

Part A – Background

1. Characteristics

1.1 History of the Local Authority

- a) **Over the period from 1930 to date, please provide details of the predecessor authorities for the local authority area for which the authority is now responsible, and the time periods during which these authorities were the responsible authority for the area, or any part thereof.**

All subsequent references to “local authority” mean the local authority and its statutory predecessors.

All references to “foster care” include boarding out with private families.

Local government rationalisation and the Local Government (Scotland) Act 1929 frame the context in which Aberdeen Town Council existed as an organisation in 1930. Between 1930-1975 the Local Authority for the area was Aberdeen Town Council. The Local Government (Scotland) Act 1973 resulted in the creation of Grampian Regional Council and the City of Aberdeen District Council between 1975 to 1996. Aberdeen City Council was established in 1996 under the Local Government etc. (Scotland) Act 1994.

- b) **When and how did the local authority become involved in the provision of foster care for children in Scotland?**

The Local Authority has been designated with varying forms of legal responsibility for the care, welfare and protection of children under different legislative frameworks at specific periods across the timespan in scope (1. Shaw 2007, 2. Norrie 2017), Norrie 2017, p140, part two: Regulatory Structures governing particular types of accommodation. Section A: Boarding out and Fostering of Children).

Aberdeen City Council and predecessor bodies, Aberdeen Town Council (for the period 1930 - 1975) and Grampian Regional Council (1975 - 1996), undertook the provision of boarding out and fostering children as part of a wider range of duties and functions related to the people and place of Aberdeen, which are consistent with those of other Scottish local authorities in this period.

Between 1930 to 1948, approval was received from the Secretary of State for Council schemes covering Education, Lunacy and Mental Deficiency, Public Assistance and Public Health (3. Aberdeen Town Council Minutes, 15 September 1930 p.586-587). Aberdeen Town Council were responsible for providing Public Assistance (formerly under the Poor Law (Scotland) Act 1845 and Poor Law Regulations 1934) encompassing the care, welfare and protection of children under the legal framework of the Children Act 1908, the Children and Young Persons (Scotland) Acts, 1932 and 1937 and the Children Act 1948.

4. Aberdeen Council Minutes of 21st September 1931 refer to a circular from Department for Health for Scotland dealing with the boarding-out system which had been in successful operation in Scotland for many years. The circular sets out rules to be observed by authorities in boarding out children and was remitted to the Convenor and Chief Public Assistance Officer by the Committee.

5. Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Law Scotland Regulations 1934. It states “For many years the policy has been that children should not be brought up in the environment of the poorhouse, and the boarding-out system has long been a successful feature of Scottish poor law administration, though hitherto it has been without specific statutory foundation. Experience has shown that the success of the system depends upon (a) care and judgement in the selection of suitable guardians; (b) the limitation of the number of children boarded with each guardian; (c) the limitation of the number of children boarded in a particular district; and (d) the thoroughness of inspection and supervision”.

Aberdeen Town Council established a Children's Committee in July 1948 under the terms of the Children Act 1948 6. Aberdeen Town Council Minutes 1948, p.798).

Regulations under the governing legislation were the Children and Young Persons (Scotland) Care and Training Regulations 1933 (from 1 November 1933), the Children (Boarding-Out etc) (Scotland) Regulations 1947 (from 20 October 1947), and the Boarding-Out of Children (Scotland) Regulations 1959 (from 1 August 1959). (2. Norrie 2017)

7. Aberdeen Council Minutes of 6, July 1959, reported that the Children's Committee of 22 June 1959 had been advised of the Circular transmitting copies of the Boarding-Out of Children (Scotland) Regulations 1959, "containing detailed provisions with respect to a variety of matters concerning the boarding out of children". The Committee remitted the Circular to the Children's Officer for attention. 2. Norrie (2017) reports that the "Boarding-out of Children (Scotland) Regulations, 1959 continued to apply until 1st April 1986, when they were revoked and replaced by the Boarding-out and Fostering of Children (Scotland) Regulations 1985. While the 1959 Regulations were based on the understanding that boarding out was a long-term solution, the 1985 Regulations perceived fostering as a temporary placement, reflecting the shift presaged by the 1968 Act from replacement families to short-term non-institutional care. This is probably why the provisions in the 1959 Regulations permitting boarding-out outside Scotland and allowing the Secretary of State to limit the number of children boarded out in particular areas were not repeated in the 1985 Regulations".

One of the major innovations in the 1985 Regulations was the requirement on care authorities to establish fostering panels, 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.

The other major innovation in the 1985 Regulations was that the care authority became obliged to enter into an agreement with approved foster parents regarding the care to be provided for any children who might be placed with them, including details of the financial arrangements; the care authority's policies and practice regarding the welfare of children for whom it had responsibility; the ways foster parents would be expected to follow these policies and practices and the assistance to be provided by the care authority to that effect; and the arrangements made by the care authority to review "at appropriate intervals" its approval of foster parents for the purposes of the regulations.

The Boarding-out and Fostering of Children (Scotland) Regulations 1985 were in force for exactly 11 years until 1st April 1997, when they were revoked and replaced by the Fostering of Children (Scotland) Regulations 1996.

The Arrangements to Look After Children (Scotland) Regulations 1996, which required local authorities to make a care plan for each child looked after by them (whether in foster care, in a residential establishment, or otherwise), also came into force on that date.

"The Fostering of Children (Scotland) Regulations 1996 were revoked by the Looked After Children (Scotland) Regulations 2009 which have governed public fostering arrangements from 28 September 2009 until the present day", 2. Norrie 2017: states "Since the coming into force of the 2009 Regulations there has been no limitation on the type of family structure that potential foster carers can belong to and foster carers are assessed as suitable according to their own merits, without legally specified preconceptions about their lifestyles."

1995-2014: The Children (Scotland) Act 1995, Adoption and Children (Scotland) Act 2007 and Children's Hearings (Scotland) Act 2011 imposed statutory duties on the organisation.

2014-2017: The Children and Young People (Scotland) Act 2014 imposed statutory duties on the organisation.

c) How has the involvement of the local authority in the provision of foster care changed/developed over time?

Refer to response to 1.1 b).

8a. and 8 b. Oldmill Annual Reports 1933 and 1934, the 1933 report states that "The Children's Department is a unit of, but is administered apart from, the main buildings. An official (a fully trained nurse) is always in charge, and the children are kept apart from the adult inmates...The policy of the Committee has been to regard Oldmill Hospital as a clearing house so far as children are concerned, and boarding-out arrangements are carried out regularly each month by the Chief Public Assistance Officer. During the year, the number of cases boarded out was as follows: - Males 21, Females 21, Total 42".

5. Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Law Scotland Regulations 1934. It refers to notifications of particulars of boarded-out children; "The notifications are required for the Central Register of Boarded-Out Children which the Department has maintained since 1913...Authorities are recommended to continue, so far as possible, their supervision of boarded-out children at least until they reach the age of sixteen, even though the children may have ceased to be chargeable. Authorities are reminded that they have no power to relieve any person residing out of Scotland, and that, accordingly, no child should be placed outwith Scotland".

1.2 Funding of Foster Care

Past

a) How were the local authority's operations and activities, so far as relating to the provision of foster care, funded?

Central government funding and local taxation. In support of this there is reference in legislation e.g. the Children and Young Persons (Scotland) Act 1937 and the Children Act 1948 to "grants paid to local authorities" and to "monies provided by parliament to local authorities" to support the carrying out of their duties under these Acts. Also, 2. Norrie 2017, page 38 describes how, following the introduction of the Children and Young Persons Act 1932, fostering became "a major component of state care". He states further "committal to a fit person was possible for any child or young person who was in need of care and protection or who had committed an offence. Every Education Authority was deemed a fit person with the Treasury bearing the cost" and that the only mechanism available to them was "to board them out with private families-in other words, fostering."

Funding for boarded out and fostering placements could be and was sought by the authority from parents – an example is the 9. Register of Guardians dated 1929-1941, where the amount of payment to be received from parents for the boarding out of their children is listed. Another example is the 10. Form C5 – doc 201 (SW)1991 seeking "Contribution of liable persons towards maintenance of a child or children in the care of the Local Authority (Social Work (Scotland) Act 1968 Sections 78-83)".

11. Payments to Foster Carers 22.08.94: there were concerns over the high level of expenditure on payments to foster parents and the projected overspend on the budget for the year. An exercise was undertaken which identified that 66% of the children fostered attracted enhanced rate payments. "The enhancements go as high as 160% of the basic fostering allowance and on average 48% of basic fostering allowances. It will be noted that the projected expenditure for the year totals £1,543,946 against a budget of £1,196,000 – a projected overspend of £347,946. The projected expenditure on basic allowances totals £1,047,390 leaving a budget sum of £148,610 in respect of enhancements equivalent to an average of 14% of basic rate purpose."

The Social Work committee papers 10 April 1997 (13. Rates Payable to Foster Carers 10 April 1997), evidence the COSLA recommendation of allowances payable to foster carers being recommended and approved by the committee, this included insurance for foster and adopted children and the continued payment of enhanced allowances for particular individuals at the discretion of the Director for social work. 12a. The minutes from the Community Services Committee meeting of 6 June 2000 shows the same.

12. Report to Committee 11.04.2005 Allowances Payable: The report is seeking Committee approval for revised fostering and adoption allowances payable from 3 April 2005 as a pay award has been agreed Nationally and will impact on local budget.

b) To what extent, if any, did the local authority provide funding to other organisations for the purposes of provision of foster care?

14. Locally there is reference in finance records (Excel Sheet) from the year 2000 to 2019 of payments made to outside agencies for the provision of fostering. This would have been arranged on a commissioning basis. Since 2010 there has existed a National Contract with independent providers opting-in to the Scheme. Each agency has a different fee and offers different services. 15. See example of Independent Fostering Agreement (IPA) which was used with those providers who opt-in to a National Contract. Other agencies are commissioned independently without using the National Contract.

16. Child Care Strategy July 1994 at page 7 describes how the Social Work Committee will seek to develop the range of foster care facilities throughout Grampian by working closely with independent care agencies.

c) If funding was provided by the local authority to other organisations for the provision of foster care, to whom was it provided, when was it provided and what criteria were applicable to its provision?

14. See Excel spreadsheet which records payments made to external fostering agencies dated from 2000 to 2019. Names of the organisations are provided on the spreadsheet. Criteria applied are based on a matching of the needs of the child and the skills of the foster carer. If the needs of the child, or children in the case of a sibling group, cannot be met within the Local Authority's resources, provision is sought from external providers.

d) To what extent was financial state support available to foster carers? How were foster carers made aware of that state support? How was that state support accessed by foster carers (e.g. directly or via the local authority)?

See response at 1.2 a)

Other than foster carer fees and allowances paid by the local authority, foster carers could apply for financial assistance through Department for Work and Pensions for Disability Living allowance and Carers Allowance.

e) To what extent was financial support from the local authority available to foster carers?

12. Report to Committee 11.04.2005, In the report titled 'Allowances payable to Foster Carers and Associated Fees for Financial Year 2005/06', approval was being sought from Committee for revised fostering and adoption allowances payable from 3 April 2005, following a pay award being agreed Nationally.

In terms of the Children and Young Persons (Scotland) Act 1937, section 88 (3) provided that "An Education Authority may board out children and young persons committed to their care for such periods and on such terms as to payment and otherwise as they think fit...".

From the examples cited in minutes, it would appear that payments were made to encourage a certain level of care and a weekly rate was applied. In other cases, payments were made on a case by case basis - e.g. to support foster carers who experienced hardship, or to support education or training for the child placed with them. For example:

17. In Minutes of Aberdeen Town Council Meeting on 1st October 1945 p867, in an effort to raise the standard of provision of foster parents, it was suggested: "by adopting an adequate system of payment so that the response to the Committee's advertisements might be from a different class of person altogether. The millennium is not just round the corner and there is no shortcut if the boarding out system in small homes is to be retained..."

18. In Minutes of Aberdeen Town Council Meeting dated 1st October 1945 P844: "the report by the Director (of Education) incorporated the views of the special sub-committee which recently carried out a visitation of boarded-out children under the care of the Education Committee.... the report suggests either the establishment of cottage home units or a raising of the standard of the foster parents by a system of adequate payments."

19. In Minutes of Town Council dated 15th October 1945 page 904: paragraph 4, recommendation is made for the weekly allowance in respect of a child boarded out under private guardianship to be changed to 14/- (under age 3), 12/- (3-12 years), and 14/- (over 12 years).

20. Minutes of Aberdeen Town Council Meeting dated 6th December 1948 p1235, describes a proposed joint approach with other Counties of Cities to the Ministry of National Insurance in an endeavour to secure that the amount of the guardian's allowance payable by the Ministry under section 19 of the National Insurance Act 1946 should be increased to such an amount as would cover the full cost of maintenance of a boarded out child.

21. In Minutes of Aberdeen Town Council Meeting dated 15th October 1945, page 907: it is stated under "PRINCIPLES": "the guardian whose attraction is to the amount of aliment paid is to be avoided, for it is not board and lodging only that are necessary. The problem is to find people willing to care for children and provide home life out of affection for and interest in children and that is the real limitation. The child must, however, pay his way. It is for consideration whether more generous terms or other means might attract those in more affluent circumstances to provide material advantages of a higher order than are obtainable with our present guardians, but affection cannot be purchased. From same minute, see Evidence 108, it is stated "9) Aliment and extras authorised by the Committee approximate to 15s weekly. I have in mind that 14s weekly aliment alone might not be considered too high for children from 12 to 16 years of age and the cost, just over £400 per annum, would not seem prohibitive. Also the grant of pocket money has been adopted by a number of Local Authorities in England. This might be discussed by the Committee"

22. In Minutes of Town Council on 7th November 1949, p623, reference is made to the Children's Committee having approved the increase of the weekly boarding out rate from 15s to 22s 6d and that pocket money be increased from 1s to 2s 6d per week. Both children were undertaking further education. In the same minute, the Children's Committee are said to have increased the weekly rate for children boarded out with grandparents from 7s 6d to the "normal" rate of 15s due to financial hardship of the grandparents.

16. Child Care Strategy adopts Foster Care Charter which states at paragraph 4: "the true cost of caring for a foster child or young person must be met and foster carers given the opportunity to receive payment for their time, experience and skills."

23. In Minutes of Council Meeting on 7th July 1969, P197 paragraph 5, it was reported that the Children's Committee authorised payment of the sum of £19.14/- being the cost of rail fares of four children being taken on holiday in Britain by their foster parents and paragraph 6, it was reported that the Children's Committee authorised a payment not exceeding £64, for the cost of a girl who was boarded out with foster parents to participate in an educational cruise.

24. In Council Minutes date 3, July 1967, p224, it was decided that "Miss ██████ be paid, as from 1st June 1967, a boarding out allowance in respect of that child of £5 per week; and that in respect of (another) child ...Miss ██████ continue to be paid a boarding out allowance at the Council's normal rate."

25. Public assistance letter 5th September 1936 – The child referred to was chargeable to the Parish of Kinneff and Catterline from 16 February 1928. The grandparents also paid 10/- per week. Payment was also recovered by the parish from the father towards the child's upkeep. The child was subsequently moved to a couple who would need no financial assistance.

26. CS033 Foster Carer Handbook 2007 says that a new payment scheme for foster carers started in October 2003 called Payment for Skills. It had been recommended by the Fostering Network (previously National Foster Care Association) that a fee be paid in addition to the maintenance

allowance given for a foster child. This was thought to reflect the complexity in taking into account the skills, experience and qualifications of the carer.

The maintenance allowance was intended to cover the cost of maintaining the child, reflecting costs such as food, clothing, fuel, light, household goods (tv, washing, phone), pocket money, gifts, clubs, magazines etc and travel.

Additional Payments may also have been made for the following:

Holidays, Christmas and Birthdays

The foster carer was encouraged to treat children in their care in as normal a manner as possible and the provision of holidays and giving Birthday and Christmas presents were seen as important aspects of family life. Social Work tries to compensate for the extra expense of these events by paying the additional allowances as follows:

- 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.

These allowances are only payable when the Foster Carer has the responsibility for the care of the child at these times.

