

**Part C - Prevention and Identification**

**4. Policy and Practice**

**4.1 National**

**Past**

- a. **Was there national policy/guidance relevant to the provision of foster care for children?**

Yes.

- b. **If so, to what extent was the local authority aware of such?**

The local authority would have been made aware of national policies and guidance where appropriate.

- c. **If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?**

As a local authority, the organisation had statutory responsibility to comply with all national policy/guidance in respect of the provision of foster care and would have looked to implement this into practice through its organisational and management structures.

- 1) Policy/guidance is referenced by Professor Kenneth Norrie in his report to the Scottish Child Abuse Inquiry, 'Legislative Background to the Treatment of Children and Young People Living Apart from their Parents' (2017).
- 2) Also, publications such as Shaw (2007) (Lists the changes in national legislation and policy following historical changes in attitude to children and their welfare), Kendrick and Hawthorne (2012) and the research reports commissioned by the Inquiry provide a comprehensive overview of the range of national policy/guidance governing the provision of childcare.
- 3) Centre for excellence for looked after children (CELCIS) publication, Improving the learning journey for looked after children.
- 4) National Care Standards for Foster carers, Scotland.
- 5) The minute of the Community Services Committee dated 5 October 1999, mentions the White Paper "Aiming for Excellence"- Modernising Social Services in Scotland, containing proposals for the creation of a commission, accountable to the Scottish Parliament which would regulate social work through its own team of inspectors. The paper was noted by the advisory committee.

The local authority's awareness of national policy and guidance can be found in many sources such as council committee minutes, memos and letters. These would have then been incorporated into policies and procedures.

i. **Child welfare (physical and emotional)**

- 6) Booklet setting out the Poor Law Scotland Regulations 1934 which in Part III on page 3, contain the regulations for the Boarding-out and Placing of Children in Institutions other than the Poorhouses. There is a strong emphasis on the wellbeing of the child.
- 7) A report by the Director of Education on boarded-out children is contained within the Town Council minute for 1 October 1945. The minute refers to the O'Neill case in Shropshire with a trial and conviction of the foster-parents which focussed public attention on conditions for boarded-out children. Since then the Monckton Report was issued. There were further cases involving cruelty. These factors highlighted that an examination of the arrangements made by

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local authorities was overdue. Subsequently, the Scottish Education Department announced on 30 June 1945 that the Secretary of State requested a review of Scottish regulations for boarding out.

- 8) The Council Meeting Minute 15 October 1945 outlines the Department of Health regulations and recommendations:
- 1) Children should not be brought up in the environment of a poorhouse or similar institution.
  - 2) Success of boarding out is in –
    - a) The care and judgement with which selection of guardians is made.
    - b) Limitation of number of children in each dwelling – maximum 3.
    - c) Limitation of number of children boarded out in each area.
    - d) Thoroughness of inspection and supervision.
  - 3) The ultimate responsibility rests with the authority who boards the child and not with the Authority of residence, but it is considered essential the boarding Authority has a qualified local agent to provide supervision and reports.
  - 4) A system of notification and communication to be maintained between Public Assistance officials regarding boarding of, and changes affecting, children.
  - 5) Systematic visitation and supervision of boarded children should be by local agency, paid, and reports provided every 6 months, supplemented by annual visits by the boarding authority of two members and an official.
  - 6) On no account should guardian exploit the labour of a boarded child.
  - 7) Authorities representatives should keep in close touch with Educational progress of children, those with marked ability should be given encouragement in pursuit of studies.
  - 8) Medical examination and certificate should be adequate at initial boarding, and /arrangements for subsequent medical attention made as required.
  - 9) Authorities should draw up rules for guardians
  - 10) Adequate clothing should be provided
  - 11) Local Authorities should continue supervision of boarded out children at least until they reach 16 years, and longer as found necessary.
- 9) Adoption and Fostering Panel dated March 1988, discusses the implications of a British Association for Adoption and Fostering (BAAF) paper, "Implications of AIDS for children in care", dated 1987. Various options are considered by the panel members.
- 10) Aberdeen City Council-What Is GIRFEC? Webpage: <https://www.aberdeengettingitright.org.uk/girfec/> states that "Getting It Right for Every Child, commonly known as GIRFEC, is the Scottish Government's approach to helping all children and young people grow, develop, and reach their full potential. Its central focus is to improve outcomes for children and young people by placing them at the centre of assessment and planning to meet their unique needs". This initiative is aimed to support children to understand their own unique wellbeing needs and to ensure they are listened to and appropriately involved in decisions affecting them.
- 11) Child Care Strategy July 94 states "the Social Work Committee accepts the Principles of the Foster Care Charter as drafted by the National Foster Care Association.

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"The Social Work Department, unless in exceptional circumstances, will place children with foster carers who are approved under The Boarding Out and Fostering of Children (Scotland) Regulations 1985. Any exceptional circumstances will comply with statutory requirements".

This document includes a copy on the UN Convention on the Rights of the Child (Pg 33) This was entered into force on 2 September 1990.

It is also stated that the National Foster Care Association "believes that all children and young people needing substitute care, whatever their physical or mental abilities, should have the opportunity to live in a family, children and young people who are fostered deserve the highest standards of care, and it is the responsibility of all those involved to provide a high quality service".

- 12) 'Looked after and learning-improving the learning journey' 2015 states there was a national policy from CELCIS (Centre for Excellence for Looked after Children in Scotland) which has informed Aberdeen City Council (ACC) policy. The document stresses the importance of meeting the educational needs of looked after children.

#### ii. The child's views

Children (Scotland) Act 1995 s17(3) states, before making any decision with respect to a child whom they are looking after, or proposing to look after, a local authority shall, so far as reasonably practicable, ascertain the views of:- (a) the child. This is also imbedded in practice as set out in the The Looked After Children (Scotland) Regulations 2009, Part 11 (2) Before preparing the child's plan the local authority must, so far as is reasonably practicable and consistent with the best interests of the child, consult with- (a) the child, taking account of their age and maturity.

- 1) 'Professor Norrie - Legislative background' (2017), pg. 96, states "It had since 1968 been a central feature within the children's hearing system that children would have an opportunity to speak, and so the innovation was its extension to the court system. More radical, indeed, was s. 17(4), which provides that local authorities in making decisions with respect to any child whom they are either looking after or proposing to look after must have regard so far as practicable to the views (if the child wishes to express them) of the child concerned, taking account of his or her age and maturity. Neither s. 16(2) nor s. 17(4) qualifies the paramount consideration for courts, children's hearings and local authorities exercising their functions under the Act: the welfare of the child.<sup>394</sup> The obligation is for decision-makers to take the child's views into account in seeking to identify what the child's welfare requires, not to follow these views irrespective of the effect on welfare".

Also, Pg. 102 states "Before making any decision in respect of a child they are looking after, the local authority must, so far as reasonably practicable, ascertain the views of the child, the child's parents, any other person who has parental rights, and any other person whose views the authority considers relevant; in coming to its decision, the local authority must have regard to these views, and to the child's religious persuasion, racial origin and cultural and linguistic background."

#### iii. Reviewing a child's continued residence in a foster care placement

- 6) Booklet setting out the Poor Law Scotland Regulations 1934 which in Part III on page 3, contain the regulations for the Boarding-out and Placing of Children in Institutions other than the Poorhouses. It states that; "every child boarded-out by a local authority shall be visited at least once every twelve months by an inspector of the local authority who may be accompanied by not more than two members of the local authority " The inspector and members were expected to "furnish to the local authority" a report covering the general conditions of the home where the child was residing, the suitability of the guardian, the sleeping arrangements, the conditions of the child's clothing, the child's health, general welfare and behaviour, progress made at school, how the child is occupied out-with school hours, any complaints and any other matters.

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- 13)** The local authority's policy on Looked After Children Reviews dated 2002. It states "Section 31 of the Children (Scotland) Act 1995 places a duty on Local Authorities who are looking after children to review their Care Plans at intervals prescribed by the Secretary of State"

Children's Hearing (Scotland) Act 2011, Review by children's hearing where child in place of safety

- (1) This section applies where—
- (a) a child protection order is in force in respect of a child,
  - (b) the child has been taken to a place of safety by virtue of the order, and
  - (c) the Principal Reporter has not received notice under section 49 of an application to the sheriff to terminate or vary the order.
- (2) The Principal Reporter must arrange a children's hearing.
- (3) The Principal Reporter must arrange for the children's hearing to take place on the second working day after the day on which the child is taken to the place of safety

#### **iv. Child protection**

- 14)** Attached to National Foster Care Association training programme for foster Carers in May 1995 is paper headed "National Foster Care Association Handout- Child Protection and Foster Carers."
- 15)** The Scottish Executive issued guidance in January 2005 called 'Protecting Children and Young People: Child Protection Committees' which looked to improve and implement Child Protection Committees, with full implementation expected by September 2015.
- 15a)** North East of Scotland Child Protection Committee, (NESCPC) minute dated 6 March 2006 states that the Scottish Executive had provided draft guidance relating to Child Death and Significant Incident Reviews.
- 15b)** NESCPC minute dated 19 April 2007 refers to Scottish Executive Guidance 'Protecting Children and Young People: Child Protection Committees'.
- 15c)** NESCPC minute dated 1 March 2010 refers to the HMIE document 'How well do we protect Scotland's Children?'. "The summary advised that the report did not identify any individual authority as an example of good or weak practice but did provide comments which could be relevant to future improvements in child protection in the Committee's area. The strengths and weaknesses identified during the inspection were summarised, as well as the sections in the report which related to 'How are services improving?' and 'Looking Forward'. It was noted that the Committee was already aware of the majority of the issues which had been raised in the report and that the identified issues would be discussed further in future".
- 16)** The Scottish Government provided a policy document in 2010 called 'The National Guidance for Child Protection in Scotland' which provided comprehensive guidance on child protection.

Children's Hearings (Scotland) Act 2011, Review by children's hearing where order prevents removal of child

- (1) This section applies where:
- (a) a child protection order is in force in respect of a child,
  - (b) the order authorises the prevention of the removal of the child from a place, and
  - (c) the Principal Reporter has not received notice under section 49 of an application to the sheriff to terminate or vary the order.
- (2) The Principal Reporter must arrange a children's hearing.
- (3) The Principal Reporter must arrange for the children's hearing to take place on the second working day after the day on which the child protection order is made.

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**16a)** NESPCPC minute dated 5 December 2011 states the National Society for the Prevention of Cruelty to Children (NSPCC) School Service Manager for Scotland attended the meeting to explain the Childline Schools Service in more detail. It was stated "that a strategic review of the NSPCC had been undertaken in 2009 to look at the services provided, particularly for those children who had been abused. The review had recommended that services should be focussed on targeting the areas where abuse was most prolific. He noted that the NSPCC were predominantly contacted by children aged 11 and over, whereas most children on the child protection register were younger than 11. The NSPCC wanted to ensure that children knew where to go with concerns; how to recognise the signs of abuse; and how they had a right to be safe. In late 2010, the NSPCC had piloted the new approach in approximately six schools, through presentations to school assemblies and class-based workshops. (He) explained that the service tried to be as interactive and engaging as possible...and that it was important to have a nationally consistent message being given to children....(He) advised that it was important to have links to Child Protection Committees, and any other initiatives being undertaken in local authorities".

##### **v. Discipline**

**17)** Allegations of Abuse in Foster Care: Guidelines, 30 April 2004, Pg. 1-2: Safeguarding Children from Abuse: "1.5 Aberdeen City Council has adopted the Fostering Network's policy on corporal punishment, i.e. that each child in foster care is protected from all forms of corporal punishment (smacking, slapping, shaking) and all other humiliating forms of treatment or punishment.

##### **vi. Complaints handling**

**96)** There is evidence through the Social Work Committee minutes dated January 1991 of discussion around the Social Work Complaints Procedures under the National Health Service and Community Care Act 1990.

The Public Services Reform (Scotland) Act 2010 gave the Scottish Public Services Ombudsman (SPSO) the authority to lead the development of simplified and standardised complaints handling procedures across the public sector and provided them with the power to publish model complaints handling procedures (CHPs).

**289) and 286)**

In 2010 there was an SPSO consultation, "Consultation on a Statement of Complaints Handling Principles and Guidance on a Model Complaints Handling Procedure". ACC updated their complaint handling procedure in line with this consultation.

##### **vii. Whistleblowing**

Whistleblowing will not have been implemented during the period prior to the Public Interest Disclosure Act 1998 (as amended by the Enterprise and Regulatory Reform Act 2013). This gives legal protection to individuals being dismissed or penalised by their employers to ensure no one will be disadvantaged to raise a legitimate concern.

##### **viii. Record retention**

Data Protection legislation and civil court rulings and guidance would have informed national policy.

The Council adhered to the requirements for record keeping as laid down in the Social Work (Scotland) 1968 and subsequent Acts.

**18)** Case Recording Policy and Procedure document dated 23 August 2012, mentions the key legislation that staff should familiarise themselves with that impact on recording practice and record retention. These are Data Protection Act 1998; Freedom of Information (Scotland) Act 2002; Human Rights Act 1998.

**ix. Recruitment and training of foster carers**

It is understood that ACC has followed national guidance in relation to the recruitment and training of foster carers. ACC has followed national recruitment events such as Fostering Fortnight which was led by The Fostering Network. ACC also had their own local recruitment drives built around more national campaigns.

**19)** Pg 150 - paragraph 10.4 - Minute of the Public Assistance Committee, 11 January 1933.

The meeting discussed that the Provision of the Children and Young Persons (Scotland) Act, 1932, Part V of the Act (which deals with Infant Life Protection and effects of important modifications Part I of the Children Act 1908), had come into operation. The circular required the Local Authority to appoint an Infant Protection Visitor and suggested that the Council "should, by advertisement and poster, warn foster parents of the new provisions requiring that an undertaking to receive a child under the age of nine years for reward must now be notified before reception. The Act also makes it illegal to publish an anonymous advertisement indicating that a person or society will undertake or arrange for the care of notifiable infants".

- 6)** Booklet setting out the Poor Law Scotland Regulations 1934 which in Part III on page 3, contain the regulations for the Boarding-out and Placing of Children in Institutions other than the Poorhouses. It states that; "A child shall not be boarded out or be allowed to remain boarded-out-
- a) In a house in which a certified lunatic or mental defective is residing;
  - b) With a guardian occupying or residing in a house or premises licensed for the sale of excisable liquor;
  - c) In a house where any member of the household has at any time been convicted of an offence which; renders him unfit to be associated with a child; or
  - d) with a guardian other than a relative, of a religious persuasion different from that to which the child belongs."

The booklet also states that; " A local authority shall, before boarding out any child with a guardian, satisfy themselves that the guardian is of good character and of industrious habits, and is a person who is in all respects fit to look after the health, education and general wellbeing of the child."

Finally, there is a paragraph detailing the need for the local authority to make rules to be observed by the guardians "ensuring the general welfare of the child" and that a copy of these rules should be given to the Department of Health.

- 20)** There is an entry in the Social Work Committee meeting dated 22 May 1997, where the recommendation that Aberdeen City council should continue its membership of the British Agency for Adoption and Fostering, BAAF, which was agreed by the committee members as it "provided information and advice to its members" and "produced training material for the Children (Scotland) Act 1995". This would have been made available to foster carers.
- 20a)** North East of Scotland Child Protection Committee (NESCPC) minute dated 7 June 2010 refers to 'Private Fostering Care Commission Report' "which had been published by the Care Commission in April, 2010. The Scottish Government had tasked the Care Commission with bringing forward recommendations on how local authorities should meet their obligations towards children who were privately fostered. It was the duty of the person who held parental responsibility towards a child, and the private foster carer, to notify the local authority of a private fostering arrangement.
- 21)** Leaflet from the Scottish government from 2013, containing guidance for local authorities for managing private fostering arrangements.

#### Question 4.1-National-Policy and Practice

**x. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority**

ACC have always followed the processes led by BAAF, but this would have led us to seek out employer references only when the prospective carers work with vulnerable groups.

**d. If the local authority was aware of such, did they give effect to that policy/guidance?**

Yes

**e. If so, how was effect given to such policy/guidance?**

There are very limited records available in respect of the earlier part of the 1930-2014 period.

The local authority implemented national policy/guidance into practice through its organisational and management structures for example, through the provision of information across the organisation via committee and management meeting minutes, the development of local policy/guidance and the provision of training to inform and equip staff in their practice. More recently, the use of information technology has supported and enabled information on policy developments to be in real time and changes cascaded and accessible. In addition, there is greater use of information technology in the provision of training and development opportunities for staff in respect of the implementation of national policies and practice initiatives. Direct evidence of how effect was given to such national policy/guidance is, however, dependent on the availability of historical records.

**f. If not, why not?**

Not applicable.

#### **Present**

**g. With reference to the present position, are the answers to any of the above questions different?**

Yes

**h. If so, please give details.**

- 22)** As of 27 March 2020, the local authority has changed its guidance due to the Coronavirus Disease 2019, COVID-19, pandemic legislation, this document is overarching containing information on child protection processes, care of looked after children, home visits and recording.

#### **Reviewing a child's continued residence in a foster care placement**

- 23)** Handbook for Foster Carers, 08 September 2017, p19: states that in 2018 there was an amendment of the Looked After Children (Scotland) Regulations 2009.

#### **Complaints Handling**

- 181e)** The Scottish Public Services Ombudsman (SPSO) first published an announcement in October 2016 which provided information on changes to the social work complaints handling procedure which was implemented on 1 April 2017 and is still used today.
- 140)** Aberdeen City Council Social Work Complaints Handling Procedure dated April 2017, explains to staff how to manage complaints. The procedure has been developed by social work experts and third sector organisations working closely with the Scottish Public Services Ombudsman (SPSO).

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##### **23a, 23b, 23c, 23d, 23e, 23f, 23g and 23h)**

Documents explaining the complaints process of the Scottish Public Services Ombudsman. The Scottish Public Services Ombudsman (SPSO) is an independent organisation that investigates complaints. They created the Model Complaints Handling Procedure in 2017 that all Scottish Local Authorities must follow.

See supporting documents:

- 23a)** Your-complaint-our-decision
- 23b)** Your-complaint-our-decision-review-request-form
- 23c)** SPSO-Redress
- 23d)** SPSO-QuickGuideCHP
- 23e)** SPSO-DecisionMakingTool
- 23f)** SPSO-AssessTheNeedForChange
- 23g)** SPSO-ApologyGuide
- 23h)** SPSO-Alt-Com-Resolution

When contacted by a complainant, it is the SPSO's responsibility to determine whether to investigate the complaint. The SPSO submit preliminary enquiries to ACC before deciding to proceed with the formal investigation. If the SPSO proceed to investigation, they will contact ACC to request information about the concerns raised. Where the SPSO identify any failings, they have the power to outline recommendations that ACC must respond to resolve the matter. Further information on the SPSO is available via [www.spsso.org.uk](http://www.spsso.org.uk).

The existing Model Complaints Handling Procedure (CHP) has recently been reviewed by the SPSO, with several amendments to be introduced prior to April 2021. These amendments include the introduction of a third possible outcome; "resolved", in addition to "upheld" and "not upheld". The core procedure remains the same.

#### **Whistleblowing**

- 24)** The Council's Human Relations Website page on Whistleblowing Policies and Procedures states: "The Council wants to give you the opportunity to voice concerns if you believe there is serious malpractice or wrongdoing within the Council. The Public Interest Disclosure Act 1998 (as amended by the Enterprise and Regulatory Reform Act 2013) gives legal protection to individuals against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. These provisions ensure that no-one should be disadvantaged in raising legitimate concerns."

#### **Recruitment and training of foster carers**

ACC link heavily with The Fostering Network's guidance as well as National Care Standards to learn from research carried out, types of foster carer traits, to more and less successful recruitment techniques and national events that are taking place so that ACC can link in to our local recruitment calendar. Prospective foster carers also have a clear understanding from the National care Standards as to what they can expect from their preparation pre-approval.

- 25)** ACC have followed The Fostering Network Skills to Foster programme of training foster carers as well as developing our own programme of training, the first Skills to Foster training programme was published in 2003. The wider post Skills to Foster training is developed on a local needs led assessment rather than a national policy requirement.



Question 4.2-Local Authority-(i) Policy

**4.2 Local Authority**

**(i) Policy**

**Past**

**a) Was there local authority policy/guidance in relation to the provision of foster care?**

Yes.

**b) Was there a particular policy and/or procedural aim/intention?**

Yes.

**c) Where were such policies and/or procedures recorded?**

Direct evidence of local authority policy, guidance and practice across the specified time period is very limited due to lack of records in respect of the earlier stages of the inquiry's timeline.

Policies and procedures were recorded in the form of letters, committee meeting minutes, booklets and memos. In more recent times, since the advent of the internet, policies and procedures are accessible online.

**26)** The 'Foster Carer Handbook' (2007) contains numerous Aberdeen City Council policies and procedures in relation to foster care. It was comprised to offer support and guidance and designed to offer practical support and a point of reference, for the foster carer.

**d) What did the policies and/or procedures set out in terms of the following:**

**i. Child welfare (physical and emotional)**

See response to 4.3 i) d. iv and 4.3 i) d. v.

The local authority has increasingly had child welfare at the centre of its strategic planning and delivery in line with societal and legislative values and expectations.

**27)** It is known that Oldmill hospital boarded out children in 1932. From Council Meeting dated 15 August 1932, it is known that 4 families were ejected from Oldmill Hospital for arrears of rent and had been refused assistance with housing at that time. The newspaper article attached to this document dated 11 August 1932 states that "...the committee agreed the children should be boarded out".

**28)** Rules for the Guardians of Boarded-Out Children dated 28 October 1932 state that guardians "are to be depended on to 'look after the health, comfort, education, and general well-being of children..' and that 'A kindly feeling should be cultivated between guardians and children in their care. Children are to be treated as far as possible as members of the family, partaking of their meals at the common table, and sharing a common family life'...the attention of the Medical Officer should be drawn, as necessity arises...Every child of school age, if health permits, must be sent with the utmost regularity to the nearest school...and moral and religious training through 'regular attendance at Church and Sunday School'."

**29)** Public Assistance Circular 1934 - Pg 8, states that "On no account should guardians be allowed to exploit the labour of a boarded-out child. Careful attention should be given to this aspect of a child's welfare by the local representatives of the authority and by the authority's visiting members and officials."

**30)** Town Council minute dated 1 October 1945 p844, paragraph 10, states that "the Scottish Education Department announced on 30th June that the Secretary of State had decided to review the Scottish regulations" following "publicity given to certain cases involving cruelty to boarded-out children". Each local authority was "requested to review its arrangements and satisfy that the existing regulations were being properly observed and that all possible steps open to the Authority were being taken to secure the well-being of children under their care".

#### Question 4.2-Local Authority-(i) Policy

Following a visit by H.M Inspectress of Boarded-Out Children additional precautions had been adopted to ensure the suitability of foster parents and the frequency of visits.

The report by the Director shared the views of a special sub-committee "which had recently carried out a visitation of boarded-out children under the care of the Education Committee". Generally, children were found to be happy and well cared for. The sub-committee, "felt that close consideration should be given to three points:

- a) The concept of care and protection and the obligations which are placed upon the Education Authority to discharge
- b) The whole question of regular and frequent visitation
- c) additional safeguards in order that the regulations may be carried out in the spirit as well as in the letter"

The committee forwarded the report to the 'Clyde Committee' who was considering child deprivation and provision, and meantime the questions of major principle were deferred until the findings of the Clyde Committee were known. (see 'Professor Norrie - Legislative background' (2017), (document 1) Pg 88-89 for further details on the Clyde Committee)

The committee adopted additional safeguards meantime. The safeguards were:

- a) Head teachers were to keep special watch on boarded-out children and report at once any sign of physical or mental disability or maladjustment and provide a report every 6 months on the general condition of the children.
- b) That the parish minister or equivalent give special concern to the spiritual and recreational needs of boarded-out children, and for girls a suitable woman in the district be asked to take a special interest in their welfare.
- c) Children should receive school meals and milk where available.
- d) Boarded-out children to receive a small amount of pocket money, and where possible on visitations be given a small gift of sweets etc.
- e) Local authority to supply loans beds and bedding to avoid children sleeping together or with an adult.
- f) Health visitor to visit the homes of boarded-out children.
- g) The Welfare Officers visits to be on the basis of the regulations, and the Sub-Committee visitations to be at intervals of no more than 6 months and the Director to devise a rota for these visits.

**31)** Social Work and Community Development Department - Children's Services Section: Roles and Responsibilities in the Process of Reviewing the Needs of Children and Accessing Resources, September 2001, p2, states the responsibility for identifying and assessing needs for looked after children lies with social work fieldwork teams, the Children and Families Senior Social Worker having ultimate responsibility although, practicably, much of the work will be with the field social worker. This assessment must be recorded in writing, "assessment may bring together contributions from a number of other specialists or agencies. The purpose of the assessment is to define the individual's needs in the context of local policies and priorities and agree on the desired outcome of any involvement".

**13)** LAC Guidance 2002 for Aberdeen City Council provides a framework within which employees, carers and the Local Authority can:

1. Improve the parenting experiences of children looked after away from home by Local Authorities.
2. Provide evidence of the above by formalising recording of information, making and reviewing plans.
3. Improve the outcomes (across a set of developmental needs) for this particular group of children.

"The Social Work and Community Development Department and its employees has the lead responsibility in meeting the needs of each child/young person looked after away from home.

#### Question 4.2-Local Authority-(i) Policy

However, partnership with others, including parents and other professionals, is a necessity to ensure that the outcomes for this group of children and young people will improve."

- 10) 'Getting It Right for Every Child' (GIRFEC) (first introduced in 2006) provides a shared, multi-agency focus on all aspects of children's wellbeing, including their physical and emotional welfare.
- 31a) Integrated Assessment Framework circa 2006, the aim of which "is to simplify the assessment process across all services and agencies working with children, young people and their families. The process is about making good assessments and joint working, respecting the roles and expertise of others, reducing duplication and leading toward one agreed action plan". The document contains the key principles and content of the assessment.
- 31b) A booklet "Short Guide to Integrated Assessment" was produced circa 2006.
- 32) Integrated Children's Services Plan 2011: GIRFEC is further underpinned by the Strategic Integrated Children's Services Plan and outcome groups.
- 32a) NESPC minute dated 7 March 2011 refers to "multi-agency guidance on Child Protection and Parenting Capacity Assessments which had been produced to build on the 2007 Getting Our Priorities Right guidance and the related pregnancy protocol. The report advised that it was necessary to consider all issues which could impact on a parent's capacity to care for their child. While children did not necessarily experience behavioural or emotional problems when parents suffered from mental illness, substance misuse, domestic violence, or a history of child abuse and neglect, it was noted that when these parental problems co-existed, the risk to children increased considerably. Therefore there were some children and families who required additional support and guidance, or some measure of intervention, and the revised guidance had been produced to reflect this. It was noted that the guidance would be reviewed annually by the NESPC".
- 33) Guidance on Eligibility Criteria for Aberdeen Children's Social Work Service 2009 - this document introduces a framework for eligibility to Social Work Services and provides a matrix in terms of levels of need.
- 34) Aberdeen City Council first developed its Corporate Parenting Strategy in 2009. The Corporate Parenting Policy May 2012 is an overarching policy explaining general duties and expectations, illustrating aims, etc.

#### ii. The child's views

The child's views are important to the local authority and this is reflected in strategy, policy and practice. Children's Rights Officers have a remit to support looked after children to be heard and their views represented, both within the local authority and with external professionals. The allocated social worker, social work team and decision makers would have been expected to consider the views of the child when planning or making decisions, the Children's Rights Officer would also represent the child's views. It would also be the role of social work staff to seek views of the child about their foster placement, for hearings and for legal proceedings such as a permanence order.

- 35) Have your Say form c.1990: this form was used to gauge the child's opinion before their Care Review. 36) is an example of the same document circa 2006 and document 37) circa 2010.
- 11) In Child Care Strategy July 1994 Pg 6 under Quality of Provision: it is stated "In recognition of the particular vulnerability of children in care to exploitation and abuse the Social Work Department, in conjunction with foster parents and agencies which act on their behalf, will take additional steps to ensure that children have special procedures through which to make representations and complaints effectively. Access will be provided to systems both within and out with the Social Work Department and agencies such as "Who Cares? Scotland"

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which represent the interests of young people in care. Consideration will also be given to the appointment of a Children's Rights Officer."

- 37a)** Grampian Regional Council Minutes dated 3 August 1995, mention a report on the work of the Children's Representation Service during the period of 1 April to 31 December 1995. The report stated that the Children's Representations Officer had issued a leaflet on the service and publicised the service among foster carers. A development pack for young people was being developed.
- 38)** "What's Bugging You" children's complaint leaflet – was a complaint leaflet produced in 2010 aimed at children and young people which explains the complaint process and how to complain, as well as how to speak with the Children's Rights Officer.
- 39)** Practice and Procedure guidelines for reviews for children and young people accommodated by Aberdeen City Council, dated May 2010, gives guidance in relation to the child's views, "One of the over-arching principles of the Children (Scotland) Act 1995 is the obligation on the Local Authority to ascertain and take into account, as far as reasonably practicable the wishes of the child. Preparation of the child for a Review is therefore vital in ensuring this and providing evidence of the process.

"Children's participation at reviews will depend greatly on age, level of understanding and other variables. The guidelines for the Act states "that children of twelve years and over should be invited to attend their Reviews; the attendance of younger children should be considered in the light of their age and understanding. The Chairperson can exclude children from all or part of their own reviews where their presence is likely to disrupt the review, or where it is in their own interests to be excluded. This should be the exception and, if it occurs, the reasons identified in the Social Worker's report and minuted by the Chairperson of the review. Whether or not the child attends the review, the obligation on the Local Authority to take into account the view of the child still applies.

"In general, however, if children have the capacity to understand the proceedings, they should be involved. The child would still be in receipt of the full minute in the majority of cases.

"The child's view may be represented by the Children's Rights Officer or Who Cares? Who cannot attend, either in support of the child or as a representative for the child at the Review. It should also be remembered that legal advice can be sought on behalf of the child or young person throughout the period they are looked after and accommodated away from home.

While the Act encourages the participation of children and consideration of their wishes, the Care Plan remains the responsibility of adults, and ultimately the Local Authority".

- 40)** Looked After Children Reviews, May 2011, pg 1. The Looked After Children Review leaflet states that if you are unhappy with the decision of a review, this will always be discussed at a Children's Hearing if you are part of that system and the Panel will make the final decisions so you can discuss the results of the review there. If you are not part of the Children's Hearing system, the review is usually the Social Work Services decision. However, if unhappy with the decision, the child can either by themselves or with the help of someone (social worker, Children's Rights Officer) fill in a Have Your Say form about this which was available from members of Social Work staff or any office.

#### **iii. Placement of siblings**

It is known that siblings were placed together wherever possible, however in some instances there may have been a sibling assessment completed indicating the children should be separated for the wellbeing of one or all of the children. It is also known that there have been difficulties identifying resources to allow siblings to be placed together in one placement.

- 11)** Child Care Strategy July 1994 states "The family links should be actively maintained by...keeping siblings together in care where facilities permit unless separation is part of a carefully assessed plan based on each child's welfare".

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- 41) Planning for Looked After Children - Practice Guidance (May 2010) chapter 4.3 Sibling Assessment provides an assessment pro-forma which was developed as a tool to help social workers as they work with siblings preparing them for permanency. It draws heavily on the BAAF publication "Together or apart?" and should be undertaken as part of the direct work with children, in particular if there are siblings who are currently separated in temporary placements but where the plan is to re-unite them in a shared placement. There is a presumption that siblings will be placed together, and contact maintained between them. Where this is not going to be possible, for whatever reason, this tool will help workers to plan the future for all the children in a sibling group.

#### iv. The placement of a child in foster care

- 42) Letter from social workers involved in a child's case to the senior foster carer, regarding the difficulty of finding foster care placements for older children dated 16 August 1991. The letter refers to a group of 12 children in the age range of 7-13 years, all of whom "we have not been able to place with a permanent family or have suffered from placement breakdown". It lists a series of ideas for finding placements for the children.
- 43) Foster Care Agreement 16 June 1993: Example of a Foster Care Agreement form between the local authority (in this case Grampian Regional Council) and the foster carer with regards to the care of a child. Outlines the child's needs, aims and expectation of placement, frequency of visits by social worker and rate of payment, plus information on child's school and medical needs. The document starts with the proviso that "Aspects of this Agreement can be re-negotiated at Review".
- 11) Child Care Strategy July 1994: under Placement Planning - "In all placements the aim will be to meet the child's care needs, provide choice and achieve the best possible match between the carers and the child. Such factors as geography, religion, race, culture, time and language will be taken account of and given priority in accordance with the needs and wishes of the children and their families."
- 44) Information booklet "Looking After You" dated c.2000, to be provided to a child when accommodated, included information on what to expect when they were accommodated.
- 45) Permanency Options, 05 November 2003, pg 12, states:
- "PERMANENT FOSTERING...
- "ADVANTAGES
- The opportunity to form ongoing, stable relationships within a family circle.
  - No "legal" severing of blood relationships.
  - Allows continuing social work supervision.
  - Leaves the door open for ongoing support, including finance.
  - Social work can continue to act as an intermediary with parents/birth family.
- "DISADVANTAGES
- "Fostering" carries connotations of impermanence.
  - Official social work intervention seen as intrusive/restrictive.
  - Child still involved in reviews etc.
  - Parent still retains legal rights and responsibilities.
  - Can be viewed as second best/option for really "difficult" children.
- "FOSTERING VERSUS ADOPTION
- "It might also be added that the quite understandable reluctance to plan adoption for "hard to place" children pays no heed to whether the alternative of long term fostering offers a better or at least no worse an option for the child".
- 143) Step by Step Procedure, 5 November 2003 is a step by step procedure for presenting a child to the resource forum and when considering permanent placements. This document

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illustrates that efforts were made to make compliance easier and provides a literal step-by-step guide for each stage of the process.

46) Residential and Foster Care Resource Forum, 18 February 2005, pg 1 states:

“Residential and Foster Care Resource Forum

“Purpose:

- 1) To consider how children who are at risk of being removed from home to foster care or residential child care (or from foster care to residential child care) might be supported to be kept in the community.
- 2) If removal from home or foster care is necessary, to authorise this in principle.
- 3) In cases where a child has been removed from home or foster care in emergency, to explore possibilities of rehabilitation or to authorise longer term removal in principle.
- 4) To prioritise the accommodation of children and young people for whom removal has been authorised by the resource forum or a Looked After Child Review; or where there is a requirement or request from a Children's Hearing.”

47) Memo dated 27 June 2012 provides policy on Initial Child Protection Case Conferences and reports as well as Review Case Conferences.

48) Authorisation to Accommodate Memo November 2013 states process to be followed from that time was that “the service manager with operational management must be involved and give explicit authorisation for a placement to be sought irrespective of the legislative context or type of placement required”.

#### v. The particular placement of a child with foster carers

See response to 4.2 (i) d) iv.

During the assessment of foster carers, registration considerations are discussed and form part of the assessing workers recommendation. There are some clear restrictions which will restrict a foster carer registration.

49) Aberdeen City's Councils Smoking Policy for Looked After Children in Foster Care and Adoptive Placements (November 2007) restricts some children from being placed with carer where a person living within the in the household smokes.

- No child under 5 will be placed with carers or adoptive parents who smoke
- No child with a disability, which means they are physically unable to play outside, will be placed with smoking families
- No child with respiratory problems such as asthma, those with heart disease or glue ear or other such medical conditions as determined by a medical practitioner shall be placed with a family that smokes
- No child from a non-smoking birth family will be placed in a smoking foster or adoptive home

There may be situations that the medical advisor recommends age ranges for foster carers based on a foster carers specific physical or medical conditions.

In matching children to fostering placements the Local Authority is required to take into consideration the child's, health, cultural and religious needs and the foster carers can meet these identified needs.

The fostering assessment is presented to the Fostering and Adoption Panel with a clear recommendation regarding registration. There are several registration options depending on the assessment outcome. Foster carers can be approved as temporary, permanent or respite foster carers and within their registration it will state how many children can be placed, age range and gender.

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- 50) The adoption and permanence panel annual report 2008-9, show that in 2008 there were 22 panel meetings and 2 appeal panel meetings. Within these meetings 89 cases related to permanency planning for children.

**vi. Contact between a child in foster care with his or her family**

The period between 1934 – 1983 no policy has been discovered which explicitly relates to contact between a child in foster care with his or her family therefore it is not known.

- 28) The Rules for Guardians of Boarded-Out Children dated 28 October 1932, state that “As children, in some instances, have been removed from the influence of degraded and immoral parents, guardians should keep in view that it is the general rule that no parents, relative, or friend should be allowed to visit a child without the sanction of the Public Assistance Officer, and, should any such visits be made, guardians are specially warned not to allow the child to go out with such visitors, or to accompany them to the point of their departure, and should at once report the visit to the Public Assistance Officer. As a rule, the Council wish all correspondence between the child and relatives to cease.”
- 29) Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Law Scotland Regulations 1934. It states “Generally, parents who wish to communicate with their children or the guardian should be afforded facilities for doing so (Article 32). Facilities should not be refused unless the authority are satisfied that it is not in the interests of the children to permit communication or unless the privilege has been abused by the parents”.
- 51) Social Security Adjudications Act 1983, Pg 8, outlines that the local authority cannot terminate arrangements for access to a child under Section 16 of the Act unless the parent or guardian have first been given notice in a form prescribed by the Secretary of State. The parent has the right of appeal against the order. This legislation also allows access orders where a parent/guardian can apply to the Sherriff for an order requiring the local authority to allow access to a child.
- 52) Termination and Restriction of Contact Procedure pg 1, August 2000: “The Children (Scotland) Act 1995 places a duty on Aberdeen City Council to promote and facilitate direct contact between children looked after by the council and their parents or person with parental responsibilities. Arrangements in respect of contact are made by the county, Children’s Hearings and the Local Authority.

“There are a number of purposes to promoting and encouraging contact between the children and their families. There is the enhancement of the developmental and psychological process and well being of children who are away from their families. There is also the need to maintain contact when the main aim of the Council is to work towards children being reunited with their family in their home.

“Contact should be viewed in its widest sense for direct contact with parents and the range of other family members, including siblings, grandparents, etc., to exchange of letters, cards and gifts.

“There may be circumstances when the child has restricted contact and can no longer have contact with his or her family. This will only occur where the family withdraw from the child’s life or where the local authority having given paramount consideration to the welfare of the child decide or recommend that either restricted contact or no contact is in the child’s best interest”.

**vii. Contact between a child in foster care and other siblings in foster care**

See response to 4.2(i) d) vi.

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##### **viii. Information sharing with the child's family**

Information sharing is carried out in compliance with data protection legislation. Information about a child is shared with parents or any other family member who hold parental rights in respect of the child or is deemed a relevant person, including any events, incidents or medical need pertaining to the child. This is usually but not exclusively communicated by the child's social worker. The Children's Hearing service would notify of a Children's Hearing and provide reports and minute of these. The local authority is responsible give notifications of any pending Looked After Child Reviews and Core Group Meetings and minutes and reports for these would be shared. These meetings provide forums for information sharing and effective care planning for the child.

Medical consent is sought at the point where the child is received into care, however where possible and appropriate a person holding parental rights should have an opportunity to attend medical appointments. Where consent is not given the person holding the parental rights will be consulted.

In some instances, foster carers use a communication book which passes from carer to parent during contact and this may also be recorded in review minutes. This provides parents with up to date information about their child and allow parents to add their own comments or questions.

- 52a) Information leaflet for children and families attending child protection case conferences and looked after child reviews dated circa 2005. The leaflet details the right for the person attending the meeting to bring another person to support them.
- 53) 'Looking after your child' is an information booklet for parents of a looked after child, dated 2006, containing information about what happens when a child is taken into care and what they should expect from the social work service.

##### **ix. Fostering panels (including constitution, remit, frequency and record keeping)**

See response to 1.8 i) e and 1.8 i) f.

- 1) 'Professor Norrie - Legislative background' (2017) page 168, "One of the major innovations in the 1985 Regulations was the requirement on care authorities to establish fostering panels, 643 whose functions were to "consider every person referred to it by the care authority as a prospective foster parent" and to make recommendations to the care authority as to the suitability of such a person to act as a foster parent either for any child, any category of child or any particular child".
- 54) Panel Minute dated 31 January 1985, of the first meeting of the fostering and adoption panel. Discussion revolves around how often the panel should meet, who would chair the meetings, and what the procedures would be for the referral of children, foster carers and adopters, to the panel.
- 55) Report for operational team meeting of 20 June 1995, on the future of the fostering and adoption panels, looks at relevant national legislation, factors to be taken into account, and how existing Panels should be established in 1996 post local government re-organisation. The document contains the constitution and statistical information about the Panels. An updated version of the constitution was completed on 30 January 2014 (55a).
- 56) Adoption & Foster Panel Information Leaflet for Parents (undated) - provides information on the Adoption and Permanence Panel. As a local authority adoption agency, the council was required by law to have a panel. The duties of the panel are to make recommendations on the following: about children; about the approval of adopters/permanent foster carers; about the match of particular children with adopters/permanent foster carers. The panel make recommendations to the agency decision maker who makes the final decision on behalf of the council.

Parents were invited to attend panel meetings to provide their views on proposed plans for the children. The panel will also consider the views of other people in certain circumstances,



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such as older children or key family members. Where parents are unable to attend, this can be done in writing and the social worker must also the parent's views in their report.

Following the parent's views being shared, the child's social worker will then present the proposed plan. The social worker is advised of the outcome of the panel at the time, and it is their responsibility to advise the parents as soon as practicable. The agency decision maker will provide a letter to the parents within 3 weeks of the panel meeting.

- 57) Adoption and Fostering Panel Annual report 2001 - notes, in the "Issues" section on page 3. The Panel recognised that there was a need to adopt BAAF's new Form F in the department as it made use of competency-based assessments. Another BAAF form, form E, still in draft form, was being considered for recording the assessment of children's needs. At the same meeting it was decided that "it would be useful to keep statistical information on children in relation to permanency planning". A form had been drafted for this.
- 58) The Adoption and Fostering Panel Report 2007-2008 contains the Recruitment Policy and Procedure for the Fostering and Adoption Panel.
- 58a) Memo dated 12 November 2009 detailing practice issues relating to cases coming to the Adoption and Permanence Panel, including "a lack of clarity as to the status of Agency Decisions" and "the process that needs to be followed when bringing cases to the Panel. The document includes a reminder of the processes to be followed.

#### x. Recruitment and training of foster carers

- 11) Child Care Strategy July 94, Pg 6, states "The Social Work Committee recognises the need and the right of foster carers to receive training which further develops their knowledge, ability and skills in caring for children. A comprehensive handbook will be compiled for Foster Carers detailing their tasks and giving guidance on policies and procedures including items such as pocket money and the use of sanctions".
- 14) NFCA training Programme 3-5 May 1995 makes reference to training in Child Protection for foster carers arranged by Grampian Regional Council Social Work Department.
- 25) ACC have followed The Fostering Network Skills to Foster programme of training foster carers as well as developing our own programme of training, the first Skills to Foster training programme was published in 2003. The wider post Skills to Foster training is developed on a local needs led assessment rather than a national policy requirement.
- 26) The Foster Carer Handbook 2007 (pg. 82) has a section "Foster Care Training" states that there is a commitment to develop consultation with the foster carer on fostering policies and procedures. Aberdeen Social Work Service will:
- "Support the involvement of the foster carer in working groups, training events and consultations
  - Involve the foster carer in future reviews of fostering services
  - Involve the foster carer in the preparation of the future development of Council's Children's Services Plan
  - Work closely with the Fostering Network

"By attending the local support group, the foster carer can also keep in touch with what is going on in foster care throughout Aberdeen. The support groups act as an important avenue through which information can be shared with those in the support groups."

#### "Foster Care Training

Aberdeen City Council has a commitment to offer training to you (the foster carer) on an ongoing basis. Training is seen as an integral part of fostering, enabling the foster carer to develop their skills and knowledge. A training manual offering a wide range of courses is

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produced and circulated to the foster carer by the Social Work Training Team on an annual basis."

##### "Basic Induction and Preparation

This is undertaken by staff from the Fostering Teams, often alongside existing Carers.

##### "Child Protection

"You are eligible for places on many of the Child Protection programmes provided on behalf of Aberdeen City Council by the Social Work Training Team, as well as the Aberdeen City Council introductory module on Child Abuse and Neglect.

##### "Other Specific Training Needs

"You should be considered for more specific training courses that are being provided by the Council. The training team stress that although there is a selection of training opportunities available in the manual they would be more than happy to look at what other training opportunities a foster carer may want to be included in the future either via contacting the training team or via their Link Worker.

##### "Training Material

"A Resource Library is available to the foster carer covering a wide range of subjects like parenting skills, childcare, behaviour problems, sexual abuse, separation and loss etc. The resource materials can be accessed via the Link Worker".

- 59) Inspection Report 27 November 2007 "Foster carer preparation training included child protection, and this was also a core subject for post approval training. BAAF were due to provide child protection training in the New Year. The service was proposing to implement an induction programme for foster carers which would also include child protection training."
- 60) There is evidence of training material by BAAF being offered to foster carers, on parenting a child who has been sexually abused.
- xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority**

See response to 4.4 i) d. iv.

