster carers who are the subject of unfounded allegations, the nature of the ensuing investigations and the consequences of these allegations for them and the children they foster. Studies have found that carers accused of abuse were rarely informed of the reason for the investigation and the process of investigation was often insensitive and led to a breakdown in trust between carers and social workers (Nixon and Hicks, 1987). A study of 36 foster carers investigated for abuse and neglect during the mid-1980s, for whom the allegations were unsubstantiated, found that the investigation procedures used were destructive and insensitive and increased the distress felt by the carers under investigation (Hicks and Nixon, 1991).

Several studies have reported the uncertainty surrounding investigations into allegations, the lack of information and the lack of support provided to foster carers. One survey of foster carers, 177 of whom had experienced allegations of abuse, found that in nearly one-fifth of cases the outcome of the investigation was uncertain, which added to the carers' distress. One-third of these carers reported that social workers were not allowed to communicate with them during the investigation, which left them feeling unsupported (Verity and Nixon, 1995). A subsequent study of 67 fostering households which had faced allegations of sexual or physical abuse found that a higher proportion of those accused of sexual abuse found themselves without support than those who were accused of physical abuse. In cases where the child was removed, social workers were even less likely to be seen as the principal source of support. Nearly three-quarters of the 20 family placement social workers interviewed for this study felt unable to offer effective support during a crisis of this nature (Nixon, 1997). Other studies also highlighted the lack of independent support to carers over the lengthy period of investigation which often lasted over three months, according to the foster carers surveyed (The Fostering Network, 2004; Swain, 2006), although professionals who responded to a survey of 59 social services departments reported that three-quarters of investigations were completed within one month (Nixon and Verity, 1996).

Carers subject to allegations may feel further disempowered by the lack of information available to them. A study which analysed postal questionnaires returned by 64 foster carers who had contacted The Fostering Network's helpline reported that most carers felt that the lack of information provided during the investigation made matters worse. The majority (90 per cent) experienced full child protection investigations, but most reported that they had not been given a copy of the child protection procedure being followed. They reported that they had been given no information about complaints procedures or advice about what would be recorded about the allegation. Many also reported that they were not treated with courtesy and respect, and did not feel that social services had conducted the investigation in a thorough and professional manner, although views of investigations by the police were more positive (The Fostering Network, 2004). Other surveys of foster carers have also found that the lack of information and exclusion from the proceedings increased the stressfulness of the allegation for many carers, as did the poor feedback they often received concerning the conclusions of the investigation, the lack of advice from the agency and the lack of support (Wilson *et al.*, 2000a; Bray and Minty, 2001). Carers have also complained about not being given the chance to give their side of the story during an investigation (Minty and Bray, 2001; The Fostering Network, 2004).

A survey of agencies in Scotland found that social workers, like foster carers, were uncertain about the process of investigation. Much uncertainty surrounded the kind of support that could be made available to carers during the investigation. Authorities relied heavily on the police for advice regarding the continued involvement of staff with carers under investigation for abuse. Depending on the nature of the allegation made, a choice would be made between three forms of action: the instigation of child protection procedures (for allegations of physical or sexual abuse), an internal inquiry into allegations of 'incompetence' or 'heavy-handedness' or dismissing the allegation without investigation, but looking into them at the carer's annual review. If allegations of abuse were proved, they would lead to de-registration, but decisions about de-registration following internal inquiries into complaints of poor practice would depend on the seriousness of the allegation or its repetition (Triseliotis *et al.*, 2000).

Several studies reported that children were often removed once an allegation had been made. A survey of practice when investigating allegations of abuse in 59 social services departments found that in 22 per cent of departments the foster child concerned was removed, in 15 per cent of departments all fostered children in the placement were removed and in 12 per cent of departments all children in the foster home were removed, including the foster carer's own children. This suggests that in around half of all departments, the child who was the subject of the allegation was routinely removed (Nixon and Verity, 1996). Although fostered children were 'sometimes' returned to the foster home in over half of the departments and 'usually' returned in eight per cent of departments, another eight per cent of departments reported that children were never returned to the placement. The reasons given for

not returning the child to the foster home included continuing doubts about the foster carers, refusal to agree to the return on the part of the child, the parent or the foster carer and the child's attachment to a new foster carer. Surveys of foster carers who had experienced allegations of abuse have reported that in between one-third and one-half of cases the child in question was removed and, in a smaller number of cases, all children in the placement were removed (Verity and Nixon, 1995; Nixon, 1997; The Fostering Network, 2004; Swain, 2006).

Allegations of abuse and the investigation process which ensues may lead some carers to give up fostering which, in the current context of a serious shortage of foster carers, can have a serious impact on services. In one study, over half of the carers surveyed reported that the experience of being investigated for allegations of abuse had made them want to give up fostering (The Fostering Network, 2004). Unfounded allegations of abuse may therefore have serious consequences for the carers concerned, for the children who are the focus of these allegations, who may be removed from the placement and, in some cases, others in the placement who may also be removed, and finally, for the fostering service as a whole.



## Chapter 3 The Extent of the Problem

In some studies of allegations of abuse, the implicit assumptions appear to be first, that a very high proportion of foster carers are subject to allegations of abuse and second, that such allegations are likely to be unfounded. However, it is difficult to establish both the extent to which foster carers are subject to allegations of abuse and the proportion of foster carers for whom these allegations are substantiated. Neither is it clear precisely what proportion of children experience maltreatment in foster care. Evidence on these issues comes from a variety of sources, including research studies, government reports and official enquiries. Only a small number of research studies have focused directly on these topics, although a few studies on broader topics have also identified evidence of maltreatment in foster care. This section assesses the available evidence on:

- the proportion of foster carers who experience allegations of abuse
- the proportion of carers for whom these allegations are substantiated
- children who experience confirmed maltreatment in foster care.

### 3.1 Evidence from the UK

There has been little research on maltreatment in foster care the UK. Much of the evidence that does exist comes from surveys conducted by, or on behalf of, The Fostering Network, and its predecessor the National Foster Care Association (NFCA). The majority of these have been surveys of foster carers which have focused on allegations of abuse rather than substantiated maltreatment. The earliest UK publications identified date from the mid-1980s. These were two articles in the NFCA journal *Foster Care* which discussed the anguish of foster carers subject to allegations of abuse and the unsatisfactory way in which these were handled by social services (Nixon *et al.*, 1986; Nixon and Hicks, 1987).

In the mid-1990s the NFCA conducted the ***Allegations Against Foster Carers Survey***<sup>1</sup> of its members, enclosing a questionnaire for foster carers in an issue of its magazine, *Foster Care* (Verity and Nixon, 1995). Just over one-third (34 per cent) of the 519 foster carers who returned a questionnaire had experienced an allegation. Since this was a sample recruited from a population who were presumably still working as foster carers, in the majority of cases the allegations were unfounded (63 per cent) or undetermined/outcome unknown (18 per cent). Maltreatment had been confirmed for six per cent of these carers, but the nature of the incidents or behaviour concerned was unclear. Among the 177 families subject to allegations, 49 per cent were investigated for physical abuse, 37 per cent for sexual abuse, 10 per cent for

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<sup>1</sup> Summary details of studies highlighted in ***bold italics*** may be found in Tables 3.1 and 3.2.

emotional abuse and eight per cent for neglect. This study reported that carers who had been fostering longer were more likely to have experienced allegations, but this is likely to be due to the fact that they had had a longer period exposed to the 'risk' of allegations.

Since then, The Fostering Network has conducted four further surveys of its members. A survey of 800 foster carers in Wales, the ***Fit to Foster Study***, reported that 10 per cent of those who responded had experienced an allegation (The Fostering Network Wales, 2003). In the subsequent ***Caring for our Children Study***, Fostering Network surveyed 693 fostering households in Scotland and found that 31 per cent of respondents reported that a complaint or allegation had been made against them (The Fostering Network Scotland, 2005). In 2004 the ***Fostering Can Never Feel the Same For Us Study*** surveyed a sample of 191 foster carers and received questionnaires from 64 of them (a response rate of 33 per cent). All of those who returned questionnaires had been the subject of allegations. Half of the allegations concerned alleged physical abuse, 23 per cent concerned alleged sexual abuse and 25 per cent concerned poor standards of care, but in 19 per cent of cases the carers reported that they did not know what type of allegation had been made (The Fostering Network, 2004). The ***Allegations in Foster Care Study*** was a web-based survey of 5,000 members of The Fostering Network. This was undertaken in England, Wales and Northern Ireland and received 1002 responses, a response rate of only 20 per cent (Swain, 2006). Its finding that 35 per cent of respondents reported that they had experienced an allegation was similar to the results of the Scottish survey. Two-thirds (65 per cent) of them had experienced one allegation, 30 per cent had experienced two or more allegations and nine per cent had been subject three or more. The majority of carers who experienced allegations were experienced foster carers, as 72 per cent had been fostering for over five years. Half of the allegations involved physical abuse, 16 per cent involved sexual abuse and 16 per cent involved poor standards of care.