Travelling Expenses

The basic allowance contained an element to cover ordinary travel, e.g. for family outings, shopping trips, routine visits to doctors, dentists and social functions.

If a child's Care Plan decides, and the funding was agreed beforehand via the Link Worker, additional travel costs were reimbursed at 28p per mile.

Clothing Allowances

When a child was initially accommodated with the foster carer, parents were requested to provide adequate clothing and footwear for the child. The child's Social Worker and foster carer reviewed the child's clothing and footwear to assess whether it was sufficient in quantity and quality, and if necessary, the Social Worker could request a payment for clothing and/or footwear via the Service's Finance Panel at this point.

Thereafter, allowances were paid to the foster carer to keep the child's clothing and footwear up to a reasonable standard. It is expected that a child would leave the foster placement with at least the equivalent minimum level of clothing and footwear.

Equipment

Provision of equipment needed for a particular placement would be discussed between the foster carer and Link Worker. This could include beds and bedding, bedroom furniture, prams, car seats, buggies, cots, baby intercom and aids and adaptations for children with disabilities.

Documents 27. and 28 provide examples from 1997 of requests for financial assistance to extend a foster carer's home, in order to provide more appropriate accommodation to a foster child as put forward to the Social Work Committee in 1997. Both requests resulted in the provision of funding with the proviso that "the loan would become repayable in the event of the fostering arrangement breaking down."

It is known anecdotally by social work staff that in 2012 a Local Authority property was identified and refurbished with specialist equipment for a child. This enabled the child to leave a medical facility and reside within a fostering family.

f) If financial support was available, what was the source of those funds (i.e. from local or central government)? What criteria did the local authority apply to the distribution of such funds?

Refer to response to 1.2 e)

It would appear that the financial support came from Local Government and as stated above was in response to requests for support in education or on the basis of financial hardship of the foster carers.

29. SWIA follow up report dated 11 March 2011 the number of children in foster care placements outside of the city had reduced from 112 to 88. This was projected to benefit the service in financial terms with an underspend of over £440,000 against the annual budget of £9.7 million.

30. In addition, (as can be seen in this document dated 1991), parents whose children were in care of the local authority were expected to make a contribution to the cost.

g) How were foster carers made aware of any financial support available from the local authority? How was that financial support accessed by foster carers?

See response to 1.2 e)

Requests for Financial support for foster carers, would be agreed by the various Committees that dealt with fostered children such as the Children's Committee. Examples given are 206, 236 and 237.

26. Foster Carer Handbook final draft 2007 at page 25: foster carers were advised in the handbook of payments available and that these were activated through the child's social worker and through the foster carer's link worker.

h) What other sources of funding were available to foster carers in relation to the provision of care for children?

Foster carers would have been able to apply for State benefits such as Disability Living Allowance or Severe Disability Allowance on behalf of the child. At times additional payments were sourced from Lottery funding, Trust Funds or Charities.

Prior to the introduction of Kinship Care Payments, link carers allowance was available to extended family members or close family friends when a child was placed in their care by the local authority.

i) Was the funding adequate to properly care for the children?

Not Known, see response to 1.2 e). Funding was increased at times in cases of financial hardship and there was provision of allowances to reflect skills, experience and qualifications of the carer.

31. Introduction to Charging Policy document 2010: cuts in public funding led to the introduction of a charging policy - it was proposed that a means tested parental contribution be made for accommodated children, both long term and respite, capped at 'basic Task Based Fostering' rates.

j) If not, why not?

See response to 1.2 e) and i).

Present

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

Yes

l) If so, please give details.

32. Memorandum from Graeme Simpson, Lead Service Manager, dated 8 February 2016: explains Scottish Government announcement of additional funding for Local Authorities to support kinship carers to ensure parity in the allowance paid with that paid to foster carers. Policy being implemented by Aberdeen City Council in terms of the memorandum.

33. Handbook for Foster Carers 2017: at page 64, "Allowances and Fees: Aberdeen City Council operates a payment for skills programme for carers which include:

- Age related allowances which are paid to offset the costs of caring for a child
- Fees are paid to Foster Carers under the Payment for Skills scheme reflecting the complexity of the fostering task and acknowledging your skills, experience and qualifications. For more information on this refer to your CPD Folder.
- The rates are payable over 365 days in arrears. You will receive your allowance and fee fortnightly to enable the equivalent of 4 weeks allowances to be paid as holidays, Christmas/Religious festival and birthday allowances.

These allowances are only payable when you have responsibility for the care of the child at these times".

Also included in the 2017 Handbook 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 specialist in caring for children with complex needs and would be available to care for the child at any time of the day."

34. These provisions are restated in Foster Carer Handbook 2019

13. Record of finance payments on spreadsheet: shows financing of outside organisations for the provision of foster care from 18 December 2014 to the present day.

35. Fees and Allowances paid to foster carers as per 2 June 2015: Report submitted to the Education and Children Committee of 2 June 2015.

36. A report presented to the Operational Delivery Committee 17 January 2019: shows current rates of payments to foster carers and recommends from 1st of January 2019, an increase of 3% in the levels of payments made to foster carers. These recommendations were agreed by the Committee members (235).

1.3 Legal Status

(i) Local authority

Past

a) What was the legal basis which authorised or enabled the local authority to become responsible for the provision of foster care for children in Scotland?

See response to 1.1 a) and 1.1b).

2. Norrie 2017: sets out legislative framework from 1933 to present day.

37. Poor Law Scotland Regulations 1934: states "The Department of Health for Scotland, in exercise of the powers competent to them under sections 9,10 and 12 of the Poor Law (Scotland) Act, 1934, and of all other powers enabling them in that behalf, hereby make the following regulations...Part III, Boarding-out of children and placing of children in institutions other than poorhouses".

7. From the Council Meeting dated 6th July 1959: within the Children's Committee Minute of 22 June 1959, there is indication that the Boarding-out of Children (Scotland) Regulations, 1959, revoked the Children (Boarding-out, &c.) (Scotland) Rules and Regulations, 1947.

38. Future of Adoption and Fostering Panel: refers to Boarding Out and Fostering of Children (Scotland) Regulations 1995, "Regulation 4 specifies that a care authority must appoint a fostering panel. Regulation 6 in describing the panel's function, states that a fostering panel shall consider every person referred to it by the care authority as a prospective foster parent, and that they shall make a recommendation as to whether such a person is suitable to be a foster parent. The panel must also recommend whether they consider the foster parent to be a suitable carer for any child to whom the Boarding Out Regulations apply, certain categories of children to whom the Regulations apply, or a particular child or particular children.

"Nothing in the Regulations nor the accompanying SWSG Circular makes specific reference to the panel's composition, although Regulation 5 does place a duty on the care authority to satisfy itself that the numbers, qualifications or experience of individual members enables it to effectively discharge its functions. Appendix 3, of the same document, has a copy of 'The Boarding-out and Fostering of Children (Scotland) Regulations 1985 which came into operation on 1st April 1986.

"Appendix 6, of the same document, 'Adoption Agencies (Scotland) Regulations 1984 Scheme for the Establishment of Adoption Panels' – There were two panels established: Aberdeen, Gordon, Kincardine/Deeside Division and Healthcare; and Banff/Buchan and Moray Divisions. Function 6 states that each panel, in relation to their area, would "Consider applications by persons for approval as prospective foster parents", and under Function 7 "consider the placement of particular children with approved foster parents in appropriate cases".

39. Corporate_Parenting_Policy_2012-2015: describes the legal basis for the provision of foster care;

"2.1 The legal status of a Looked After Child is determined by the Children (Scotland) Act 1995. A child becomes Looked After, either as a result of appearing before a Children's Hearing or when a parent requests that the local authority provide care and accommodation for their child/young person.

"2.3 Looked After (away from home) is where the child or young person is subject to a Supervision Requirement with a condition of residence through the Children's Hearing System. This includes where they are placed in residential, foster or kinship care (under Section 25 of the Act), where a condition of residence exists placing the child or young person away from home (under Section 70 of the Act), or is the subject of a Permanence Order, including a Permanence Order with the authority to adopt under Section 80 of the Adoption and Children (Scotland) Act 2007.

"2.4 Aberdeen City Council has a duty to provide advice and guidance to Looked After Children and Young People and Care Leavers up to the age of 19, and a power to do so up to the age of 21. The Council will encourage young people to stay Looked After for as long as possible, preferably until they reach 18, if that is deemed to be in the best interest of the young person."

b) Did that legal basis require the local authority to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.

See response to 1.1 a) and 1.1b).

Yes.

40. The Public Assistance Committee for Aberdeen Town Council which sat on 16 January 1933, (p150-1): 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. The circular points out that it is the duty of the local authority to identify persons within their area who 'undertake the nursing and maintenance of infants notifiable under the Act' and advertisement of the new provisions should be undertaken to highlight that for children under 9 years old the authority must be notified before being received into that person's care before 'reward' can be paid".

5. Public Assistance Circular 1934: was written by the Secretary for the County Clerk/Town Clerk following the Poor Law Scotland Regulations 1934. It states "It will be noted that Article 25, which deals with the making of rules to be observed by guardians, requires that those rules shall ensure that a guardian does not make use of the services of any boarded-out child for the purpose of any trade, business or calling carried on by him, except in the performance of such light agricultural or horticultural work as may be done by the child without risk of injury to the child's health or of detriment to his educational progress and general welfare. Authorities are reminded, however, that the employment of children in general is regulated by Part IV of the Children and Young Persons (Scotland) Act, 1932, and by any by-laws made by education authorities under that Act. Article 25 of the regulations imposes an additional restriction upon the work that may be performed by boarded-out children. Care should be taken by authorities that the rules for guardians do not permit employment which is prohibited by the statute or by-laws made under the statute or by the Department's regulations".

38. Future of Adoption and Fostering Panel: Appendix 3, The Boarding-out and Fostering of Children (Scotland) Regulations 1985 outline that the authority had responsibility for appointing foster carers in accordance with Schedule 1 of the Act. The authority approved foster parents under regulation 7 of the Act.

c) Did the local authority have a legal duty of care to each child in its care?

Yes, see response to 1.1 a) and 1.1b).

26. Foster Carer Handbook Final Draft 2007: At page 16, paragraph 2.1 states:

"The local authority has a statutory duty under section 22 of the Children (Scotland) Act 1995 to

- Safeguard and promote the welfare of children in their area who are in need
- So far as is consistent with that duty, promote the upbringing of such children by their families".

Present

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

No

e) If so, please give details.

Not applicable

(ii) Foster carers

Past

a) Did foster carers have a special legal, statutory or other status?

In terms of section 93 of the Children (Scotland) Act 1995 foster carers were deemed to be relevant persons for the purpose of attendance at and notification of children's hearings. Since the introduction of the Children's Hearings (Scotland) Act 2011, foster carers no longer have automatic status as a

relevant person and this needs to be established at a pre-hearing panel (section 81 of 2011 Act). In terms of the Children (Boarding-out) (Scotland) Rules and Regulations 1947 "foster-parent" was defined to mean "a husband and wife, or a woman, with whom a child is boarded out by a local authority." Since the coming into force of the Looked After Children (Scotland) Regulations 2009 there has been no limitation on the type of family structure that potential foster carers must belong to and foster carers are assessed as suitable according to their own merits....the local authority is responsible for approval of foster carers..." 2. Norrie 2017.

b) If not, how did the local authority classify a foster carer?

Refer to response to 1.3 (ii) a).

c) What was the legal basis which authorised, or enabled, a foster carer to become responsible for caring for children?

See response to 1.3 (i) a) and b). This was based on the legislation applicable at the time.

d) Did that legal basis require a foster carer to meet, or fulfil, any legal and/or regulatory requirements in respect of children in his or her care? If so, please give details.

Yes, see response to 1.3 (ii) c).

e) Did the foster carer have a legal duty of care to each child in his or her care?

Yes. Children (Boarding-out etc) (Scotland) Rules and Regulations 1947, "foster-parents shall accordingly bring up a child placed by the local authority in their custody as one of their own children and devote to this duty the care which good parents give to their children", 2 -Norrie 2017.

26. Foster Carer Handbook Final draft 2007 at page 17, explained foster carer's duties:

- To provide day to day care
- To do what is reasonable in the circumstances to safeguard the child's health, development and welfare
- To support child's contact with the family
- To work with the provisions of the foster care agreement
- To contribute to the Care Plan and participate in Looked After Children Reviews at regular intervals"

Present

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

No

g) If so, please give details.

Not applicable

1.4 Legal Responsibility

(i) Local authority

Past

a) Did the local authority have any legal responsibility for the children in its care?

The Local Authority could and did assume Parental Rights for the children they fostered. Examples are given below:

41. In the minutes of the Children Committee from 16 February 1959: a case is discussed in which the Committee resolved "in terms of Section 2 of the Children Act 1948, that all rights and powers of the mother of an illegitimate child, who is in the care of the Corporation should vest in the Corporation".

42. Office Memo dated 14 July 1992: in which the author describes the process of the local authority deciding to apply for Parental Rights for a child in care. This was done under Section 16(2) (e), as the mother had "persistently failed without reasonable cause to discharge the obligations of a parent".

43. Social Work Committee meeting dated 30 May 1996: in which the members discuss a report from the Director of Social Work regarding the application of parental rights under the terms of Section 16 (1)(A)(iv) of the Social Work (Scotland) Act 1968, for a child who had been in the care of the local authority for the past three years. The committee "unanimously resolved: - to approve the recommendation on the grounds that during the three years preceding the passing of the resolution the child had been in the care of the local authority under section 44 of the Act".

Permanence orders were introduced by the Adoption and Children (Scotland) Act 2007. This provided a mechanism by which a Local Authority could apply to the Court to have the parental rights and responsibilities (PRRs) in respect of a child vested in the Local Authority.

b) If so, what was the nature and extent of that legal responsibility?

4. Council Meeting of 21 September 1931: details a Department of Health for Scotland circular which outlines duties resting with the Public Assistance authorities in dealing with orphan, deserted or separated children who are chargeable to the authority. The boarding-out system is stated to have been in operation in Scotland for many years.

44a. Independent Visitation Memo 1934: The memo is "regarding independent visitation of boarded-out children as called for by the poor relief regulations (Scotland), 1934 – Statutory Rules and Orders, 1934, No 1296/S.69". It is stated that Section 21 of the regulations says where a child is boarded-out in the area of another local authority, the child is to be supervised by a 'reliable' person and a report provided every 6 months on the circumstances of the child.

37. Poor Law Scotland Regulations 1934 states under Part III of the regulations that:

"11. A local authority shall not board-out a child without a certificate of a medical officer of the local authority as to the child's bodily health and mental condition and as to his suitability for boarding-out.

"12. A child shall not be boarded out in a house –

- a) Which is so situated, or in such sanitary condition as to be injurious or dangerous to his health;
- b) Which is not within reasonable distance from a school; or
- c) Which does not permit of suitable sleeping accommodation for the child in a room properly lit and properly ventilated.

"13. So far as reasonably practicable, a local authority shall board-out children of the same family in the same house.

"14. Except with the sanction of the Department –

- a) Not more than three children shall be boarded-out in the same house at the same time, unless all the children are children of the same family; and
- b) A child shall not be boarded-out in a house in which there are more than three other children resident unless one or more of these children is a brother or sister of the child to be boarded-out.

"15. If the number of children in a house in which a child is boarded-out by a local authority subsequently exceeds four, including that child, the child shall, unless the child is a brother or sister of one or more of the boarded-out children resident in the house or unless the Department otherwise direct, forthwith be withdrawn.

"16. 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, in the opinion of the local authority, 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.

“17. 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 well-being of the child.

“18. A local authority shall ensure that when a child is first boarded-out he is provided with sufficient boots and stockings and at least two outfits of outer and of under-clothing, and that thereafter the child is kept supplied with boots and stockings and suitable clothing, and for that purpose they may arrange with the guardian for an adequate supply of the same.

“19. A local authority shall arrange for the provision of the necessary medical attendance on every child boarded-out by them and for his receiving necessary dental treatment, medicines and medical or surgical appliances and extras ordered by the medical attendant, and shall notify the guardian of the arrangements made.

“20. Where a local authority board-out a child in the area of another local authority, they shall immediately furnish that authority with particulars of the child and with the name and address of the guardian with whom he has been boarded-out.

