

**Introduction**

The following report has been prepared in response to the s21 notice dated 27 August 2019 received by Angus Council from the Scottish Child Abuse Inquiry in respect of fostering services.

**Key contact details:**

Margo Williamson (Chief Executive) – email: [REDACTED]

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Alison Watson (Service Leader – Legal Services) - email: [REDACTED]

Jackie Buchanan (Director – Legal and Democratic Services) - email: [REDACTED]

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**Guidance note 12**

Angus Council advise that the witnesses best placed to speak to all parts of the report are:

Jackie Buchanan – Director – Legal and Democratic Services

Kathryn Lindsay – Director of Children, Families and Justice, CSWO

Alison Watson – Service Leader – Legal Services

Kirsty Lee – Service Leader, Child Protection and Review

Abbi Jackson - Project Lead (Inquiry)

The posts noted above refer to those held at 31 July 2020. There are other people available who would also be able to speak to specific parts of the report.

**Methodology**

Angus Council appointed a dedicated project manager to establish and oversee the distinct work streams and draft the response. Information was gathered from archive materials for the Angus District Council period prior to 1975 when Angus, Perth and Dundee then merged into Tayside Regional Council. A legal consultant was employed to consider records held in Dundee in relation to the inquiry in respect of Tayside Regional Council.

Information was gathered from all the 196 available files held by Angus Council of temporary foster carers who had deregistered in the 25 year period pre-dating this report. This information provided lines of inquiry relating to children who had made allegations of abuse or where workers had recorded concerns about practice.

Subsequent data was gathered from the relevant 50 files relating to children. Police Scotland shared information retrospectively on carers where the outcomes of a case was not recorded on social work files due to the carers having deregistered before proceedings were concluded.

Civil actions against Angus Council and Angus area (in the Tayside Regional Council period) were checked. Staffing files relating to the timeframe were interrogated. Committee minutes and available Management Team Meetings minutes were examined to establish decision making and changes to policy.

This work was undertaken by internally employed social work and legal staff (qualified and paraprofessional respectively) as well as additionally funded temporary workers. Administration support was provided from various departments within the Council.

The research was directed by the front line practitioners following lines of inquiry ensuring an independent and transparent process. Care was taken to ensure that none of the workers had any conflict of interest in the auditing process.

A Project Board was established to oversee the work in respect of the Inquiry. The response has been prepared by the Project Lead with input and oversight of the Project Board and endorsed by Director of Legal and Democratic Services, Director of Children, Families and Justice and CSWO and Chief Executive of Angus Council.

### **Limitations**

- The records in Angus District Council (prior to 1975) have been examined. However, they are limited in detail. It is possible that there may have been children in foster placements during this earlier period which have not been recorded.
- Much policy information is not available from the Tayside Regional Council timeframe.
- Most policy documents for children's services in Angus have been over written and/or previously destroyed prior to the Inquiry being initiated.
- Where policy information has not been retained in Angus Council in written form, but where staff have some recollection of policy, procedure and practice, this has been indicated.
- There may be files held in Dundee relating to carers in the Angus area for the Tayside Regional Council period prior to 1996. Angus Council do not have access to these and do not hold a log.
- Similarly, Angus do not hold copies of children's files that have been retained in Dundee at the point of the Tayside Regional Council disaggregating. Where information on the carers files held by Angus from 1996 onwards led to a line of enquiry relating to particular children's files held by Dundee City Council (n=2), these have been requested and accessed. Otherwise no files have been sought in respect of Angus children held in Dundee.
- Dundee City Council have confirmed that they do not hold staffing records pertaining to Tayside Regional Council timeframe.
- Providing accurate numbers of children in placement from 1996 onwards has been challenging due to the limitations in recording and the practice models at the time. These limitations are detailed more fully in the relevant section below.
- Some questions have been answered using different data sources. For example, different electronic recording systems over time (K2 and Care First) have brought different approaches in how data was recorded so best efforts have been made to bring together data meaningfully.
- The national requirements of statistical data recording for looked after children have changed periodically and information is not uniformly available for every question over the timeframe for this reason.
- There will also be a margin of human error in capturing the required data as well as in the initial recording. There are inherent difficulties in reviewing and accurately interpreting data which was compiled historically and by third parties.
- The already limited availability of experienced staff to support the compilation of this response was much reduced in the latter stages of this work due to the need to prioritise operations during the coronavirus pandemic 2020. This has had an impact on the method of data gathering and the compilation of this report.

[APG]

<b>Part A - Background</b>	
<b>1.Characteristics</b>	
<b>1.1 History of the Local Authority</b>	
1.1 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 responsibility for the area, or any part thereof.
Res pon se:	<p>The Local Government (Scotland) Act 1929 continued Angus County Council which served the Angus area until 1975. There were, however, still large and small burghs (including three royal burghs, and also landward areas. The two tier system creating Tayside Regional Council and Angus, Dundee and Perth &amp; Kinross District Councils, was established with the Local Government (Scotland) Act 1973 and operated from April 1975 to March 1996.</p> <p>On 1 April 1996, under the Local Government (Scotland) Act 1994 Tayside Regional Council and the three District Councils were abolished and replaced by the three unitary authorities of Angus Council, Perth and Kinross Council, and Dundee City Council. Angus Council became the sole local authority for the area of Angus.</p>
1.1 b)	When and how did the local authority become involved in the provision of foster care for children in Scotland?
Res pon se:	<p>The earliest available record of the Local Authority becoming involved in the provision of foster care is in 1918. This record is for a named 3 month old baby initially removed to Forfar Poorhouse. This "became chargeable" on 13 February 1918. This child then *"boarded-out" with 6 separate named people before being recorded as "off roll" in 1933 when he would have been aged 15. (Source: ACC9/18/1/27 Forfar Parish Council: Register of poor 1911 – 1935)</p> <p>*"Boarding –out" is term deriving from the Children (Boarding-out) (Scotland) Rules and Regulations 1947 whereby a child was placed by the Local Authority into the custody of foster parents who were tasked with bringing up this child as one of their own children and to "devote to this duty the care which good parents give to their children." (Norrie 2017). This arrangement was supervised by Local Authorities in Scotland until the child was 16 years old.</p> <p>The Local Authority was designated with varying forms of legal responsibility for the care, welfare and protection of children under different legislative frameworks across the timespan in scope. Angus District Council, Tayside Regional Council and subsequently Angus Council undertook the provision of boarding out and fostering children as part of a wider range of duties and functions which are consistent with other Scottish local authorities in this period. (Shaw 2007) (Source: Norrie 2017 at page 140- "PART TWO: Regulatory Structures governing particular types of accommodation. SECTION A: Boarding out and Fostering of Children".)</p> <p>Between 1930 and 1948, approval was received from the Secretary of State for Council schemes covering Education, Lunacy and Mental Deficiency, Public Assistance and Public Health. Councils were responsible for providing Public Assistance (formerly under the Poor</p>

Law (Scotland) Act 1845) 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.

There is evidence of a circular letter (No 18) of 29<sup>th</sup> June 1931 from the Department for Health for Scotland in regard to the duties resting upon Public Assistance Authorities in dealing with orphan, deserted or separated children who have become chargeable to the authorities. The circular was reported as dealing generally with the boarding out system which had been in operation in Scotland for many years.

Regulations under the governing legislation were: (from 1<sup>st</sup> November 1933), the Children and Young Persons (Scotland) Care and Training Regulations 1933 and from 20<sup>th</sup> October 1947, the Children (Boarding-Out etc) (Scotland) Regulations 1947, and from 1<sup>st</sup> August 1959, the Boarding-out of Children (Scotland) Regulations 1959.

Norrie (2017) reports that the, "Boarding-out of Children (Scotland) Regulations, 1959 continued to apply until 1<sup>st</sup> 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 Social Work (Scotland) Act 1968 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" (Norrie 2017 p169)

"The Boarding-out and Fostering of Children (Scotland) Regulations 1985 were in force for exactly 11 years until 1<sup>st</sup> April 1997, when they were revoked and replaced by the Fostering of Children (Scotland) Regulations 1996." (Norrie 2017 p173)

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.


	<p>“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<sup>th</sup> September 2009 until the present day.” (Norrie 2017 p178).</p> <p>Quoting from Wilkinson and Norrie he 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.” (Norrie 2017 p179)</p> <p>The following also imposed statutory duties:</p> <ul style="list-style-type: none"> <li>• The Social Work (Scotland) Act 1968</li> <li>• The Children (Scotland) Act 1995</li> <li>• The Adoption and Children (Scotland) Act 2007</li> <li>• The Children’s Hearings (Scotland) Act 2011</li> <li>• The Children and Young People (Scotland) Act 2014</li> </ul>
1.1 c)	How has the involvement of the local authority in the provision of foster care changed/developed over time?
Response:	<p>A 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”.</p> <p>It is assumed that the above was the culture and expectation of the involvement of the local authority in the provision of fostering, albeit specific evidence of practice was not kept by Angus District Council.</p> <p>There is no information in the available records relating to changes made in the provision of foster care after the formation of Tayside Regional Council prior to 1986. In 1986, following a significant period of consultation, Peter Bates, the Director of Social Work, (now deceased) introduced a strategy document “Children in Crisis: A Strategy for Children and their Families” (Tayside Regional Council Report No. 1107/86). Its aim was to improve services for children, setting out a strategy to increase the number of children and young people able to be cared for in the community and a reduction in the number of children cared for in residential establishments. This included increased provision of foster care.</p> <p>The Looked After Children (Scotland) Regulations 2009 (made under the Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995 and the Adoption and Children (Scotland) Act 2007) form the current basis for Local Authority involvement in fostering.</p> <p>Please also refer to 1.1 b) regarding the development of foster care over time.</p>
<b>1.2 Funding of Foster Care</b>	

1.2 a)	How were the local authority's operations and activities, so far as relating to the provision of foster care, funded?
Res pon se:	<p>The registers of the poor from 1911 – 1968 and the Angus County Council minute books from 1928 – 1975 offer some entries whereby either carers or the children themselves received some finance from the Council. It is not evident where the finance was derived from. There are also references to parents paying for care of children who were looked after away from home by other families.</p> <p>The Local Government (Scotland) Act 1973 required all local authorities to have a general fund (s.93) which was made up principally from business rates, Scottish Office funding, and council tax. Foster care funding was provided through Revenue Budgets for the Social Work Department.</p> <p>From 1996 to 2014 it is clear that Angus Council's operations and activities in respect of the provision of foster care were funded from the overall resources available to the Council. Whilst it is not possible to match the costs of foster care provision to specific funding streams, the funding of the Council's resources came from:</p> <ul style="list-style-type: none"> <li>• Central Government (general revenue grant, specific grants, non-domestic rates distribution)</li> <li>• Angus area residents (community charge and council tax)</li> <li>• Service users (businesses and individuals – fees and charges)</li> </ul>
1.2 b)	To what extent if any did the local authority provide funding to other organisations for the purpose of provision of foster care?
Res pon se:	<p>Records from 1930 - 1975 do not evidence the local authority providing finance for fostering in other areas. (However, there are a small number of references to the local authority providing finance to residential provision for children in Dundee and less frequently other areas in Scotland).</p> <p>In the period from 1975 to 1996, there is no record of providing funding to other organisations for the purposes of provision of foster care by Tayside Regional Council.</p> <p>In Angus Council, there are no records of financial information available from 1996 – 2007. The Council is only required to hold financial information from an accounting perspective for the current year +6 prior years. Notwithstanding, as a result of how the Council archives information, it has been possible to source some information going back a few years before 2013/14 – with the earliest information still available relating to 2007/08.</p> <p>Over the period 2007/08 to 2013/14 the Council paid £3,374,000 to external agencies for the purposes of the provision of fostering.</p>
1.2 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?
Res pon se:	<p>The available data prior to 1975 does not indicate that the local authority provided funding to any external organisations for the provision of foster care. There is indication of funding being given to poor houses and of children being placed in children's homes and institutions out with the Local Authority, however these were not fostering placements.</p>

	<p>There are no records available indicating that Tayside Regional Council provided funding to external organisations for fostering placements.</p> <p>Please see the table below for funding to other organisations for the provision of foster care in the period from 2007- 2020. (The data is also contained in here to correspond to question 1.2k)</p>  <p>1.2c (002).docx</p>
1.2 d)	<p>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)?</p>
Response:	<p>Prior to 1975, financial entries are not made in the logs for every child noted to be in the care of the local authority. There is no available policy on record. This may indicate that financial support was offered on a case by case basis. Records suggest that mainly financial assistance was in the form of payment for boarding out, additional payments for clothing and occasionally for particular items necessary for the care of the child. It is not clear if the finance was state funded or local authority funded.</p> <p>There is no available data for the period prior to 1975 to confirm how foster carers were made aware of state support, nor how it was accessed. It may be assumed that cash payments were issued directly to respective carers or children on an ad hoc basis by the local authority depending on assessed need.</p> <p>During the period of 1975 – 1996 foster carers were paid fostering allowances by Tayside Regional Council for the costs of raising a child. Living memory from this time brings recall of small projects of funding aimed at attracting carers for teenagers. Such initiatives were reformulated as such over the period and carers and prospective carers were made aware of financial support through communications from the Regional Council.</p> <p>No other state support was available during the Tayside Regional Council years other than support available more generally through state benefits.</p> <p>In the period 1996 to December 2014, foster carers were supported to access state support via their assigned local authority worker. Living memory recall offers that foster carers in these times had autonomy regarding how their allocated money was spent, albeit with advice from family placement workers. This was individualised guidance within a generalised breakdown of typical family expenditure. There were no national standards of how the money should be spent and there was no fee for carers themselves to undertake the role at this point.</p> <p>Circa 1998 a monetary payment was also introduced for the carers in Angus. This was to enable recruitment of carers who would otherwise need to undertake paid employment. This was broadly advertised as such in various subsequent recruitment campaigns. Carers accessed this state funding through the local authority, as they do in the present day.</p> <p>Prior to circa 2000, the dissemination of funding for fostering was not formalised. Around this time living memory recall suggests that a system began in Angus whereby the payments became uniformly applied according to age of the child. Within these parameters there was</p>



	also scope for carers to receive additional payments for specific reasons, for example, to take the child on holiday or to purchase equipment.
1.2 e)	To what extent was financial support from the local authority available to foster carers?
Response:	<p>As above, it is not clear in the period prior to 1975 if any payments given were from the state or from the local authority.</p> <p>Allowances were paid to foster carers by Tayside Regional Council but no information is available regarding rates of pay for this period.</p> <p>Committee report AC144/96 on 13.3.96 advises that the COSLA recommendations for payments to foster carers were adopted by Angus Council for 1996-97 to bring payment rates in line with those paid by the National Foster Care Association. Tayside Regional Council had adopted the recommended rates through the harmonisation process.</p> <p>This meant that in 1998/99 the following was paid to carers per week:</p> <p>Child aged 0-4 - £54.60  Child aged 5-10 - £67.76  Child aged 11-15 - £84.42  Child aged 16-18 - £109.27  Mainstay carers - £95.49  ARCH carers (children with disabilities) up to 8 hours - £15.45 / over 8 hours £25.75</p> <p>Again, it is not clear if fostering was funded by the state or the local authority. There is no access to specific living memory or record of direct finance for fostering from the local authority.</p> <p>Information on the extent of finance available to foster cares has been kept on record by Angus Council from 2007/8 to 2014/15 as follows:</p> <p>2007 – 08 - £1,831,000  2008 – 09 - £1,945,000  2009 – 10 - £2,238,000  2010 – 11 - £2,432,000  2011 – 12 - £2,580,000  2012 – 13 - £2,532,000  2013 – 14 - £2,741,000  2014 – 15 - £2,765,000</p> <p>Committee Report 95/12 dated 9.5.12 “Review of Fees and Allowances within Children’s Services 2012-2013” notes that in April 2010 it was agreed that allowances should be linked to the national rate established and renewed each year by The Fostering Network. The annual increase for the previous year had been recommended as 5.1%. Angus had been unable to meet this so rates fell below the national rates. However, they were restored to The Fostering Network rate for 2012 -13. This meant the rates were paid as attached below:</p>

	 <p>Report 95-12.pdf</p> <p>The information regarding financial support given directly to foster carers for placements purchased externally will be available from each specific fostering agency.</p>
1.2 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?
Response:	<p>As above, in the period prior to 1975, records are not available regarding the source of funding for fostering.</p> <p>During the Tayside Regional Council period funding of foster care was provided through revenue budgets for the social work department as described above. There is no record of criteria applied other than the aforementioned age-related distribution.</p> <p>From 1996 to 17<sup>th</sup> December 2014, Angus Council administered financial support to foster carers. As noted above in 1.2 e, in 1998/99 criteria for distribution of funds began to be determined according to the age of the child. This applied both to the element of funding applicable for the material care of the child as well as the carer's fee which living memory recalls was introduced shortly after this time. The Mainstay Carer's scheme for carers of teenagers was continued from Tayside Regional Council into Angus Council and would have included a payment to carers linked to this criteria. This scheme is no longer in existence although it is not possible to determine from records when this change took place.</p>
1.2 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?
Response:	<p>There can be no assumption of how foster carers were made aware of financial support prior to 1975 as records do not evidence this. Equally it is largely unclear how financial support was accessed during this time.</p> <p>During the Tayside Regional Council period, information on the financial support available was shared with prospective foster carers during the recruitment and selection process. It was also contained within the use of Fostering Agreements.</p> <p>The financial support aspect for the specific projects aimed at attracting carers for teenagers was advertised to the public during the Tayside Regional Council period.</p> <p>From 1996 to 2014 in Angus Council, it is unclear if specific financial support for carers was publicised prior to recruitment but this information would have been discussed during recruitment. Financial support continued to be accessed through the formal assessment, support and review processes designed to support carers.</p>
1.2 h)	What other sources of funding were available to foster carers in relation to the provision of care for children?
Response:	There is one reference on record in 1935 of an older brother paying for a child to be cared for by another family.