It is difficult to assess the accuracy of these estimates derived from surveys of foster carers on the prevalence of allegations, due to the non-representative nature of the samples. The total potential sample and the response rate for the NFCA survey of carers were not reported but the response rates for the other surveys of foster carers described above were very low. The samples of foster carers who responded to these surveys were inevitably self-selected, and, where response rates were low, likely to be unrepresentative. On the one-hand, as the author of the 2006 Fostering Network survey acknowledged, carers upset about allegations might be more likely to respond to a survey about allegations of maltreatment than those who had never had this experience, so the rate reported may be an over-estimate. This seems likely, as the ***York Carers Study***, which surveyed 950 foster carers, reported that a much lower proportion of foster carers (16 per cent) had experienced an allegation of abuse at some time during their fostering career (Wilson *et al.*, 2000b). As this was a broadly-based survey of foster carers, rather than one which focused specifically on

allegations, its findings may be more representative. However, the authors of that study warned that the figure of 16 per cent might be an *under*-estimate, as a survey of foster carers at a particular point in time would miss those who gave up quickly following an allegation, commenting that some foster carers may give up fostering after an allegation even if they are exonerated. For these reasons, it may be difficult for cross-sectional surveys of foster carers to discover the true prevalence of allegations, although such surveys may gather other valuable information on this topic from those carers who have been subject to allegations.

Surveys of agencies, rather than carers may provide more accurate estimates. A second survey for the NFCA attempted to gather data from all English social services departments. Although this **NFCA Agency Survey** achieved only a 45 per cent response rate, it was nevertheless able to collect data on 13,333 children in 7,619 foster homes. During the year of the survey, reports from these agencies indicated that four per cent of foster homes had been investigated for allegations of abuse (Nixon and Verity, 1996). This survey also reported that in 22 per cent of these homes the allegation had been substantiated. This would suggest that maltreatment was confirmed in just under one per cent of all foster homes included in this survey. However, the researchers stated that they had no information on the definition of maltreatment used in the cases reported. Reports of maltreatment were deemed to be unfounded for 50 per cent of the investigations, but in 20 per cent of cases investigators had been unable to determine whether or not maltreatment had occurred (and a further seven per cent of cases were still under investigation).

In the **Scottish Survey**, a similar study of fostering services in Scotland, Triseliotis and colleagues surveyed fostering agencies in all 32 Scottish authorities, which between them had a total of 2,149 foster carers (Triseliotis *et al.*, 2000). During the year of the survey (1996-1997) 75 allegations of abuse were made, which affected 3.5 per cent of all fostering households. Allegations of physical abuse were made in relation to 2.2 per cent of all carers and 1.3 per cent of the allegations concerned sexual abuse. No information is provided on the number of substantiated cases of maltreatment, but 12 (16 per cent) of the carers subject to allegations were de-registered. These carers represented just 0.6 per cent of all foster carers in Scotland at that time. This study also surveyed 1,132 foster carers. Questionnaires completed by the 835 foster carers who responded (a 74 per cent response rate) indicated that around one in 20 carers had recently been the subject of allegations of abuse.

Some evidence on allegations or substantiated maltreatment is also available from a handful of other UK studies, which touched on the issue of maltreatment in the context of research on other topics. In the **York Outcomes Study** of 596 children in foster care, social workers reported abuse by previous foster carers in just under three per cent of cases (Sinclair *et al.*, 2005). Several other English studies, whose focus was on children rather than carers, have identified examples of maltreatment in foster care. None of these studies had representative samples of children in foster

care, so while their findings indicate that maltreatment does occur in foster care they cannot provide accurate estimates of the frequency with which it occurs.

The English ***Kinship Care (UK) Study*** of all 113 children placed in kinship care in two English local authorities reported that for 10 per cent of the children there were concerns about maltreatment which occurred after their entry to the placement (Hunt *et al.*, 2008). Another English study followed up 80 children with a plan for adoption. This ***Adoption Study*** reported allegations of maltreatment by previous foster carers for 11 per cent, a similar proportion (Selwyn *et al.*, 2006). Six had been rejected or emotionally abused and three were over-chastised or physically abused. Macaskill's study of 80 children in foster care who had previously been sexually abused identified eight children who had been abused in previous foster or adoptive placements, although it is unclear precisely how many of these cases concerned abuse by foster carers (Macaskill, 1991).

The ***Permanent Placements Study*** compared outcomes of long-term foster care and adoption for 196 children. This, too, did not set out to investigate maltreatment in foster care and none of the respondents were asked about maltreatment in foster care. However, during the course of interviews with a sub-sample of 37 children (and their carers), information on maltreatment by previous foster carers was volunteered by over one-quarter (10) of the children and/or carers. Since none of the other interviewees were directly asked about maltreatment in care either, it is possible that the true prevalence of maltreatment by carers for this sample was even higher (Biehal *et al.*, 2010). One other English study estimated the prevalence of maltreatment in care, but due to the sampling strategy employed these estimates are not valid, although this study does provide useful information on other aspects of maltreatment in foster care as discussed below (Hobbs *et al.*, 1999).

As well as the evidence from research, a number of official enquiries have documented a small number of cases of serious abuse by foster carers. For example, the Waterhouse inquiry into abuse in residential care in Wales also uncovered some evidence of abuse in foster homes (Waterhouse and *et al.*, 2000). The first documented case was that of Denis O'Neil, who died in 1945 as a result of maltreatment by his foster father. Since then, enquiries have been held on other children who died in foster care including Shirley Woodcock (1984) and Chelsey Essex (2007). Several enquiries into other cases where foster carers have been imprisoned for the abuse of foster children have been held in the last few years, including the cases of Eunice Spry and Kenneth Norton and the Wakefield Inquiry (2007), which documents the fostering careers of two foster carers imprisoned for the sexual abuse of foster children. These high profile cases concern isolated incidents and can provide no evidence on the extent to which abuse by carers occurs. However, they provide additional evidence that when does occur, in some cases maltreatment by foster carers may be extremely serious.



### 3.2 Evidence from the USA and Australia

Most studies on the prevalence of maltreatment in foster care have come from the USA. The earliest study identified is an American study based on the records of investigations carried out in **Maricopa County**, Arizona between 1976 and 1978 (Bolton *et al.*, 1981). The study sampled 50 per cent of all reports of alleged child maltreatment over this three year period, which yielded a sample of 5,098 incidents. From this data, they estimated that the incidence of maltreatment *allegations* for the 3,168 children in foster care during the study period was seven per cent, although this is the incidence over the total three-year period rather than an annual rate. These allegations were substantiated in 30 per cent of cases, so the total proportion of fostered children subject to substantiated incidents of maltreatment in foster care was around two per cent over three years. On average, therefore, less than one per cent of fostered children per year were known to have experienced maltreatment in foster care.

Another American study, which compared a range of outcomes of for 318 children in kinship care placements with those for a matched sample in ordinary foster placements, reported a much higher figure, as allegations of maltreatment had been made in relation 18.5 per cent of children in ordinary foster placements and 2.2 per cent of children in kinship placements (Winokur and *et al.*, 2008). However, this **Kinship Care (USA) Study** was referring to any allegations ever made during the course of the children's care careers and not to the incidence of allegations in a specific time period.

Other American studies focus more sharply on substantiated maltreatment in foster care. An official report on complaints and allegations about foster homes made in a single year in the state of California found that 26 per cent of a total of 2,184 allegations of physical or sexual abuse or neglect were substantiated (California Department Of Social Services, 2001)<sup>2</sup>. In this **California Report**, the most frequent allegations referred to physical abuse/corporal punishment (51 per cent of all maltreatment allegations) but only 22 per cent of allegations of physical abuse were substantiated. Allegations of neglect/lack of supervision were less frequent (37 per cent of maltreatment allegations) but had the highest substantiation rate (34 per cent). Only 12 per cent of allegations of maltreatment concerned sexual abuse, and these were substantiated in 20 per cent of cases. A re-analysis of the data presented in this report shows that physical abuse had been substantiated in relation to approximately 1.2 per cent of all children in foster care during the year in question, neglect was substantiated for 1.4 per cent and sexual abuse was substantiated for 0.27 per cent. However, it is not possible to tell if more than one allegation per child

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<sup>2</sup> This report presents data on a wide range of complaints. These data have been re-analysed, focusing solely on the 2,184 allegations of maltreatment. For our analysis of rates of substantiated abuse, the denominator was the total number of children in foster care in 2000 (20,148) and the numerators were the reported number of substantiated cases of maltreatment.

was included in this report. If this were the case the prevalence of substantiated maltreatment would be lower.

The **Oklahoma Inquiry** reported that the percentage of children with substantiated reports of maltreatment ranged from 0.96- 1.8 per cent per year over a six-year period, with an average rate of 1.3 per cent across these six years (Billings and Moore, 2004). The **Indiana Study** reported a similar figure, finding that abuse or neglect in foster care was confirmed for 1.7 per cent, on average, of all children fostered per year. This study analysed agency reports on approximately 3,000 children fostered each year over a seven-year period and found that just over half (55 per cent) of allegations of abuse by foster carers were substantiated (Spencer and Knudsen, 1992). There was confirmed evidence of physical abuse for 0.93 per cent of fostered children, substantiated sexual abuse for 0.52 per cent and neglect for 0.24 per cent.