“21. 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.

“22. A local authority shall in January of each year furnish the local authority of each area in which a child is boarded-out by them with a list giving the name, age and religion of each child boarded-out by them in that area and the name and address of his guardian.

“23. Unless the Department on the application of a local authority in any particular case otherwise direct, every child boarded out by a local authority shall be visited at least once in every twelve months by an inspector of the local authority who may be accompanied by not more than two members of the local authority, and the inspector and the members, if any, shall furnish to the local authority a report with respect to –

- a) The general conditions of the home where the child is boarded-out, including the suitability of the guardian;
- b) The sleeping arrangements for the child and the condition of his bed, bed-clothes and night apparel;
- c) The condition of the child’s clothing;
- d) The child’s health, general welfare and behaviour;
- e) The progress the child has made at school;
- f) The manner in which the child is occupied outwith school hours;
- g) Any complaints made by, or concerning, the child; and
- h) Any other matters relative to the care and supervision of the child by the guardian or to the child’s welfare which they consider should be reported; and the local authority after taking any necessary action on such report shall retain it for reference.

"24. Where the local authority have reason to believe that a guardian is party to any contract for the purpose of ensuring the payment to him a sum of money upon the illness or death of the child boarded-out with him, they shall forthwith withdraw the child from the guardian.

"25. A local authority shall make rules to be observed by guardians and shall furnish the Department with a copy of such rules. The rules shall contain provisions for ensuring the general welfare of every boarded-out child, including provisions with regard to general training and discipline, attendance at school, feeding, clothing, sleeping accommodation and medical attendance and for ensuring that no guardian shall make use of the services of any boarded-out child for the purposes of any trade, business or calling carried on by him except in the performance of such light agricultural or horticultural work as may be done by the child without risk of injury to the child's health or of detriment to his educational progress and general welfare.

"26. Where it appears to the Department that an excessive number of children is boarded-out in an area, the Department may, after consultation with the Scottish Education Department, give intimation of such excessive boarding-out to any local authority who have boarded-out children in that area and the local authority shall, within the time prescribed by the Department, reduce the number of children so boarded-out by them to such number as the Department may require.

"27. No child shall be boarded-out in any area which the Department, after consultation with the Scottish Education Department, have declared to be unsuitable for that purpose.

5. Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Law Scotland Regulations 1934. "Generally speaking, the regulations do not introduce any radical changes in the arrangements hitherto in force in the spheres of poor law administration covered by the regulations...Part III (boarding-out of children) incorporates in regulation form many of the recommendations made by the Department and their predecessors in various administrative circulars, particularly in the Department's Public Assistance Circular No. 18, dated 29th June 1931".

c) Did any other person or organisation have any legal responsibility for the children while they were in the local authority's care?

People holding parental responsibilities and rights continued to have some legal responsibility for their children while they were in the care of the organisation.

d) If so, what was the nature and extent of that responsibility?

Parental rights and responsibilities are now as defined in the Children (Scotland) Act 1995. Prior to that, the Social Work (Scotland) Act 1968 refers to 'rights and powers' without further definition.

e) If the local authority had no legal responsibility for children in its care, where or with whom did legal responsibility lie?

Parental responsibility would lie with the parent named on the child's birth certificate. Parental responsibility might also be held by someone appointed as legal guardian.

Present

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

No

g) If so, please give details.

Not applicable

(ii) Foster carers

Past

a) Did the foster carer have any separate legal responsibility (separate from the local authority) for children in his or her care?

Ultimately the Council was responsible but foster carers would be expected to provide care on behalf of the authority to a reasonable standard.

2. Norrie 2017 –" In terms of the Children and Young Persons (Scotland) Act 1932, the person to whose power the boy or girl is committed shall, whilst the order is in force ,have the same rights and powers, and be subject to the same liabilities in respect of his or her maintenance, as if he were his or her parent. The Children and Young Persons (Scotland) Act 1937 replicated this provision. The provision was repealed in the Social Work (Scotland) Act 1968 and no equivalent provision was enacted."

In terms of the Fostering of Children (Scotland) Regulations 1996, "to foster was stated to mean to "arrange for a child to live as a member of the family of a person who is not a parent, does not have parental responsibilities in respect of the child and who is not a relevant person in relation to the child and who undertakes to look after the child other than in accordance with the Adoption Agencies (Scotland) Regulations 1996."

"From 1968 decision making powers relating to children in care rested with the local authority and foster carer's powers have been traced to and constrained by the applicable regulations."

b) If so, what was the nature of that responsibility?

Refer to response to 1.4 (ii) a)

Present

c) With reference to the present position, are the answers to either of the above questions different?

Yes

d) If so, please give details.

In cases where a child is permanently matched to their carers via the Adoption and Permanence Panel the local authority may deem it appropriate apply to the courts for Permanence Order and share the parental rights and responsibilities with the carers.

1.5 Ethos

Past

a) What did the local authority see as its function, ethos and/or objective in terms of the foster care service it provided for children?

21. In Minute of Council Meeting on 15th October 1945, p906-907: reference was made to the publication of the Monkton Report following the death of a child who had been boarded out in England and to the notification to Local Authorities by the Secretary of State who considered the lessons learned from the report worthy of study and asked that local authorities review their arrangements to secure the wellbeing of children in their care. It further states that children's homes could not 'compensate for the lack of family life and the spiritual and moral atmosphere of a good home'. It is stated that the principle is:

"The aim in boarding out is to substitute the best obtainable guardians and homes for a) unworthy ones, and b) those who through force of circumstances are unable properly to provide for their

children; to train the child to develop into an intelligent, self-respecting useful citizen; to achieve a good upbringing in a working-class home; to obtain for the child a strong bond of affection, if love is too strong a word, in his new surroundings and to give him a solid and secure anchorage; to allow him to grow happily as one of a family...The guardian whose attraction is to the amount of alimony paid for the child's maintenance is to be avoided, for it is not board and lodging only that are necessary. The problem is to find people willing to care for children and provide home life out of affection for and interest in children, and that is the real limitation. The child must, however, pay his way. It is for consideration whether more generous terms or other means might attract those in more affluent circumstances to provide material advantages of a higher order than are obtainable with our present guardians, but affection cannot be purchased".

44b. In the minute of the Social Welfare Committee meeting dated 27 November 1946: there is reference to a letter from the Secretary of State for Scotland enquiring into the "existing methods of providing for children deprived of a normal life with their own parents and relatives, and to consider what further measures should be taken to ensure that these children are brought up under conditions best calculated to compensate them for lack of parental care". The Committee agreed with the general recommendations and decided to set up a special committee tasked with exercising the functions which up until then had been undertaken by four separate committees.

16. Child Care Strategy July 94: states "The purpose and role of foster care is to provide a family experience to children and young people who, for various reasons, are not able to remain within their own families. Fostering will provide alternative care for a range of children's needs, some of which will be temporary and others for the duration of their childhood. The Social Work Committee believes that foster care is a key aspect of the childcare system, integrated with services which help families look after their own children, have them rehabilitated, or find permanent substitute families for those who require them".

45. The LAC Guidance document dated 2001, on p2: states "Where children and young people are looked after and accommodated by the Local Authority, that duty is all the greater on a day to day basis, and places specific and important responsibilities upon those working with and caring for these children (and their families) e.g. the duty to promote contact when it is in the interests of the child/young person's welfare. To support employees and carers to promote the welfare of this service user group, Aberdeen City Council has adopted the Looking After Children: Good Parenting, Good Outcomes System produced by the Scottish Executive."

46. Children and Families Services (Fieldwork): Allocation Policy and Procedures, Sep 2001 document, p4: states "The UN Convention on the rights of the Child has also been embraced by Aberdeen City Council and places its moral and ethical responsibilities on the organisations of service delivery within Aberdeen City Council.

On p5 it states; "In contributing to the overall range of services for children in Aberdeen, the aims of the Children and Families Service are:

- (i) To protect children from harm;
- (ii) To provide the best possible care for children looked after away from home;
- (iii) To prevent family breakdown.
- (iv) To promote the positive development of children in need within their own families and communities, wherever possible."

47. Policy Statement Planning for Permanency document dated July 2002: states "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, 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.

Underpinning the Council's aim to achieve a permanent family is the principle that no child shall remain within the public care system for any longer than is absolutely necessary.

48. Inspection Report Care Commission 09 October 2006: "Aberdeen City Council provides a fostering service and family placement service for children and young people aged 0-18 years and their families who are assessed as in need of the service and who live or have a connection with Aberdeen city."

49. Planning for your Child document p2 dated August 08 2008: "It is not always possible for a child or children to be looked after by their own parents, and although every effort will be made to try and help families to stay together, it is sometimes necessary for children to be 'looked after' by the local authority – this used to be called being 'in care'. We know that for these children however, it is very important that they do not remain in the public 'care system' for any longer than is absolutely necessary, sometimes with frequent changes of placements, leading a disrupted, unsettled life. What research tells us, is that children need to have consistency, they need to know where they are going to be living during their childhood so that they can make relationships and attachments with the important people in their life."

b) What did the local authority see as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?

16. Child Care Strategy July 94 states "The Social Work Committee recognises that foster care is a partnership between 4 main parties: The Child, The Child's Family, The Foster Carers, The Social Work Department. The mutual duties and responsibilities accorded to individual members of the partnership will vary according to statutory considerations and the circumstances of the case. First consideration, however, will be accorded to the best interests of the child, whose wishes and feeling will always be taken into account".

c) Were there changes over time in terms of what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided for children?

Yes.

d) If so, what were the changes and when and why did they come into effect?

16. Child Care Strategy July 94: states "The Social Work Committee adheres to the United Nations Declaration on the Rights of the Child and its Statement of Principles in Child Care is consistent with this paper". The UN Declaration came into effect in 1990.

29. SWIA Follow-up report dated 11th March 2011: refers to the service proactively developing their own foster care services to increase the number of foster carers and develop their skills and abilities

to be able to take young people with more challenging behaviours. This was to allow better support to young people returning to the City from placements elsewhere.

e) Were there changes over time in terms of what the local authority saw as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?

Yes.

f) If so, what were the changes and when and why did they come into effect?

See response to 1.5 b) c) and d).

17. Town Council Minute 1 October 1945: recommendations from the special sub-committee recognised that with the number of children boarded out and the amount of these which were 'problem cases' there was a need to appoint a special trained qualified person, such as a social worker, who could take on the tasks of visitation necessary for boarded out children. The role would be to make preliminary enquiries about homes for children, day-to-day supervision, dealing with special problems of emotional disturbance, running away and enuresis. A psychologist had already been enlisted to help with certain children. The recommendation is to set up a Special Boarding-Out subcommittee, comprised of joint Public Health Committee and Education Committee representatives. The paid officer would undertake visits etc and submit reports to the committee, however the final decision would be with the joint committee.

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.

33. Handbook for Foster Carers 09/2017, page 9: "OUR VISION STATEMENT- Aberdeen City Council's Alternative Family Care Service- Adoption and Fostering Service aims to recruit, assess, train and support foster carers (and adopters) from a range of backgrounds with different skills and experiences to help meet the individual needs and improve outcomes for all "looked after children" living within what is a thriving city with an increasingly diverse population.

The Council aims to increase the number of approved foster carers (and adopters) within its own population whilst decreasing the number of external placements (and adoptions) to help maintain children's significant relationships and cultural identity whilst maximising the Council's ability to both manage and target its resources more effectively.

The Council aims to cultivate and maintain a sufficient number of foster carers able to provide a range of foster care placements, including temporary and emergency, permanent and short break placements.....

In achieving its overarching aim, Aberdeen City Council will continue to review the ongoing needs of its "looked after children" population as well as reviewing the projected service requirements and agreed targets for the recruitment of adopters and the recruitment and retention of foster carers. In this regard the Council aims to respond quickly to enquiries and to provide foster carers (and adopters) with all the necessary information to assist them in their decision-making process. The Council also aims to assess, train and approve foster carers (and adopters) in a timely 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.

Aberdeen City Council is committed to ensuring staff across both themes of adoption and fostering are suitably qualified, skilled and experienced to provide a high-quality service, and staff are encouraged and supported in their continuing learning and development. In addition to this, the Council also aims to promote inclusive and collaborative relationships with professionals within health,

education and social care as well as ensuring a customer service focus which encourages service user participation, taking into account the views of children and families within Aberdeen.”

33. Handbook for Foster Carers, p11-12: “Aberdeen City Council has adopted a therapeutic approach to provision in all our Alternative Family Care Services that is based on the Dyadic Developmental Psychotherapy (DDP).

“The Dyadic Developmental Psychotherapy central principles are:

1. The magic happens in the everyday interactions – the quality of relationship between the child and foster carer is at the core of healing.
2. Developing attunement – re-visiting child or young person’s experience in a positive, healthy way.
3. Developing primary and secondary inter-subjectivity – like an infant, the child first develops a relationship with caregivers and then through this their relationship with the world.
4. Developing a narrative – the young person over time is able to understand (emotionally and cognitively) what has happened and the effect on them. They can tell their own story.
5. When structure is increased, you must increase nurture. Foster carers should understand that in the short term this may increase the child’s use of defences and distancing behaviour. Initially (which may take a year or more!) the closer you become emotionally the more challenging and/or shameful the child will become. Time in (as opposed to time out) is essential – the more the child presents challenging behaviour, the closer the foster carer needs to be.
6. Birth parents/families are carrying their own trauma: they too can be re-traumatised by contact with their child and need therapeutic support. The possibility and nature of contact needs to be assessed.

“With a Dyadic Developmental Psychotherapy there are three developmental stages of treatment: Trust of Care, Trust of Control and Trust of Self.

“Trust of Care: the foster carer serves to meet the physical and emotional needs of the child in a timely accurate manner. Trust of Care means overt supervision, proximity, safe touch, unsolicited and proactive nurturing, smiling and laughing together, playing with, practical care (combing hair, cutting nails, tying shoelaces, helping with washing) and avoiding shaming. These acts are experienced as healthy care giving and ease resistance: they underscore that the child is loved and loveable – intrinsically good.

“Trust of Control: Nurturing discipline – limits are set to assist children and young people in meeting the expectations of the foster carer. The child is prevented from doing things that are not good for them. The language of alliance is paramount over the language of compliance (“I can help”, “that’s not good for you” rather than “don’t do that”). When foster carers set limits, attunement can be broken, emotional tensions run high and the child may dysregulate. Discipline and control should be supportive rather than sanction-based and followed by repair thus reducing shame while helping to regulate behaviour and teach self-control.

“Trust of Self: More trust and responsibility is given back to the child. They have demonstrated the ability to self-regulate or can recognise dysregulation and seek adult care. The child begins to care about others, seeks to repair relationships, to re-connect and re-attune in ways that are internally driven. The development of guilt instead of shame emerges. The child now genuinely wants to feel close to the foster carer. The message may now be ‘I don’t like it when you....’ Opportunities for autonomy are increased. Negotiation, compromise and more choice begin to be possible. The child is on the road from trauma to recovery.

“PACE (Playfulness, Acceptance, Curiosity and Empathy) is a way of thinking, feeling, communicating and behaving that aims to make the child feel safe. It is based upon how parents or carers connect with their very young infants. As with young toddlers, with safety the child can begin to explore.

“With PACE, the troubled child can start to look at themselves and let others start to see them or get closer emotionally. They can start to trust.”