	<p><i>(Source: ACC 94/1/47 Montrose District Council Register of Applications of Ordinary Poor 1930-1935)</i></p> <p>There are 6 references in *1931, **1945, 1946, 1947 and 1950 (2 cases) respectively, indicating that fathers paid for their child to be cared for by another person.</p> <p><i>(*Source: AC9/41/2/30 Montrose Parish Council: register of the poor 1924 – 1937)</i></p> <p><i>(**Source: ACC 9/4/1/2 Arbroath Town Council: register of the poor 1938 - 1951)</i></p> <p>In the Tayside Regional Council period, although there are no available records regarding other sources of funding, it is understood from living memory accounts that additional funds were available for birthdays, Christmas, holidays and other expenses over and above the regular payment of allowances.</p> <p>Angus Council looked upon the care of the children who could not be cared for at home as a local authority responsibility and thus disseminated available funding for the purpose of fostering. Angus Council did not seek, and were not awarded, any other sources of funding.</p>
1.2 i)	Was the funding adequate to properly care for the children?
Res pon se:	<p>When finance was issued to carers prior to 1975, there is sporadic reference in logs and minutes as to the carer not having enough money to care for the children. This appears to be why the money was awarded. It may be surmised that this funding was deemed at the time to then be adequate.</p> <p>For the period from 1975 to 1996, there are no records to suggest funds were considered inadequate.</p> <p>The files of the carers who deregistered earlier than 1995 are not available due to having been destroyed in compliance with relevant retention schedules. There is no indication from file reading of carers who deregistered in the period 1995 – 2014 that the funding for fostering households was inadequate, however there were a few carers noted to have financial issues of their own. The impact of this on the children in their care, if any, is unclear.</p> <p>Staff within living memory cannot recall a time when individual children’s needs were not satisfactorily funded. However, these expectations have never been clearly specified and the answer to the question remains subjective.</p>
1.2 j)	If not, why not?
Res pon se:	N/A
1.2 k)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	<b>Regarding 1.2b</b> – From 14 December 2014 – 31 March 2020, £3,323,000 was provided to other organisations for the purposes of provision of foster care.

So far in 2020/21 (to 24 July 2020), £144,000 has been provided.

**Regarding 1.2 c** - Please see the table in 1.2a) for funding to other organisations for the provision of foster care in the period from 2007- 2020.

**Regarding 1.2 d** – Financial support is made available to foster carers through the system below and accessed through the council. This scheme began in 2017 and was reviewed in 2018. All previous versions of the payment criteria have been over written.



Skills based scheme  
- review 2018.docx



Skills based scheme  
- final.docx



Skills Triangle.docx



Essential  
criteria.doc



Carer  
Allowance-03.07.17.

Foster carers are made aware of financial support through the recruitment and assessment process as previously.

**Regarding 1.2 e** – The finances made available to individual foster carers in Angus were as follows:

2015 – 16 - £2,646,000  
2016 – 17 - £2,825,000  
2017 – 18 - £3,050,000  
2018 – 19 – £3,241,000  
2019 – 20 - £3,093,000  
2020 – 21 - £959,000 (up to 24 July)

**Regarding 1.2 f** - The source of funds available for fostering in Angus Council continues to be:

- Central Government (general revenue grant, specific grants, non-domestic rates distribution)
- Angus area residents (council tax)
- Service users (businesses and individuals – fees and charges)

The applicable criteria to the distribution of these funds is outlined above (this section) regarding 1.2 d.

**Regarding 1.2 g**

Between December 2014 and the current time foster carers are made aware of financial support during their assessment period and through the formal support and review process. They access the funding in the same way as outlined above (this section) regarding 1.2 d.

**Regarding 1.2 j**

There is no indication that from December 2014 to the current time that funding available to fostering households has been considered inadequate.

1.2 l)	If so, please give details
Res pon se:	As above.
<b>1.3 Legal Status</b>	
Loc al Aut hori ty 1.3 (i) 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?
Res pon se:	<p>The Boarding-out of Children (Scotland) Regulations 1959 continued to apply until 1<sup>st</sup> April 1986, when they were revoked and replaced by the Boarding-out and Fostering of Children (Scotland) Regulations 1985. This provided the legal framework for the fostering panel to approve prospective foster carers. It placed a duty upon the local authority to work in the best interests of child development and stipulated a minimum frequency that a child must be visited in placement by a representative of the local authority.</p> <p>The Social Work (Scotland) Act 1968 set out the responsibilities of the local authority in respect of the provision of foster care and the children's hearing system which was implemented in 1971.</p> <p>Tayside Regional Council was formed under the Local Government (Scotland) Act 1973 and the Local Government etc. (Scotland) Act 1994 disaggregated these authorities, forming Angus Council, along with Dundee City Council and Perth and Kinross Council. This enabled the authorities to act formally for children.</p> <p>The Children (Scotland) Act 1995 set out provision of accommodation to promote child welfare.</p> <p>The Fostering of Children (Scotland) Regulations 1996 applied from this point to provide further regulation to panels and brought in fostering agreements, payment for foster carers and, amongst other provision, the legislation for maintaining records about foster carers.</p> <p>The Looked After Children (Scotland) Regulations 2009 brought in review of approval of foster carers and care planning.</p> <p>The Children's Hearings (Scotland) Act applied from 2011 regarding the authorisation for the placement of individual children with foster carers.</p>
1.3 (i) b)	Did the 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.
Res pon se:	As above

	The Regulation of Care (Scotland) Act 2001 brought the expectation of care providers to conform to prescribed standards of care and initiated an inspection framework.
1.3 (i) c)	Did the local authority have a legal duty of care to each child in its care?
Res pon se:	<p>As well as the duty of care set out in primary legislation of the time, there was, and remains, a common law duty of care. However, the extent to which the local authority had a duty of care will depend on what is meant by that phrase, and this will have changed over time, depending on the meaning given to it by courts. This continues to be an evolving area of law.</p> <p>However, the extent to which foster carers had a duty of care will depend on what is meant by that phrase, and this will have changed over time, depending on the meaning given to it by courts. This continues to be an evolving area of law.</p>
1.3 (i) d)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	Yes
1.3 (i) e)	If so, please give details.
Res pon se:	<p>1.3 a) The Children's Hearings (Scotland) Act 2011 and the Looked After Children's Regulations (Scotland) 2009 are still operational legislation in the current time.</p> <p>1.3 b) The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 established the Care Inspectorate and the regulatory framework was updated.</p>
Fost er Car ers 1.3 (ii) a)	Did foster carers have a special legal, statutory or other status?
Res pon se:	<p>Prior to the provisions contained in s.5 of the Children (Scotland) Act 1995 which sets out the duties of anyone having care of a child who is not their own, the only legal or statutory status of a foster carer in relation to a child in their care is the common law duty of care.</p> <p>Foster carers were not and are not employees of any council though the placement of a child with them was legally regulated as described above.</p>



1.3 (ii) b)	If not, how did the local authority classify a foster carer?
Res pon se:	<p>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...” (Norrie 2017).</p> <p>There is nothing within the available records to indicate any specific classification of foster carers. It could be considered that, through a fostering agreement, a contractual agreement existed.</p>
1.3 (ii) c)	What was the legal basis which authorised, or enabled, a foster carer to become responsible for caring for children?
Res pon se:	<p>After the Boarding-out and Fostering of Children (Scotland) Regulations 1985, foster carers were approved by Tayside Region’s Fostering and Adoption Panel and children were placed with them either directly by the Tayside Regional Council under voluntary care or a Place of Safety Order (both in terms of Section 15 of the Social Work (Scotland) Act 1968) or through a Supervision Order with a condition of Residence (in terms of s.44 of the Social Work (Scotland) Act 1968). Other children were also placed where the local authority held Parental Rights or where the young person had been freed for adoption.</p> <p>The Children (Scotland) Act 1995 set out provision of accommodation to promote child welfare.</p>
1.3 (ii) 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.
Res pon se:	The Fostering Agreement required foster carers to provide care appropriate to the needs of the young people placed with them and fulfil their statutory duty of care.
1.3 (ii) e)	Did the foster carer have a legal duty of care to each child in his or her care?
Res pon se:	<p>It is not clear what is meant by a “legal duty of care”. Foster carers were required, by virtue of the fostering agreement, to carry out their role in the way set out in the agreement. They were accountable to the local authority for the manner in which they carried out their task.</p> <p>Whether foster carers had a “legal duty of care” will have depended on what is meant by that phrase, and this will have changed over time, depending on the meaning given to it by courts. This continues to be an evolving area of law.</p>

1.3 (ii) f)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	No
1.3 (ii) g)	If so, please give details.
Res pon se:	N/A
<b>1.4 Legal Responsibility</b>	
Loc al Aut hor ity 1.4 (i) a)	Did the local authority have any legal responsibility for the children in its care?
Res pon se:	Yes
1.4 (i) b)	If so, what was the nature and extent of that legal responsibility?
Res pon se:	All councils had legal responsibility for all young people in its care as set out in primary and secondary legislation.
1.4 (i) c)	Did any other person or organisation have any legal responsibility for the children while they were in the local authority's care?
Res pon se:	Yes
1.4 (i) d)	If so, what was the nature and extent of that responsibility?
Res pon se:	Except where the Council held parental rights, parents would retain their rights and responsibilities. For young people in voluntary care, for example, this meant parents retained the right to remove a child from care at any time. Where statutory orders were concerned, the local authority could only exercise their powers and duties to the extent allowed by the order. This is best demonstrated by considering the issues raised by the Orkney Inquiry in which Social Workers were criticised for exceeding their powers and duties in respect of interviewing young people without the consent of their parents (a Place of Safety under s.15 of the Social Work (Scotland) Act 1968 only allowed removal of a child to a place of safety), parents retained all other rights including whether the child was interviewed and whether



	<p>any medical examinations were carried out, (subject to the Age of Legal Capacity (Scotland) Act 1991).</p> <p>The Children's Hearing System had responsibility to oversee the legal parameters for children subject to a care order.</p>
1.4 (i) e)	If the local authority had no legal responsibility for children in its care, where or with whom did legal responsibility lie?
Response:	N/A - Please see 1.4 d) above.
1.4 (i) f)	With reference to the present position, are the answers to any of the above questions different?
Response:	No
1.4 (i) g)	If so, please give details
Response:	N/A
Foster carers 1.4 (ii) a)	Did the foster carer have any separate legal responsibility (separate from the local authority) for children in his or her care?
Response:	<p>Prior to the provisions contained in s.5 of the Children (Scotland) Act 1995 which sets out the duties of anyone having care of a child who is not their own, the only legal or statutory status of a foster carer in relation to a child in their care was the common law duty of care.</p> <p>The task of fostering was, and remains, a function of the role vested in the local authority. Although that task was devolved to foster carers, they were not employees of the council and the responsibility remained with the local authority. As such the placement of a child was legally regulated as noted above.</p> <p>There may have been occasions whereby foster carers were deemed relevant persons by the Children's Hearing System. However, this would not have been prior to the implementation of the Children's Hearings (Scotland) Act 2011.</p> <p>The extent to which foster carers had a duty of care will depend on what is meant by that phrase, and this will have changed over time, depending on the meaning given to it by courts. This continues to be an evolving area of law.</p>

1.4 (ii) b)	If so, what was the nature of that responsibility?
Res pon se:	Please see 1.4 (ii) a) above.
1.4 (ii) c)	With reference to the present position, are the answers to either of the above questions different?
Res pon se:	No
1.4 (ii) d)	If so, please give details
Res pon se:	N/A
<b>1.5 Ethos</b>	
1.5 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?
Res pon se:	<p>From 1930 – 1975 there is reference in the records of Angus District Council providing finance for “board” for children. There are notes of abandoned and relinquished children and where parents are “considered unfit” to care for children. These recorded cases evidence where the Council saw its function as acting in an official role to protect the wellbeing of children whose parents were absent, unable or unwilling to care for them.</p> <p>No information is available to indicate how Tayside Regional Council viewed its functions and ethos in terms of foster care prior to the strategy document “Children in Crisis: A Strategy for Children and their Families” (1986). This report “outlined key policies that should underpin all work with children and their families in Tayside”.</p> <p>The report states that too many children cared for away from home were in residential care and that significant efforts were required to increase the available resources to enable children to be cared for either by their parents or extended family and, where this was not possible, by foster carers. It also recognised the importance of avoiding children ‘drifting’ in the care system and, as such, the need to ensure planning and reviews for children were focused.</p> <p>Tayside Regional Council policy judged that family based care was preferential to residential care settings and this local development mirrored a national UK policy shift from institutional to community care across a range of settings.</p> <p>Tayside Regional Council Report 149/84 from 1984, indicates a review of foster care services with a recommendation that a specialist scheme be established specifically for adolescents. This report and the minutes of discussion are available below:</p>

	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">         1984 TRC Social        Work committee mir     </div> <div style="text-align: center;">         1984-149.pdf     </div> </div> <p>No information is available on record to indicate whether this scheme was subsequently implemented albeit living memory recalls that it was.</p> <p>During the period of Tayside Regional Council, the Angus area also had a small number of workers undertaking the function of adoption, permanence and temporary fostering. This would indicate that the ethos at this time was that services required to be delivered at a local level. In the mid 1990's these functions were drawn together in a new service called Family Placement. This name would reflect the increasing national trend away from residential provision and towards family-based care.</p> <p>In all of the above timespan there are indications that the Local Authority saw its function as providing an alternative care setting when children were not able to remain at home in the care of their family.</p>
1.5 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?
Res pon se:	<p>From the earliest records, fostering was seen as a place for basic care needs to be met, a place for lodgings, shelter and food. People willing to "take in" children from outside of their family and raise them were seen as good people in the community. This was reflected in the style of recording about the carers in the earliest documents.</p> <p>Gradually the task of fostering began to be seen as more professional and there was more delineation between types of fostering and the purpose of the services.</p> <p>From 1975 to the present, foster carers were expected to share the ethos of the Local Authority, the strategy of maintaining young people and providing guidance.</p> <p>The task of fostering in the previous decade or so has been categorised into temporary fostering and permanent fostering (The Looked After Children (Scotland) Regulations 2009). Placement objectives are individualised and can include therapeutic work in the context of family relationships. Alongside the current model, which reflects the traditional fostering ethos, the foster carer is seen more as a member of a professional team supporting the child. This was delineated in the strategy document Getting it Right for Every Child in Kinship and Foster Care (2007). There was more of an emphasis on nurture in the more recent past.</p>
1.5 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?
Res pon se:	Yes
1.5 d)	If so, what were the changes and when and why did they come into effect?
Res pon se:	As noted above, these changes have been a gradual cultural shift as research has broadly shaped services for children in Scotland. This has been essentially driven by child protection

	<p>practices as national thresholds and research into outcomes in fostering practice have evolved.</p> <p>How the Local Authority viewed its specific function, ethos and objectives in terms of foster care were determined by the legislation of the time. For example, the Children and Young Persons (Scotland) Act 1937 largely provided a framework to respond to children's behaviour in terms of the need to be cared for away from home. Societal views about "wayward" children developed into more of a welfare based model over time. This was legislated for in 1971 with the establishment of the Children's Hearings System.</p> <p>The task of fostering has been categorised into temporary fostering and permanent fostering in compliance with The Looked After Children (Scotland) Regulations 2009. Staff with living memory of the beginning of Angus Council time span recall that fostering provision held a core sense of providing belonging for children as part of a family – "caring about" as well as "caring for" children.</p>
1.5 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?
Response:	Yes
1.5 f)	If so, what were the changes and when and why did they come into effect?
Response:	See 1.5 b) and 1.5 d).
1.5 g)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
1.5 h)	If so, please give details
Response:	<b>Regarding 1.5b/c</b> - Placement objectives are individualised and can include therapeutic work in the context of family relationships. Within the current model, which reflects the traditional fostering ethos, the foster carer is seen more as a member of a professional team supporting the child. There is more of an emphasis in the present time on overall wellbeing and nurturing as opposed to simply meeting a child's physical needs. These changes have come into effect as research into fostering outcomes progresses and legislation moves on. For example, promotion of wellbeing is a corporate parenting responsibility defined in s.58 of the Children and Young People (Scotland) Act 2014. Foster carers are expected to share this ethos in practice.
<b>1.6 Numbers</b>	
1.6 a)	How many children did the local authority accommodate at a time in foster care and in how many placements?