When assessing potential foster carers references is sought from an employer where the applicant works with children, within a childcare setting or vulnerable groups.

If applications are received from individuals who are or have been previously registered as a foster carer with another agency or local authority references would be required. This is in line with the Children (Scotland) Act 1995 Pt II 21

**xii. Reviewing a child's continued residence in foster care or in a particular foster care placement**

Children's Care Plans have been subject to statutory looked after reviews since 1984 and local policy/guidance to support this has been consistently reviewed and updated. In addition, it is noted from social work records that case conferences and case discussions took place before this date.

- 11) Child Care Strategy July 94 states "In addition to existing statutory arrangements for regular reviews of both children and foster carers, the Social Work Department will develop methods of monitoring and evaluating outcomes of foster placements on a regular basis. The procedures devised will include the direct interviewing of children, their families and the foster carers".

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The Children's Hearing have a duty to review a child's supervision order annually to ensure it remains necessary. Where a child is placed in foster care secured by a supervision order there needs to be a Children's Hearing if there is a change of residence.

There were procedures for Looked After Children Reviews.

- 13) is an example from 2002
- 61) is an example from circa 2011

There were a number of policies and procedures, and forms for permanence planning for children in foster care, where rehabilitation home had been decided against, for example 62) dated 2002, 62a), 63), 64), 45), 65), 66), 67) and 68), dated 2003.

- 69) Assessment Principles: Assessing the Needs of the Child, 13 August 2008, p 2-7: Is a criterion to guide staff who are considering permanence as the Care Plan for a child.
  - 70) Practice Guidance for Permanency Planning document, c.2009, describes the steps and timelines for the procedures to follow once rehabilitation home for a child has been ruled out, that should be followed once permanency plans have been recommended. This guide was implemented following implementation of the Adoption and Children (Scotland) Act 2007.
  - 71) Guidance Note - Permanence Orders document, contains the guidance notes for permanence orders and is dated October 2009.
  - 41) Planning for Looked After Children - Practice Guidance (May 2010) Provides a detailed 'Step by Step' procedures of the different stages to be followed when a child is accommodated to the point of permanence planning and beyond.
  - 72) 'Information pack for staff chairing LAAC Reviews' dated June 2010 provides information for the chairperson including practice and procedure for Looked After Children reviews, legal advice on permanency options and procedures for reduction in contact.
  - 72a) Role of the permanence team circa 2010. This draft document sets out the role of the permanence team noting that the primary focus will be "to prioritise those cases where adoption or permanent fostering are the intended outcome". The document contains a flowchart showing the role of the Permanence Team where the decision for the child is permanent fostering.
- xiii. **Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)**

See response at 4.2 ii) b. xiii and 4.9 i) d. iii.

The minutes for the Public Assistance Committee between 1930 and 1945 state that the Public Assistance Committee were responsible for the annual visitation of boarded out children.

- 73) The Public Assistance Committee for Aberdeen Town Council which sat on 11 January 1933 states that a circular had been received from the Department of Health for Scotland which drew attention to provisions under the Children and Young Persons (Scotland) Act, 1932, and that the Secretary of State for Scotland had appointed 1 January 1933 as the date that Part V of the Act (dealing with Infant Life Protection) came into operation. Under Schedule two of the Act, at least one Infant Protection Visitor post must be given to a woman – where there was only one post this must be a woman. The committee instructed the Chief Public Assistance Officer to carry out provision as outlined in the Act.
- 166) Visitation to Boarded out Children 6<sup>th</sup> June 1934: List the arrangements for the members of the Public Assistance Committee to visit children boarded-out, out-with the local authority. It notes that the "visiting parties should consist of two and not more than three members" and

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that the visits may take place "on any day suitable to the convenience of members." It has a slip attached where members could inform of their availability.

- 280)** Memorandum regarding independent visitation of boarded-out children as called by the poor relief regulations (Scotland) 1934- Statutory Rules and Orders, 1934: Mr George W. Reid, Chief Public Assistance Officer and Inspector of the Poor, notes, with regards to section 21 of the regulations, that arrangements should be made for the supervision of children boarded out-with the local authority and that a report should be received every six months by the person supervising the child. Mr Reid suggests that doctors, resident in the child's district, should perform this duty and lays out instructions regarding the report they should produce. The names of the doctors of the different districts is then listed.
- 74)** Letter from Department of Health describing appointment of Inspector of Boarded-Out Children dated 1 October 1935.
- 75)** Public Assistance Committee Memo 11 February 1936 states "Where a local authority board-out a child in the area of another local authority, they shall make suitable arrangements for the child's supervision. Such arrangements shall include provision for the child to be supervised by some reliable person resident in the district where the child is boarded-out, and for the person by whom the child is supervised to furnish to the local authority a report every six months on the matters specified in paragraphs (a) to (h) inclusive of Article 23 of these Regulations.
- "Some consideration has been given to the best method of complying with these regulations, and it is suggested that for the first year, at all events, the Doctors resident in the various districts should be requested to perform the duty and furnish the reports referred to".
- 167)** Visitation to Boarded out Children 26<sup>th</sup> May 1936: List the arrangements for the members of the Public Assistance Committee to visit children boarded-out, out-with the local authority. It has a slip attached where members could inform of their availability.
- 75a)** Report by the Primary and Junior Secondary Schools Management Committee 8 September 1942, Section (4): "The Chief Attendance Officer reported that he had recently visited the 21 children meantime boarded out by the Education Committee and had found the conditions in each case to be satisfactory. In this connection , the Convener expressed the opinion that not only the Chief Attendance Officer but the members of the Committee in rotation, along with the Director of Education, should periodically visit these children and satisfy themselves that they are well cared for, and, after discussion the Committee agreed to recommend that, in principle, such periodic visitations of boarded-out children should be approved."
- 76)** Minute of Meeting of Public Assistance Committee, 21 April 1943 p260, paragraph 10.3: "The Committee remitted to the Convener and the Chief Public Assistance Officer to make the necessary arrangements for the carrying out of the yearly visitation of boarded-out children and mental patients"
- 77)** The Public Assistance Committee minute for 24 September 1943 states that a circular had been received from the Secretary of State regarding war orphans. It is stated that for such children under 9 years old the Minister of Pensions had statutory responsibility for them, and child protection visitor could leave the visiting to the minister of Pensions. The chairman advised that no visits were being made by the local authority at that time.
- 77a)** Public Assistance Committee meeting minute 21<sup>st</sup> April 1944, section 3: "The Committee had under consideration the question of the yearly visitation of boarded out children and mental patients, and, in this connection had reference to the circular letter, dated 29<sup>th</sup> July last, from the Department of Health on the matter of the curtailment of such visitations during the present emergency. The Committee remitted the matter to the Convener and the Chief Public Assistance Officer with powers, to make such arrangements for the carrying out of the yearly visitations of the children and patients referred to as they consider necessary in the circumstances."

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- 7) In the Council Meeting of 1 October 1945, p864-865, a Report from Director of Education dated 3 September 1945 indicates that visitation of all boarded-out children by the special sub-committee was completed. This followed the Monckton report and the Scottish Education Department requesting a review by local authorities. The adequacy of supervising all children in the geographical area was queried, as the sub-committee travelled over 300 miles in 3 days to visit all the children boarded-out. The visits were unannounced, and they presumed to have seen homes in their usual condition.

During the visits, both foster parents were interviewed where possible and also the headmasters of the schools the children attended. The children were generally found happy and physically well cared for. It was stated that there was a narrow limit of choice of foster carers, but that they had been selected with care and discrimination. In some cases the foster carer was thought to lack a degree of sympathy and understanding and these cases were to be reviewed.

In some homes the sleeping accommodation was seen to be cramped and the cleanliness of the bedding not up to standard. There was no indication the children were being required to work on the crofts visited, or that they were being exploited.

The outcome from the sub-committee visits that there were no scandals to report and the children were living in far better circumstances than they had been taken from.

The committee reported that the children they visited were protected from physical and moral danger, "but the committee felt that the implications of the word 'care' have not been exhausted until the wider sympathy, love, and opportunities which can be enjoyed in a good home are given to them. What is needed is a new conception of the importance and value of the work of a foster-parent to raise it from the level of financial necessity to that of a devoted social service".

The committee recognised that foster parents were induced to board children due to financial necessity or reward. It was suggested that foster-parents be rewarded with a scale of payment dependant on their skills and qualifications, not to be seen as 'victims of financial embarrassment' but instead as 'trusted agents of the community in a work of social rehabilitation'.

The same minute states also that "visits should be undertaken more frequently than at present, and by a qualified member of staff. Visits every 3-6 months are recommended to be carried out by the Special Sub-Committee, this is in accordance with Local Government practice. It was considered that visits should be more frequent than every 3 months. It was recommended that a special trained qualified person was appointed for the supervision."

- 78) At Council Meeting on 15 October 1945, it was recommended that, "in order to avoid embarrassment to the children, visitations by the Children's Committee be confined to homes of boarded out children...and that the total number of visiting members and officials be confined on any one occasion, to three."
- 78a) Youth and Social Service Sub-Committee Meeting minutes 8 September 1947: Mentions a report on visitation of boarded-out children being submitted to the committee.
- 78b) Minute of the Children's Committee Meeting 28 December 1948: there is a discussion as to whether prior notification should be given to the foster carer of "any proposed visit by members of the Committee to the home in which a child in care is boarded-out".
- 78c) Minute of the Children's (General Purposes) Sub-Committee 2 July 1958: Discusses the arrangements for the "periodic visitation by the members of the Committee, of foster-homes in which children in Care of the Corporation are boarded out, and for the submission to the Committee of reports on such visitations."
- 78d) Children's Committee Meeting Minutes 18 May 1959: The Committee approves a "rota of visitation of members of the Committee of foster-homes in which

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children of the Corporation are boarded-out”.

- 78e) Children’s Committee Meeting Minutes 21 September 1959: notes that the Committee “had before them and had noted the terms of the memorandum on the boarded-out children issued by the Scottish Home Department for the guidance of local authorities in the administration of the Boarding out of Children (Scotland) Regulations 1959.
- 78f) Grampian Regional Council Social Committee Minute 5 June 1986, section 17: The Committee note the new regulations; the Boarding out and Fostering of Children (Scotland) Regulations 1985.
- 26) Foster Carer’s Handbook dated 2007: Page 13, under role of the social worker, ‘During Placement’, “To visit the child in the Foster home and to see the child alone in order to ascertain the child’s feelings and wishes, to work with the child and to provide a link with the child’s family and others who are important”.
- 79) Fostering Agreement dated August 2007 - Immediate Placement - Regulation 13 Children (Scotland) Act 1995), “I agree to permit anyone authorised by the local authority to visit (the child) at any reasonable time”.
- 59) Inspection Report 27 November 2007 “Annual unannounced visits were being carried out for each carer and appropriately recorded. The foster carers spoken with as part of the Inspection confirmed that they had received said visits.” Annual unannounced visits have continued until the present day.
- 50) Annual Report APP 2008-9 outlines that there were reviews of foster carers: “Ensure that there is at least 1 recorded unannounced visit to the carer’s home and that the children were present”.

#### xiv. **Transfer of a child from one foster placement to another (including preparation and support)**

##### 80) and 81)

Movement of Children Subject to Section 70 Children (Scotland) Act 1995, 09.2001, p1. Where a child is subject to Section 70 Children (Scotland) Act 1995, who is looked after and accommodated in a named place of residence, is moving placement, a Children’s Hearing must be requested, and the move must not take place until the Children’s Hearing have made the decision to allow the move unless the move is an emergency move under Section 72.

- 26) The Foster Carer Handbook 2007 (pg. 74-79) has a section ‘Ending placements and moving on in foster care’ which explains:

“Foster placements end for many different reasons: most commonly children return to live with their birth family, but sometimes a child moves to a long-term placement, to another foster placement, to a residential school or unit, or towards independence. Sometimes foster placements come to an end when the child is adopted, either by moving to an adoptive placement, or on occasion by being adopted by his/her Foster Carers. It is important that the experience of the ending of a foster placement is as positive as possible for a child, and the aim should always be to bring placements to a planned conclusion, where the Social Worker will discuss plans with the child, you and Parents and will involve them in preparing the child for the move. As far as possible hasty moves should be avoided. Only in exceptional circumstances should a child be moved with less than 24 hours notice. Where the child is subject to a Supervision Requirement from the Children’s Hearing, the Social Worker will advise the Reporter of the move, requesting a Children’s Hearing in order to have the child’s Supervision Requirement varied. ‘Foster Carers have an important role in preparing and reassuring the child, assisting introductions and visits with new Carers, and helping new Carers to understand the child’s habits, routines and needs.’ (Scotland’s Children Vol 2: Page 25).

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“Where a child is accommodated by agreement with a Parent under a voluntary arrangement, a Parent may remove the child without notice if the placement has lasted less than 6 months.’ (Scotland’s Children Vol 2: Page 26) If the child has been accommodated for 6 months, Parents must give 14 days notice in writing, so that the child’s move can be planned. You must always seek advice from Social Work (or the Out of Hours Emergency Service outwith office hours) if a Parent requests the unplanned removal of the child. In these circumstances, it may be necessary for the Social Worker to consider whether this would be likely to cause significant harm to a child, and whether to seek a Child Protection Order to prevent his/her removal.

The handbook gives specific guidelines for a ‘Child returning home’, ‘Helping children move to a permanent family’, ‘Placement disruption’, and ‘Leaving Care’.

**82)** Joint Protocols were entered into between Aberdeen City Council and Aberdeenshire Council regarding the following:

1. Transfer Arrangements for Children and Young People who are looked after and Accommodated (July 2011)
2. Regarding the Notification and Transfer of Children Placed in Kinship Arrangements (November 2010)
3. Regarding Transfer Arrangements for Children & Young People on Supervision Requirements under section 70 of the Children (Scotland) Act 1995 (March 2011)
4. Regarding Transfer Arrangements for Children & Young People on Supervision Requirements cared for by their parent(s) or who are receiving voluntary support) (March 2011)

**82a)** Memo about Case Allocation and Transfer Responsibilities dated 23 February 2011, listing the processes and responsibilities regarding the allocation and transfer of cases. There is a note that this memo, “is to be read in conjunction with the existing Aberdeen City Council transfer policy and NESPC guidance.

**83)** Practice Guidance (May 2014), the process for moving children from foster care into adoptive families or permanent foster carers. This practice guidance aims to provide a framework for work in relation to permanent placements and was used in conjunction with the practice note on matching processes. The guidance recognises that a child’s move from task centred foster care to a permanent family, whether adoption, permanent fostering or rehabilitation back to the birth family, is a crucial time in a child’s life, and impacting on all the people involved. To ensure the move goes well we must keep the child in focus throughout. By working closely together, and providing unstinting support for all involved, the introductions should go well and be enjoyable for the adoptive family, the foster carer and the child, and provide a positive start to the placement. The adults should be helped to establish a positive relationship, whereby the adopters feel comfortable to ask for advice and help in parenting the child and the foster carer feels able and willing to respond in a positive and affirming manner. In this way we should achieve for the child the best possible beginning of the rest of his or her life.

**xv. Transfer of a child between foster care and residential care (including preparation and support)**

See response to 4.2 (i) d) xiv and 4.2 (i) d) xv for policy on transferring children.

**xvi. Child protection**

The local authority has had inter-agency child protection guidance since 1979 which has been reviewed and updated at regular intervals up to the present day.

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Scottish Child Protection Committees flowed from a Scottish Government review of child protection in Scotland in 1998 and the first significant national child protection guidance came in "Protecting Children and Young People: Child Protection Committees (2005)". Each local authority area is required to have a child protection committee (CPC) in some shape or form.

The North East Scotland Child Protection Committee (NESCPC) was the first child protection committee in the Grampian area and was a joint committee across Aberdeen City, Aberdeenshire and Moray local authority areas. Because of the geographical range and the diversity of issues, the NESCPC was disestablished in 2013 and the 3 separate Child Protection Committees (City, Shire and Moray) emerged. Aberdeen City CPC had its first meeting in June 2013.

- 83a)** NESCPC Child Protection Guidelines dated 1999, contains all information regarding the work of the committee and information on child protection, how to make referrals, joint investigations, child protection case conferences. Information specific to foster carers is on page 22 covering "how to respond to cases of possible child abuse" and the "general duties with reference to child protection".
- 84)** 'Transfer Maternity to children and families' June 2000, provides processes for transferring cases from the maternity team which deals with ante-natal and early post-natal cases to the children's social work teams. Detailed is the process for Initial and review case conferences for infants.
- 83b)** Procedure for transfer of cases between children and families teams, within Aberdeen city neighbourhood areas from July 2006. This document details the procedure for transferring a case between teams, with information about the discussions to be held with the new case worker and new team manager.
- 83c)** Child Protection Standards, circa 2000 note, "The standards should not be considered in isolation but support and complement the North East of Scotland Child Protection Committee Guidelines. In addition, the standards reflect recommended practice within other key documents such as the Scottish Office report "Protecting Children".
- 15b)** NESCPC minute dated 19 April 2007 refers to Scottish Executive Guidance 'Protecting Children and Young People: Child Protection Committees' and the NESCPC communications strategy in relation to this.

"The key messages contained in the strategy were as follows:

- child protection is everyone's business;
- what to do if you have a child protection concern;
- the NESCPC is the inter-agency mechanism supporting child protection work; and
- the NESCPC promotes child protection work and practice and responds and disseminates information relating to improving practice and on-going guidance and legislation awareness".

- 84a)** NESCPC Minute dated 2 June 2008 states "In relation to the development of a Sexual Relations Exploitation Protocol, the report indicated that following further work, this had now been split into two parts. The Scottish Government had issued consultation on Sexual Exploitation of Children and it would be prudent to wait until this was finished until progressing this part of the protocol further. Separate guidance was needed in relation to underage sexual activity, which could be adapted from other existing protocols".

The minute (pg. 14) states the committee were "provided details of a number of Significant Case Review recommendations which had been completed or partially completed and outlined the actions which had been or were to be undertaken.

"The report (a) explained that recommendations had not previously been within the SMART formula (specific, measurable, achievable, relevant and time bound), which led to ambiguity in relation to understanding what was required for some recommendations; (b) advised that in



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addition, no timescales for completion/implementation were identified for the recommendations resulting in delays in implementing these, however the new Significant Case Review Protocol and Terms of Reference documents would address this in future; and (c) indicated that there were currently four NESCPD Significant Case Reviews in various stages of progression at the present time.

"The report recommended that the Committee accepts the 51 recommendations annotated as completed by this report;"

– however it is not stated which authorities have responsibility for these cases.

- 84b)** NESCPD minute dated 1 December 2008 states the committee had considered and approved NESCPD multi-agency guidance for working with children and young people who are sexually active. "This was in recognition that a number of children and young people are at considerable risk, through their own behaviour, or as a consequence of other's behaviour towards them". The guidance was to be placed on the NESCPD website and distributed to members appropriately.

The minute also considers Missing Children Alerts Notification: "The report indicated that (1) the NHS has a national protocol for managing missing or unseen children from health services; and (2) although these systems link at a national level within the NESCPD area there is no standard approach that links the protocol to Social Work, Education and Police". The recommendation was to review the "current single agency processes to develop a robust interagency protocol". The recommendation was agreed by the committee.

- 84c)** NESCPD Constitution 2010 provides the functions of the North East of Scotland Child Protection Committee which was established to cover the local government areas of Aberdeen City, Aberdeenshire and Moray. Also stated is the composition of the committee.
- 85)** A memo from Head of Children's Services dated 4 February 2011 shows the procedure for Initial Referral Discussions (IRD) which take place between social work, police and health professionals at the outset of a child protection referral.
- 86)** 'Child Protection Guidelines' dated June 2011 sets out the North East of Scotland Child Protection Committee (NESCPD) guidelines and procedures.
- 87)** ACC-Child Protection Webpage provides details of Aberdeen City Child Protection Committee (CPC) and their constitution which became effective on 7 June 2013.
- 88)** The NESCPD disaggregated in March 2013, the NESCPD consisted of Aberdeen, Moray and Aberdeenshire child protection committees. A North East office (known as the Child Protection Partnership) continues to manage the Child Protection Register and deliver child protection training as required by the three child protection committee partnerships.
- 89)** "The Child Protection Register is an administrative process for alerting workers to the fact that there is sufficient professional concern about a child to warrant a multi-agency child protection plan. Placing a child's name on the Register does not in itself protect a child; protection comes from the multi-agency child protection plan".
- 90)** <http://www.childprotectionpartnership.org.uk/> states "Aberdeen City Child Protection Committee (CPC), set up in March 2013, is a partnership with representatives from all agencies in Aberdeen responsible for child protection arrangements; social work, police, health, education, children's hearing, housing and the third sector. The CPC meets several times every year. Its main functions are to consider and improve the public information, continuous improvement and strategic planning for child protection in Aberdeen City.

"The Operational Sub Committee has a Child Protection Programme which aims to make sure that every child or young person in Aberdeen is safe and protected from harm including:

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- “Being physically, sexually or emotionally harmed, or put at risk of harm, abuse or exploitation
  - Having their basic needs neglected or being cared for in ways that are not appropriate to their age and stage of development
  - Being denied the sustained support and care necessary for them to thrive and develop normally
  - Being denied access to appropriate medical care and treatment; and
  - Being exposed to demands and expectations which are inappropriate to their age and stage of development.”
- 57) Annual Report 2001 indicates that a working party was convened to review policies and procedures for the review of approval of carers where allegations of abuse had been made against the carer by a foster child. In this instance there had not been clear policies and procedures, hence the consultation exercise.
- 91) Framework for Sex Offenders in the Community, 04.2005, p22: “Local Authorities have duties towards children and families. This includes the power to help children, to protect them from risk or harm and when necessary, invoke the compulsory measures provided for under Section 52 of the Children (Scotland) Act 1995. Local authorities also have a duty laid down by the Children (Scotland) Act 1995 to “safeguard and promote [the] welfare” of children whether they are ‘looked after’ or being cared for by their own families (see sections 16 and 22).
- “The North East of Scotland Child Protection Committee Guidelines give clear information and guidance on Child Protection matters. The Child Protection Committee which drew up the guidelines has a membership drawn from many agencies and professions.
- “Training and guidance in child protection matters and the use and interpretation of the Guidelines is available for relevant staff.”
- 92) Child Protection Standards, June 2007 provides overarching policy explaining the drivers, legal context, and duties.
- 59) Inspection Report 27 November 2007 – “Aberdeen City Council Fostering Service had adopted the North East of Scotland Child Protection Committee child protection guidelines as their child protection policy and procedure.”
- 93) Guidance for the Children and Families Social Work service on how to manage information relating to offenders who might have contact with children or young people, through the Multi Agency Public Protection Arrangements, MAPPA, framework, which was introduced in Scotland in April 2007.
- 48) Memo on Child Protection Investigations Recording and Reports dated 27 June 2012, contains information for social work staff on the arrangements for completion of reports for children in the child protection system.
- 93a) Constitution for the Aberdeen Child Protection Committee dated 2013, notes that the committee’s role is “to provide individual and collective leadership and direction for the management of child protection services across Aberdeen City. It works in partnership with the Chief Executive Officers Group and the Scottish Government to take forward child protection policy and practice across the local area and across Scotland.”
- 94) Significant Incident reporting document, dated January 2014. It has a form attached for reporting a significant incident for any child, cared for by the social work services, including looked after children in foster care.
- 94a) Child Protection Case Conferences Guidance Notes circa 2014, this document contains a checklist of the Child Protection Case Conference different issues that a chair, will be faced with, at the meeting and prior to the meeting.

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### xvii. Complaints handling

See response at 4.1 c) vi, 4.2 ii. b) xvii, and 4.7 i, and 4.7 ii.

Historic staff records held by HR have been destroyed in line with retention periods. Former employees who anecdotally will have had knowledge are no longer employees of the organisation, therefore we cannot evidence past policy and guidance during this period relating to staff.

- 95) Public Assistance Committee Minute, September 1943, shows a complaint of physical abuse by a school headteacher against a child who was boarded out. The child was examined by two doctors who provided reports to the committee. Reports were also provided by the headteacher and staff at the school. The Public Assistance Officer visited and examined the child the day after the incident and also provided a report. The Chief Public Assistance Officer and the Director of Education had corresponded with each other and the latter desired a decision from the Public Assistance Committee before taking any action. The committee made a decision; however it is not known what the outcome by the Director of Education was.

Whilst the decision was that the complaint was not to be viewed as very serious, the committee questioned whether the punishment was in accordance with modern ideas and practice and expressed concern for boarded-out children who may receive similar treatment. They felt a duty to emphasise that children who had not had the benefit of parental upbringing should have discipline specially studied.

- 96) There is evidence through the Social Work Committee minutes dated January 1991 of discussion around the Social Work Complaints Procedures under the National Health Service and Community Care Act 1990.
- 97) At a Social Work Committee meeting of April 1991, a Social Work Complaints Policy was agreed. This has been regularly reviewed to the present day.
- 11) Child Care Strategy July 94 states "In recognition of the particular vulnerability of children in care to exploitation and abuse the Social Work Department, in conjunction with foster parents and agencies which act on their behalf, will take additional steps to ensure that children have special procedures through which to make representations and complaints effectively. Access will be provided to systems both within and outwith the Social Work Department and agencies such as 'Who Cares? Scotland', which represent the interests of young people in care Consideration will also be given to the appointment of a Children's Rights Officer".
- 97a) Complaint booklet "Tell us what you think!" from circa. 1995. Contains information about how to complain about the social work department. It notes that "Each complaint is recorded, and an official acknowledgement sent out. If you make a complaint it will be carefully investigated, and if it is found to be justified, we will do our best to make sure that the problem is put right."
- 98) Guidelines for managing allegations of abuse in foster carer, dated 2002 has information on the processes to be followed when a child makes an allegation of abuse against a foster carer.
- 98a) The memo dated 4 December 2002, contain the North East of Scotland Child Protection Committee guidelines for making a complaint about decisions taken at Child Protection Case Conferences.
- 99) Fostering Appeals Flowchart dated 2007 states that once a complaint had been upheld against a foster carer, the foster carer could appeal the decision, the document shows the process for this procedure.
- 99a) Child Protection Committee Minute dated 8 November 2013 discusses the Managing Allegations Against Foster Carers guidance and it is agreed that a local policy will be developed using the guidance and incorporating GIRFEC principles and established processes.

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### xviii. Whistleblowing

Historic HR records are not held.

Whistleblowing will not have been implemented during the early time period; however, we can evidence policy from 2007. The Public Interest Disclosure Act 1998 (as amended by the Enterprise and Regulatory Reform Act 2013), gives legal protection to individuals being dismissed or penalised by their employers to ensure no one will be disadvantaged to raise a legitimate concern.

- 100) Aberdeen City Council Whistleblowing Policy dated August 2007 was implemented "In order to comply with statutory responsibilities as required by the Public Interest Disclosure Act 1998...". This gives legal protection to individuals being dismissed or penalised by their employers to ensure no one will be disadvantaged to raise a legitimate concern.
- 101) Aberdeen City Council Whistleblowing Policy approved in December 2013, though later updated in June 2016, introduces the principles and procedures for whistleblowing. This policy applies to all employees and workers, including agency staff, workers who are self-employed, sub-contractors and workers employed by an outsourced contractor providing Council services.

### xix. Record retention

See response to 4.9 i).

Historically, under Grampian Regional Council, a child's social work record would have moved with the child. This meant that the social work record moved within an area that is today three separate local authorities. Following disaggregation of Grampian Regional Council in 1996, Aberdeen City Council became the responsible authority for records relating to Aberdeen City, however it is known that Moray Council and Aberdeenshire Council will have ownership of some social work records for children which geographically would now sit with Aberdeen City Council.

Record retention from 1984 - 1999 used the electronic case recording system SWINDEX, after 1999 conversion began to open access files and CareFirst became our system of choice. All social work records holding an 'S' number are from the historic SWINDEX system and can be cross referenced on CareFirst. All records held in Aberdeen City Council's social work records store, irrespective of age, now hold a CareFirst number. There may not be significant information held electronically on CareFirst, it may be a direction to a hard copy file held for the appropriate record retention period. Historically children's records were held against the mother's record, there may also be family information held within the mother's file. It is also known that in some instances 'family files' were created rather than a file for each individual. From 1984 a social work record was opened for each individual who is in receipt of social work services.

Record retention rates vary across children's services: Looked After Children; Fostering; Adoption; Children's Homes; and for Child Protection, Assessments, Referrals, Children in Need, and Serious Case Review.

- 102) In April 1989, Grampian Regional Council Social Work Department produced 'Client Access and Ethical Recording Policy and Procedures Operational Manual'. This was in response to national developments of the Data Protection legislation, civil court rulings and guidance from the DHSS circular LAC (83) Disclosure of Information to Users, August 1983. The department considered it to be good practice to share information with users and for users to have the right to question the service given. Ethical practice, recording and open access are linked.

Social work records were transferred subject to certain criteria and in relation to foster children and young people in lodgings at page 45: "For a short term placement, responsibility rests with the worker who made the placement. For a permanent placement, the case should be transferred to an appropriate worker in the area of the permanent home (if different)". The model of recording in social work records specified in the Operational Manual of 1989 stated at page 47, in relation to foster parents' records "Where possible, these files should follow the same model as the standard social work record. The file should contain the application forms

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relevant information on placements made after registration, and statutory reviews of foster parents. It will be available for access to foster parents except for information from referees which will remain confidential."

An appendix on page 100 contains the policy on retention of records.

- 103) Memo 30, August 2011 and a later version dated 2012 (doc 316) - Attaches Standards for Core Case Recording to be an integral part of case recording policies and procedures.
- 104) This document dated 2002 contains retention periods for social work records.
- 328a) Records retention extract from Aberdeen City Council's internal webpage.

#### e) Who compiled the policies and/or procedures?

Procedures were agreed at the meetings of Committees within the Council, such as the Committee of Public Assistance Education and Children's Sub-Committee. There was also an appointed Children's Officer who would be in charge of informing the Committee of changes in the Law and seeing that these were applied procedurally.

In later years the policy and procedure booklets would have been compiled by the staff in the Fostering or Family Finding department, or specific working groups set up with the task of writing new policies.

#### f) When were the policies and/or procedures put in place?

Policies and procedures would have been put in place once agreed upon and ratified.

#### g) Were such policies and/or practices reviewed?

Yes.

#### h) If so, what was the reason for review?

Reasons for review were varied, for example due to the changes in legislation, specific incidents that required policy review or if policies and procedures were found to no longer be fit for purpose. Where a change in legislation occurred or a review of practice, best practice changes, or in response to complaints and service redesign policy is reviewed to ensure that they captured any change in directions for staff and how they go about their work.

- 58) The Adoption and Fostering Panel Report 2007-2008 contains a number of policies relating to the work of the Fostering and Adoption Service that had been reviewed in 2006, such as the constitutions of the fostering and adoption panels, the development and introduction of the Foster Carers Policy and Procedure, the Appeals Policy and procedure which had been substantially re-drafted. Information leaflets had also been prepared for both prospective adopters and foster carers relating to the function of the Panels as well as Family Finding – the matching process, the assessment process, and the Review process. It is noted that the Appeals Policy and procedure was re-drafted following a Fostering Appeal in 2007.

The report notes that the Smoking Policy for foster care and adoptive placements has been submitted for council approval to move towards a position where no child under 5 is placed with a foster carer or adopter who smokes.

- 32) Aberdeen City Council undertook a review in 2011 of the Integrated Children Services considering "priorities and strategic services for children and young people in the city, including looked after children in foster care".

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**80) and 81)**

An example of procedures being reviewed, within a few months, is evidenced in is the "Children Subject to Section 70 Children (Scotland) Act 1995" document (**81**) dated June 2011. An extra procedure was added in the version of September 2011 (**80**).

**i) What substantive changes, if any, were made to the policies and/or procedures over time?**

**32)** Integrated Children's Services Plan, 2011: The overarching aim is to ensure every young child and young person "achieves their potential", and this is to be done by "coming together as workers, parents and carers". An example of one of the "workstreams" set up was for the Early Years collaborative, with Aberdeen City Council setting up initiatives such as testing the use of Play, Talk Bags and an improvement project designed to "improve support to foster carers around attachment and early brain development". Another outcome group was looking at "supporting the achievement for looked after children.

**105)** Briefing Paper Kinship Care (2009) refers to the need to develop Kinship Care Strategy.

**106)** Memo Permanency Planning for Teenagers 2011 made provision for long term fostering as an alternative to permanence and consideration was to be given to establishing a "Teenage Contract".

**j) Why were changes made?**

Changes were made for a variance of reasons. In response to legislation, national guidance, designated review, complaints, specific incidents, or investigations. Changes were also made to establish best practice or where deemed to no longer be fit for purpose.

**58)** The Adoption and Fostering Panel Report 2007-2008 notes that a number of major changes had taken place during the past year, due to the recommendations of the Review of the Fostering, and Adoption Service carried out in 2005-2006. The changes had been structural, but reviews of policies and procedures had also taken place.

**106a)** NESPCPC minute dated 1 June 2009 states "The report (a) made reference to the NESPCPC Development Day in November, 2008 and explained that prior to the day, a questionnaire entitled "What Helps and What Hinders" was issued to Members, (b) advised that the Development Day was in essence a self-evaluation exercise and there had been further meetings between the Chairs of the three local authorities multi-agency groups, the Convener of the NESPCPC and the Lead Officer, (c) indicated that a paper was produced considering areas for improvement within the status quo, which was circulated to Committee in March, 2009 and the Chief Executive's Officers Group in May, 2009, (d) outlined ongoing self-evaluation exercises including the use of a tool entitled "How Good is Our Team" being utilised by the Significant Case Review Portfolio Group and the NESPCPC Office, and (e) explained that the Development Day self-evaluation exercise combined with the multi-agency Task Force Review of the NESPCPC and the HMIE inspection findings provided a sound basis, on which to take forward an improvement action plan".

**106)** Memo dated 7 February 2010 dealing with the challenges of permanency planning for children over the age of 12 years. The memo describes a change of procedure, to do with referral to the Adoption and Fostering Panel, to bring practice "into line with many other authorities".

**k) Were changes documented?**

See response to 4.2 (i) d. xix, 4.2 (i) i and 4.2 (i) j.

**l) Was there an audit trail?**

See response to 4.2 (i) d. xix, 4.2 (i) i and 4.2 (i) j.

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##### Present

- m) **With reference to the present position, are the answers to any of the above questions different?**

Yes

- n) **If so, please give details.**

As a local authority the organisation retains statutory responsibility to comply with all local policy/guidance in respect of the provision of foster care. Updated Local authority policy/guidance is evident since 2014 and has been implemented into practice through organisational and management structures. Duties currently placed upon the local authority therefore remain.

- 23) The 'Foster Carer Handbook' (2017) is an updated version of 'The Foster Carer Handbook' (2007). This is a comprehensive guide for foster carers which contains numerous Aberdeen City Council policies and procedures in relation to foster care.
- 107) A Local Improvement Plan (LOIP) has been set up with a view to deliver improved outcomes for those who live, work, visit and do business in Aberdeen, focussing also on looked after children in the city. Community Planning Aberdeen is the name of the community planning partnership in the city. It brings together public sector agencies who are working together to Working with and alongside communities to develop the services that they need. It includes a number of improvement projects.
- 108) Alternative Family Care Improvement Plan: 2019, is the improvement plan for the Alternative Family Care Team.
- 109) Currently, objectives for corporate parenting have been set within the Local Outcome Improvement Plan (2019-2026) for Aberdeen City Council as explained within the Corporate Parenting Policy 2019-2020.
- 22) As of 27 March 2020, the local authority has changed its guidance due to the COVID-19 pandemic legislation, this document is overarching containing information on child protection processes, care of looked after children, home visits and recording.

##### **Examples specific to the questions in the categories are below:**

##### **Child welfare (physical and emotional)**

##### **110) and 111)**

Dated 2017 and 2018, are procedures for requesting a medical assessment for a child seeking permanence.

- 111a) Eligibility Criteria for Children's Services dated January 2019 "provides guidance for professionals, to clarify the circumstances in which the Children's Social Work service will assist and safeguard children, young people and their families in Aberdeen City. These eligibility criteria set out how the service will respond to different levels of need and the basis for decisions about service provision.

"The guidance is compliant with the principles of Getting it Right for Every Child (GIRFEC) and will be considered in conjunction with the Aberdeen GIRFEC Operational Guidance as well as the multi-agency Thresholds Materials pack available to all professionals from the Aberdeen Getting it Right - Integrated Children's Services".

- 112) Trauma Skills Training Improvement Project (2019): Increase number of staff, including carers working with care experienced children and young people trained in trauma skills and knowledge, to 80% by 2021.

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- 113)** This flowchart is a COVID-19, RAG (Red, Green, Amber) Informed Resource Allocation, dated 15 May 2020.

#### The child's views

##### 114) and 115)

Shows the Children's Rights Service procedures dated March 2015, as stated in the first document; the Children's Rights Service, aims to "ensure that looked after children and young people know their rights, responsibilities and are treated fairly."

- 115a)** <https://aberdeencareexperienced.org.uk/news/news-the-first-1-1-1> (Sep 2017) is a website for care experienced children and the role of the Children's Rights Service is explained and contact details provided.

The Mind of My Own App was introduced in 2019 and is a digital participation tool that supports children and young people to have their voices heard and to participate in decisions about their lives. It provides two co-produced apps for children and young people who use health, care and education services. Staff are using these routinely as part of their support to children and young people to help them contribute in a full and meaningful way with decisions that are being made about their care.

- 115b)** In 2019, a functional review of the Children's Rights Service was undertaken. A report has been drafted which outlines the findings and associated recommendations of the functional review, which are being progressed.
- 116)** This issue of the Children and Young People's Rights Related Information Bulletin dated 27 April 2020, covers family contact and how all procedures have been affected by the COVID-19 pandemic.
- 116a)** The Children and Young People's Rights Related Information Bulletin dated July 2020 notes that "The coronavirus pandemic and the measures to address the outbreak continue to present challenges in promoting and realising human rights. Following lockdown, this service agreed to provide a fortnightly bulletin focusing on rights and participation related issues, offering information and learning links at local, Scotland-wide, and international levels." The Service will continue to produce these bulletins, monthly, as part of the overall service provision.

#### Placement of siblings

Permission to separate siblings must be sought from a service manager before children can be placed in separate placements. The fostering regulations stipulate that foster placements were capped at maximum of children, except for sibling groups of 4 or emergency placement.

- 116b)** The assessment pro-forma dated c.2017, is a tool for social workers as they prepare siblings for permanency. It draws heavily on the BAAF publication "Together or apart?" and is undertaken as part of the direct work with children. There is a presumption that siblings will be placed together, and contact maintained between them. Where this is not going to be possible, for whatever reason, this tool will help workers to plan the future for all the children in a sibling group.

#### The placement of a child in foster care

- 117)** Care and Risk Management Meetings: Procedure, 22 May 2015, p7: The local authority is required to review the cases of all children and young people who are looked after by them, whether away or at home, a Looked After Child (LAC) Review. These reviews assess the child's needs and circumstances at regular, prescribed intervals and make future plans.



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##### **Reviewing a child's continued residence in foster care or in a particular foster care placement**

- 118) Policy dated January 2017, on 'legal test for a permanence care order' provides guidance on when legal advice should be sought to secure a permanence plan and outlined procedure for ruling out rehabilitation to parental care.
- 119) Booklet dated circa 2017 with information for prospective foster carers.

Aberdeen City Council's practice guide for the transition of children to adoptive placements was reviewed and updated in 2019. The new 'Planning Children's Transitions in Adoption' practice guide is now embedded in practice.

The Alternative Family Care Service provides carers with a calendar of training opportunities every 6 months. This is a mixture of face to face and online training. All training including self-direct training goes towards the carers Continued Personal Development (CPD) work and in addition to this the foster carer is required to write a reflective statement which can be used as a point of discussion within their supervision with their worker. All Foster carers are required to complete 30 hrs training a year and must complete all mandatory training which is required to be updated every three years.

- 120) Looked After Review Procedure V3 March 2019, containing all procedures for Looked After Reviews.
- 121) Children & Young People Care Placements Improvement Project 2019: Supporting care experienced children and young people to sustain care placements which meet their needs and sense of identity.
- 122) Kinship and Foster Care Improvement Project: Supporting care experienced children and young people who sustain care placements which meet their needs and sense of identity

##### **Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)**

- 123) Document dated 23 March 2020, which is a General Risk Assessment for home visits during the COVID-19 pandemic.

##### **Child protection**

- 123a) Aberdeen City Council's Integrated Children's Services Aberdeen have a dedicated online resource <https://www.aberdeengettingitright.org.uk/> and <https://www.aberdeencity.gov.uk/services/social-care-and-health/child-protection>. As can be seen on entering the site, child protection across the City is paramount. A break-up of the various documents regarding child protection can be found at <https://www.aberdeencity.gov.uk/search/content?keys=child+protection>

The resource has a dedicated section on child protection which includes child protection guidance and materials, these have been catalogued as evidence in response to the case study:

<https://www.aberdeengettingitright.org.uk/child-protection/child-protection-guidance-and-materials/>

- 124) Procedures for Care and Risk Management meetings dated May 2015. The purpose of a care and risk management meeting (CRMM) is to ensure that when a child or young person is involved in behaviours which pose a high risk to themselves or others, the resources of all community agencies are called upon and the risk is owned at a multi-agency level rather than with an individual worker.
- 125) Is the current version of the Care and Risk Management meeting procedure, dated May 2018.

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- 126)** Allegations Against F&KC Flowchart 2016 provides details of the process to be taken by staff on receipt of allegations against foster and kinship carers. The flowchart explains the process from notification through to the outcome of investigation.
- 126a)** Procedure for managing allegations against foster carers, dated 15 December 2016, this procedure provides a process to be followed if allegations are made against a foster carer or kinship carer. It covers principles, initial response and the child protection investigation.
- 23)** Handbook for Foster Carers, 2017, pg10, pg22-23, pg26-28, pg69 has a similar position to the Foster Carer Handbook of 2007 and reiterates policy. What is outlined in the 2017 version is "The Council also aims to assess, train, and approve foster carers and adopters in a timeous manner, whilst continuing to promote access to learning and development opportunities, and support for both foster carers and adopters, to help ensure the best outcomes for children".

On pg 19 it is stated that the GIRFEC approach provides us all with a common approach to working together to deliver better outcomes for children to ensure they reach their full potential. It promotes a shared approach and accountability that:

- builds solutions with and around children, young people and families
- enables children and young people to get the help they need when they need it
- supports a positive shift in culture, systems and practice
- involves working better together to improve life chances for children, young people and families

The handbook pg27 explains that foster carers and their family can be vulnerable to allegations of abuse. Safer Caring Training is a mandatory training requirement for all foster carers to prepare and support them in the fostering task. The Authority has a responsibility to investigate all allegations, however minor, which are made against foster carers.

The handbook pg28 outlines that referrals of actual, suspected or alleged child abuse of a child who is looked after in foster care must be the subject of immediate investigation by the Social Work Service. It is normally the responsibility of the team that has statutory responsibility for the child to carry out such investigations irrespective of the geographical address of the foster carer.

- 17)** Allegations of Abuse in Foster Care: Guidelines, 30 April 2004, pg1: "Like all local authorities, Aberdeen City Council has a statutory duty to safeguard and promote the welfare of children and young people who are looked after by providing places of safety for them. Foster care is usually the preferred option".

And

"The overriding principle is 'that the welfare of the child is paramount' is embodied in the North East of Scotland Child Protection Committee (NESCPC) Child Protection Guidelines and **must be strictly adhered to** throughout any subsequent investigation. These guidelines must therefore run parallel, with a clear understanding that the NESCPC Child Protection Guidelines take precedence".

- 126b)** Getting Our Priorities Right, Multi-Agency Practice Guidance, dated 1 August 2017 is a practitioner's toolkit aimed to highlight key issues often considered within assessment processes when child protection is a priority.
- 127)** Child Protection: Corporate Policy and Procedure approved on 23 November 2017 contains information regarding child protection which applies to "all staff regardless of their role or level of responsibility". The main message of the document is that all staff are required to look out for signs which might suggest that a child is being abused, and if this is the case, should record the information and report it to someone who can investigate further. The document provides a list of contacts, including the child protection co-ordinator or line manager, the child's Named Person (Headteacher or Health Visitor), the Joint Child Protection Team, the Emergency Out Of Hours Social Work Service or the Police.