33. Handbook for Foster Carers, p15-16 "In order to support these things to happen we must create the right environment. This is an environment that will provide:

1. Foster carers who are self-aware – who are in control of themselves, have an awareness of their own attachment history and be able to differentiate between their own and the child's 'baggage'.
2. Foster carers who have a network of support including professional (supervision, other foster carers, meetings, support) and personal (partners, friends, hobbies, support).
3. A knowledgeable workforce – foster carers who have an understanding of child development, the importance of healthy attachments and the impact of trauma.
4. An emotional atmosphere that is controlled and monitored by foster carers to ensure it is warm, welcoming and consistent. The message is: 'I can, will and want to take care of you.' Children or young people who present controlling and angry behaviour will not be met by inconsistent and/or 'cold' adults. Foster carers will be able and willing to gain understanding of the child or young person's view with the patient application of PACE (playfulness, acceptance, curiosity and empathy). The investment is in the relationship not in judging, controlling or denying the child's reality.
5. Structure and predictability for children and young people to help build routines and boundaries that are clear and consistent. Traumatized children and young people may seek to take control in order to feel safe and allowing them to feel they have some control is important. Rituals, rhythms and celebrations give emotional depth to security, safety, consistency and predictability.
6. Supervision and interaction as a gift not a sanction or reward. Children and young people need the security and often the close proximity of a supportive adult to feel safe. Establishing trusting relationships through common activities and working through problems together is essential. Foster carers need to be "interested in and interesting to" young people. Supervision and praise will be effective in building a relationship, rewards and sanctions will not.
7. Children and young people with an opportunity to learn how to play, share, cooperate, make choices, take responsibility, learn from mistakes and negotiate. It is staff's job to help them with these developmental tasks not to punish them when they get it wrong.
8. The child or young person who has lived with deprivation in the past and learned to do without people and things to learn about consistent consequences for behaviour that do not include being deprived, shamed or threatened. Negative behaviours by adults will often only reinforce the view that adults are untrustworthy and feed the rage and shame that a child or young person can feel. Foster carers will decide what consequences are to be offered for appropriate and inappropriate behaviour. Such consequences need to be natural and in the best interests of the child.
9. Children and young people should have an opportunity to learn about positive and appropriate touch which is absolutely vital to their physical, social, emotional and psychological well-being. Children and young people who have been abused and/or neglected need positive touch from safe adults to learn that it can feel good to be cared for. This should not be forced but offered.
10. Contact with parents that has been carefully assessed as in the child or young person's best interests. Where a child or young person has experienced neglect and/or trauma there is a potential that they re-visit what has happened every time contact occurs. The child or young person's contact with birth parents and family will not be assumed to be necessary or right, it will be assessed as in the best interest of the child or young person. Where contact is agreed it will never be withdrawn as a consequence for behaviour."

34. The above ethos and vision have been largely restated in the current Foster Carer Handbook 2019.

1.6 Numbers

(i) Local authority

Past

- a) How many children did the local authority accommodate at a time in foster care and in how many placements?

Figures sourced from the Town Council Memoranda of Information 1930 - 1974 provide figures of children in the care of the local authority. There were approximately 15,000 instances of children being accommodated within a variety of residential settings including Boarding Out (pre 1947), Foster Homes (predominantly 1950-1963), Voluntary Homes and Children's Homes maintained in the City (1964-1974). Aberdeen Town Council and Grampian Regional Council Minutes indicate that numbers varied considerably over time. Minutes do sometimes contain figures that would provide a 'snapshot', see table 50. LACbycaretype 1930-1974.

8a. Oldmill Annual Report 1933: states that "The Children's Department is a unit of, but is administered apart from, the main buildings. An official (a fully trained nurse) is always in charge, and the children are kept apart from the adult inmates...The policy of the Committee has been to regard Oldmill Hospital as a clearing house so far as children are concerned, and boarding-out arrangements are carried out regularly each month by the Chief Public Assistance Officer. During the year, the number of cases boarded out was as follows: - Males 21, Females 21, Total 42".

51. Public Assistance Committee Memo 1936: states "As members of the Committee are aware, the number of children boarded out in other Areas exceeds 300".

52. ATC 1945_10_01p863 i: A report by the Director of Education on boarded-out children is contained within the Town Council minute for 1 October 1945, which states that the special sub-committee visited "the 43 children in their homes who have been committed to the care and protection of the Education Authority".

21. ATC 1945_10_15p906-7 iii: Town Council minute for 15 October 1945 provides numbers following a national enquiry which states that Aberdeen Public Assistance Department has 250 children boarded out.

53. ATC 1952_06_02p153: Town Council Minute 2 June 1952 – Children's Committee 22 May 1952: it is stated that there were approximately 300 children who were boarded out in the care of the Corporation.

Figures are not available for 1975 - 1999.

The Social Work information management system, CareFirst, provides a breakdown by 13 different categories (at home with parents, hospital, crisis care, local authority home, other community, other residential, residential school, secure accommodation, voluntary home, foster carers provided by LA, foster carers purchased by LA, with friends/relatives, with prospective adopters) available by year from 2000 with a snapshot date of 31 March each year. See 54.LACbycaretype 2000-2019.

55. A+F Memo May 93: states "there are around 100 children each week in foster care. The Homefinding Team is currently supporting 74 foster families.

56. Residential Review Sep 95: states "We are currently providing placements for around 184 children. This compares with 118 in August 1994 and 118 in August 1993. The team (establishment senior plus six social workers) is currently servicing around 90 foster carers and around 20 prospective adoptive families".

57. Numbers of Carers from fostering Service Inspections dated 2006-2014

29. In the follow up report Social Work Inspection Agency (SWIA) dated March 2011, p9, under out of Authority placements, the number had reduced from 112 to 88.

b) How many foster carers were approved/registered by the local authority at any given time? How many placements for children did this represent? How many placements were in use at any given time?

38. Future of Adoption and Fostering Panel, P 29 and P 33, has a breakdown from April 1994 to March 1995 of 'Approval of Foster Carers' for the two panels in the region, North and South.

58. Annual Report 2001: states that there were 15 temporary/respice foster carers approved, 3 permanent carers approved, and 2 related or familial carers for specific children were approved.

59. Annual Report 2002: states that there were 7 temporary/respice foster carers approved, no permanent carers approved, 4 related or familial carers for specific children were approved, and 2 specialist foster carers were approved.

60. Annual Report 2003: states that there were 13 temporary/respice foster carers approved, 1 permanent carer approved, 5 related or familial carers for specific children were approved, and no specialist foster carers were approved. There were also two recommendations of de-registration, in both cases this followed an adoption placement disruption.

61. Annual Report 2004: states that there were 5 temporary/respice foster carers approved, 1 permanent carer approved, 5 related or familial carers for specific children were approved, and 1 specialist foster carer was approved.

62. Annual Report 2005: states there were 10 temporary/respice foster carers approved, 1 permanent carer approved, no related or familial carers for specific children were approved, and 1 specialist foster carer was approved.

63. Annual Report 2006: states there were 6 temporary/respice foster carers approved, no permanent carers approved, one related or familial carer for specific children was approved, 3 specialist foster carers were approved and there was one change of registration.

57. Numbers of Carers from fostering Service Inspections dated 2006-2014

64. Annual Report FP 2008-09 says between 1 January 2007 to 31 December 2007:

- 19 prospective adopters were recommended and approved (couples are counted as a single resource) for 29 adoptive places.
- 14 prospective foster carers were recommended and approved, with a total of 21 child placements becoming available. Of these new foster carers 1 was registered as a specialist carer.
- 2 foster carers had their registration reviewed and updated.
- 1 foster carer was de-registered.

65. Annual Report APP 2009: states there were 22 prospective adopters approved, 5 permanent foster carers approved and one de-registration.

Care Inspectorate Annual Returns provide numbers of approved foster carers for 2005-2013 inclusive. See Evidence 66 pg 7, Evidence 67 Pg 7, Evidence 68 pg 7, Evidence 69 Pg 6, Evidence 70 Pg 6, Evidence 71 Pg 5, Evidence 72 Pg 7, Evidence 73 Pg 11, Evidence 74 Pg 11.

- c) If foster carers were approved/registered by the local authority as providing only specific types of care – e.g. respice care, short-term foster care, long-term foster care – please provide details of the categories and the numbers of placements in each.**

See response to 1.6 i) b

- d) Please provide details of any material changes in numbers of children, placements or foster carers, and the reasons for those changes?**

5. Public Assistance Circular 1934: was written by the Secretary for the County Clerk/Town Clerk following the Poor Law Scotland Regulations 1934. It states "Attention is particularly drawn to the limitation of the numbers of children boarded and of the numbers of children resident in a house (Articles 14 and 15). In some instances, the present numbers exceed those prescribed by the regulations. Authorities will be expected to adjust their present arrangements within a reasonable time to conform to the requirements of the regulations, unless, on the application to the authority, the Department otherwise direct in respect of individual homes. Some authorities will find that, in order to

conform to the requirements of the regulations, they have to find new guardians. The search for new homes should not be confined to those districts which the authority have hitherto used. In some districts the proportion of boarded-out children to native children is already high. The widening of the field for the selection of guardians would improve the present system. Accordingly, in their search for new homes, authorities should consider other areas in which few, if any, children have hitherto been placed. They should not, however, board children in the depressed industrial areas and so add to the already difficult problem of placing juveniles in employment in those areas.

"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 the child's welfare by the local representatives of the authority and by the authority's visiting members and officials".

63. Annual Report 2006 says there was difficulty recruiting foster carers, both locally and throughout Scotland. The growth of independent and voluntary agencies is stated to have had an impact on recruitment.

75. Annual Report APP 2008-9 – The adoption and permanence panel annual reports show that children were matched for adoptive families (25) and permanent foster carers (16). There were also 31 children freed for adoption. These factors would explain some material changes to numbers.

64. Annual Report FP 2008-09 says between 1 January 2007 to 31 December 2007 there were 46 children recommended for adoption, 20 children were recommended for permanent foster care and 3 children were recommended to be cared for by a relative. The annual totals for 1 April 2007 to 31 March 2008 state there were 39 children registered for adoption, 27 children were matched with adoptive families, 13 children were registered for permanent fostering and 6 children were matched with permanent foster carers.

65. Annual Report APP 2009 states between 1 January 2009 and 31 December 2009 there were 32 children registered for adoption, 25 children matched with adoptive families, 14 children registered for permanent fostering and 8 children matched with permanent foster carers.

76. Report of a Joint Inspection by Care Inspectorate- The number of foster care households approved by Aberdeen City Council had increased by 12% between 2010 and 2013 increasing the number of children living in caring family environments."

e) How many children in total were accommodated by the local authority (whether in foster care or otherwise)?

See response at 1.6i a).

f) In general terms, was the main service provided by the local authority the provision of residential care for children in establishments, or was it the provision of foster care?

See response at 1.6i a).

Neither. The main service, certainly since the Children Act 1948, has been to support children within the community/within their own families. Residential care and foster care have been necessary when it has no longer been appropriate for children to remain in the care of their own families. As reflected by the national picture over the timeframe in question, the organisation has seen an increase in the use of foster care and a corresponding decrease in the use of residential care.

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.

There is a growing promotion of kinship care to keep children in their families and communities (Children and Young People (Scotland) Act 2014). In addition, work is being undertaken to improve timescales for placing children in permanent care arrangements.

Care Inspectorate Annual Returns provide numbers of approved foster carers for 2011-2014 inclusive. See Evidence 77 Pg 9, Evidence 78 Pg 10, Evidence 79 Pg 14, Evidence 80 Pg 13, Evidence 81 Pg 15-16.

1.7 Children's Background/Experience

Past

- a) Did the children placed in foster care generally have a shared background and/or shared experiences?**

Yes. From professional knowledge it is known that children and young people were placed in foster care when, for various reasons, they were no longer able to remain in their own families.

61. Annual Report 2004 states that of the children that had been referred for freeing for adoption, and therefore had been fostered, most of the children are pre-school. Most of the children have some special needs (e.g. medical issues, emotional or physical abuse, neglect) or are affected by substance and/or alcohol misuse.

- b) Were children admitted into the care of the local authority, or were they admitted into the care of particular foster carers?**

82. Parents could and did make private arrangements to foster out their children in the 1930's in Aberdeen. These were not always considered suitable as a letter dated 9 December 1932, which included the rules for boarded out children, notes: "We are all familiar with the Guardian, often unsatisfactory, who has taken a child to board by private arrangement with its mother". Public assistance was only provided to these Guardians if a Children's Officer had deemed the placement to be satisfactory. The local authority had the legal obligation to visit the private foster carers to ensure the child was cared for appropriately, once informed of the arrangement.

The Care Inspectorate Annual Returns show that between 2005-2013 inclusive there were no private foster care arrangements within Aberdeen City. (See Evidence 66, 67, 68, 70, 71, 72, 74).

- c) Who placed children with the local authority?**

Parents and families, children themselves who were seeking refuge, Children's Hearings and Courts.

- d) From 15 April 1971 (the date on which the Children's Hearing system was introduced), did the local authority receive children mainly through the Children's Hearing system?**

Yes

- e) If not, generally how did children come to be admitted into the care of the local authority?**

Not applicable

- f) How long did children typically remain in the care of the local authority?**

There is no typical length of time that children remain in care.

- g) In respect of children who were admitted into the care of the local authority, who made the decision as to whether they should be placed in foster care?**

The position is that a child can be placed into local authority foster care or a residential school or indeed a place of safety, perhaps within the child's family but outwith parental control.

The definition of a Place of Safety is within Section 202 of the Children's Hearings (Scotland) Act 2011 and prior to that in the Children (Scotland) Act 1995. Where a child is accommodated voluntarily under Section 25 of the Children (Scotland) Act 1995 then this is an agreement where those with Parental Rights and Responsibilities in relation to the child consent to the child being looked after by the local authority and normally in those types of scenarios the parents would be in agreement with where the child is placed.

When those with Parental Rights and Responsibilities do not agree to a Section 25 agreement and the local authority feel there are grounds to apply for a Child Protection Order, a recommendation in terms of a Place of Safety will be made to the Court and the Court will decide to grant the order based on the information presented to it, or not grant the order if the grounds are not met. If the Child Protection Order is granted the child's case will be remitted urgently into the Children's Hearing system where all recommendations made by Social Work are subject to review and the hearing will decide whether the child should be placed on an Interim Compulsory Supervision Order (ICSO) pending a full hearing. The ICSO will normally name a place of residence for the child and will be continually reviewed.

Parental Rights Orders were replaced by Permanence Orders and are referred to in the Adoption and Children (Scotland) Act 2007. These transfer the responsibility and rights of the parent to have the child living with them to the organisation. The remaining parental responsibilities and rights may be removed from the parents and given to the organisation and/or another individual, or remain with some or all of the parents, in accordance with the decision of the Court. If Permanence Orders are granted the organisation will have the right to decide where the child is placed. The Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013, sets out requirements that an organisation has to comply with if they wish to place a child in secure accommodation. There must be authorisation to do this by way of a relevant order or warrant under Section 151 of the Children's Hearings (Scotland) Act 2011.

The Children and Young Persons (Scotland) Act 2014 now imposes a new duty on public bodies such as local authorities as they must now report every three years on what they have done to improve the rights of children and young people in their care.

h) If the decision was made by the local authority, what criteria were applied?

See response to 1.7 g)

i) Were children moved between different foster care placements?

Yes

j) If so, in what circumstances?

Children moved between different foster care placements for a range of different reasons. For example, individual needs of the child, placement disruption or termination of placement.

k) Generally did children typically stay in one, or more than one, foster care placement?

Yes, children generally stayed in more than one foster placement.

l) What was the process for review of children's continued residence in foster care, in terms of whether they continued to require to be (a) in foster care and/or (b) in that particular placement?

Most children in foster care were placed through the Children's Hearing system and the statutory order reviewed by the hearing. However, a small number of children would have been placed through other legislation. Children were reviewed through the looked after system which became fully operational by September 1984.

16. Child Care Strategy July 94 states "For all young people in foster care a written care plan will be established at the earliest stage and based on a comprehensive assessment of their needs. This will normally be within 6 weeks of their admission to care and the plan will be reviewed at regular intervals within the established Child in Care Review system. For young people in foster care on or after their fourteenth birthday the care plan will include future arrangements for return home or for independent living".

83. CF060a(CS009) LAC Reviews 2002 outlines that:

"The reviews were seen as a formal mechanism, for oversight and revision of childcare plans and where any significant change in planning was discussed and ratified. The kinds of decision made at review are distinguished between those made by the social worker and supervisor.

"(a) 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.

"(b) The Act empowers the Scottish Executive to make regulations governing the timescales, the manner of the Reviews, their content and their role relevant to other forums e.g., Children's Hearing.

"(c)The regulations implementing the Act state that the first Review must be held within six weeks of the child being placed away from home, thereafter a second Review must be held within three months of the first Review and subsequent Reviews held every six months.

"These timescales, under the regulations, apply solely to Reviews arranged for children who are accommodated by the Department away from home.