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The available figures in the period of Angus District Council are as follows:

Year	Number of children
1931	1
1934	1
1935	1
1936	1
1937	1
1938	2
1939	5
1940	5
1947	3
1948	1
1950	3
1951	1

There are no records of how many placements this represented (i.e. it is possible that the same child may have had a number of different placements within a single year, or that the same child in a continuing placement is represented within the numbers above across a number of years). The available records did not show anything recorded for the years not listed.

It is worth noting that anecdotal information indicates that informal fostering arrangements were in place in the community during this time. These would not have been arranged, monitored or recorded by the Council.

For the Tayside Regional Council period the only available figures for children placed in foster care for the whole region are:

Sept 1980 – 370

March 1981 - 377

March 1984 - 380

March 1986 - 339

March 1987 – 336

There is no information specifically relating to the Angus geographic area.

Tayside Regional Council Report No. 1371/91 indicates that there had been a 24% increase between March 1989 and September 1991 in respect of foster placements and a 183% increase in mainstay placements. This is understood to be referring to the totality of the Tayside Region and it is not possible to determine whether these increases applied equally across the region.

There are no figures available for numbers of children in foster care from 1996 – 2010 as these records have been destroyed. It is possible that such records may have been retained by central government through annual returns.

The following figures are taken from Angus Council's monthly statistics returns to Central Government for the years 2011-2014:

2011	Children in LA provided foster care	Children in LA purchased foster care	Children with prospective adopters	Totals
January	Information not available	Information not available	Information not available	
February	Information not available	Information not available	Information not available	
March	105	15	14	134
April	107	16	12	135
May	107	16	14	137
June	113	15	11	139
July	112	15	10	137
August	105	12	10	127
September	109	11	10	130
October	113	12	8	133
November	116	12	10	138
December	121	12	10	143

2012	Children in LA provided foster care	Children in LA purchased foster care	Children with prospective adopters	Totals
January	119	10	12	141
February	123	10	12	145
March	124	11	12	147
April	113	13	12	138
May	108	14	12	134
June	100	13	16	129
July	103	11	14	128
August	106	11	13	130
September	108	11	13	132
October	112	12	14	138
November	109	11	14	134

December	109	11	13	133
2013	Children in LA provided foster care	Children in LA purchased foster care	Children with prospective adopters	Totals
January	109	11	11	131
February	119	11	12	142
March	115	11	12	138
April	117	11	12	140
May	119	11	10	140
June	117	12	12	141
July	115	11	13	139
August	116	11	11	138
September	116	14	12	142
October	124	11	9	144
November	113	11	8	132
December	115	13	8	136
2014	Children in LA provided foster care	Children in LA purchased foster care	Children with prospective adopters	Totals
January	112	11	8	131
February	112	10	9	131
March	112	10	9	131
April	110	10	9	129
May	107	11	11	129
June	109	11	11	131
July	112	10	11	133
August	114	8	10	132
September	116	7	12	135
October	109	6	11	126
November	107	7	11	125

Below is a summary of the available placements:

(Apart from the Barnardos placement noted in 1997/8, these two tables below do not include external placements)

Year	Adopter	Perm Carers	Specialist Carers	Foster carers New Scheme	Foster Carers Old Scheme	Mainstay Carer	ARCH	Barnardos	TOTAL									
96/97	3	3	0	0	1	0	3	0	10									
97/98	1	0	0	0	4	3	2	1	11									
98/99	2	3	0	0	2	2	0	0	9									
99/00	4	1	0	0	5	3	1	0	14									
00/01	5	2	0	0	3	1	2	0	13									
01/02	1	2	0	5	0	0	1	0	9									
02/03	3	3	1	3	0	0	0	0	10									
03/04	2	0	1	3	0	0	2	0	8									
04/05	8	0	1	5	0	0	0	0	14									

YEAR	ADOPTERS	PERM CARERS	SPECIALIST CARERS	FOSTER CARERS	ARCH	TOTAL												
05/06	4	3	1	10	0	18												
06/07	11	0	0	6	1	18												
07/08	10	0	0	8	0	18												
08/09	9	1	0	6	0	16												
09/10	13	2	0	8	0	23												
10/11	13	2	0	5	0	20												
11/12	4	1	0	9	0	14												
12/13	8	1	0	11	0	20												
13/14	10	3	0	22	0	35												

1.6 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?

Response: No information to answer these questions is available for the period of Tayside Regional Council nor prior to this.

**How many foster carers were approved at any given time?**

Please see tables above at 1.6a)

Angus also holds a file for the period 1994 – 1997 of information pertaining to 45 families who had volunteered to care for children from Chernobyl. Although there are application forms, medical checks, criminal records checks and recommendations on file, these were mainly done on behalf of the charity “Chernobyl Children Life Line”. The only exception to this is one family from the group of 45 who were presented at the Angus panel. They were



connected with the charity "Belair". There is no evidence that children were placed with any of these carers, nor that Angus approved, monitored or oversaw these children or carers. None of this group of potential carers are included in the numbers illustrating the Angus service in respect of this s21 notice.

**How many placements did this represent?**

The figures below relate to temporary foster carers and respite carers and are approximate due to the limitations of recording in the historic files and the practice at the time as follows:

- There is some data on historic files relating to carers who were approved by Tayside Regional Council prior to disaggregation in 1996. The full data set from this time frame is not available for two reasons: 1) that some of these carers from the Angus geographical area may not have moved across to approval with Angus Council, and 2) that the files for majority of carers who did move across to Angus Council are likely to have been destroyed in line with the relevant retention schedules. Therefore, as there is not a complete data set available for the period prior to 1996, only the data from April 1996 to 17 December 2014 is included in the spreadsheet below.
- In this time frame, children were placed outside of the carers' approval range both in terms of age and numbers. The data for retrospective approvals on file is inconsistent and some of the wording does not contain the detail needed for mapping. Therefore it is acknowledged that there were more children placed than available placements recorded.
- Community childminders were used to provide overnight care, respite and short term care for children who would otherwise have needed a temporary fostering placement. These were not recorded as placements within the fostering service and have not been included in the data below.
- Carers approved under the "mainstay" scheme have been considered as temporary carers as this is in line with legislation.
- Some carers were placed on "time out" whereby they did not offer placements in alignment with their approval due to a range of different circumstances. After a period without children in placement they may, or may not, have continued with the same approval. This information is largely unclear in the historic files. Recommendations have been made but evidence shows that what happened often did not match the recommendation and dates have often not been specified. Therefore the available placements noted in the spreadsheet include periods where the carer is still approved but not offering placements.
- Some carers have been approved as support carers whereby they would only offer care to children already in placement with other carers. These approvals have not been counted as available placements as they are considered a continuation of the same placement.
- Some approvals are for named children to stay in the care of particular carers "for the duration of their placement". Best efforts have been made to determine when these placements ended to for the purpose of offering a more accurate representation of the service to the inquiry.
- There is one carer who was approved on 25.11.04 for a named child "until the end of his placement". The records on Care First for this child note that this child was placed with a different carer. Although this placement was available it has not been counted as the end date is not on record.
- In some cases there was a length of time between the final child leaving the carer and their subsequent de-registration; sometimes up to several years. This was for a

variety of reasons. It should be noted that the figures in the spreadsheet below contain the dates of approval up to the point of deregistration, albeit the placements could not be used in this period prior to the deregistration panel.

- Best efforts have been made to interpret handwriting on historic files.

**Assumptions:**

- Some historic files of deregistered carers do not contain deregistration dates. When mapping the available placements, the end date of the approval period has been assumed as the final date on the box file. It is acknowledged that the available placements of these carers are likely to have stopped earlier than this date.
- Where one carer from a fostering couple has sadly passed away during the period of an approval, or a fostering couple have separated, there may have been a break in availability of placements offered. The remaining carer, if not deregistered at this point, may have been re-assessed as a single carer. For the purposes of mapping it has been assumed that the approval has continued until a different approval is evidenced on file. However, it is acknowledged that there may have been a period of time where placements were not offered.
- On occasion there appears to be a gap in the pattern of re-approvals on file. This may be because a carer was taking "time out" or that the panel was delayed for another reason. For the purposes of mapping it is assumed that the previous approval remained current until the next approval on record. It is acknowledged that there may be information missing from the file.
- Best efforts have been made to map numbers of placements where the wording on the approval is ambiguous. It is acknowledged that this may have been interpreted wrongly albeit it held appropriate meaning for those involved at the time.
- The placement figures have been counted for the whole month in which the carer was approved or deregistered so, for this reason also, this spreadsheet can only be considered a guide.

**Note:**

Temporary carers also offered respite placements within their terms of approval so these figures only represent carers who had respite written into their approval.



FINAL - temporary  
and respite placeme

Pre-adopters were also approved as temporary foster carers to enable children to be placed timeously with their adoptive families whilst legal processes were underway. The figures for these carers are noted below:



FINAL - Pre  
adopters approval -

**How many placements were in use at any given time?**

The relevant data for placement numbers in use at any given time has been considered. Despite attempts to collate this information, Angus do not have a full data set. Some limitations are as follows:

- The carers files are the only data source for this information prior to 2010. This therefore, does not account for children placed with external providers during this period.
- Information from files of carers who deregistered more than 25 years ago is not available, due to records being destroyed to comply with records retention schedules.
- A very small number of carers who transferred to Angus Council after first being approved by Tayside Regional Council have placements recorded on their file from as far back as 1982. But as the rest of the data is not available for this timespan it does not provide the inquiry with a comparable or reliable picture of the service.
- Some of the information we would have expected to see is not present in the files.
- Some data has been recorded but the handwriting is illegible.
- Some contradictory information is recorded in carer's files.
- At times, registered childminders were used to provide overnight respite care for fostered children.
- Angus also placed children with carers outside of their approval on occasion.
- Angus entered into shared care arrangements whereby children spent some time in the care of their parents and some time in the care of foster carers. These episodes may or may not have been recorded as continuous placements.
- Some carers have looked after 100 -140 children over their career which also increases the scope for error in data capture and end analysis would be flawed.

Some possible assumptions in data analysis have been considered as follows:

- As the placements in use would have varied day to day (25 years x 365 days = 9125 actual data points), an assumption would need to be made to enable the data to be presented in an accessible way. For example, placements that lasted more than a week might be counted as a full month even if a child moved out of placement part way through the month. This would provide a basic guide at best, albeit not a fitting measure.
- Where end dates for placements have not been recorded, these might have been assumed as ending on the month that the new child was placed with these carers where this had occurred. However, this would not offer a guarantee that this was the case as carers worked out with their approvals at times. This is not always evident on the files.
- Care First (Social Work case recording system) was brought into Angus in 2002 and attempts were made to source the missing data here. It was found on occasion the data was not present or did not match other indicative data from the file. This raised questions on which data to assume as correct.
- Where there is no end date for the placement recorded on the paper files, there has not been a follow on placement recorded and no other indication contained within narrative in the file or in Care First about end dates, an assumption is not possible as to the length of this placement
- Where there is no end date for the placement recorded but the carer is noted to have deregistered the end of the placement it could be assumed that the placement

	<p>and de-registration date are the same. It is acknowledged that this may not have been the case.</p> <ul style="list-style-type: none"> <li>• Where respite has occurred out with approval and carers have been approved retrospectively for this but dates not recorded, no assumption can be made as to the length of placement.</li> </ul> <p>These limitations have been considered. It has been concluded that the data sources are unreliable and to make any assumptions would not give a satisfactory illustration of the placement numbers in use.</p>
1.6 c)	If foster carers were approved /registered by the local authority as providing only specific types of care – e.g. respite care, short-term foster care, long-term foster care – please provide details of the categories and the numbers of placements in each.
Res pon se:	<p>There is no information on this prior to Tayside Regional Council in 1975.</p> <p>During the Tayside Regional Council period, the only information available is Article 1685 (Social Work Committee, 23rd January, 1989). Report No 1362/90 was submitted by the Director of Social Work intimating that discussions had taken place with mainstay carers on issues relating to respite, holiday, assessment and emergency care arrangements. The Committee agreed to extend the Mainstay Scheme to provide planned and respite holiday arrangements and to authorise the Director of Social Work to recruit carers to provide weekend and longer respite care.</p> <p>For 1996 onwards please see tables above at 1.6 b.</p>
1.6 d)	Please provide details of any material changes in numbers of children, placements or foster carers, and the reasons for those changes?
Res pon se:	<p>Information on material changes in numbers of placements and foster carers was not recorded by Angus District Council.</p> <p>The reasons for changes in numbers during the Tayside Regional Council period is also unknown as Angus do not have access to these records.</p> <p>From the available data held by Angus Council for the period 1996 – December 2014 there are minor variations within each particular year span contained in the table in 1.6b due to individual carers becoming approved, deregistered or approvals being altered at review panels.</p> <p>The available foster carers varied over time due to the amount of prospective carers noting an interest in fostering, the suitability of those people to be presented at panel and, once approved, their desire to continue in their role as foster carers.</p> <p>The reasons for changes in numbers of placements were often to meet the children’s needs for developmental attachment and a secure base, so carers who had offered a placement within their original approval range went on to have their age range approval varied to allow the same child to continue to stay within their care. Approvals were also changed to specify named children for the same reasons and when carers pursued permanent care of children</p>

	<p>already placed with them on a temporary basis. Other changes included the carers wishes to experience caring for a different age group (out of preference or change in their family circumstances). On occasion, the assessment of the carers' skill set changed over time and this led to a change in approval. The vast majority of de-registrations were due to carers wishes, although in cases where there were practice concerns the recommendation for deregistration was led by the Local Authority.</p> <p>The vast majority of carers who deregistered did so through their own choice. Some had changes of family circumstances or wished to pursue other directions in their lives. Some retired after a long career as a foster carer where they had provided care for sometimes over 100 children. Those that were deregistered at the recommendation of the social work department did so for the following reasons:</p> <ul style="list-style-type: none"> <li>• They did not fully understand the task and role of a foster carer at the outset</li> <li>• They demonstrated that they did not have the capacity to work in role alongside the professionals around the child</li> <li>• Workers assessed that, in practice, they did not have the capacity to meet the needs of children cared for away from home</li> <li>• There had been allegations made against the carers (detailed in section 5)</li> <li>• Workers assessed that the risks were too high to place children with them</li> </ul> <p>Angus adopters are approved as temporary foster carers pre-adoption. From the available data for this group up to 14 December 2014 the reasons for changes to approvals are:</p> <ol style="list-style-type: none"> <li>1. Age range varied to enable couple to proceed with a match from another Authority.</li> <li>2. After a failed match the carer felt it more realistic to consider older children</li> <li>3. Unable to identify an appropriate match and the couple expressed an interest to experience some pre-school time with a placed child – upper age limit reduced</li> <li>4. Family made decision for the female carer to work and reduced approval from 2 children to 1 child to enable them to give the child the care and attention they needed</li> <li>5. Variation due to long wait for match (x 3)</li> <li>6. Birth child getting older and couple now approved for sibling group</li> <li>7. Varied following breakdown of a placement for the couple to provide respite to give them a chance to develop parenting capacity</li> <li>8. Single carer then reapproved as part of a couple</li> <li>9. Carer approved for sibling of child already placed by another authority - (child subsequently rehabilitated to care of parents)</li> </ol>
1.6 e)	How many children in total were accommodated by the local authority (whether in foster care or otherwise)?
Response:	<p>Records evidence that there were 335 children accommodated by the local authority between 1930 and 1963. There are no recordings available for any children accommodated (foster care or otherwise) between 1963 and 1987, as they were either not kept or have been destroyed.</p> <p>In the Tayside Regional Council period the only available figures are: March 1987 (n=621)</p> <p><u>Angus Council</u></p>