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- 128)** Child Protection Procedures V2 approved November 2018. This guidance is for all staff in Children's Social Work to ensure that they are informed of the procedures to follow in response to receiving of child care and protection referrals, and subsequently to progress a child protection investigation, up to and including the forum of a Child Protection Case Conference. Changes from previous versions were added in November 2018, "to account for organisational changes in Children's Social Work and Police Scotland" and in October 2019, when a section was added about the use of the Mind of Your Own App, "to provide opportunities for a young person to express their view as part of the child protection process".
- 129)** Child Protection Procedures V3 in Aberdeen City, approved November 2018, this version is identical to the version from the previous month (**128**), but has the addition of a box informing that a review is to take place in February 2020 "to address practice about the checking of personal contact details in response to recommendations following a data protection breach."
- 130)** Online safety guide for children and young people, dated November 2018, notes that the guide is for all staff and carers who work with children and young people who are accessing the internet, including "all foster carers....who are contracted by the Council and who work with looked after children and young people".
- 131)** IRD process flowcharts dated 2016, showing the different processes depending on who identifies a concern, the police, a practitioner and a member of the public.
- 132) and 133)**  
IRD Reporting Procedure documents dated April 2018 and March 2019 outline the process for Inter-Agency Referral Discussions (IRD) between professionals. This is a multi-agency procedure led by Children's Social Work and Police Scotland, including Health and Education where appropriate. IRD Sergeants have been appointed to facilitate information sharing, assessment and decision making about risk to children. This document outlines the joint investigation process which aims to establish facts, gather and share information and make decision on protective action needed regarding abuse and neglect towards a child.  
An IRD will take place:
1. when a child is perceived to be at risk of significant harm
  2. prior to progressing a Child Protection Investigation except in case of emergency;
  3. before any Joint Investigative Interview (JII), medical or any decision to proceed with a single or joint investigation.
- 134)** "Understanding Thresholds, Toolkit for Staff" dated January 2019, this document explains the thresholds for intervention when there are child protection concerns, for example the threshold at which the eligibility criteria for social work intervention is met, the threshold for referral to the children's hearing and the threshold at which a child is at risk of significant harm and the matter becomes a child protection concern.
- 135, 136 and 137)**  
Step by Step guidance for staff on Child Protection Case Conferences, Child Protection Investigations and Accommodating Children, dated August 2019.
- 137a)** Leaflet (undated but believed to be c.2019) produced by the Child Protection Partnership with information for parents and carers about child protection case conferences.
- 138)** Guidance for social workers preparing reports requested by the Scottish Children's Reporters Administration (SCRA), dated November 2019.
- 139)** Guidance for Practitioners working with children and families to support a collective response to COVID -19. This guidance has been developed to clarify how practitioners from across the partnership should work together to safeguard and protect vulnerable children & young people whilst complying with government advice. This guidance, which is grounded in a context of integrated working, seeks to clarify the collective contribution of all agencies in order to minimise the risks associated with the Covid-19 pandemic.

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- 22) As of 27 March 2020, the local authority has changed its guidance due to the COVID-19 pandemic legislation, this document is overarching containing information on child protection processes, care of looked after children, home visits and recording.
- 139a) IRD Procedure COVID19, dated 29 June 2020, provides an Initial Referral Procedure for use during the Covid-19 pandemic.

#### Complaints handling

Formal complaints, including complaints about members of staff are responded to by managers. Some will result in a full investigation; a requirement of the Integrated Children and Family Services, social work process is to inform the Scottish Social Services Council (SSSC) about any complaints relating to all registered workers. Approval of the complaint response is sought from a senior manager, all relevant paperwork and the outcome is placed on the personal file for the specified period dependant on disciplinary outcome and will also be held within a section of the social work record and retained in line with retention periods for the record type where there is social work involvement.

All complaints are managed by the Customer Service team who will investigate and respond for most, there may be complaints where the investigation officer requests further information or wishes to interview relevant parties.

- 140) The social work complaint handling procedure was updated in 2017. Main changes at this time is the removal of the stage where complaints were referred to the Complaint Review Committee (CRC). Instead, the SPSO undertook to review social work complaints if the complainant remained dissatisfied following the local authorities' response.

The Customer Feedback Team have corporate responsibility for managing complaints on behalf of the organisation. The team act as the single point of contact for complainants and perform a quality control function to ensure that statutory requirements and corporate standards are consistently being met. Dedicated officers within the Customer Feedback Team will investigate and respond to complaints on behalf of Social Work Services.

At times, Stage 1 (Frontline) complaints may be dealt with by Social Work Service directly, who will contact the complainant in order to resolve the matter. This includes face-to-face meetings and telephone calls. The outcome of the complaint is reported to the Customer Feedback Team, who update the complaint records accordingly.

Where a complainant is dissatisfied with the response to their Stage 1 complaint, or if the matter is complex and requires an in-dept investigation, the complaint will be logged at Stage 2 (Investigation) which is dealt with by the Customer Feedback Team. As part of the Stage 2 investigation, the Officer may interview Social Work Staff and other relevant officials, review social work records, refer to the necessary legislation and policies/procedures. A formal written response is provided to the complainant explaining the findings of the investigation and outcome of the complaint(s) raised.

Once the response to the Stage 2 complaint has been provided, the complainant may then approach the Scottish Public Services Ombudsman (SPSO) if they remain dissatisfied. This is the final stage for complaints about public services in Scotland. This guidance, along with the contact details for the SPSO, is included in our Stage 2 complaint response letters as standard.

The SPSO is an independent organisation that investigates complaints. They created the Model Complaints Handling Procedure that all Scottish Local Authorities must follow.

If contacted by a complainant, it is the SPSO's decision whether they investigate the complaint. The SPSO may submit preliminary enquiries to ACC before deciding to proceed with a formal investigation. If the SPSO decide to investigate, they will contact ACC to request information about the concerns raised. If the SPSO identify any failings, they have the power

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to outline recommendations that must be implemented in order to resolve the matter. Further information on the SPSO is available via [www.spsso.org.uk](http://www.spsso.org.uk).

The existing Model Complaints Handling Process (CHP) has recently been reviewed by the SPSO, with several amendments to be introduced prior to April 2021. These amendments include the introduction of a third possible outcome; "resolved", in addition to "upheld" and "not upheld". The core procedure remains the same.

- 308a)** 'Complaints (2017)' is the current complaint information for any person who wants to make a complaint about an ACC service. Complaints are managed by the customer feedback team.
- 140a)** "Have your say-How to complain about children's social work", dated September 2019, is the most recent complaint form for Children's Social Work.

#### **Whistleblowing**

- 101)** Aberdeen City Council Whistleblowing Policy approved in December 2013, and updated in June 2016, introduces the principles and procedures for whistleblowing. This policy applies to all employees and workers, including agency staff, workers who are self-employed, sub-contractors and workers employed by an outsourced contractor providing Council services.
- 141)** 'Quick Guide Whistleblowing' is the current guide, to support understanding of what whistleblowing is, how to whistleblow and includes a summary of the whistleblowing policy.
- 24)** On the Council's intranet site for staff, people anytime pages, there is an explicit section on whistleblowing within these pages there is a procedural flowchart to support staff to understand the process.

#### **Record retention**

- 142)** Case Recording Policy for Social Work Services dated March 2019 (current). This document sets out the legislative framework and professional context of case recording for social work staff outlining the main principles of good recording. It sets out the procedure for how Children's and Adults Social Work will record and file information belonging to service users that make up a service users case record.

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### (ii) Practice

#### Past

**a) Did the local authority adhere in practice to its policy/procedures in relation to the provision of foster care?**

In respect of the earlier stages of the inquiry's timeline, the position in relation to the local authority's adherence is unclear. Direct evidence of how the local authority adhered in practice to its policy/procedures is dependent on historical records, which have limited information or are no longer available.

In respect of the latter stages of the inquiry's timeline, the local authority would have implemented such local policy/guidance into practice through its organisational and management structures. This would have been done through, for example, the provision of such information across the organisation via committee and management meetings, minutes and the provision of training - discipline/practice and multi-agency - to inform and equip staff to practice competently and informatively.

More recently, the use of information technology has expanded to cascade information on policy developments and changes. In addition, there is greater use of information technology in the provision of training and development opportunities for staff in respect of the implementation of local policies and practice initiatives.

**b) Did the local authority adhere in practice to its policy/procedures on the following:**

**i. Child welfare (physical and emotional)**

See response to 4.3 ii) b. iv and to 4.3 ii) b. v.

Adoption and fostering panel minutes from 2002 to 2013 show that the panel and the social workers presenting cases have given consideration to each child's needs and what would be required from any foster care placement to meet the needs of the child, whether physical or emotional. The minutes have specific sections for consideration of medical needs; educational needs; cultural, linguistic and religious needs – and whether any of these needs would have implications for permanent carers.

There is evidence of a specialist placement being required to meet the needs of the child and to this end there were advertisements in the BAAF newsletter and local newspaper, as well as searching for potential permanent placements with external agencies such as Barnardo's. There are cases where neo-natal abstinence syndrome has been diagnosed and consideration is given to the physical and emotional impact of the syndrome on the child's development. Attachment disorder is a medical need also evidenced to have been considered. The minutes detail what support is being provided to the child and whether referrals have been made to medical specialists or third-party support organisations.

**ii. The child's views**

**144)** Although a particular policy regarding the children's views for the 1960s, has not been found, children were listened to and their opinions taken into consideration when decisions were made about them. A good example is a Case Conference minute from 14 October 1960, regarding a child taken into care and at that point resident in a children's home. It is recorded that the child's older sisters, who are boarded out with a family, "are very anxious that their younger sister should join them" and that the foster parents are in agreement. The conference was unanimous in agreeing that the child should join her sisters in their foster home.

**144a)** Views of child dated 2000, as recorded by the Children's Rights Officer prior to an adoption and fostering panel. A child had to be moved, on an emergency basis from his foster placement, following an allegation of abuse against the foster carers.

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##### **145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Adoption and fostering panel minutes from 2002 to 2013 show that the panel and the social workers presenting cases have given consideration to each child's needs and what would be required from any foster care placement to meet the needs of the child. There is evidence that the children are asked their views where appropriate, with a question in the minutes asking the child's views. In many cases the children are too young to express their views, and this is recorded.

- 145)** In adoption and fostering panel minute dated 5 July 2006 the recommendation is that a resource should be found in the London area in accordance with the child's wishes, and this would enable him to be close to his birth family.

#### **iii. Placement of siblings**

##### **145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Adoption and fostering panel minutes from 2002 to 2013 record where there have been sibling assessments completed. The sibling assessment considers the needs of the individual child and whether being placed together may impede development or the child's needs. It may be that one child requires more attention and would hold back a sibling; therefore, separate placements are to be sought.

- 148)** Fostering and adoption panel minutes dated 2 November 2005 state that for one sibling group a BAAF consultation had recommended a placement with siblings, however due to complexities and considerable needs other options may need to be considered. It was considered especially difficult to place the eldest child, however there would still be difficulties in placing the two remaining siblings together due to their considerable needs. An additional sibling assessment was recommended by the panel that considered relationship on and attachment between the siblings before lifelong plans could be made.
- 156)** Extract from Social work record dated 7 December 2005 states that there were 3 siblings to be placed in foster care, however that this would be difficult and that separate placements where the older two children remained together and the youngest child placed alone is more likely. It is known from social work record reading that this was how the children were placed throughout their childhood.
- 146)** Fostering and adoption panel minutes dated 7 December 2005 show a child in a permanent foster care placement in 2002, with his sibling also being placed there in 2003 which removed the need for a Joint Foster Placement search. There is a further sibling pair that a joint long-term foster care placement with a prospect for adoption was agreed. Another case had three siblings to be placed, the children stated they would like to be together, however placing them together was unlikely due to their medical complexities. In this case a placement for the two siblings with the closest bond was recommended, with a separate placement for the youngest child.

#### **iv. The placement of a child in foster care**

Minutes of decisions made at the Screening and Resource Group (SRG) give examples of in-depth case discussion to ensure all other options had been tried and considered prior to giving permission to accommodate a child. Examples of the decisions taken at SRG meetings are found in documents:

- 157)** dated September 2013  
**158)** dated August 2015  
**159)** dated May 2016

- 147)** Fostering and Panel Minutes from 24 August 2005 show that there was concern 'Freeing for Adoption' orders were being pursued for children in foster care where it was unlikely an adoptive placement could be identified, it was a known national problem in terms of older children and large sibling groups. This would infer that permanent foster care placements would be sought rather than adoptive placements.

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- 160) Example of teenage placement contract in 2012, extracted from a social work social work record. This document is a placement contract for a teenager entering into a foster care placement and lays out the ground rules, information on family contact and behaviours expected. It comes with the proviso that the teenager and the foster carers can "negotiate changes as they get to know each other".

#### v. The particular placement of a child with foster carers

- 161) A review report from a social work record dated 17 March 1987 describes a young person who had been placed in a private fostering arrangement. When this placement broke down 12 years later, grandparents of a friend of the young person became foster carers for her.
- 50) Annual Report Adoption and Permanence Panel 2008-9 – The adoption and permanence panel annual reports show that in 2008 the panel heard 89 cases related to permanency planning and recommended 27 children for adoption and 7 children for permanent foster care. There were 41 children matched – 25 adoptive matches and 16 permanent foster care matches.
- 149) Fostering and Panel Minutes from 3 August 2005 report a child originally from England who identifies himself with that area. The minutes indicate that a placement is to be sought specifically in this area in the first instance. Meantime, a placement with foster carers from this locality residing in Scotland was to be searched for.
- 145) In adoption and fostering panel minute dated 5 July 2006 there is consideration of a long-term placement for a child whose development is significantly delayed. The initial plan of adoption for this child was reviewed. An adoptive placement had been sought from the North East of Scotland Consortium and his details were published in the BAAF publication 'Be My Parent'. Although a family had been identified, this was not considered a viable option and the placement was not considered to offer the potential to maximise the child's potential. The plan was then to approach Barnardo's to identify a permanent foster placement instead of adoption. However, the child had been placed with the foster carers since he was five weeks old and due to the change of the permanency plan, the foster carers expressed their wish to offer a permanent placement on a fostering basis. Whilst they would not be able to offer adoption due to financial and ongoing support concerns, they could offer a life-long commitment and would not rule out making an application to adopt in the future.

#### vi. Contact between a child in foster care with his or her family

See response to 4.3 ii) b. x.

- 29) Public Assistance Circular 1934 - lists on page 3 "Generally, parents who wish to communicate with their children or the guardian should be afforded the facilities for doing so...Facilities should not be refused unless the authority are satisfied that it is not in the interests of the children to permit communication or unless the privilege has been abused by parents."
- 162) The minute of the meeting of the representatives of the Children's Committee dated 2 December 1958, relates the circumstances of the case of the parents of two children, in the care of the Corporation whose father and wife had "made application requesting facilities so that he and his wife may visit their children". In consideration of the case, the members were able to read; a report from the Children's Officer, a copy of the Petition and Committal Order, copies of the medical reports for the children, extracts of newspapers regarding the parents' conviction of neglect and a copy of the reports by officials of the Children's Department following a recent visit of the parents. The matter was deliberated by the members of the Committee who decided that "it would not be in the interests of the children" to allow the parents contact, although they were prepared to "furnish" the parents with periodic reports as to "the welfare and progress of the children".
- 11) Child Care Strategy July 94 (pg. 28) states that "...a working partnership with parents is usually the most effective route to providing supplementary or substitute care for their



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children. They should be expected and enabled to retain their responsibilities and to remain as closely involved as is consistent with their child's welfare. The family links should be actively maintained by: taking account of the wider family; promoting visits by both parents and other forms of contact; keeping siblings together in care where facilities permit unless separation is part of a carefully assessed plan based on each child's welfare. To promote contact with family and relevant others, the Local Authority will make available, staff and resources to facilitate or supervise contact between child/parent/previous carers and at times which are mutually agreed between the parties. Where the needs of the child and parent are in conflict, the welfare of the child will be given paramount consideration. The purpose of access arrangements should be clear to all parties and meaningful to the child. Where the plan is for rehabilitation of the child, access should enhance it.

"...Where direct contact is not possible arrangements should be made for telephone, letter and photograph exchange as appropriate. The social work committee recognises the value of access or family contact even where the chances of rehabilitation are remote. Children and young people can function better psychologically, socially and educationally and maintain a clearer sense of identity where they remain in contact with their family of origin. Decisions to terminate access by parents or carers will only be taken or confirmed within the established Child in Care Review Procedures and, where appropriate, by involvement with the Children's Hearing System and the Courts."

#### **145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Minutes for the Adoption and Fostering panels from 2002 to 2013 show that consideration was given to contact between the child and parents/family. The minutes contain the contact arrangements for children with their family. It is recorded that queries were raised by the panel about levels of contact, what was appropriate, and where referral back to Looked After Child (LAC) reviews or the children's hearing needed to be pursued by allocated workers. The level of contact was viewed as being what was in the child's best interests; and considered what level of contact would fully support the child moving on to a longer term or permanent placement. Letterbox contact was also considered and implemented as a way for family members to maintain contact but not directly, this would also be case dependant on the needs of the child. A sample of these minutes is included, and should the Inquiry wish to view more they can be provided on request.

- 145)** In adoption and fostering panel minute dated 5 July 2006 there is evidence of letterbox contact being offered but the parents choosing not to engage with this.

#### **vii. Contact between a child in foster care and other siblings in foster care**

See response to 4.3 ii) b. xi.

- 148)** Fostering and adoption panel minutes dated 2 November 2005 provides details of a group of siblings. These children are all in separate foster care placements, with the exception of one child who is at home with parents. Contact is maintained between all of the siblings and their parents three times per week.
- 150)** Minute dated 24 May 2006 discusses the same family as in evidence 148). The record details contact arrangements with brothers and sisters and impact on the child. The view is that the child is not considered to have a bond with two of her siblings, one of whom she does not have contact directly with. She does have contact with two other siblings and this is described as positive contact, however it is suggested contact could be reduced to school holidays and during school time. The child took on a caring role for her siblings during contact and contact for the children tended to focus on gaining the attention of their mother as opposed to their siblings.
- 146)** Fostering and adoption panel minutes dated 7 December 2005 has a sibling pair who were awaiting placement together, their contact was maintained daily through the foster carers. Also referenced in the minute is another child who has contact with her siblings on a rotating fortnightly basis.

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**viii. Information sharing with the child's family**

In some instances, foster carers use a communication book which passes from carer to parent during contact and this may also be recorded in review minutes. This provides parents with up to date information about their child and allow parents to add their own comments or questions. The communication book was retained by the foster carer and not by ACC.

It is known that foster carers sometimes facilitated contact with family members within their own homes without the social worker being present and therefore had more interaction with the foster carer and would share day to day information about the child's general welfare. Foster carers were required to complete a report for the Looked After Review which was shared with the parents prior to the meeting.

- 226)** From social work record: 'Review of child in care' dated 1 July 1983 mentions that the child has been in contact with her sister, who has spent the night at the foster carer's home, and her brother.
- 223)** Contact Records entry dated 7 May 1993 detailing a contact with a father, who came to pick up his children at the foster carer's home.
- 226a)** From social work record, Parents Report for a Looked After Child (LAC) Review dated August 2001, the parent states that "there has been a few problems between (me and the foster carer)...because of lack of communication on both parts which has been addressed".

**ix. Fostering panels (including constitution, remit, frequency and record keeping)**

**145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Minutes for the Adoption and Fostering panels have been identified from 2002 to 2013. Panels were held at least once a month. These contain details of all cases considered by the panel, whether registrations, matching or permanency/freeing for adoption. The panels constituted a number of panel members which varied in participation, this tended to include a legal advisor, medical advisor, social work senior staff and lay persons appointed to the panel. It is noted in February 2005 that there was a backlog of cases being heard by the panel which was attributed to the number of cases being referred at that time. A sample of these minutes is included, and should the Inquiry wish to view more they can be provided on request.

**162a, 162b, 162c, 162d, 227, and 235,)**

The Permanence and Adoption Panel Annual Reports for the years 2001-2009 give good examples of the work undertaken by the panel, the work undertaken on registration, de-registration, the training the Panel undertook, the composition of the Panel and the discussions undertaken with regards to policies and procedures.

**x. Recruitment and training of foster carers**

- 163)** In a development review report of 1 February 2005, the difficulties in recruiting foster carers is mentioned. The decreasing trend in the numbers of "in house" foster carers is against "the backdrop of increasing use of private or independent fostering services". It is noted that "financial incentives need to be sufficiently attractive to entice prospective foster carers out of employment and into fostering".

**xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority**

See response at 4.4 ii) b. iv.

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- xii. Reviewing a child's continued residence in foster care or in a particular foster care placement**
- 164)** Transfer summary for a social work record dated 30 June 1983 details a child who has been supervised by the local authority following a private fostering arrangement. The social worker noted that contact with the family was minimal and three-monthly statutory visits were all that were required to supervise the placement.
- 165)** Social Enquiry Report dated 21 March 1995 for the same child as in **164)**, concerns are noted with the foster family being known to the social work department, however the child "viewed them in every sense as her parents".
- 145)** In adoption and fostering panel minute dated 5 July 2006 there is placement of two children in foster care with adoption being presented as an option to the panel and a Children's Hearing. However, there is request for rehabilitation to parental care to be fully considered again. A parenting assessment is requested, with contact between parent and child being supervised to inform the assessment. The panel are advised of the social worker's view that there had been no evidence from the parents to show ability to parent and lifestyle change. The recommendation of the panel was that Freeing for Adoption should still be pursued and twin tracked with a parenting assessment. A pre-birth assessment was also being undertaken for an unborn sibling.
- xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)**
- 166) and 167)**  
There is evidence of a form used in the 1930s to record the availability of committee members for visitation of children boarded out with the local authority.
- 77)** The Public Assistance Committee minute for 24 September 1943 states that a circular had been received from the Secretary of State stating that he "recognises the desirability of visiting boarded-out children, but he feels that, under present conditions of shortage of fuel and of man-power, the visiting of these children, which often involves long journeys, should be restricted to a minimum". The chairman then advises that within the County, visits had ceased.
- 167a)** From a social work record there are entries in the case notes which prove visitation to the foster placement by the social worker, assistant children's officer or the Area Officer. Visits were dated: 1959 – June and November; 1960 – January and March; 1961 – March; 1962 – August and December; 1963 – April, September and October; 1964 – February, June, and October; 1965 – March. Following this the family move to another area and the case was supervised by another local authority on behalf of Aberdeen, the case notes show visit reports were sent to Aberdeen by the supervising authority.
- 168)** Visitor's Reports on Boarded-Out Child, extracted from a child's case, are examples of social work records of visits to a boarded-out child in 1972/1973. The file contains reports from four visits covering the period from 19 December 1972 to 5 July 1973. The social worker was expected to fill in the following entries on the report, for the child: progress at school, vaccinations, inoculations etc., illnesses since the last visit and a longer "report" covering, "in general terms", home circumstances, health, appearance of clothing, aptitude and whether the child was in touch with relatives.
- 43)** Foster Care Agreement 16 June 1993: Agreement from a child's file which specifies the number of visits to the child by the social worker, in section 13 page 3.
- 268)** Foster Care Agreement 21 April 2005: A foster care agreement with an external fostering agency (FCA Scotland), page 4 refers to the child's social worker visiting him every 2-3 weeks to support the placement.

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- 168a)** A social worker visited a child in their foster placements over several years. There is proof of visits to different foster placements in 2006, 2009, and between 2013-2015. Visits take place in the foster home, or at school. Geographically the family moved to locations across Britain; Scotland and England. There is also evidence of a link worker from an external agency visiting the foster child and foster carer. An entry in January 2015 states that the child must be visited a minimum of fortnightly by the social work team.
- xiv. Transfer of a child from one foster placement to another (including preparation and support)**
- 146)** Fostering and adoption panel minutes dated 7 December 2005 refer to two sisters who are recommended for long term placement in foster care, and a permanent placement had not been found. They had been placed with a foster carer, who they had become attached to, however this placement was assessed as not meeting their long-term needs. The children were moved to a bridging placement until a permanent place could be identified, however were allowed to return to their previous placement in a respite care agreement. It was recommended the respite cease when a permanent placement was identified. The children were receiving support from Corrieneuchan counsellors via Children's First.
- xv. Transfer of a child between foster care and residential care (including preparation and support)**
- 169)** Report from a child's file dated January 1975, describing the breakdown of a foster care placement and the subsequent placement of the child in a residential home. In recognition of the fact that his placement in the children's home was likely to be permanent, the social worker recognised that psychiatric help should be sought for the child and a long-term plan made.
- 170)** A supplementary report from a social work record dated 12 July 1979 details plans to move a child from a children's home to foster carers under the 'Professional Fostering Scheme'. The move is planned for after the carer's holiday. There is an introductory meeting planned and then for subsequent meetings. After these meetings the child can move to the placement if all goes well and links to the foster home are established.
- 171)** Review Hearing Report dated March 1995 from a social work record, presents the case of a child who is with foster carers on a "bridging basis" whilst a new placement is being sought for him, in this case a Residential School. The report notes that the child has been placed with "experienced short-term foster carers who have "the qualities of stamina, insightfulness and imagination to nurture and support a youngster in a moving on situation". The report describes the work undertaken to prepare the child, by the foster family and social worker, in consultation with a child psychiatrist and taking into consideration the child's views.
- 146)** Fostering and adoption panel minutes dated 7 December 2005 reports the placement of a child in 2003 with foster carers. In 2005 the child's behaviour was unmanageable for the foster carers and they gave notice of the placement. The foster placement was not seen to be meeting the boys' needs and a residential placement was sought. The plan to move the child to a residential establishment was agreed by the Children's Hearing following a Looked After Child (LAC) Review. The child was able to visit the residential establishment prior to moving there. Following discussion of a potential move at a LAC review, the boy's offending behaviour escalated, and this was attributed to his uncertainty as to where he would be placed. Moving to a residential establishment was viewed by professionals as the last alternative before secure accommodation had to be considered. The boy could stay with his grandparent over the Christmas period, and this was looked at as a potential home base for respite whilst in residential care for future planning. The recommendation of the panel was that whilst a residential placement may be necessary to set boundaries for his immediate needs, the future would be for a long-term foster placement to be sought.
- 145)** Adoption and fostering panel minute dated 5 July 2006 describes a boy initially accommodated in a local authority residential establishment, where he remained for 18 months before being placed in a fostering arrangement. Difficulties with transitioning are

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noted when he returns to the residential unit rather than his foster carer's home. A significant worker was to write a letter wishing the boy well in his planned new placement in another area. It is noted after initial difficulties the boy adapted to the new placement and was fully aware that this was a bridging placement until a planned move to his new placement in another area.

Another case in this minute has an unplanned placement move. The child had been placed with permanent foster carers. The child's behaviour had episodes of unsettled and challenging behaviour over a period which culminated in the foster carers ending the placement. There was a disruption meeting planned to consider issues around the placement breakdown. The child was moved to temporary foster carers with a hope for rehabilitation to the previous foster carers, but this was not achievable. The subsequent foster placement again ended due to serious risk-taking behaviour of the child, resulting in a placement in a residential home.

#### **xvi. Child protection**

See response 4.3 ii) b. ii.

Grampian Region Standing Committee on Child Abuse Procedures for the management of suspected and actual child abuse (1979, amended 1983) were in place for informing and underpinning practice.

- 172)** From a social work record: Case notes dated July 1986 are for a teenage girl in a long term private fostering arrangement. The placement breaks down and allegations of abuse are made. It is stated by the girl that she was unable to share allegations previously with the allocated social worker as information she had shared had gotten back to the foster carer. The girl's parents are considered unsuitable for her to return to. There was no availability at appropriate children's homes, but there was scope for an emergency admission if no other placement was identified. It is stated that 'new boarding out regulations were checked' and it was decided it was appropriate for the girl to remain with neighbours, subject to usual checks, in the short term. The girl is taken into care under Section 15. The neighbours then agree to be assessed as foster carers and have the girl stay with them.
- 173)** Care Commission Inspection Report 6 November 2008 states "A procedure was in place for the management of allegations against foster carers. There had been 2 Child Protection referrals since the previous inspection. During the Inspection the Care Commission Officers discussed these with the Service Manager and viewed the relevant documentation with regards to one allegation. Appropriate procedures had been followed and a clear note regarding the allegation and outcome recorded."
- 173a)** NESPC minute dated 5 March 2007 states a Child Protection phone line was launched. In the first week there were 35 calls received. This was to be reported back to the Scottish Executive.
- 15b)** NESPC minute dated 19 April 2007 states that "the majority of calls received following the launch of the Child Protection Telephone Line were from the Central Belt area. She indicated that 4 calls had been received from the North East of which, 2 were from Aberdeen City and 2 from Aberdeenshire".
- 173b)** NESPC minute dated 2 March 2009 states "The Committee had before them for consideration, a report prepared (from the), NESPC Office, relating to the information management of the Child Protection Register.

"The report (a) advised that the new access Child Protection Register was located within the NESPC Office at the Aberdeen Exhibition and Conference Centre, (b) indicated that information added to the Register was received by Aberdeen City, Aberdeenshire and Moray Council's CareFirst Systems, (c) stated that at the present time, the Register was only receiving automatic updates from Aberdeen City Council... (d) explained that there continued to be dual input into both the old and the new registers until the new register has been fully

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tested and audited, which may be concluded by the end of March, 2009, (e) advised that monthly audits on both registers continue to monitor the accuracy of input, (f) indicated that more detailed reports to include the number of children on the register affected by potential drug/alcohol use as well as domestic abuse and mental health issues was expected to be provided, and (g) explained that in addition to the aforementioned reports, it was hoped that new reports would be created as and when necessary to monitor and analyse the information held on the database appropriately".

#### **173c and 173d)**

Child Protection Subcommittee – Multi-agency action plan dated 2011-2013 and 2013-2015 provides the programme plans of the committee. Within the plans, details of each project are listed with descriptions of 'where we are now', 'what we have to do', timescales and progress all documented

**173e)** Child Protection Committee Minute dated 7 June 2013, Pg 10-11, records the committee considering the Children's Hearings (Scotland) Act 2011 and an update on proceedings was given to the committee by the Children's Reporter. Discussed were Compulsory Supervision Orders and Interim Compulsory Supervision Orders. It is noted that a training day for the changes was arranged for staff.

**173f)** Child Protection Committee Minute dated 16 August 2013, Pg 7, refers to the Integrated Children's Services Event planned for 30 September 2013. The committee contribution to the event is internet safety, with a mock room and a demonstration on Facebook and social networking sites. This was multi-agency, tying to online child abuse prevention work being undertaken by the police and work being done in schools around online safety.

#### **xvii. Complaints handling**

**173g)** Example of the full process of a complaint being followed through from receipt to its conclusion, dated 2004, following a child complaining that a foster carer had not returned all her money and had broken her CD player, after the breakdown of the foster placement.

#### **173h, 173i, 173j and 173k)**

Complaints dated October 2013, June 2014 and two from October 2014 provide examples of complaint handling. These are extracts from social work records held on the CareFirst recording system. The forms have details of when the complaints were received and response provided, who made the complaint, the nature of the complaint, and a summary of the complaint investigated.

#### **xviii. Whistleblowing**

See response to 4.2 (i) d) xviii and 4.7 i) d. v and 4.7 ii) b. v.

Whistleblowing will not have been implemented during the period prior to the Public Interest Disclosure Act 1998 (as amended by the enterprise and regulatory reform Act 2013). This gives legal protection to individuals being dismissed or penalised by their employers to ensure no one will be disadvantaged to raise a legitimate concern.

**173l)** From a social work record: Complaint dated July 2003 - shows a complaint regarding a looked after child who had been between foster care and residential establishments. The complaint was made about a social worker with Aberdeen City Council and their conduct during a hearing and the appropriateness of sharing personal information about the child. The complaint was made by a member of staff at an external residential establishment. The complaint was investigated and not upheld which is detailed in the response letter provided.

#### **xix. Record retention**

See response to 4.9 i)c), 4.9 ii) c).

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Records are held in Aberdeen City Council's social work records store and are identifiable by a CareFirst number. Records may be held as a hard copy case file or electronically on CareFirst. All social work records are held for the appropriate record retention period. Historically children's records were held against the mother's record, there may also be family information held within the mother's file. It is also known that in some instances 'family files' were created rather than a file for each individual.

**173m)** Letter dated 14 November 1977, from a divisional officer to a fieldwork teacher, about a former child in care's request to help trace her mother, the divisional officer mentions the requestor's Family file.

From 1984 a social work record was opened for everyone who is in receipt of social work services.

Record retention rates vary across children's services: Looked After Children; Fostering; Adoption; Children's Homes; and for Child Protection, Assessments, Referrals, Children in Need, and Serious Case Review.

**344) and 345)**

All social work records have a label. When a record is to be stored at central records the senior social worker must verify that they have checked the content of the records and sign off the label.

**c) How was adherence demonstrated?**

There is evidence of adherence to practice, which can be found in children's social work records retained by the authority for looked after children, over the years.

**174)** Minute dated 1933 gives an example of procedures having been circulated to foster carers, by the local authority.

**28)** A letter dated 9 December 1932, reports that copies of the Rules for Guardians of Boarded out Children "had been handed to all Guardians on the district rolls with instructions that the rules had to be strictly adhered to".

**60, 173, 175 and 176)**

Care Inspectorate Inspection reports from 2007, 2008, 2009 and 2013 show adherence to policies by the fostering team at Aberdeen City Council.

**173h, 173i, 173j and 173k)**

Complaints dated October 2013, June 2014 and two from October 2014 provide examples of the complaint handling process being adhered to.

**d) How can such adherence be demonstrated to the Inquiry?**

There is evidence of adherence to practice, which can be found in children's social work records retained by the authority for looked after children, over the years.

**e) Were relevant records kept demonstrating adherence?**

Yes

See 4.2(ii)c).

**f) Have such records been retained?**

Yes

**g) If policy/procedure was not adhered to in practice, why not?**

Not applicable.

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**h) If policy/procedure was not adhered to in practice, what was the practice?**

Not applicable.

**Present**

**i) With reference to the present position, are the answers to any of the above questions different?**

Yes.

**j) If so, please give details.**

**176a)** Care Inspectorate 'Report of a Joint Inspection of services for children and young people in need of care and protection in Aberdeen City' (Sep 2019) provides the finding of the latest inspection. The report evidences practice and adherence to policies and procedures listed.

**Child welfare (physical and emotional)**

Case notes and reports such as looked after review minutes and panel minutes generally include discussion about children's emotional and mental wellbeing. Social work records indicate that children's emotional and mental wellbeing was an aspect of care which was given attention.

**177)** Statement released on behalf of Aberdeen City's GIRFEC Strategic Group dated 8 October 2019. Taking cognisance of the effect of the Scottish Government's intention to repeal parts 4 and 5 of the Children and Young People (Scotland) Act 2014 and how it would affect Aberdeen City Council's GIRFEC policies and confirming review of policy, guidance and practice to take effect of the National position.

**226b)** Boredom Box Project (2020) provides details of a project for young people to engage in creative activities during COVID-19 pandemic lockdown, this aims to "encourage personal growth and positive mental wellbeing while exploring topics that are important to them".

**112)** Trauma Skills Training Improvement Project: Increase number of staff, including carers working with care experienced children and young people trained in trauma skills and knowledge, to 80% by 2021.

**121)** Children & Young People Care Placements Improvement Project 2019: Supporting care experienced children and young people to sustain care placements which meet their needs and sense of identity.

**264a, 264b, 264c, and 264d)**

During the COVID-19 pandemic lockdown, the fostering team have provided regular newsletters to foster carers. These were initially sent weekly, then reduced to fortnightly. The newsletters contain communications and guidance on COVID-19, as well as general health information, financial information, information on mandatory training for foster carers and education information. They also give tips to carers on crafts and activities.

**264e)** There was also a Toolkit sent, this is a therapeutic toolkit, giving help, support and guidance, "during a period of restricted movement, infection control and physical distancing".

**The Child's Views**

**178)** Report of a joint Inspection by Care Inspectorate dated January 2015 at page 13, "children and young people who are no longer able to live in the care of their parents were placed appropriately in placements together with their siblings unless there were exceptional reasons to separate them".



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**178a)** Care Inspectorate Report dated 17 September 2015 states, on page 12, "Children and young people's views and whenever possible the views of their families were sought and provided at foster carer reviews and at their own looked after child reviews....There was work being undertaken with partners to develop a Champions Board for children and young people."

#### **179, 180, 181 and 181a**

Annual reports for the fostering and Adoption team provide an overview of the activity of the team and the work undertaken, including where the team had progressed in respect of the Improvement Plan and the team's recognition of the priorities for the year ahead.

#### **Contact between a child in foster care with his or her family**

**178a)** Care Inspectorate Report dated 17 September 2015 states, on page 12, "One young person had been able to talk to a Children's Rights Officer about feeling that contact with family members was not going as well as they wanted it to. This resulted in some changes being made to contact arrangements which the young person was happier with."

#### **Child Protection**

#### **173c and 173d)**

Child Protection Subcommittee – Multi-agency action plan dated 2013-2015 provides the programme plans of the committee. Within the plans, details of each project are listed with descriptions of 'where we are now', 'what we have to do', timescales and progress all documented

**181b)** Child Protection Programme dated 2015 – 2016 provides details of the plan and actions, it states that:

"In response to the Joint Inspection of Children's Services, March 2015, Integrated Children's Services have developed an Action Plan. It focusses on the immediate improvement themes from the Joint Inspection Report for the year 2015-16 as follows:

- "Keeping Children Safe
- Ensuring children and young people have the best start in life
- GIRFEC
- Raising Achievement
- Corporate Parenting

"Utilising the Care Inspectorate's Quality Indicators, the Action Plan aims to improve outcomes for children and young people by addressing issues such as leadership, governance, performance management, workforce education and the quality assurance of operational professional practice across all agencies.

"The overall Action Plan is supplemented by specific plans from each Outcome Group particular to their thematic responsibility (Safe; Healthy & Active; Nurtured; Achieving; Responsible; and Respected & Included). These plans will form part of wider improvement planning. Additionally, the overall Action Plan is supplemented by improvement plans led by the GIRFEC Group, Children's Social Work, and Education Services".

**181c)** Child Protection Programme dated 2016-2019 provides the programme plans of the Child Protection Committee. The plan has details of objectives, actions, Measures/success criteria and timescales.

Their aim is stated as "Utilising the Care Inspectorate's Quality Indicators, the Child Protection Programme aims to improve outcomes for children and young people in need of protection by:

- Making good use of our data to identify trends and gaps,
- Making sure our workforce are equipped to deal with the range of child protection issues in the City and

#### Question 4.2-Local Authority-(ii) Practice

- Making sure we monitor our practice and learn from it".

**181d)** Child Protection Programme dated 2019 – 2021 provides the programme plans of the Child Protection Committee. The plan has details of key drivers, key improvement measures and progress updates.

**90)** <http://www.childprotectionpartnership.org.uk/> provides current practice for child protection.

#### Complaints handling

##### **181f) and 181g)**

This was followed by two updates in December 2016 (**181f**) and March 2017 (**181g**.) The changes brought social work complaints largely in line with complaints handling arrangements in place across the wider public sector and with NHS complaints handling. The focus of the new complaints handling procedure is to ensure that customers have easy access to an efficient, customer focused complaints service which responds to their concerns quickly and as close to the point of service as possible. It also requires organisations to assess and report their complaints handling performance against the SPSO performance indicators to facilitate continuous improvement through the benchmarking of performance within and across sectors.

**309b)** CSWO Report 2013-14 (Pg 17), **309c)** CSWO report 2014-15 (Pg 43-44), **309d)** CSWO report 2015-16 (Pg 49-50), **309e)** CSWO report 2016-17 (Pg 49-50), **309f)** CSWO report 2017-18 (Pg 34) and **309g)** CSWO report 2018-19 (Pg 18-20).

Adherence to complaints can be seen with the statistics reported in the Chief Social Work Officer annual reports. The reports give a breakdown of the complaints received to the social work service as a whole, and whilst there is no specific breakdown for each service within social work, complaints about the fostering service would be included in the totals and are demonstrative of the complaints process being followed. Details include how many complaints have been responded to within statutory timescales and what the complaint outcomes were.

From summer 2019, any new social work complaints are held as an electronic record. Historic hard copy complaint files can still be accessed. Complaints are also recorded on CareFirst, the social work electronic information management system.

##### **310a, 310b, 310c, 310d, 310e, 310f and 310g)**

From social work records, complaints dated March 2015, June 2015, August 2015, October 2015, September 2016 and February 2017 provide examples of the complaint handling process being adhered to. From CareFirst social work record, complaint activities 2018 show 7 complaints being completed between February to July 2018.

**310h)** Complaint file from a social work record (December 2019) provides an example of the current complaint procedure being followed. The young person is supported by the Children's Rights Officer to make the complaint and have their views put across accurately. The foster carers are contacted by social work staff for their response. Following investigation by the complaint investigation officer, a response is provided to the young person detailing whether each point of complaint has been upheld or not, and the reason for this decision. The young person is advised at the outset that the complaint may not be taken on by the Scottish Public Services Ombudsman if the young person is unhappy with the response, this is because the complaint was made retrospectively and out with the timescales in SPSO guidelines.

**181h)** The SPSO have also published The Local Authority Model Complaints Handling Procedure Implementation Guide which is intended to be adopted as an internal procedural document of the local authority.

Question 4.3-Children-(i) Policy

**4.3 Children**

**(i) Policy**

**Past**

- a) What policies and/or procedures did the local authority have in place in relation to the care of children in foster care?**

See response to 4.1 c) and 4.2 i) d.

- b) Was there a particular policy and/or procedural aim/intention?**

Yes.

- c) Where were such policies and/or procedures recorded?**

See response to 4.1 c), 4.2 i) c, 4.9 i) and 4.9 ii.

Policies and procedures were recorded in the form of letters, committee meeting minutes, booklets and memos. In more recent times, since the advent of the internet, policies and procedures are accessible online.

- 26)** The 'Foster Carer Handbook' (2007) contains numerous Aberdeen City Council policies and procedures in relation to foster care. It was comprised to offer support and guidance and designed to offer practical support and a point of reference, for the foster carer.

- d) What did the policies and/or procedures set out in terms of the following?**

**i) Safeguarding**

See response to 4.2 i) d. i.

- 181i)** Grampian Regional Council minute dated 22 September 1994, in discussing a report on children absent from children's homes and foster homes, it was decided that monitoring of such cases should also be extended to the reporting of statistics on the numbers of children missing.

- 181j)** Minute of the Community Services Committee dated 12 September 2000, speaks about a report by the Director of Legal and Corporate Services (in section 15, page 8). In the report it is noted that "the Council has a statutory responsibility to maintain a Panel of Safeguarders who may be appointed by a Children's Hearing or by a Sheriff to safeguard a child's interest in proceedings."

According to the report, there were sixteen Safeguarders on the Panel for Aberdeen City, but this was a cause for concern, because a number of the Safeguarders were becoming overstretched. An advertisement had been placed in the press inviting applications from people interested in becoming Safeguarders. The report recommended:

"(a) that the Panel of Safeguarders be increased and that following interviews with applicants and following consultation with the Sheriff Principal and the Chairman of the Children's Panel, suitable applicants be appointed for a term of three years until 30th October, 2003; and

(b) that all Safeguarders on the Panel be required to undertake a minimum of four cases per year in order to be maintained as a Safeguarder on the Panel."

- 182)** Children and Young People Missing from Care Placements policy, April 2002 - The Young Runaways Reporting Protocol policy states a new approach was adopted because previous

Question 4.3-Children-(i) Policy

procedures on reporting missing children were deemed ineffective. It also discusses what motivated changes to the policy.

- 17) Allegations of Abuse in Foster Care: Guidelines, 30 April 2004, Pg. 1-2:  
Safeguarding Children from Abuse:

"1.1 Foster carer preparation includes training, both pre and post approval, in caring for a child who has been abused, safe caring skills, managing behaviour and recognising signs of abuse.

"1.2 All references must be taken up, including police and local authority checks on all adults living in, or with unsupervised access to, a prospective foster home, before approval of the foster carer is made or a first placement considered. Details of any convictions must be pursued with the police as far as possible. Explanations from prospective carers should not simply be taken at face value.

"1.3 The foster carer's registration must be reviewed at least annually. However, should there be any significant changes or events, e.g. an investigation into allegations of abuse, a Foster Carer Review will follow the occurrence of the change or the conclusion of the investigation.

"1.4 For each foster placement the Link Worker will provide the foster carer and everyone else in his/her household with ongoing safe caring guidance based on Aberdeen City Council Social Work Service's policies and the Fostering Network's guidelines.

"1.5 Aberdeen City Council has adopted the Fostering Network's policy on corporal punishment, i.e. that each child in foster care is protected from all forms of corporal punishment (smacking, slapping, shaking) and all other humiliating forms of treatment or punishment.

"1.6 Each foster carer receives full information about the child and his/her family to enable the foster carer to protect the child, the foster carer's own children, other children for whom the foster carer has a responsibility and the foster carer him/herself.

"1.7 The child's Social Worker must ensure that the Care Plan incorporates appropriate self-care and self-protection needs. The LAC Review documentation and process provide the relevant check.

- 183) How to Make an Assessment of Need: The Stepwise Process of Assessment, The Three Domains, The Assessment Framework Triangle, The Department of Health Material, 12 October 2004, p 6-8, provides comprehensive policies for social work practitioners when assessing the needs of children.

- 26) From the Foster Carer's Handbook 2007, on Pg. 11, under responsibilities of carer, it says that the carer should "always safeguard and promote the child's welfare, taking this as the paramount consideration."

- 183a) NESPC minute dated 7 September 2009 (Pg. 9) states the committee considered the Haringey Report recommendations for multi-agency protocols and guidance:

"The report noted that with regards to the recommendation relating to the need to clearly state the concerns and professional opinions in referrals and in relation to multi-agency involvement and attendance at discussions, meetings and conferences, it was noted that these issues were covered within the NESPC guidelines in the Sharing Concerns section and the section on Initial Referral Discussions and Case Conferences, respectively.