"In practice the timing of Reviews will also be determined by the particular needs and circumstances of the individual case. One of the decisions of a second or subsequent review will be the timing of the next Review, and at a second Review whether to complete an Assessment and Action Record.

"(d) The legal status for children for whom Reviews must be held include:

Section 25 of the Children (Scotland) Act 1995.

Section 86 of the Children (Scotland) Act 1995.

Section 70 of the Children (Scotland) Act 1995 where a condition of residence exists accommodating the child away from home.

"The Scottish Executive Guidance also recommends that Reviews should be held for children freed for adoption under Section 18 of the Adoption (Scotland) Act 1978".

The purpose of the reviews was to monitor, adjust and develop plans to meet the needs of accommodated children. The objectives outlined are:

- "to provide an opportunity to take stock of the child's needs and circumstances at regular, prescribed time intervals;
- to consult formally with parents and children;
- to assess the effectiveness of current plans as a means of securing the best interests of the child;
- to provide an opportunity to oversee and make accountable the work of professional staff involved;
- to formulate future plans for the child."

Subsequent reviews do not reiterate the information from the first review but do include any changes in demographics. It provides a picture of the child's current circumstances, the wishes of the child and family, any work undertaken with the child since the previous review and any significant events since the last review.

- a) "Within Aberdeen City Social Work and Community Development Department, Social Work Service, Reviews are the primary internal planning and decision making mechanism for children in the Department's care.

The Children (Scotland) Act 1995 confirms this role and the Regulations specify that a childcare Review should precede all Review Children's Hearings.

- b) "Certain key decision or objectives, which provide the framework and direction for the ongoing work in each case, should be made or confirmed only at Reviews, or referred back to a Review by the Social Worker if implementation is unsuccessful or seems likely to be significantly affected by changes or circumstances.

These decisions would include:

- (i) "A goal of rehabilitation with family or alternatively of permanent substitute family placement or long-term residential accommodation.
- (ii) Recommendations for assumption of parental responsibilities; placement for adoption; freeing for adoption; residence order.
- (iii) Arrangements for contact; need for secure accommodation; planned changes of placement.

(NB: all significant changes for contact must be agreed at a Review as per proposed Departmental procedure).

- (iv) Discharge from care or from compulsory measures of care.

- c) "In each instance agreements, objectives and decisions, tasks, roles, means and timescales for their implementation, should be defined as precisely as possible.

Review recommendations and decisions must be observed and acted upon as agreed or referred back if obstacles to implementation emerge.

- d) "Any disagreements should be stated at the Review and recorded. If a Social Worker and supervising Senior are jointly in disagreement with the reviewing Senior over proposals made at a Review, the matter will be referred to senior management for resolution.

Similarly, if a Key Worker and Senior Support Worker are in disagreement with a Review decision the issue in question will be referred to senior management.

- e) "In most cases where major decisions are involved the Review does not function in isolation but takes the first formal step in a series of checking and controlling procedures.

Review recommendations and decisions need to be consistent always with other statutory and Departmental procedures.

- f) "Relationship to Children's Hearing

Regulation 9(3) of the Children (Scotland) Act 1995 specifies that a Review should be conducted prior to a children's hearing considering a case under Section 73(4) or

(5), that is when the Local Authority feel that the best interests of a child who is subject to a supervision requirement would be served by:

- i. The supervision requirement ending or being varied.
- ii. Applying for a parental responsibilities order.
- iii. Applying for a freeing order.
- iv. Placing the child for adoption.
- v. Referral to the Principal Reporter because a condition in the requirement is not being complied with e.g. contact, place of residence, attendance at school.

"A Review must also be conducted prior to the Children's Hearing considering the case, where the Local Authority becomes aware that an application has been made, or is about to be made, to adopt a child who is subject to a supervision requirement. Where a child or relevant person give notice to the Principal Reporter that he or she requires a Review of the supervision requirement, or a relevant person proposes to take the child to live outside Scotland, the Local Authority must hold a Review, if it is practicable to do so.

"In all cases, parents, relevant persons and children will always have a right of recourse to a Children's Hearing whatever the outcome of a Review, provided three months have lapsed since the Children's Hearing last considered the case.

"Questions of restriction or supervision of contact would always be referred to the Children's Panel, after discussion at a Review and consideration by Senior Management.

"For children subject to supervision requirements, Reviews will formulate the recommendations to be made by the Social Work and Community Development Department, Social Work Service to Children's Hearings, and will aim to provide Hearing members with clearly stated, well-informed and well-developed proposals.

"If a Hearing refuses to endorse major Review recommendations, another Review should take place to consider their decision and the agency's response, if a fallback position has not already been agreed.

- (g) "The Children Act specifies that:

The Children's Hearing must be given the right to comment to the Court on the Social Work Agency's plan to apply for either a Parental Responsibility Order, a Freeing for Adoption Order or the placing for adoption of any child subject to a supervision requirement.

The Children's Hearing must also be given the opportunity to comment on an application or prospective application under Section 12 of the 1978 Adoption (Scotland) Act, where the child is subject to a supervision requirement.

- (h) "The convening of a multi-disciplinary forum to consider the needs of a child should always be the decision of a Review. This would be an infrequent occurrence in exceptional circumstances, as it is indicated in the Children Act that the Review maintains the primary role in planning for a child.
- (i) "An emergency Review should be held if there are concerns about escalating risk to/from a child in the community where secure accommodation may need to be considered."

m) When children left foster care, what was the process for discharge?

See response 1.7 l) and 1.7 q).

26. CS033 Foster Carer Handbook Final Draft 2007- provision was made at paragraph 4.3 in relation to ending placements and moving on in foster care. The process was described according to whether a child was returning home or moving to a permanent placement.

n) What support was offered to children when they left foster care?

See response to 1.7 q).

82. The Rules for Guardians of Boarded-Out Children dated 28 October 1932, state "Guardians are expected to take all possible steps to obtain suitable employment for children about to leave school. Before sending the children to work guardians should consult with the Public Assistance Officer regarding the special aptitude of children for articular employment and should advise him of their progress until 16 years of age. Guardians must understand, however that they cannot make arrangements for the child entering employment without obtaining the sanction of the Public Assistance Officer to the nature of the employment, the wages to be paid, and their disbursement in the interests of the child".

84. ATC 1942_03_02 p200 (3): On 2 March 1942 it was remitted to the General Purposes Sub-Committee to consider a scheme where advice and assistance can be provided by the department to former boarded out children.

o) What information was sought by the local authority about what children leaving foster care planned to go on to do?

See response to 1.7 m)

The LAC Review would discuss the planning for a child who was leaving foster care and ensure that a plan was in place for where they were moving to. The LAC Review would recommend whether or not their Compulsory Supervision Order should continue once the child left foster care. If the child was transitioning to independence, then a Pathways plan would be agreed.

p) Was such information retained and updated?

If the child remained open to Social Work, then their plan would be regularly updated and retained. If the child was receiving support via Throughcare then their plans would be regularly reviewed and updated.

q) What was provided in terms of after-care for children/young people once they left foster care?

The Working Party Report from 1985 mentions the introduction of a specific support worker post to assist young people to settle into their own home as well as increased joint working between Housing and Social Work. A throughcare/aftercare service was also developed during the latter period that the establishment was open.

26. CS033 Foster Carer Handbook 2007 refers to 'Scotland's Children Vol 2: Page 107', which states:

"The Local Authority has a legal duty to provide advice and assistance with a view to preparing a child for when he or she is no longer looked after by the Local Authority. Throughcare is the process by which the Local Authority plans and prepares the young person they are looking after for the time when he or she will cease to be looked after. Aftercare is the provision of advice, guidance and assistance when a young person ceases to be looked after."

The Foster Carer Handbook 2007 states that the Local Authority has a duty to provide Aftercare to young people who were looked after by them at school leaving age – or beyond – and they have to consider what support is most appropriate to each young person's needs after he or she ceases to be looked after. This should be written into the young person's Care Plan.

The Care Plan should include the arrangements which need to be made for the time when the young person will no longer be looked after by the Local Authority. Planning for moving on will be considered well in advance, taking account the safeguarding of the young person's long-term welfare.

A young person should not move on to independence too quickly. The handbook says that research suggests that the age of 16 for most young people is too young to make a successful transition. Many young people will need to be accommodated until they are 18 years old and may require support and the provision of services beyond that age.

Preparation should include attention, if appropriate, to opportunities for further education, training for employment and developing skills for independent living. Consideration should be given to the young person's use of their social and leisure time. The foster carer has a very important role in helping young people to prepare for living independently.

"If a young person has been fostered, his or her Foster Carers may continue to give advice, support and friendship after the end of the foster placement. Foster Carers often continue to offer such support and should not be financially disadvantaged by doing this." (Scotland's Children Vol 2: Page 115). The foster carer may continue to provide accommodation or other support for young people whom they have previously fostered.

85. Referral procedures for Young People to the Supported Lodging Scheme outline the process which is followed where young people can be referred to the Supported Lodgings scheme if they are unable to remain with foster carers. 85a. Aberdeen City Council provided information to Young People about supported lodgings in a leaflet.

86. Transfer of foster placement to supported lodgings scheme policy says this would take place when the young person is still in foster care after their 17th birthday – an application can be made to have their foster placement changed to a supported lodgings placement once they are 18.

Present

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

Yes.

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

The current position is that a child can be placed into local authority foster care or a residential school or indeed a place of safety, perhaps within the child's family but outwith parental control.

The Children and Young People (Scotland) Act 2014 states that young people can request to stay in their current placement until they reach the age of 21, if that placement meets their needs. In addition, it extends the Council's responsibility to support care experienced young people until their 26th birthday. The Council's policies and procedures are being amended accordingly. 34. Foster Carer's Handbook 2019 includes a policy to reflect this change under the section "Continuing Care". In addition, the 2019 Handbook refers to Aberdeen Council's Supported Lodgings Scheme in terms of which foster carers can change their registration to supported lodgings to allow them to support young people prior to independent living.

In cases when young people have significant additional needs and meet the criteria a foster placement may change from a foster or continuing care placement to an adult care placement however this is only a decision that can be made by Adult Services as Children Services cease to have a duty of care when the young adult reaches their 21st birthday. This enables the young adult to remain with their carer for an extended period.

1.8 Local authority staff and foster carers

(i) **Local authority**

Past

a) How many people were employed by the local authority who had some responsibility for foster care services for children?

There are no specific records held which would provide the exact numbers requested, however records identified can provide some general figures which offer a snapshot.

87. GRC Photo Directory 1986 lists the 'Homefinding Team' which is known to have provided foster care services. There were 10 employees within the team. These included a senior social worker, 6 social workers, a typist and 2 staff without a job role stated.

There are 4 staff listed under children, including the social work manager, secretary and adviser – these staff would also have overarching input to the fostering service. Also listed is administration staff who would have provided support to the social work service generally and may have had input to the fostering team but would not have had direct contact with the children who were looked after, there were 3 admin staff and 6 general office staff.

88. GRC Phone Directory 1988 lists the 'Homefinding Team' as having 8 staff – a senior social worker, 6 social workers and a typist.

55. A+F Memo May 93' states the team providing adoption and fostering services in 1993 consisted of a Senior Social Worker and 5.5 posts.

56. Residential Review fostering Sec Sep 95, page 3 states under the Fostering Service, the team has an establishment senior plus six social workers and this is under review due resource pressures.

Human Resources searched their electronic database using variations of search terms for fostering to identify relevant staff who may have been employed. 239 individual staff were identified between 2001 and 2019.

YEAR	Number of staff identified by HR as being allocated to Fostering within the one-year period	Number of Job Titles identified in HR Search within the one-year period
2001	29	6
2002	35	6
2003	37	8
2004	37	8
2005	73	17
2006	61	14
2007	67	17
2008	60	15
2009	57	15
2010	67	14
2011	39	6
2012	43	6
2013	43	6
2014	39	6

89. Annual Report 2007-8: The adoption and fostering service had two teams: Adoption and Fostering Team 0-8; and the Family Placement Team for children aged 8 + until 2007. From 2007 the structure went to three teams: Adoption and Permanence Team; Fostering Team; and Recruitment, Assessment and Quality Assurance Team. A new Senior Social Worker was appointed to the RAQ team, and a number of additional posts were recruited to join the three teams including three new Family Support Workers.

Care Inspectorate Annual Returns provide numbers of staff details for 2005-2013. See Evidence 66 pg 20, Evidence 67 Pg 26, Evidence 68 pg 28, Evidence 69 pg 19, Evidence 70 pg 20, Evidence 71. pg 18, Evidence 72 pg 20, Evidence 73 pg 23, Evidence 74 pg 22.

b) How many people were employed by the local authority at any one time who had some responsibility for foster care services for children?

See response at 1.8 a) and 1.8 c)

c) What roles and responsibilities did such staff have? Please specify in which roles staff met with children and foster carers.

See response to 1.8 i) a

90. In the minutes of the Council Meeting of 5 January 1949, there is an advert for the Appointment of a Children's Officer. It states that the Children's Officer shall be responsible for "the direction, control, and supervision" of the Children's Department, responsible for the "observation of the physical and mental condition of children received into accommodation" and the "reception of such children into accommodation". The Children's Officer was expected to work closely with the various Medical Officers and to advise the Corporation upon "all matters arising in connection with the administration of their functions under the Children Act 1948. The Medical Officer was also expected, "as and when required" to prepare reports "with respect to matters relating to children and the Children's Department" and attend all meetings of the Corporation and any Committee dealing with the Children's Department.

Human Resources identified staff that within their electronic database using search terms relating to fostering: Fostering, Adoption, Homefinding, Family Placement, Alternative family care, specialist fostering or teenage fostering, adoption and permanence. From this search completed the following Job Titles were identified:

- Children's Service Manager, Adoption & Fostering (May 2007 – July 2010)
- Co-ordinator, Family Placement Team (February 2001 – February 2003)
- Family Aide, Adoption & Fostering (February 2005 – August 2010)
- Family Resource Worker, (August 2010 – 2014)
- Family Support Worker (June 2007 – July 2010)
- Placement Co-ordinator (May 2001 – February 2005)
- Professional Officer (May 2007 – March 2011)
- Senior Clerical Assistant (February-March 2005)
- Senior Social Worker (February 2001 – July 2010)
- Senior Support Assistant (November 2005 – 2014)
- Service Manager (August 2010 – 2014)
- Social Worker (February 2001 – 2014)
- Specialist Child and Family Worker (September 2005 – January 2006)
- Support Assistant (May 2007 – 2014)
- Team Manager (August 2010 – 2014)

d) In relation to each role, what experience/qualifications did such staff have?

The Regulation of Care (Scotland) Act 2001 came into force in 2001. The Scottish Social Services Council (SSSC) was created under the Regulation of Care (Scotland) Act 2001 and set a code of practice for all social services workers and employers. The code of practice sets out the behaviours and values of professional conduct and practice for social service workers which they must meet in their everyday work. The SSSC register for social service workers opened on the 1 April 2003. All staff working in fostering with a social service role must be registered to work with children.

There has been a restructure of fostering, adoption and kinship service, (Alternative Family Care Service) leading to the establishment of the Recruitment, Assessment and Training Team. This has led to a holistic review of training provision with the Alternative Family Care Service. Changes such as Continuing Care have also influenced training provision which has increased focus on risk management and therapeutic parenting.

Changes to training provision has included:

Provision of Adult Care and Protection in relation to Continued Care, for staff and carers.
Establishing risk assessments linked to GIRFEC within Individual Placement Agreements for children placed with external fostering agencies. This has resulted in awareness training for staff.

41. Staff such as Child Care Officers were sent for training, in a Council Meeting Minute from 16 February 1959, there is mention of funding to send a Child Care Officer to Dundee for residential course. It is not specified what training this would have been or what qualifications would have been gained, but it would show that continuous development of staff was important.

90. In the minutes of the Council Meeting of 5 January 1949, there is an advert for the Appointment of a Children's Officer. It states that "the person to be appointed shall have experience of work with children and shall hold a University Degree and/or a Diploma in Social Sciences." One of the main remits for the Children's Officer was visiting children who were boarded out.

91. NESPC training document dated 2006 shows Social work staff received training through the auspices of the North East of Scotland Child Protection Committee in therapeutic interventions to help children recover from abuse and in relation to helping foster placements succeed where abuse had occurred.