	<p>Notes:</p> <ul style="list-style-type: none"> <li>• There are no figures available prior to 2010.</li> <li>• The same children may have moved through each of the types of provision within the year so numbers noted do not reflect the number of individual children looked after away from home.</li> <li>• Due to the way the figures are recorded the monthly range of numbers accommodated is presented below:</li> </ul> <table border="1"> <thead> <tr> <th>Year</th> <th>Kinship</th> <th>Respite</th> <th>Foster Care (inc pre-adoption)</th> <th>Residential Provision</th> <th>Secure Care</th> </tr> </thead> <tbody> <tr> <td>2010</td> <td>43 May</td> <td>Information not held</td> <td>Information not held</td> <td>18</td> <td>2</td> </tr> <tr> <td>2011</td> <td>43 April</td> <td>Information not held</td> <td>134-143</td> <td>12</td> <td>2</td> </tr> <tr> <td>2012</td> <td>43 April</td> <td>Information not held</td> <td>128-147</td> <td>12</td> <td>2</td> </tr> <tr> <td>2013</td> <td>43 April</td> <td>Information not held</td> <td>131-144</td> <td>12</td> <td>2</td> </tr> <tr> <td>2014</td> <td>36 April</td> <td>Information not held</td> <td>125-135</td> <td>12</td> <td>2</td> </tr> </tbody> </table>	Year	Kinship	Respite	Foster Care (inc pre-adoption)	Residential Provision	Secure Care	2010	43 May	Information not held	Information not held	18	2	2011	43 April	Information not held	134-143	12	2	2012	43 April	Information not held	128-147	12	2	2013	43 April	Information not held	131-144	12	2	2014	36 April	Information not held	125-135	12	2
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1.6 f)	<p>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?</p>																																				
Response:	<p>The main service provided for children who could not be looked after at home between 1930 and 1963 was residential care settings: a mixture of poor houses, children's homes and institutions. A small number were placed in medical care (for example Strathmartine Hospital or Montrose Royal Asylum). In total there were 265 children recorded as being placed in residential care establishments and 26 recorded as being placed in foster care during this period.</p> <p>There is no data available for the period 1963 – 1975.</p> <p>During the Tayside Regional Council years, Angus area did have its own fostering scheme which began circa 1980. There are no available records of numbers of children from this time. Tayside Regional Council figures indicate that more children were placed in foster care (n=336) as at March 1987 than in residential care (n= 285).</p> <p>Following the disaggregation of Tayside Regional Council the main service provided for children who needed to be accommodated away from home was foster care in Angus Council. This has continued to be the case since this time.</p>																																				
1.6 g)	<p>With reference to the present position, are the answers to any of the above questions different?</p>																																				
Response:	<p>Yes</p>																																				

1.6 h)	If so, please give details.				
Response:	<b>Regarding 1.6 a</b>				
	2014	Children in LA provided foster care	Children in LA purchased foster care	Children with prospective adopters	Totals
	December	106	7	12	125
	2015	Children in LA provided foster care	Children in LA purchased foster care	Children with prospective adopters	Totals
	January	107	7	13	127
	February	104	7	13	124
	March	109	6	13	128
	April	101	7	17	125
	May	103	6	17	126
	June	105	7	15	127
	July	98	7	13	124
	August	94	6	12	112
	September	91	8	11	110
	October	89	8	11	108
	November	88	8	10	106
	December	89	7	10	106
	2016	Children in LA provided foster care	Children in LA purchased foster care	Children with prospective adopters	Totals
	January	90	5	8	103
	February	90	5	8	103
	March	89	5	9	103
April	90	5	8	103	
May	92	5	9	106	
June	91	5	10	106	
July	92	6	10	108	

August	98	5	7	110
September	94	5	7	106
October	93	7	5	105
November	93	7	5	105
December	97	7	4	108

2017	Children in LA provided foster care	Children in LA purchased foster care	Children with prospective adopters	Totals
January	99	7	3	109
February	99	6	4	109
March	102	7	4	113
April	94	11	4	109
May	95	11	3	109
June	91	12	4	107
July	95	7	4	106
August	91	12	4	107
September	85	12	6	103
October	86	12	6	104
November	86	13	5	104
December	86	14	5	105

2018	Children in LA provided foster care	Children in LA purchased foster care	Children with prospective adopters	Totals
January	84	14	9	107
February	82	15	9	106
March	84	16	9	109
April	89	15	7	111
May	92	15	7	114
June	89	15	7	111
July (CLAS)	82	13	7	102



July (Eclipse)	87	15	6	108
August	89	16	4	109
September	87	16	3	106
October	91	16	3	110
November	92	17	3	112
December	89	17	3	109
<b>2019</b>	<b>Children in LA provided foster care</b>	<b>Children in LA purchased foster care</b>	<b>Children with prospective adopters</b>	<b>Totals</b>
January	87	18	3	108
February	91	16	3	110
March	89	14	6	109
April	89	14	6	109
May	84	13	6	108
June	82	14	7	103
July (CLAS)	81	7	6	94
July (Eclipse)	84	11	7	102
August	83	12	7	102
September	86	12	7	105
October	89	12	7	108
November	94	11	7	112
December	95	11	7	113
<b>2020</b>	<b>Children in LA provided foster care</b>	<b>Children in LA purchased foster care</b>	<b>Children with prospective adopters</b>	<b>Totals</b>
January	95	12	7	114
February	93	13	7	113
March	90	14	7	111
April	93	13	7	113

[APG]

May	97	13	7	117
June	98	14	7	119
July (as at 1 <sup>st</sup> July 2020)	95	13	8	116

YEAR	Adopters	Perm Carers	Temp Carers	Respite	Continuing care	Supported Lodgings	TOTAL S							
2015-16	7	8	53	11	n/a	n/a	79							
2016-17	2	8	48	11	n/a	n/a	69							
2017-18	10	8	40	13	n/a	n/a	101							
2018-19	4	12	36	17	n/a	n/a	69							
2019-20	5	12	32	16	9	2	76							

The above dates for 2020 refer to the data point at 1<sup>st</sup> July 2020

**Regarding 1.6.b**

	No. of available placements			No. of placements in use		
	Temp	Perm	Respite	Temp	Perm	Respite
2015	Information not retained					14
2016	99	13	26	74	13	7
2017	90	13	2	81	13	24
2018	64	10	31	63	12	21
2019	61	18	28	62	14	16
2020	56	17	25	56	16	5 to date

**Notes:**

- As above, the same children may have moved through each of the types of provision within the year so the numbers do not reflect individual children.
- Respite figures are recorded April to March so 2015 – 2016 is reflected in the box labelled 2015, and so on.
- Respite figures include respite provided by those carers who were also approved to offer full time placements

**Regarding 1.6 c**

Please see the above table regarding 1.6.b

**Regarding 1.6 e**

The numbers of children in total accommodated in every type of care from 2015 – 2020 are as follows:

Year	At home	Kinship	Respite	Foster Care (inc pre-adoption)	Residential Provision	Secure Care
2015	147	57	1	160	19	5
2016	150	62	1	145	28	5
2017	137	99	3	137	29	4
2018	133	106	3	141	29	3
2019	110	83	16	131	30	2
2020 (until 24/7)	101	66	9	119	30	2

**Regarding 1.6 f**

The main service for children who cannot be cared for at home in the present time is fostering. Following the Looked After Children's (Scotland) Regulations 2009 the Council's use of kinship placements also increased. More recently, kinship care has further increased with the impact of the ECHR decision in 2015/16 regarding parity of allowances between kinship and foster care.

**1.7 Children's Background/Experience**

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

Response: As with all young people who were received into care, they will share the common background that they have been considered not been able to be cared for at home. Some were referred for welfare reasons including a parent being unable to care for their child and asking that their child be received into voluntary care. This was more common in the Tayside Regional Council period rather than in the more recent past.

Other children will have had similar experiences of abuse and neglect which resulted in referrals to the Children's Hearing. It is of note that a significant number of children will have been referred to the Children's Hearing on offence grounds although the actual reasons for their needing to be in care may have had little to do with offending behaviour.

Increasingly over the timespan, children were placed in care due to their parents being unable to prioritize their needs due to the impact of their own substance use.

1.7 b)	Were children admitted into the care of the local authority, or were they admitted into the care of particular foster carers?
Res pon se:	<p>Prior to the Children's Hearing System beginning on 15 April 1971, some children were placed into the care of individual carers and some were placed in the care of the Local Authority. This is evident in the Registers of the Poor and District Council Minute books indexed.</p> <p>After the Children's Hearing System began, children were admitted into the care of the Local Authority. Some were subject to compulsory supervision orders naming their place of residence with particular carers.</p>
1.7 c)	Who placed children with the local authority?
Res pon se:	<p>The Children Act 1908 allowed a court to send a child to an industrial school or commit them to the care of a fit person. The Children and Young Persons (Scotland) Act 1932 was the beginning of consideration of the needs of juvenile offenders with those of neglected and deprived children and brought kinship care onto a more formal footing as a major component of state care (Norrie 2017 p38).</p> <p>Under s.15 of the Social Work (Scotland) Act 1968 parents will have placed the child with the local authority. Other children will have been placed through the Children's Hearing System post 1971 or occasionally from the courts (Freeing or Parental Rights).</p> <p>Under s.82(1) of the Adoption and Children (Scotland) Act 2007 the courts may have extinguished parental rights and vested these in either the Local Authority, the foster carer, (or both) on a Permanence Order.</p>
1.7 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?
Res pon se:	A proportion of children will have been directly received into care under s.15 of the Social Work (Scotland) Act 1968. Most other children will have come through the Children's Hearing system.
1.7 e)	If not, generally how did children come to be admitted into the care of the local authority?
Res pon se:	See above 1.7 d)
1.7 f)	How long did children typically remain in the care of the local authority?
Res pon se:	During the period 1930 – 1975 the available data is very limited and it is not possible to conclude a typical length of placement due to the majority of the end dates being omitted. The sample of data extracted indicates that the children remained in care for a range of timespans from birth to 16 years. There are also records of young people over 16 years receiving financial assistance and placements due to being homeless.

	<p>There is similar information demonstrated in files referring to the Tayside Regional Council period.</p> <p>The files audited for the Angus Council period evidenced similarly that children remained in the care of the authority for varying timespans from 0-16 years. It should be noted that some children returned to the care of their parents for very short periods before being placed again in foster care, thus commencing a further care episode.</p>
1.7 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?
Response:	<p>It is unclear who made decisions whether a child should be placed in foster care during the Angus District Council period.</p> <p>During the Tayside Regional Council period and beyond it is understood that, in the first instance, local area social work team managers will have made the decision to place children with foster carers (or extended family members) unless their particular set of circumstances justified placement in residential care. The strategy document "Children in crisis" confirms practice from 1986 as being that a case conference was to be held soon after the child's admission to care. Where a child had been received into care through a Place of Safety Order and/or referred to the Children's Hearing, the case conference would make a recommendation to the Hearing but the Hearing would make the decision as to whether to attach a condition of residence to any supervision order.</p> <p>In the Angus Council timeframe this would have been similar, although with changes to legislation there became more of an emphasis on placing children in kinship care where that was available. This decision was made by the team manager of the local social work team in conjunction with assessment by social workers.</p>
1.7 h)	If the decision was made by the local authority, what criteria were applied?
Response:	<p>No information on this is held prior to "The Children in Crisis" strategy document (Tayside Regional Council - 1986) which established clear principles that when a child was unable to be cared for within their family they should be kept within their community through a foster placement were possible. Then, as now, this would be determined through needs assessment.</p> <p>As noted above, the criteria applied in the more recent past was to explore and discount options of placing children within their own extended family prior to placing them with foster carers. In emergency situations this may have meant short stays with foster carers before a planned move to family carers.</p>
1.7 i)	Were children moved between different foster care placements?
Response:	Yes

1.7 j)	If so, in what circumstances?
Res pon se:	<p>Changes of placement happened either as a result of placement breakdown, a particular carer no longer being able to care for a child or as part of a children's plan, for example, moving from temporary carers to permanent carers.</p> <p>Sometimes there were planned moves noted where a new carer was considered "better able to meet needs". Carers often asked for children to be moved if they felt they could not meet their needs or when behaviours of fostered children were becoming detrimental to their own children.</p> <p>Sometimes the local authority made decisions to move children for their safety when allegations were made and investigations were undertaken. These decisions were both precautionary and proportionate in all of the relevant files audited.</p>
1.7 k)	Generally did children typically stay in one, or more than one, foster care placement?
Res pon se:	Children typically stayed in more than one foster care placement.
1.7 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?
Res pon se:	<p>There are no records prior to 1971 indicating that there was a review process for children in foster care. From 1971 placements would have been subject to review through the Children's Hearing System. Living memory offers that there were reviews carried out for children in foster care by staff based in Angus Council area in 1991. However, "twin-tracking" reviews were undertaken in Tayside House (Dundee). These twin-tracking reviews were whereby two simultaneous plans were progressed for children to ensure their care needs were met timeously. For example, a plan to rehabilitate the child to the care of their parents, and plans for permanent care elsewhere if progress in rehabilitation was assessed not to be in the child's best interests.</p> <p>Tayside Region, in keeping with primary (s.20A of the Social Work (Scotland) Act 1968) and secondary legislation, held regular reviews of children in their care. If it was the view of the review that the child was ready to change placement or return home, then for those children in voluntary care, the decision was made together with the parents. For children subject to supervision orders, the Children's Hearing would be asked to convene a review.</p> <p>Living memory also offers that when Angus Council was established in 1996, a Council led review system for children in foster care was in place. This was a more robust system than previously which also included feedback from children and families.</p>
1.7 m)	When children left foster care, what was the process for discharge?
Res pon se:	In Tayside Regional Council, the discharge was undertaken in consultation with children and families. This remains the case to the present day in Angus Council. From 2000 committee




	report No. 1158/99 indicates that eligible young people received Through Care After Care services (in terms of Sections 26A and 29 of the Children (Scotland) Act 1995).
1.7 n)	What support was offered to children when they left foster care?
Response:	<p>There was no information on Angus District Council record about support for children leaving foster care.</p> <p>Children's files for the Tayside Regional Council period are retained in Dundee and only two relevant files have been requested and examined for the preparation of this response. These two files cannot be considered indicative of all practice as the young people reached their 18<sup>th</sup> birthdays in residential care.</p> <p>In Angus Council, a variety of support was offered to children when they left care including housing, financial, educational, emotional and support to reduce substance misuse or offending behaviours. It is noted that some young people declined these offers of support.</p> <p>Those children who had not reached adulthood received rehabilitation home or to the care of other family members. Some children left foster care to receive residential support.</p>
1.7 o)	What information was sought by the local authority about what children leaving foster care planned to go on to do?
Response:	<p>There is no available information in Angus District Council or Tayside Regional Council to answer this.</p> <p>Information has not been routinely sought by Angus Council on what children leaving foster care planned to go on and do. However, the file audit from the period 1996 – 2014, has evidenced case notes detailing children leaving foster care to go back to their birth families, to supported lodgings, college, to work, to receive Through Care After Care services and on one occasion, to prison.</p>
1.7 p)	Was such information retained and updated?
Response:	No it was not retained and updated routinely.
1.7 q)	What was provided in terms of after-care for children/young people once they left foster care?
Response:	<p>There is no data available to answer this question for the period 1930 – 1975.</p> <p>Angus Council does not hold children's data in relation to the Tayside Regional Council period 1975-1996, this is held by Dundee City Council. In the earlier days of Angus Council there is not much detail recorded in the sample of files audited regarding after care for children and young people unless they were at an age to still receive children's services. A Through Care service was established as a stand-alone team circa. 2002 albeit living memory recalls that there were two posts dedicated to this work prior to this. Support plans are noted in the children's file case sample from 2000 onwards where the child was to</p>