In a study of all investigations of maltreatment in family foster care in **Hennepin County** during an 18-month period, researchers identified 125 investigations carried out in an area with 570 foster homes (Cavara and Ogren, 1983). Only 81 of the allegations were categorised as sexual abuse, physical abuse or neglect. Over this period two per cent of family foster homes faced allegations of sexual abuse, five per cent faced allegations of neglect and seven per cent faced allegations of physical abuse. However, some households may have been investigated for multiple forms of maltreatment, so the total percentage of homes investigated cannot be calculated from the data presented.

Similar to the Indiana study, around half (just under 50 per cent) of the allegations were substantiated, but the authors distrusted the substantiation process as they felt that social workers were initially reluctant to make a finding of substantiated abuse without irrefutable evidence. For this reason, they did not report the overall rate of substantiated allegations. However, it was possible to extract information on the rate of substantiated neglect and physical and sexual abuse from the data presented. Allegations of sexual abuse were confirmed for 0.9 per cent of all foster families; alleged neglect was confirmed for 1.4 per cent of foster families and physical abuse was confirmed for 2.8 per cent of foster families over an 18-month period (Cavara and Ogren, 1983). However, the results of this study are not directly comparable to those of the Oklahoma and Indiana studies as it used different units of analysis – foster homes, rather than children, and different units of time (an 18-month period rather than the rate per annum).

Three papers by Benedict, Zuravin and colleagues report different analyses of data from a study of 443 reports of abuse in foster care in 296 foster homes in Baltimore, using different units of analysis in each report. The **Baltimore Study** found that 15 per cent of foster families were reported for abuse during a five year period, with allegations of physical abuse being most common (found in almost two-thirds of

cases). At least one incident of maltreatment was confirmed for 22 per cent (66) of the foster homes which had been the subject of allegations. Using foster homes as the unit of analysis and drawing on data on 62 of the foster homes *in which maltreatment had been confirmed*, they reported that sexual abuse had been confirmed in 48 per cent of these homes, physical abuse in 29 per cent and neglect in 29 per cent (Zuravin *et al.*, 1993). Although the unit of analysis is foster homes, as in the Hennepin County Study, the findings are not directly comparable. Zuravin and colleagues' paper analyses confirmed maltreatment as a proportion of all foster homes with allegations of maltreatment, whereas in the Hennepin County this is analysed as a proportion of all foster homes in the county.

In a different paper, the **Baltimore Study** team used reports of maltreatment as the unit of analysis, instead of foster homes, and found that substantiation rates differed by type of maltreatment. Physical abuse was alleged in 60 per cent of reports (and in 39 per cent of the foster homes where substantiated abuse occurred), but only nine per cent of these reports were substantiated. Sexual abuse was alleged in only 11 per cent of reports and over 55 per cent of these reports were validated. Neglect was reported in 17 per cent of allegations and 20-40 per cent of these allegations were substantiated (the proportions varied from year-to-year) (Benedict *et al.*, 1994a). A third paper on the **Baltimore Study** focused on the 78 children for whom allegations of maltreatment had been substantiated. Around half of these children (49 per cent) had been sexually abused, one-quarter (24 per cent) had been physically abused and just over one-quarter had suffered neglect (Benedict *et al.*, 1996).

The **Colorado Study** of allegations of abuse in various care settings included information on 101 allegations of abuse in foster care over a five year period (Rosenthal *et al.*, 1991). These allegations were substantiated in 38 per cent of cases. However, this paper provides no information on either the total number of foster homes operating in the state or the total number of children fostered during this period, so it is not possible to ascertain the incidence of either allegations or of substantiated maltreatment.

The **Illinois Study** analysed administrative data on all children in all care settings over a five year period and reported that, on average, substantiated reports of maltreatment were made in relation to two per cent of fostered children, including 2.5 per cent of children in non-relative foster placements and 1.2 per cent of those in relative placements per year (Poertner *et al.*, 1999). However, the perpetrator was found to be the foster carer in only 33 per cent of cases in non-relative care and 37 per cent of cases in relative care placements. These figures are likely to be an over-estimate, as in a subsequent paper the researchers reported that nearly one-third of these reports on the administrative database had been retrospective, referring to incidents that occurred before the child entered foster care. Furthermore, they were concerned about the accuracy with which children and placement histories were matched on this database (Tittle *et al.*, 2001b).

The lowest rate of substantiated abuse was found in a study of an American **Specialist Fostering Agency**, which provided a sample of 536 children with either treatment foster care (for those with substantial mental health needs) or 'specialised foster care' (Brenner and Freundlich, 2006). Just 3.5 per cent (19) of the children made allegations, two-thirds of which concerned physical abuse and just over one-fifth concerned sexual abuse. Only two of these allegations were substantiated, so confirmed maltreatment was reported for just 0.37 per cent of the young people they fostered during the year of the study. However, only data for a single year were analysed and the authors were not independent, as they worked for the agency concerned. Other studies have found that reports of maltreatment vary from year-to-year (for example, Poertner *et al.*, 1999), so we cannot know whether an independent assessment of reports over a longer period would have come to the same conclusions.

The only Australian study identified in this review is a study of the mental health of a total sample of 347 children in foster care in the state of **New South Wales**. This found that allegations of abuse had been made in relation to 32 per cent of all children in foster care. In over two-thirds of these cases the allegations had been substantiated, as 19 per cent had at least one confirmed report of maltreatment in foster care (although this figure referred both to children in ordinary foster care and those in kinship care). A further 13 per cent had one or more unconfirmed reports (Tarren-Sweeney, 2008).

### **3.3 How frequently do allegations and actual maltreatment occur?**

It is difficult to come to clear conclusions about the extent to which either unfounded allegations or actual maltreatment in foster care occur. As the above discussion has shown, most studies of allegations of maltreatment have surveyed non-representative samples of foster carers and the response rate to these surveys has often been poor. Most reports on confirmed maltreatment come from the USA and these may not be directly comparable to the UK. Child welfare systems in the USA may differ in important ways from those in the UK. For example, there may be differences in the recruitment, training and support of foster carers and in the use made of kinship care. Patterns of recording allegations and confirmed incidents may vary between, and indeed within, countries. Although evidence from other countries is likely to be helpful, caution is needed in extrapolating evidence from different social contexts directly to the UK (Biehal, 2006).

Variations in sources of data (for example, analysis of agency databases, surveys of carers or surveys of professionals) can also lead to variations in study findings. As Tittle and colleagues discovered, some reports of maltreatment on agency databases may refer to incidents which had occurred prior to the placement, leading to inflated estimates of maltreatment in foster care (Tittle *et al.*, 2001a). On the other hand,

under-reporting may occur because some social workers may not record all allegations due to a fear that managers will 'over-react' (Farmer and Pollock, 1998), or because children might be reluctant to disclose maltreatment for fear of the consequences, or may lack the capacity to do so due to their young age or disability (Morris and Wheatley, 1994). One study in the USA suggested another reason for possible under-reporting, as it found that abuse in foster care was reported less frequently in counties that did not have protocols emphasising the need to investigate possible abuse in care as well as in the community (Cavara and Ogren, 1983).

The use of different units of analysis also means that studies are not always directly comparable. Some studies take foster carers as the unit of analysis, reporting either the total number of allegations, or the number of substantiated/unsubstantiated allegations. Others focus on the child as the unit of analysis, reporting the number of children experiencing maltreatment. In some other studies the unit of analysis is incidents of maltreatment, but there is no indication of the proportion of carers or children involved in multiple incidents. However, it is possible that certain children may be responsible for allegations against multiple carers as they move from placement to placement, and certain carers may be the subject of allegations by different children at different times.

Caution is also needed when comparing findings because some studies report on the prevalence of allegations or maltreatment while others report on the incidence of these phenomena. Studies of the *prevalence* of maltreatment, or of allegations of maltreatment, report the total number of children or carers who have ever experienced these events, regardless of how long ago they occurred. In contrast, studies of *incidence* report on the number of new allegations or cases of confirmed maltreatment during a specified time period, usually one year. The likelihood that allegations or maltreatment will occur is obviously higher if all incidents throughout a care/fostering career are included (as in estimates of prevalence), than the likelihood that they will occur in a single year (as in estimates of incidence). Most of the UK studies identified, plus the Australian one cited above, report retrospectively on children or carers' experiences throughout the course of their care/fostering careers, whereas most of the American studies report on the annual rate of allegations or substantiated maltreatment identified. Due to these different types of measurement used, the proportions experiencing allegations or confirmed maltreatment appear higher in most of the UK and Australian studies, but this does not mean they are necessarily higher in reality.