68. Care Inspectorate Annual Return 2013 states that checks are always undertaken to assess suitability of staff prior to employment. Two references were always obtained, and an interview conducted. A Protection of Children (Scotland) Act 2003 check for every employee was also undertaken as well as an Enhanced Disclosure. Existing staff were re-checked with Disclosure Scotland every 3 years. A Scottish Social Services Council (SSSC) check is completed. Also, a check to ensure the mental and physical health of the prospective employee.

e) When were fostering panels set up? What was their purpose and remit?

2. Norrie 2017 page 168 states : " One of the major innovations of the Regulations Boarding - Out and Fostering of Children Regulations (1985) was the requirement on care authorities to establish Fostering panels, 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."

38. Future of Adoption and Fostering Panels - starter paper 15 June 1995 which relates to Grampian Regional Council, at page 2 paragraph c: Regulation 4 of Boarding Out and Fostering of Children (Scotland) Regulations (1995) specifies that the care authority must appoint a fostering panel.

It is also stated at Appendix 8 page 3 of Minute of meeting – Grampian North and South Adoption & Fostering Panels that in Aberdeen City "One panel for adoption and fostering work in terms of referrals, meeting fortnightly..... Composition of the panel would be six members possibly with two lay members, who are approved foster carers/adopters, a medical adviser and continuity of the secretarial support already established".

92. Residential and Foster Care Resource Forum 18 February 2005 p1 states it's purpose as:

- 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." (n66: Residential and Foster Care Resource Forum, Feb 2005, p1)".

75. Annual Report APP 2008-9 and 64. Annual Report FP 2008-9 outlines that there was a fostering panel and also an adoption and permanence panel, both of these panels would consider children in foster care.

The fostering panel constitution outlines the council is required to appoint a Fostering Panel under Regulation 4 of the Fostering of Children (Scotland) Regulations 1996.

The functions of the fostering panel were to consider:

- whether a prospective foster carer is suitable to be a foster carer, either in respect of a particular child or children, any child or certain categories of child;
- whether, following a review of a foster carer, his/her approval should be continued, amended or terminated;
- such other matters relating to fostering as may be referred to it by the Agency.

The adoption and permanence panel's primary functions were to consider:

- whether adoption is in the best interests of any child and, if it is, whether an application should be made to free the child for adoption;
- whether a prospective adopter is suitable to be an adoptive parent, in respect of both initial and subsequent placements;
- whether a prospective adopter would be a suitable adoptive parent for a particular child.

Additional functions were to consider:

- whether permanent placement is in the best interests of any child and, if it is, the appropriate means of securing that permanent placement;
- whether siblings should be placed together or separately;
- contact (pre and post adoption and permanence) between the child and his/her birth family;
- the consideration of the payment of an allowance including (where appropriate) the payment of adoption allowances under the Adoption Allowance (Scotland) Regulations 1996;
- breakdown of adoptive placements and any consequential action that may be necessary or appropriate in respect of the child(ren) and the adopter(s);
- monitoring and reviewing the implementation of adoption and fostering plans for children freed for adoption and not placed within 6 months;
- review of approved adopters who have not had a child placed with them after two years, and determine whether their status should be varied;
- such other matters relating to adoption as may be referred to it by the Agency.

f) How were fostering panels constituted? What skills and experience were the members required to have?

See response to 1.8 (i) e)

75. Annual Report APP 2008-9 and 64. Annual Report FP 2008-9 states that both the fostering panel and the adoption and permanence panel should comprise not less than 6 and no more than 12 persons under the Fostering Regulations and adoption regulations. Both panels had at least one medical adviser under regulation 6(1) of the Adoption Regulations and Regulation 4(2) of the Fostering Regulations, and at least one legal adviser appointed for the purposes of Regulation 6(2) of the Adoption Regulations. Both panels should include at least one male and one female member and endeavoured to include those with experience of being looked after or of being a foster carer for the

foster care panel or with experience of being adopted or being an adopter for the adoption and permanence panel.

The medical adviser(s) to the Panel shall be such registered medical practitioners who are designated for the purpose by NHS Grampian and are approved by the Council as being appropriate to the giving of medical advice in connection with the functions of the Panel.

The legal adviser(s) to the Panel shall be a person qualified to practice as a solicitor in terms of Section 4 of the Solicitors (Scotland) Act 1988 who is designated for the purpose by the Council and such other solicitors or advocates as the City Solicitor, Resources Management may approve for the purpose.

The fostering panel annual report outlines that whilst the medical advisor and legal advisor will not routinely attend panel meetings, they will offer advice on any case when requested and on a case by case basis.

A range of experience was welcomed for the adoption and permanence panel. Included were social workers, Education professionals, Legal adviser, Medical Adviser, as well as adoptive parents and adopted adults who were independent members of the panel. The panel sought to recruit members with a breadth of experience with a good gender balance.

There were workshops delivered by BAAF on diversity and post placement contact issues, and training sessions were provided by the Training Team which were open for panel members to attend. The Panel Chair attends BAAF Panel Chair meetings and provides feedback at business meetings. The Professional Officer also attended the BAAF panel chair meeting and subsequently set up a joint meeting with Professional Officers from other local authorities.

The recruitment policy and procedure for the adoption and permanence panel aimed to achieve a balance between internal council staff within the social work service and independent members to bring a wider understanding and knowledge of adoption and fostering. The panel particularly sought those with an understanding of child development from 0-16; education; child health; child and adolescent psychology, psychiatry and counselling. Also sought was a balance of gender, ethnicity and age.

Panel members were required to undergo an interview with the Service Manager, Panel Chair and Professional Officer. Before taking up a formal position, an enhanced disclosure check and local authority check was required. Also 2 personal references. The appointment was then sent to the Agency Decision Maker (Chief Social Work Officer) for a letter of appointment.

169. Annual Report 2002 informs that panel members welcomed continuing training. Some panel members had attended a Legal Seminar with Professor Norrie. The panel secretary had also attended a training course specific to her role as panel secretary. It is also stated that the panel needed to consider the Adoption Standards and the National Care Standards for Adoption Agencies and Foster Care and Family Placement Services as this had implications for practice.

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.**

Care Inspectorate Annual Returns provide numbers of staff details for 2015-2019. Evidence 77 Pg 24, Evidence 78 Pg 27, Evidence 79 Pg 28, Evidence 80 Pg 31, Evidence 81 Pg 30.

a) Human Resources searched their electronic database using variations of search terms for fostering to identify relevant staff who may have been employed.

YEAR	Number of staff identified by HR as being allocated to Fostering within the one-year period	Number of Job Titles identified in HR Search within the one-year period
2015	43	6
2016	53	5
2017	40	5
2018	54	10
2019	16	7

c)

- Family Aide (May 2018 – present)
- Family Liaison Officer (May 2018 – present)
- Family Resource Worker (August 2010 – present)
- Programme Manager (August 2017 – present)
- Research Assistant (May 2018 – present)
- Senior Support Assistant (2014 – March 2019)
- Service Manager (2014 – June 2015)
- Social Worker (2014 – November 2018)
- Support Assistant (2014 – July 2018)
- Teacher (May 2018 – present)
- Team Manager (2014 – April 2019)

(ii) Foster carers

Past

a) How were foster carers identified and approved/registered?

9. The Register of Guardians reflects the period late 1920s to 1930s, it was the responsibility of the guardian to notify the Authority when they were looking after a child.

82. The rules for people applying to register as Guardians to Boarded out children as agreed in 1932, are listed in a booklet and the form that they had to fill in is attached.

93. p908-9 – Council Meeting Minute 15 October 1945 states that guardians are introduced mainly by private reference through department channels, and by written application. Press advertisement is not favoured. An application is completed containing essential information on position and accommodation offered, rooms and beds, occupants, distance from school and church, and also references. A thorough enquiry and inspection was then completed. If successful, a waiting list system was used. Further visitation was completed prior to boarding. The Boarding Officer then accompanies the child and conducts initial visits and enquiry and makes arrangements for school, church, and medical needs.

94. Interested persons could write or enquire at the Local Authority to ask whether there were children available to board. Doc 204 from the 1940s contains such applications in the forms of letters and a form that interested parties would fill in.

95. Homefinding Publicity Campaign 1992 - In a letter a social worker talks about "a publicity campaign intended to attract people to offering foster and adoptive placements for older children" and her intention to prepare an Information pack for one of the children she works with. 96. shows the finished advert.

97. Information Leaflet for Parents (condensed) – Adoption & Fostering Panel states that the local authority adoption is required by law to have an Adoption and Permanence Panel. Duties of the panel include making recommendations about the approval of adopters/permanent foster carers and to make recommendations about the match of particular children with particular adopters/foster carers.

The panel makes recommendations to the agency decision maker (a senior council social work officer), who then makes the final decision on behalf of the council.

98. The Adoption and Fostering Panel Minute dated 15 December 2004 (pg. 2) states that there was difficulty identifying resources for children in the Linksfield Unit by the Family Placement Team, both locally and via independent fostering agencies. Barnardo's was at this time piloting and advertising for specialist carers for these children.

99. It is known that newspaper adverts were used to try and recruit carers for specific families. The advert from around 1980, is applying for foster carers for a family of 4 children who Grampian Regional Council do not want to separate.

b) What experience and/or qualifications, if any, did a foster carer require to have?

82. In the Rules for Boarded out Children agreed in 26 October 1932, guardians had to be well recommended people who had the financial means to care for the children that boarded with them. The document notes that "1. Guardians must be well recommended persons who can be depended on to look after the health, comfort, education, and general well-being of children whose future life will depend in large measure on the example shown them and the treatment they receive at the hands of those under whose influence they are placed.

2. No child shall be boarded-out, or allowed to remain, with guardians who are themselves in receipt of Poor Relief, who have not an income other than that to be received for the children boarded with them."

98. The Adoption and Fostering Panel Minute dated 15 December 2004 (pg 5): It is known from this minute that kinship carers were required to have:

- Two independent references
- Enhanced Disclosure completed
- Evidence that the carer accepts and understands the full extent of parental drug misuse
- What support the carer sees themselves as needing, and for how long?
- How will the presence of children affect the household and are any adjustments required due to the carers' age?
- Medical examination to ascertain health status
- Information about the potential carer's input with the children so far, and why they have not been involved until a later stage, where were they when concerns of neglect was raised?
- How the carer will handle the parents when they are within the home

100. In a leaflet circa 2006, "Have you ever considered fostering?" it notes on page 3, "who can be a foster Carer" that foster carers can come from all walks of life, they can be "single, married or with a partner, unemployed or working". This booklet would have been handed out to anyone who showed an interest in fostering.

c) What checks were carried out in relation to a prospective foster carer, including criminal record checks, references and interviews?

94. References or recommendations could be received by well standing members of the community, with regards to people who wished to become Guardians of boarded-out children. One such example is a note (doc 204 pg3) dated 4th August 1939; where a minister had visited a family and recommended them as respectable people.

93. ATC 1945_10_01p908-9 vi – Council Meeting Minute 15 October 1945 states that references needed to be provided with the application which were then checked. The accommodation was checked, and enquiries made in the local community.

The Scottish Government introduced the Protection of Vulnerable Groups (PVG) Scheme on 28 February 2011. From this date anyone seeking work with children or protected adults must apply to

join the Scheme in order to be eligible to take up a post either in a paid or voluntary capacity. Prior to this Disclosure checks were carried out and reviewed every 2 years for foster carers.

d) What checks were carried out in relation to other persons residing with the prospective foster carer, including criminal record checks, references and interviews?

The Scottish Government introduced the Protection of Vulnerable Groups (PVG) Scheme on 28 February 2011. From this date anyone seeking work with children or protected adults must apply to join the Scheme in order to be eligible to take up a post either in a paid or voluntary capacity. Enhanced Disclosures are required to be undertaken for all adults over the age of 16 years living within a fostering the household. During the assessment period assessors would interview and incorporate this into the overall assessment of the carers.

Prior to 2011, enhanced disclosures were sought from Disclosure Scotland which was founded in 2002. This falls under the Protection of Vulnerable Groups (Scotland) Act 2007 and Part V of the Police Act 1997. See <https://www.mygov.scot/enhanced-disclosure/>

e) What checks were carried out in relation to other family members and friends of a prospective foster carer including criminal record checks, references and interviews?

References are requested from adult children and ex-spouses during the assessment period however only people living within the household could get an enhanced disclosure, however if a person outwith the family home is part of the carers support network and would be providing babysitting/regular care a Basic Disclosure would be sought.

f) To what extent, if any, were the checks referred to at paras (c) to (e) above reviewed? If so, how frequently and what checks were done? If not, why not?

Whilst there is no legislation in relation to PVG's updates, Aberdeen City Council's guidance is to request an update every 3 years.

g) What checks were carried out by the local authority of the available accommodation? How frequently were these carried out? Were they repeated? If so, how frequently? If not, why not?

82. Rules for Guardians of Boarded out Children 9 December 1932, states that every guardian's home "must first be visited and Officers must make themselves familiar as to the room or rooms and bed or beds occupied by our children and must satisfy themselves from time to time the bedding is clean and adequate."

93. ATC 1945_10_15p908-9 vi – Council Meeting Minute 15 October 1945 states that initial checks were done to ensure the accommodation was suitable. The Boarding Officer conducted the initial visit and accompanied the child. Visitation was then required within one month of boarding and again within the following two months.

After this, visits could be less frequent, but must take place four times annually, at which the Medical Officer would also be present. Visits would depend on the conditions and circumstances of the home. One of these visits would be the annual visit by the Chief Public Assistance Officer and Public Assistance Committee.

100. In a leaflet circa 2006, "Have you ever considered fostering?" on page 5 notes that people applying to become foster carers "must undertake a thorough assessment of their home circumstances".

26. In the Foster Carer Handbook for 2007, on page 35 in line with Health and Safety rules, notes that the Health and Safety Checklist Assessment of the foster carer's home would be "reviewed on an annual basis or in light of significant change, for example, a move of house or any additions/adaptations."

- h) Was the gender of the foster carer of any relevance to approval as a foster carer or in relation to the placement of a child with a particular carer? If so, why?**

See response to 1.3(ii)a)

There is no evidence in policies of gender being specified other than there being a presumption prior to 2009 that a married couple or one female would be the foster carer. An example of a single woman as foster carer was found in Minutes from 1967-ref 107) ATC 3_7_1967(9).

- i) Was the gender of other persons (including children) residing in the same house of any relevance to the approval of a foster carer or to the placement of a child with a carer? If so, why?**

Not known

- j) Were foster carers required to provide any services for children in their care beyond accommodating them? If so, what were they?**

26. CS033 Foster Carer Handbook 2007 refers to the supporting of foster carers. It states that in reality, fostering, particularly in the case of those caring for a number of children on a temporary basis, tends to take over the foster carer's life, with little space, time or energy available for other activities. Such situations can lead to stress and general tiredness, making it difficult for the foster carer to do their best for their own or foster children. Advice is provided for recognising and dealing with stress.

- k) Did children work manually in the placement or externally (e.g. farming work or other labour), or both? If so, did that change at any point? If so, why?**

5. Yes, they did in the 1930s, although it was made clear in the "Public Assistance Circular" dated 1934 that the child's guardian cannot "make use of the services of any boarded-out child for the purposes of any trade, business or calling, carried on by him, except the performance of such light agricultural or horticultural work as may be done by the child without risk of injury to the child's health or of detriment to his educational progress and general welfare".

82. The Rules for Guardians of Boarded-Out Children 28 October 1932, page 3 section 10 states that "Children should be taught by precept and example to cultivate industrious habits. They must not however be overstrained with labour or caused to work on Sundays or during school hours or when home lessons should be prepared. Boys should be taught to make themselves useful and girls to sew, knit, darn, and to perform, as they grow older, general household duties. There must be no attempt, however, to take advantage of the children in this respect, or to deprive them of the necessary play or recreation."

- l) Were fostering agreements entered into? If so, were these in a prescribed form or created on an ad hoc basis?**

Fostering agreements were entered into by the local authority with the foster carer. These were recorded on forms and would have been agreed prior to the child being accommodated with the foster carer. Examples from different time periods are given below:

9. An early example of a fostering agreement, the Register of Guardians dated 1929 -1941, contains forms in which the parent of the child being boarded out, under the "terms agreed upon" agree to pay the guardian a sum of money per week.