"The Committee resolved: -

- (i) that the wider consultation network, including Dr Myerscough, be requested to review the current guidelines in relation to the involvement of paediatricians and/or named or designated doctors at strategy discussions/meetings (of particular importance if there are different

#### Question 4.3-Children-(i) Policy

- perceptions of the risk and a potential need for further independent comment) and the use of second and, if required, further strategy discussions;
- (ii) that the Local Authorities work together and share information regarding administration, including timing, accuracy, circulation of records and secure maintenance of such circulated records;
  - (iii) to include ensuring that core group members are informed within five days of any change in an agency's allocated worker and single and multi-agency training programmes for those undertaking supervision in safeguarding work should emphasise the need for the all staff to be constantly vigilant in the review of the guidelines;
  - (iv) to remit the need for single and multi-agency training programmes for those undertaking supervision in child protection work and emphasising the need for the all staff to be constantly vigilant to be dealt with as part of the training portfolio; and
  - (v) to approve the recommendations".

#### ii) Child Protection

See response to 4.1 c) iv, 4.2 i) d. xvi, 4.2 ii) b) xvi and 4.3 ii) b. ii.

- 184) Disclosure of Convictions: Enhanced Disclosures, 27 July 2004: This policy describes instances where it is acceptable to admit evidence of spent convictions. It explains that exceptions do not apply when child moves into a private household, however it emphasises that the Local Authority has a duty to act if it reasonably believes that a risk to the child exists in the household. It describes procedure and considers Human Rights implications.
- 26) Foster Carer Handbook Final Draft 2007 states that the North East of Scotland Child Protection Committee's (NESCPC) Child Protection Guidelines outline procedures and provide information to assist Foster Carers. It is known that the Committee has representatives from all agencies in Aberdeen responsible for child protection arrangements; social work, police, health service, education, children's hearings, housing and the third sector.
- 92) Child Protection Standards policy document dated June 2007 provides overarching policy explaining the drives, legal context, and duties for the Social Work Service with regards to child protection.

#### iii) Medical care

- 28) The Rules for Guardians of Boarded-Out Children booklet dated 28 October 1932, states with regards to the health of boarded-out children; " the attention of the Medical Officer should be drawn, as necessity arises, to such defects as weak eyesight, defective teeth, enlarged tonsils, adenoids, ear, nose, or throat affections, chest weakness, incontinence, growing pains or rheumatism &c., so that such defects may be corrected or remedied. When spectacles are prescribed, the guardian must see that they are worn".
- 26) Foster Carer Handbook Final Draft 2007 outlines that it is the responsibility of the local authority to promote the health and development of looked after children. This includes their physical, psychological, moral and emotional health. Care plans were to reflect health care needs and developmental progress. "Local Authorities should ensure that the child is provided with adequate health care, including any necessary medical, psychiatric, psychological, dental or ophthalmic attention and necessary immunisations. The child must be registered with a general medical practitioner and general dental practitioner...Local Authorities are required to arrange for a medical examination and written health assessment of a child before placement, if reasonably practicable, unless an assessment has been carried out within the last 3 months. In the case of an emergency placement, the Authority should arrange for a health assessment as soon as is practicable thereafter."

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- 185)** Medical Procedures for Children (2009) - Children who are being matched with adopters or in a permanent foster placement will be require an up to date medical and this should not exceed 12 months at the point of the match being presented to the Adoption and Permanence Panel. This in adherence with the Medical reports for children being presented to the adoption and permanence panel guidance
- 50)** Annual Report APP 2008-9 outlines that there were reviews of foster carers. Under Medical Updates it states: "The RAQ Social Worker must ensure that medical Updates are obtained on all Foster Carers, using BAAF Form AH 1 or AH 2, at 3 yearly intervals – unless circumstances should suggest these should be undertaken more frequently i.e. a full medical report, Form AH1, should be sought every 2 years. These must be undertaken prior to the Review, which will involve a representation to the Fostering Panel, so that any medical Issues highlighted by the Medical Advisor can be considered".

**iv) Children's physical wellbeing**

See answer to 4.2 i) d. i.

**v) Children's emotional and mental wellbeing**

See answer to 4.2 i) d. i.

- 13)** Practice and Procedure Guidelines for Reviews for Children and Young People Accommodated by Aberdeen City Council, May 2002, pg. 7: states a report using the appropriate LAC form will be provided but should include comments on the following:

Child's response to placement; response to separation/contact with birth family; relationship with adults/children both within and outwith the carer's family; acceptance of routines/boundaries; health issues; self-care; developmental progress/concerns; emotional response and needs/personality; significant attachments/ability to form these; behavioural responses/and or concerns; response to education; leisure activities/talents; friendships/links with local community; ethnic and religious issues; child and carers response to/understanding of future plans.

- 186)** Policy Statement - Planning for Permanency - Children in Need of Care, July 2002, pg. 1:

"Aberdeen City Council is committed to working in partnership with children and families to enable all children to grow up in their family of origin providing it meets their current and future needs. To facilitate this the Council will provide a comprehensive assessment of children's needs to fully inform decisions. For a small number of children remaining in their family of origin, it will not be possible and alternatives will have to be explored.

"In considering these alternatives regard must be given to the right of a child to be brought up within a loving family, as stated in the UN Convention on the Rights of the Child. The attainment of a permanent family placement, which reflects the ethnic, religious, cultural and linguistic background and heritage will secure the best possible outcome for almost all children who enter the care system. This will allow a child to form close relationships, maximise his or her development and provide support for their future lives as adults. To achieve this aim the Council's target is to recruit and retain a wide range of carers and adopters who will meet the needs of every child, including supporting adolescents into and beyond young adulthood. For a number of children, likely to be in an older age-group, residential care will be the preferred option, especially for children who will continue to have strong birth family ties.

"Aberdeen City Council is also committed to respecting the rights of children who are separated from their birth family to maintain personal relations and direct contact with their family members on a regular basis, providing this is not contrary to the child's welfare."

Question 4.3-Children-(i) Policy

- 26) From the Foster Carer's Handbook 2007, on Pg. 12, under responsibilities of carer, it says that the carer should; "care for the child as if he/she were a member of the Carer's family, in a safe and appropriate manner", "recognise, understand and encourage a child's cultural and religious heritage and behave in a way that does not discriminate", and "help a child to speak up, to be heard and to be listened to" and "encourage the child's self-esteem and positive self-image".
- 61) Planning for Your Child: Children in Need of Care - Planning for Permanency, 13 August 2008, pg. 2-3, states that a child's sense of permanence should include all of the following experiences:
- "A developing feeling of belonging to someone who is parenting them day by day
  - The expectation of continuing stability in this placement
  - A feeling of security in being loved and valued for themselves and as a permanent member of the family
  - A growing sense of mutual obligations between the child and parent/s as the child moves towards adulthood
  - Continuity with the ethnicity, religion, language and culture of their family of origin
  - Acknowledgement and a positive acceptance of their birth family and history with ongoing contact where appropriate
  - "Becoming a full member of an extended family and part of a wider long-term network of friends and family
  - Growing confidence in being able to cope in the wider world, including moving into independence only when chosen by the young person.
- "Early assessment and permanency planning therefore needs to take place within time-scales, to avoid 'drift', where children risk being left in the public care system for too long.
- "What are the aims?  
The right of a child to be brought up within a loving family (UN Convention on the Rights of the Child)
- "Every child should have a 'Family for life'
- "All birth family options will be considered before exploring all alternative legal options within and outwith the care system
- "A Plan for permanency will be established within eighteen weeks of a child being accommodated."
- 187) Social Care and Wellbeing: Policy on Spirituality in Social Care, 13 January 2011, outlines policy on recognising spirituality as enhancing children's well-being and mental health.
- vi) **Schooling/education**
- 28) The Rules for Guardians of Boarded-Out Children booklet dated 28 October 1932, states; "Every child of school age, if health permits, must be sent with the utmost regularity to the nearest school".
- 188) Guidelines on the use of taxis - June 2000 - allows for taxis to be used for a child in care, of primary age who needs to travel to school but cannot do so on public transport.
- 189) A Looked After Children teacher has been in role since 2005 and has been responsible for rolling out the Scottish Government's policy and legislation in relation to looked after children and education within Aberdeen City.
- 26) From the Foster Carer's Handbook 2007, on Pg. 12, under responsibilities of carer, it says that the carer should; "be aware of the child's emotional, social, educational, religious and

#### Question 4.3-Children-(i) Policy

physical needs” and “provide educational support to the child and to encourage the development of special talents and interests”.

#### vii) Discipline

- 28)** Rules for Guardians of Boarded-Out Children 27 October 1932 states that “Indiscriminate or harsh punishment of children will not be permitted on any pretext whatever. Any serious act of misconduct on the part of a child, or any child whose general behaviour is unsatisfactory, should be reported to the Public Assistance Officer”.
- 24)** Allegations of Abuse in Foster Care: Guidelines, 30 April 2004, Pg. 1-2:
- Safeguarding Children from Abuse:
- “1.5 Aberdeen City Council has adopted the Fostering Network’s policy on corporal punishment, i.e. that each child in foster care is protected from all forms of corporal punishment (smacking, slapping, shaking) and all other humiliating forms of treatment or punishment.
- 26)** From the Foster Carer’s Handbook 2007, on Pg 12, under responsibilities of carer, it says that the carer should “establish clear expectations and limits, and to discipline fairly, avoiding any punishment that involves the humiliation of the child. Physical chastisement is not permissible under any circumstances.”

#### viii) Activities and holidays for children

- 190)** ‘Permission to leave country 1995’ policy states that whenever a looked after child travelled out of the country on holiday or a passport was required, permission would have to be sought by the head social work officer.
- 191)** Policy and Procedure for Overnight Stays for Looked After Young People, 1 December 2000, pg. 1: “In looking at how best to manage requests from children/young people who are looked after to stay with a friend for short periods of time, which include overnight stays, there are four major issues to consider and take into account:
- “Public duties and responsibilities to protect and safeguard the best interests of looked after children.
  - Taking a child centred professional practice approach to children who are looked after.
  - Children’s rights and specifically listening to a child or young person’s views and taking these seriously as a local authority.
  - Parental rights and responsibilities. Every effort should be made to obtain parental consent.”
- 26)** Foster Carer Handbook 2007, Pg 63, outlines that the social worker must be aware of the residence of the child at all times, therefore must be informed of any holidays, including those within the UK and adventure activities. They must be informed whether the child goes on holiday with or without the foster carer, however advance notification was particularly important if the holiday was with another organisation or persons, so that an informed decision could be made by the social worker. It is noted that adventure holidays would also need to be approved and staff credentials would need to meet the Council’s Safety and Good Practice in Outdoor Education Policy. It may also be necessary to gain parental consent for holiday arrangements.

For holidays abroad, those with parental rights and responsibilities must consent to the trip and sign the passport application form. Even when a passport is already held, permission must be sought from the social worker and all those with parental rights and responsibilities



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on each occasion. A Permission to Leave the Country letter signed by the Chief Social Work Officer is required for all children travelling abroad with their foster carers.

The Local Authority provides additional two weeks fostering allowance for the school summer holiday period.

#### ix) Sharing a bedroom

- 28) Rules for Guardians of Boarded-Out Children 27 October 1932 states "the sleeping accommodation, bedclothes, &c., must be sufficient, clean, tidy, and well ventilated. In no case should more than two children sleep in one bed, and boys and girls over eight years of age should not occupy the same sleeping apartment. Children should not be allowed to sleep with aged persons or with persons infirm in health".
- 30) Town Council minute dated 1 October 1945 during this meeting, it was agreed that one of the safeguards for boarded-out children was for the local authority to supply loans of beds and bedding to avoid children sleeping together or with an adult.
- 26) From the Foster Carer's Handbook 2007, on Pg. 12, under responsibilities of carer, it says that the carer should provide the child with "a bed and a small personal area or separate room if possible."

There is no specific Aberdeen City Council policy in relation to children sharing rooms. When undertaking the initial assessment, the service takes into consideration the overall space within the home to assess if the accommodation could meet the needs of a child. If appropriate, then the applicant will proceed to fully assessment where this would be revisited and factored into the registration recommendation for the Panel.

#### x) Contact with family members

4.2 i) d. vi and 4.3 i) xi.

- 192) Permanency Policy and Guidance: An Overview of the Process, Its Aims and Objectives, 5 November 2003, pg. 1-3 and pg. 6.
- "1.4 No child should be accommodated by the Social Work Service until all of the family have been considered and a well thought out decision taken about the viability of each possible family option. All of these steps should be recorded carefully, including reasons for not using relatives. Parent's views should be considered as part of this process and the reasons to respect them or otherwise also needs to be recorded. All children have a right to remain within their birth family if at all possible, if it meets their current and will meet their future needs...
- 1.10 "...Underpinning all of the planning, however, is the agreement that no child should remain in the "Social Work system" for any longer than necessary. The Social Work Service would aim to "normalise" children in as early as possible a timescale within the parameters of their best interests...
- 2.1 "...The Social Work Service is clearly committed to placing siblings together and all attempts will be made to do this, even if one child is born after the other is placed.
- 2.4 "...Contact through the postbox system will always be considered for parents and the significant extended family and the reasons for offering this or not must be clearly minuted. Decisions will be made on the basis of the child's welfare.
- Pg.6 "There is a clear commitment to encouraging birth families to write a letter for the child and supply photos and support for this. Although this is usually a very difficult and painful task for a birth parent or birth family member, it is very important for the child as he/she grows up and begins to ask questions about their birth family and early experiences as part of their identity".

**xi) Contact with siblings**

- 26)** From the Foster Carer's Handbook 2007, on Pg. 12, under responsibilities of carer, it says that the carer should "try to encourage and promote contact between the child and his/her family, where this is in the interests of the child and is part of the Care Plan."

See response to 4.2 i) d. vii and 4.3 i) x.

**xii) Celebration of birthdays and other special occasions**

- 26)** From the Foster Carer's Handbook 2007, special allowances detailed below were paid to foster carers with the guidance that foster carers treat children in their care in as normal a manner as possible and the provision of holidays, giving birthday and Christmas presents are seen as important aspects of family life:

- Holiday Allowance – 2 weeks basic fostering allowance. Normally paid before commencement of school summer holidays although it could be paid at other times instead.
- Christmas Allowance – 1 week's basic fostering allowance. For children of other faiths, other arrangements can be made.
- Birthday Allowance – 1 week's basic fostering allowance to be paid before the child's Birthday.

**xiii) Information sharing by the foster carer with family members**

It is known that foster carers often facilitated contact with family members within their own homes without the social worker being present and therefore had more interaction with the foster carer and would share day to day information about the child's general welfare. Foster carers were required to complete a report for the Looked After Review which was shared with the parents prior to the meeting.

Foster carers at times would use a communication book in which the carer would write information for the parents and this also gave the parents opportunity to reply or make their own comments to the foster carer.

**e) Who compiled the policies and/or procedures?**

Procedures were agreed at the meetings of Committees within the Council, such as the Committee of Public Assistance Education and Children's Sub-Committee. There was also an appointed Children's Officer who would be in charge of informing the Committee of changes in the Law and seeing that these were applied procedurally.

In later years the policy and procedure booklets would have been compiled by the staff in the Fostering or Family Finding department, or specific working groups set up with the task of writing new policies.

**f) When were the policies and/or procedures put in place?**

Policies and procedures would have been put in place once agreed upon and ratified.

**g) Were such policies and/or practices reviewed?**

Yes.

**h) If so, what was the reason for review?**

#### Question 4.3-Children-(i) Policy

Reasons for review were varied, for example due to the changes in legislation, specific incidents that required policy review or if policies and procedures were found to no longer be fit for purpose. Where a change in legislation occurred or a review of practice, best practice changes, or in response to complaints and service redesign policy is reviewed to ensure that they captured any change in directions for staff and how they go about their work.

**i) What substantive changes, if any, were made to the policies and/or procedures over time?**

See response to 4.2 i) i

**j) Why were changes made?**

Changes were made for a variance of reasons. In response to legislation, national guidance, designated review, complaints, specific incidents, or investigations. Changes were also made to establish best practice or where deemed to no longer be fit for purpose.

**k) Were changes documented?**

See response to 4.2 i) k and 4.3 i) k.

**l) Was there an audit trail?**

See response to 4.2 i) l and 4.3 i) l.

#### **Present**

**m) With reference to the present position, are the answers to any of the above questions different?**

Yes.

**n) If so, please give details.**

#### **Child Protection**

**23)** Handbook for Foster Carers Sept 2017, pg. 44: Aberdeen City Council has a zero tolerance towards child sexual exploitation. The Child Protection Committee has produced a multi-agency Strategy and Guide but there is also a short guide which has some "things to look out for" in relation to Child Sexual Exploitation which foster carers may also find helpful.

#### **Children's physical wellbeing**

**192a)** Promoting sexual health policy dated 19 December 2018. This document outlines the circumstances in which contraception may be provided to young people by Children's Social Work staff as part of an ongoing assessment of need to protect them from sexually transmitted infection or pregnancy and to protect their physical safety or emotional wellbeing. Changes were approved to this policy in October 2019, when a section was added about the use of the Mind of My Own App, "to provide opportunities for a young person to express their views" on their sexual health.

#### **Schooling/education**

**193), 189) and 194)**

The Virtual School <https://www.aberdeencity.gov.uk/services/education-and-childcare/virtual-school> has a looked after teacher in place who provides support to children who are not attending school. The role of the Virtual School Head Teacher is to support improvements in the educational progress and attainment/achievement of all children looked after by the authority, including those that have been placed in schools in other authorities.

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**195)** Virtual School Aberdeen Support Guide for the COVID-19 pandemic lockdown in April 2020.

**196) and 197)**

'Process for accessing funding for CECYP Fund ACC' and 'LAC SAC Funding request process', both dated March 2020, sets out the procedure for requesting funding from the Scottish Attainment Challenge for looked after children, including those in foster care, who require extra support with their education.

**Activities and holidays for children**

**197a)** Aberdeen City Council's Policy and procedure on Holidays abroad (including School trips) for looked after and accommodated children and young people dated 21 May 2015.

**Celebration of birthdays and other special occasions**

**7)** Foster Carers Handbook (2017), Appendix 2 of the Foster Carer Agreement shows foster carers received additional payments to cover additional costs for a child, 1-week child's allowance for birthday's, 1-week allowance for Christmas and 2 weeks allowance to cover the summer holidays.

**Information sharing by the foster carer with family members**

See response to 4.2 i) d. viii.

It is known that foster carers often facilitated contact with family members within their own homes without the social worker being present and therefore had more interaction with the foster carer and would share day to day information about the child's general welfare. Foster carers were required to complete a report for the Looked After Review which was shared with the parents prior to the meeting.

Foster carers at times would use a communication book in which the carer would write information for the parents and this also gave the parents opportunity to reply or make their own comments to the foster carer.

Question 4.3-Children-(ii) Practice

(ii) Practice

**Past**

- a) **Did the local authority adhere in practice to its policy/procedures relating to the care of children in foster care?**

Yes, although it cannot be confirmed categorically that all policy and procedure were adhered to consistently.

- b) **Did the local authority adhere in practice to its policy/procedures in terms of the following?**

**145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Minutes for the Adoption and Fostering panels have been identified from 2002 to 2013. Panels were held at least once a month. These minutes contain details of all cases considered by the panel, whether registrations, matching or permanency/freeing for adoption. The panels constituted a number of panel members which varied in participation, this tended to include a legal advisor, medical advisor, social work senior staff and lay persons appointed to the panel. A sample of these minutes is included, and should the Inquiry wish to view more they can be provided on request.

Looked After Reviews and Core Group Meetings are held for children, during these reviews the policies and procedures listed below would be discussed where relevant. The practice can be demonstrated in the minutes taken at the reviews.

**197b, 197c, 197d and 197e)**

From social work records:

- Review Child Protection Case Conference Minute March 2000
- Hearing report April 2002
- Reconvened Initial Child Protection Case Conference April 2006
- Review of Care Plan April 2008

i. **Safeguarding**

- 198) Extract from social work record, memorandum dated 31 January 1979 from the area controller discusses the local authority arranging legal representation for a child who has received criminal charges. It also discusses the intricacies of parental rights being held by another authority and who is responsible for arranging adequate representation for the child with consultation with the parent.

ii. **Child Protection**

See response to 4.2 ii) xvi.

Grampian Region Standing Committee on Child Abuse Procedures for the management of suspected and actual child abuse (1979, amended 1983) were in place for informing and underpinning practice.

**199) and 200)**

Extract from social work records: In 1973 the removal of children from a foster carer is evidenced this was discovered when a care experienced adult requested their records. The children are removed due to "an unhappy incident with foster mother who can no longer be used".

**173c and 173d)**

Child Protection Subcommittee – Multi-agency action plan dated 2011-2013 and 2013-2015 provides the programme plans of the committee. Within the plans, details of each project are listed with descriptions of 'where we are now', 'what we have to do', timescales and progress all documented.

**iii. Medical care**

See response to 4.2 ii) b. i.

There is evidence to suggest that policy/procedures for the medical care of children was adhered to. Case notes and reports such as looked after review minutes generally include some discussion about medical assessment and children's medical needs and care. In social work records there is evidence that children received medical assessment prior to, on or shortly after being fostered. There is also evidence that children accessed general medical care through GP, hospital, dental and optician's appointments. It is understood that medical examination with regards to child protection processes were undertaken as well as into care medicals whenever a child was accommodated.

Examples from social work records below:

- 167a)** From a social work record there are entries in the case notes which show a child was seen by a doctor and examined for "half yearly medical certificates" or "medical certificate" in October 1960; September 1961; November 1963; and October 1964.
- 201)** Letter dated 21 November 1974 noting that a child had not had a medical when he was boarded-out and that there was the need to organise one and to start a new medical card, as the previous one had been lost.
- 202)** Review report dated July 1987, the social worker notes that one of the children developed measles and had to be hospitalised to have tonsils removed and his brother suffers from hay fever.
- 203)** Contact Records entry dated 2 May 1993, example of where the foster carer, concerned about the fostered child's health, contacts the social worker about this and then the child's GP.

**iv. Children's physical wellbeing**

See response to 4.2 ii) b. i.

Case notes and reports such as looked after review minutes and panel minutes generally include some discussion about children's physical wellbeing. Children's physical health and wellbeing was an aspect of care which was given attention, for example, encouraging exercise and a balanced diet.

**v. Children's emotional and mental wellbeing**

See response to 4.2 ii) b. i.

Case notes and reports such as looked after review minutes and panel minutes generally include some discussion about children's emotional and mental wellbeing. The majority of social work records sampled indicate that children's emotional and mental wellbeing was an aspect of care which was given attention. For example, some social work records sampled contain information reflecting that children were being referred and/or assessed/supported by Child Guidance and the Department of Child and Family Psychiatry (Child and Adolescent Mental Health Services of the time).

**vi. Schooling/education**

Case notes and reports such as Looked After Children reviews and panel minutes contain information about children's education and it is one of the main points of discussion at review meetings. Children's records also contain school reports and other information such as school trips.

An example of educational reports kept within children's records:

- 204)** Educational Psychology report for a boarded-out child dated October 1972.
- 205)** A specific school report for a boarded-out child dated June 1973.

#### Question 4.3-Children-(ii) Practice

**206)** School Reports for a fostered child, from his (case recording) CASER file, dated 1983-1987.

**202)** Review report dated July 1987, with a section dedicated to the fostered children's education.

**202a)** From social work record, contact record dated March 2002: "Various options were discussed on how best to use the LAC education money. Considerations were: INCARTA which is a computer education package; this can be used both at home and within school; the school could use more computer software; creative play; art therapy; WHITESPACE promotes arts and crafts; Peacock Printers – various creative activities; activity holidays; educational visits."

**145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Adoption and fostering panel minutes from 2002 to 2013 contain a question 'Have educational needs been considered, what are these needs, and any implications for permanent carers?' which needs to be completed. The answers vary depending on the age and stage of the child, and their individual needs.

#### **vii. Discipline**

**207)** Entry from a child's case notes dated 28 November 1990, relates to an incident in which a foster carer told the child's social worker that the child she was caring for, had hit her and she had responded by pushing him onto a sofa. The social worker had later spoken to the foster carer's link worker "about a need for discussion on ways of handling children".

**207a)** From social work record, Have Your Say Form August 2001, states that the sanctions used by the foster carer were quiet time, or early to bed. This sanction was accepted by the child and they knew why this had occurred.

#### **viii. Activities and holidays for children**

**30)** The minute of the Council Meeting 1 October 1945 has an entry in which the Director of Education "submitted a report on the action taken with regard to a boarded-out child who had run away and, after hearing the fact of the case and reports from medical advisers, the Sub-Committee resolved that the boy should remain meantime with the present foster-parents... but that he should be allowed to spend his holidays at Camphill." This is an example of a child in foster care spending his holidays in a children's home.

**208)** In the Minute of the Children's Committee dated 23 January 1961, there is mention of foster carers requesting funding to take their foster child with them on holiday to Austria. The Committee agrees to pay this as the Children's Officer had pointed out that "it would be in the child's best interests to accompany the foster-parents as proposed", thus showing an interest in the child's wellbeing.

**167a)** Social work record dated August 1962, foster carers had taken the foster children for a week's holiday to Coulnacraig.

**209)** Letter dated 30 October 1974 to the treasurer of the social work committee requesting payment for a Guardian, towards the holidays of the three children she is boarding out.

**210)** From social work record (July 2000): During placement with foster carers activities for the child had included visits to the theatre, cinema, and an exhibition. A sports camp was attended during school holidays, as well as a holiday with the foster family to England and Wales.

**211)** Adoption and fostering panel minute dated 16 August 2006 states a respite foster carer took two foster children on holiday, the carer had a good relationship with the children having cared for them over a 3-year period as a respite carer. In the same minute foster carers/prospective adopters had taken foster child away to a caravan holiday.

#### Question 4.3-Children-(ii) Practice

- 212) Observation entries from CareFirst from August 2013, which describe two foster children who went to Italy on holiday with their foster carers.
- 213) Observation entries from CareFirst from March and July 2014 – a sibling pair were on holiday in France and Butlins with foster carers.
- 214) Observation entries from CareFirst from June 2015 – a foster child was on a school holiday to Spain. There was also a request for this child and a sibling to go on holiday with a former foster carer, however this was not considered appropriate as the children had moved placement.
- 215) Observation entries from CareFirst from November 2015 – details a foster carer who had taken a pair of siblings on holiday for a fortnight. One child required a passport and social work staff assisted with this. The foster carer was arranging a further holiday and the option was given to the eldest child who would be over 16 by that time whether they would like to be included in that booking.

#### ix. Sharing a bedroom

- 216) Report from child's file (pg.5) dated March 2000: two siblings are placed together in a foster placement, each have their own bedroom, although they latterly choose to sleep in one room.
- 217) Reports from child's social work record dated May and June 2002: A child (child 1) is placed with foster carers and shares a room with another foster child (child 2), the children know each other having lived in the same estate. No problems with sharing a room are reported initially, however later there were allegations of bullying and being picked on by child 1. This is the only reference in this record about bullying and being picked on when sharing a room.
- 145) In adoption and fostering panel minute dated 5 July 2006 there is a foster child who is moved to England to a placement closer to his family, a risk assessment is completed to ensure he can stay within the home with other children, and he is to have his own bedroom within the home.
- 218) From social work record, case recording dated October 2006 states that a sibling pair placed with foster carers were sharing a bedroom.
- 219) From social work record, case recording dated October 2007 discusses a foster carer who has a sibling pair placed by ACC. The foster carer also had a newborn baby and another child in placement with her, The social worker raised concern over the amount of bedrooms with the sibling pair in a small room with no room for a further bed and another foster child in the only other spare bedroom, which meant the infant had to share with the foster carer.
- 220) From social work record, case recording dated November 2013 states that a sibling pair were placed with foster carers and shared a room. The room is noted to be small, but there had been re-organisation to give the children more room.
- 221) From social work record, case recording dated October 2014: A sibling pair were sharing a bedroom, however, move into their own bedrooms within the placement. It is acknowledged by the eldest child that they are happier having their own space.

#### x. Contact with family members

See response to 4.2 ii) b. vi and 4.2 ii) b. vii.

Information about contact with family members is recorded in children's social work records, in case notes, reports and reviews. If contact takes place at the Contact Centre and is supervised, specific contact reports are kept, in a separate Contact file.



Question 4.3-Children-(ii) Practice

- 222) Closing Summary dated 28 January 1986, notes that the current foster carers for the child are able to encourage and accept the important contact between the child, her sister and her grandmother.
- 202) Review report dated July 1987, there is section regarding contact with mother, in this case, as rehabilitation home had been ruled out and contact terminated, the social worker noted that the mother had sent cards to her boys in contravention of the decisions taken.
- 223) Contact Records entry dated 7 May 1993 detailing a contact with a father, who came to pick up his children at the foster carer's home.
- 224) Letter to foster carer from the child's social worker, dated 21 April 1993, where she thanks the foster carer, for her help and notes "the encouragement you gave regarding home contact" helped the child "to work toward his return home without pressure"

**xi. Contact with siblings**

See response to 4.2 ii) b. vi and 4.2 ii) b. vii.

- 225) An example from a child's social work record shows in case notes dated 22 October 1982, the child visiting her older sister in Glasgow. The social worker phones the sister to find out how the visit went and to encourage further visits.
- 226) From social work record: 'Review of child in care' dated 1 July 1983 mentions that the child has been in contact with her sister, who has spent the night at the foster carer's home, and her brother.

**xii. Celebration of birthdays and other special occasions**

Information about special occasions, celebrations and children's birthday parties can be found within children's social work records, in case notes and reports.

- 171) From social work record: Review Hearing Report dated March 1995, describes Christmas access for a child, where he was able to see his sister, who was placed with a different foster family, his father and his grandmother at this grandmother's home.

**xiii. Information sharing by the foster carer with family members**

See response to 4.2 ii) b. viii.

**c) How was adherence demonstrated?**

See response to 4.3 ii) b.

There is evidence of adherence to practice, which can be found in children's social work records retained by the authority for looked after children, over the years.

**d) How can such adherence be demonstrated to the Inquiry?**

There is evidence of adherence to practice, which can be found in children's social work records retained by the authority for looked after children, over the years.

**e) Were relevant records kept demonstrating adherence?**

See response to 4.3 ii) b.

There is evidence of adherence to practice, which can be found in children's social work records retained by the authority for looked after children, over the years.

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**f) Have such records been retained?**

Yes

**g) If policy/procedure was not adhered to in practice, why not?**

Not applicable.

**h) If policy/procedure was not adhered to in practice, what was the practice?**

Not applicable.

**Present**

**i) With reference to the present position, are the answers to any of the above questions different?**

Yes

**j) If so, please give details.**

See answers to question 4.2(ii)n)

**176a)** Care Inspectorate 'Report of a Joint Inspection of services for children and young people in need of care and protection in Aberdeen City' (Sep 2019) provides the finding of the latest inspection. The report evidences practice and adherence to policies and procedures listed.

As a local authority the organisation retains statutory responsibility to comply with all local policy/guidance in respect of the provision of foster care. Updated Local authority policy/guidance is evident since 2014 and has been implemented into practice through organisational and management structures. Duties currently placed upon the local authority therefore remain.

Looked After Reviews and Core Group Meetings are held for children, during these reviews the policies and procedures listed below would be discussed where relevant. The practice can be demonstrated in the minutes taken at the reviews.

**226b) and 226c)**

Foster Placement reports are completed by the social worker prior to a looked after review. These reports consider the current situation for the child, and any changes since the last review. The reports are demonstrative of overarching policy and procedure being adhered to for the categories below. Examples from social work records:

**226b)**– June 2015

**226c)**– February 2019

**120)** Looked After Review Procedure V3 March 2019, containing all procedures for Looked After Reviews.

**226d)** Foster Carer Report (January 2020) is an example of the report completed by the foster carer. These give a description of the child, a typical day in their life, and description under the SHANARRI indicators.

**264a, 264b, 264c, and 264d**

During the COVID-19 pandemic lockdown, the fostering team have provided regular newsletters to foster carers. These were initially sent weekly, reduced to fortnightly. The newsletters contain communications and guidance on COVID-19, as well as general health information, financial information, information on mandatory training for foster carers and education information. They also give tips to carers on crafts and activities.

#### Question 4.3-Children-(ii) Practice

- 264e)** There was also a Toolkit sent to foster carers (2020), this is a therapeutic toolkit, giving help, support and guidance, “during a period of restricted movement, infection control and physical distancing”.

#### Safeguarding

- 111a)** Eligibility Criteria for Children’s Services dated January 2019 “provides guidance for professionals, to clarify the circumstances in which the Children’s Social Work service will assist and safeguard children, young people and their families in Aberdeen City. These eligibility criteria set out how the service will respond to different levels of need and the basis for decisions about service provision.

“The guidance is compliant with the principles of Getting it Right for Every Child (GIRFEC) and will be considered in conjunction with the Aberdeen GIRFEC Operational Guidance as well as the multi-agency Thresholds Materials pack available to all professionals from the Aberdeen Getting it Right - Integrated Children’s Services”.

#### Child Protection

- 90)** <http://www.childprotectionpartnership.org.uk/> provides current practice for child protection.

#### 173c and 173d)

Child Protection Subcommittee – Multi-agency action plan dated 2013-2015 provides the programme plans of the committee. Within the plans, details of each project are listed with descriptions of ‘where we are now’, ‘what we have to do’, timescales and progress all documented

- 181b)** Child Protection Programme dated 2015 – 2016 provides details of the plan and actions, it states that:

“In response to the Joint Inspection of Children’s Services, March 2015, Integrated Children’s Services have developed an Action Plan. It focusses on the immediate improvement themes from the Joint Inspection Report for the year 2015-16 as follows:

- “Keeping Children Safe
- Ensuring children and young people have the best start in life
- GIRFEC
- Raising Achievement
- Corporate Parenting

“Utilising the Care Inspectorate’s Quality Indicators, the Action Plan aims to improve outcomes for children and young people by addressing issues such as leadership, governance, performance management, workforce education and the quality assurance of operational professional practice across all agencies.

“The overall Action Plan is supplemented by specific plans from each Outcome Group particular to their thematic responsibility (Safe; Healthy & Active; Nurtured; Achieving; Responsible; and Respected & Included). These plans will form part of wider improvement planning. Additionally, the overall Action Plan is supplemented by improvement plans led by the GIRFEC Group, Children’s Social Work, and Education Services”.

- 181c)** Child Protection Programme dated 2016-2019 provides the programme plans of the Child Protection Committee. The plan has details of objectives, actions, Measures/success criteria and timescales.

Their aim is stated as “Utilising the Care Inspectorate’s Quality Indicators, the Child Protection Programme aims to improve outcomes for children and young people in need of protection by:

#### Question 4.3-Children-(ii) Practice

- Making good use of our data to identify trends and gaps,
- Making sure our workforce are equipped to deal with the range of child protection issues in the City and
- Making sure we monitor our practice and learn from it”.

**181d)** Child Protection Programme dated 2019 – 2021 provides the programme plans of the Child Protection Committee. The plan has details of key drivers, key improvement measures and progress updates.

#### **Medical care**

**110) and 111)**

Dated 2017 and 2018, are procedures for requesting a medical assessment for a child seeking permanence.

#### **Children’s emotional and mental wellbeing**

**226e)** Boredom Box Project (2020) provides details of a project for young people to engage in creative activities during lockdown, this aims to “encourage personal growth and positive mental wellbeing while exploring topics that are important to them”.

**112)** Trauma Skills Training Improvement Project: Increase number of staff, including carers working with care experienced children and young people trained in trauma skills and knowledge, to 80% by 2021.

**121)** Children & Young People Care Placements Improvement Project 2019: Supporting care experienced children and young people to sustain care placements which meet their needs and sense of identity.

Question 4.4-Foster Carers-(i) Policy

**4.4 Foster carers**

**(i) Policy**

**Past**

**a) What policies and/or procedures did the local authority have in relation to foster carers?**

A range of policies were implemented relating to foster carers to ensure consistency across the service.

**b) Was there a particular policy and/or procedural aim/intention?**

Yes.

**c) Where were such policies and/or procedures recorded?**

Policies and procedures were recorded in the form of letters, committee meeting minutes, booklets and memos. In more recent times, since the advent of the internet, policies and procedures are accessible online.

**26)** The 'Foster Carer Handbook' (2007) contains numerous Aberdeen City Council policies and procedures in relation to foster care. It was comprised to offer support and guidance and designed to offer practical support and a point of reference, for the foster carer.

**d) What did the policies and/or procedures set out in terms of the following?**

**i. Recruitment**

In 2003 there was an increase in the number of children referred for permanent fostering and a number of these were children with very complex needs. Many being known to the Social Work Department for a number of years, considerable efforts being made to support the families and sustain the children's placements at home. A number of the children would benefit from specialist placements. Fostering panel members supported the need for recruitment of specialist fee paid carers who could provide permanent/long term placements. The experience of other authorities/agencies was noted that financial support/recompense would support recruitment of carers.

**227)** Annual Report 2003 additional, says that recruitment of foster carers has increased from the previous year, although most recruited had been for temporary or respite care. There had been instances where temporary/respite carers had then moved to permanency, as seen with 5 families. It was stated "Carers can grow in confidence after they have some experience of fostering. Equally, once they know the children, they can feel more confident about meeting their needs. This could be an issue in terms of recruitment – attracting prospective carers to the service and then encouraging/helping them to move on to other tasks".

In terms of children who have been referred for Freeing for Adoption, "for many cases there can be a lengthy legal process in terms of freeing and efforts continue to recruit adopters who can cope with legal uncertainty so that children can be placed at an early stage".

**ii. Standard and size of accommodation**

**28)** A letter dated 9 December 1932, observing the problem of children having been boarded out "without prior visits to the homes of the Guardians" Because of this; "Every home must first be visited and Officers" to check the home and bedding arrangements. Where homes are "unsatisfactory", children "have been removed to new Guardians".

A foster carers home was required to be in a good state of repair and was subject to annual Health and Safety check to ensure these standards were maintained. Although an exact date for this practice cannot be provided, it is known this was in place in 2010 and pre-dates this.

**iii. Number, age and gender of children accommodated/in the household**

There is clear legislation regarding the maximum number of children that can be placed within a fostering household which ACC adheres to. A foster carers registration varies depending on the outcome of the fostering assessment and thereafter through the foster carer review process. The assessment takes into consideration several factors when making the recommendation for registration such as: foster carers wishes, size of home, skills and experience of the foster carers, carer circumstances and any health issues. Although an exact date for this practice cannot be provided, it is known this was in place in 2010 and pre-dates this.

- 39)** Adoption and Fostering Service, Policy and Procedure – Review of Foster Carers (May 2010) states, under “Category of Registration” that,

“Supervising Social Workers must give careful consideration as to the registration details of Foster Carers at each Review. Registration needs to consider the following:

1. There are 3 primary forms of registration
  - Permanent Carers – Foster Carers who care for children on a permanent basis.
  - Temporary Carers – this also includes Foster Carers who only provide a respite service and emergency service.
  - Permanent and Temporary Carers – Foster Carers who provide both permanent care and some form of temporary care.
2. The number of placements the carers are able to offer. E.g. 1 permanent and 1 temporary placement, etc.
3. Gender of registration – i.e. do the carers want to care for only boys or only girls or are they able to care for either gender.
4. Age range – what age range are the carers best suited to care for?

While it is helpful to be specific in your recommendation to the FCR, it is also important that registration is not over rigid/inflexible to avoid the need to seek amendments”.

**iv. Pre-approval/registration checks**

See response to 4.2 i) d. xi.

- 28)** A letter dated 9 December 1932, observing the problem of children having been boarded out “without due enquiry” as to the Guardians’ “character and suitability”. It was asked that a Children’s Officer visit the Guardians and their homes to check their suitability.
- 228)** GRC Social Work Department Operational meeting dated 17 January 1994 refers to the Council’s use of Scottish Criminal Records Office for checks for any member of staff or volunteer working directly with children.
- 184)** Disclosure of Convictions: Enhanced Disclosures, 27 July 2004: This policy describes instances where it is acceptable to admit evidence of spent convictions. It explains that exceptions do not apply when child moves into a private household, however it emphasises that the Local Authority has a duty to act if it reasonably believes that a risk to the child exists in the household. It describes procedure and considers Human Rights implications.
- 229)** Review of Foster Carers dated 2008, containing the procedures for the review of foster carers, has in an appendix A, a note of checks required, such as Disclosure Scotland checks and Local Authority Checks, every 2 years, as well as a health and safety check of the foster carers’ home.

#### Question 4.4-Foster Carers-(i) Policy

**230)** Annual Report for the Adoption and Permanence Panel, 2008-9, states that a smoking policy had been submitted to council for approval which states that no child under 5 or any child with respiratory or heart condition is to be placed with a foster carer or adopter who smokes. In Appendix 4, 'Policy and Procedure – Review of Foster Carer' Pg. 29 states: "Annual checks are required to ensure the foster carer has home insurance, car insurance and MOT, and a health and safety check".

**230a)** Protecting Vulnerable Groups Scheme and Police Act Disclosure Protocols information pack dated March 2011 contains information on the PVG scheme and police disclosure, and on safe recruitment practice.

#### v. References

**28)** Rules for the Guardians of Boarded-Out Children dated 28 October 1932 note that "Guardians must be well recommended persons".

**231)** Practice guidance from 2009 states that the policy for the local authority is to obtain three references from prospective foster carers, two of which must be from non-related referees who know the applicant well. The third referee may be from a relative, as this can aid in confirming the applicant's history or chronology.

#### vi. Foster care agreements

**43)** Foster Care Agreement form dated June 1993, is an agreement between the local authority (in this case Grampian Regional Council) and the foster carer with regards to the care of a child.

#### vii. Induction

**232)** The supporting training/development opportunities document contains a list of training courses for foster carers, page 3 lists a programme of Induction "to offer newly approved foster carers the opportunity to look more in depth at some of the key issues surrounding the Fostering task." These were delivered by staff at the fostering service.

#### viii. Transfer of foster carers to or from other organisations or local authorities

**82)** Joint Protocols dated 2011, were entered into between Aberdeen City Council and Aberdeenshire Council and set out the process for transferring the responsibility for looked after children from one authority to the other.

#### ix. Review/supervision

**24)** Allegations of Abuse in Foster Care: Guidelines, 30 April 2004, Pg. 1-2:

Safeguarding Children from Abuse:

"1.3 The foster carer's registration must be reviewed at least annually. However, should there be any significant changes or events, e.g. an investigation into allegations of abuse, a Foster Carer Review will follow the occurrence of the change or the conclusion of the investigation.

"1.4 For each foster placement the Link Worker will provide the foster carer and everyone else in his/her household with ongoing safe caring guidance based on Aberdeen City Council Social Work Service's policies and the Fostering Network's guidelines".

**26)** The Foster Carer Handbook 2007 states under 'Foster carer reviews':

"It is the responsibility of the Local Authority to review all Carers at least on an annual basis following initial approval. The statutory basis of which was regulation 10 of the Fostering of Children (Scotland) Regulations 1996".

#### Question 4.4-Foster Carers-(i) Policy

“The function of the Carers’ Review is to assess how you and your family are coping with the task, to look at and discuss the implications of any changes in your personal or family circumstances and your ability to provide care for children. It is also an opportunity to assess whether you have been getting an adequate service from Social Work in the task of caring for children.

“Generally an annual Review will be appropriate though changes in circumstances, such as change of address or family composition or significant change in health might call for an early additional Review. Should allegations be made against you a Review will be convened see Appendix 12 Guidelines for the Investigation of Complaints and Allegations. You should discuss any impending changes or difficulties with your Link Worker and from there a decision would be made about whether to have an early Review. You should also report to your Link Worker any offences committed by themselves or their immediate family members involved with fostering.

“Clearly some changes in circumstances in introducing new responsibilities or stresses might impact on your ability to provide an adequate standard of care or to look after the number of children they have. On the other hand the Service may be able to offer practical assistance to help you through periods of stress or illness rather than to consider moving children who are well settled in the foster home. The decision therefore, to hold an early Review will be considered in the light of a number of factors, including your own thoughts on the matter...

“Matters that will be considered at a Review will generally come within the following areas:

- Have there been any changes in circumstances?
- What use has been made of the Foster Placement?
- Any issues arising
- How well have you met the needs of the child/children placed?
- Relationships with Social Work, and the support needed by you.
- Relationships with other agencies, ie Health, Education
- What has been the progress and development of yourselves?
- What are the Foster Carers’ training needs?
- An update of the statutory checks for example; Health Checks, Disclosure Checks & Health and Safety Checks”.

**233)** Review of Foster Carers document from 2006 contains the step by step procedure for reviewing foster carers, checklist and letter templates to send to parents, foster carers and young person/child, to inform them of the upcoming review and gain their feedback.

**229)** Review of Foster Carers dated 2008 contains policy and procedures for the reviewing of foster carers.

**230)** Annual Report APP 2008-9, Appendix 4, ‘Policy and Procedure – Review of Foster Carer’ Pg. 24 states:

“Regulation 10 of the Fostering of Children (Scotland) Regulations 1996 requires that Foster Carers are reviewed regularly, at least once a year. Standard 11 of the National Care Standards for foster care and family placement services also requires this. In most cases an Annual Review will be appropriate although significant changes in the Foster Home may call for an additional Review. Where there has been a significant incident, complaint or allegation of abuse or neglect, a Review will be held as soon as possible”.