With these *caveats* in mind, what sense can we make of the evidence from the studies described above? The only two studies which report on the annual incidence of allegations, both of which were based on agency data in the UK on large samples of foster carers in the mid to late 1990s, suggest that the rate may be around 3.5 - 5 per cent (Nixon and Verity, 1996; Triseliotis *et al.*, 2000). These two UK studies also indicate that confirmed maltreatment may be a low frequency event, reporting that

the proportion of foster families with *substantiated* reports of maltreatment in a single year may be less than one per cent. Estimates of the incidence of substantiated maltreatment in the American studies, where the unit of analysis is children rather than foster carers, range from 0.27-4.4 per cent of fostered children, with evidence that these rates vary from year-to-year, as might be expected (Bolton *et al.*, 1981; Spencer and Knudsen, 1992; Poertner *et al.*, 1999; California Department Of Social Services, 2001; Billings and Moore, 2004). The different rates of maltreatment identified in different American states may indicate a degree of local variation due to different thresholds for investigation. It is possible that such local variation might also exist in the UK, for similar reasons. However, these differences may also be partly due to variation in agencies' methods of recording and to variations in the research methods used.

**Table 3.1 Incidence of allegations and substantiated maltreatment \***

<i>Study</i>	<i>Sample size and type</i>	<i>Rate of Allegations</i>	<i>Per cent of allegations substantiated</i>	<i>Confirmed maltreatment</i>	<i>Types of maltreatment</i>
<b><i>Studies in the UK</i></b>					
<i>NFCA agency survey Nixon and Verity, 1996</i>	7,619 carers (agency reports)	4% of carers/year	22%	<1% of foster homes/year	-
<i>Scottish survey Triseliotis et al., 2000</i>	2,149 carers (agency reports)	3.5% of carers/year	16% of carers subject to allegations de-registered	0.6% of all carers de-registered	<i>Allegations: per cent of carers Physical abuse: 2.2% of carers Sexual abuse: 1.3% of carers</i>
<b><i>Studies in the USA</i></b>					
<i>Maricopa County Study Bolton et al., 1981</i>	3,168 fostered children	7% of children (over 3 years)	30%	2% of children (in 3 years)	-
<i>Colorado Study Rosenthal et al., 1991</i>	102 allegations	-	38%		<i>Per cent of all allegations: Physical abuse: 49% Sexual abuse: 29% Neglect: 22%</i>
<i>California Report California Dept, 2001</i>	2,184 allegations	Not given	26% overall Physical: 22% Neglect: 34% Sexual: 20%	0.27-1.45 of children per year	<i>Per cent of all allegations: Physical abuse: 51% Neglect: 37% Sexual abuse: 12%</i>
<i>Specialist agency Brenner and Freundlich, 2001</i>	536 children (19 allegations)	3.5% foster children/year	-	0.37% foster children/year	-

<i>Baltimore Study</i> Zuravin et al., 1993; Benedict et al., 1994	443 allegations against 296 foster families;	-		Physical abuse: 9% Neglect: 20-40% Sexual abuse: 56%	22% of foster homes over 5 years	<i>Confirmed maltreatment:</i> Physical: 39% of homes Sexual: 48% of homes Neglect: 29% of homes
<i>Baltimore Study</i> Benedict et al., 1996	78 children maltreated in foster care	-	-		Rate not reported.	<i>Confirmed maltreatment:</i> Physical: 9.3% of children Sexual: 5.2% of children Neglect: 2.4% of children
<i>Oklahoma Inquiry</i> Billings and Moore, 2004	753 children maltreated by foster carers	Not given	-		Average 1.3% children/year)	<i>Confirmed maltreatment:</i> Physical abuse: 39% of cases Sexual abuse: 4%% of cases Neglect: 53% of cases Emotional: 3% of cases
<i>Hennepin County Study</i> Cavara and Ogren, 1983	570 foster homes	125 incidents (some multiple incidents per home)	36%		See separate maltreatment types	<i>Confirmed maltreatment:</i> Physical: 2.8% foster families Sexual: 0.9% of foster families Neglect: 1.4% of foster families
<i>Illinois Study</i> Poertner et al., 1999 Tittle et al. 2001	5,395 'indicated reports' over 5 years	-	-		2% children in foster care per year (including kin care)	<i>Confirmed maltreatment:</i> Physical: 14.5% of cases Sexual: 37% of cases Neglect: 7% of cases Lack of supervision: 17%
<i>Indiana Study</i> Spencer and Knudsen, 1992	2,816-3,626 fostered children per year (over 6- year period)	Not given	55%		1.7% of children/year	<i>Confirmed maltreatment:</i> Physical: 9.3% of children Sexual: 5.2% of children Neglect: 2.4% of children

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\*Agencies were the data source for all studies of incidence.



The evidence on the *prevalence* of allegations is for the most part unreliable, as much of it comes from surveys of non-representative samples of foster carers in which response rates were very low. These sampling strategies and low response rates are likely to seriously bias the findings of these surveys. Three prevalence studies which had more representative samples and drew on professional reports provide a more independent account of events, so their findings on both allegations and confirmed maltreatment are more likely to be accurate. The ***Kinship Care (USA) Study*** reported that allegations of maltreatment had been made in relation to 18.5 per cent of children in (non-relative) foster care, but only 2.2 per cent of those in kinship care (Winokur and et al., 2008). Rates were much higher in the ***New South Wales Study***, which reported that maltreatment allegations had been made in respect of 37 per cent of all children in foster care (including kinship care placements) and this maltreatment had been confirmed for 19 per cent of them (Tarren-Sweeney, 2008). As this evidence comes from Australia and the USA, it may not be entirely comparable to patterns in the UK. In England, data collected from social workers in the ***York Outcomes Study*** suggested that the prevalence of confirmed maltreatment was much lower, at only three per cent (Sinclair *et al.*, 2005). The evidence on the incidence and prevalence both of allegations and substantiated maltreatment is therefore uncertain.

Some studies raise the important point that, following investigation, allegations of maltreatment may not simply be categorised either as unfounded or substantiated, as investigations typically find that some allegations fall into a category termed 'unproven' or 'inconclusive.' For example, an English study and an American study both reported that in around 20 per cent of investigations into allegations the results were inconclusive (Nixon and Verity, 1996; California Department Of Social Services, 2001). Another two studies reported inconclusive findings in a much higher proportion of investigations. The paediatricians who conducted an English study of 157 incidents of possible abuse in care classified just one-quarter of incidents as 'confirmed' and the remaining 75 per cent as 'suspected' or 'probable' (Hobbs *et al.*, 1999). The ***Colorado Study*** found that over half of all allegations of physical and sexual abuse were '*unable to be substantiated*' and over one-third of investigations into neglect were inconclusive possibly, it argued, because neglect is particularly difficult to substantiate in the absence of physical evidence (Rosenthal *et al.*, 1991). This study reported that social workers were reluctant to classify allegations as 'substantiated' without irrefutable evidence, and considered that the true rate of actual maltreatment was higher than indicated solely by the number of cases classified as substantiated. They argued that carers for whom allegations are unsubstantiated should be closely monitored, particularly as 27 per cent of the families involved had previously been investigated for maltreatment.

Another American study also reported that 25 per cent of carers investigated had been the subject of previous, often multiple, allegations (DePanfilis and Girvin, 2005). The Utting report on safeguards for children living away from home takes a similar

view, noting that enquiries into maltreatment in foster care often uncover a background of previous allegations that have not been taken seriously. For this reason, the Utting Report emphasises the importance of recording all allegations investigated on the foster carer's file (Utting, 1997).

**Table 3.2 Prevalence of allegations and substantiated maltreatment**

<i>Study</i>	<i>Sample size and type</i>	<i>Data source</i>	<i>Rate of Allegations</i>	<i>Confirmed maltreatment</i>	<i>Types of maltreatment</i>
<b><i>Studies in the UK</i></b>					
<i>Allegations against foster carers</i> NFCA Verity and Nixon, 1995	519 foster carers	Foster carers	34% of carers	-	Physical abuse: 49% of allegations Sexual abuse: 37% of allegations Neglect: 8% of allegations Emotional abuse: 10% of allegations
<i>Fit to Foster (Wales)</i> Fostering Network, 2003	800 carers	Foster carers	10% of carers		
<i>Fostering can never be the same for us</i> Fostering Network, 2004	64 carers who faced allegations	Foster carers			Physical abuse: 48% of allegations Sexual abuse: 23% of allegations Poor standards of care: 25%
<i>Caring for our children(Scotland)</i> Fostering Network, 2005	693 carers	Foster carers	31% of carers	-	-
<i>Allegations in foster care</i> Fostering Network/ Swain, 2006	1,002 carers	Foster carers	35% of carers	-	Physical abuse: 52% of allegations Sexual abuse: 16% of allegations Poor standards of care: 16%
<i>York carers study</i> Wilson <i>et al.</i> , 2000	950 foster carers	Foster carers	16% of carers	-	-

<i>York outcomes study</i> Sinclair <i>et al.</i> , 2005	596 children	Agencies		3% of fostered children	-
<i>Adoption study</i> Selwyn <i>et al.</i> , 2006	80 previously fostered children	Agencies	11% of children	-	Emotional or physical abuse
<i>Kinship care (UK) study</i> Hunt <i>et al.</i> , 2008	113 children in kinship care	Agencies, carers and young people	10% of children	Confirmed abuse: 4% of children (no figure given for confirmed neglect)	Abuse, neglect and exposure to sexual activity
<i>Permanent placements study</i> Biehal <i>et al.</i> , 2010	37 children	Children and current carers	-	27% of children	Physical and emotional abuse; neglect
Macaskill, 1991	80 sexually abused children	-	10% of children	-	-

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***Studies in Australia and the USA***

<i>New South Wales</i> Tarren-Sweeney, 2006	347 children	Agencies	32% of children	19% of children	Mainly inappropriate discipline or scapegoating; some severe maltreatment
<i>Kinship Care (USA)</i> Winokur <i>et al.</i> , 2008	636 children	Agencies	<i>Per cent of children:</i> 'Regular' foster care: 18.5% Kin care: 2.2%	-	-

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## Chapter 4 Nature and Severity of Maltreatment

Few reports give details of the nature of the maltreatment, but it is clear from those that do that behaviour classified as maltreatment may range from gross abuse to relatively minor incidents. The **California Study** is typical in grouping allegations of serious physical abuse and neglect together with rather less serious allegations about spanking or leaving a child unattended in a car (California Department Of Social Services, 2001). A further difficulty is that some studies may focus on the nature of *alleged* maltreatment while others focus on *substantiated* maltreatment. It is also important to note that, as we shall see in Chapter 5, in cases of confirmed maltreatment in foster care the perpetrator may not always be the foster carer.