101, 102 and 103. Foster Care Agreements between Grampian Regional Council Social Work Department and Foster Parents. 101: from 1979 and 102, from 1980 and 103, from 1993.

104. An Inspection Report dated 27 November 2007 found that requirement from previous Inspection had been fully met, namely "all foster carers now have written agreements. This was confirmed by comments made by foster carers and from written evidence in carers files." This was in compliance with the Fostering of Children (Scotland) Regulations 1996 Regulation 8.

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.**

33. Handbook for Foster Carers 2017 p22 "The Looked After Children (Scotland) Regulations 2009 section 24 states that the Local Authority must enter into a written agreement or a contract with an approved foster carer...Your foster care agreement will be renewed annually and a new agreement written should you change your registration or Payment for skills level."

38. Suggestions, Improvements, Complaints and Appeals – Fostering and Adoption, Feb 2016, p3: The Fostering and Adoption Service also reviews current foster carers and finds families for children who need both temporary and permanent care. We welcome comments and views about all these processes, so we can improve our service to children of all ages."

105. (<https://aberdeen-adopt-and-foster.mylifeportal.co.uk/aberdeen-home-page/standard-pages/01-fostering/04-who-can-foster/>.) Fostering Portal - Who Can Foster states that:

"You don't need to have any formal qualifications – but you should have some experience of having children around you.

We will also expect you to be committed to the training we offer.

You can apply to foster for Aberdeen City Council if:

- You have no serious criminal convictions (including sexual offences, violent offences and/or cruelty to either adults or children)

Are there any other essential requirements?

Yes. To foster for Aberdeen City Council, you need to have:

- a positive attitude to caring for children and young people and be interested in learning more about them
- patience, adaptability and resilience - some of the children we need you to care for may be unpredictable because of their earlier life experiences
- a sense of humour!
- an ability to work as part of a team alongside social workers, teachers, health professionals and, where necessary, the child or young person's family
- a willingness for you and your family to undertake police and medical checks – and discuss any findings with us
- a willingness to attend initial and ongoing training and support groups to enable you to foster successfully
- a stable relationship if you are applying as a couple

The right time:

- We understand that the time must be right for you for you to become a foster carer.
- We have found that people undergoing major life events, such as bereavement or moving to a new house, need time to adjust before starting to foster.
- However, you are still welcome to find out more – there is a wealth of information on this site and you can also come to one of the events that we have on going throughout the year."

106. Induction Book for new Staff (2019) describes the process for formal assessment of foster carers and presentation to the panel:

"The assessment process should take maximum six months and involve the following:

- Completion of PVG
- Full address/history- local authority checks
- References from others known to the family
- Full assessment of family origin of each applicant from birth to death
- Full assessments of any relationships for the main applicants past and present
- Full assessment of parenting capacity and motivation to foster
- Written personal references with additional face to face meeting with referee to gather more information
- Where children in the family are involved, written references should be obtained from the child's education facility
- Health and Safety check of the family home
- Pet questionnaire with additional assessments of pets if deemed necessary

2. Organisational Structure and Oversight

2.1 Culture

Past

a) What was the nature of the culture within the local authority in relation to the provision of foster care?

See responses at 1.1 b) and 1.5 a)

Archive research of the organisation's Committee Minutes 1930 - 1995 provides a high level history of the governance referred to at 1.1 - i, ii, providing an illustration of organisational culture where the importance of the duty to care, protect and ensure the welfare of children in Aberdeen has been in place since 1930. Reports by the Director of Education and Chief Public Assistance Officer in 1945 are the first detailed evidence of this (Aberdeen Town Council Minutes 1945, p863-867, p905-912, docs 52, 107,17, 19, 21, 93 and 108).

Minutes of the Public Assistance Committee from 1931 provide evidence of reference to legislation in relation to boarded –out children (4.) and in 1933 (40.) place emphasis on making the requirements known to foster carers. Minutes of Aberdeen Town Council reflect the culture of fulfilling the duty to protect vulnerable children by ensuring that they are cared for by those with an interest in and affection for children whilst also providing adequate remuneration (21.).

Aberdeen Town Council Memoranda of Information 1930 - 1974 demonstrate variations in the establishment types provided, which show a movement towards placing children in family-oriented settings and a corresponding reduction in numbers of children placed in residential homes.

The Social Work Inspection Agency (SWIA) report by Angus Skinner, "Another Kind of Home", and the SWIA review titled "Extraordinary Lives: Creating a Positive Future for Looked After Children and Young People in Scotland" (2006) influenced service development in the organisation.

Core behaviours of Customer Focus, Respect, Communication and Professionalism were introduced for all organisation staff in 2013.

For social care and wellbeing staff registered under the Social Services Council (SSSC), 6 behaviours of Collaborating and Influencing, Motivating and Inspiring Others, Creativity and Innovation, Empowering Others, Self-Leadership and Vision supersede the core behaviours to support social work professional supervision. The behaviours are modelled on the SSSC Continuous Learning Framework (CLF) 6 leadership behaviours. The social care behaviours are an element of the social care and wellbeing continuous improvement model and are employed in the SMART Supervision Policy launched by the organisation on 17 December 2012. That Policy was revised as social care and wellbeing adopted the 13 personal and 6 organisational capabilities and the approach of the Continuous Learning Framework 6 leadership behaviours to support Performance Review and Development (PRD).

The Continuous Learning Framework (CLF) aims to improve outcomes for people using social services by supporting the workforce delivering them to be the best they can be. It highlights the shared responsibility of social service workers and their employers for the continuous learning and development of the workforce which is already set out in the SSSC Codes of Practice. Social Work Services seek to continuously improve the way they work, removing duplication and inefficiencies and focusing on the quality of everything that they do.

The Service's model of continuous improvement includes the "How Good Is Our Team" initiative (HGLOT), implemented in 2012. HGLOT uses the Continuous Learning Framework's 13 personal and 6 organisational capabilities. HGLOT's intention is to support the continuous improvement journey, making sure that individuals and teams are self-aware and focused on providing high quality services. Self-evaluation is fundamental to this approach. Self-evaluation highlights operational and strategic areas for development and key priority areas for the wider directorate and the Council by informing the Social Work Services Business Plan, Social Work Services Strategy Map and in turn the Corporate Business Plan and the "How Good Is Our Council" (HGIOC) framework. HGIOC is employed to support self-evaluation and the promotion of performance improvement and feeds into the Aberdeen City Council Business Plan.

The current Chief Executive launched an extensive 'Shaping Aberdeen' corporate culture programme following her appointment in November 2013 based on improving our customer experience, our staff experience, and our use of resources. This organisational culture is woven into staff induction, third tier (senior manager) network events, staff briefings, and engagement activities. All strategy, policy, service planning and decision making explicitly align to our overarching culture as an organisation under the 'Shaping Aberdeen' programme. The Council's Business Plan for Children's Services demonstrates a clear focus on culture, supported by activities to embed the values of Reclaiming Social Work.

39. Corporate_Parenting_Policy_2012-2015 states:

"3.1 The Council aims to ensure that there is no discernible difference between the outcomes of children and young people who have been Looked After and their peers who have not. Looked After Children and Young People and Care Leavers will be supported to be successful learners, confident individuals, responsible citizens and effective contributors.

"3.2 Responsible parents hold together many strands in their children's lives; they care about their safety and their health, their education and their leisure interests, their friendships and their futures. They have continuous knowledge of their children's development, and what their particular talents and achievements and problems are. They listen and talk to their children so that they are aware of their needs and concerns.

"3.3 The Council's specific and additional statutory duties are clearly set out under the Children (Scotland) Act 1995. Being a good Corporate Parent also requires the Council to have strong governance to ensure Elected Members and officers have the right information to take early action for individual children and young people and to plan strategically, drive performance improvement, challenge services, ensure a child centred approach focused on outcomes, listen to children and young people and be satisfied that what we provide would be good enough for our own children".

"3.4. The corporate parenting role is seen as the responsibility as all staff and elected members, and all council services; Education, Culture and Sport; Social Care and Wellbeing; Housing and Environment; Planning and Infrastructure and Corporate Governance. As a Corporate Family we are in a unique position to be able to support young people whilst they are in our care and to prepare them as they leave home to ensure they have their own housing, good economic opportunities, access to community learning and development support, access to welfare rights advice and health and careers services. All of these corporate services will be helpful to ensure young care leavers are supported by us as their Corporate Family to achieve and sustain independent living in adulthood.

"3.6 To ensure we fulfil our duties in being a good corporate parent the policy is underpinned by the following key principles that the Council will:

- i) accept responsibility for the Council's Looked After children and young people and care leavers;
- ii) make their needs a priority; and
- iii) seek for them the same outcomes any good parent would want for their own children.

"3.7 The principles of the Policy are in line with those that underpin the National Care Standards, that Looked After Children, Young People and Care Leavers will be:

- (i) treated with dignity and respect;
- (ii) have their privacy respected;
- (iii) be helped to make appropriate choices;
- (iv) feel safe and secure;
- (v) have opportunities to achieve their full potential;
- (vi) be valued as an individual and treated equally.

"3.8 The Policy will provide a framework for directorates and their respective services to identify specific actions and interventions to close the gap between Looked After Children and Young People and Care Leavers and their peers to;

- (i) improve educational attainment and achievement;
- (ii) enable them to take up and sustain positive post-school destinations in education, employment and training;
- (iii) reduce their involvement in the criminal justice system;
- (iv) reduce levels of homelessness for care leavers;
- (v) help them to live full and healthy lives.

"3.9 In addition, the Council and our community planning partners are some of the largest employers in the City and so are in a good position to offer work experience, apprenticeships and employment to Looked After Children and Young people and Care Leavers.

"3.10 In line with the principles of Getting it Right for Every Child we will coordinate the activities of many different professionals and carers who are involved in a child or young persons life and we will take a strategic and child centre approach to service delivery and partnership working.

"3.11 The local authority delegates the functions required to promote and support the physical, emotional, social and cognitive development of a Looked After Child at all ages and stages of their development to those services providing the day to day care for the child or young person until such time as they have left our care and moved onto independent living.

"3.12 It is important to remember that unless parental rights and responsibilities have been removed, the Council will seek to work in partnership with the child or young person's birth parent(s). This will mean that we will work to ensure parent(s) are kept fully informed about their child's progress and are consulted wherever appropriate."

- b) Was that culture reflected in the local authority's policies, procedures and/or practice in relation the provision of foster care?**

Yes

- c) How can that be demonstrated?**

See response at 2.1 a).

Council Committee Minutes, policies, procedure and reports indicate there is evidence that the provision of foster care looked to safeguard and care for children where they could not be looked after at home and this remains the case. There has been an ongoing investment in workforce development and increased staffing ratios and an emphasis on providing alternative family care within the City.

26. CSO 33 Foster Carer Handbook Final Draft 2007: provides at paragraph 1.2 -

"Value Base for Foster Care Practice in Aberdeen – Child Care Principles and Policy.

"Aberdeen City Council's childcare principles and policy are built upon the requirements of the Children (Scotland) Act 1995. Aberdeen City Council is committed to the principles embodied in the United Nations Convention on the Rights of the Child as ratified by the UK Government in December 1991. The Children (Scotland) Act 1995 incorporates provisions from the United Nations Convention on the Rights of the Child.

"Fostering both locally and nationally has changed significantly over recent years. Fostering has become a much more complex and demanding task than in the past, while professional expectations of carers have also risen. With changing legislation, policy and practice, there is now a much greater emphasis placed on the need to work with children within their own families, and to reduce the overall numbers of children and young people being looked after away from home. Fostering is also the placement of choice for an increasing number of children and young people, who do require to be looked after away from home, although they may be older, have developed more complex problems and behavioural difficulties than in the past. At the same time, the skills of carers are also increasingly being recognised and used for a range of fostering tasks-emergency, temporary, respite permanent and specialist placements."

Emphasis was again placed on working in partnership and ensuring contact takes place between the child who is fostered and his parents-through their link worker.

In the same handbook, It is also stated that;

"The Council believes that ideally the placement of choice for all children and young people should be with Carers who share their religion, culture, ethnic origin and language. Children of mixed parentage, should, wherever possible, be placed with a family who reflect their ethnic origins....Ideally, where a child is placed in Foster Care, their Foster Carers should be of the same religious persuasion as the child, or must undertake to bring him or her up in his or her religious persuasion."

39. Corporate_Parenting_Policy_2012-2015 outlines the 'Policy in Practice' for Social Care and Wellbeing:

"9.1 Have the same aspirations, hopes and expectations which all good parents have for their own children.

"9.2 Be the professional who holds together the life story of the child or young person and makes sure that life events which are important not are recognised and stored.

"9.3 Be confident that the child or young person is safe, healthy, active, nurtured, achieving, respected and responsible, and included.

"9.4 Make sure that wherever the child or young person lives they feel they belong, are secure and that they can grow in confidence as their developing needs continue to be met.

"9.5 Make sure that a child or young person is only moved if it is in her/his best interests and the transition is carefully planned, managed and explained to the child or young person.

"9.6 Make sure the child or young person is truly involved in decisions which affect them and that they get the support and opportunities to state their views which are listened to and taken seriously.

"9.7 Expect the best from all services so they can help the child or young person to reach their full potential and that there is someone who advocates for them in the same way as good parents do.

"9.8 Make sure that all achievements by the child or young person are recognised and the ones most important to the young person are remembered and recorded.

"9.9 Make sure that the child or young person's Care Plan takes full account of their educational needs and identifies how adults with different roles can help their achievement in school.

"9.10 Make sure that the child or young person's Care Plan takes full account of their health needs and identifies how adults with different roles can help them achieve good health and wellbeing.

"9.11 Be aware of the intended post school destinations all young people who have been Looked After and work with 16+ Learning Choice Teams to ensure a coordinate approach to support and enable them to take up and sustain positive destination in education, employment or training.

"9.12 Make sure the child or young person has the opportunity to have new experiences, for example, staying overnight with a friend or going on a school journey and to try out new skills such as sport, music, drama, arts and culture.

"9.13 Make sure that the child or young person is part of their local community and can use local universal services without discrimination.

Where there are institutional barriers you will be confident in approaching the relevant agencies to tackle these.

"9.14 Understand the strengths and difficulties of the child or young person's family relationships and recognise family members who are important to them and support professionals in recognising and helping these relationships to be positive.

"9.15 Encourage the child or young person to make and keep friends.

"9.16 Encourage young people to continue to be Looked After until they are 18, if that is in their best interests, and plan appropriately for independent living.

"9.17 Recognise that taking risks is part of growing up and to support carers of the child or young person to let them take reasonable risks at age appropriate stages.

"9.18 Help the child or young person negotiate each life transition and that a child or young person Looked After away from home does not miss out on what might be taken for granted by good parents, for example remembering the age they started to walk; joined local youth groups, took part in religious festivals or family events when relatives gather and family history is updated and exchanged.

"9.19 Social Care and Wellbeing Staff will adhere to the Scottish Social Services Council Codes of Practice, and that other staff are adhering to their own professional codes of conduct and fulfilling their CPD requirements.

"9.20 Consider offering work placements to Looked After Young People and employment opportunities such as apprenticeships or summer jobs to Care Leavers with the aim of supporting them into sustainable employment."

d) Did the provision of care by foster carers reflect the local authority's culture, policies and procedures?

Not in all cases. It is not possible to determine the extent and scale of occasions when the council's culture, policies and procedures were not reflected in the care provided by foster carers.

e) If not, please provide a representative range of examples and explain, by reference to those examples, why particular foster carers did not, in material ways, work in accordance

with the local authority's then culture, policies and procedures and what, if anything, was done to change that?

See response to 2.1 d).

f) When and why did any changes in the culture of the local authority in relation to the provision of foster care come about?

See response to 2.1a)

There is some evidence to support that cultural change was informed by legislation and national policy developments in relation to foster care and residential childcare. A report from the Secretary for State (1991) recommended a review of residential childcare, which would have been considered when implementing policy for foster care, there was also the Skinner Report (1992) which was an impetus for change.