	<p>receive support from Through Care After Care services. This includes references to independent living group work and temporary accommodation services. There are Pathways Plans recorded in the more recent files examined.</p> <p>For those children leaving foster care to return to the care of their families there are recordings of ongoing services and support plans for parents and children including respite arrangements.</p> <p>There were some children in the sample who left foster care due to being adopted. In these cases, there are records of the support given to adoptive families in the shorter term.</p>
1.7 r)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
1.7 s)	If so, please give details.
Response:	<p><b>Regarding 1.7 a</b> In the sample audited for the recent timespan, a significant proportion of children had shared experiences with others in the same placement as they were placed as siblings who had previously been parented together.</p> <p><b>Regarding 1.7 f</b> Within the audited random case sample of recent children's files, these were all looked after by the Local Authority for a duration of between 2 and 15 years. Two were looked after from birth and 2 were receiving continuing care.</p> <p><b>Regarding 1.7g</b> It continues to be the case that, legislation is followed to place children with foster carers. This means that on an emergency basis to protect children, social work managers might initially make decisions to place children with foster carers under s.25 of the Children (Scotland) Act 1995 (voluntary) or a Child Protection Order may be obtained and children placed in foster care. This is then followed up by recommendations to the Children's Hearing who make decisions on where the child will reside and /or who will be responsible for the care of the child. Children were also moved in emergency situations by "Director's move" under s.38 of the Children (Scotland) Act 1995 and latterly under s.143 of the Children's Hearings (Scotland) Act 2011. This is also followed up by due process in a Children's Hearing.</p> <p><b>Regarding 1.7h</b> Decisions to place the child in foster care are determined by risk and need. There is more emphasis in the present time on the match between the skill set of the carers and the needs of the child.</p> <p><b>Regarding 1.7 k</b> Within the audited random case sample of recent children the following number of placements per child were averaged (including respite):</p> <p>2014 – 4.75 2015 – 3</p>



	<p>2016 – 2.33  2017 – 1.66  2018 – 5.25  2019 – 2.5  2020 - 1.25 (cases sampled Jan – April 2020)</p> <p>However, the number of placements per child in this sample ranged from 1-16 including respite placements. It is acknowledged that this is a small sample and may not generalise to provide a trend applicable to the looked after children as a whole during the years represented.</p> <p><b><u>Regarding 1.7 l</u></b>  The present process for review is largely unchanged from pre-2015. However, there is more emphasis placed on obtaining and presenting the children and family’s views within the review.</p> <p><b><u>Regarding 1.7 m</u></b>  Angus Council has signed the Care Leavers Covenant which evidences a clear commitment to supporting the needs of care leavers. The Covenant supports corporate parents in fulfilling their duties of the choice for young people to remain in “continuing care” or receive “after care” services as defined in primary and secondary legislation.</p> <p><b><u>Regarding 1.7n</u></b>  If young people are eligible for Through Care After Care they are offered a Pathway Assessment and Plan. This includes the Welfare Assessment if “Continuing Care” has been requested. Young people are offered holistic assistance with all aspects of their life including practical, emotional and financial support. All aspects of housing are considered including supported accommodation, student accommodation and support to go home. The Pathways Plan is linked to the “SHANARRI” wellbeing indicators in the same way as any other childcare assessment. Pathways Plans are reviewed by a team of reviewing officers.</p> <p><b><u>Regarding 1.7 o</u></b>  This is individualised and is incorporated into the young person’s Pathways Plan.</p> <p><b><u>Regarding 1.7 p</u></b>  It is retained and updated as long as the Pathways Plan is held. The ongoing destination of the young person at the end of this plan will be detailed in the report at the end of the transition plan.</p> <p><b><u>Regarding 1.7q</u></b>  Please see above this section, regarding 1.7 n</p>
<b>1.8 Local authority staff and foster carers</b>	
Local Aut hori ty 1.8 (i) a)	How many people were employed by the local authority who had some responsibility for foster care services for children?

<p>Res pon se:</p>	<p>No information is contained in the available records from Angus District Council or Tayside Regional Council. Dundee City Council have confirmed that they do not hold staffing data from Tayside Regional Council prior to disaggregation in 1996.</p> <p>Between April 1996 and December 2014 there were 47 staff employed by Angus Council who had some responsibility for foster care services. Six of these staff had previously been employed by Tayside Regional Council and had responsibility for the Angus area during this time.</p>
<p>1.8 (i) b)</p>	<p>How many people were employed by the local authority at any one time who had some responsibility for foster care services for children?</p>
<p>Res pon se:</p>	<p>There are no available records for the period 1930 – 1975 when Angus was served by Angus District Council. Similarly, there is no information pertaining to the Tayside Regional Council timespan.</p> <p>Angus Council's records show the following numbers of staff employed whose job description included foster care support:</p> <p>1987 – 1  1988 – 1  1989 – 1  1990 – 2  1991 – 2  1992 – 3  1994 – 5  1994 – 6  1995 – 6  1996 – 7  1997 – 7  1998 – 7  1999 – 8  2000 – 8  2001 – 9  2002 – 9  2003 – 9  2004 – 10  2005 – 11  2006 – 13  2007 – 14  2008 – 15  2009 – 14  2010 – 13  2011 – 13  2012 – 15  2013 – 13  2014 – 14</p>

1.8 (i) c)	What roles and responsibilities did such staff have? Please specify in which roles staff met with children and foster carers.
Res pon se:	<p>There is no information about roles and responsibilities contained within the available records for Angus District Council and Tayside Regional Council.</p> <p>Staff job titles across the period April 1996 to December 2014 are as follows:</p> <ul style="list-style-type: none"> <li>• Family Support Worker</li> <li>• Social Worker (Permanence)</li> <li>• Team Manager (Fostering)</li> <li>• Team Manager (Permanence)</li> <li>• Area Manager</li> <li>• Service Manager</li> <li>• Reviewing Officer (children)</li> <li>• Reviewing Officer (foster carers)</li> <li>• Head of Children and Young People's Services</li> <li>• Director of Social Work and Health</li> <li>• Director of People</li> </ul> <p>The following are examples of job descriptions held:</p> <p><u>The responsibilities of a family support worker were:</u></p> <div style="text-align: center;">         FSW JO.doc     </div> <p><u>The responsibilities of a social worker in the fostering team:</u></p> <div style="text-align: center;">         SWF JO.doc     </div> <p><u>The responsibilities of a social worker in the permanence team were:</u></p> <div style="text-align: center;">         SW Permanence        JO.doc     </div> <p><u>The responsibilities of the fostering team manager were:</u></p>



Team Manager,  
Fostering, Academy

The responsibilities of the permanence team manager were:



tm,permanence,jan  
10.doc

The responsibilities of the area manager were:



Area Manager, Job  
outline.doc

The responsibilities of the service manager were:



Additional Informati  
on JOPSService Mana

In 2013 the post of Service Manager – Children, Families and Justice held the following responsibilities:



Head of Service  
(Children and Young

The responsibilities of the Reviewing Officers for the child's plan were:



CARO, Bellevue  
House, Mar 2012.do

The responsibilities of the Reviewing Officers for the annual review of foster carers was:



Manager, CA & R,  
Job Outline.doc

The responsibilities of Head of Children and Young People's Services were:



Head of Children  
Young People's Serv

The responsibilities of the Director of Social Work and Health were:



director.PDF

The responsibilities of the Strategic Director of People were:



JD-StrategicDirector  
-People.doc

These job descriptions would mainly have been developed from previous versions. It is unclear when the specific wording of these particular job descriptions became operational but previous versions and the substantive task will have been similar.

Any of the above roles may have met with children and foster carers. Mainly family support workers and social workers would undertake home visits and support and guide fostering practice. Managers met, and continue to meet, with foster carers who participate in formal approval processes and any relevant meetings to discuss practice or planning for children. Area managers and above would not undertake home visits and it would be less usual for them to meet with individual carers or children, albeit they would on occasion.

From 1996 Angus had a Review Team offering independent oversight of care planning for children. They were managed separately to the fostering service and the statutory children's services teams. The Review Officers met, and continue to meet, with foster carers who attend the care reviews for children. The Review Officers also met, and continue to meet, 1:1 with children to gain their views in their own care planning.

The child's social worker and family support worker employed in a statutory childcare team regularly visited, and continue to visit, the child in placement. The statutory social worker has case holding responsibility for the child and is supported to discharge that role by the family support worker. The role and responsibilities of the child's worker is outlined below:



Social Worker  
JO.doc

1.8 (i) d)	In relation to each role, what experience/qualifications did such staff have?
Res pon se:	<p>There is no information contained within the available records for Angus District Council or Tayside Regional Council.</p> <p>In the staff group in Angus Council from 1996 - 2014 outlined in 1.8 c) the following qualifications are held:</p>  <p>Qualifications and experience Fosterin</p> <p><b>The social work staff undertaking a statutory role as workers for children held the following range of qualifications:</b></p> <p>Certificate of Qualification in Social Work (CQSW), Diploma Social Work, Certificate in Child Protection Studies, BA Public Administration with option in Social Work NC Social care, MA Social Work, HNC Public Administration, Certificate in Social Work, BA Social Work, HNC Social Care, SVQ Business Administration Level 2, Diploma in Community Education, PG Supervision and Management, NC Psychology, NC Sociology, NC Agriculture, Social Sciences Foundation Level, Social Psychology (level not clear), Cognitive Psychology (level not clear), Crime, Order and Social Control (level not clear) BA Social Science, BA (Hons) Social Science, MA Arts, PG Diploma in Applied Social Studies, Family Therapy, PG Diploma Counselling, HNC Social Work, CCETSW, Practice Teaching Award, Diploma Mental Health Nursing, BA Nursing, SNEB, CSS, Diploma Higher Education, Diploma Supervisory Management, Certificate Personnel Practice, PG Certificate Community Education Scotvec Assessors Certificate, BA (Hons) Business Economics, SVQ3 Promoting Independence, State Nurse, BA (Hons) Politics, Philosophy &amp; Economics, Diploma Child Protection, Diploma Social Sciences, MA Business Administration, Certificate Nursery Nursing, Certificate American History, BA Psychology, Certificate in the Practices of Social Work, Certificate Residential Social Work, Diploma Principles of Social Work, Teaching, Diploma Home Economics, HND Secretarial Studies, MA Psychology, Diploma Advanced Social Work, BA Social Policy and Social Work, Certificate Counselling, Diploma Anatomy, Diploma Aromatherapy, Diploma Stress Management, BSc (Hons) Social Administration, Marine State Teaching Certificate, Substance Abuse Counselling (level not clear), BA Fine Art, Diploma Management Studies, BSc Sociology, Certificate Probation Studies, BA (Hons) Law – Sociology of the Family, HNC Management, MA (Hons) Anthropology, PG Diploma IT, MA English and History, BSC Social Care, BA (Hons) Social Work, BA Sociology and Anthropology, Advanced Award in Social Work, HNC Childcare and Education, Certificate Child Welfare and Protection, Practice Learning, OU K100 Understanding Health and Social Care, Degree Batchelor of Law, MSc Social Work, BSc Psychology, BA (Hons) Psychology, MA Anthropology, City and Guild Youth Trainers Award, Scotvec Module Social and Health Studies, Sumlock Computometer Diploma, BA Psychology and Sociology, Advanced Diploma Social Work, PG Cert Social Services Management, BA Forensic Psychology, HNC Social Sciences, MA (Hons) English Literature, Mental Health Officer, Advanced Certificate in Child Protection, Diploma Principles and Practice of Social Work, RGN, RMH, Supervision and Management of Childcare, PG Diploma Social Work, MA Political Science and Education, BA American Studies and History, BA Applied Social Studies, Preliminary Certificate in Childcare, MA Philosophy, PG Certificate Criminal Justice Social Work, SVQ4 Registered Manager Health and Social Care, OU BSc (Hons) Open, HND Human</p>

Resources, MSc Social Work, HND Advertising and Public Relations, HND Social Sciences with Management, SVQ3 Caring for Children, Teachers Diploma Education of Retarded Children, City and Guilds D32 (Assessor), MA (Hons) French and International Studies, HNC Legal Services, Fitness Scotland Certificate, Certificate in Youth and Community, Diploma in Primary Education.

**A range of Continuous Professional Development is noted on record including:** Promoting Positive Behaviour, Children in Need of Protection, Child protection – recognition and response, Management of Aggression and Violence, High Risk Aggression and Violence, Therapeutic Management of Aggression and Violence, Supervision, Certificate in Stress Management, European Computer Driving Licence (ECDL), Service Welfare, Community Care in Context, Certificate in Social Work Management, HCITB Certificate, Outdoor Leadership, Child Abuse and Neglect, Family Advocacy, NADSAP Facilitator, Bereavement Counselling, NALGO, Course in Senior Social Work, Systemic Model of Assessment, Good Practice in Family Placement, Joint Investigative Interviewing,

**The Family Support Workers and Resource Workers supporting the statutory role held the following range of qualifications:**


HND Administration and Information Management, NC Office Administration, HNC Child Protection, NC Childcare and Education, HNC Child Abuse Module, NC Ceramics, HNC Spatial Design, BA(Hons) Ceramics, BA (Hons) Social Work, Certificate of Higher Education Health Studies, Scotvec Module Child Protection, NNEB, BA Early Childhood Studies, SVQ Care - Promoting Independence, NC Childcare, HNC Social Care, SVQ Health and Social Care, BA (Hons) Sociology, Certificate Practice Teaching, Diploma in Education, Certificate Childcare and Protection, Diploma Social Work, Diploma in Higher Education, HNC Communication, Certificate in Social Science, BSc Behavioural Science, BA Community Education, Degree Home Economics, Youth Trainers Award, MA (Hons) History, PG Certificate Community Education, Adult Education Group Work, SVQ3, SNNEB, SVQ Childcare and Education, HNC Childcare, HNC Childcare and Education, Diploma Social Work, CQSW, NVQ Supervision and Management, BA Community Education, MSc Advanced Professional Studies, HND Children's Nursing, Registered Children's Nurse, SCCEB, OU T125 Understanding Children, NC Business Studies, NVQ3 Health and Social Care, MA Social Science, BA Education, Certificate Childcare and Development, Hairdressing, Ladies Fashion Cutting, HNC Social Sciences, SVQ3 Caring for Children, Certificate in Social Care, BA Professional Development, BA Early Childhood Studies, BA (Hons) Psychology, BSc Sports Exercise Science

**A range of Continuous Professional Development is noted on record including:** Promoting Positive Behaviour, Children in need of protection, Training for Trainers Award, Aggression and Violence, Preparation for Court, Supporting Children with Disclosure, Domestic Violence, Child Protection, Drug Awareness, Working with Children, Foster care training

It is important to note that the staff qualifications have been sourced from their human resources records. Staff may have undertaken other qualifications in their own time during the period of their employment which is not on their record.

The Scottish Social Service Council opened their register for social workers in 2003. All social work staff employed by Angus Council since this time were required to register and hold minimum qualifications as follows:

- BA (Hons) Social Work (or equivalent).

	<p>Past qualifications accepted for registration are:</p> <ul style="list-style-type: none"> <li>• Diploma in Social Work.</li> <li>• Certificate of Qualification in Social Work (issued by Central Council for Education and Training in Social Work from 1971 to 1998).</li> <li>• Certificate in Social Service (issued by Central Council for Education and Training in Social Work from 1975 to 1995).</li> <li>• Letter of comparability to Certificate of Qualification in Social Work (issued until 1990).</li> <li>• Courses recognised by the Association of Psychiatric Social Workers.</li> <li>• Courses and certificates recognised by the Institute of Medical Social Workers (previously the Institute of Almoners).</li> <li>• Probationary Certificate (issued by the Recruitment and Training Committee of the Advisory Council for Probation and After Care until 1971).</li> <li>• Certificate in Social Work (issued by the Council for Training in Social Work from 1962 to 1971).</li> <li>• Certificate in Child Care or letter of recognition (issued by the Home Office Central Training Council in Child Care from 1947 to 1971).</li> </ul>
1.8 (i) e)	How were fostering panels set up? What was their purpose and remit?
Res pon se:	<p>Fostering Panels were established under s.4 Boarding-Out and Fostering of Children (Scotland) Regulations 1985. Their functions are set out in s.6 of the Regulations.</p> <p>Norrie 2017 page 168 - "One of the major innovations of the 1985 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".</p> <p>When Tayside Regional Council disaggregated Angus Council assumed full legal responsibility for the remit of fostering panels for the Angus area.</p> <p>As current practice, the panel made recommendations to the Agency Decision Maker who is a Senior, social work qualified member of the Angus Council social work Management Team</p> <p>The constitution of the panel is evidenced below:</p> <div style="text-align: center;">  <p>Fostering panel - committee report 29</p> </div>
1.8 (i) f)	How were fostering panels constituted? What skills and experience were the members required to have?