A review of the implementation of government guidance on handling allegations of abuse against those who work with children and young people, based on data from returns from local authority designated officers in 85 per cent of local authorities in England and Wales, provides some evidence of the comparative frequency with which different types of abuse are alleged. While it did not report on the number of allegations against foster carers, it indicated that the majority (59 per cent) of these allegations concerned physical abuse, 19 per cent concerned sexual abuse, 13 per cent concerned emotional abuse and 10 per cent were for neglect (Department for Children Schools and Families, 2009b).

In relation to substantiated sexual abuse, among the 78 children in the **Baltimore Study** for whom maltreatment had been substantiated, half had been sexually abused. Intercourse or attempted intercourse was reported in 63 per cent of these cases, while other reports referred to fondling, exposure or harassment (Benedict *et al.*, 1994a). This was similar to the finding in the study by English paediatricians that there was evidence of penetration in 57 per cent of cases in a group of 91 children for whom there were concerns about sexual abuse, (Hobbs *et al.*, 1999). A small qualitative study found that a similar proportion (six of 10 formerly fostered adults who had been sexually abused) reported that they had been raped by their foster carers (Gardner, 1998).

Regarding physical abuse, the study by paediatricians, mentioned above, reported that 32 per cent of the fostered children had been physically abused. The most common evidence of physical abuse was bruising, but a small number of children had burns. The **Baltimore Study** reported that just under one-quarter (24 per cent) of the children had been physically abused, which in most cases had resulted in cuts or bruises. Just over one-quarter of the children in this study were found to have suffered neglect, which was described as primarily a lack of supervision or the neglect of medical needs (Benedict *et al.*, 1996). In the UK **Kinship Foster Care Study** of 113 children, which found that there had been allegations of maltreatment

in relation to 10 per cent of the children, the majority of concerns were about neglect. Abuse (not including neglect) was substantiated for four per cent of the children. There were also some concerns about children's exposure to sexual activity. The researchers noted that in some cases kinship carers had left the children with other relatives who were known to be abusive (Hunt *et al.*, 2008).

The ***Permanent Placements Study*** interviewed a sub-sample of 37 children who were, or had previously been, in long-term foster care and also interviewed their current carers. Again, this was a non-representative sample. Although abuse was not the focus of this study and the interviewers asked no questions about past maltreatment, in 10 cases the children and/or their current carers or adoptive parents volunteered information on physical abuse or neglect by previous foster carers. In all but one of these cases, the maltreatment had been serious, including practices, such as keeping a disabled child locked in her bedroom, forcing a child to have cold showers and then stand shivering in the garden, hitting children, forcing children to sleep on the floor in filthy conditions, denying them food and beating them if they ate scraps from the dustbin (Biehal *et al.*, 2009). Clearly most of these reports referred to the actions of a minority of foster carers who should not have been fostering at all.

There have been few descriptions of the nature of emotional abuse in foster care, although some studies mention non-nurturing behaviour or scapegoating. This perhaps reflects the more general lack of research attention to emotional abuse relative to other forms of maltreatment, until relatively recently at least. It is also more difficult to define and identify, as it generally refers to a relationship rather than an event, may not involve physical contact and may involve acts of omission as well as commission (Glaser *et al.*, 2001). It describes situations where parents or carers either fail to respond to a child or react in a hostile or dismissive manner, making children feel unloved and unwanted, rather than isolated events (Howe, 2005).

Although few studies have collected data on abuse in foster care directly from fostered, or formerly fostered, children, those that have done so have highlighted the fact that emotional abuse may occur in foster care (Fletcher, 1993; Morris and Wheatley, 1994; Gardner, 1998; Biehal *et al.*, 2010). A survey of a non-representative sample of 217 fostered children who returned a questionnaire enclosed with *Who Cares* magazine found that just over one-quarter complained of being treated differently from the foster carers' own children and being scapegoated when things went wrong, but none of the respondents reported serious abuse or neglect (Fletcher, 1993). An analysis of calls made to the Childline telephone helpline by another self-selected, non-representative sample of 162 children in care, found that some children voiced similar concerns about being treated less favourably than the foster carers' own children and experiencing a general lack of warmth and care. However, 15 per cent of the callers reported sexual abuse and 12 per cent reported physical abuse, either by the foster father or by both carers. Physical abuse sometimes appeared to be used as a form of discipline by foster carers (Morris and

Wheatley, 1994). As this was a study of calls to a helpline, its sample was composed solely of children who were unhappy in foster care. While it illustrates the experiences of children where placements are of poor quality, it cannot provide evidence of the frequency of such experiences.

The **New South Wales Study** of the mental health of all 347 children in foster care in that state identified a strong association between emotional abuse and a specific eating disorder (Tarren-Sweeney, 2006). This study found that both past and current experiences of substantiated emotional abuse in foster care were '*exceptional risk factors*' for Food Maintenance Syndrome (hyperphagia). Children with this condition are chronic excessive eaters but are not obese. The odds ratio for the presence of hyperphagia was 4.5 for children with a history of confirmed emotional abuse in care, while children experiencing emotional abuse in their current placement were 17.4 times more likely to have this condition (data on the children's mental health had been collected before the abuse came to light). Only emotional abuse was associated with this condition. Tarren-Sweeney hypothesised that this syndrome is primarily triggered by acute stress, as most confirmed cases were living in placements that were abusive when this behaviour was reported. This paper cites two other studies which have identified the same Food Maintenance Syndrome among other samples of children in foster care.

Some studies have concluded that the majority of incidents reported concern poor standards of care by foster carers rather than abuse as such. In the **York Outcomes Study** of 596 children in foster care, in which social workers reported abuse by previous foster carers in three per cent of cases, only a small number of these incidents appeared to be clear-cut cases of abuse rather than poor practice (Sinclair *et al.*, 2005). Two Fostering Network surveys of foster carers, which unlike the York Outcomes study focused on allegations rather than confirmed abuse, reported that 25 per cent of allegations in the 2004 survey and 16 per cent of allegations in the 2006 survey involved poor standards of care (The Fostering Network, 2004; Swain, 2006). In one of these studies 13 per cent of carers investigated for allegations reported that other concerns had led to the allegation, including verbal abuse, preventing contact or withholding allowances, although as noted earlier, the self-selected samples of foster carers in these studies were unlikely to include those who have been de-registered following the substantiation of serious allegations (Swain, 2006). In the **Scottish Survey** of fostering services, Triseliotis and colleagues identified three main kinds of allegations against foster carers. These included not only serious physical and sexual abuse but also '*heavy-handedness*' on the part of a carer and '*incompetence, neglect, or misbehaviour e.g. a drink problem*' (Triseliotis *et al.*, 2000: 104). However, this study did not indicate the proportion of more, and less, serious allegations. From the data presented, it appears that all 75 of the foster carers subject to allegations had been accused of physical or sexual abuse, presumably alongside allegations of less serious kinds.

The Australian study of all children in foster care in **New South Wales**, mentioned earlier, stated that the majority of confirmed reports of maltreatment by foster carers were related to carers coping poorly with children's relationship and behavioural disturbances, although again the proportions of more, and less, serious cases are not reported. These incidents typically involved inappropriate discipline or scapegoating, ranging from smacking to serious emotional and physical harm. A smaller group endured '*neglectful, abusive or predatory care which was not attributed to poor coping by distressed carers*' (Tarren-Sweeney, 2008: 9). The author considered that the descriptions of this smaller group of carers suggested that they had emotional, personality or relationship difficulties incompatible with fostering.