One response to change to culture, policies and procedures is the implementation of Getting It Right for Every Child (GIRFEC) and the development of the multiagency child's place. The child's assessment and plan reflect safe, healthy, active, achieving and nurtured, respected and responsible and included outcome measures. Another example is the national policy document Getting Our Priorities Right 2013.

63. Annual Report 2006 states that finding permanent homes for older children especially sibling groups continues to be an area where recruitment is difficult, and this is a challenge throughout Scotland. The Adoption and Fostering Panel are aware of this and children/young people can be re-referred to monitor efforts to find homes/care plans for young people. This can at times result in different plans being made/other resources seen as more appropriate.

g) Were any changes in culture driven by internal influences, incidents, experiences or events within the local authority, or any of the foster care placements?

The issue of recruitment and retention of staff with the skills and qualifications to work with the most complex children and young people has been a recurring theme. The Practice Development Initiative Pilot of 2006/2007 was to support and develop the workforce.

h) Were there any changes in culture that were driven by abuse, or alleged abuse, of children in foster care? Need examples from local knowledge

109. Yes, an example of a new procedure being created is a memo dated 2007, which has a Safe Care Assessment Form attached. The form to be filled in by the social worker, preferably prior to the child being placed, would be used to "provide clear and concise information as well as direction to foster carers" with regards to the child they would be fostering. The memo notes that this new form has been created as "a result of recent investigations concerning allegations against foster carers".

i) If so, when did they occur and how did they manifest themselves?

23 November 2007.

j) Were any changes in culture driven by any external influences or factors and if so what were those influences or factors?

See response at 2.1 f).

Present

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

Yes

l) If so, please give details.

Cultural change is also reflected in the recent developments within the organisation: investing in training our workforce in Dyadic Developmental Practice and Psychotherapy (DDP), an attachment based approach to working with children and young people; listening to the voice of care experienced young people to inform service development; young people being involved in recruitment processes; recruitment of an external Residential Manager whose role is to ensure that the care experience of children and young people is improved. The culture is developing in accordance with the Children and Young People (Scotland) Act 2014, for example, continuing care and extending aftercare provision. A working group has been established with representation from children's homes, Fostering and Adoption and Independent Reviewing Officers. Care Inspectorate Reports reflect the very positive changes to the service and the effectiveness of the admissions policy. Policy and procedure are currently being updated to reflect the agreed ethos of care for the city. Workforce development continues to be a priority in both recruitment and retention and development of a skilled workforce.

The current investment in Dyadic Developmental Practice training and the development of a career pathway to achieve the SCQF Level 9 qualification is part of the strategy to address the issue.

33. On p10 of the Handbook for Foster Carers, it states "Aberdeen City Council's Alternative Family Care Service – Adoption and Fostering Service aims to recruit, assess, train and support foster carers and adopters from a range of backgrounds with different skills and experiences to help meet the individual needs and improve outcomes for all 'looked after children' living within what is a thriving city, with an increasingly diverse population.

"The Council aims to increase the number of approved foster carers and adopters within its own population, whilst decreasing the number of external placements and adoptions to help maintain children's significant relationships and cultural identity, whilst maximising the Council's ability to both manage and target its resources more effectively.

"The Council aims to cultivate and maintain a sufficient number of foster carers able to provide a range of foster care placements, including temporary and emergency, permanent and short break placements.

"In achieving its overarching aim, Aberdeen City Council will continue to review the ongoing needs of its 'looked after children' population as well as reviewing the projected service requirements and agreed targets for the recruitment of adopters, and the recruitment and retention of foster carers."

m) To what extent, if any, has abuse or alleged abuse of children cared for in foster care caused, or contributed to, the adoption of the current policies, procedures and/or practices of the local authority, in relation to the provision of foster care services for children including the safeguarding and child protection arrangements applying to its current foster care placements?

Central government form policy, which is implemented by the local authority. Locally, Child protection and safer caring has long since been established as mandatory for foster carers. However, there is a greater emphasis on this being repeated more frequently, i.e. every three years. The service has made training more accessible to carers e.g. via online training licenses. The service continually updates the training to ensure the most relevant issues are covered, including more recently internet safety and child exploitation. There is a greater emphasis on joint training to be inclusive of staff, foster carers, kinship carers and adopters.

110. Significant Incident Procedure (SCWB043), evidences that the Council is taking cognisance of significant incidents including child protection concerns, to influence practice policy and procedure.

111. Communication of Significant Events August 2007, this document describes the procedure to be followed by staff in notifying promptly and timeously a significant event occurring in the Social Work Service. Notification is from worker to Service Manager to Head of Service and from Head of Service to Elected member to ensure public accountability and transparency.

2.2 Structure, leadership and accountability

Past

a) **What was the structure of responsibility within the local authority in relation to foster care?**

Administration of the local authority over the historic time period has been undertaken by elected members via a committee structure, supported by council officers. Committees dealing with Public Assistance, Education, Social Welfare, Children and Social Work have overseen service policy/strategy and monitored performance delivery in line with legislation, government guidance, best value and internal/external audit requirements.

Over the years there have been numerous changes to structure. However, the main decision-making powers will have rested with full Council and the various committees and sub committees. Below that level directors and other senior officers will have exercised delegated powers.

112. Council Meeting 1 November 1948: The Children's Committee constitution states that the committee consists of 10 members, 4 Education Committee members, 4 Health and Welfare Committee members, the treasurer and the Lord Provost, as well as co-opted members. The quorum was 5 members. The committee was referred all matters relating to:

- i) The Children & Young Persons (Scotland) Act 1937 Parts I, IV and V
- ii) The Adoption of Children (Regulation) Act 1939
- iii) The Children Act 1948

113. Council Meeting 1 November 1948: continues that the committee was responsible for the employment of the Children's Officer, had financial responsibilities, setting up any sub-committees, the appointment of Joint Committees or boards, and "the making, alteration, revocation of bye-laws, rules, regulations or schemes".

b) **What were the oversight and supervision arrangements by senior management?**

89. AnnualReport2007-8 outlines that in November 2006 there was a restructuring of the fostering and adoption service, with a dedicated service manager being appointed in early 2007 and a Professional Officer-Permanency Planning post being filled in May 2007.

c) **What were the lines of accountability?**

113a. Aberdeen City Council Organisational Structure: Structure chart from 2010 which shows the structure from Chief Executive delegating down.

113b. Aberdeen City Council Organisational Structure: Structure chart from November 2013 which shows the structure from Head of Service. The Alternative Family Care Team was the relevant team for Fostering.

d) **Within the local authority, who had senior management/corporate/ organisational responsibility for the managers/management teams/leadership teams who had responsibilities in relation to children in foster care?**

48. Inspection Report 9.10.2006: "The Service operates through the Health and Social Care Service (Neighbourhood Services South). Two teams are based in the same location ...The two teams are managed by the Head of Service who is responsible for a Manager and two Senior Social Workers, Social Workers, Support Worker and Administrative staff".

104. Inspection Report 27.11.2007: "In August 2007 the service underwent restructuring. There are now three teams - Adoption/Permanency Team, Fostering Team and the Recruitment, Assessment and Quality Assurance Team. A new Children's Services Manager was also appointed as well as a Professional Officer - Permanency Planning, whose remit was to support and advise the panels".

e) Who, within the local authority, took decisions on matters of policy, procedure and/or practice in relation to foster care?

The relevant Council Committee, for example, 25. Public assistance letter dated 5 September 1936, it is said "As you are aware, the Council, by its scheme, delegates its powers to the Public Assistance Committee..."

Also, the Chief Social Work Officer/Director of Social Work and Senior Management Team, delegating down, as appropriate, to the Team Manager and the Team Leader.

f) To whom were foster carers accountable?

A supervising social worker or link worker within the Fostering team who in turn would report to the Team Leader/Team Manager.

g) Who, within the local authority, was responsible for the implementation of, and compliance with, the local authority's policies, procedures and/or practices in foster care both by local authority staff and by foster carers?

The relevant Council Committee. Also, the Chief Social Work Officer/Director of Social Work and Senior Management Team, delegating down, as appropriate, to the Social Work Manager and the Officer in Charge.

h) To whom were fostering panels accountable?

See response to 1.1 b) and 2.2 d)

One of the major innovations in the 1985 Regulations was the requirement on care authorities to establish fostering panels, 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.

38. Future of Fostering and Adoption Panels Starter paper from meeting on 20th June 1995, refers at Appendix 7 to constitution of existing panel in place since 1985. The functions of the Panel are: at para 9. "To submit Minutes of each of its meetings to the Divisional Officer and to the Deputy Director of Social Work before any agency decision is taken on the basis of a recommendation by the panel... Panel recommendations shall be made in respect of families to the Divisional Officer for the area in which the child resides and in respect of children to the Divisional Officer in the area responsible for the child. The recommendations from the meeting on 20th June 1995, taking account of the Boarding Out and Fostering of Children (Scotland) Regulations 1995 were that the existing structures have worked well and their recommendations essentially "transpose" these arrangements to the new unitary authorities".

48. Inspection Report 09.10.2006: To the Agency Decision maker, otherwise, Head of Service and Interim Head of Service.

i) What were the oversight and supervision arrangements in respect of fostering panels?

See response to 2.2 h)

48. Inspection Report 9.10.2006- "The service should ensure that membership of the fostering panel is broadened to include people with experience of providing and of receiving foster care."

Present

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

Yes

k) If so, please give details.

33. "In April 2016, Fostering, Adoption and Kinship services in Aberdeen underwent a service restructure and together we are now known as the Alternative Family Care Service. This service is broken down into 3 teams undertaking specific duties.

"These are:

- i. **Recruitment, Assessment and Training Team.** The staff within this team respond to all initial enquiries relating to fostering, adoption and kinship care. They provide initial training for prospective foster carers and adopters and undertake assessments pertaining to the type of care you want to provide. They also provide a comprehensive training programme to allow carers to enhance their skills and knowledge relating to their role, which is an essential requirement for foster carers to maintain their registration. In addition, Supported Lodgings is also supported and overseen through this team.
- ii. **Temporary Carers Team**
This team is responsible for all temporary foster placements. Temporary foster care relates to foster carers who provide care to a child until such time as a decision is made regarding the permanent care of a child. This could be the child returning home, moving to adoption, moving to kinship care or permanent foster care.
- iii. **Permanent Carers Team**
This team is responsible for all permanent foster placements, Family Finding for children seeking adoption or permanent foster care and supports approved adopters and kinship carers." (33. Handbook for Foster Carers, Sep 2017, p7)

"Concept of Corporate Parenting introduced by the Children and Young People (Scotland) Act 2014: 'the formal and local partnerships between all services responsible for working together to meet the needs of looked after children, young people and care leavers.' Good corporate parents will want the same outcomes for their looked after children as any good parent would want for their own children. They will accept responsibility for them and make their needs a priority.

"Aberdeen City Council is committed to improving outcomes for our looked after children and our care experienced young people." (33. Handbook for Foster Carers, Sep 2017, pp7-8)

"[Programme of 'Reclaiming Social Work'] to enable social workers to work more collaboratively and concentrate on social work, not unnecessary bureaucracy.

"Social Work Unit comprises of:

"Consultant Social Worker – The Consultant Social Worker (CSW) will lead and manage the Unit and support staff to practice consistently high quality social work. They are responsible for all cases the Unit holds, as well as managing the day-to-day work of the Unit. They work directly with children and young people, deliver systemic interventions and lead the Unit whilst embedding a transparent, collaborative and reflective culture.

"Social Worker – The Social Worker undertakes social work activity with families and is supervised by the Consultant Social Worker.

"Clinical Practitioner – The Clinical Practitioner undertakes clinical assessments of families and works with the members of the Unit to consider how to bring systemic approaches into all the work they do.

"Child's Practitioner - The Child's Practitioner works directly with children and their families and is supervised by the Consultant Social Worker.

"Unit Co-Ordinator - The Unit Co-Ordinator co-ordinates the activities of the Social Work Unit by managing diaries and meetings. They are often the first point of contact with families, and are invaluable in freeing up practitioner time.

114. The Adoption and Fostering Service always wants to improve the way in which we work with prospective adopters or those wishing to become foster carers. We welcome comments and suggestions from applicants at any stage in the process from initial enquiry right through the assessment until the agency decision is made about approval.

113c. Aberdeen City Council Organisational Structure 2018: See chart for current Interim Structure.

113d. The current structure, from March 2020, as shown from the Council Budget in appendix 12 – ACC structure Feb 2020

The fostering organisational structure comprised:

- Chief Operating Officer
- Chief Officer Operations/Chief Social Work Officer
- Lead Service Manager
- Acting Children's Services Manager
- Team Managers/Consultant Social Workers
- Team Leaders
- Social workers

2.3 External Oversight

Past

a) What were the arrangements for external oversight of the local authority's foster care services?

The standard external oversight arrangements applying to local authorities over the period in question. For example, the Social Work Inspection Agency, the Care Inspectorate, the Scottish Public Services Ombudsman, Audit Scotland, Disclosure Scotland, Scottish Social Services Council (SSSC) and Information Commissioner's Office (ICO).

b) Who visited the local authority's foster care services in an official or statutory capacity and for what purpose?

115. Letter from Department of Health describing appointment of Inspector of Boarded-Out Children dated 1st October 1935.

48, 116, 117, 118 and 119. Inspection Reports there is evidence of Inspections both announced and unannounced, by the Care Commission and after 2011 the Care Inspectorate taking place in October 2006, November 2007, November 2008, November 2009 and March 2013.

c) How often did this occur?

See response at 2.3 b)

d) What did these visits involve in practice?

48, 116, 117, 118 and 119. Inspections of the Fostering Service were carried out and grades awarded in accordance with best practice or National Care Standards. Requirements and Recommendations were made as appropriate.

Present

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

No

f) If so, please give details.

Not applicable

Part B – Current Statement

3. Retrospective Acknowledgement/Admission

3.1 Acknowledgement of Abuse

- a) **Does the local authority accept that between 1930 and 17 December 2014 any children cared for in foster care were abused?**

Yes.

- b) **If so, what is the local authority's assessment of the extent and scale of such abuse?**

It is not possible to determine the extent and scale of the abuse with any great certainty. However, the Council are aware of one criminal conviction in respect of the abuse of children cared for in foster care. The Council is aware that there have been complaints and allegations of abuse made by children in foster care.

- c) **What is the basis of that assessment?**

See response at 3.1 b).

3.2 Acknowledgement of Systemic Failures

- a) **Does the local authority accept that its systems failed to protect children in foster care between 1930 and 17 December 2014 from abuse?**

Yes, on the basis that abuse took place.

See response at 3.1a) and 3.1b).

- b) **What is the local authority's assessment of the extent of any such systemic failures?**

The extent of such failures cannot be assessed with any great certainty but the information the Council have found to date gives rise to concerns about the adequacy of whatever systems were in place.

- c) **What is the basis of that assessment?**

See response 3.1 a) and 3.2 b)

- d) **What is the local authority's explanation for any such failures?**

It seems likely that such failures were caused or contributed to by failures in governance, record keeping and retention, management oversight and recruitment processes and the previous lack of opportunity for children and young people to talk about their care experiences.

3.3 Acknowledgement of Failures/Deficiencies in Response

- a) **Does the local authority accept that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of children in foster care between 1930 and 17 December 2014?**

Yes, on the basis of the large volume of complaints and allegations spanning many years. However there is a lack of documentary evidence clearly demonstrating such failures or deficiencies.

b) What is the local authority's assessment of the extent of any such failures in its response?

The extent of such failings cannot be assessed with any great certainty but the information which the Council has found in files makes it appear likely that there were failures or deficiencies in responses.

c) What is the basis of that assessment?

The large volume of complaints and allegations spanning the timeframe.

d) What is the local authority's explanation for any such failures/deficiencies?

It seems likely that such failures were caused or contributed to by failures in governance, culture and attitude over the timeframe.

3.4 Changes

a) To what extent has the local authority implemented changes to its policies, procedures and practices as a result of any acknowledgment in relation to 3.1 – 3.3 above?

109. An example of a change made to a procedure is found in a memo dated 23 November 2007 where the Council introduced a 'safe care assessment form', following "recent investigations concerning allegations against foster carers".