“Regulation 10 also requires that reviews are carried out to establish whether the foster carer continues to be a suitable person to place children with. The National Care Standards require that the Foster Carer’s “performance” and the quality of care provided should be reviewed. The Review should focus on the Foster Carer and the progress that she/he has made over the year, rather than solely on the current placement. Social workers who have had children in placement during the previous year should be consulted for their views and they should also be asked for the views of the children who were placed there and their



#### Question 4.4-Foster Carers-(i) Policy

parents, either as a part of their report or in a separate report.

“All carers should be reviewed whether or not they have been used. Where the Foster Carer has indicated that they wish to de-register, a Foster Carer Review will normally be held to Review the placements that the Foster Carers has had over the past year, and to thank the Foster Carer for their contribution to the Service.

“The over-riding emphasis of the Reviews is to ensure the quality of care provided to children is of the highest standard and to support foster carers provide such care. This should not be seen as a single event but rather should be part of a continuing process between the Supervising Social Worker and Foster carers working together on a developmental and supportive basis.

Under 'Review Process' Pg.25:

“1.2 For new carers their first Review will be undertaken by the Fostering Panel. This is in recognition of the complexity of the task they have taken on and to ensure that their registration continues to be appropriate. Thereafter the Fostering Panel would review carers' status on a 2 yearly basis. The recommendations of these reviews will be sent to the Agency Decision Maker (ADM) who will have responsibility for agreeing or not to the recommendations of the Fostering Panel.

“1.3 Intervening Reviews would not involve the Fostering Panel rather these reviews will be undertaken internally and chaired by a Senior Social Worker who can provide a level of independence. The recommendations of these reviews will be sent to the Children's Services Manager with responsibility for Fostering Services who will have responsibility for agreeing or not to the recommendations of the Review. Where the Children's Services Manager does not agree the case would be referred to the Fostering Panel for their consideration.

“1.4 For existing Foster Carers a system will be set up to ensure that over the next 2 years one of their annual Carer Reviews will be undertaken by the Fostering Panel. These reviews would generally coincide with their Disclosure Checks being updated.

“1.5 There are however other circumstances when it may be necessary to bring the Review of Carers before the Fostering Panel. If the Carer Review recommends a significant change to the carers Registration details/status then the Panel have a responsibility to consider such a change before a recommendation is sent to the Agency Decision Maker. Where the change is relatively minor i.e. moving from providing 1 temporary and 1 respite to providing 2 temporary placements then this may be authorised by the Children's Service Manager”.

Under 'Role of the Reviewing Social Worker' Pg. 29:

- Disclosure Scotland Checks – The RAQ (Recruitment, Assessment and Quality Assurance) Social Worker should ensure that these are repeated on Foster carers and adult members of the household every 2 years as well as those used regularly for babysitting etc. These must be obtained prior to the Review, so the Review can take account of any issues arising from them.
- Local Authority Checks - The RAQ Social Worker should ensure that these are formally checked every 2 years. For foster carers out with Aberdeen City, a formal request should be made to the Local Authority where they live every 2 years. These must be obtained prior to the Review, so the Review can take account of any issues arising from them. These should be obtained on all adult members as well as those used regularly for babysitting etc
- Medical Updates – The RAQ Social Worker must ensure that medical Updates are obtained on all Foster Carers, using BAAF Form AH 1 or AH 2, at 3 yearly intervals – unless circumstances should suggest these should be undertaken more frequently i.e. a full medical report, Form AH1, should be sought every 2 years. These must be

#### Question 4.4-Foster Carers-(i) Policy

undertaken prior to the Review, which will involve a representation to the Fostering Panel, so that any medical issues highlighted by the Medical Advisor can be considered.

- Unannounced Visit - Ensure that there is at least 1 recorded unannounced visit to the carer's home and that the children were present.
  - Health & Safety Check - Ensure the carers file contains a current Health and Safety check
  - Insurance - Ensure the carers file contains current details of house and car insurance.
- 39) Adoption and Fostering Service, Policy and Procedure – Review of Foster Carers (May 2010) says that it is the responsibility of the Supervising Social Work to provide the review with an assessment and recommendation as to the future registration of the Foster Carer. In addition, they have a critical role in supporting the Foster Carer and their family attend and manage the Review process. It is recognised that from time to time these roles may conflict and in those circumstances the Supervising Social Worker must seek advice and guidance from their Team Manager. The assessment should provide an analysis of the carer's progress and have a clear recommendation as to whether registration should be continued, whether registration should be varied and why. It would be expected that you provide an "Action Plan" to take to the Review meeting. (Workers are encouraged to use the BAAF Competency based assessment as a basis to inform the Action Plan.)

Supervising social workers are responsible for ensuring that all checks are up to date and not expired.

#### x. Training

It was part of the assessment process that all carers attend the Skill to Foster training, thereafter training was identified.

- 232) As part of local strategy in 2008-2010, a list of mandatory and optional training courses of different levels, for foster carers was developed.
- 234) Core Skills training programme (2008) contains the programme for the years 2008-2010, with different dates that foster carers were expected to attend.
- 228) In the Grampian Regional Council Social Work Department Operational meeting dated 17 January 1994 there is discussion about using specific training on Child Protection by the NFCA, for the authority's foster carers.

#### xi. Personal development

See response to 4.4 i) d. x.

#### xii. Disciplinary actions

- 28) Rules for Guardians of Boarded-Out Children 28 October 1932 states "Cases of neglect, cruelty, or misconduct on the part of the guardians are fortunately rare, but where such cases occur the children will be immediately removed and steps taken to secure punishment of the offenders. Children may be removed at any time by the authority of the Public Assistance Committee without any reasons being given".
- 229) Review of Foster Carer Policy Nov 2008, section 6 page 7: Exceptional circumstances necessitating an early foster care review; when an allegation of abuse was made against a foster carer, when a serious complaint was made against a foster carer or when there were significant concerns. As a result of these reviews, a foster carer might be put "on hold" or even de-registered.
- 26) The Foster Carer Handbook 2007 refers to the Fostering Network started in 1974 of which Aberdeen City Council was an agency member. The Fostering Network offered a counselling

#### Question 4.4-Foster Carers-(i) Policy

and conciliation service which was particularly helpful when an allegation or complaint had been made against the foster carer.

99) Fostering Appeals Flowchart 2007 shows the process that a foster carer could follow if they wanted to make an appeal against a decision taken against them.

39) Adoption and Fostering Service, Policy and Procedure – Review of Foster Carers (May 2010)

##### 6.1 “Allegation of Abuse against a Foster Carer.

The Social Work service believes that allegations of abuse should be treated seriously and investigated thoroughly. This is to ensure the safety and protection of children as well as the protection of Foster Carers. Unfortunately, this process can be time consuming and may impact upon when a Review can be undertaken. In those circumstances the policy “Allegations of Abuse against Foster Carers” must be followed. This policy states that following an allegation there should be a Review of the Foster Carers. This must be completed within 6 weeks of the Post Investigation Strategy Meeting.

“The purpose of this Review is to look at the issues or concerns which may have arisen as part of the investigation. It is also a means of offering support to Foster Carers who will have had to deal with a very stressful and difficult event.

“The Review should not merely focus on the area of concern but provide an overview and analysis of the care provided by the Foster Carer. This will ensure that a balanced approach is taken and where appropriate what lessons can be drawn, with support being identified for the Foster Carer to enable them to continue in their fostering role”.

##### 6.3 “Significant concerns regarding the care provided by a Foster Carer.

The process outlined in 6.1 should be followed.

“Where there have been concerns raised about the competency of the carer then these either merit suspension or not. Where it is felt that suspension is merited then a report of the concerns should be submitted in the first instance to the Children’s Services Manager who following consideration will decide whether to submit the report to the (ADM) supporting the recommendation that the Foster Carer(s) be suspended pending a full investigation/review.

“If however it is deemed suspension is not necessary but concerns nonetheless exist then the Supervising Social Worker following discussion with their Team Manager should request that an early FCR be undertaken. It is then the responsibility of the Review to consider the concerns and what action should be taken to support the Foster Carer continue in their role or determine that they are in fact unable to continue to do so. The discussion between the Supervising Social Worker and the Team Manager should also consider what supports should be put in place pending the outcome of the Review. This discussion should include the Foster Carer so they are party to the discussion and decisions’ being made as well as appreciating what is to be expected of them in the interim. An Action Plan must be produced to provide clarity”.

##### xiii. **Removal of approval/registration**

230) Adoption and Permanence Panel Annual Report 2008-9 states that where there have been allegations of abuse or where the Review highlights areas of significant concern then the Fostering Panel will have a responsibility to review the registration of the Foster Carers and consider whether there are changes necessary to their registration. In either circumstance a full review will be undertaken prior to presentation to the Fostering Panel. The minute from the

#### Question 4.4-Foster Carers-(i) Policy

Fostering Panel will be sent to the Agency Decision Maker who will decide upon future registration.

- 151) Minute of fostering adoption panel dated January 2002, contains a discussion regarding managing allegations of abuse against foster carers, it was decided after conversation with the Council's legal team, that if a Panel member had been involved in the process as a Line Manager, "he/she should not be part of the discussion and recommendations" regarding registration status of the foster carer.
- 235) Adoption and Permanence Panel Annual Report 2002 indicates that there were guidelines 'Allegations of abuse against foster carers' introduced in 2002. These guidelines were to be used by the adoption and fostering panel for cases referred to them. These would have provided clear policy and procedure when considering de-registration.
- 39) Adoption and Fostering Service, Policy and Procedure – Review of Foster Carers (2010) provided guidance for when a Foster Carer Retires/Resigns:

"8.1 Should the Foster Carer wish to retire for health or personal reasons and not want to have a Review then as long as there are no practice issues to be picked up then their de-registration would be considered by the Fostering Panel. In those circumstances the Supervising Social Worker should submit a brief report to the Fostering Panel outlining the reasons for the Foster Carers decision and their contribution to the service. There would be no need to issues external reports. As long as the Fostering Panel were in agreement with the recommendation then a letter of acknowledgement would be sent by the ADM.

"Where there are practice concerns and the Foster Carer wishes to retire/ resign then a full Review must be held as outlined in section 6.3. This will enable the concerns to be formally considered and recorded within the decision to de-register them. As with all other Reviews the Foster Carer must be given the opportunity to submit their views in writing and to attend the Review. They should also be given copies of reports provided to the Review.

"9 What if the Foster Carer disagrees with the outcome of the Review?

"9.1. If the Foster Carer disagrees with the outcome of the Review then, he/she may wish to appeal this decision where there are grounds to do so. Alternatively if they feel that the process has not been undertaken in accordance with this procedure then they may wish to make a complaint regarding the service they have received.

"9.2 All Foster Carers will have been provided with a leaflet outlining how to go about make such an appeal/complaint. Further copies of this can be obtained from the Fostering Office at 77-79 King Street, Aberdeen, AB24 5AB tel. 01224 793830.

"9.3 As Aberdeen City Council Fostering Service is regulated by the Care Commission, foster carers may also make a complaint to the Care Commission, Johnston House, Rose Street, Aberdeen AB10 1UD".

#### e) Who compiled the policies and/or procedures?

Procedures were agreed at the meetings of Committees within the Council, such as the Committee of Public Assistance Education and Children's Sub-Committee. There was also an appointed Children's Officer who would be in charge of informing the Committee of changes in the Law and seeing that these were applied procedurally.

In later years the policy and procedure booklets would have been compiled by the staff in the Fostering or Family Finding department, or specific working groups set up with the task of writing new policies.

#### f) When were the policies and/or procedures put in place?

Policies and procedures would have been put in place once agreed upon and ratified.

**g) Were such policies and/or practices reviewed?**

Yes

**h) If so, what was the reason for review?**

Reasons for review were varied, for example due to the changes in legislation, specific incidents that required policy review or if policies and procedures were found to no longer be fit for purpose. Where a change in legislation occurred or a review of practice, best practice changes, or in response to complaints and service redesign policy is reviewed to ensure that they captured any change in directions for staff and how they go about their work.

**i) What substantive changes, if any, were made to the policies and/or procedures over time?**

**236) and 237)**

Fostering and Adoption Panel Business minutes between 1985 and 2014, contain examples of procedural and policy changes being discussed. These documents show the appeals procedure for foster carers.

**238)** Foster Care Handbook Consultation March 1994 shows that a consultation was started with regards to the foster care handbook and what should be included. Foster Carer's groups, a few experienced foster carers, a few recently appointed foster carers and staff in divisions, would be consulted.

**239)** Foster Care Handbook Consultation dated November 1995 is a report on the results of the Foster Care Handbook consultation with a view to piloting the manual before 3rd March 1996.

**227)** The Fostering and Adoption Panel Annual Report 2003 notes that "considerable work has been undertaken this year in relation to permanency planning" and that the social work department now had a clear Permanency Policy. This was launched at a special event, alongside the promotion of an Assessment Package in relation to children. It was also recognised by the Panel members, that other agencies needed to work alongside the social work department in supporting this, especially the Children's Panel.

**j) Why were changes made?**

Changes were made for a variance of reasons. In response to legislation, national guidance, designated review, complaints, specific incidents, or investigations. Changes were also made to establish best practice or where deemed to no longer be fit for purpose.

**k) Were changes documented?**

Yes

**l) Was there an audit trail?**

Yes, an example being the fostering handbook.

**Present**

**m) With reference to the present position, are the answers to any of the above questions different?**

Yes.

#### Question 4.4-Foster Carers-(i) Policy

n) If so, please give details.

<https://aberdeen-adopt-and-foster.mylifeportal.co.uk/aberdeen-home-page/standard-pages/01-fostering/01-fostering-menu-page/>: Aberdeen City Council implemented a portal in 2019 which can be accessed by foster carers and prospective foster carers. The portal provides information, support, and guidance about the fostering journey.

#### Recruitment

- 240) Kinship Checklist to be completed by Child's Social Worker dated c2016. The purpose of this guidance is to help in the process of gathering information to assist in initial discussions with prospective kinship carers, their extended family members and the kinship child as to the suitability and viability of the proposed kinship placement and whether the prospective kinship carers are able and willing to meet all the legislative requirements for approval in accordance with the Looked After Children (Scotland) Regulations 2009 and the Children Young People (Scotland) Act 2014.
- 241) The Aberdeen City Council website page <https://aberdeen-adopt-and-foster.mylifeportal.co.uk/aberdeen-home-page/standard-pages/01-fostering/04-who-can-foster/>, "Who Can Foster", shows what is required from prospective foster carers.
- 242) The ACC Fostering Team website, 'ACC Support', states:
- "To help you, we will:
- Give you opportunities to meet with staff and carers to talk about fostering, to help you decide if it is right for you.
  - Provide a full training programme before and during your assessment, to help you understand what's involved in becoming a foster carer. This training programme will be tailored to fit in with your ongoing commitments.
  - Appoint an assessing social worker who will work with you, to make sure that we get to know you as much as we possibly can. This will help us make the right match between you and a child when the time is right. Your social worker will also provide ongoing support through the whole process.
  - Introduce you to an experienced foster carer through our Buddy/Mentor scheme.
  - Offer our Sons and Daughters programme which provides support for your own children (if applicable).
  - Provide an attractive Payment for Skills Scheme.
  - Provide access to support through an Out of Hours Service.
  - Offer support from specialised education professionals and specialised health professionals.
  - Hold an annual review with you.
  - Support you to become a member of The Fostering Network.
  - Offer membership of a local Foster Carer Support Group, which gives the opportunity for training and to meet other foster carers.
  - Give you the opportunity to influence practice and developments through our Foster Carer Consultation Group.
  - Offer the opportunity to become involved in the recruitment and training of other prospective foster carers, to share your experiences and help more future families".
- 243) A new incentive scheme was presented to ACC committee in 2020 for recruitment of foster carers, it was recognised that foster carers were recruited from word of mouth of other carers and a pilot scheme was proposed to encourage recruitment in this way.

#### Foster care agreements

- 23) The Handbook for Foster Carers 2017 pg. 23, under foster care agreements, stipulates that the Local Authority must enter into a written agreement or a contract with an approved foster

#### Question 4.4-Foster Carers-(i) Policy

carer. The foster carer agreement provides written information about the terms and conditions of the partnership between the Local Authority and the foster carer.

#### Induction

- 23) Handbook for Foster Carers, 2017, on pg 28: "Aberdeen City Council encourages all foster carers to take up membership with The Fostering Network (TFN). Membership provides for the carers many advantages including:
- Legal Protection Insurance. This covers you, your partner and any children under 18.
  - Free subscription to Foster Care, the quarterly magazine
  - Access to support, advice and information on fostering issues from independent and experienced staff.
  - Access to a free round-the-clock legal, tax, medical advice and stress counselling service
  - A free publications starter pack including our popular range of Signposts in Fostering
  - Access to a range of publications and training courses".

Pg 30 "Looked After Children (Scotland) Regulations 2009 explains that the medical advisers' principal role in relation to fostering will be to prepare a written report on a foster carer or prospective carer's health. This assists the assessing social worker, the Panel and the Agency Decision Maker in approving and reviewing adults as carers for children".

Pg 54. "Aberdeen City Council work in partnership with Aberdeenshire Council, Barnardos, and NHS Grampian to offer Foster Carers a vast amount of training courses which will work towards 30 CPD hours. The courses available range from workshops in Aberdeen City and Aberdeenshire locations and gives the opportunity to meet new and existing carers. Online training is also available, courses include Child Development, Child Protection, Positive Interventions, Sensory Loss, Speakeasy, Internet Safety and Social Media, Emergency First Aid and Safer Foster Care. The core training includes;

- First Aid (Emergency or Baby and Child for carers of little ones aged 0-8 years) which must be completed every 3 years
- Safer Caring
- Child Protection and Internet Safety
- Adult Protection (for all carers of young people aged 16+)."

- 244) Information pack – Fostering 2017 pg.1-4: includes an Introduction to Foster Care: "Foster carers come from all walks of life - they can be as diverse as the children they look after. "Carers can be single, married or with a partner and be of any sexual orientation. You can be a homeowner or live in rented accommodation. What you do need is time, patience, energy and understanding to give to children."

"Anyone who wants to be a foster carer must undertake a full assessment and mandatory preparation training. This is a standard practice used by all local authorities across the United Kingdom. Attendance at a mandatory 'Skills to Foster' training course is required. Also be asked to provide at least three personal references are required.

"We would expect that all our carers:

- have enough time to devote to all the tasks involved in fostering
- provide adequate accommodation
- have no violent convictions or convictions against young people
- be in good health
- have the ability to be an appropriate parental figure for a child/young person
- be resilient
- support and enable children/young people to attend meetings, school, contact etc.
- to contribute verbally and in writing at meetings concerned with children/young people."

### **Transfer of foster carers to or from other organisations or local authorities**

- 245) Transfer of foster carers protocol Scotland (2015) was used by ACC. This protocol has been developed by The Fostering Network, the joint forum of Independent and Voluntary fostering providers Scotland and ratified by Social Work Scotland (SWS). It recommends best practice guidelines to be followed when a prospective or approved foster carer wishes to transfer their application or registration from one registered fostering provider to another, i.e. between one independent, voluntary or local authority fostering provider and another.

### **Review/supervision**

Since COVID-19 Lockdown all non-emergency home visits have ceased. There has been an increase in frequency of indirect contact primarily with foster carers, to include the children. For permanent carers the same applies. Due to changing needs of families during the pandemic, some will be more frequent. When families are in crisis situations visits take place. These are risk assessed and PPE and social distancing is adhered to as per Government recommendations.

Government recommendations are consistently adhered to by workers.

### **Training**

- 7) The Foster Carer Handbook 2017, pg. 55, lists the training available to foster carers:

"Potential foster carers are required to undertake the following training during the assessment period and prior to the Panel:-

- Skills to foster training
- First Aid
- Safer caring
- Child protection
- Life Story Work
- Communication, Report Writing and Recording
- Internet Safety
- The Role of Foster Carer
- Theraplay

"In the first year of fostering the carer are required to complete the remainder of the mandatory training which are: -

- Trauma Informed Practice
- Loss and Bereavement
- Attachment
- Child Development
- Diversity and Difference
- Transitions

"Foster carers refresh all their mandatory training every three years.

"Foster carers are required to complete 30 training per annum per household. A wide range of training opportunities are available to carers in the form of face to face training and online training. This is provided to the foster carers in the form of a training calendar which is sent to the carers on a six- monthly basis. In addition to this, foster carers are informed and offered additional training opportunities as they become available".

- 246) Alternative Family Care Panel Reports to Submit and Meeting Structure, dated 2018, contains information about the structure of the meeting and a list of the training that a prospective and current foster carer should undertake.



#### Question 4.4-Foster Carers-(i) Policy

In 2019 the mandatory and core training requirements for foster carers was reviewed. Pre-approval prospective foster carers must undertake the following training: Skills to Foster, Safer Caring, Child Protection, First Aid, Life Story Work, Communication, Report Writing and Recording, Role of the Foster Carer and Theraplay. The training is to be refreshed every 3 years.

Post Approval carers complete the core training as follows: Trauma Informed Practice, Loss and Bereavement, Child Development, Diversity and Difference and Transitions.

A training calendar is produced on 6 monthly basis and sent to carers. The calendar provides dates for all face to face training and the intention is to compliment the online training carers can also access. The carers supervising social worker will assist the carers to identify relevant training to support them in their fostering role, taking into consideration the needs and presenting behaviours in placement and knowledge gaps of the carer.

The Alternative Family Care Service provides carers with a calendar of training opportunities every 6 months. This is a mixture of face to face and online training. All training including self-directed training goes towards their Continued Personal Development (CPD). In addition to this the foster carer is required to write a reflective statement which can be used as a point of discussion within their supervision. All Foster carers are required to complete 30 hrs training a year and all mandatory training is required to be updated every three years.

**247)** The Foster Carer's Portfolio evidences a foster carer's continuous professional development (CPD). The portfolio contains the forms to be completed, information on learning and development, payment for skills background and progression, and self-directed learning. Training certificates, the Supervision Agreement, the Foster carer profile, the Safe care plan, the Fire/Emergency Plan, the House rules and any other additional information/evidence is also found here.

**242)** The ACC Fostering Team website, 'ACC Support', states:

"To help you, we will:

- Provide a full training programme before and during your assessment, to help you understand what's involved in becoming a foster carer. This training programme will be tailored to fit in with your ongoing commitments...
- Offer our Sons and Daughters programme which provides support for your own children (if applicable)
- Offer the opportunity to become involved in the recruitment and training of other prospective foster carers, to share your experiences and help future families".

#### **Personal development**

**7)** From the Foster Carer Handbook 2017, the Continuous Personal Development (CPD) for carers, folder, evidences the carers' learning and how this is used in their practice. The CPD folder is used when carers are seeking to progress through the different levels of the Payment for Skills Scheme.

**119)** Introduction to Foster Care Booklet dated c. 2017 has information for prospective foster carers.

#### **Disciplinary actions**

**7)** The Foster Carer Handbook 2017, pg. 26, lists complaints procedures for foster carers.

#### **Removal of approval/registration**

**245)** Aberdeen city Council has followed the best practice guidelines found within the Joint protocol document, dated 2015, developed by The Fostering Network. The Fostering Network is the forum of Independent and Voluntary fostering providers across Scotland and ratified by Social Work Scotland (SWS). It recommends best practice guidelines to be followed when a prospective or approved foster carer wishes to transfer their application or registration from

Question 4.4-Foster Carers-(i) Policy

one registered fostering provider to another, i.e. between one independent, voluntary or local authority fostering provider and another.

**(ii) Practice**

**Past**

- a) **Did the local authority adhere in practice to its policy/procedures in relation to foster care?**

Yes, although it cannot be confirmed categorically that all policy and procedure were adhered to consistently.

- b) **Did the local authority adhere in practice to its policy/procedures in terms of the following?**

i. **Recruitment**

28) The letter, dated 9 December 1932, accompanying the booklet "Rules for the Guardians of Boarded Out-Children", and addressed to the Public Assistance Department, encloses a "Form of application". The writer explains that this form, "should be completed by any suitable person who applies to you for children". Examples of this procedure being followed are:

248) Letter, undated but circa 1930-40, from the public assistance officer to a lady interested in becoming a Guardian to a boarded-out child, asking her to fill in the "Application for Children to Board" form.

249) Collection of Application to Board forms, from between 1933-1941, which have been filled in by prospective Guardians desiring to care for a boarded-out child.

Other examples of recruitment policy being followed are:

7) In the Report from Director of Education dated 3 September 1945 from the council meeting of 1 October 1945, it is noted that there was a narrow limit of choice of foster carers, but that they had been selected with care and discrimination. In some cases, however the foster carer was thought to lack a degree of sympathy and understanding, and these cases were to be reviewed.

250) Letter dated November 1977, about a family's interest in possibly adopting a child, the social worker cautions that before the couple can be considered as suitable foster or adoptive parents they will have to be assessed by the Social Work Group who deal with fostering".

**145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Fostering and adoption panel minutes between 2002 to 2013 refer to foster carers being approved as specialist carers for permanent/long term placements. There were also approvals of short-term and respite carers. A sample of these minutes is included, and should the Inquiry wish to view more they can be provided on request.

ii. **Standard and size of accommodation**

7) The Report from Director of Education dated 3 September 1945, from the Council Meeting of 1 October 1945, indicates that visitation of all boarded-out children by the special sub-committee was completed as a result of the publication of the Monckton Report. During the visits it was found that in some of the homes the sleeping accommodation was seen to be cramped and the cleanliness of the bedding not up to standard.

251) Adoption and Fostering Panel Business meeting minute dated 10 July 1996 where a couple are presented as applicants to become foster carers, the panel notes that accommodation needs to be looked at as the oldest son required space to study and the other couple's son has special needs.

#### Question 4.4-Foster Carers- (ii) Practice

##### **145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Fostering and adoption panel minutes between 2002 to 2013 show there was consideration when approving foster carers whether their accommodation was suitable for the specific registration – with the number of children to be placed, gender and sleeping arrangements being taken into account. A sample of these minutes have been provided and further minutes can be provided on request.

- 252)** Fostering and adoption panel minute dated 2 August 2006 considers the accommodation of a potential respite foster carer. Consideration is given to where the young person would sleep. An attic room is considered inappropriate as there are no windows and the foster carer giving up his bedroom was considered but rejected as an option by the panel. The use of a z bed in the living room was considered to be most appropriate. It was confirmed that the living room, bathroom and bedroom all come off the hall separately.

#### **iii. Number, age and gender of children accommodated/in the household**

##### **145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Fostering and adoption panel minutes between 2002 to 2013 show there was consideration of how many children each foster care was approved to have in their care, this included the age group of the children, their gender and how many children could be placed at one time either as individual placements or as a sibling group. A sample of these minutes have been provided and further minutes can be provided on request.

#### **iv. Pre-approval/registration checks**

See response to 4.4 ii) b. iv.

- 164)** From social work records, Transfer Summary dated 30 June 1983 has details of a private foster arrangement where the child was placed by a parent with family friends. Social work was not involved in the placement of this child and therefore no pre-approval or registration checks were completed.
- 253)** Application Form from a prospective foster carer dated April 1989 contains information on the local authority enquiries, namely a medical and police check, which were undertaken for the application.

##### **145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Fostering and adoption panel minutes between 2002 to 2013 show that checks were conducted for foster carers and their older children within the household, PVG or disclosure checks and Police checks are stated to have been completed on presentation to the panel. A sample of these minutes have been provided and further minutes can be provided on request.

- 253a)** Pages extracted from the CareFirst electronic database where the "Foster Carer Statutory Checks" for a foster carer have been recorded from before her registration in 2011, to the current day. Examples of the checks conducted are for the PVG Membership Scheme Health and Safety of the home, car and household Insurance and whether a Medical had been undertaken. Registration and unannounced home visits are also recorded.
- 253b)** From a foster carer's record (2014-2019), it can be seen that statutory checks are recorded on the CareFirst system. These include PVG check, medical check, household insurance, car insurance and a health and safety check.

#### **v. References**

- 28)** Following the publication of the booklet Rules for the Guardians of Boarded Out-Children dated 28 October 1932, the procedure requesting a reference from prospective Guardians was adhered to, examples of this are:

#### Question 4.4-Foster Carers- (ii) Practice

- 254)** Application Form and references from two employers from a prospective Guardian, dated 2 August 1933.
- 255)** Letter with application form from a prospective Guardian dated 6 December 1934, the Public Assistance Officer states with regards to the applicant that " I have no information regarding her but it is likely that the District Nurse will be in a position to advise you as to whether she is a good Guardian."
- 256)** Memo dated 4 August 1939, presents of a couple wishing to be considered as Guardians for a boy about five years of age, they are accompanied by a Reverend Andrew Currie who "states they are very respectable people".
- 253)** An application from a prospective foster carer dated April 1989, it contains information regarding two personal references that were received with the application.

#### **257) and 152)**

Fostering Panel Meetings dated 2003 mention the Brighton and Hove Inquiry and the lessons learned from it, the panel members noted that this had implications for practice in relation to the assessment of foster carers and issues "re references - who will provide them, how many, format etc. There is mention of a BAAF Practice document which "highlighted all the checks needed -Police, LA check, Medicals and References. A document would be drafted to highlight "the areas to be covered in references."

#### **145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Fostering and adoption panel minutes between 2002 to 2013 show that references were provided and considered by the panel, these are either personal references or employer references. A sample of these minutes have been provided and further minutes can be provided on request.

#### **vi. Foster care agreements**

- 258)** From social work record, contracts dated 10 August 1979 signed by foster carer, child and social worker show a boarding out agreement under Grampian Regional Council for the Family Placement Project. The contracts outline the responsibilities of foster carers and social workers.

#### **79) and 23)**

From social work records: Foster care agreements dated 1993 and 2007, for children in the care of the local authority.

#### **vii. Induction**

#### **145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Fostering and adoption panel minutes between 2002 to 2013 evidence foster carers speaking to the panel prior to the registration, stating they had attended courses such as the Skills to Foster Course. A sample of these minutes have been provided and further minutes can be provided on request.

#### **viii. Transfer of foster carers to or from other organisations or local authorities**

- 153)** The fostering and adoption panel of 15 January 1997 provides an example of a foster carer, who has asked to be deregistered by Aberdeen City Council so that she can take up an appointment as a foster carer in England, after she and her family and the child they are fostering, moved there.
- 259)** Adoption and Fostering Panel minute 23 August 2006 discusses foster carers who had been moving from agency to agency in terms of fostering. In this instance, the social worker had contacted each agency involved and there had been no problems with any of them in the past

#### Question 4.4-Foster Carers- (ii) Practice

and a reference from one agency was received. It is stated that "In the Central belt carers can move easily from agency to agency due to competitive fostering rates".

#### ix. Review/supervision

- 7) Report from Director of Education from the Council Meeting of 1 October 1945, indicates that visitation of all boarded-out children by the special sub-committee was completed due to the publication of the Monckton Report. During the visits, foster parents were interviewed where possible and the headmasters of the schools the children attended. The children were generally found happy and physically well cared for.
- 164) From Social work record: Transfer Summary dated 30 June 1983 states that there is minimal contact required in this case and a three-monthly visit is required to supervise the placement.
- 260) From Social work record: Report for Panel dated 29 October 1986 for the same child (164), details that this is a private foster care arrangement and whilst there were concerns about the placement over the years, consideration had been given to ending the placement, however 'there were not sufficient grounds for her removal'.
- 261) From Social work record: Extract of contact records from a foster carer file dated 1992, which show contact made by the link worker with the foster carer, both home visits and phone calls.
- 262) From Social work record: Collected reports by the link worker and foster carer and the minutes of an annual review meeting, from a foster carer file, dated May 1990.
- 145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)  
Fostering and adoption panel minutes between 2002 to 2013 demonstrate review of foster placements by detailing additional support provided to foster carers with a view to maintaining placements and improving resilience – this may be additional resources or respite for the child, and was evident where the child's needs and behaviours were particularly challenging for the foster carer. A sample of these minutes have been provided and further minutes can be provided on request.

#### x. Training

- 14) National Foster Care Association Training Programme 3-5 May 1995: details that training was provided to 6 Adoption and Fostering workers and 18 foster carers. The 3-day training programme was Child Protection Issues and Foster Care. Under the topic of The Fostering Task day one of the course looked at
- "expectations of foster carers in the 90's and beyond;
  - What foster carers do; The partnership of foster care; Awareness;
  - Child Protection;
  - Caring for the child who has been abused;
  - Legal framework; We can help".
- Day two looked at:
- "Allegations against foster carers;
  - Definitions of abuse;
  - The need for awareness and why;
  - Safe-Caring – an introduction;
  - Procedures, Policies and Roles – The Agency;
  - What do I know, What do I need to know;
  - How will allegations be investigated; Carer's perceptions – The principles, Think in advance; and
  - Fostering is a Risky Business – What are the Risks, How can I minimise them, I still want to care for children.

#### Question 4.4-Foster Carers- (ii) Practice

Day three looked at:

- "Review of Risky Business – Some answers, safe-caring;
- Family Policy; Agency Policy. Preparation – Make the foster home fo;
- This is Child Protection; Partnership; Using my skills and knowledge; and
- I still want to be a foster carer.

- 262a)** Foster Carer Review dated 8 March 2005, following an allegation being made against the foster carer. There is reference to the foster carer not having completed any training except for a one-day course on sexual abuse two weeks after she had been approved as a foster carer. The Chair notes that "It is evident that there are a number of areas which need to be addressed" with the foster carer, about her parenting style, management of children and that she would require further training.
- 253a)** Pages extracted from the CareFirst electronic database where the "Training" for a foster carer have been recorded from before her registration in 2011, to the current day.
- 253b)** From a foster carer's record, the training a foster carer has undertaken is listed with the date undertaken and the date for renewal. Training completed between 2007 and 2014 is: Attachment and Loss; Impulsive behaviour; Lifestory Work; Separation and Loss; Understanding Child Development; Healing Environments; Therapeutic Care: Social Pedagogy; Children's Hearing Workshop; CPD Folder; PEEP; Sign language; Transitions: Supporting foster carers moving children on to adoptive families.

#### **xi. Personal development**

- 7)** In the Report from Director of Education, from the Council Meeting of 1 October 1945, the committee recognised that foster parents were induced to board children due to financial necessity or reward. It was suggested that foster-parents be rewarded with a scale of payment dependant on their skills and qualifications, not to be seen as 'victims of financial embarrassment' but instead as 'trusted agents of the community in a work of social rehabilitation'.
- 105)** Briefing paper, kinship care, is developed to take account of newly published guidance (2009) from the Scottish Government. The agreement that kinship carers of looked after children receive an allowance equivalent to that paid to foster carers.

#### **xii. Disciplinary actions**

- 262b)** Letter dated 24 May 2001, sent to foster carers, following allegations being made against them, informing them of the suspension of their registration whilst an investigation is being undertaken.
- 263)** Letters to the Care Commission dated 10 June 2003 and to the Out Of Hours Service dated 17 June 2003, detailing disciplinary action taken against a foster carer due to the receipt of a number of complaints/concerns over a number of years. At a meeting the foster carer was told they would have to be de-registered and they resigned from the service.

#### **xiii. Removal of approval/registration**

- 262c)** Case Discussion dated 9 October 1974 from family social work records, talks about a foster carer not being used anymore, with the girls she had been fostering returning to their grandmother's care, " after most unhappy incident with foster mother who can no longer be used (Aberdeen City)".
- 154)** Adoption and Fostering Panel minute dated 18 January 1988, presents a case of a couple, who are being presented for re-appraisal as foster carers, following an assault on a child in their care. The Panel were unanimous in their decision not to approve the couple as foster carers, though they did acknowledge their previous work for the department.

Question 4.4-Foster Carers- (ii) Practice

- 263a)** Adoption and Fostering Panel minute dated 4 August 1999, has an example of the review of the registration of a foster carer couple following an allegation being made against them by a young person they were caring for. The Panel felt that they could not recommend the couple's re-registration on the information provided, as the possibility that there might be risk to children in future placements with the couple needed to be investigated further. They recommended that a risk-assessment should be undertaken by an independent and experienced worker who would focus on areas of concern.
- 58)** Adoption and Fostering Panel Annual Report 2007-08 mentions an example of an appeal by foster carers who had been de-registered following an allegation of abuse. The case was heard by a different Panel membership and submitted to an alternative agency decision maker. The appeal decision upheld the applicant. It is noted in the report, that as a result of this and another appeal, significant re-drafting would have to take place in order to provide a clearer appeals process.
- 263b)** Letter to the Scottish Social Services Council dated 26 March 2014, detailing the action taken by Aberdeen City Council when allegations of abuse are made against foster carers. It notes that although there was a police investigation which resulted in no action being taken against the foster carers, "as per procedure, their registration will be reviewed by our Fostering Panel in the coming weeks".

**c) How was adherence demonstrated?**

There is evidence of adherence to policy can be found in children's social work records retained by the authority for looked after children, over the years.

**145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Fostering and adoption panel minutes between 2002 to 2013 show recommendations from cases presented to the panel and whether these were ratified by the agency decision maker. Information can also be found within foster carer and child social work records. A sample of these minutes have been provided and further minutes can be provided on request.

**d) How can such adherence be demonstrated to the Inquiry?**

See response to 4.4 ii) c.

**e) Were relevant records kept demonstrating adherence?**

Yes

**f) Have such records been retained?**

Yes, within retained children social work records, foster carer records, minutes of fostering and adoption panels and as archived material.

**g) If policy/procedure was not adhered to in practice, why not?**

- 264)** Letter from the Social Work Manager to a foster carer dated 25 March 2002, states that foster carers reviews had not been undertaken for some time, an interim measure to address the statutory duties was implemented, namely that for a period, most reviews would be undertaken by the Link Worker who would then feedback recommendations to the respective senior.



#### Question 4.4-Foster Carers- (ii) Practice

##### Present

- h) With reference to the present position, are the answers to any of the above questions different?**

Yes.

- i) If so, please give details.**

Annual reports for the fostering and Adoption team provide an overview of the activity of the team and the work undertaken, including where the team had progressed in respect of the Improvement Plan and the team's recognition of the priorities for the year ahead.

- 178)** Care Inspectorate Report of a joint Inspection dated January 2015 provides details of the inspection of the service. See also **179)** 2016-17, **180)** 2017-18, **181)** 2018-19.

- 108)** Alternative Family Care Improvement Plan: 2019, is the improvement plan for the Alternative Family Care Team.

- 181a)** Alternative Family Care Annual Report (2019/2020) is an "overview of the activity and work undertaken in the Service over the last year. This includes progress in respect of the Improvement Plan, last year's priorities and identifying areas of priority for the year ahead".

**179, 180, 181 and 181a)**

Annual reports for the fostering and adoption team, dated 2015, 2017, 2018, 2019 and 2020, are records of the activity and work undertaken in the Service over the last five years. These include how the team has progressed in respect of the Improvement Plan, last year's priorities and identifying areas of priority for the year ahead.

**264a, 264b, 264c and 264d)**

During the COVID – 19 lockdown, the fostering team have provided regular newsletters to foster carers. These were initially sent weekly, now fortnightly. The newsletters contain communications and guidance on COVID-19, as well as general health information, financial information, information on mandatory training for foster carers and education information. They also give tips to carers on crafts and activities.

- 264e)** There was also a Toolkit sent to foster carers, this is a therapeutic toolkit, giving help, support and guidance, "during a period of restricted movement, infection control and physical distancing".

The fostering team utilise ACC social media platforms Twitter and Facebook to communicate with the public. Direct communication with all foster carers is via email. During the COVID – 19 lockdown, Individual support plans for all foster carers have been created with their supervising social workers. Supervising social workers have been making contact with foster carers twice a week, usually this will be a video call, and during that process they will also see the child in placement.

##### Recruitment

- 338)** This is the referral form for a Kinship Care Assessment, dated March 2016, completed by the child's Social Worker and sent to the Alternative Family Care Recruitment and Assessment Team. It comes with the proviso that in submitting this referral the Social Worker "is confident that the proposed kinship placement is suitable for the needs of the child."

##### References

- 264f)** October 2018 - personal references for a foster carer.

#### Question 4.4-Foster Carers- (ii) Practice

##### Review/supervision

- 336)** Foster Carer Review form F1, dated 2016, to be filled in by foster carers, prior to a review and supervision meeting.
- 337)** Template for the foster carer supervision meeting, dated 2016.
- 264g)** Alternative Family Care Minute (10 February 2016) provides an example of a foster carer review. The foster carers are in attendance and provide updates to the panel. The panel will make a recommendation on continued registration to the agency decision maker and the foster carers can expect to be informed of the decision in writing within 3 weeks.
- 264h)** Foster Carer Action Plan (November 2017) is an example of an action plan for foster carers implemented by the social worker. Detailed is training and practice issues to be addressed, and it is outlined how the foster carers can meet the objectives set out.

Since COVID-19 Lockdown all non-emergency home visits have ceased. There has been an increase in frequency of indirect contact primarily with foster carers, to include the children. For permanent carers the same applies. Due to changing needs of families during the pandemic, some will be more frequent. When families are in crisis situations visits take place. These are risk assessed and PPE and social distancing is adhered to as per Government recommendations.

- 123)** Document dated 23 March 2020, which is a General Risk Assessment for home visits during the COVID-19 pandemic.
- 22)** The local authority has changed its guidance due to the COVID-19 legislation and emergency policies and procedures have currently been applied. For example, visits of children placed in foster care out-with the local authority have been curtailed except for extreme circumstances. Risk assessments are to be undertaken.

##### Training

- 178a)** Care Inspectorate Inspection report for Aberdeen City Council Fostering Service, dated 17 September 2015, states on pages 10-11 "the Training Programme is informed by input and feedback from foster carers received through internal reviews and attendance at training. It includes face to face training as well as online and portfolio based training. For example the training programme now includes revised induction training for new carers which explains more about the Children's Hearing System, LAC reviews, Foster Carer Reviews and the Role of the Supervising Social Worker."
- 247)** Foster Carer's Portfolio (2019) which evidences a foster carer's continuous professional development (CPD). The portfolio contains forms to be completed, and information, on learning and development, the payment for skills background and progression, and self-directed learning as well as training certificates, the Supervision Agreement, the Foster carer profile, the Safe care plan, the Fire/Emergency Plan, the House rules and any other additional information/evidence.
- 253b)** From a foster carer's record on CareFirst (2009-2020), the training a foster carer has undertaken is listed with the date undertaken and the date for renewal. Training completed since December 2014 is: Autism, Child Protection Awareness Level 1, DDP Practice, Fire Safety, First Aid, NHS Baby Care, online safety, PEEP Progression Pathway, Record Keeping in Foster Care, Role and Responsibilities of Foster Carers, Safer Foster Care, Secondary Trauma and Self Care, Trauma informed care, Emotional Homunculus training from SCCR, Eating issues related to early trauma, the impact of trauma on sensory processing.

#### Question 4.4-Foster Carers- (ii) Practice

##### **264i, 264j and 264k)**

Training calendars for Adopters, Kinship Carers and Foster Carers outline the training offered from January to June 2020. However, due to the COVID-19 pandemic face to face training has ceased meantime.

##### **264l, 264m and 264n)**

Training continues using other mediums; webinars provided by NSPCC (264i) and Children's First/Parentline (264m) being accessible. An online training platform is also currently in development (264n).

#### **Personal development**

- 23)** In the 2017 Handbook for Foster Carers was "Payment for Skills Progression: Foster carers must actively demonstrate an ongoing commitment to their learning and development by attending training, online courses, reading etc which enhance their role and evidence in their CPD portfolios a minimum of 30 hours of learning and development each year. To progress in a higher level of payment for skills you will be required to complete competencies at the level you are hoping to achieve. For foster carers who wish to progress to Level 3 or 4, there is an expectation that they will be able to take children with more complex needs and/or require less support in regard to caring for them. There is also an expectation that they will have completed an SVQ Level 3 or equivalent. Level 4 or ARC foster carers would normally have a specialism in caring for children with complex needs and would be available to care for the child at any time of the day."

#### **Removal of approval/registration**

Minutes have been retained for the adoption and fostering panel. Any cases discussed at the panel would be recorded – this would include approvals and de-registration of foster carers.

- 264o)** Supervising Social Worker Report dated April 2016, is an example of a foster carer being recommended for de-registration. The report details a specific incident as well as containing a chronology of concerns. It explained that the chronology is not being used to 'discredit', but rather to "evidence and illustrate our reasoning, to support our recommendation".
- 264p)** Post Placement Report dated March 2018 is an example of a report completed by the Child's social worker following the placement of a child with a foster carer. The report's final question asks whether the social worker would use the foster carer in future. This has been completed with reasons why the foster carer would not be used again.

**4.5 Other members of the foster carer's household**

**(i) Policy**

**Past**

- a) What policies and/or procedures did the local authority have in place in relation to other members of the foster carer's household?**

- 24)** Allegations of Abuse in Foster Care: Guidelines, 30 April 2004, Pg. 1-2:

Safeguarding Children from Abuse:

"1.2 All references must be taken up, including police and local authority checks on all adults living in, or with unsupervised access to, a prospective foster home, before approval of the foster carer is made or a first placement considered. Details of any convictions must be pursued with the police as far as possible. Explanations from prospective carers should not simply be taken at face value...

"1.4 For each foster placement the Link Worker will provide the foster carer and everyone else in his/her household with ongoing safe caring guidance based on Aberdeen City Council Social Work Service's policies and the Fostering Network's guidelines...