## Chapter 5 Perpetrators and Victims

### 5.1 Evidence on perpetrators of maltreatment in foster care

It is important to distinguish maltreatment *in* foster care from maltreatment *by* foster carers. An English study of 133 children maltreated while in foster care found that only 44 per cent of the fostered children were abused by their foster carers (Hobbs *et al.*, 1999). They reported that 24 per cent of the incidents in which fostered children were abused occurred during contact with parents and six per cent took place in the homes of other relatives, who were usually the kinship foster carers of the children involved (although it is not specified whether the perpetrators in these cases were the kinship carers themselves or other family members). In 20 per cent of cases the children were abused by other children. Of these, 53 per cent of the abusers were other fostered children, 31 per cent were siblings and 16 per cent were the children of the foster family or other unrelated children. These children were the perpetrators of sexual abuse, while foster carers and parents were responsible for both physical and sexual abuse. An English study of 96 sexually abused and abusing children in care (60 of whom were in foster care) looked at this another way, reporting that just over one in 10 had sexually abused other children or involved them in sexual activity, although not all of their victims were other looked after children (Farmer and Pollock, 1998). The limited evidence from these two studies suggests that in some cases, fostered children may be at risk not only from their parents and foster carers but from one another.

Other children and young people were also the abusers in half of the cases of sexual abuse reported in the Childline study, in which 12 girls reported that they had been sexually abused by the older sons of their foster carers and the remainder by the husbands/boyfriends of their foster 'mothers', who were unaware of the abuse (Morris and Wheatley, 1994). The **NFCA Agency survey** found that allegations involved the foster carer's own child in 15 per cent of cases, some of which were substantiated (Nixon and Verity, 1996).

Studies in the USA have similarly identified a range of perpetrators responsible for the abuse of children in foster care. In the **Illinois Study**, analysis of 71 incidents of substantiated abuse (of all types) indicated that foster carers were the perpetrators in 61 per cent of cases, but in other incidents parents had abused the child during contact (11 per cent) or the children had been abused by other children (three per cent), or by babysitters or other adults (14 per cent) (Tittle *et al.*, 2001b). The **Baltimore Study** reported that foster carers were the perpetrators in 64 per cent of confirmed cases of sexual abuse and in virtually all cases of physical abuse or neglect (Zuravin *et al.*, 1993). The **Indiana Study's** analysis of substantiated maltreatment reports in over a six-year period found that foster carers were the

perpetrators in 78 per cent of incidents and other children were responsible for the abuse in six per cent of incidents (Spencer and Knudsen, 1992).

The limited evidence on the likelihood that children may, or may not, be maltreated when living in kinship care placements is inconclusive. The **Baltimore Study** report on 78 confirmed cases of maltreatment in foster care suggested that children were less likely to be abused by kinship carers than by non-relative carers. Using the foster home as the unit of analysis, this study reported that children who were neglected or sexually abused were significantly less likely to be in kinship placements than physically abused or non-maltreated children (Benedict *et al.*, 1996).

The **Kinship Care (USA) Study** compared a range of outcomes for 318 children in kinship care placements with those for a matched sample in ordinary foster placements. It reported that children in ordinary foster placements were far more likely to experience *allegations* of maltreatment than those in kinship placements (18.5 per cent of children in foster placements versus 2.2 per cent of children in kinship placements) (Winokur and *et al.*, 2008). The **Illinois Study** found that *substantiated* maltreatment was also less likely to occur in kinship foster placements than in ordinary foster care, as discussed above (Tittle *et al.*, 2001b). However, while the kinship care study reported that children in ordinary foster placements were 10 times more likely to experience *allegations* of maltreatment than those in kinship foster placements, the figures reported for the Illinois study suggest that difference between rates of *substantiated maltreatment* was much smaller, as children in ordinary foster care were roughly 1.5 to two times more likely to experience maltreatment than those in kinship care.

Lower rates of allegations of maltreatment in kinship care may possibly be due to reporting bias, as children might possibly be less likely to disclose maltreatment by relative carers, although no studies have investigated this. If it is indeed the case that kinship carers are less likely to maltreat the children they foster, then variations in the use of kinship care between local agencies may help to account for some of the variation in rates of confirmed maltreatment.

## 5.2 Evidence on victims

Where studies have provided details of the victims of maltreatment by in foster care they have tended to focus on sexual and physical abuse, but this evidence comes from only a small number of studies, all of which have very small samples reporting each specific form of maltreatment. The limited evidence available from a handful of UK studies suggests that girls are more likely to be sexually abused in foster care than boys (Morris and Wheatley, 1994; Hobbs *et al.*, 1999; Gallagher, 2000). The largest of these studies, by Hobbs and colleagues, identified 76 children who had been sexually abused in foster care, of whom 60 per cent were female. In the USA,

the **Colorado Study** reported that *allegations* of sexual abuse more often involved girls than boys (Rosenthal *et al.*, 1991), while the **Baltimore Study** found that the majority of *confirmed* cases of sexual abuse involved girls (Benedict *et al.*, 1996). These findings that sexual abuse in foster care is more commonly experienced by girls is consistent with the results of a major NSPCC study of the prevalence of child maltreatment in the community (Cawson *et al.*, 2000).

Three studies found that boys were more likely to be physically abused by their foster carers than girls, and this too is consistent with patterns identified in studies of maltreatment in the wider community (Cavara and Ogren, 1983; Rosenthal *et al.*, 1991; Hobbs *et al.*, 1999; Hooper, 2005). For example, the study by Hobbs and colleagues found that 60 per cent of a sample of 42 children who were physically abused in foster care were male (although, as noted above, not all of the abusers of the children in this study were foster carers). Another study, which did not differentiate types of maltreatment, concluded that girls were more likely to be abused in foster care. However, this may be because half of their sample had experienced sexual abuse, which appears to be more common for girls (Benedict *et al.*, 1996).

Studies of child maltreatment in the wider community have found that disabled children are at greater risk of all forms of abuse and neglect (Hooper, 2005). Three studies have suggested that children who have learning disabilities may be at particular risk of maltreatment in foster care. An English study of a sample of children abused in care, although not necessarily by their carers, found that 26 per cent had significant learning difficulties or a statement of special educational needs. The report did not indicate how many of these children with special needs were in foster care, but the majority of this sample (84 per cent) were fostered (Hobbs *et al.*, 1999). In a multivariate analysis of predictors of abuse in foster care, the **Baltimore Study** found that in the 78 substantiated cases children with developmental problems, and also those with mental health problems, were at greater risk of maltreatment. In particular, the 38 children who were sexually abused were significantly more likely to have developmental problems (Benedict *et al.*, 1996). The **Oklahoma Study** also found that children known to have experienced maltreatment were more than three times more likely to have learning disabilities than those who had not been maltreated in foster care (Billings and Moore, 2004).

Some studies have suggested that children who have previously been abused may be particularly vulnerable to further abuse in care (Benedict *et al.*, 1994b; Hobbs and Hobbs, 1999), as children who have been abused prior to entry to care may be particularly challenging to care for or may display highly sexualised behaviour (Macaskill, 1991; Kendrick, 1994).



## Chapter 6 Comparison with Maltreatment in Other Settings

A few studies have compared the extent of maltreatment in foster care to that of maltreatment within families or in other care settings. One UK study examined 20,000 records of child protection referrals to social services and police authorities in eight local authorities in England and Wales over a five-year period to compare substantiated cases of sexual abuse in different institutional settings (including foster care, residential care, boarding schools, mainstream schools, clubs and childminders' homes). Reports were considered substantiated if the agency worker did not report doubts about their veracity (Gallagher, 2000). The 65 cases identified across all settings represented three per cent of all reported cases of child sexual abuse and just one per cent of all child protection referrals. The 22 cases of abuse by foster carers accounted for 34 per cent of all substantiated cases of institutional sexual abuse, whereas only 14 per cent of allegations referred to children in residential care. However, over the past few years national statistics have shown that the vast majority (around 70 per cent) of looked after children in England are in foster care and only a minority (around 10 per cent) are in residential placements. Since the total number of children in each type of care placement in these authorities was not reported, this study cannot tell us whether children in foster care are actually at greater risk than those in residential care.

The **Maricopa County Study** estimated that the prevalence of maltreatment *allegations* was seven per cent for children who were fostered compared to only two per cent for children living in their own families (Bolton *et al.*, 1981). The **Baltimore Study** compared the prevalence of allegations against foster carers with the prevalence of allegations against parents in that city. Foster carers were seven times more likely than the general population to be reported for physical abuse, but allegations of physical abuse against foster carers were significantly less likely to be substantiated than allegations against parents (nine per cent versus 37 per cent) (Benedict *et al.*, 1994). This study also found that reports of physical abuse accounted for 60 per cent of allegations against foster carers compared to only 40 per cent of allegations parents in the same community.

The **Indiana Study** reported that the rate of *confirmed* maltreatment for fostered children was higher than for children living in their own families (1.7 per cent compared to 1.1 per cent for children living with their families), although the incidence of confirmed neglect was lower than for children in their own families (0.24 per cent compared to 0.62 per cent of children living with their parents). However, the risk of confirmed maltreatment in residential care was very much higher, at 12 per cent, although a high proportion of this abuse was perpetrated by other residents in residential units (Spencer and Knudsen, 1992).