<p>Res pon se:</p>	<p>Tayside Regional Council Minutes in respect of Report No. 1990/91 (page 1076), sets out the composition of the Fostering Panel in respect of permanence. It is understood that the panel was a combined panel and that, as such the Fostering Panel dealt with all matters relating to Foster care and Permanence.</p> <p>It indicates that the Panel should be chaired by a service manager who was not operationally responsible for the work under consideration. A vice chairman was to be nominated annually from the membership of the Panel. The panel should aim to be representative of the general population in respect of gender, ethnicity and socio-economic status. It was expected that the panel would be made up of no more than 7 members including:</p> <ul style="list-style-type: none"> <li>• a designated senior social worker with expertise in fostering and permanent families</li> <li>• A medical advisor</li> <li>• A district team representative from a different geographic area and drawn from social workers, foster carers or representatives from the day care and residential services for children</li> <li>• Independent members with relevant knowledge and expertise and knowledge</li> <li>• A representative of the council's legal section (ex officio)</li> </ul> <p>The Looked After Children (Scotland) Regulations 2009 state that the fostering panel shall consist of at least 6 members to include a medical advisor. These regulations state that the local authority must satisfy themselves that the numbers, qualifications and experience of individual members of the fostering panel will enable it effectively to discharge its functions. In Angus, each professional panel member was (and is currently) registered with their own professional body and accountable to them in terms of their ongoing registration. Panel members with experience of the caring role were also represented.</p> <p>The Looked After Children (Scotland) Regulations 2009 include that a fostering panel may be established jointly by any two or more local authorities, however, Angus did not have a "joint fostering panel" in the history of the authority and neither does it have currently.</p> <p>Please also see the constitution referred to at 1.8 (i) e) above.</p>
<p>1.8 (i) g)</p>	<p>With reference to the present position, are the answers to any of the above questions different?</p>
<p>Res pon se:</p>	<p>Yes</p>
<p>1.8 (i) h)</p>	<p>If so, please give details.</p>
<p>Res pon se:</p>	<p><b>Regarding 1.8 (i) a)</b> Between 2015 and 2020 (to the present day) 38 people were employed who had responsibility for foster care services. Some of these had been employed in the same service prior to 2015.</p> <p><b>Regarding 1.8 (i) b)</b> The following numbers of staff were employed by Angus Council in the fostering service.</p> <p>2015 – 16</p>

2016 – 14  
2017 – 13  
2018 – 12  
2019 – 13

These people were overseen by the Service Lead and Chief Social Work Officer who also served as Head of Children’s Services or Head of Children, Families and Justice.

In addition, Angus employed a Reviewing Officer who undertook annual reviews of foster carers during the present time. In 2015 this post was line managed by the Service Lead for Child Protection, Quality and Review aligned to the former Community Assessment and Review Team, now Quality and Review Service.

**Regarding 1.8 (i) c)**

From 2018 the post of service lead for Child Protection Quality and Review held the following responsibilities. (Previously this role was held by Service Manager):



CFJ Service Leader  
Child Protection & F

From 2017 – 2019 the post of Service Manager and Deputy Chief Social Work officer held the following responsibilities:



Job Outline (C,  
F&J).doc

Angus Council Children’s Services were redesigned in April 2019. The roles and responsibilities of the social work staff stayed the same. A new role of Manager - Carer Support was instated. The responsibilities for this role are:



CFJ Manager -  
Carer Support JD.doc

The Team Leader for fostering was created at the same time. The responsibilities within this role are:



CFJ Team Leader  
JD.doc

The Service Lead for Resources and the Service Lead for Child Protection and Review were also created as part of the service re-design programme across Angus Council in 2018. The responsibilities within these roles are:



Service Leader  
(Resources).doc



CFJ Service Leader  
Child Protection & F

The Service Lead for Resources and the Service Lead for Child Protection and Review report to the Chief Social Work Officer / Director of Children, Families and Justice. This remit has not changed in the service redesign.

**Regarding 1.8 (i) d)**

The current staff with responsibility for fostering hold the following qualifications:

**Family support workers in the Permanence Team**

K101 Introduction to Health and Social Care, HNC Social Care, HNC Childcare and Education, SCCEB

**Family support worker in Fostering Team (Post vacant)**

**Social workers in the Permanence Team**

These staff hold a mixture of the following qualifications: HNC Social Care, Diploma in Social work, PDA Practice Learning (Social Services) SVQF Level 10 Risk Assessment and Joint Investigative Interviewing of Children 8 day training, SVQ 3 Early Years Care and Education, BA (Hons) Social Work, MSc Social Work, BA History, Diploma Social Work, Bachelor of Science (Hons) Nursing Studies, Learning Difficulties Branch, Graduate Certificate in Child Care and Protection, Certificate in Social Services

**Social Workers in the Fostering Team**

These hold a mixture of the following qualifications: Risk Assessment and Interviewing of Children, 3.5 day Training Programme, Two Day Step 2 (Foundation) Child Protection Course, Degree of Master of Science Social Work, Bachelor of Arts (Honours) in Childhood and Youth Studies, SVQ Level 4 Management, Degree of Bachelor of Arts Open, HNC in Child Care and Education, BA Mental Health& Counselling, Graduate certificate in Counselling Skills, HNC Health Care, BA (Hons) Social Work, Joint Investigative Interview Training (5 day course), Graduate Certificate in Child Welfare and Protection, Post Graduate Diploma in Social Work , Bachelor of Arts (Honours) in Social Sciences with Social Policy, Graduate Certificate Child Care and Protection, Master of Arts English.

**Team Leader Permanence**

	<p>BA Social Sciences, Degree of Master of Science Social Work, Risk Assessment and Joint Investigative Interviewing of Children 8 Day Training Programme, Certificate in Child Care and Protection, Supervising, Managing and Mentoring modules</p> <p><u>Team Leader Fostering</u> Risk Assessment and Joint Investigative Interviewing of Children 8 Day Training Programme, Practice Teaching Award, Diploma in Social Work, Certificate in Child Protection Studies</p> <p><u>Manager – Carer Support</u> BA Sociology, Certificate of Qualification in Social Work (CCETSW), Degree of Master of Social Work, Certificate in Child Protection Recognition &amp; Response, Supervising and Managing, Mentoring or Training in Child Care &amp; Protection module</p> <p><u>Reviewing Officer for Fostering</u> Until mid-2019 The Reviewing Officer held: Degree of Bachelor of Arts with Honours (Geography) Certificate of Qualification in Social Work, Certificate of Applied Social Studies. The current Reviewing Officer for fostering holds a Diploma in Social Work And a Post Graduate Certificate in Child Protection</p> <p><u>Service Lead – Child Protection and Review holds:</u> BA (Hons) Social Science DipSW Children in Need of Protection - Recognising &amp; Responding to Abuse &amp; Neglect Post Qualifying Social Work Practice Joint Investigative Interviewing – Facilitator Post Qualifying Award –Supervision and Management in Child Protection Leadership and Development Programme</p> <p><u>The current Service Lead for Resources holds:</u> Batchelor Degree in Applied Social Work Studies Certificate and Qualification in Social Work</p> <p><u>The current Director of Children Families and Justice / Chief Social Work Officer holds:</u> HNC Management MA (Hons) Social Work MSc Advanced Studies in Criminal Justice Social Work MSc Public Sector Leadership Diploma in Social Work (DipSW) Practice Teaching Award PG Chief Social Work Officer Award</p> <p>This person held previous titles of Service Leader Children and Young People, Head of Children and Young People’s Services/CSWO, Head of Children, Families and Justice/CSWO and currently Director - Children, Families and Justice/CSWO. All these roles served as oversight for the fostering service.</p>
<p><b>Foster care 1.8 ii)</b></p>	<p>How were foster carers identified and approved/registered?</p>


a)	
Res pon se:	<p>There is no evidence available in the records held for the period of Angus District Council about how foster carers were identified and approved or registered.</p> <p>In the Public Assistance Committee minute books from 1930 – 1948, the register of the casual poor 1925 - 1936, the register of poor in the house of refuge 1915 -1948, the register of the poor in asylums 1915 - 1962, the District Council minutes and the Angus County Council Minute books from 1928 – 1975 there is reference to these various committees approving children boarding out with specified individuals. This has to be considered an informal approval.</p> <p>In respect of Tayside Region, no information is available regarding the policies and procedures involved prior to 1986. As part of the implementation of the “Children in Crisis” strategy, a significant recruitment campaign was undertaken. The 1959 Boarding-Out of Children (Scotland) Regulations only required the local authority to satisfy themselves that those applying to be foster carers were suitable candidates. From 1985, the Boarding-Out Regulations set clearer criteria for the necessary checks and that foster carers be approved by Fostering Panels. It would appear that Tayside Region made use of BAAF form E in the application and approval process.</p> <p>From 1996, living memory recalls that there was regular publicity to encourage people to self-identify. This involved posters, newspaper advertisements, bus advertisements, radio publicity and staff recruiting at community events. Relevant checks (outlined in 1.8 (ii) d) below) would be undertaken and potential carers would be interviewed. They would be subject of a process referred to as “home-study”. From 2005 they were required to undertake training which formed part of the assessment.</p>
1.8 (ii) b)	What experiences and/or qualifications, if any, did a foster carer require to have?
Res pon se:	<p>There is no evidence from the records of Angus District Council that there were any particular experience or qualifications expected of foster carers.</p> <p>In the Tayside Regional Council years, there is evidence that prospective foster carers were required to satisfy the Fostering Panel that they had a stable home and that they could provide good care for the children placed with them. This aligns with the requirements of s.7.1 (e) of the Boarding-out and Fostering of Children (Scotland) Regulations 1985.</p> <p>Similarly, s.22(4) of the Looked After Children (Scotland) Regulations 2009 did not provide a framework for any requirements of qualifications and experience that foster carers must have, only that they must be suitable people, have been interviewed and have been approved by a panel.</p>
1.8 (ii) c)	What checks were carried out in relation to a prospective foster carer, including criminal record checks, references and interviews?
Res pon se:	There are some records on file relating to police checks and references as far back as 1982. Otherwise, the data has been destroyed in line with Records Retention Schedules.

	<p>The 'Section 7' document (Referring to the Boarding-out and Fostering of Children (Scotland) Regulations 1985) lists the statutory checks to be carried out prior to assessment. They include criminal records check, checks with other fostering/adoption agencies, RSPCC, other local authorities where applicants have lived, medical checks, references and 2 or 3 interviews were sought for all prospective foster carers.</p> <p>In Angus Council the following checks were carried out:</p> <ul style="list-style-type: none"> <li>• General Practitioner</li> <li>• Medical consultant (if specific condition)</li> <li>• Health checks on birth children in the home</li> <li>• Personal references</li> <li>• Employers references (where applicant worked with children)</li> <li>• Voluntary agency reference (if volunteer)</li> <li>• Police check (Firearms)</li> <li>• Voluntary agency for adoption</li> <li>• Other Local Authority for fostering</li> <li>• Local Authority check (for past 10 years)</li> <li>• Child protection register</li> <li>• Children 1<sup>st</sup></li> <li>• Community Health Service</li> <li>• Disclosure checks (Police checks prior to Protection of Vulnerable Groups (Scotland) Act 2007)</li> <li>• House and car insurance</li> <li>• Financial checks</li> <li>• References from landlord (if renting)</li> <li>• Nursery or school reference</li> <li>• Checks if the applicants have lived abroad</li> <li>• Marriage and divorce certificates</li> </ul> <p>Operational instructions have been overwritten multiple times since 1996 to update in line with good practice so it is not possible to say with accuracy at which point the Council began undertaking any of these specific checks. However, the list above was accurate at December 2014.</p>
1.8 (ii) d)	<p>What checks were carried out in relation to other persons residing with the prospective foster carer, including criminal record checks, references and interviews?</p>
Response:	<p>Prior to Tayside Regional Council, there are no available records indicating that checks were carried out in relation to other persons residing with the prospective foster carer.</p> <p>During the Tayside Regional Council period no procedural records are available to answer this, however foster carers files indicate that the relevant similar checks were carried out for others living in the home of the prospective carer.</p> <p>Disclosure checks prior to 1997 may have been made directly with the local police, but became formalised with the Part V of the Police Act 1997. The Protection of Children</p>

	<p>(Scotland) Act 2003 covered those unsuitable to work with children in Scotland. Subsequently with the Protection of Vulnerable Groups (Scotland) Act 2007, formal criminal records checks were undertaken routinely for family members living in the prospective foster carers home or others who spent significant amounts of time in the home. Unpaid babysitters were not required to undertake disclosure checks.</p> <p>Angus Council interviewed others in the home during a fostering assessment.</p> <p>The audited sample of carers files deregistered less than 25 years ago evidenced that interviews and disclosure checks on other persons residing in the home were carried out during assessment of prospective foster carers.</p>
1.8 (ii) e)	<p>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?</p>
Response:	<p>There are no records in the period of Angus District Council pertaining to checks of family and friends of prospective foster carers.</p> <p>Similarly, there are no procedural documents available to answer this for the Tayside Regional Council years nor in Angus Council.</p> <p>Living memory, and practice in the more recent past, indicates that only those family members who had agreed to provide prospective foster carers with a reference were interviewed in the assessment. Any formal disclosure checks would be proportionately undertaken depending on how much time a person spent with the prospective foster carers. Prospective carers were asked if there was anyone in their network posing a safeguarding risk to children. Any information would be triangulated during initial assessment and ongoing supervision to determine risk assessment and management.</p>
1.8 (ii) f)	<p>To what extent, if any were the checks referred to at paras ( c ) to ( e ) above reviewed? If so, how frequently were these carried out? Were they repeated? If so, how frequently? If not, why not?</p>
	<p>Personal references were only undertaken for initial assessment and were not repeated</p> <p>Health references for foster carers were required for review at panel so this frequency was in line with panel dates. However not every file evidences that these were received and some carers were asked back to panel for re-consideration when the medicals had been received.</p> <p>Prior to 2007, police checks were only repeated if there were concerns raised. After 2007, disclosure checks were undertaken either annually or biannually.</p> <p>Friends and family members of prospective foster carers were not routinely subject to disclosure checks, references or interviews.</p>
1.8 (ii) g)	<p>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?</p>
Response:	<p>Checks on the accommodation were not evident in the records kept prior to 1975.</p>

	<p>During the Tayside Regional Council time there are no procedural documents available but foster carer files suggest that checks were carried out and reviewed. There is not enough information recorded to answer how frequently this was carried out.</p> <p>Checks were carried out on the accommodation of prospective foster carers in Angus Council during the initial assessment and on subsequent post-approval visits where workers visited to support the carer and the child in placement. Basic safety checks and risk assessment of the accommodation were also made at the time of placements in relation to the age, stage and needs of the child. This may or may not have been recorded. Alterations to the accommodation would have been discussed at the carer's annual review, albeit safety needs would have been dealt with as arising.</p> <p>In the more recent, past accommodation checks were done annually and as required.</p>
1.8 (ii) 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?
Response:	<p>No procedural documents are available to answer this.</p> <p>However, on 28 September 2009, legislation allowing same-sex couples to adopt children in Scotland came into force. At the same time the Looked After Children (Scotland) Regulations 2009 came into effect, which allowed same-sex couples to be considered as foster parents on an equal basis.</p>
1.8 (ii) 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?
Response:	No procedural documents are available to answer this, however foster carer case files indicate that the gender of the foster carer's own children was a consideration in both the gender of the children they were allowed to care for and the number of children who could be placed with them.
1.8 (ii) j)	Were foster carers required to provide any services for children in their care beyond accommodating them? If so, what were they?
Response:	No procedural documents are available to answer this.
1.8 (ii) 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?
Response:	No – there is no evidence of this.
1.8 (ii) l)	Were fostering agreements entered into? If so, were these in a prescribed form or created on an ad hoc basis?