"1.6 Each foster carer receives full information about the child and his/her family to enable the foster carer to protect the child, the foster carer's own children, other children for whom the foster carer has a responsibility and the foster carer him/herself".

- 26)** The Foster Carer Handbook 2007 (pg. 81-82) states that:

"Most foster carers have children of their own and it is often the children of foster families who take the greatest strain in fostering. New foster children arriving in the home impinge on the existing children by sharing both the practical and emotional resources of the family. The children's territory is inevitably invaded, their toys and treasures may be broken and their time with their parents decreases. Children may find themselves embarrassed by the behaviour of the foster child outside their home and even feel responsible for him or her.

"In addition, children who are placed in families bring with them a great deal of confusion and pain which spills over to other members of your own family. It is often the foster carer's own children who act as recipients of distressing accounts of abuse, neglect and violence which may have happened in the foster child's family. This can arouse very strong feelings in your own children which may be difficult for the children to manage without help".

"The child's Social Worker should have some knowledge/awareness of all the children in the foster home in order to understand what impact this particular child is having on the dynamics of the foster home. The Link Worker should include the foster carer's own children in discussions of placements before they begin and to see them during placements to assess the impact of the placement on those children. Also, to take the views of the foster carer's children into account in the context of Post Placements Reports. The regular Foster Carer Reviews should consider the views of the foster carer's own children before making any recommendations for changes in the approval category or the age range of children you could take".

- 229)** Review of Foster Carers dated 2008, states under "Disclosure Scotland Checks" that these are repeated on Foster carers and adult (anyone over 16) members of the household every 2 years, as well as those used regularly for babysitting etc."

Enhanced Disclosure and Local Authority checks are undertaken for all adults over 16 years residing within a foster carer's household.

Question 4.5 Other members of the foster carer's household-(i) Policy

**b) Was there a particular policy and/or procedural aim/intention?**

Yes.

**c) Where were such policies and/or procedures recorded?**

**23 and 26)**

Policies and procedures were recorded in the form of the Foster Carers Handbook which has been reviewed, republished, and has various iterations. These being implemented by the Foster Care service.

**d) Who compiled the policies and/or procedures?**

Procedures were agreed at the meetings of Committees within the Council, such as the Committee of Public Assistance Education and Children's Sub-Committee. There was also an appointed Children's Officer who would be in charge of informing the Committee of changes in the Law and seeing that these were applied procedurally.

In later years the policy and procedure booklets would have been compiled by the staff in the Fostering or Family Finding department, or specific working groups set up with the task of writing new policies.

**e) When were the policies and/or procedures put in place?**

Policies and procedures would have been put in place once agreed upon and ratified.

**f) Were such policies and/or practices reviewed?**

Yes

**g) If so, what was the reason for review?**

There were different reasons for review. In response to legislation, national guidance, designated review, complaints, specific incidents, or investigations. Changes were also made to establish best practice or where deemed to no longer be fit for purpose.

There is no singular reason. Policy is reviewed to ensure that they captured any change in directions for staff and how they go about their business.

**h) What substantive changes, if any, were made to the policies and/or procedures over time?**

It is difficult to know, as specific policies and procedures about members of the foster carer's household have not been discovered for the period before 2004.

**i) Why were changes made?**

Not known.

**j) Were changes documented?**

Not known.

**k) Was there an audit trail?**

Not known.

**Present**

- l) **With reference to the present position, are the answers to any of the above questions different?**

Yes

- m) **If so, please give details.**

In recognition of the complexities of the fostering role and the impact this may have on birth children of foster carers, the Sons and Daughter's Buddy and Mentoring service was established.

- 242)** The "support offered to foster carers" webpage, from Aberdeen City Council's fostering website (2019), mentions the "Sons and Daughters" programme, which provides support for foster carers children. The Sons and Daughters service has adapted to reflect feedback from birth children of foster carers and the service has moved from group activities to offering individual sessions with staff and/or birth children of foster carers who volunteer as mentors.
- 265)** Document also dated 2020, contains information about the Sons and Daughters scheme. It lists the support offered to foster carers for their own children. Support can take place in the form of:
- 1 to 1 sessions
  - Group sessions
  - Holiday support
  - Buddy scheme
  - Newsletters and more!
- 265a)** Sons and Daughters information pack, undated, the idea of the scheme is "to provide new Sons & Daughters (Co-Buddy) with a person in similar circumstances who has been a Son or Daughter (Buddy) for a longer time to share their experiences and provide supports during the early stages of becoming a Son & Daughter in a fostering family. It can also provide the Buddy with some additional skills in communication and recognise their vast experiences from previous years."
- 266)** This document dated 2020, contains information about the Sons and Daughters buddy-mentor scheme which was created in recognition that the best people to offer advice and support to the children of foster carers, are other young people who are part of a fostering family and who have first-hand experience of some of the changes, challenges and difficulties they may be experiencing.

**(ii) Practice**

**Past**

- a) Did the local authority adhere in practice to its policy/procedures in relation to other members of the foster carer's household?**

The position in relation to this is unclear. However, there is some evidence to suggest that the local authority did adhere in practice to its policy/procedures. This can be found in the fostering and adoption panel minutes between 2002 to 2013, which are referred to below:

**145, 146, 147, 148, 149, 150, 151, 152, 153, 154 and 155)**

Fostering and adoption panel minutes between 2002 to 2013 show that checks were conducted for foster carers and their older children within the household, PVG or disclosure checks and Police checks are stated to have been completed on presentation to the panel. A sample of these minutes have been provided and further minutes can be provided on request.

- b) How was adherence demonstrated?**

Other members of a foster carer's household would not have their own social work case file unless they themselves were in receipt of a service. Therefore, it is difficult to extract information of this nature to demonstrate adherence. However, one example of a foster carer's family being considered during decision making can be seen in the document below:

Given the dearth of evidence of policy and procedure regarding other members of the foster carer's family, prior to the year 2002, it is difficult to demonstrate adherence. However, one example of a foster carer's family being considered during decision making can be seen in the document below:

- 155)** Minute of a fostering and adoption panel of July 1996, shows the case of a couple who wish to be considered as foster carers, discussion is centred around how their accommodation should be looked at as a family, the needs of the couples' two sons and how the family might be affected by the stressful situations caused by emergency foster placements.
- 262a)** Example of criminal records check being required for a member of a foster carer's family, are described in a foster carer review dated 8 March 2005, following the foster carer's adult son returning to live with her.

- c) How can such adherence be demonstrated to the Inquiry?**

Other members of a foster carer's household would not have their own social work case file unless they themselves were in receipt of a service. Therefore, it is difficult to extract information of this nature to demonstrate adherence. However, it is possible that practice may be demonstrated within the record of the foster child within the household.

- d) Were relevant records kept demonstrating adherence?**

Yes

- e) Have such records been retained?**

Yes

- f) If policy/procedure was not adhered to in practice, why not?**

Not applicable.

**Present**

- g) With reference to the present position, are the answers to any of the above questions different?**

Yes

- h) If so, please give details.**

- 178a)** Care Inspectorate Inspection report for Aberdeen City Council Fostering Service, dated 17 September 2015, notes, under "What the service could do better" on page 3, that the service should "continue to involve children, young people, birth families, staff and foster carers in assessing and improving the service. This should include the sons and daughters of foster carers."

"The service continues to work with Sons and Daughters. This Service continues to be valued by those that access it. In response to our work with Sons and Daughters we have developed guidance in relation to a buddy scheme to offer support to children of new families who have been approved as foster carers." (Pg 11).

- 266a)** List of Mentors and Buddies 2015, shows the names of the foster carers taking part in the scheme.
- 266b)** Children of foster carers are taking part in the Sons and Daughter's Buddy and Mentoring scheme, this document is an example of this, showing the social work case notes from January to July 2020 for two girls who have joined the scheme.
- 266c)** From foster carer's record (2018), 'Annual Review – Views of Foster Carer/s own children' dated August 2018, the children of the foster carer have completed the questionnaire giving their views and how they have been affected by having foster children in the household. The children refer to attending the Sons & Daughters scheme.



**4.6 Placement of children by the local authority with foster carers approved/registered by other local authorities or organisations**

**(i) Policy**

**Past**

- a) What policies and/or procedures did the local authority have in place in relation to placement of children with foster carers approved/registered by other local authorities or organisations?**

As examples there were policies and/or procedures on:

- 106)** Recruiting foster carers out-with the local authority (1954).
- 10)** Collaboration with external agencies (1994), pg. 11.
- 19)** Visits of children placed out-with the local authority (1934).
- 166)** Visits of children placed out-with the local authority (1934).
- 167)** Visits of children placed out-with the local authority (1936).
- 7)** Visits of children placed out-with the local authority (1945).
- 267)** Seeking permission to travel to visit children placed out-with the local authority (1967).
- 105)** Duty of care, supervision and reporting on children placed with other local authorities (1943).
- 75)** Duty of care, supervision and reporting on children placed with other local authorities (1936).
- 82)** Protocol for transferring the care of children to Aberdeenshire (2011).
- 268)** Agreements were written up detailing the care of the child fostered with external fostering agency (2005).
- 269)** Informing other local authorities that a looked after child was being fostered in their area (2003).
- 270, 271, 271a and 271b)** Informing other local authorities that a looked after child was being fostered in their area (2005, 2010 and 2011)
- 41)** Permanent Foster Care matching procedures, chapter 12.
- 272)** Protocol for returning children, who have absconded, to their out of city placement (2000).

- b) Was there a particular policy and/or procedural aim/intention?**

Yes.

- c) Where were such policies and/or procedures recorded?**

See response to 4.6 i) a.

Policies and procedures were recorded in the form of letters, committee meeting minutes, booklets and memos. In more recent times, since the advent of the internet, policies and procedures are accessible online.

In general, the rules for fostering children externally to the local authority, were included within the umbrella of general fostering policies/procedures.

- d) Who compiled the policies and/or procedures?**

Procedures were agreed at the meetings of Committees within the Council, such as the Committee of Public Assistance Education and Children's Sub-Committee. There was also an appointed Children's Officer who would be in charge of informing the Committee of changes in the Law and seeing that these were applied procedurally.

#### Question 4.5-Other members of the carer's household-(ii) Practice

In later years the policy and procedure booklets would have been compiled by the staff in the Fostering or Family Finding department, or specific working groups set up with the task of writing new policies.

##### e) **When were the policies and/or procedures put in place?**

Policies and procedures would have been put in place once agreed upon and ratified.

##### 75) and 272a)

Public Assistance Committee Memo dated 11 February 1936 from Inspector - Boarded-Out Children (document 75). Before the meeting, the Inspector writes to one of the councillors to inform him of the Statutory Rules and Orders of 1934, issued by the Department of Health, regarding the requirement for children, boarded-out in another local authority, "that a report every six months should be obtained from some reliable person resident in the district where the child is boarded". The Inspector suggested that for the first year, doctors, resident in the district, should be "requested to perform this duty and furnish the reports", and that a fee of 15s per annum should be offered to them.

This was ratified at the Committee meeting of 17 February 1936 (document 272a); "after consideration, the Committee resolved to recommend that for the first year, as a matter of experiment, the medical practitioners in the various districts in which the boarded out children reside should be requested to perform the supervision and furnish the reports referred to at a fee of 15s. per annum for each child supervised."

##### f) **Were such policies and/or practices reviewed?**

Yes

##### g) **If so, what was the reason for review?**

7) Reasons for reviewing procedures could be varied, for example, procedures were put in place when there were changes in the law or as an example due to investigations taking place. An example of this is the changes detailed following the O'Neil case in Shropshire in the minutes of Council meetings from 1945.

11) An example of this can be found in the Child Care Strategy from July 1994; p11 under "Collaboration with other agencies" section B; the social work department will; "Regularly review its arrangements for overseeing the educational needs of children in foster care" and "Regularly review its arrangements for overseeing the effectiveness with which the health needs of children in foster are identified and met".

##### 269) and 271)

Notification by Local Authority on placement of a Child/Young Person dated May 2003 (269) is an example policy being reviewed, as is a later version of the same document, dated February 2005 (271).

##### h) **What substantive changes, if any, were made to the policies and/or procedures over time?**

Reasons for review were varied, for example due to the changes in legislation, specific incidents that required policy review or if policies and procedures were found to no longer be fit for purpose. Where a change in legislation occurred or a review of practice, best practice changes, or in response to complaints and service redesign policy is reviewed to ensure that they captured any change in directions for staff and how they go about their work.

For example, whereas in the 1930s it was acceptable for children boarded-out out-with their own authority, to never receive any visits from their parents, this has changed over time, due to the understanding of the importance to children of maintaining family connections. These practices are reflected in the local authority's procedures and policies on family contact for children placed out-with Aberdeen.

Question 4.5-Other members of the carer's household-(ii) Practice

Another major change is that up until about 30 years ago, there were no independent agencies and all children placed out-with the local authority were placed with 'in house' foster carers, recruited by other local authorities, or even by Aberdeen council itself. In the last twenty years, children have been placed with external agencies, who are generally the first port of call when placements cannot be found for children within Aberdeen.

**i) Why were changes made?**

Changes were made for a variance of reasons. In response to legislation, national guidance, designated review, complaints, specific incidents, or investigations. Changes were also made to establish best practice or where deemed to no longer be fit for purpose.

See response to 4.6(i) h).

**j) Were changes documented?**

Yes.

**k) Was there an audit trail?**

Yes, in the minutes of Council Meetings and in policy and procedure documents and booklets.

**Present**

**l) With reference to the present position, are the answers to any of the above questions different?**

Yes.

**m) If so, please give details.**

Currently there is a dedicated team called "The Alternative Family Care Service" which manages all aspects of fostering, including matching children with fostering placements out-with the local authority, be it through agencies or extremely rarely, other local authorities. Placements are contracted out to external agencies through the "National Contract".

**273)** The procedures for placing children out-with the local authority are listed below, from the "Duty Tasks" document dated November 2019, pg. 3.

"Information to be considered when making matches to the children that have been referred:

6. Permission to go external within the National Contract is not permitted for children under the age of 5yrs. Exceptions to this rule are when placing siblings together and or permission has been given due to lack of resources. Again, evidence must be given as to what attempts have been made to place a child with our own resources before seeking permission to go external.
7. Permission to go out with the National Contract is only permitted with permission from a service manager. These placements are usually sought for high tariff placements. However again evidence to place the child within the national contract or our own resources must be evidenced.
8. Once profiles are received in relation to a child they must be read in conjunction with the Child's Assessment and Plan. If you assess the profile as being a match you can then save the profile in the child's file and forward to the child's social worker. The child's social worker needs to be advised that if they are keen to explore and speak with agencies they are not to enter into any discussion regarding finances. If this is raised advise them that they are to speak to our team.

Question 4.5-Other members of the carer's household-(ii) Practice

9. Tracking summaries should be updated on a regular basis reflecting the external profiles shared for children, the agency this has come from and noting if the profile is within or out with the national contract in BOLD.
10. Be aware that agencies may put forward a profile for more than one child then you must check with the SW that it has been previously shared with to check if they wish to proceed. The referrals in-coming are ever changing so be aware that placements can go quickly being taken up by other local authorities.
11. All emails in relation to a child's journey and evidence of permission of any of the above must be saved in the tracking summary."

**274) and 275)**

Examples of documents to be completed when seeking to place a child out-with the local authority dated 2017.

- 276)** Individual Placement Agreement, IPA, dated 2017, is a financial agreement the local authority enters into with an external agency providing care for a child, for example an external fostering agency.
- 277)** Document and a feedback form from an external fostering agency, in this case SWIIS, asking the child's social worker for feedback on their foster carers.
- 277a)** Form dated October 2017, to be filled in and sent to another local authority to notify them that a looked after child is being placed in their area.

**193) and 194)**

A Virtual Head teacher is in post, whose role is to support improvements in the educational progress and attainment/achievement of all children looked after by the authority, including those that have been placed in schools in other authorities.

**(ii) Practice**

**Past**

- a) Did the local authority adhere in practice to its policy/procedures in relation to placement of children with foster carers approved/registered by other local authorities or organisations?**

Yes, although it cannot be confirmed categorically that all policy and procedure were adhered to consistently.

- b) How was adherence demonstrated?**

There is evidence of adherence to practice, which can be found in children's social work records retained by the authority for looked after children, over the years. Examples are given below:

- 29)** The Public Assistance Circular 1934, from the Department of Health which states, with regards to the Poor Relief Regulations (Scotland), 1934 and Poor Law (Scotland) Act, 1934, on Boarded-out Children: "In some districts the proportion of boarded out children to native children is already high. Accordingly, in their search for new homes, authorities should consider other areas in which few, if any, children have hitherto been placed".
- 278)** Council meeting from 7 June 1954 shows that the local authority was actively seeking foster carers from out-with the city boundaries twenty years after the circular **(29)** was released. It states that the Committee was informed by the Children's Officer, that "one application only has been obtained in response to press advertisements inviting applications from suitable persons in the North-Eastern area of Scotland to undertake the upbringing in their own homes of groups of children in care of the Corporation and having also heard the Children's Officer as to the nature of the said application, resolved to defer meantime further consideration thereof and of the general question as to the taking of further action with a view to encouraging such an application."
- 29 and 279)**  
The same public assistance circular **(29)** stated that "The Department attach great importance to the arrangements for the continuous supervision of the children (Article 21). The local public assistance officer, the headmaster of the school which the child attends, the minister of the religious denomination to which the child belongs, or the local doctor, are suggested as suitable persons to undertake that supervision". There is evidence of this taking place; **(279)** from the mid 1960s is a record of the visits made by the children's officer and a local doctor to a child boarded out-with the city.
- 280)** Independent Visitation Memo, 1934, shows the efforts made by the local authority to supervise the children placed out-with the local authority. The memo talks about making suitable arrangements for the visitation of children boarded-out in another authority, and gives a list of doctors, resident in the district where children are boarded-out, that can provide a report on the condition of the children.
- 280a)** Notification, dated 1973, by the City of Aberdeen Social Work Department to another local authority, re children being placed in their area.
- 281)** An update letter dated 8 January 1979 (Pg 2) by the social worker for a child states the complexities in a case where Tayside are the local authority holding parental rights, however the children are residing in Aberdeen and are under the supervision of Aberdeen social work, however any decisions need to be in consultation with Tayside due to statutory responsibility.
- 282)** Review of Child in Care document dated 11 March 1985, which is an example of Grampian City Council supervising the placement of a child for whom Strathclyde Regional Council held Parental Rights.

Question 4.6- Placement of children with other foster carers LA/Organisations -(ii) Practice

- 235) Fostering and Adoption Panel Annual Report dated 2002 has an example of a child being referred for permanent fostering with an external provider, in this case Barnardo's, as the most appropriate option, because of his considerable needs. The specialist fee paid carer was recruited via Barnardo's to provide this placement.
- 268) Foster Care Agreement 21<sup>st</sup> April 2005: A foster care agreement with an external fostering agency (FCA Scotland), page 4 refers to the child's social worker visiting him every 2-3 weeks to support the placement.
- 145) Adoption and Fostering Panel minute 5 July 2006 describes a placement where Local Authorities were approached for a child placement in the London area but were unwilling to facilitate. In this instance independent fostering agencies were approached and The Adolescent Children's Trust (TACT) identified an appropriate placement.

**c) How can such adherence be demonstrated to the Inquiry?**

See answer to 4.6(ii)a) and 4.6(ii)b)

Evidence of adherence to practice can be found in children's social work records retained by the authority for looked after children, over the years.

**d) Were relevant records kept demonstrating adherence?**

Yes

**e) Have such records been retained?**

Yes

**f) If policy/procedure was not adhered to in practice, why not?**

- 283) An example of rules being relaxed is found in the Council Minutes of 6 September 1943 during the period of the Second World War; "A Circular Letter (No.87/1943), dated the 29th ultimo, was submitted from the Department of Health for Scotland on the question of curtailing, during the present emergency, the visiting of boarding-out children by representatives of the responsible Local Authorities." In this case, the local authority had already carried out its yearly visits and the circular was ignored.

**Present**

**g) With reference to the present position, are the answers to any of the above questions different?**

Yes

**h) If so, please give details.**

- 22) The local authority has changed its guidance due to the COVID-19 legislation and emergency policies and procedures have currently been applied. For example, visits of children placed in foster care out-with the local authority have been curtailed except for extreme circumstances. Risk assessments are to be undertaken.

#### **4.7 Complaints and Reporting**

##### **(i) Policy**

###### **Past**

- a) What policies and/or procedures did the local authority have in place in relation to complaints and reporting about foster care?**

See response at 4.1 c) vi, 4.2 i. d) xvii, 4.2 ii. b) xvii and 4.7 ii.

It is known from research undertaken that Aberdeen City Council had policy and procedure for complaints about the social work service, which would include staff and teams involved with fostering. The complaints procedure has developed in line with national strategies over time.

- 284)** Circular SWG5 1996 is a social work circular providing an update on complaint policy for local authorities. It "identifies changes which are required to improve the original procedures...(and) Authorities should make arrangements to implement the Directions set out in Annex C by 1 April 1996". Amendments were to the procedure for Complaints Review Committees, and general issues such as local response times, confidentiality, persistent complainers, and publishing results of complaints.
- 285)** Complaints Guidance Final, February 2011, shows that complaints for social care and wellbeing were dealt with by the Complaints, Rights and Enquiries Team. The team ensured any complaints were dealt with using the complaint handling guidance.
- 286)** The 'Legislation at a Glance' (c. July 2010) document provides a background for legislation and policies relevant to social work complaints, adopted by Aberdeen City Council, this would include complaints about the fostering service. Full details are provided in the document; a summary of the specific legislation referred to is:
- The Social Work (Scotland) Act 1968
  - The National Health Service & Community Care Act 1990
  - The Social Work (Representations Procedures) (Scotland) Order 1990 (Number 2519 (s213))
  - The Crerar Review [2007]
  - Sinclair Report [2008]
  - The Public Services Reform (Scotland) Act 2010

In the 1990's, the statutory framework for the social work complaints system is primarily defined by SWSG Circular 5/1996, the NHS and Community Care Act 1990 and the Social Work (Representations Procedure) (Scotland) Directions 1996 (see document **286a**. Draft P&V Policy 2006). This documentation outlines a persistent and vexatious complainer policy; the involvement of a Complaints Review Committee; and the involvement of the ombudsman where complainants were dissatisfied with the local authority response.

###### **286a, 286b and 286d)**

Further information on the Social Work Complaints Review Committee during the 1990's. This was a council committee responsible for hearing complaints in instances where the complainant remained dissatisfied with the response given by the social work service.

- 26)** The Foster Carer Handbook 2007 outlines that a complaint made against a foster carer would be dealt with under Aberdeen City Council's formal complaint procedure. Where there were any concerns regarding a foster carer, these would be discussed with them as soon as possible. It was acknowledged that foster carers may be vulnerable to allegations of abuse due to the backgrounds of children they may look after. It states that all allegations, however minor, are required to be investigated and guidelines were available for investigating complaint and child protection allegations made against foster carers. The policy states that Complaints were investigated unbiasedly, treated as confidential, and full and understandable records of the complaint were to be kept.

**287) and 288)**

Evidence **287)** 2009 Complaints Procedure' and '**288)** 2010 Complaints Procedure', complaints about practice were raised with the appropriate service. Complaints about council policies, such as decisions made by councillors, were to be raised with the local councillor. Complaints about staff members were made to the line manager of the appropriate service, who would decide whether the complaint required to be dealt with under disciplinary procedures. The outcome of disciplinary complaints could not be shared with the complainant under Data Protection law. For complaints about the social work role, the Social Work (Representations Procedure) (Scotland) Order 1990 (number 2519 (section 213) and Direction 1996 was followed, including referring complaints to the Social Work Complaints Review Committee.

By 2009 the complaint procedure was known to have four stages: Stage One - initial investigation; Stage Two - senior officer; Stage Three - office of the chief executive; Stage Four - Scottish Public Services Ombudsman. This procedure outlined that a response should be provided within 15 days of receipt of the complaint, and if this could not be achieved, a holding letter containing an explanation for delay should be provided.

- 289)** SPSO Consultation 2010, Pg 4-7' that following the Crerar Review and Sinclair Report, the groundwork had been laid for the Public Services Reform Act which had the provisions for the SPSO to develop a simplified and standardised complaints handling procedure for public sectors. Complaints whilst offering redress were also seen as an opportunity for direct input to the continuous improvement of services. Under the Public Services Reform (Scotland) Act 2010, public service providers were required under the Ombudsman's jurisdiction to ensure that they have complaints procedures which complied with a statement of principles.

Where the complainant did not feel their complaint had been satisfactorily resolved, they could request a review by the Complaint Review Committee (CRC). The role of the CRC was to examine objectively and independently the facts of a complaint presented by the complainant and the social work service, and to make a recommendation to the Social Care and Wellbeing Committee. The Committee could not consider matters which were dealt with under (1) grievance procedures which concern staff issues; or (2) disciplinary procedures which apply to the actions of staff in relation to failure to comply with codes of conduct, practice, instructions or other relevant professional or administrative guidance. There were also stipulations on who could become a Committee member.

- 290)** Internal Procedures - April 2010

- 285)** Complaints Guidance Final February 2011

- 140)** Complaints Procedure' there is approval of the Statutory Complaint Handling Procedure for 2011, this procedure is re-iterative of the previous complaint procedures. The Investigation, Response, Appeal and CRC process are again followed, with a separate policy for non-statutory complaints.

- 291)** Statutory – Informal

- 292)** Statutory – formal

- 293)** Statutory – appeal

The procedure was to follow SPSO timescales for acknowledgement and response to complaints. An acknowledgement of receipt of a complaint should have been sent within 5 days, and a response to a complaint or appeal should be within 28 days. The CRC should make recommendations within 56 days from the date the complainer requested reference to it and the local authority to agree actions and notify the complainer in writing of decisions within 42 days from the date recommendations were made by the CRC.

- 294)** These processes can be seen in the complaint leaflet for service users, social work Have Your Say 2012.



#### Question 4.7- Complaints and Reporting-(i) Policy

**290a)** ACC Complaints Procedure, Customer Information (2012). The customer information describes ACC Corporate complaints procedure and how to make a complaint. It also contains service standards and what to expect when a complaint is made. Social work complaints were dealt with by the Complaints, Rights and Enquiries (CRE) Team. Any complaints received by the corporate complaints team would be forwarded to the CRE Team to respond.

**b) Was there a particular policy and/or procedural aim/intention?**

Yes

**c) Where were such policies and/or procedures recorded?**

Yes

**d) What did the policies and/or procedures set out on the following:**

**287)** 2009 Complaints Procedure

**288)** 2010 Complaints Procedure

ACC was committed to providing high quality service and wanted to improve the services provided where expectations had not been met.

**289)** SPSO Consultation, Pg. 7 The SPSO provided guidance on model complaints handling procedures, this laid out an effective complaint handling procedure which could inform continuous development of local authority procedures. The focus was to provide a "quicker, simpler and more streamlined complaints handling procedures with a strong focus on local, early resolution by empowered and well-trained staff." The document does state that the ethos of 'Getting it Right First Time' underpins the guidance (pg 11).

The key principles for Complaint Handling under Social Work (Representations Procedures) (Scotland) Order 1990 (Number 2519(s213) were ease of access; a means of challenging decisions or areas of concerns for service users; complaints to be acted on; impartial investigation; resolution as quickly as possible; complaint handling to inform Local Authority Managers and the committee on quality assurance and objectives being achieved by the service (see 286. SW Complaints Legislation 2010 and related information at a glance, Pg 4)

#### **i. Complaints by children**

Children can make complaints through the formal complaint process; however they may wish to speak with a Children's Rights Officer who can support them with addressing concerns they have or with making a formal complaint; or they may speak directly with social work staff about their concerns in the first instance.

**295)** In 1994, a leaflet, "A guide to help young people in care make complaints" was produced by Grampian Regional Council. The leaflet outlines that children can speak to a member of staff in the first instance, or they can speak with their social worker, Children's Representations Officer, Who Cares? Organisation, or Childline. It explains that a formal complaint will be responded to by a senior manager. There is a form attached as well as contact details to enable complaints to be made.

**296)** Job Description CRO Job Role 1994 the Children's Representations Officer.

**26)** The Foster Carer Handbook 2007 refers to children being able to make a complaint through the Children's Rights Officer. The Children's Right's Officer job role 1994 includes a description that they "will explain the complaints procedure to young people in care and ensure they have access to this...[their] role is particularly to support a young person through

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the complaints process if they require this...[they] will keep a record of issues raised by young people and feed those back to those involved in decision making and policy making for children in care”.

- 38) 2010 sees a complaint leaflet, "What's bugging you?" aimed at children and young people which explains the complaint process and how to complain, as well as how to speak with the Children's Rights Officer.
- 297) 2011 The Children's Rights Service being separate from other social work teams, had its own protocol and guidance for managing its records.

#### ii. **Complaints by foster carers**

Foster carers can make complaints through the formal complaint process, they may raise concerns directly with social work staff or they may raise issues with their link worker.

Foster Carers are also advised of the formal complaints procedure where complaints can be made about the service or lack of service received either by themselves or on behalf of a foster child using the Aberdeen City Council formal complaints procedures.

- 26) The Foster Carer Handbook 2007 stipulates that where a foster carer has concerns about a child's placement these should be raised with the social worker in the first instance, and if unresolved they should then speak with a senior social worker. If it remains unresolved, this matter should be escalated to a Team Manager or Social Work Manager by the foster carer. In matters relating to general policy and practice not related to a specific child, the foster carer is advised to discuss this with their link worker in the first instance. Where the foster carer is not satisfied with the link worker's response, they should contact Senior Social Workers and Managers, and where necessary escalate to the Head of Social Work.
- 298) Managing Discipline - Policy and Procedure dated October 2010, contains the policies and procedures for managing disciplinary procedures against Aberdeen City Council's employees. These procedures would be followed should a foster carer make a complaint against a social worker.

#### iii. **Complaints by family members of children**

For parents and family members with parental rights or relevant person status a complaint about the social work service can be progressed through the formal complaint process, or informally with social work staff or team managers in the first instance.

If the family member does not hold parental rights and responsibilities for the child, issues of data protection and confidentiality would have been considered. It may be that specific details of a child's case and the complaint cannot be discussed with that family member.

For complaints made by family members who do not hold parental rights and responsibilities, the complaint would need to be progressed through the corporate complaint system. The complaint would be investigated; however, the response could not share any personal information belonging to the child, and it is unlikely the outcome of the complaint could be shared. When such complaints are received the complainant could be asked if ACC can seek consent by use of a mandate from the child (over 12) or person with parental rights to enable them to make a formal complaint on their behalf to ensure a fuller response. There may be circumstance where a mandate is not sought for example due to family dynamic.

Concerns and more informal complaints from family members could be shared directly with the social work staff involved with the case.

#### iv. **Complaints by third persons**

See response to 4.7 (i) d) iii.

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Complaints policy and procedures for ACC allow for complaints to be made by third persons. Consideration would need to be given as to who the third person is, and which complaint procedure would apply to this person.

Under the formal complaint process the person making the complaint must be directly receiving a social work service or be the representative for someone who is. Where this is not applicable, complaints may be responded to using the corporate complaint procedure. This would still entail an investigation of the complaint as with a formal complaint, however the response would differ in the content that could be shared due to confidentiality, and discretion would be given to what could be shared with the third person without a mandate from the person receiving a service.

It may be that an elected member or an MP/MSP contacts the service as they have been approached by a constituent about a matter of complaint. This would be treated as a member's enquiry or MP/MSP enquiry, and a response provided by the Director or Head of Service. Or the elected member may request that the complaint staff contact their constituent direct to progress a complaint.

#### v. **Whistleblowing**

See response to 4.2(i)d)xviii.

#### vi. **Support, including external support, for those who made the complaint or those who were the subject of complaint**

Support with making a complaint may be provided by ACC staff. A social worker or a Children's Rights officer may offer support to children. The complaints, rights and enquiries team offer to meet with all complainants to discuss their complaints, and they support with formulating issues into complaint points for investigation. ACC staff signpost to external agencies if the complainant intimated that they required support or showed signs that an external organisation may be beneficial to them, and referrals may be made by social work staff to support services. The complaints team, work with the Advocacy Service or charities and organisations representing complainants.

#### vii. **Response to complaints (including response by the local authority)**

See response to 4.7 (i) a)

Section 2 of the Social Work (Scotland) Act 1968 was amended with effect from 1<sup>st</sup> April 1996 to require that "a local authority shall appoint an officer to be known as the chief social work officer." Between 1<sup>st</sup> April 1969 and 31<sup>st</sup> March 1996 there was a requirement in section 2 to have a "director of social work" which was the equivalent role at that time. Prior to 1<sup>st</sup> April 1969 I think the equivalent role would have been the Children's Officer as per section 41 of the Children Act 1948.

It is understood that complaints would have been received by the Director of Social Work and would then have been filtered to the Chief Social Work Officer (CSWO) and Team Managers for response. Complex complaints may have been allocated to the Planning and Development Manager for investigation and response on behalf of the CSWO.

**299)** The annual complaints report dated 10/03/2011, which outlines the numbers of complaints received by the social work services between 1/4/2009 and 31/3/2010 and lists recommendations and future developments including a new complaints policy and procedure having been finalised.

By 2011, a team dedicated to investigating and responding to social work complaints had been implemented known as the Complaints, Rights and Enquiries Team (CRE Team).

**299a)** Statutory Complaint Handling Procedure 2011 states the responsibilities of the team include the quality assurance of the standard of the response. They will ensure a full investigation has been completed and the complaint has been fully answered in the response. It was their responsibility to raise any comments or queries with the investigating officer and ensure these have been considered. The CRE team ensured the complainant was advised of the next stage in the complaint process in the response.

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##### **291), 292), 293) 285) and 140)**

**291)** Flowchart of Complaint Handling Process – Informal (2011), **292)** Flowchart of Complaint Handling Process – Formal (2011), **293)** Flowchart of Complaint Handling Process - Appeal Stage (2011) and **285)** Complaints handling guidance, **140)** Statutory Complaints Handling Procedure, all dated 2011. These documents show the processes to follow for statutory informal and formal complaints and the appeals process. They cover all aspects of dealing with complaints, such as the definition of a competent and non-statutory complaint, the need to seek consent, stages in the complaints process, timescales and extensions.

**285)** 2011 - The complaint procedure 'Complaints Guidance Final February 2011' shows that responses to complaints followed specific timescales. For all complaints an acknowledgement was required within 5 calendar days from receipt of complaint. For statutory complaints, the complaint response was to be provided within 28 calendar days from receipt of complaint. For non-statutory or corporate complaints, the deadline for response was 15 calendar days from receipt. The investigating officer was to provide their response to the CRE team 5 calendar days before response due date for quality assurance. Where a response could not be provided within the timescale, a holding letter with a clear explanation of the reason for delay had to be sent.

##### **viii. External reporting of complaints**

Key performance indicators were reported to social work committee for ACC and statistics on social work complaints would have been provided in the Chief Social Work Officer annual report.

##### **300, 301 ,302, 303, 304, 305, 306, 307 and 308)**

The foster care service provides an annual return to the care inspectorate which includes the number of complaints they have received.

##### **e) Who compiled the policies and/or procedures?**

ACC policy is created by Aberdeen City Council staff, staff from predecessor authorities as well as different committees or working groups.

Procedures were agreed at the meetings of Committees within the Council, such as the Committee of Public Assistance Education and Children's Sub-Committee. There was also an appointed Children's Officer who would oversee informing the Committee of changes in the Law and seeing that these were applied procedurally.

In later years, the policy and procedure booklets would have been compiled by the staff in the Fostering or Family Finding department, or specific working groups set up with the task of writing new policies.

##### **f) When were the policies and/or procedures put in place?**

Policies and procedures would have been put in place once agreed upon and ratified.

##### **g) Were such policies and/or practices reviewed?**

Yes

##### **h) If so, what was the reason for review?**

Reasons for review were varied, for example due to the changes in legislation, specific incidents that required policy review or if policies and procedures were found to no longer be fit for purpose. Where a change in legislation occurred or a review of practice, best practice changes, or in response to complaints and service redesign policy is reviewed to ensure that they captured any change in directions for staff and how they go about their work.

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Prior to 2010 the management of policies was the responsibility of the Policy Development Officer who oversaw a centralised database which catalogued all documents with the responsible author and 3-year review dates were set in an ongoing cycle.

- i) **What substantive changes, if any, were made to the policies and/or procedures over time?**

See response to 4.7 (i) a, and 4.7 (i) d.

**289) and 286)**

In 2010 there was an SPSO consultation and ACC updated their complaint handling procedure in line with this principle.

- j) **Why were changes made?**

Changes were made for a variance of reasons. In response to legislation, national guidance, designated review, complaints, specific incidents, or investigations. Changes were also made to establish best practice or where deemed to no longer be fit for purpose.

**289) and 286)**

The review of the complaint handling procedure in 2010 was intended to inform the continuous development of ACC procedures. It was aimed to streamline the complaints process, making it simpler to use and focusing on early resolution of complaints.

- k) **Were changes documented?**

Yes.

- l) **Was there an audit trail?**

Not known.

**Present**

- m) **With reference to the present position, are the answers to any of the above questions different?**

Yes

- n) **If so, please give details.**

**Complaints**

Complaints reporting data, the current style of reporting began in September 2017. The data is reported to Audit, Risk & Scrutiny Committee (AR&SC) each September for the year 1 July to 30 June. Prior to this date quarterly stats were provided by the Legal Support Team to AR&SC.

- 140)** The social work complaint handling procedure was updated in 2017. Main changes at this time were the removal of the stage where complaints were referred to the Complaint Review Committee (CRC). Instead, the SPSO undertook to review social work complaints if the complainant remained dissatisfied following the local authorities' response.

The Customer Feedback Team have corporate responsibility for managing complaints on behalf of the organisation. The team act as the single point of contact for complainants and perform a quality control function to ensure that statutory requirements and corporate standards are consistently being met. Dedicated officers within the Customer Feedback Team will investigate and respond to complaints on behalf of Social Work Services.

At times, Stage 1 (Frontline) complaints may be dealt with by Social Work Service directly, who will contact the complainant in order to resolve the matter. This includes face-to-face meetings and telephone calls. The outcome of the complaint is reported to the Customer Feedback Team, who update the complaint records accordingly.

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Where a complainant is dissatisfied with the response to their Stage 1 complaint, or if the matter is complex and requires an in-dept investigation, the complaint will be logged at Stage 2 (Investigation) which is dealt with by the Customer Feedback Team. As part of the Stage 2 investigation, the Officer may interview Social Work Staff and other relevant officials, review social work records, refer to the necessary legislation and policies/procedures. A formal written response is provided to the complainant explaining the findings of the investigation and outcome of the complaint(s) raised.

Once the response to the Stage 2 complaint has been provided, the complainant may then approach the Scottish Public Services Ombudsman (SPSO) if they remain dissatisfied. This is the final stage for complaints about public services in Scotland. This guidance, along with the contact details for the SPSO, is included in our Stage 2 complaint response letters as standard.

The SPSO is an independent organisation that investigates complaints. They created the Model Complaints Handling Procedure that all Scottish Local Authorities must follow.

If contacted by a complainant, it is the SPSO's decision whether they investigate the complaint. The SPSO may submit preliminary enquiries to us before deciding to proceed with a formal investigation. If the SPSO decide to investigate, they will contact us to request information about the concerns raised. If the SPSO identify any failings, they have the power to outline recommendations that we must carry out in order to resolve the matter. Further information on the SPSO is available via [www.spsso.org.uk](http://www.spsso.org.uk).

The existing Model CHP has recently been reviewed by the SPSO, with several amendments to be introduced prior to April 2021. These amendments include the introduction of a third possible outcome; "resolved", in addition to "upheld" and "not upheld". The core procedure remains the same.

- 308a)** 'Complaints (2017)' is the current complaint information for all ACC complaints, these are managed by the customer feedback team.

#### **Complaints by children**

- 7) The Foster Carer Handbook 2017, page 26 has a section on complaints by looked after children. It states that If a child or young person wishes to make a complaint about the service that they have received from Aberdeen City Council, they should be encouraged to speak about this with their social worker or another adult that they can trust. The Children's Rights Officer is also able to support them in this process.

#### **Complaints by foster carers**

- 7) The Foster Carer Handbook 2017 has a section on complaints procedures for foster carers on page 25. Where a foster carer wants to raise a grievance, there is the Corporate Complaint Procedure. It explained this process cannot be used for complaints about termination of approval as foster carers, instead this would be an appeal.

#### **Complaints by family members of children**

- 7) The Foster Carer Handbook 2017 has a section 'complaints against carers' and 'allegations against fostering families' (pg 27). This details that formal complaints could be made by parents or members of the public and this would be dealt through the Formal Complaints Procedure.

#### **Complaints by third persons**

- 7) The Foster Carer Handbook 2017 has a section on 'complaints against carers' and 'allegations against fostering families' (pg. 27). Complaints could be made by members of the public, or staff members from another agency, who wish to make a complaint against carers on and this would be dealt with through the Formal Complaints Procedure.

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- 309)** SPSO Compliance June 2017 demonstrates that Aberdeen City Council had adopted the Social Work Complaints Handling Procedure and had been assessed by the SPSO as fully compliant.

#### **Whistleblowing**

**24), 101) and 141)** These are Aberdeen City Council's current procedures for whistleblowing.

Support, including external support, for those who made the complaint or those who were the subject of complaint

- 7)** The Foster Carer Handbook 2017 has a section on investigatory procedures on page 28, foster carers who are subject to an investigation can receive support from their supervising social worker. External separate advice, support and advocacy can be sought from The Fostering Network, or through a mentoring system, another carer who has experience of a similar experience.

#### **Response to complaints (including response by the local authority)**

- 7)** The Foster Carer Handbook 2017 has a section on investigatory procedures on page 28, it states that " Referrals of actual, suspected or alleged child abuse of a child who is looked after in foster care must be the subject of immediate investigation by the Social Work Service. It is normally the responsibility of the team that has statutory responsibility for the child to carry out such investigations irrespective of the geographical address of the foster carer."

#### **External reporting of complaints**

- 7)** The Foster Carer Handbook 2017 notes, under its section on complaints procedures for foster carers on page 26, that as Aberdeen City Council is a registered care provider for fostering and looked after children the foster carer can choose to make a complaint through the Care Inspectorate's complaints procedure.

**(ii) Practice**

**Past**

- a) Did the local authority adhere in practice to its policy/procedures in relation to complaints and reporting about foster care?**

Complaints were recorded as a File Detail in the electronic case management system CareFirst from 2001 onwards. This feature records where the complaint file is held and tracks any movement of the paperwork. In 2011 a form was created in CareFirst and details of the complaint were held electronically. This may be in addition to hard copy files depending on the case.

From 2011 the Complaints, Rights and Enquiries Team (CRE Team) has responsibility for compliance with the complaints process across the social work service, and adherence can be identified within complaint files retained. Complaint files can be provided to demonstrate this. However, prior to 2011, there was no centralised team, with complaints being responded to by senior staff.

- b) Did the local authority adhere in practice to its policy/procedures on the following:**

Yes, although it cannot be confirmed categorically that all policy and procedure were adhered to consistently.

There is evidence of adherence to practice, which can be found in children's social work records retained by the authority for looked after children, over the years. From accessing records there is evidence of variance of practice across the timeframe.

Examples of complaints and the response to these complaints as per policy and procedure can be found in the answers to the question 5.9 in part D.

See response at 4.1 c) vi, 4.2 i. d) xvii, 4.2 ii. b) xvii and 4.7 i.

**i. Complaints by children**

See response to 4.7 (i) d) i.

**310)** In 1994 there is an example of a complaint being made. It recounts the investigation made after a child in foster care alleged that he had been hit by his foster carer with a brush. The allegation was investigated by the social worker and team manager, as per the procedure (see document **295**).

**173g)** From a social work record, complaint dated October 2014 shows a complaint made by a child in foster care. The complaint shows the child wrote a letter, and this was investigated by the Complaints, Rights and Enquiries Team as a complaint about 'Quality of Service'.

**ii. Complaints by staff**

See response to 4.7 (i) d) ii.

**iii. Complaints by family members of children**

See response to 4.7 (i) d) iii.

**173f)** From a social work record, complaint dated June 2014 shows a complaint made by a grandparent of the child. The complaint form shows that a mandate for consent from the parent was received.

**173h)** From a social work record, complaint dated October 2014 shows a complaint made by a grandparent of the child. The child was in the care of the grandparent. The nature of the complaint is recorded as 'Staff Conduct/Attitude'.



**iv. Complaints by third persons**

See response to 4.7 (i) d) iv.

**173e)** From a social work record, complaint dated October 2013 shows a complaint made by a foster carer about the service they had been provided, as a foster carer. The nature of the complaint is recorded as 'Staff Conduct/Attitude'.

**v. Whistleblowing**

See response to 4.2 (i) d) xviii.

**173i)** From a social work file, Complaint dated July 2003, shows a complaint regarding a looked after child who had experience of foster care and residential establishments. The complaint was made about a social worker at Aberdeen City Council and their conduct during a hearing and the appropriateness of sharing personal information about the child. The complaint was made by a member of staff at an external residential establishment. The complaint was investigated and not upheld which is detailed in the response letter provided.

**vi. Support, including external support, for those who made the complaint or those who were the subject of complaint**

See response to 4.7 (i) d) vi.