There are a number of possible explanations for the possibly higher level of reporting of *alleged* maltreatment by foster carers, which reflect the unique circumstances found in foster care. First, it is possible that the risk of maltreatment is indeed higher in foster care, although there is no evidence that this is or is not the case. Some carers may respond poorly to challenging behaviour of children with high levels of need, perhaps using over-punitive discipline (Bolton *et al.*, 1981; McFadden and Ryan, 1991; Morris and Wheatley, 1994; Tarren-Sweeney, 2008). In other cases, carers may not show warmth or care (Morris and Wheatley, 1994; Selwyn *et al.*, 2006; Biehal *et al.*, 2010). There is also evidence that a minority of carers, who should never have been allowed to foster, may be responsible for serious abuse or neglect. Furthermore, some children may abuse others in the placement, or children may be re-abused during contact with their birth families, both of which would also increase the number of children experiencing maltreatment while in foster care.

Second, some children may make unfounded allegations in the hope that this will lead to a return home, or because they feel a sense of divided loyalties. Some parents may also make unfounded allegations against carers, perhaps in the hope that this will lead to the children's return. Children who have previously been sexually abused may misconstrue the innocent actions of adults as abusive and therefore make allegations of abuse (McFadden and Ryan, 1991). Interviews with 38 young people (17 of whom were in foster care) in a study of sexually abused children in care found that nearly one-quarter had made allegations of abuse against their carers in the previous year, but all of these were considered to be unfounded by social workers. Only four of these allegations concerned alleged sexual abuse (Farmer and Pollock, 1998).

The third reason is that if maltreatment does occur, it might be more likely to come to the attention of the authorities. Fostered children and their carers are under the supervision of professionals and are therefore under greater surveillance than most families in the community. This may increase the likelihood that maltreatment is detected. However, some reports have suggested that the opposite might occur. The Edinburgh Inquiry warned of the danger that social worker's over-optimism about the quality of care provided by carers known to them (Marshall *et al.*, 1999), and the Wakefield Inquiry Report into sexual abuse by two foster carers revealed that professionals avoided facing up to the implications of the concerns raised about the behaviour of these carers. The Wakefield Inquiry also highlighted serious systemic failures that allowed the abuse to continue and the fact that professionals were intimidated by the foster carers concerned (Parrott *et al.*, 2007). As we saw earlier, the **Colorado Study** found a similar reluctance on the part of social workers to classify allegations as 'substantiated' and concluded that the true incidence of maltreatment was higher than the rate indicated by social worker reports (Rosenthal *et al.*, 1991).

An American study of the quality of investigations into abuse by foster carers would support the conclusions of the above enquiries and the Colorado study. It found numerous examples of decisions that abuse was unsubstantiated made without proper investigation and concluded that, on the evidence available, one-third of the carers who had been exonerated should have been de-registered. Prior reports of maltreatment were identified in relation to one-quarter of these carers. The researchers considered that the quality of investigations was undermined by the heavy workloads of the staff responsible and because workers avoided facing up to the seriousness of the concerns reported because no other placement was available for the child. They also pointed to the perceptual blocks of some social workers, who appeared to be prepared to accept the negative treatment of children, especially when those children were placed in kinship care (DePanfilis and Girvin, 2005).

Three American studies, therefore, suggest that allegations of abuse may be higher for foster carers than for the general population, but there is little other evidence on this issue. From the limited evidence currently available, it is not possible to tell whether the apparently higher rates of allegations or confirmed maltreatment reflect a real difference in the extent of actual abuse in different settings, or simply differences between settings in the level of reporting of maltreatment. As we have seen, although there might be over-reporting of unfounded allegations, actual maltreatment may possibly be under-reported.





## Chapter 7 Thresholds

There has been some discussion in the research literature as to whether thresholds for defining poor parenting behaviour as maltreatment are lower for foster carers than for parents in the community (Benedict *et al.*, 1996; Holder *et al.*, 2003). As McFadden and Ryan have argued: '*Many behaviours handled as maltreatment by the agency while the child is in foster care would not be grounds for intervention in a biological family*' (McFadden and Ryan, 1991: p.11). For example, a qualitative study of 22 foster carers who had been investigated for abuse reported a one-off incident in which the foster mother slapped her nine year old foster son across the face. In consequence two children who had been living in the placement for several years were removed, the carer was de-registered and also suspended from her work (as a teacher) for several months. As the authors comment, it seems unlikely that these actions would have been taken with birth parents (Bray and Minty, 2001).

The researchers in the 1996 **NFCA Agency Survey** commented that labelling situations as abusive, when these would not trigger such a label in the child's own family, is unhelpful. They observed that foster carers are likely to find themselves being investigated under the same child protection procedures as birth parents, despite the fact that the threshold used for the instigation of child protection procedures for carers appeared to be lower than that for parents (Nixon and Verity, 1996). Although the confirmed maltreatment reported in various studies includes serious physical, sexual and emotional abuse and neglect, it appears that in some cases concerns centre on relatively mild incidents that would not normally be defined as abusive. Despite the definitions of the Children Act 1989 s.30(9) and the provision of government guidance in the document *Working Together to Safeguard Children* (HM Government, 2006), in some cases the boundary between poor practice by foster carers, which might potentially be addressed through the provision of support and guidance, and actual abuse, which may require a full child protection investigation, is unclear.

It does seem clear that the line between acceptable and unacceptable parenting is drawn at a higher level for foster carers than for families. The consequences of standards of care which fall below that line are almost certainly different for foster carers. Benedict and colleagues noted that in the state of Maryland no corporal punishment by foster carers is allowed, whereas for children's birth families '*spanking as a form of discipline has not been legislated against*' (Benedict *et al.*, 1994a). Taking this argument to its logical conclusion, a UK commentator has pointed out that most children on the child protection register remain at home, and removal can only take place against parents' wishes if significant harm can be demonstrated, whereas '*It is inconceivable that a child would remain in a foster home but be placed on the child protection register*' (Thomas, 1995: p.42). However, these issues should

only pose difficulties in relation to mild incidents, as the appropriate course of action should be clearer in more serious cases which are indisputably abusive, and it is hard to conceive of any circumstances in which neglect by foster carers would be acceptable.

These definitional difficulties are part of the wider, and widely-recognised, problem of a lack of agreement regarding the threshold for defining behaviour as abusive or neglectful in any context, not just in foster care. The official guidance document *Working Together to Safeguard Children* provides descriptions of the behaviours which may constitute physical, sexual and emotional abuse or neglect, although these do not always correspond with those that have been employed in research studies (HM Government, 2006, pp. 37-38). Definitional and measurement issues in relation to child maltreatment pose problems for comparison. Some have defined abuse relative to norms in the social and cultural environment, that is, the standard of parenting assumed reasonable by the society in which the family lives (for example, Kempe, 1978). However, such norms may be neither explicit nor defined. The social construction of definitions of maltreatment and the lack of clarity about thresholds for defining the point at which behaviour becomes defined as abusive or neglectful has been widely acknowledged (see, for example, Department of Health, 1995; Gibbons *et al.*, 1995).

The disparity in responses to foster carers and to parents is also related to wider issues about the nature of state intervention in family life. For political, professional and also resource-related reasons, the state aims to keep intervention in family life to a minimum. Acknowledgement of the rights of parents and concern that removal may be harmful for children leads agencies to tolerate less than optimal standards of parental care and to provide support to families to raise these standards. Clearly such rights do not apply to foster carers who are held to stricter standards than parents and are rightly expected to provide high quality care on behalf of the corporate parent.

Nevertheless, there is clearly a danger that unacceptable parenting practices by foster carers under stress may routinely be defined, and responded to, as abusive, despite recognition that they may be caring for some extremely challenging children. As Nixon and Verity commented, referring, presumably, to instances of less serious forms of maltreatment: '*Overloading already stretched families can trigger inappropriate reactions...Fostering is a demanding task – if cares slips, reasons should be considered in order to provide appropriate help to prevent a re-occurrence*' (Nixon and Verity, 1996 p.14).

If foster carers under stress are found to have chastised children inappropriately, but in a manner which falls short of actual maltreatment, professionals face a dilemma similar to one they encounter when intervening to support and protect children living in their birth families. Should the child remain in that placement with (it is to be

hoped) the provision of additional support, or alternatively should the child, and possibly others in the placement, be removed? At what point does it become more harmful to leave a child in a placement than to remove him or her? This is a particularly difficult dilemma in relation to children apparently settled in long-term foster placements. On the one hand, children settled in long-term foster placements may suffer more from the disruption to their relationships with their carers but on the other hand, some have suggested that these children may potentially be at greater risk of maltreatment, as the level of day-to-day professional intervention in their lives is likely to be lower (Morris and Wheatley, 1994; Utting, 1997).



## Chapter 8 Conclusion

As this review has shown, the evidence on the extent of the twin problems of unfounded allegations against foster carers and of actual maltreatment in foster care is limited and inconclusive. While there have been a number of descriptive studies of foster carers' experience of allegations of abuse in the UK, little UK evidence is available on either the frequency of such allegations or the extent of confirmed maltreatment. Most of the available evidence on the prevalence of both allegations and substantiated maltreatment comes from the different welfare context of the USA. While international research evidence can provide useful pointers, findings from a different national context cannot be directly extrapolated to the UK as we cannot be sure that carer recruitment, training and supervision, and thresholds for the investigation of allegations of maltreatment, are the same.