Response:	No procedural documents are available to answer this, however some foster carer case files from the Tayside Regional Council period indicate that fostering agreements were used. This became a requirement of legislation in 1985. These were used routinely in a prescribed form post 1996.
1.8 (ii) m)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
1.8 (ii) n)	If so, please give details.
Response:	<p>1.8 (ii) e) Current practice is to identify support persons after assessment and undertake interview and assessment including disclosure checks. The support person role is paid as respite and can be undertaken in the support person's home or the foster carer's home. As part of the annual foster carer reviews the suitability of the support person is reconsidered depending on their continued role.</p> <p style="text-align: right;">   Health and Safety Checklist.doc </p> <p>1.8 (ii) f) Please see current annual accommodation checklist:</p>
<b>2. Organisational Structure and Oversight</b>	
<b>2.1 Culture</b>	
2.1 a)	What was the nature of the culture within the local authority in relation to the provision of foster care?
Response:	<p>Prior to 1975, the culture within the Local Authority in relation to fostering seems to have been placement of children with people in the community who would do a good turn by offering food and lodgings.</p> <p>No information is available in Tayside prior to 1986 when the strategy document "Children in Crisis" was produced. This document however, sets out its value base which includes stating that children who are unable to be cared for at home should, whenever possible, be cared for by a substitute family. This would appear to place a significant focus on creating a culture which saw foster care as a valuable resource in meeting the needs of children who were not able to be cared for at home.</p> <p>Living memory recalls that more resources were put into fostering from this point which would also indicate how family based care was valued. Angus leaders, post disaggregation, recall constantly recognising the breadth of what children could receive in fostering and of supporting carers to care for children in difficult circumstances.</p>

	When funding became more challenging as the decades passed, there was a tension in the culture of fostering around placements meeting best value needs for a child. However, best caring practice was always promoted within the capacity and understanding of the workers and managers at the time.
2.1 b)	Was that culture reflected in the local authority's policies, procedures and/or practice in relation the provisions of foster care?
Response:	Yes
2.1 c)	How can that be demonstrated?
Response:	<p>Although specific policies and procedures are not available, the above strategy document "Children in Crisis" reflects the philosophy and principles which were subsequently translated into practice.</p> <p>This is evidenced in the carers and children's files. Also, the numbers of children recorded as being placed in foster care increased whilst those placed in residential care reduced. The numbers of staff supporting foster carers in Angus also increased year on year from 1987 - 2014.</p>
2.1 d)	Did the provision of care by foster carers reflect the local authority's culture, policies and procedures?
Response:	The provision of foster care was variable and individual carers may or may not have reflected the Local Authority's culture, policies and procedures. This is reviewed as part of the fostering panel work. Therefore the scrutiny of foster care was undertaken by Tayside Region's Fostering and Adoption panel when this began with the advent of the Boarding-out and Fostering of Children (Scotland) Regulations 1985. Angus District Fostering and Daycare panel performed this function from 1996 and was succeeded by the Angus Fostering and Adoption panel shortly after. The specific date for this change has not been found on record but foster carer files evidence panel minutes from the Angus Fostering and Adoption panel from later in 1996.
2.1 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?
Response:	<p>It is not possible to delineate the culture, policies and procedures prior to 1975 as the recording does not offer that level of detail.</p> <p>During the latter part of the Tayside Regional Council period, Andrew Kendrick from Dundee University and Stuart Brodie from Robert Gordon's University were commissioned to review fostering practice. In particular: "Predictors of Abuse in Foster Care, scrutinizing the themes in the Tayside Regional Council foster carer files from Jan 1990-Sep 1994". Please see below for evidence of occasions carers did not work in accordance with the Local Authority's then culture, policies and procedures:</p>



Kendrick and  
Brodie 1995.pdf



Kendrick 1994 -  
Literature review.pdf

This paper was used to influence the development of fostering practice in Tayside. Dr Kendrick has been consulted in the preparation of this response and remembers the significance of his findings at a time when the focus was on abuse in residential care.

In the Angus Council period post 1996, there are records of carers who did not provide placements reflecting the local authority's culture. However, it is not possible to determine if policies and procedures were adhered to without copies of such.

**Example 1** (Approval period June 1988 – September 2004)

Workers concerns around carers temperament and lack of affection towards children.

One child alleged that they:

1. were not allowed in the kitchen
2. felt invisible, not valued,
3. were sent upstairs if visitors arrived
4. were not involved in food shopping
5. were not given privacy on the telephone
6. were left at a swimming pool some distance away and told to get the bus home
7. were never taken out as a family

Another child alleged:

1. the food they were served was Tesco own branded foods while rest of home did not have this
2. carer handed in receipts for clothes the young person never received
3. carer never consulted with the young person when buying clothes
4. carer made comments at support groups which the young person perceived prejudiced their opportunities of securing an alternative placement
5. they felt excluded when they had respite during family holidays
6. carer had a public confrontation with one of the young person's schoolteachers.

*This was not in accordance with the local authority's culture of providing safe alternative care and promoting child development.*

**Actions taken by Council:**

Professionals held a meeting to see if the first placement was sustainable. Child moved in a planned way to carers better able to meet their needs. Supervision given to carer.

The second allegation was considered by the social work department and several actions were tasked to the carers: Carer was advised to use a diary to record the foods served, to note clothing purchases in the diary and consult young people regarding clothes. The format of carer support groups are logged in this formal carer's action plan to have been changed. Discussion is logged around advice given to the carer about inappropriateness of public confrontations. It was found in investigation that it was only the carer who had gone on holiday and the birth children had been in the family home whilst the looked after child had respite so this needed no further action. It was also noted that this child was presenting some quite challenging behaviour and directing frustrations at the carer. It was concluded "Although a number of issues were identified which could perhaps have been dealt with in a

more sensitive manner, no complaints of a serious nature were identified requiring more formal action”.

**Example 2** (Approval period: June 1987 – Feb 2000)

Carers who demonstrated a range of behaviours not in keeping with fostering ethos:

1. Punitive stance towards children (workers observations recorded)
2. Stating they were going to end placements as a means of motivating a child
3. Annoyed with a child overdosing
4. Packed child’s belongings and left them outside. When the young person arrived told them to “piss off” because they were on the carer’s property
5. Notes about negative and immature behaviour by carers towards placement ending
6. Stopping a young person leaving the house for 8 minutes because they were late getting up in the morning. This made them late for work
7. Letting a young person dye their clothes pink in the washing machine was noted in context as emotional abuse
8. Power struggles noted on file between carers and children

*This was not in accordance with the local authority’s culture of providing safe alternative care and promoting child development. Equally it would not have been in accordance with Tayside Regional Council’s fostering ethos prior to 1996.*

**Actions taken by Council**

Guidance given by supervising workers. Carer placed on time out in 1999 due to concerns regarding placement breakdowns and carers not managing behaviour appropriately. Carers subsequently resigned as they were advised by supervising workers this was the best route to take.

**Example 3** (Approval period: March 1993 – July 2000)

Carer who humiliated child and attempted to manage behaviours by shouting, intimidation and shaming. For example a child alleged they had

1. been locked in a cupboard
2. been shut in a room on their own
3. had their pyjama trousers taken down to see if they were wearing underwear
4. been taken to the garage in the middle of the night and told if they did not behave they would stay there all night
5. been hit with snooker balls by the carers’ child
6. had their trousers and pants taken down and been smacked on the bottom
7. been handcuffed to a bed
8. been locked in the garage overnight

Both carers were reported to be forceful and hostile towards workers, undermine plans for the children and only co-operate on their terms.

*This was not in accordance with the local authority’s culture of providing safe alternative care and promoting child development. Equally it would not have been in accordance with Tayside Regional Council’s fostering ethos prior to 1996.*

**Actions taken by Council:**

There are records on file indicating that individual situations were discussed with the carer.

	<p>The child made these allegations 6 years later when in another placement. As the child was not clear about timescales, a child protection investigation was not initiated. By this time the carers approval had changed to a younger age range which workers believed they found easier to manage. However, the social worker responsible for the care of the children placed with the carers at the time of the allegation was informed.</p> <p>The carers resigned shortly after this allegation and their resignation was unanimously accepted.</p> <p><b>Example 4</b> (Approval period January 2004 - July 2007)</p> <p>Various children made allegations that carer:</p> <ol style="list-style-type: none"> <li>1. Raised voice</li> <li>2. Grabbed by the throat</li> <li>3. Tried to trip up child</li> <li>4. Threw child across the room</li> <li>5. Threatened to slap child</li> <li>6. Locked child in room</li> <li>7. Dragged child to bed by the neck</li> </ol> <p>Workers concerned more generally that carer responded inappropriately to children refusing to follow direction. Also carer took a child to home contact that had not been arranged and the child accessed alcohol.</p> <p><i>This was not in accordance with the local authority's culture of providing safe alternative care and promoting child development.</i></p> <p><b>Actions taken by Council:</b> Carer spoken with by senior social worker. No formal Child Protection Investigations</p> <p>There are also those further carers who allegedly perpetrated abuse towards children which will be referred to later in this response.</p>
2.1 f)	When and why did any changes in the culture of the local authority in relation to the provision of foster care come about?
Response:	<p>As indicated above the strategy document "Children in Crisis" was produced in 1986 and finally approved in 1990. This was significant in changing the culture of the local authority fostering provision.</p> <p>Otherwise, as noted above - changes have been a gradual cultural shift as research has broadly shaped services for children in Scotland. This has been essentially driven by child protection practices as national thresholds and research into outcomes in fostering practice have evolved.</p> <p>The National Care Standards for Foster Care were adopted by Angus Council on 29 February 2000. Committee Report 1102/01 notes on 2 October 2001 that the implementation of these in Angus demonstrated that the practice within the Council was largely in alignment with these standards anyway.</p>

2.1 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?
Response:	<p>There is nothing on record indicating changes in culture in the time span of Angus District Council. No information is available in the Tayside Regional Council time other than the fact that the "Children in Crisis" strategy was led by Peter Bates who was appointed in 1983/84.</p> <p>It is understood that the gradual changes in culture were driven by internal influences, incidents and experiences within fostering in Angus Council. For example if insufficient evidence was provided to substantiate allegations, the residual risk would still have needed to be managed. This resulted in incremental practice changes.</p>
2.1 h)	Were there any changes in culture that were driven by abuse, or alleged abuse, of children in foster care?
Response:	<p>There is nothing in the available records to offer any definitive answers to this. It is thought that the "Children in Crisis" (1986) strategy reflected wider changes in the understanding of the best ways to meet the needs of children unable to live at home.</p> <p>Over time there was a drive to become more conscious of child welfare and an increasing awareness of national child protection cases. The outcomes of inquiries would have had an impact on decision making in family placement.</p>
2.1 i)	If so, when did they occur and how did they manifest themselves?
Response:	Please see 2.1 h) above
2.1 j)	Were any changes in culture driven by any external influences or factors and if so, what were those influences or factors?
Response:	<p>Around 1986 there was a significant shift in research (Lancaster University) at this time which suggested that children were better cared for at home, for example through the use of Intermediate Treatment, and that, where this was not possible, in alternative families rather than residential care (see s.4 Children in Crisis 1986).</p> <p>Please also see 2.1 h) above</p>
2.1 k)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
2.1 l)	If so, please give details.
Response:	2.1 a) The current team manager for fostering states: "In order to retain and support staff to work effectively in fostering, Angus Council endeavour to create stable and supportive teams where regular supervision training and development opportunities are available to staff. We endeavour to create a similar culture within our fostering community, so that the children experience stability and consistency of care provision where possible. As an organisation we

recognise and value the significant contribution foster carers make in supporting the children placed in their care. We invest in the preparation and ongoing support of foster carers by offering an allocated social worker to all fostering families, regular supervision and access to a variety of training. We are committed to working in partnership with our foster carers and have regular consultations with them so that we can exchange ideas and develop the service with a view to improving outcomes for the children placed in our care."

2.1 c) Current culture can be reflected through annual reports, foster carers files, children's files, communication with foster carers, carers support groups.

2.1 d) Largely the provision of care by foster carers reflects the local authority's culture, policy and procedures, however there are some carers where this is not the case, examples below.

2.1 e)

**Example 1** Approval period - June 1993 – awaiting deregistration)

Date of alleged incident: 22.12.17 (reported same date)

Child made allegations that carer dragged him by the ankles out of the kitchen.

*This was not in accordance with the local authority's culture of providing safe alternative care and promoting child development.*

**Actions taken by Council:**

Child Protection Investigation. Children in placement joint interviewed. Children found alternative placements. The case went to the Procurator Fiscal and was considered "deserted simplicitor" (i.e. not pursued). No more children were placed with these carers and they are awaiting deregistration panel.

**Example 2** (Approval period - October 2006 - current)

Date of alleged incident: 13.1.16 (reported 14.1.16)

Carers had asked for a child to be removed from their care. The week after this the child continued to go into the carers' bedroom and take items including the female carer's pants and tights. Carers again asked for the child to be removed. The day after they asked again, the child alleged that night the male carer had come into his bedroom and accused him of taking pieces of chopped rock out of a sweetie jar in the carers' bedroom. The male carer allegedly threw the glass jar at the child but did not hit the child. The female carer came into the room and asked her husband to calm down. The female carer advised that her husband had called the child a "thieving bastard".

*This was not in accordance with the local authority's culture of providing safe alternative care and promoting child development.*

**Actions taken by Council:**

The child was removed to an alternative placement. Risk assessments were updated for the other children in the placement and their social workers were informed. The police were also informed and interviews were undertaken. The carers were returned to panel upon conclusion of risk assessment. The panel continued their approval for three placements but said that this should be reduced to two placements when one of the children had moved on. The carers approval was subsequently adjusted from 3 placements at level 3 to 2 placements at level 2.

**Example 3** (Approval period - September 2014 – current). They awaiting panel at the time of writing.

Date of alleged incident: 21.3.17 (reported same date)

Child alleged that carer assaulted him by grabbing his arm and shaking it, causing a bruise.

*This was not in accordance with the local authority's culture of providing safe alternative care and promoting child development.*

**Actions taken by Council:**

This was reported to the police and an IRD was held. The child was interviewed and it was concluded that the carer had assaulted the child. The Procurator Fiscal decided that it was not in the public interest to pursue. The child did not return to this carer when the allegation was made and the carer did not foster until the investigation was concluded and they had returned to panel. A development plan was agreed which included training, support, additional supervision sessions and matching considerations. The panel stipulated an early review to ensure that the development plan was being achieved and the approval was changed to short term respite only.

**Example 4** (Approval period – May 2013 - current)

Complaint raised December 2019 by child's social worker

Carer struggled to accept and manage typical adolescent behaviours and had sworn at a young person and had been confrontational.

*This was not in accordance with the local authority's culture of providing safe alternative care and promoting child development.*

**Actions taken by Council**

The specific behaviour of the carer was addressed by the supervising worker and team leader as additional supervision. A response was given to the complainer and young person in writing. They are about to attend a review panel where the recommendation is for a change in approval from a named placement and a temporary placement for a child 8-14 years plus one respite placement 8-18 years to 2 respite placements 8-18 years.

**Example 5** (Approval period October 2017 - current)



Carer is considered by workers to have a punitive approach with children. For example the carer allegedly swore at a child (29.10.19), allegedly grabbed a child on the arm on two separate occasions (18.6.19) and (9.1.20), and put a child in her room and held the door shut (self-reported by carer in supervision 3.2.20 although specific dates not given).


*This was not in accordance with the local authority's culture of providing safe alternative care and promoting child development.*

**Actions taken by Council**

Weekly supervision sessions have been undertaken, 1:1 training sessions on Theraplay and 1:1 sessions by an external agency (Barnardos) have been provided on attachment, regressive behaviours, nurturing responses, understanding behaviour as communication of underlying trauma. At the time of writing this carer is scheduled to attend panel where the Council's recommendation is for deregistration.



2.1 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?
Res pon se:	<p>Angus policy has developed from what has been learned on a national level and changes in legislation as well as specific incidents of abuse or alleged abuse within the local authority area.</p> <p>The following literature review was undertaken in 1994 and the research paper was commissioned by Tayside Regional Council in 1994, concluding 1995:</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">         Kendrick 1994 -        Literature review.pdf     </div> <div style="text-align: center;">         Kendrick and        Brodie 1995.pdf     </div> </div> <p>These were presented to Committee on 16 April 1996, when Angus Council was first established with the recommendation to devise an action plan in consultation with National Foster Care Association, to address policy and practice issues in Angus arising from the study recommendations (committee report 211/96). The subsequent action plan itself is not available for scrutiny, however it could be suggested that developments were made to the Angus policies and practices.</p> <p>The Children’s Safeguarding Review was commissioned by the Scottish Office in July 1996 following a number of major and widely spread reported episodes of child abuse. The remit of the review was to look at measures taken for the protection of children who are cared for away from home in Scotland. This was published in November 1997 and recommended better recruitment arrangements, the need to raise the status and professionalism of the care task and a culture that would simply not tolerate abusive behaviour. This report was presented to Angus Committee on 20 Jan 1998 (report 48/98) along with new guidelines for assessment, preparation and selection of foster carers and adoptive parents (committee report 45/98) and reference to an updated fostering handbook (committee report 46/98). This would indicate that learning had been taken from this review and policy and procedure had been developed in respect of safeguarding children in foster care.</p> <p>A procedure for allegations against carers was created in Angus in 2015 in response to various allegations having been made against carers to that date.</p>
<b>2.2 Structure, leadership and accountability</b>	
2.2 a)	What was the structure of responsibility within the local authority in relation to foster care?
Res pon se:	There is no information available prior to Angus Council beginning in 1996. Then, the fostering and adoption team were managed by a Team Manager who reported to a Service Manager. The Service Manager reported to an Assistant Director, who in turn, reported to the Director, then Chief Executive.