**309a)** Minutes of a Post Strategy Meeting dated 27 July 2011, following the complaint of a child against a foster carer and the subsequent child protection investigation. It was noted that the protocol had not been followed as the foster carer's link worker had not visited the foster carers to offer support. This advice had come from the Children's Service manager (CSM) on duty at the time. It was acknowledged that "this action, not in line with the protocol, had caused difficulties in terms of the carers reaction and ongoing relationships". One of the action points of the meeting was that the chairperson would "explore with the relevant CSM why protocol had not been followed.

**vii. Response to complaints (including response by the local authority)**

See response to 4.7 (i) d) vii.

**viii. External reporting of complaints**

See response to 4.7 (i) d) viii.

**c) How was adherence demonstrated?**

A dedicated Complaints, Rights and Enquiries Team was introduced within the social work service circa 2011. Within their remit, the processing of complaints, and to ensure compliance with statutory deadlines.

Adherence to the complaint procedure can be demonstrated in retained social work records that evidence the complaints process. The complaint investigation record holds the original complaints' and the outcomes. It is known that in some instances the complaint responses may not have been provided within the statutory deadline for response.

From the social work information management system, CareFirst, it is known that in the period 1 April 2013 to 31 March 2014, 95 statutory complaints were recorded. This compares with 96 for 2012-13 and 88 for 2011-12. Of the 95 complaints 13 were upheld, 24 were partially upheld, 45 were not upheld, 4 were withdrawn by the complainant, 3 were rejected, 3 were not resolved and 3 were

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awaiting resolution. The breakdown of the figures by client group for 2013-14 is: 46 Children and Families 24; Adults; 20 Older People; 5 Other.

For 2013-14, 48% of complaints were acknowledged within the required 5-day timescale and 29.5% were responded to within the 28-day deadline.

Where complainants are not satisfied with the outcome of their complaint, they have the right of appeal to an independent Complaints Review Committee (CRC). This Committee is administered by Council's Corporate Governance service. In 2013-14, 2 complainants took their case to the CRC, compared to 2 in 2012-13 (both of those in 2012/13 were abandoned). CRC has considered 1 and their recommendations have been presented to the Social Care and Wellbeing Committee, with actions to address them.

It is known that social workers would also provide ongoing support, and more informal complaints may have been responded to as part of their everyday interaction with children and their families. Complaints requiring a more formal approach would have been escalated to the formal complaint process. Where a complaint constituted an allegation, this would have been investigated under child protection procedures.

#### **59, 173, 175 and 176)**

Care Inspectorate Inspection reports from 2007, 2008, 2009 and 2013 show adherence to policies by the fostering team at Aberdeen City Council.

**309b)** CSWO Report 2013-14 (Pg 17), **309c)** CSWO report 2014-15 (Pg 43-44), **309d)** CSWO report 2015-16 (Pg 49-50), **309e)** CSWO report 2016-17 (Pg 49-50), **309f)** CSWO report 2017-18 (Pg 34) and **309g)** CSWO report 2018-19 (Pg 18-20).

Adherence to complaints can be seen with the statistics reported in the Chief Social Work Officer annual reports. The reports give a breakdown of the complaints received to the social work service as a whole, and whilst there is no specific breakdown for each service within social work, complaints about the fostering service would be included in the totals and are demonstrative of the complaints process being followed. Details include how many complaints have been responded to within statutory timescales and what the complaint outcomes were.

**299a)** Statutory Complaint Handling Procedure 2011 states the responsibilities of the team include the quality assurance of the standard of the response. They will ensure a full investigation has been completed and the complaint has been fully answered in the response. It was their responsibility to raise any comments or queries with the investigating officer and ensure these have been considered. The CRE team ensured the complainant was advised of the next stage in the complaint process in the response.

#### **d) How can such adherence be demonstrated to the Inquiry?**

See response at 4.7(ii)c)

Evidence of adherence to policy can be found in children's social work records retained by the authority for looked after children, over the years.

#### **e) Were relevant records kept demonstrating adherence?**

Social Work records demonstrating consistent adherence have been retained since 2001.

#### **f) Have such records been retained?**

Yes, since 2001, complaints are recorded as a file detail in CareFirst (Aberdeen City Council's social work information management system). The physical complaint file being retained as a separate part of the social work record. Complaints retention aligns with social work records retention schedule. No destruction of records has occurred since moratorium on notification from the Inquiry.

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**g) If policy/procedure was not adhered to in practice, why not?**

Not applicable

**Present**

**h) With reference to the present position, are the answers to any of the above questions different?**

Yes.

**i) If so, please give details.**

The Complaints Rights and Enquiries Team with responsibility for social work complaint compliance joined the Corporate Customer Feedback Team during redesign. The roles and responsibilities for social work complaints are unchanged, the governance is now aligned with the Customer cluster.

From summer 2019, any new social work complaints are held as an electronic record. Historic hard copy complaint files can still be accessed. Complaints are also recorded on CareFirst, the social work information management system.

**310a, 310b, 310c, 310d, 310e, 310f and 310g)**

From social work records, complaints dated March 2015, June 2015, August 2015, October 2015, September 2016 and February 2017 provide examples of the complaint handling process being adhered to. From CareFirst social work record, complaint activities 2018 show 7 complaints being completed between February to July 2018.

**310h)** Complaint file from a social work record (December 2019) provides an example of the current complaint procedure being followed. The young person is supported by the Children's Rights Officer to make the complaint and have their views put across accurately. The foster carers are contacted by social work staff for their response. Following investigation by the complaint investigation officer, a response is provided to the young person detailing whether each point of complaint has been upheld or not, and the reason for this decision. The young person is advised at the outset that the complaint may not be taken on by the Scottish Public Services Ombudsman if the young person is unhappy with the response, this is because the complaint was made retrospectively and out with the timescales in SPSO guidelines.

#### **4.8 Internal Investigations**

##### **(i) Policy**

###### **Past**

**a) What policies and/or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?**

**310i)** 'Investigating Complaints by Service Users Against Employees' (July 2001) provides the process for internal investigation under Managing Discipline Policy and Guidance for staff.

**311)** A memo dated 2007, has a Safe Care Assessment Form attached, the idea being to "provide clear and concise information as well as direction to foster carers" with regards to the child they would be fostering, as "a result of recent investigations concerning allegations against foster carers"

**b) Was there a particular policy and/or procedural aim/intention?**

Yes.

**c) Where were such policies and/or procedures recorded?**

Policies and procedures were recorded in the form of letters, committee meeting minutes, booklets and memos. In more recent times, since the advent of the internet, policies and procedures are accessible online.

**d) What did the policies and/or procedures set out on the following:**

###### **i. Approach to/process of internal investigations**

**15b)** NESPC minute dated 19 April 2007 gives details of a Significant Incident Review by the committee. As Aberdeen, Aberdeenshire and Moray councils were all members of the committee, these authorities considered the review report presented. This provides evidence of a multi-agency approach with input from Police, Health and the Children's Reporter.

**311a)** NESPC Minute dated 8 September 2008 considers the Significant Incident Review Portfolio Report. "In relation to the review process, the report advised that there had been an unacceptable delay in the timescale for completing the most recent Significant Case Reviews due to the introduction of a new untried process and lack of clarity of the role and responsibility of the Review Chair. The Portfolio Group was developing a specific training programme and recommended that until a pool of Chairs was established, that the Review Chair would be a Member of the Portfolio Group. The Portfolio Group would take greater control of who would be part of the Review Team by recommending or identifying individuals from a broad range of professionals and agencies

**173b)** NESPC Minute dated 2 March 2009 discusses the implementation of the Significant Incident Review.

"The report recommended:  
that the Committee –

- (1) notes the progress being made in establishing a Significant Case Review process;
- (2) seeks clarification from the Scottish Government of when and how to inform them of when a significant case had occurred;
- (3) considers if delays to the commencement of Significant Case Reviews could be reduced where there are ongoing legal proceedings; and
- (4) clarifies with the Chief Executive's Officers Group whether the measures that the NESPC has put in place would satisfy the requirement for an independent Review Chair.

#### Question 4.8-Internal Investigations-(i) Policy

"The Committee resolved:

- (i) to approve recommendation (1) of the report outlined above;
- (ii) that in terms of recommendation (2) of the report, that (staff) prepare a draft letter to be signed by the Convener and issued to the Scottish Government;
- (iii) to note recommendation (3) of the report; and
- (iv) that in terms of recommendation (4) to note that the Chief Executive's Officers Group had agreed in principle to draw independent Review Chairs from other areas of the North East of Scotland to undertake reviews.

- 183a)** NESPC Minute dated 7 September 2009 discusses the policy for chairing Significant Case Reviews:

"The report set out the current chairing arrangements, which was, for the majority of Local Authorities, the temporary appointment of an independent consultant who would usually have extensive management and child protection experience or previous experience of Significant Case Reviews. The proposed options set out in the report included identifying potential Chairs for Significant Case Reviews, taking into account areas of experience or knowledge, and establishing a national list of potential chairs. This would allow Authorities to sign up to borrow or lend a chairperson, as required. It was noted that this option had been developed in relation to MAPP and would fit in with the MARS concept of developing 'communities of expertise'. The report went on to note that further options included (1) using an external consultant of 'critical friend' to the Chair; (2) using external members of the review team with specialist knowledge; and (3) using shared learning arrangements".

- 311b)** NESPC Minute dated 7 December 2009 states "the Committee had before it a report which outlined the progress which had been made in implementing a significant case review process and identified the constraints which had been experienced in identifying suitably experienced review chairs. The report set out the background to the review and it was noted that a number of reviews had taken place in recent years. The report advised that the portfolio group had introduced:- a detailed protocol which was continually evaluated; defined quality standards; introduced an audit tool to track implementation and progress of review recommendations; and had provided practitioner seminars informing frontline staff of key messages.

"The report recommended (and the committee resolved):

that the Committee

- (a) adopt option 3, which allowed high profile cases to be subjected to external scrutiny which would help ensure public confidence in child protection services across Grampian and would also enable the development of local practice and practitioners and could contribute to the national pool".

- 312)** Annual Report APP 2008-9, review process, states in instances where there are allegations of abuse against a Foster Carer, serious complaints about a foster carer or significant concerns regarding the care provided by a foster carer there is a clear process to be followed.

"6.1.1 The Social Work Service believes that allegations of abuse should be treated seriously and investigated thoroughly. This is to ensure the safety and protection of children as well as the protection of foster carers. Unfortunately, this process can be time consuming and may impact upon when a review can be undertaken. In those circumstances the policy "Allegations of Abuse against Foster Carers" must be followed. This policy states that following an allegation there should be a Review of the Foster Carers.

"6.1.2 The purpose of this review is to look at the issues or concerns which may have arisen as part of the investigation. It is also a means of offering support to foster carers who will have had to deal with a very stressful and difficult event.

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"6.1.3 The review should not merely focus on the area of concern but provide an overview of the care provided by the Foster Carer since the last review. This will ensure that a balanced approach is taken and where appropriate what lessons can be drawn, with support being identified for the Foster Carer to enable them to continue in their fostering role.

"6.1.4 In these circumstances the process of the review will vary slightly from that outlined above. The review will be conducted in 2 stages. The first stage will take the form of a Planning Meeting. In recognition of the issues these meetings may throw up the Planning Meeting will be chaired by the Children's Service Manager with responsibility for Fostering and Adoption. Having given consideration to any identified risks or concerns this meeting will be responsible for identifying an Action Plan to be presented to the Fostering Panel. The Action Plan should identify supports/actions to ensuring the safety and welfare of children in placement and support suitable to the needs of the foster carer and their family. The Action Plan will be presented to the Fostering Panel along with all other papers for their consideration. It will be the responsibility to conduct the review giving consideration to the foster carer's registration. The recommendations of the Fostering Panel will be passed to the ADM".

- 98) Guidelines for Managing Allegations of abuse against a foster carer (2002): From this document it is known that investigations would be recorded within Significant Incident Forms and child protection case conferences minutes or Children's Review minutes.

"In addition, the Social Work Manager/Assistant Social Work Manager responsible for Fostering Services should send written confirmation of the outcome of the investigation to the Foster Carers. A copy of this letter should be sent to the Linkworker for the Foster Carers for placing in the Foster Carers' file".

The same document states under 'Investigatory Procedure':

"2.1 Referrals of actual, suspected or alleged child abuse of a child who is looked after in foster care must be the subject of immediate investigation by the Social Work Service. It is normally the responsibility of the team, which has statutory responsibility for the child to carry out such investigations irrespective of the geographical address of the foster carer. The NESPCPC Child Protection Guidelines must always be adhered to.

"2.2 If there are other children in the household where the child abuse/neglect is being alleged, the Social Work Service has a clear responsibility to ensure a full evaluation of whether these children, and any other children living in the household, are at risk and what measures are required...

"2.4 If an allegation of abuse by a foster carer is received, the Neighbourhood Team Manager and the Team Manager (Residential and Family Resources) must be informed immediately. The Neighbourhood Team Manager will inform the Head of Service (Health and Care) Neighbourhood Services South through the submission of a Significant Incident Form to enable consideration of continuation of registration. It is the responsibility of the Neighbourhood Team Manager to ensure that an investigation is undertaken. It is the responsibility of the Team Manager (Residential and Family Resources) to decide on the measures to be taken to support the foster carer as the normal investigation procedures get underway...

"3.1 The Neighbourhood Team Manager is responsible for convening and chairing a Strategy Meeting. The Strategy Meeting will be attended by the Senior Social Worker for the child; the child's Social Worker; the foster carer's Link Worker; the Senior Social Worker (Fostering and Adoption Services); the Children's Rights Officer (if appropriate) and any other relevant parties who will review the allegation and information held. As with Child Protection Case Conferences, information will be held in line with open access policies (Case Recording Policy and the Community Services Social Work leaflet 'Access to Information we hold about You') and this will be emphasised by the Chair in advance of any minutes being taken.

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“Details of any past allegations made by the child, and by other children, against the foster carer will be brought to the attention of the meeting for consideration. The Strategy Meeting will have to determine the entry of an allegation into the Child Protection system (unless the urgency of the situation means it is already being dealt with under this system). If an investigation is to follow, the Strategy Meeting will appoint the Senior Social Worker responsible for child or the covering Senior Social Worker as Co-ordinator.

“3.2 The Strategy Meeting moves beyond considerations of risk to a particular child to consider previous placements, notification to parents of accommodated children, further enquiries, safe caring continued registration and support to the carers.

“3.3 Where the police are unable to be involved, the investigation will be undertaken by an experienced social worker, along with the child’s Social Worker if he/she is available. The nominated social worker must not be the Senior Social Worker directly responsible for the on-going supervision of the child’s Social Worker or the foster carer’s Link Worker.

“3.4 Upon completion of the investigation, the nominated social worker will report back to his/her Senior Social Worker who in turn will liaise with his/her line manager. The Neighbourhood Team Manager will convene and chair a Post Investigation Strategy Meeting to discuss the findings of the investigation, including the conclusions of any Child Protection Case Conference and plan for future action. Whether or not the allegation is substantiated, the Neighbourhood Team Manager, as Chair, will give further consideration to the need for a Child Protection Case Conference (if this has not already occurred).

“3.5 In cases where the foster home is outwith Aberdeen, the Neighbourhood Team Manager will alert the local authority in which the child is located of the allegation. The two local authorities will liaise and agree the most suitable arrangements for investigating the allegations, including proper consultation with the police and other relevant agencies.

“3.6 In most circumstances where a voluntary organisation is providing the link support to the foster carer, that organisation will not be called upon to conduct an investigation but will be kept fully informed throughout.

“3.7 The Neighbourhood Team Manager must give careful consideration to the birth parents’ rights to information and to the timing of such information being given. Such factors as the length of time the child has been looked after and the amount of contact that the child has with his/her birth parents must be taken into account. An effective balance has to be struck between ensuring the parents’ right to information and ensuring that strict confidentiality is maintained throughout the investigation. If in any doubt about what information can be shared, the Neighbourhood Team Manager must consult with his/her line manager and/or Legal and Democratic Services. The paramount consideration is the current welfare of the child.

#### “4 Post Investigation

“4.1 Following the Post Investigation Strategy Meeting, the Neighbourhood Team Manager will update the Head of Service (Health and Care) Neighbourhood Services South and the Team Manager (Residential and Family Resources). The Link Worker and his/her line manager will advise the foster carer and the parents (if relevant) of the outcome of the investigation within seven days of its completion. In addition, the Team Manager with lead responsibility for Fostering Services will send written confirmation of the outcome of the investigation to the foster carer. A copy of this letter will be sent to the foster carer’s Link Worker for the foster carer’s file.

“4.2 A Foster Carer Review will be convened in all cases and the Adoption and Fostering Panel will consider the minutes of this Review. The Panel will make a recommendation to the Agency Decision-Maker with regard to the continued registration of the foster carer.

“4.3 The foster carer’s registration will be suspended when the allegation appears to have been substantiated. Any resultant prosecution is a matter for the police. Where a criminal

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prosecution results in a conviction, the foster carer will always be deregistered and notified in writing by the Agency Decision-Maker.

“4.4 Irrespective of the outcome of the investigation, the child’s Social Worker will ensure that a LAC Review is convened to consider the implications of the investigation for the child’s placement. The minutes of this Review will be passed to the Adoption and Fostering Panel for information.

“4.5 In the event of a Child Protection Case Conference being held, the foster carer will be invited to contribute a statement either verbally or in writing outlining his/her view of the incident that has occurred. Foster carers attending all or part of the Conference may call upon a friend or representative to be present during his/her attendance.

“4.8 The criteria to be employed in determining “substantiated “or “proven” is the balance of probabilities rather than beyond reasonable doubt. A criminal conviction would obviously prove or substantiate the allegation. A lack of prosecution or conviction would not, however, automatically lead to a determination that the allegation is unsubstantiated. In considering appropriate action, a risk assessment must be undertaken by the Link Worker. He/she will consider the likelihood or possibility of future abuse, effectiveness of safe caring practices that may be employed and the responsibility of the local authority to ensure the welfare of its accommodated children as a paramount consideration.

**312a)** Disruption Meeting Guidelines (2006) provides the guidelines for when a disruption meeting should take place and the procedure which would be followed.

**287) and 288)**

Evidence **287)** 2009 Complaints Procedure’ and **288)** 2010 Complaints Procedure’ states that complaints about staff members were made to the line manager of the respective service, who with HR support would decide whether the complaint required to be dealt with under disciplinary procedures. The outcome of disciplinary complaints could not be shared with the complainant under Data Protection law.

**312b)** NESPC minute dated 4 March 2013 reports that the NESPC will cease operation and will become three local committees. The proposal was that the significant Case Review process would be run through the local Child Protection Committees and referrals would be received through the Child Protection Committees in future.

**99a)** Child Protection Committee Minute dated 8 November 2013 discusses how Serious Case Reviews (SCR’s) will be conducted. “...the report proposed that the responsibility for SCR’s should fall to Child Protection Committees, then it would be for the CPC to decide how to action it in accordance with the SCIE model (for example, to create a Sub Group to look at SCR’s)”.

#### ii. Identifying lessons/changes following internal investigations

Whilst there is no specific policy on identifying lessons/changes, there are policies where this would be considered good practice. There have been disruption meetings held which provide valuable insight into established practice and lessons learned from that particular case. The Care Inspectorate reports have also informed where the service is doing well, and where improvements could be made. Practice has also been informed by Looked After Child regulations, and systems improved in alignment with this. BAAF Form F has been used by the team to make assessments and any updates to this template have been implemented to improve practice.

**98)** Allegations of abuse against a foster carer 2002, states under ‘Investigatory Procedure’:

“3.4 Upon completion of the investigation, the nominated social worker will report back to his/her Senior Social Worker who in turn will liaise with his/her line manager. The Neighbourhood Team Manager will convene and chair a Post Investigation Strategy Meeting



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to discuss the findings of the investigation, including the conclusions of any Child Protection Case Conference and plan for future action.”

and

“6.1.2 The purpose of this review is to look at the issues or concerns which may have arisen as part of the investigation. It is also a means of offering support to foster carers who will have had to deal with a very stressful and difficult event”.

- 312a)** Disruption Meeting Guidelines (2006) states that “Recommendations regarding training or practice issues may then be taken forward with some or all of the following: the Manager of the Training Team; appropriate Children’s Services Manager; - Wider practice implications to be taken into the appropriate section; meeting/CSMG meeting”.
- 15b)** NESPC minute dated 19 April 2007 states that a “draft database grid of recommendations from two external Significant Incident Review reports prepared by the Development Officer” was presented. It is advised “(a) that the draft grid outlined the recommendations and actions which require to be undertaken; and (b) that three columns of the grid relating to responsibility, timescale and links to other recommendations require to be completed”.
- 312c)** NESPC minute dated 6 December 2010 states “The Committee had before it a report which outlined the issues discussed at the Making Significant Case Reviews Fit for Purpose Seminar which had been held on 11 November 2010. The report set out the key points from the seminar and advised that a MARS short life working group had reviewed practice and produced recommendations for improvement which were being taken forward by the Scottish Government. The report advised that there were several opportunities for the NESPC to develop in respect of SCRs and suggested that the NESPC also volunteer to assist MARS in the national development of SCR.

“The report recommended:

- (a) that the NESPC volunteer to assist MARS with developing training, tools etc.;
- (b) that the Significant Case Review portfolio group develop a process to support learning from the review of cases that do not fit the criteria for SCR and cause professional anxiety;
- (c) that more focused work on the prevention of shaken babies and the impact of substance misuse in young people is undertaken; and
- (d) that the NESPC asks MARS for support in the development of work in relation to these themes and uses some of the reserves in the NESPC budget to fund work”.

#### iii. Implementation of lessons/changes following internal investigations

Any lessons learned or changes would be incorporated into policy review. There is no evidence of a policy review in response to one specific investigation, rather policy review would be made for a variance of reasons: changes to legislation, national guidance, designated review, complaints, specific incidents, as well as investigations.

- 15b)** NESPC minute dated 19 April 2007 discusses a review report following a significant case review. Approved recommendations are:
- (b) “establish a process to ensure that approved recommendations are implemented, reviewed and evaluated;
  - (c) consider how and what messages from this review are communicated to professionals, the public and family members of the review subject; and
  - (d) consider the Review’s Team recommendation that the family be informed of the review and its outcomes”.
- 32a)** NESPC minute dated 7 March 2011: The committee were advised of “difficulties faced by the Significant Case Review Portfolio in how to review cases which did not meet the criteria for SCR but which could inform inter-agency learning and practice through systematic analysis of interventions”. Further work was requested by the committee.

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- 16a)** NESPC minute dated 5 December 2011 states the committee had the Ofsted report: 'Ages of Concern – Learning Lessons from Serious Case Reviews'. "...the report had also gone before the Significant Case Review portfolio group for consideration, and that the key issues outlined in the paper should be considered alongside (the Serious Case Review) which was on the agenda for discussion later in the meeting. The Committee considered how best to take forward the key issues raised, noting that there were lessons in the report which also required to be considered at a national level. (It was) advised that the Aberdeen City Sub Committee would be looking at the specific operational issues raised. (It was also) advised that the key issues from the report and from (the serious case review) would require changes to the operational guidance, and therefore the Committee agreed that the work should be undertaken by the Operations and Practice portfolio.

"The Committee resolved:

- (i) to agree that the Convener would write to the Chief Executives of Aberdeenshire Council and NHS Grampian to identify the lead person from each organisation responsible for the actions outlined in the report;
  - (ii) to agree that an update be provided in six months' time on how the issues and actions were being taken forward; and
  - (iii) to agree that the Significant Case Review portfolio refine the lessons learned from the report and pass the information to Sub Committees for consideration".
- 312d)** Child Protection Committee Minute dated 7 November 2014 states that following an email from the Scottish Child Protection Committee Chairs Forum, any learning from significant case reviews would be shared. It was agreed that outcomes would be shared via the Child Protection Programme/action plan.

#### **iv. Compliance**

Compliance was expected, all staff are accountable, and the expectation is that the policy would be complied with by staff within the service. Compliance is checked during supervision, staff meetings and development sessions.

- 232)** As part of local strategy in 2008-2010, a list of mandatory and optional training courses for foster carers was developed.

#### **312e, 312f, 312g and 312h)**

Examples of contracts of employment dated June 2001, July 2008, June 2009 and October 2011, show the expectations for the employee, including the code of conduct expected, confidentiality of information, and grievance and discipline. Compliance in the procedures are confirmed in the declaration by the employee.

The June 2009 contract states: "You are required to comply with the organisational rules of the Council and it is your responsibility to understand how these relate to your job. If you are unsure in any way of your obligations you should check and discuss matters with your Line Manager BEFORE taking any decision.

"The following paragraphs include reference to the Council's policies on professional registration, Disclosure Scotland checking and arrest or conviction of offence. Where these are applicable to an employee, and the employee does not comply with these requirements, their case will be dealt with under the Council's disciplinary provisions October 2011".

#### **v. Response (to child and abuser)**

The safety of the child is paramount, where there is criminality, this would be reported to the police. Whilst the police investigation is ongoing the local authority will not undertake an internal investigation. Any resultant prosecution is a matter for the police.

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The child may be required to be removed from the situation to retain their safety. this is also applicable to any other child within the household.

Where a LAC Review or Case Conference is held following an investigation, a minute will be taken and distributed to relevant parties. This may include the foster carer, parents, and the child if they are of an age to receive the minute.

- 98) Allegations of Abuse-CF105(CS023), 'Allegations of abuse against a foster carer 2002' dated 2004, states under 'Investigatory Procedure':

##### "4 Post Investigation

"4.1 Following the Post Investigation Strategy Meeting, the Neighbourhood Team Manager will update the Head of Service (Health and Care) Neighbourhood Services South and the Team Manager (Residential and Family Resources). The Link Worker and his/her line manager will advise the foster carer and the parents (if relevant) of the outcome of the investigation within seven days of its completion. In addition, the Team Manager with lead responsibility for Fostering Services will send written confirmation of the outcome of the investigation to the foster carer. A copy of this letter will be sent to the foster carer's Link Worker for the foster carer's file.

"4.2 A Foster Carer Review will be convened in all cases and the Adoption and Fostering Panel will consider the minutes of this Review. The Panel will make a recommendation to the Agency Decision-Maker with regard to the continued registration of the foster carer.

"4.3 The foster carer's registration will be suspended when the allegation appears to have been substantiated. Any resultant prosecution is a matter for the police. Where a criminal prosecution results in a conviction, the foster carer will always be deregistered and notified in writing by the Agency Decision-Maker.

"4.4 Irrespective of the outcome of the investigation, the child's Social Worker will ensure that a LAC Review is convened to consider the implications of the investigation for the child's placement. The minutes of this Review will be passed to the Adoption and Fostering Panel for information.

"4.5 In the event of a Child Protection Case Conference being held, the foster carer will be invited to contribute a statement either verbally or in writing outlining his/her view of the incident that has occurred. Foster carers attending all or part of the Conference may call upon a friend or representative to be present during his/her attendance.

#### vi. Response to complaints (including response by local authority)

See response to 4.2 i) d. xvii and 4.7 i) d.

#### 286, 287, 288, 291, 292, 293 and 299a)

These documents provide the Social Work Complaint Handling Procedure.

There would be a review of the foster carer registration:

- 98) Guidelines for managing allegations of abuse in foster carer, dated 2002 has information on the processes to be followed when a child makes an allegation of abuse against a foster carer.

- 17) Allegations of Abuse in Foster Care: Guidelines, 30 April 2004, Pg. 1-2:

Safeguarding Children from Abuse:

"1.3 The foster carer's registration must be reviewed at least annually. However, should there be any significant changes or events, e.g. an investigation into allegations of abuse, a Foster Carer Review will follow the occurrence of the change or the conclusion of the investigation.

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- 229)** Review of Foster Carer Policy Nov 2008, section 6 page 7: Exceptional circumstances necessitating an early foster care review; when an allegation of abuse was made against a foster carer, when a serious complaint was made against a foster carer or when there were significant concerns. As a result of these reviews, a foster carer might be put "on hold" or even de-registered.

#### **vii. External reporting following internal investigations**

It is a requirement that internal investigations be reported to the Care Inspectorate. Where there is criminality, this would be reported to the police, although ACC cannot carry out internal investigation prior to police completing their investigation.

- 312i)** <https://www.careinspectorate.com/index.php/notifications> states:

"The Care Inspectorate, on behalf of the Scottish Government, acts as a central collation point for all SCRs carried out by CPCs in Scotland from 1 April 2012. The Care Inspectorate are responsible for reviewing the effectiveness of the processes for conducting each SCR and reporting informally to individual COGs and CPCs on good practice and support continuous improvement agenda.

The Care Inspectorate will also conduct a biennial review of all SCRs completed in Scotland, and, report nationally on the key learning points for the benefit of relevant services across Scotland and the Scottish Government. The updated National Guidance for Child Protection Committees conducting a significant case review requests that on completion of the significant case review, a copy of the full SCR report is sent to the Care Inspectorate".

#### **e) Who compiled the policies and/or procedures?**

Procedures were agreed at the meetings of Committees within the Council, such as the Committee of Public Assistance Education and Children's Sub-Committee. There was also an appointed Children's Officer who would be in charge of informing the Committee of changes in the Law and seeing that these were applied procedurally.

In later years the policy and procedure booklets would have been compiled by the staff in the Fostering or Family Finding department, or specific working groups set up with the task of writing new policies.

#### **f) When were the policies and/or procedures put in place?**

Policies and procedures would have been put in place once agreed upon and ratified.

#### **g) Were such policies and/or practices reviewed?**

Yes.

#### **h) If so, what was the reason for review?**

There were different reasons for review, such as changes in technology, legislative changes, changes in national guidance, best practice changes, complaints etc. Documents would always be reviewed to ensure that they captured any change in directions for staff and how they went about their work.

The foster care service is a registered service with the Care Inspectorate since 2005. Any reports and feedback from the Care Inspectorate would direct practice.

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i) **What substantive changes, if any, were made to the policies and/or procedures over time?**

312d) CPC Minute dated 7 November 2014 states that Care Inspectorate findings were shared following the death of a looked after child. This was not a child looked after by Aberdeen City, however the findings were discussed and learning points addressed through programmes of work.

Findings from Serious Case Reviews were circulated nationally, with the expectation that areas look at their own practice to make sure they identified any learning applicable to them. That is what can be seen in these minutes. Since this time there have been substantive changes with:

- the Children & Young People (Scotland) Act 2014
- the rise of corporate parenting
- provisions for the support for care experienced young people up to their 26<sup>th</sup> birthday,
- CPC multi agency guidance on Missing Children
- Education also reviewed their Missing Children processes to be much more inquisitive about children not in school
- improved interface across strategic partnerships such as the sharing of minutes of the CPC and Adult protection Committee which became routine around 2014.

j) **Why were changes made?**

Changes were made for a variance of reasons. In response to legislation, national guidance, designated review, complaints, specific incidents, or investigations. Changes were also made to establish best practice or where deemed to no longer be fit for purpose.

k) **Were changes documented?**

Yes

l) **Was there an audit trail?**

Not known.

**Present**

m) **With reference to the present position, are the answers to any of the above questions different?**

Yes

n) **If so, please give details.**

**Approach to/process of internal investigations**

312j) 'Allegations – Information for Foster Carers' guidance (2014/2015) produced by The Fostering Network has been adopted by ACC. This guidance outlines what to expect from an investigation.

126) Allegations Against F&KC Flowchart 2016 provides details of the process to be taken by staff on receipt of allegations against foster and kinship carers. The flowchart explains the process from notification through to the outcome of investigation.

126a) Procedure for managing allegations against foster carers, dated 15 December 2016, this procedure provides a process to be followed if allegations are made against a foster carer or kinship carer. It covers principles, initial response and the child protection investigation.

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- 92)** Child Protection Standards (2017) outlines the process for child protection investigations:
- “Investigations are undertaken on a multi-agency basis involving Police, Health and Children’s Social Work. The investigation will also liaise with the Named Person for the child. (For preschool children their Named Person is their Health Visitor; for school aged children it is their Head Teacher.)”.
- 312k)** Local Operating Procedure for ICR and SCR, dated 10 August 2017, provides the policies and procedures for Initial Case Reviews and Significant Case Reviews as agreed by the Child Protection Committee.
- 127)** Child Protection: Corporate Policy and Procedure approved on 23 November 2017 contains information regarding child protection which applies to “all staff regardless of their role or level of responsibility”. The main message of the document is that all staff are required to look out for signs which might suggest that a child is being abused, and if this is the case, should record the information and report it to someone who can investigate further. The document provides a list of contacts, including the child protection co-ordinator or line manager, the child’s Named Person (Headteacher or Health Visitor), the Joint Child Protection Team, the Emergency Out Of Hours Social Work Service or the Police.
- 128)** Child Protection Procedures V2 approved November 2018. This guidance is for all staff in Children’s Social Work to ensure that they are informed of the procedures to follow in response to receiving of child care and protection referrals, and subsequently to progress a child protection investigation, up to and including the forum of a Child Protection Case Conference. Changes from previous versions were added in November 2018, “to account for organisational changes in Children’s Social Work and Police Scotland” and in October 2019, when a section was added about the use of the Mind of Your Own App, “to provide opportunities for a young person to express their view as part of the child protection process”.
- 129)** Child Protection Procedures V3 in Aberdeen City, approved November 2018, this version is identical to the version from the previous month (**128**), but has the addition of a box informing that a review is to take place in February 2020 “to address practice about the checking of personal contact details in response to recommendations following a data protection breach.”

#### **Identifying lessons/changes following internal investigations**

Any lessons learned or changes would be incorporated into policy review. There is no evidence of a policy review in response to one specific investigation, rather policy review would be made for a variance of reasons: changes to legislation, national guidance, designated review, complaints, specific incidents, as well as investigations.

#### **Implementation of lessons/changes following internal investigations**

Within the whole service team meeting there is a continued professional development element where changes in practice are focused on. Within specific team meetings, discussion around practice development is also incorporated. Reflective learning from case discussion and changes in policy and procedures are key.

#### **Compliance**

New staff members engage in the same training as foster carers they are also encouraged to participate in facilitating training to foster carers which incorporates safe caring and allegations against foster carers. Within this it is stipulated, the extent of compliance expected as per policy. Within this the limits are set out terms of information sharing.

- 312l)** Contract of employment dated March 2020 shows an updated version of the contract which explains confidentiality of information, professional registration, codes of conduct and grievance and discipline procedures. Compliance in the procedures are confirmed in the declaration by the employee.

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**(ii) Practice**

**Past**

- a) **Did the local authority adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?**

Not known.

- b) **Did the local authority adhere in practice to its policy/procedures on the following:**

i. **Approach to/process of internal investigations**

- 15a)** NESPC minute dated 6 March 2006 outlines a Health and Social Work Joint Report presented to the committee in relation to a serious child protection case review commissioned by Aberdeen City Council and NHS Grampian.
- 312m)** NESPC minute dated 3 March 2008 provides details of Significant Case Review protocol being agreed and states that one such review had commenced in Aberdeen City.
- 84b)** NESPC minute dated 1 December 2008 states that the Significant Case Review for Aberdeen was "awaiting sign off from Procurator Fiscal before it can be progressed".

ii. **Identifying lessons/changes following internal investigations**

- 313)** The minutes of a meeting held on 19 May 1995 to discuss the processes followed and to identify areas of concern, following the removal of children from foster carers. A number of concerns are identified with regards to the appeals procedure, and recommendations made.

- 15a)** NESPC minute dated 6 March 2006 in relation to a serious child protection case review commissioned by Aberdeen City Council and NHS Grampian states that:

"The report (a) provided background information in relation to the Inquiry; (b) outlined the remit, scope and methodology of the review; (c) outlined in detail the history of the parents, the Chronology, significant events and analysis; and (d) had attached in tabular form, details of the recommendations and action plan.

"During the discussion which pursued, it was noted that the process was a learning curve for all those involved and that the review revealed concerns in relation to communications, understanding of other professionals roles and responsibilities and maintaining records".

iii. **Implementation of lessons/changes following internal investigations**

- 15a)** NESPC minute dated 6 March 2006 in relation to a serious child protection case review commissioned by Aberdeen City Council and NHS Grampian states "...that work to address the recommendations and actions contained in the report have already been undertaken; and (3) that it was now necessary to monitor practice and procedures and to ensure that the recommendations are taken forward".

- 106a)** NESPC Minute dated 1 June 2009 states that:

"The Committee had before them for consideration, a paper which outlined the recommendations from Significant Case Reviews.

"The paper (a) revealed that there had been a total of 100 recommendations made, which were generated from ten Significant Case Reviews in the NESPC area, (b) outlined the current position which indicated that 76 recommendations have had completed actions

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recorded and the remaining 24 were being progressed with expected completion dates identified in 2009, (c) explained that the recommendations had not previously been considered using the SMART formula, which led to ambiguity in relation to understanding what was required for some recommendations, and (d) advised that all future reviews would be addressed using the new Significant Case Review protocol and Terms of Reference documents".

#### iv. Compliance

##### 15a, 312m, 106a and 84b)

Compliance can be demonstrated in the multi-agency meetings of the NESCP and CPC where any Significant Case Review's would have been considered and any recommendations discussed for implementation and disseminated for action.

173c) North East of Scotland Child Protection Committee action plan phase 1, 2011-2013 (2013), Pg 19, states that the Social Care Institute for Excellence 'Better Together' had been undertaken and completed in July 2013.

173d) North East of Scotland Child Protection Committee action plan phase 2, 2013-2015 (2015), Pg 14, gives details of an audit of Significant Case Review (SCR). This was to be completed by assessing GIRFEC tools – chronologies, well-being indicators and child's plans. The plan outlines timescales and completion dates in February and December 2014 with the audit being fully completed in March 2015.

313a) <https://www.scie.org.uk/children/learningtogether/clients.asp#scotland> Confirms Aberdeen City as having worked with the Social Care Institute for Excellence on "Learning Together".

#### v. Response (to child and abuser)

Not known

#### vi. Response to complaints (including response by local authority)

Not known

#### vii. External reporting following internal investigations

It is a requirement that internal investigations be reported to the Care Inspectorate. Where there is criminality, this would be reported to the police, although ACC cannot carry out internal investigation prior to police completing their investigation.

<https://www.careinspectorate.com/index.php/notifications> states:

"The Care Inspectorate, on behalf of the Scottish Government, acts as a central collation point for all SCRs carried out by CPCs in Scotland from 1 April 2012. The Care Inspectorate are responsible for reviewing the effectiveness of the processes for conducting each SCR and reporting informally to individual COGs and CPCs on good practice and support continuous improvement agenda. The Care Inspectorate will also conduct a biennial review of all SCRs completed in Scotland, and, report nationally on the key learning points for the benefit of relevant services across Scotland and the Scottish Government. The updated National Guidance for Child Protection Committees conducting a significant case review requests that on completion of the significant case review, a copy of the full SCR report is sent to the Care Inspectorate".

#### c) How was adherence demonstrated?

There is some evidence of adherence to practice, which can be found in children's social work records retained by the authority for looked after children, over the years.



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**d) How can such adherence be demonstrated to the Inquiry?**

There is some evidence of adherence to practice, which can be found in children's social work records retained by the authority for looked after children, over the years.

**e) Were relevant records kept demonstrating adherence?**

There is some evidence of adherence to practice, which can be found in children's social work records retained by the authority for looked after children, over the years.

**f) Have such records been retained?**

Yes

**g) If policy/procedure was not adhered to in practice, why not?**

**Present**

**h) With reference to the present position, are the answers to any of the above questions different?**

**i) If so, please give details.**

**173d)** North East of Scotland Child Protection Committee action plan phase 2, 2013-2015 (2015), Pg 14, gives details of an audit of Significant Case Review (SCR). The audit being completed in March 2015.

**313b)** Foster Carer Review Minute dated 13 March 2019 provides details of a review. This review was held after complaints had been received to the service (see document **310h**– complaint). The minute identified issues within foster care placements which needed to be addressed. The outcome of the review was to maintain the foster carer's registration. It is known that a further recommendation will be made to the panel of de-registration.

#### **4.9 Record keeping**

##### **(i) Policy**

##### **Past**

##### **a) What policies and/or procedures did the local authority have on record keeping in relation to foster care?**

- 29)** Public Assistance Circular 1934 – page 5, lists notifications that were to be sent to the Central Register of Boarded-Out Children which the Department had maintained since 1918. The document also mentions the existence of specific forms to be used for the notifications.

The Council adhered to the requirements for record keeping as laid down in the Social Work (Scotland) 1968 and subsequent Acts.

- 102)** Client Access and Ethical Recording Policy and Procedures Operational Manual dated April 1989 contains the overall policies and procedures for record keeping, record retention and accessing records.
- 313c)** Case Recording Guidance Notes, undated but circa 1990, explains that the “CASER recording system was first introduced into the Social Work Department in 1987”. Under the “Basic Principles” it states that “Social Work records should reflect the kind of service offered, be structured in style and open to service user access.” The document gives basic information on access, recording, the case file sections and the Initial Agreement and Review/Assessment Forms.
- 104)** This document dated October 2002, contains procedures for monitoring of children's CASER (case recording) records, case closures and lists retention periods for different types of children's social work records.
- 173b)** NESPCPC minute dated 2 March 2009 states “The Committee had before them for consideration, a report prepared (from the), NESPCPC Office, relating to the information management of the Child Protection Register.

“The report (a) advised that the new access Child Protection Register was located within the NESPCPC Office at the Aberdeen Exhibition and Conference Centre, (b) indicated that information added to the Register was received by Aberdeen City, Aberdeenshire and Moray Council's CareFirst Systems, (c) stated that at the present time, the Register was only receiving automatic updates from Aberdeen City Council... (d) explained that there continued to be dual input into both the old and the new registers until the new register has been fully tested and audited, which may be concluded by the end of March, 2009, (e) advised that monthly audits on both registers continue to monitor the accuracy of input, (f) indicated that more detailed reports to include the number of children on the register affected by potential drug/alcohol use as well as domestic abuse and mental health issues was expected to be provided, and (g) explained that in addition to the aforementioned reports, it was hoped that new reports would be created as and when necessary to monitor and analyse the information held on the database appropriately”.

- 314)** Case Recording Policy 28 September 2009, the policy refers to the Child's CASER file, containing all information gathered pertinent to social work. It notes that: “Social work records should reflect the type of service offered, be structured in style and open to Service User access. The case recording format is not just a way of recording but represents a defined philosophy in social work practice. The Service User agrees defined objectives with the relevant Worker. Clear decisions are reached and the justification for them is clearly stated. The whole process is recorded so that the information is accessible to Social Work Service Representatives who need to have access to such records in order to perform their duties in

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- providing the services which the Service User requires and also to recognised third party professionals with whom the Social Work Service works jointly in assisting the Service User.”
- 314a)** Criteria for Closure of Cases document dated January 2009, has a note on the final page regarding process issues which specifies that:
- The team senior should audit all cases prior to closure
  - When a case is closed, work undertaken and areas addressed should be recorded in a closure summary. This should include the views of the professionals involved, and the views, wishes and feelings of the child and their parents and carers.
  - A formal letter of case closure should be sent to all parties involved by the social worker.

**18)** Case Recording Policy dated 2012 contains policy and processes on accountability and purpose of case recording, contents of the social work record and exclusions from the social work record retention and auditing schedules for records.

**315)** This document is another example of the Case Recording Policy dated April 2014.

**103)** Dated August 2011 and **316)** A later version dated August 2012 contain the standards for Core Case Recording which are an integral part of case recording policies and procedures.

Electronic records were kept by the council, initially through legacy systems SWINDEX Childcare, these were replaced on 13 December 1999, by CareFirst, an electronic information management system (**Doc 317**). The system records personal data for each child and foster carer and allows observations to be recorded by the social worker, replacing the need for typed case notes.

**318)** Is an example of the data input into CareFirst for Looked After Children, Looked After Episodes from 2004.

**318c)** 2003 CareFirst guidance on the use of copy and paste.

**318a, 318b and 318d)** 2004 CareFirst guidance **318a)** Chronologies **318b)** transferring cases between teams 2004.

**318d)** Undated but circa 2004, CareFirst guidance, finding people on CareFirst.

**318e)** Aberdeen City Chronology (c.2014) undated but circa 2014, is the template for use in recording a chronology of significant events. This would be retained in the social work case file.

**b) What policies and/or procedures did the local authority have on record keeping by foster carers?**

**319)** Foster carers were expected to fill in review forms, before each Child in care review. An example dated 1995 is **319a)** and dated 2006 is document.

**26)** The Foster Carer Handbook 2007 (Pg 30):

##### Life Story Materials / Recording

“Social Workers and Foster Carers can do a great deal to help the child to develop a sense of him or herself as a person, understanding of their family and why they cannot live with them. Such information is recorded in what is known as a Life Story Book. This book belongs to the child but you may offer to keep it in a safe place as photographs and keepsakes cannot always be replaced. Each child in placement should have their own Life Story Book. You should be encouraged to become involved in compiling a life story book for the child in their care or for adding to an existing book with photos and mementoes from the present placement. The style of the Life Story Book should take into account the child’s age and maturity.

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“Temporary Foster Carers act as a ‘bridge’ to the child holding onto the child and his or her past, before the child moves – be it a return to his or her birth family or permanent family. It must be remembered that a Life Story Book cannot take the place of contact with Parents, Relatives and other important people from the child’s life, it can only form a good basis for further work with the child. How the task is to be undertaken, should be agreed between the Carer and the child’s Social Worker.