As we have seen, it is difficult to compare the findings of different studies as a variety of units of analysis have been used to measure the number allegations and the extent of confirmed maltreatment. Some studies have counted incidents, while others have counted children, foster carers or fostering households. Furthermore, some studies have measured the incidence of allegations of maltreatment, usually within a single year, while others have measured their prevalence over longer, and variable, periods of time.

For these reasons, it is difficult to come to clear conclusions about the extent of these problems. However, evidence from two UK studies suggests that around 3.5 - five per cent of foster carers in the UK may experience allegations of abuse in a single year and that confirmed maltreatment may be found in relation to less than one per cent of foster carers per annum. According to another UK study, 16 per cent may have experienced allegations at some point during the course of their fostering careers (although this figure refers only to practising carers and excludes those who may have given up fostering or been de-registered as a consequence of an allegation). How many children experience confirmed maltreatment over the entire period of time that they have lived in foster care is even harder to quantify, as estimates of the prevalence of maltreatment range from three to 19 per cent of children in foster care.

It is clear from studies in the UK and abroad that abuse in foster care is not always abuse by foster carers themselves, as children may be abused by the relatives or partners of foster carers, by other children in the placement or by their own relatives during contact. However, the proportion of incidents that may be ascribed to each type of perpetrator remains unclear. There has also been no exploration to date of whether or not carers who have been obliged to accept children outside their approval range are more likely to respond to them inappropriately when under

pressure (for example, carers originally approved to take teenagers being obliged to take very young children). It is essential to understand more about the perpetrators of maltreatment in foster care if agencies are to develop preventive strategies to protect looked after children from maltreatment. Such preventive strategies would need to include raising the awareness of supervising social workers of the circumstances in which carers may be under particular stress and may have additional needs for high quality supervision and support.

There have also been very few studies which have sought the views of children to explore the circumstances in which some might make unfounded allegations, others may complain of actual maltreatment but not be heard, while others may accept poor standards of care or maltreatment as the norm. We need to know more about what prompts children to seek help, at what point they seek that help and whether they feel they have been listened to and supported when they do so.

Several studies mention that 'many' incidents of maltreatment concern poor standards of care rather than actual abuse; although evidence from UK studies suggests that agencies may not always differentiate between the two in their responses to these incidents. The proportion of confirmed incidents which are milder or more severe remains unclear however, and this issue is complicated by broader questions about what society defines as maltreatment in different settings. It seems likely that the threshold at which poor parenting practices become defined as abusive is lower for foster carers than for birth families, although there is also some evidence that a rule of optimism may sometimes apply due to professional unwillingness to acknowledge that maltreatment has occurred. Further exploration of thresholds for labelling incidents as abusive is required if agencies are to differentiate between poor standards of care and actual maltreatment and to devise appropriate responses to each.

This review has therefore highlighted a number of outstanding questions. It remains unclear how many carers experience allegations of abuse and what proportion of these allegations are subsequently substantiated. It is also unclear how many looked after children make allegations of maltreatment and in what circumstances they do so. Crucially, it is essential to know how many of them experience maltreatment while in foster care, and to understand more about the nature and severity of this maltreatment and the circumstances in which it occurs. There is therefore a need for a UK study of the extent and nature of maltreatment, and allegations of maltreatment, in foster care and of the circumstances in which these occur.

## Appendix A Review Methods

The aims and inclusion criteria for the review were specified in a review protocol, which set out pre-defined criteria for the identification of studies and for quality appraisal (see Appendix B). A search strategy was devised in collaboration with Steven Duffy of the York Health Economics Consortium (YHEC), who also undertook the searches. Titles and abstracts identified by YHEC were assessed for eligibility by the reviewers. Narrative synthesis was used to assess and present the research findings (Boaz *et al.*, 2002).

### Literature search

Searches were undertaken by YHEC to identify studies of:

- abuse in foster care and
- allegations of abuse against foster carers.

The literature search involved searching electronic databases, citation searches, and internet searches of relevant organization and research centre websites. The database search strategy was devised using terms for 'foster care' and 'foster carers', in combination with terms for 'abuse', 'neglect' and 'maltreatment'. The search terms were identified through discussion between the research team, by scanning background literature, and by browsing database thesauri. The searches were limited to English language and were carried out in September 2009. There were no date limits.

There were a number of issues which proved problematic when devising the search strategy. The 'abuse' search facet proved to be very 'noisy', and meant that the majority of records retrieved were irrelevant. This was because studies investigating foster care/carers invariably included in the title and/or abstract a description of why children had been placed in foster care: usually due to abuse, neglect or maltreatment. Similarly, studies which mentioned parental drug or alcohol abuse were also retrieved. Any attempt to remove these studies by introducing additional search terms (or removing search terms), or by introducing more proximity operators, could have led to potentially useful studies being unidentified. Another issue that arose was that in the United States care of older people and residential care can be defined as 'foster care'. Again, any attempt to remove this subset of results might have meant missing potentially useful studies.

In order to deal with these issues it was decided that the Information Specialist should sift through the results in the first instance, remove the obviously irrelevant literature, and leave only potentially relevant studies.

The following databases were searched:

- International Bibliography of the Social Sciences (IBSS)
- Applied Social Science Index and Abstracts (ASSIA)
- Social Services Abstracts
- Social Sciences Citation Index (SSCI)
- Social Policy and Practice
- PsycINFO
- Social Care Online
- The Campbell Library
- OpenSIGLE
- British Library integrated catalogue
- NSPCC electronic Library on Child Protection.

Citation searches were undertaken in Social Science Citation Index and Google Scholar for a number of articles provided by the research team.

- Limited internet searches were carried out in the following websites:
- intute: Social Sciences
- The British Association for Adoption and Fostering (BAAF)
- The Fostering Network
- Joseph Rowntree Foundation.

As a number of databases and internet websites were searched, some degree of duplication resulted. In order to manage this issue, the titles and abstracts of bibliographic records were downloaded and imported into EndNote software and duplicate records removed. A total of 214 potentially relevant references were identified for review, of which 38 research papers/books and reports of official inquiries were included in the current report.



## Appendix B Review Protocol

### Aims

The aim of the review is to assess the current evidence on:

1. The prevalence and nature of *allegations* of maltreatment by foster carers and their families.
2. The prevalence and nature of *substantiated* maltreatment by foster carers and their families.
3. The nature and severity of maltreatment in foster care.
4. The perpetrators and victims of maltreatment in foster care.

### Selection criteria

The review will include studies of looked after children and, specifically, studies of foster care published in English. Studies with both experimental and observational designs, using quantitative, qualitative or mixed methods of data collection, will be included. The review will focus on abuse by carers, their children and foster siblings but will exclude research on abuse by birth parents during contact visits.

**Table B.1 Study selection criteria for inclusion in the review**

	<i>Inclusion criteria</i>	<i>Exclusion criteria</i>
Language of publication	Studies published in English	Studies not published in English
Timing of studies	Studies conducted at any time	None
Population of interest	Children in foster care	Children in other types of placement
Dimensions of studies on alleged abuse	Studies or official enquiries that report evidence data on allegations of abuse	Historical, legal or journalistic accounts
Dimensions of studies on substantiated abuse	Studies or official enquiries that report research evidence on substantiated abuse	Historical, legal or journalistic accounts
Study design	Observational studies using either quantitative, qualitative or mixed methods of data collection	Grey literature, policy or opinion pieces, multiple reports from single study
Quality appraisal	Studies judged to be of sufficient quality according to the essential quality appraisal criteria for this review	Studies poorly designed and constructed

## Quality appraisal

Although this will not be a systematic review, studies will nevertheless be assessed against a broad set of pre-defined quality criteria, as shown in Table B.2.

**Table B.2 Summary checklist for quality appraisal**

<i>Study appraisal</i>	<i>Qualitative research</i>	<i>Quantitative research</i>
<i>Essential criteria</i>		
Clarity of research question	Is the research question clear?	
Appropriateness of design	Are study design, methodology, data collection methods and outcome measures appropriate?	
Sampling	Is the sample adequate to explore the range of subjects or settings?	Is the sample appropriate and its size adequate for the analysis used?
Data collection	Does the research privilege subjective meaning? Was the data collection explicit?	Is the response rate sufficient and has non-response been analysed?
Data analysis	Was the data analysis explicit?	Were the analysis techniques clear and appropriate?
	Are the findings substantiated by the data?	
<i>Desirable criteria</i>		
Reflexivity	Is consideration given to alternative explanations of the results, and to any limitations of methods or data that may affect results?	
Generalisability	If any claims to generalisability have been made, do these follow logically, theoretically or statistically from the results?	

Adapted from Undertaking Systematic Reviews of Research on Effectiveness. CRD Guidance (Centre for Reviews and Dissemination, 2001).

Studies that meet all or most of the appraisal criteria well will be included in the review. Studies with some flaws may be included, with concerns noted, if these flaws do not affect the specific finding reported.

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