“Information compiled by Foster Carers might include:

- Family trees and photographs the child might have.
- Developmental milestones, for example, when the child cut his or her first tooth, learned to walk unaided, what was his or her first word etc.
- Injuries, illnesses, or hospitalisations, injections, letters from clinics/hospitals.
- Favourite activities and pastimes such as games, sports, Brownies, Cubs, crafts, music etc.
- Favourite Birthday and Christmas presents.
- Favourite friends and playmates at any particular time.
- Pets in the family.
- The ways the child showed feelings, the ways he or she liked to show affection
- Pictures of foster family and pets.
- Pictures of foster home and neighbourhood and school.
- Pictures of the child with the foster family, not forgetting others closely involved in the child’s life in the foster home (on the back of each photo should be written the date, the place where it was taken, and names of any people who appear on it).
- Humorous incidents, child’s antics.
- Special trips or holidays with the foster family. When you are on holiday, the child should be encouraged to write or draw a picture on a postcard or write up some special visit. The card should be dated and stored safely for the future.
- Child’s contact with birth relatives, take pictures if possible.
- Names of Teachers and schools attended, school reports, any prizes won by the child, comments made by teachers at parent contact evenings.

“Keeping a personal record about the child’s experiences can be done in a more systematic way by a brief weekly or monthly diary or by writing up significant events. For instance, the child’s first arrival in your home, who brought him or her, what were his or her favourite foods, and clothes. When writing up the diary it is important to be truthful about the circumstances of the child, although the more painful issues need to be tackled with sensitivity. As a general guide, always start with the positives.

“Memories of childhood can also be preserved by keeping some of the child’s important belongings, for example items of baby clothes, swimming and cycling certificates, all other documents of childhood which can trigger off memories in later years. These could be stored in a personal folder for him or her. Letters and postcards, because of their flimsy nature, are often mislaid or destroyed. Any letters or cards from the child’s family or friends giving family news or addresses should be kept. Special books, particularly if a present from a Parent or Relative, should be put away, and stored for the future. The pictures that children draw are useful reminders of their development. Some should regularly be saved with dates on the back and kept in the personal folder.

“Perhaps the most personal item to a child is his or her ‘comforter’, be it a chosen blanket, pillowcase or teddy, which gives the child a special sense of security when young. Often these items get mislaid or thrown away when the child moves, because they are too shabby. Even when a child seems to have finished with or outgrown the ‘comforter’ it should still be kept for use in times of stress and as a tangible reminder of childhood.

“It is the Social Worker’s duty to obtain information about the child’s birth family and his or her past experiences. This, together with information kept by you, will help the child in forming a secure sense of his or her history. However every child has a right to privacy and may not wish

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to make a Life Story Book. This is their choice and they should not be pressured into doing it though often young people who have left 'care' say they wish they had done it.

"You can be involved in training to help them develop skills in preparing Lifestory books, etc. Please ask your Link Worker for next available dates of training courses on Life Story Work".

And on Pg 59:

The Confidentiality and Access to Information section provides guidance for foster carers on Information sharing and the storage of confidential information. A record was to be kept by the foster carer for each child in placement in a diary provided by the link worker. The amount of detail recorded was dependant on the care situation. The reasons for keeping these records are listed as:

- "Enable a clearer picture to emerge for assessment, this will help the child's Social Worker when planning for the child's future.
- Helps to monitor the child's growth and development and provides evidence of special developmental or health needs which may not have been noted previously.
- Enables you to contribute to Social Workers' reports, Children's Hearings, Review meetings, Case Conferences or other meetings that you are asked to contribute to.
- Enables you to contribute to the assessment of potential or actual child abuse.
- Clear and accurate record keeping will help you to give evidence in Court, if/when asked to do so.
- You are the 'keepers' of the child's memories of his or her experiences with them. Recording of the child's childhood experiences is particularly important for children who move to permanent families.
- May help to protect you and your family against allegations made against them by children, their Parents or others in the community".

It is also noted what should be recorded:

"All daily events, which may be significant in order to form a better understanding of the child and his or her needs:

- Child's reactions to you and members of your family.
- Child's daily routine, eating, sleeping, bathing, play etc, any significant reactions or behaviours related to the care he or she is receiving.
- Child's reactions to school, playgroups, nursery school.
- Child's reactions to his or her Parents and other members of his or her family.
- Contact with his or her Parents, members of his or her family and friends, child's reactions to such contacts before, during and after.
- Child's behaviour in a variety of situations; patterns may emerge, which help to remove the trigger which causes disturbed or difficult behaviour.
- Disclosure of incidents, which may have happened to the child. These should always be written down as soon as possible afterwards, using the child's own words.
- Any illnesses, even minor ones, treatments, contact with health professionals, visits to clinics, hospitals etc.
- Accidents and injuries, how these happened, any treatment given.
- Damage caused by the child's actions to property or belongings. This is important for the purpose of making an insurance claim.
- Happy events in the child's life, positive reactions to situations, achievements at school and at home, fun events, special relationships, particular skills and interests the child has.

"Keep any items the child brings home from school in a separate folder. They may not seem important to you but they often are to the child. The child should be encouraged to share them with Parents and take them at the end of the foster placement".

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- c) In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?**

Yes.

See responses to 4.9 (i) a) and 4.9 (i) b).

Specific procedures and policies were recorded in the form of minutes at committee minutes, leaflets, booklets and memos. In more recent times, since the advent of IT and the internet, policies and procedures are accessible online.

- d) What did the policies and/or procedures set out in relation to record keeping on the following:**

**i. Children in foster care**

See response to 4.9 i) a) and 4.9 i) b).

**102), 314), 18) and 315)**

Case recoding policy provide clear guidance about how records should be written, retained and stored.

- 29)** Public Assistance Circular 1934 – page 5, lists notifications that were to be sent to the Central Register of Boarded-Out children which the Department had maintained since 1918. The document also mentions the existence of specific forms to be used for the notifications.

- 320)** Document dated September 2001 gives guidance on the record keeping for Looked After Children Reviews, it notes that "Using and completing the L.A.C. materials cannot be viewed as an exercise in form filling. If approached in this way, the system will only be a bureaucratic nightmare that will ultimately disadvantage children. Both individual practitioners, carers, service providers and the Department as a whole have a responsibility to ensure that the system is working effectively and that the component parts of the materials are completed timeously and to a high standard."

- 320a)** Looking After Children in Scotland Essential Background Record is the template to be completed when a child or young person is first looked after away from home by the local authority. This version is circa 2002.

- 320b)** Child Protection Case Conference Review Report template dated 2004. This is the template the social worker would fill in, prior to a child protection case conference.

- 321)** BAAF Form E, part 1 and 2, which was adopted by the local authority, records all the information about a child's situation explaining why permanence is being considered, this document from 2007, has instructions for filling it in.

- 84a)** NESPC Minute dated 2 June 2008 provides guidelines for transfer of record cross authority:

- "where a child and their family move from one Scottish authority to another then:- (a) if the child is on the Child Protection Register, the case file must go with the child; and (b) if the child is subject to a supervision requirement, the case file must go with the child;
- transfer child protection case conferences are specific for the transfer of information about a registered child and de-registration cannot be considered. Only a review case conference can de-register a child; and
- where a child was on the child protection register previously but in another area, the receiving authority should request the child's file from the previous authority (if still available)".

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**322)** LAC minute template (2014) provides a template to be used for a Looked After Child Review minute.

#### ii. Foster carers

**323)** In the 1930s to 1940s a Register of Guardians was kept by the Council, detailing the names and addresses of all registered guardians. Records of visits conducted by the Children's Officer to the children cared for by the Guardians are recorded within this document.

#### iii. Visits to children and foster carers

See response to 4.2 i) d. xiii and 4.2 i) b. xiii.

Visits to children and foster carers would be recorded in individual social work records or on the electronic recording system CareFirst. Where there is a statutory requirement to visit the foster child under a compulsory supervision order, these visits would be recorded electronically on the CareFirst system.

There would be records of visitation in the Register of Guardians between 1930 to 1942. Visitation policy would also be discussed within council minutes.

**75)** Public Assistance Committee Memo 1936 states "Where a local authority board-out a child in the area of another local authority, they shall make suitable arrangements for the child's supervision. Such arrangements shall include provision for the child to be supervised by some reliable person resident in the district where the child is boarded-out, and for the person by whom the child is supervised to furnish to the local authority a report every six months on the matters specified in paragraphs (a) to (h) inclusive of Article 23 of these Regulations.

"Some consideration has been given to the best method of complying with these regulations, and it is suggested that for the first year, at all events, the Doctors resident in the various districts should be requested to perform the duty and furnish the reports referred to".

**78f)** Grampian Regional Council Social Committee Minute 5<sup>th</sup> June 1986, section 17: The Committee note the new regulations; the Boarding out and Fostering of Children (Scotland) Regulations 1985.

During the 1980's on, visits by the social worker to the child in foster care, can be found in children's social work records under the casenotes section, in the child's plan or foster care agreements. The numbers of visits are statutory as well as tailored to the child's needs.

**102)** Client Access and Ethical Recording Policy and Procedures Operational Manual dated April 1989 has on page 15, the guidance for Contact Records, noting that contact records are "designed to be the main information sheet for all contacts in relation to the user and it is for "short summaries to record all incoming/outgoing messages, letters, etc., visits, discussion with the user and others."

**59)** Inspection Report 27 November 2007 "Annual unannounced visits were being carried out for each carer and appropriately recorded. The foster carers spoken with as part of the Inspection confirmed that they had received said visits." Annual unannounced visits have continued until the present day.

#### iv. Complaints

**284)** A circular that underpinned how Statutory social work complaints were handled (1996) explains the timing of when complaints were dealt with in a more organised fashion. There is no clear evidence of who would have been in charge of complaints handling historically. However, it is known from some historic complaint responses that the Head of Service responded to complaints, as did the Chief Social Work Officer, although it is unclear whether they would have undertaken the investigation, or whether that was carried out by other staff. It

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is also known that those who were unhappy with complaint responses would have been afforded the opportunity to attend a Complaints review Committee.

**310a)** 'Investigating Complaints by Service Users Against Employees' (July 2001) provides the process for internal investigation under Managing Discipline Policy and Guidance for staff.

**298)** Managing Discipline Policy and Procedure (October 2012) provides the policy on the disciplinary process for ACC staff.

#### **v. Investigations (both internal and external)**

**310a)** 'Investigating Complaints by Service Users Against Employees' (July 2001) provides the process for internal investigation for staff.

**98)** From Guidelines for Managing Allegations of abuse against a foster carer (2002) it is known that:  
"2.1 Referrals of actual, suspected or alleged child abuse of a child who is looked after in foster care must be the subject of immediate investigation by the Social Work Service. It is normally the responsibility of the Team, which has statutory responsibility for the child to carry out such investigations..."

"2.4 If an allegation of abuse by a foster carer is received, the Neighbourhood Team Manager and the Team Manager (Residential and Family Resources) must be informed immediately. The Neighbourhood Team Manager will inform the Head of Service (Health and Care) Neighbourhood Services South through the submission of a Significant Incident Form to enable consideration of continuation of registration..."

"3.1 It is a Social Work Manager or the Assistant Social Work Manager (Fieldwork Services) responsibility to convene a strategy meeting which they will chair, attended by Senior Social Worker for the child; Social Worker to the child; Linkworker to the Foster Carers; Senior Social Worker (Fostering and Adoption Services) the Children's Rights Officer (if appropriate) and any other relevant persons to review the allegation and information held. As with child protection case conferences information will be held in line with open access policies and this should be emphasised by the chair in advance of any minute being taken.

"4.1 Following the Post Investigation Strategy Meeting the Assistant Director of Social Work will be updated and the Foster Carers and parents (when relevant) should be advised of the outcome of the investigation within seven days of its completion by the Linkworker and their Senior. In addition the Social Work Manager/Assistant Social Work Manager responsible for Fostering Services should send written confirmation of the outcome of the investigation to the Foster Carers. A copy of this letter should be sent to the Linkworker for the Foster Carers for placing in the Foster Carers' file..."

"4.4 Irrespective of the outcome of the investigation a Children's Review must be convened to consider the implications of the investigation for the child's placement. The minutes of which should then be passed to the Adoption and Fostering Panel for information.

"4.5 In the event of a Child Protection Case Conference being held the Foster Carer should be invited to contribute a statement either verbally or in writing outlining their view of the incident which has occurred. Foster Carers attending all or part of the Conference may call upon a friend or representative as a support to be present during their attendance".

#### **324) and 325)**

Record of Investigation process documents dated 2002 and 2006, record the processes regarding the recording of information for a Record of Investigation, whenever a child protection investigation was held. The documents would be retained within the child's file.

**173b)** NESPC minute dated 2 March 2009 (pg. 8) states in terms of continuous improvement, "(c) that an initial recommendation log in terms of the HMle Inspections across Scotland had been



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established, and (d) that a recommendation log had been produced to maintain an overview on progress by the NESPC in implementing key recommendations from the local HMIe Inspections".

**311b)** NESPC Minute dated 7 December 2009 states "the Committee had before it a report which outlined the progress which had been made in implementing a significant case review process and identified the constraints which had been experienced in identifying suitably experienced review chairs. The report set out the background to the review and it was noted that a number of reviews had taken place in recent years. The report advised that the portfolio group had introduced:- a detailed protocol which was continually evaluated; defined quality standards; introduced an audit tool to track implementation and progress of review recommendations; and had provided practitioner seminars informing frontline staff of key messages.

**298)** Managing Discipline Policy and Procedure (October 2012) provides the policy on the disciplinary process for ACC staff. It describes the scope and principles and the process of an investigation. Page 8-9 of the document provides details of the retention of any disciplinary warnings issued under the disciplinary process.

#### **vi. Discipline**

**310a)** 'Investigating Complaints by Service Users Against Employees' (July 2001) provides the process for internal investigation under Managing Discipline Policy and Guidance for staff.

**298)** Managing Discipline Policy and Procedure (October 2012) provides the policy on the disciplinary process for ACC staff. It describes the scope and principles and the process of an investigation.

#### **vii. Responding to requests from former children in foster care for information/records**

This would have been done in line with all other requests for access to records. If the child was in foster care, this would have been done by the social worker, this was the practice c. 1989. Closed cases were done in line with all other cases, no special dispensation was made if someone was in foster care.

**102)** Client Access and Ethical Recording Policy and Procedures Operational Manual dated April 1989. There is information on "Access to the Record" on page 12. The guide notes that "The Department will provide access to all user files opened after 1<sup>st</sup> April 1989. Records created before this date will not be available for access, unless they contain information necessary to make subsequent records intelligible." Appendices 4 and 5 contain the forms that were to be filled in by the person accessing their records and information on how long it would take for the person to view their records.

In February 2012 the process was formalised when a senior complaints rights and enquiries officer within the social work complaints rights and enquiries team, took over the management of social work closed case requests, on behalf of the Chief Social Work Officer (CSWO).

#### **viii. Other issues relevant to foster care**

1999 saw the implementation of the current electronic information management system, CareFirst. This system allows for targeted searches held on individuals. Limitations are recognised, legacy data pre-dating 1999 is complex. Historical foster carer records do not record who was placed in their care – it was recorded on the child's record as a placement and not in the foster carers' record. With the implementation of CareFirst, a search can be carried out which shows the placement. For older records it is almost impossible to determine which children were placed with a particular foster carer.

For example, a request for a list of every child placed with a particular foster carer: If the case pre-dates the electronic system, the information would be held in the individual child's social work record

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rather than listed in the foster carer's file. This means to identify all placements with a particular foster carer may not be possible. Since CareFirst was introduced, searches for these types of specific data sets are more achievable – for example searches can be done for every person who has ever been resident at a specific address.

**e) Who compiled the policies and/or procedures?**

Procedures were agreed at the meetings of Committees within the Council, such as the Committee of Public Assistance Education and Children's Sub-Committee. There was also an appointed Children's Officer who would be in charge of informing the Committee of changes in the Law and seeing that these were applied procedurally.

In later years the policy and procedure booklets would have been compiled by the staff in the Fostering or Family Finding department, or specific working groups set up with the task of writing new policies.

**f) When were the policies and/or procedures put in place?**

Policies and procedures would have been put in place once agreed upon and ratified.

The policies and procedures were put in place throughout the lifecycle of the Authority. Policies were put in place in response to legislation, organisational change, restructure, disaggregation, and in response to academic research and reviewed theories.

An example of this are the policy and procedures for Case Recording, there are versions for 2001 (104), 2004 (327), 2011 (326), 2012 (18).

**g) Do such policies and/or procedures remain in place?**

Yes.

**h) Were such policies and/or practices reviewed?**

Yes.

**i) If so, what was the reason for review?**

There were different reasons for review. In response to legislation, national guidance, designated review, complaints, specific incidents, or investigations. Changes were also made to establish best practice or where deemed to no longer be fit for purpose.

There is no singular reason. Policy is reviewed to ensure that they captured any change in directions for staff and how they go about their business. An example of a review being undertaken is:

**313c)** Case Recording Guidance Notes, undated but circa 1990, explain that with regards to the CASER recording system, it was found, following a social work review, that within the department there were a number of variations of CASER being used in different sections and there had been a lack of training for staff in the use of CASER. A working group was established to look at written recording systems and to support the work of staff on "all service user based areas of activity".

**j) What substantive changes, if any, were made to the policies and/or procedures over time?**

The case recording policy was updated over time to reflect changes to policy and procedures. These can be seen in:

**104)** 2001  
**327)** 2004

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- 326) 2011
- 18) 2012

**327a)** Retention Policy 2009, provides the retention periods for social work records. This policy states that records for looked after children are 100 years from date of birth or 25 years from date of death if the child dies before attaining the age of 18 years.

Prior to 2009, the retention period for records of looked after children was 30 years from their 18<sup>th</sup> birthday.

**k) Why were changes made?**

Changes were made for a variance of reasons. In response to legislation, national guidance, designated review, complaints, specific incidents, or investigations. Changes were also made to establish best practice or where deemed to no longer be fit for purpose.

See response at 4.9(i)j

**l) Were changes documented?**

Yes.

**m) Was there an audit trail?**

**317)** Chief Executives Report 8 March 2000 is an example of a document reviewed every few months, having been reviewed on 05/10/2011, 29/01/2012 and 23/08/2012.

#### Present

**n) With reference to the present position, are the answers to any of the above questions different?**

Yes.

**o) If so, please give details.**

**328)** The record retention policy was changed following a request by the Scottish Child Abuse Inquiry, on 21<sup>st</sup> October 2015. There has been a "Destruction Hold" for any ACC records which may be of interest to the Scottish Child Abuse Inquiry and notification that this must be retained indefinitely. It is understood that the Scottish Child Abuse Inquiry may at any point order ACC (by means of a s.21 notice under the Inquiries Act 2005) to produce such records. This includes any disciplinary investigation paperwork that may be held.

**328a)** The moratorium on the destruction of any record relating to children in care, which is currently still in place. This document also provides an overview of the records kept for Looked After Children and for foster carers.

**329a)** Guidance was created in 2015 by one of the administrative staff, to help administrative staff file documents correctly in the right sections of the child's caser file.

**328b)** From 14 March 2018 only electronic copies of children's records are kept and no paper copies are retained within the child's Social work record. The only exceptions to this, are documents such as Birth Certificates, Freeing for Adoption orders and original letters from Birth Parents.

**142)** Is the current version of Case Recording Policy for Social Work Records dated March 2019 and

**329)** is the record retention policy, dated 15 July 2019.

**181a)** AFC Report 2019/20 – states that the "Pentana' data recording system is in use for collating information regarding the range of responsibilities and tasks carried out across the Service, to help identify specific areas of demand. This falls in line with the requirement from

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Aberdeen City Council and will be used for in-house analysis as well as contributing to the completion of Care Inspectorate assessments.

"We routinely work alongside Business Support to establish clear and accurate recording of information which can feed into the wider Service collection and analysis of data, which has implications for budgeting, staffing and service delivery. Subject Access Requests is another area whereby the data collection and recording process within this Service has been aligned with other aspects of the Council with help from Business Support".

- 329b)** Information Matters Handbook created in May 2018 and which updates and replaces all preceding Corporate Data Protection Procedures and Corporate Managing Information Procedures.
- 329c)** Corporate Information Policy document dated March 2019, sets out the Council's policy on the use and governance of Aberdeen City Council's information and data.

#### **Children in foster care**

- 330)** This is the template to be used by minute takers, taking minutes at an Adoption and Permanence Panel meeting, dated December 2015.
- 331)** This is the template for a Looked After Child Review minute dated 2016, a change has been made to the version from 2014.
- 322)** LAC minute template 2014 has a new version of the child's Action Plan
- 332)** Shows the most current Foster Carer Review Form dated 2017, which foster carers are expected to fill in prior to a child's Looked After Child review.
- 332a)** CareFirst guide "Recording Requirements for Looked After Children" dated January 2017, notes which forms have to be filled in when a child first becomes looked after (AC1 form), every time a child changes placement and when a child is discharged (C3 forms).
- 138)** Guidance for social workers preparing reports requested by the Scottish Children's Reporters Administration (SCRA), dated November 2019.
- 333)** Many of the records related to fostering are currently being held at Aberdeen City and Aberdeenshire Council Archives, this document shows the process for transferring such records to Archives for permanent preservation.
- 334)** In recognition of feedback and the lived experience of care experienced people when receiving their records; exacerbated by historic and legacy case recording practices and lessons learned and case examples from social work record reading in response to Right to Access – Subject Access Requests and The Scottish Child Abuse Inquiry. Aberdeen City Council are influencing and transforming how records are being written. The "Future Proofing Records" project led by Aberdeen City Council's membership includes Robert Gordon University, SCRA, Police Scotland, NHS Grampian and Barnardo's. The project is transforming how records across agencies are being written and co-produced with those who the record is written about. The project includes members of the champions board and Who Cares? Scotland ensuring that care experienced people's voices are central and influential to the design and implementation of the project.  
  
Aberdeen City Council has reviewed its training programme for social work staff and has developed a multi-agency training portal. Robert Gordon University, Social Work syllabus has been reviewed and new modules are live for social work students.
- 335)** The new guide, "Professional Writing: A Guide for staff working in Children's Social Work," went live in January 2019.

**Foster carers**

- 336) Foster Carer Review form F1, dated 2016, to be filled in by foster carers, prior to a review and supervision meeting.
- 337) Template for the foster carer supervision meeting, dated 2016.
- 338) This is the referral form for a Kinship Care Assessment, dated March 2016, to be completed by the child's Social Worker and sent to the Alternative Family Care Recruitment and Assessment Team. It comes with the proviso that in submitting this referral the Social Worker "is confident that the proposed kinship placement is suitable for the needs of the child."

**Visits to children and foster carers**

- 339) Guide dated October 2016, for adding Observations (also known Case Notes or Contact Records) onto CareFirst. Observations are where the social worker records details of any meetings or conversations with or about the client, including all visits.

**Complaints and Investigations (both internal and external)**

- 339a) Managing Discipline – Guidance for Managers (March 2019) is an updated policy on disciplinary procedures when a complaint is made about a staff member and the investigation process. This details how records should be retained within staff records.

**Responding to requests from former children in foster care for information/records**

- 340) The Request Handling Process dated 2017 from Aberdeen City Council's intranet webpages contain the procedure for dealing with incoming requests for information.
- 341) Freedom of Information Request is the 2019 version of the same document which can be found online in Aberdeen City council's public webpage.
- 342) A message from the Senior Access to Information Officer on Aberdeen City Council's intranet website, dated 24 April 2020, informing of temporary amendments to FOI Law due to the Coronavirus (Scotland) Bill, including an extension to the maximum timescales for local authorities to respond to reviews and requests from 20 to 60 working days.
- 343) Appropriate Access to Care Records Improvement Project: Increase the % of children, young people and adults who report that they feel supported when accessing their records by 2022.

Question 4.9-Record Keeping-(ii) Practice

**(ii) Practice**

**Past**

- a) Did the local authority adhere in practice to its policy/procedures in relation to record keeping?**

Yes, although it cannot be confirmed categorically that all policy and procedure were adhered to consistently.

- b) Did the local authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?**

Not known.

- c) Did the local authority adhere in practice/check adherence in practice to its policy/procedure in relation to record keeping on the following:**

See response to 4.1 viii, 4.2 i) d. xix, 4.2 ii) b xix.

Policies and procedures were recorded in the form of letters, committee meeting minutes, booklets and memos. In more recent times, since the advent of the internet, policies and procedures are accessible online.

It is not known if the Local Authority consistently adhered in practice or checked its adherence to practice in relation to record keeping. From accessing records there is evidence of variance of practice across the timeframe.

Adherence can be shown in records retained for children who were fostered and would have been kept within the child's social work record, the caser file, in the form of case notes, reports and assessments.

From December 1999 a social work information management system, CareFirst went live, from this period on hard copy records and the electronic record show adherence to practice. From accessing records there is evidence of variance of practice across the timeframe.

In 2005, in order to evidence quality assurance checks on service user records in CareFirst, the facility was made available to record QA checks in the Observation (case notes) screen. Those responsible for overseeing case recording standards were then able to document on the system the date of the check and add any notes about what they found while carrying out the QA check.

**i. Children in foster care**

**344) and 345)**

Closure Label dated 1994: Whenever a case is closed, the child's caser file is to be checked and signed off by the social worker. The file is then signed off by the social worker's manager before being sent to Central Records for archiving. It is recognised that there can be lack of consistency with this process.

- 345a)** CPC Minute dated 4 October 2013 states that an audit was carried out on a sample of 18 children's social work records. Randomly selected from children on the Child Protection register on the selected date of 31 March 2012. The tool used in the process was based on the Quality Indicators from the HMle document, "How well do we protect children and meet their needs?". The audit looked at the recording and improvements that could be made to the recording process. Areas considered were: Chronologies; Assessment of Need/Assessment of Risk; Analysis; User's Views; Multi-agency working and Information Sharing; Child's Plan; and Child Protected and Outcomes Improved

#### Question 4.9-Record Keeping-(ii) Practice

##### ii. Foster carers

See response at 4.9(ii) c) i

Information regarding the foster carer's dealings with the child would be recorded within the child's caser file. Information was also recorded within the foster carer's own record.

- 229)** Review of Foster Carers dated 2008, containing the procedures for the review of foster carers, has in an appendix A, a note of checks required, such as Disclosure Scotland checks and Local Authority Checks, every 2 years, as well as a health and safety check of the foster carers' home.

##### iii. Visits to children and foster carers

- 323)** Records of visits conducted by the Children's Officer to the children cared for by the Guardians are recorded within the Register of Guardians dated 1931 to 1942.

Visits would have then continued to be recorded in case notes, which can be found in children's social work record and from December 1999, electronically on CareFirst, the local authority's information management system, under the title "Observations".

- 75a)** Report by the Primary and Junior Secondary Schools Management Committee 8 September 1942, Section (4): "The Chief Attendance Officer reported that he had recently visited the 21 children meantime boarded out by the Education Committee and had found the conditions in each case to be satisfactory. In this connection, the Convener expressed the opinion that not only the Chief Attendance Officer but the members of the Committee in rotation, along with the Director of Education, should periodically visit these children and satisfy themselves that they are well cared for, and, after discussion the Committee agreed to recommend that, in principle, such periodic visitations of boarded-out children should be approved."
- 43)** Foster Care Agreement 16 June 1993: Agreement from a child's file which specifies the number of visits to the child by the social worker, in section 13 page 3.
- 268)** Foster Care Agreement 21 April 2005: A foster care agreement with an external fostering agency (FCA Scotland), page 4 refers to the child's social worker visiting him every 2-3 weeks to support the placement.

##### iv. Complaints

See response to 4.7 ii) e and 4.7 ii) f.

Historic staff records held by HR have been destroyed in line with retention periods. Former employees who anecdotally will have had knowledge are no longer employees of the organisation, therefore we cannot evidence past policy and guidance during this period relating to staff.

Where a complaint has been made about a fostering service being provided this would be handled under the statutory complaints process. In this instance a complaint file would be created and held with the appropriate social work file, either historically as a paper file, or more recently as an electronic file. The complaint would also be recorded on the CareFirst recording system.

- 95)** Public Assistance Committee Minute, September 1943, shows a complaint of physical abuse by a school headteacher against a child who was boarded out. The child was examined by two doctors who provided reports to the committee. Reports were also provided by the headteacher and staff at the school. The Public Assistance Officer visited and examined the child the day after the incident and also provided a report. The Chief Public Assistance Officer and the Director of Education had corresponded with each other and the latter desired a decision from the Public Assistance Committee before taking any action.

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"The committee went carefully through the correspondence and are not disposed to take a very serious view of the complaint...At the same time the Committee question whether the form of punishment accords with modern ideas and practice and they express their concern lest boarded-out children, under their care, should receive different treatment than others. They feel it a duty to emphasise that due allowance should be made for children who have not the benefit of parental up-bringing and that discipline in this case should be specially studied".

- 345b)** Social work records dated June 1980 detailing an investigation of a complaint by a child who accused her foster father of stalking her. This complaint was investigated by the child's social worker and found to have no substance.

**173h, 173i, 173j and 173k)**

From social work records held on the CareFirst recording system, it can be demonstrated that complaints are recorded as a 'form'. The 'forms' have details of when the complaints were received and completed, who made the complaint, the nature of the complaint, and a summary of the complaint to be investigated. The complaints exemplified are dated October 2013, June 2014 and two from October 2014.

**v. Investigations (both internal and external)**

- 98)** Guidelines for Managing Allegations of abuse against a foster carer (2002): investigations would be recorded within Significant Incident Forms and child protection case conferences minutes or Children's Review minutes.

"In addition the Social Work Manager/Assistant Social Work Manager responsible for Fostering Services should send written confirmation of the outcome of the investigation to the Foster Carers. A copy of this letter should be sent to the Linkworker for the Foster Carers for placing in the Foster Carers' file".

**vi. Discipline**

- 28)** Rules for Guardians of Boarded-Out Children 27 October 1932 states that "Indiscriminate or harsh punishment of children will not be permitted on any pretext whatever. Any serious act of misconduct on the part of a child, or any child whose general behaviour is unsatisfactory, should be reported to the Public Assistance Officer". From this entry, it can be determined that at this time records would have been held by the Public Assistance Officer.
- 207)** Entry from a child's case notes dated 28 November 1990, relates to an incident in which a foster carer told the child's social worker that the child she was caring for had hit her and she had responded by pushing him onto a sofa. The social worker had later spoken to the foster carer's link worker "about a need for discussion on ways of handling children".
- 207a)** From social work record, Have Your Say Form August 2001, states that the sanctions used by the foster carer were quiet time, or early to bed. This sanction was accepted by the child and they knew why this had occurred.

**vii. Responding to requests from former children in foster care for information/records**

- 345c)** Closure Summary from a child's records dated May to December 1987, there is a description of the social worker going over the child's records with her, to give the child "a clearer picture of the reasons why she and her brother and sisters had been admitted to care".

**346, 347 and 348):**

The understanding of practice from 1992, taken from a social work record is that the person was invited to look at their record with the social worker. A memo dated 6 July 1992 which discusses the same request states that the person did not have the right of access to social work records, however since he had been a child in care the view was to allow access. When access to the records was removed due to conduct of the person, they were provided details



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of the right to appeal this decision. A local newspaper then published an article with the person's account of the experience.

The CareFirst recording system was implemented from 1999. The system now has capacity to record social work record access requests. These are known as 'Subject Access Requests'. Specific details of the request were recorded on an electronic form, along with details of any letters sent. A paper file was also created which held copies of any correspondence. Copies of the records released to the requester were retained in the 'SAR File'— either a copy of the released or withheld documents, whichever was least in size. Latterly, retaining copies of the released records was reviewed and have been held only as an electronic file since around 2013.

**viii. Other issues relevant to foster care**

**d) How was adherence demonstrated?**

See response to 4.9 ii) c.

There is evidence of adherence to practice, which can be found in children's social work records retained by the authority for looked after children, over the years. From accessing records there is evidence of variance of practice across the timeframe.

**e) Were relevant records kept demonstrating adherence?**

Yes.

**f) Have such records been retained?**

Yes.

**g) If policy/procedure was not adhered to in practice, why not?**

Not applicable.

**h) Did the local authority undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for in foster care may have taken place?**

Prior to the establishment of the Inquiry there has not been any specific project with the objective of reviewing records to establish whether abuse or alleged abuse of children in foster care had taken place.

However, the local authority has carried out routine supervision and quality assurance of cases alongside review of records which have been undertaken for a variance of reasons: in response to legislation, national guidance, designated review, complaints, specific incidents, or investigations. Reviews were also made to establish best practice or where deemed to no longer be fit for purpose. In so doing, the local authority has been able to address allegations of abuse of children cared for in foster care in an objective and subjective manner.

**i) If so, when did the reviews take place, what documentation is available, and what were the findings?**

See response at 4.8 i) d. i, and 4.8 ii) b. i.

There have been disruption meetings held which provide valuable insight into established practice and lessons learned from that particular case. The Care Inspectorate reports have also informed where the service is doing well, and where improvements could be made. Practice has also been informed by Looked After Child regulations, and systems improved in alignment with this.

NESCPC/CP Committees/ ESMT consideration of cases – not only foster care cases to improve practice.

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- 15b)** NESPC minute dated 19 April 2007 states that a “draft database grid of recommendations from two external Significant Incident Review reports prepared by the Development Officer” was presented. It is advised “(a) that the draft grid outlined the recommendations and actions which require to be undertaken; and (b) that three columns of the grid relating to responsibility, timescale and links to other recommendations require to be completed”.
- 312d)** Child Protection Committee Minute dated 7 November 2014 states that following an email from the Scottish Child Protection Committee Chairs Forum, any learning from significant case reviews would be shared. It was agreed that outcomes would be shared via the Child Protection Programme/action plan.

**j) How have the outcomes of investigations been used to improve systems, learn lessons?**

In terms of improvements, ACC has invested in continuous improvement of the fostering service, rather than any specific investigation causing reactionary change. There have been disruption meetings held which provide valuable insight into established practice and lessons learned from cases. The Care Inspectorate reports have also informed where the service is doing well, and where improvements could be made. Practice has also been informed by Looked After Child regulations, and systems improved in alignment with this. BAAF Form F has been used by the team to make assessments and any updates to this template have been implemented to improve practice.

Any lessons learned or changes would be incorporated into policy review. There is no evidence of a policy review in response to one specific investigation, rather policy review would be made for a variance of reasons: changes to legislation, national guidance, designated review, complaints, specific incidents, as well as investigations.

- 312a)** Disruption Meeting Guidelines (2006) states that “Recommendations regarding training or practice issues may then be taken forward with some or all of the following: the Manager of the Training Team; appropriate Children’s Services Manager; - Wider practice implications to be taken into the appropriate section; meeting/CSMG meeting”.
- 15b)** NESPC minute dated 19 April 2007 discusses a review report following a significant case review. Approved recommendations are:
- (b) “establish a process to ensure that approved recommendations are implemented, reviewed and evaluated;
  - (c) consider how and what messages from this review are communicated to professionals, the public and family members of the review subject; and
  - (d) consider the Review’s Team recommendation that the family be informed of the review and its outcomes”.
- 312c)** NESPC minute dated 6 December 2010 states “The Committee had before it a report which outlined the issues discussed at the Making Significant Case Reviews Fit for Purpose Seminar which had been held on 11 November 2010. The report set out the key points from the seminar and advised that a MARS short life working group had reviewed practice and produced recommendations for improvement which were being taken forward by the Scottish Government. The report advised that there were several opportunities for the NESPC to develop in respect of SCRs and suggested that the NESPC also volunteer to assist MARS in the national development of SCR.
- “The report recommended:
- (a) that the NESPC volunteer to assist MARS with developing training, tools etc.;
  - (b) that the Significant Case Review portfolio group develop a process to support learning from the review of cases that do not fit the criteria for SCR and cause professional anxiety;
  - (c) that more focused work on the prevention of shaken babies and the impact of substance misuse in young people is undertaken; and

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(d) that the NESPC asks MARS for support in the development of work in relation to these themes and uses some of the reserves in the NESPC budget to fund work”.

**32a)** NESPC minute dated 7 March 2011: The committee were advised of “difficulties faced by the Significant Case Review Portfolio in how to review cases which did not meet the criteria for SCR but which could inform inter-agency learning and practice through systematic analysis of interventions”. Further work was requested by the committee.

**16a)** NESPC minute dated 5 December 2011 states the committee had the Ofsted report: ‘Ages of Concern – Learning Lessons from Serious Case Reviews’. “...the report had also gone before the Significant Case Review portfolio group for consideration, and that the key issues outlined in the paper should be considered alongside (the Serious Case Review) which was on the agenda for discussion later in the meeting. The Committee considered how best to take forward the key issues raised, noting that there were lessons in the report which also required to be considered at a national level. (It was) advised that the Aberdeen City Sub Committee would be looking at the specific operational issues raised. (It was also) advised that the key issues from the report and from (the serious case review) would require changes to the operational guidance, and therefore the Committee agreed that the work should be undertaken by the Operations and Practice portfolio.

“The Committee resolved:

- (ii) to agree that the Convener would write to the Chief Executives of Aberdeenshire Council and NHS Grampian to identify the lead person from each organisation responsible for the actions outlined in the report;
- (iv) to agree that an update be provided in six months’ time on how the issues and actions were being taken forward; and
- (v) to agree that the Significant Case Review portfolio refine the lessons learned from the report and pass the information to Sub Committees for consideration”.

**k) What changes have been made?**

See response to 4.9 ii) j.

Changes have been made for a variance of reasons. In response to Legislation, changes in National guidance, designated review, complaints, specific incidents, or investigations. Changes are also made to establish best practice and reviewed as a continuum of practice where deemed to be no longer fit for purpose.

**l) How are these monitored?**

The fostering service is regulated and inspected by the Care Inspectorate, this ensures carers and children are safe, healthy, and well supported.

**m) Did the local authority afford former children in care access to records relating to their time in foster care?**

Yes.

**n) If so, how was that facilitated?**

See response to 4.9 i) d. vii and 4.9 ii) d. vii.

**o) If not, why not?**

Not applicable.

**Present**

- p) **With reference to the present position, are the answers to any of the above questions different?**

Yes

- q) **If so, please give details.**

- r) **Please provide details of the types of any records currently held relating to the children in foster care in respect of the following:**

i. **Children in foster care**

Individual social work records, boarding out register, school admissions registers, council minutes and social work committee minutes (whilst not about individual children, there is information about the foster care service, carers and staffing and service changes).

ii. **Staff with responsibilities for foster care**

The foster care service is a registered service with the Care Inspectorate since 2005. Any reports and feedback from the Care Inspectorate direct practice.

Staff are also required to register with the SSSC, register of social service workers, social workers and social work students in Scotland. They are also required to adhere to their Code of Practice.

iii. **Foster carers**

Foster carers registered with ACC are recorded on the CareFirst information management system and will have an individual social work record, retained in line with the retention schedule.

Minutes have been retained for the adoption and fostering panel. Any cases discussed at the panel would be recorded – this would include approvals and de-registration of foster carers. Foster carer reviews would also be contained within panel minutes, as well as retained in the foster carer file.

**264g)** AFC Panel Minute dated 10 February 2016 provides an example of a foster carer review being considered by the adoption and fostering panel.

**349)** Risk Assessment dated January 2016 provides a record of an assessment undertaken into risk for the foster carers were they to have direct contact with the parents of a foster child.

**264h)** Foster Carer Action Plan (November 2017) is an example of an action plan for foster carers implemented by the social worker. Detailed is training and practice issues to be addressed, and it is outlined how the foster carers can meet the objectives set out.

**253b)** Foster Carer Report (2009-2020) is a report generated from CareFirst which details statutory checks, registration details and training completed by the foster carer. CareFirst also records the date of renewal, which identifies when PVG, medicals, insurance or unannounced visits are to be reviewed.

**179, 180, 181 and 181a)**

The annual reports for fostering and adoption team are records of the activity and work undertaken in the Service over the years. These include how the team has progressed in respect of the Improvement Plan, priorities and identifying areas of priority for the year ahead.

## **COVID-19**

Since COVID-19 Lockdown all non-emergency home visits have ceased. There has been an increase in frequency of indirect contact primarily with foster carers, to include the children. For permanent carers the same applies. Due to changing needs of families during the pandemic, some will be more frequent.

When families are in crisis situations visits take place. These are risk assessed and PPE and social distancing is adhered to as per Government recommendations.

- 123)** Document dated 23 March 2020, which is a General Risk Assessment for home visits during the COVID-19 pandemic.
- 22)** The local authority has changed its guidance due to the COVID-19 legislation and emergency policies and procedures have currently been applied. For example, visits of children placed in foster care out-with the local authority have been curtailed except for extreme circumstances. Risk assessments are to be undertaken.

## **iv. Complaints**

See response to 4.7 ii) i.

The Complaints Rights and Enquiries Team with responsibility for social work complaint compliance joined the Corporate Customer Feedback Team during redesign. The roles and responsibilities for social work complaints are unchanged, the governance is now aligned with the Customer cluster.

Where a complaint has been made about the provision of the fostering service this is managed under the statutory complaints process. In this instance a complaint file would be created and held with the social work record, either historically as a paper file, or more recently as an electronic file. The complaint file contains any correspondence and paperwork related to the complaint. The complaint would also be recorded on the CareFirst information management system.

### **310a, 310b, 310c, 310d, 310e and 310f)**

From social work records, complaints dated March 2015, June 2015, August 2015, October 2015, September 2016 and February 2017 provide examples of the complaint handling process being recorded on CareFirst as a 'form'.

The process for recording of complaints on the electronic recording system CareFirst has changed. Where complaints were previously recorded as a form, this has been streamlined and they are now recorded as a classification on the recording system.

- 310g)** CareFirst social work record, complaint activities 2018, which shows 7 complaints being recorded between February to July 2018.
- 310h)** Complaint File dated December 2019 provides an example of the record held within a complaint file. Included is any correspondence sent to the complainant such as acknowledgements or response, along with copies of the original complaint and the investigation and progress log. It is known that this case will be presented to the adoption and fostering panel, and the recommendation of the panel and agency decision maker's decision will be recorded in the panel minutes as well as in the foster carer's record when completed. The complaint is recorded on CareFirst by the Complaint Investigation Officer, (see document **350**) The social worker for the case may need to address practice raised within a complaint with a foster carer and this would be recorded as an observation within CareFirst (see document **351**).

## **v. Investigations (both internal and external)**

- 173d)** CP Programme - Phase 2 CP Plan 2015 (pg. 21), states that attendance at Child Protection Case Conferences and Core Group Meetings will be recorded. Reports written by

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professionals are provided to CP Admin staff for circulation. It is also stated for allegations of abuse (pg. 30) that "Those who contact us will be listened to, the details they offer will be recorded accurately. Assurance will be given that concerns will be investigated in line with procedures in place. A brief guidance will be placed on the CPC website, detailing how professionals should respond to allegations of abuse".

- 129)** Child-Protection-Procedures-ACC-V3 (2018) provides detailed information on how investigations such as Child Protection investigation and Initial Referral Discussions should be recorded. It is stated:

(Pg 3.) "All information gathered in connection with a child protection investigation will be recorded in a child's electronic record (CareFirst) and any accompanying documentation will be scanned and saved in the child's electronic file. For any referrals for children who are not open to Children's Social Work, there will be a need to start a new electronic record. All recording will be done in line with the Case Recording Policy and Procedure.

(Pg.4) "The decision to progress to an IRD must be recorded in the child's electronic records using 'IRD' as the subject field in the drop down list under Observations.

"...(For) stage 2 – Child Protection Investigation. This progression will be recorded on CareFirst, with the Outcome to Initial Contact as 'Proceed to Child Protection Investigation.' This decision making will have been endorsed by Team Manager/Consultant Social Worker.

(Pg 5.) "Progression to Stage 2 Child Protection Investigation will take place when initial work is insufficient to reduce or resolve concerns and further assessment is required. Here, information will continue to indicate that a child is or may be at risk of significant harm and that because of this, further investigation is required. This decision will be recorded under Initial Contact as Proceed to Child Protection Investigation".

- 339a)** Managing Discipline – Guidance for Managers (March 2019) is an updated policy on disciplinary procedures when a complaint is made about a staff member and the investigation process. This details how records should be retained within staff records.

#### **vi. Responding to requests from former children in foster care for information/records**

2014 – 2018 requests to access records were undertaken by a dedicated social work Complaints Rights and Enquiries team. From 2018 onwards, Aberdeen City Council's Scottish Child Abuse Inquiry team have responsibility for responding to all Care Experienced people's requests for access to their information.

Any requests to access records are recorded on CareFirst. Copies of any correspondence regarding the request are stored within the case file in the restricted access section. Previously the correspondence would have been held in a separate Subject Access Request file which was retained as part of the social work record. Electronic records are also held.

- 343)** LOIP transformation project 5.3, is the partnerships aim to "Increase the % of children, young people and adults who report that they feel supported when accessing their records by 2022". The intention of the project is to ensure that all care experienced people accessing their records receive person centred support. It is recognised, that receiving and reading 'your' records can significantly impact on mental, emotional, and physical wellbeing. By communicating, being open and transparent, having supportive conversations (at the care experienced persons pace) and referral to support services at the beginning of the journey has the potential to significantly reduce the impact when the records are received.