2.2 b)	What were the oversight and supervision arrangements by senior management?
Res pon se:	<p>There is no information available prior to Angus Council being established in 1996. Supervision from this point onwards was considered a time for discussion around practice and workload. There were no formal supervision standards initially but these were developed in due course. This version is the earliest on record and evidences the oversight and supervision arrangements by senior management:</p> <div style="text-align: center;">  <p>Supervision standard Sept 2011.</p> </div>
2.2 c)	What were the lines of accountability?
Res pon se:	<p>There is no information available prior to Angus Council being established in 1996. From 1996 please see 2 a)</p>
2.2 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?
Res pon se:	<p>The only information available for Tayside Regional Council is:</p> <p>Peter Bates - Director of Social Work for Tayside Region (1986 – ? )  Jackie Roberts – Director of Social Work for Tayside Region and CSWO ( dates unknown)  Gordon McIntosh – Assistant Director Children and Families (? – 1996)  Alan Dallas – Assistant Director Children and Families (? – 1996)  Margaret Moyes – Service Manager- Fostering Tayside – (dates unknown)</p> <p>In Angus Council the senior management were:</p> <p>William Bryce Robertson – Director of Social Work (1996 – Jan 2003)  Robert Peat – Director of Social Work and Health (1.3.03 – 31.03.13)  Gordon McIntosh - Senior Manager (1.3.93 - 31.08.09)  Margo Williamson - Director of People (15.4.13 – 31.5.17)  Tim Armstrong - Head of Children and Young People Services (1.12.13 – 4.12.16)</p>
2.2 e)	Who, within the local authority, took decisions on matters of policy, procedure and/or practice in relation to foster care?
Res pon se:	<p>There is no information available prior to Angus Council being established in 1996.</p> <p>Service Leads who would take decisions on policy, procedure and practice were:</p> <p>1990 – 2010 – Lorraine Turnbull  2010 – 2015 – Robin Duncan</p> <p>Significant policy change would have been agreed at wider Management Team Meetings.</p>

	Team managers made operational decisions and workers made practice decisions.
2.2 f)	To whom were foster carers accountable?
Response:	<p>There is no information available prior to Angus Council being established. Foster carers were directly accountable to their supervising worker after this time. The line of accountability then followed the council's organisational structure.</p> <p>The fostering panel, (initially established in Tayside Regional Council in 1986) also held foster carers accountable in their role of recommending approval or changes to approval.</p>
2.2 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?
Response:	<p>There is no information available prior to Angus Council being established. After this time it is considered that the implementation of policy would have been a team manager's responsibility, supported by their line management structure.</p> <p>All staff in fostering as well as the carers were expected to comply with policy and procedure. Addressing non-compliance would have followed the supervising structure outlined in 2 a) and 2 f)</p>
2.2 h)	To whom were fostering panels accountable?
Response:	There is no information available prior to Angus Council being established. From 1996 it is clear that fostering panels were accountable to the Agency Decision Maker and ultimately the Chief Executive of the Council.
2.2 i)	What were the oversight and supervision arrangements in respect of fostering panels?
Response:	<p>There is no information available prior to Angus Council being established.</p> <p>In 1996 there was a deliberate decision to keep the oversight and supervision of the fostering panel separate from operations to ensure impartiality. At this point it was overseen by the Principal Planning Officer.</p> <p>From 2007 – 2014 the administration, management and co-ordination of the fostering panel was the responsibility of the Permanence Team Manager, Family Placement Services.</p> <p>Panel members received supervision in terms of their substantive role but not specifically for their role as panel members.</p>
2.2 j)	With reference to the present position, are the answers to any of the above questions different?

Response:	Yes
2.2 k)	If so, please give details.
Response:	<p>2.2a) The current structure of responsibility within the local authority in relation to foster care is the following:</p> <ul style="list-style-type: none"> <li>• Social worker</li> <li>• Team Leader</li> <li>• Team Manager</li> <li>• Service Leader</li> <li>• Director of Children, Families and Justice</li> <li>• Deputy Chief Executive</li> <li>• Chief Executive</li> </ul> <p>2.3 d)</p> <p>Kathryn Lindsay – Service Manager Children Families (25.2.15 - 27.11.16)  Kathryn Lindsay – Service Manager Children, Families and Justice(25.2.15 - 27.11.16)  Mark Armstrong – Director of People (01/06/17 until 31/03/19)  Kathryn Lindsay – Head of Children and Young People (28.11.16-1.4.19)  John Fyfe – Service Manager Children, Families and Justice (circa may 2017 – 1 April 2018)  Kathryn Lindsay –Director of Children, Families and Justice – (1/4/2018 - current)  Eunice McLennan – Service Leader, Resources (1/4/2018 – current)</p> <p>2.3 e) The following leads roles took decisions on matters of policy, procedure and practice:</p> <p>2015 – 2019 – Eunice McLennan (Area Manager)  2019 – current – Elizabeth Ross (Manager Carer Support Service)  2019 – current – Eunice McLennan (Service Leader)</p> <p>Significant but delegated authority policy change would have been agreed at Management Team Meetings. The Council’s Children and Learning Committee also have a role in policy decisions.</p> <p>2.3 i) In the restructure of Children’s Services in 2019, the role of panel co-ordinator moved to the Manager of Carer Support Services. This is the same person as previously held the role as Team Manager (Permanence).</p>
<b>2.3 External Oversight</b>	
2.3 a)	What were the arrangements for external oversight of the local authority’s foster care services?
Response:	There are no available records prior to the first inspection of Angus fostering services in 2006 by the Care Commission (who were themselves established in 2002).

	<p>From 1996, living memory recalls the occasional consultation with the British Association of Adoption and Fostering (BAAF). There were no formal arrangements and this was only very infrequently.</p> <p>Otherwise the inspection dates were as follows:</p> <p><u>Care Commission</u>  6 November 2006  13 August 2007  5 September 2008  27 August 2009</p> <p><u>Care Inspectorate</u>  30 April 2012  2 May 2013  30 April 2014</p>
2.3 b)	Who visited the local authority's foster care services in an official or statutory capacity and for what purpose?
Response:	Angus fostering services were visited by inspectors from the Care Commission and Care Inspectorate for the purpose of carrying out inspections into the service.
2.3 c)	How often did this occur?
Response:	Please see information at 2.3 a)
2.3 d)	What did these visits involve in practice?
Response:	<p><b>The care inspection report from 2008 advises:</b></p> <p>This report was written following an announced inspection which took place over two weeks beginning on the 19 August 2008. Two Care Commission Officers conducted the inspection.</p> <p><u>Before the Inspection</u>  <u>The Annual Return</u>  The service submitted a completed Annual Return as requested by the Care Commission.</p> <p><u>Self Evaluation</u>  The service submitted a self-evaluation form as requested by the Care Commission.  Views of service users.</p> <p><u>Regulation Support Assessment</u>  The inspection plan for this service was decided after a Regulation Support Assessment (RSA) was carried out to determine the intensity of inspection necessary. The RSA is an assessment undertaken by the Care Commission Officer (CCO) which considers complaints 3/16 activity, changes in the provision of the service, nature of notifications made to the Care Commission by the service (such as absence of a manager) and action taken upon</p>

requirements. The CCO will also have considered how the service responded to situations and issues as part of the RSA.

This assessment resulted in this service receiving a low RSA score and so a low intensity inspection was required. The inspection was based on the relevant Inspection Focus Areas and associated National Care Standards, recommendations and requirements from previous inspections and complaints or other regulatory activity.

#### During the inspection process

During the inspection visit, the following documents and records were examined:

- service users files
- relevant policies and procedures
- information leaflets provided to service users
- panel minutes
- minutes of the foster carer consultative group meetings.
- minutes of the carer support group meetings.
- completed questionnaires in respect of grading
- the report on the grading survey.
- Angus Council's fostering service website.
- Angus Council's Viewpoint system for young people online

Discussion took place with a range of staff and service users including;

- service managers
- team leader
- two link social workers
- three foster families
- three fostered children
- the nurse for Looked After and Accommodated Children
- members of the Foster Carers Consultative Group

#### Inspection Focus Areas and links to Quality Themes and Statements for 2008/09

The inspection focus areas for fostering services were Health and Welfare of Service Users, Child Protection and Scottish Social Services Council: Notifications. Details of the inspection focus and associated Quality Themes to be used in inspecting each type of care service in 2008/09 and supporting inspection guidance, can be found at:

<http://www.carecommission.com/>

#### Action taken on requirements since last Inspection

The Care Commission received an action plan from the service detailing how it would meet any requirements/recommendations arising from the last inspection. There were no requirements made at the time of the last inspection. Progress with recommendations is reported at the end of the report under "Other Issues".

#### Comments on Self Assessment 4/16


The service submitted a self-evaluation form as requested by the Care Commission. This demonstrated a very good understanding of the self-evaluation task. It included a list of relevant sources of evidence, together with a realistic grading, and if identified, areas for ongoing improvement.

#### View of Service Users

	<p>Carers were asked to participate in a grading exercise in June 2008, using a questionnaire. The views of 45 carers, who completed questionnaires, were considered as part of the inspection. The responses had been collated and evaluated and an action plan had been developed to drive improvements in the service. Five carers were interviewed as part of the inspection. 49 children and young people had completed an online questionnaire called Viewpoint. This provided some very useful information to inform the children's reviews and the inspection process.</p> <p><u>View of Carers</u> The Care Commission Officers did not speak with birth parents as part of the inspection.</p> <p><b>The care inspection report from 2014 is found below:</b></p> <p><a href="https://www.careinspectorate.com/index.php/care-services?detail=CS2005105109&amp;q=fostering%20angus&amp;fq=!%28ServiceStatus%3A\$Cancelled%24%29&amp;sort=&amp;startr=0&amp;message=&lt;b&gt;Results for fostering angus:&lt;/b&gt; &amp;sCondition=null">https://www.careinspectorate.com/index.php/care-services?detail=CS2005105109&amp;q=fostering angus&amp;fq=! (ServiceStatus:\$Cancelled\$)&amp;sort=&amp;startr=0&amp;message=&lt;b&gt;Results for fostering angus:&lt;/b&gt; &amp;sCondition=null</a></p>
2.3 e)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
2.3 f)	If so, please give details.
Response:	<p><b>The care inspection report from 2018 advises:</b></p> <p>"During the inspection, we looked at files for six children and their foster carers files and we sampled the work of the agency in various areas across the process of fostering. We held two focus groups of foster carers, one for permanent foster carers and one for temporary registered carers. We attended a development event and a social event. We visited a temporary foster carer and a permanent foster carer and the children they care for in their homes to see children in placement and gather the views of carers. We received feedback questionnaires from six foster carers. We met with a group of service stakeholders to gather their views about the service."</p>
<b>Part B – Current Statement</b>	
<b>3. Retrospective Acknowledgement/Admission</b>	
<b>3.1 Acknowledgement of Abuse</b>	

3.1 a)	Does the local authority accept that between 1930 and 17 December 2014 any children cared for in foster care were abused?				
Response:	Yes – based on the information available to the file review team, a number of children were, or were likely to have been, abused whilst in foster care during the period above				
3.1 b)	If so, what is the local authority’s assessment of the extent and scale of such abuse?				
Response:	<p>With regard to the definitions of the section 21 notice, the data referred to in Section B relates to primarily physical and sexual abuse, with associated psychological and emotional abuse. It is considered that there are cases in the file audits evidencing emotional abuse but these are outside the scope of this notice and so not included in the figures in this section. The available data, noted in 3.1 c) below had evidenced the following:</p> <table border="1" data-bbox="423 684 1133 751"> <tr> <td>Cases involving alleged physical abuse</td> <td>37</td> </tr> <tr> <td>Cases involving alleged sexual abuse</td> <td>16</td> </tr> </table> <p>These figures also include alleged abuse of children by children.</p> <p>Angus Council note that the absence of conviction or indeed sufficient evidence does not mean that abuse did not take place.</p>	Cases involving alleged physical abuse	37	Cases involving alleged sexual abuse	16
Cases involving alleged physical abuse	37				
Cases involving alleged sexual abuse	16				
3.1 c)	What is the basis of that assessment?				
Response:	<p>The data underpinning this assessment has been gathered from carers files who had deregistered in the 25 years pre-dating this report. Lines of inquiry have been followed where these audits have highlighted children who have been abused, made allegations or where workers had concerns about practice.</p> <p>Subsequently these children’s files have been fully audited, as have randomly selected files of children in the same placement. Information has been shared with Angus Council by police in respect of this s.21 notice. Civil actions against the Council have been checked and none refer to children in foster care.</p>				
3.2 a)	Does the local authority accept that its systems failed to protect children in foster care between 1930 and 17 December 2014 from abuse?				
Response:	Based on the information available, it appears that there were occasions where internal systems were not followed or where decisions reached through those systems appear to have been weighted toward the foster carer and the need for foster care placements. It seems from the records that systems may have been influenced at times by a motivation to maintain the availability of foster carer capacity and may have applied a different level of tolerance for what constituted acceptable foster caring behaviours than is currently expected. This failed to protect children in foster care. There are other examples where systems served to protect children and reduce further harm.				
3.2 b)	What is the local authority’s assessment of the extent of any such systemic failures?				



Res pon se:	<p>In the period of 1930-1975 it is difficult to give a definitive answer as there are limited records available so the extent of any systemic failures from this time is unknown.</p> <p>When the Boarding-out and Fostering of Children (Scotland) Regulations 1985 were enacted, there began a system of assessing and approving foster carers. The only available evidence indicating that Tayside Regional Council undertook a form of assessment of this system is the Kendrick and Brodie report (1995) – a case file audit:</p> <div style="text-align: center; margin: 10px 0;">  </div> <p style="text-align: center;">Kendrick and Brodie 1995.pdf</p> <p>The conclusions and recommendations from that report are detailed as follows:</p> <p>“Conclusions and Recommendations</p> <p>8.1 It is clear that in a small scale study such as this it is not possible to make definitive statements about predictors of abuse. However, a number of important issues have been raised about abuse in foster care.</p> <p>8.2 There was not always consistency in the response to an allegation of abuse. In one case, a single incident of smacking a child led to the removal of the child involved and other children, the carer being charged by the police (although no further action was taken by the procurator fiscal) and no further children were placed with the carers. In another case, where there had been smacking and hitting children with belt and slipper on a number of occasions the police were not informed and after reminding carers of departmental policy, no further action was taken. <b>It is important that clear criteria are laid down for the action to be taken in response to allegations of abuse, and that procedures of investigation and follow-up action are carried out in a consistent manner.</b></p> <p>8.3 In some instances, case files did not contain all the relevant information and reports concerning the investigation and follow-up action relating to allegations of abuse. <b>It is important that case-files contain full and up-to-date information.</b> Information relating to concerns about actual or potential abuse were not always laid out in case files in a manner which made easy the identification of patterns. <b>It would seem important that steps are taken to ensure that information relating to abuse in care are drawn together in some way (a specific section possibly in carers' case files) to ensure that information can be presented to foster carer reviews in a structured and coherent way.</b> 14</p> <p>8.4 The case file study would indicate that foster carer reviews were not taking place on a regular and structured basis. <b>It is important that foster carer reviews are held on a regular basis to ensure that foster carers have the necessary support and training for their role and to identify and take action of issues of concern.</b> The study also identified a small number of cases where there had been significant changes in the circumstances of the foster carers. <b>It would seem important that foster carers should be reviewed where there are significant changes in their situations (e.g. unemployment, serious illness) to ensure that they have the support to continue fostering or to take decision to suspend fostering for periods of time.</b></p> <p>8.5 Kendrick (1994) made a number of recommendations in the literature review on assessment in the context of child sexual abuse. The point was made that:</p>
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Given the difficulties which have been identified in assessment and review procedures being able to screen out **all** abusive families, the emphasis in relation to selection, training and retention of foster carers must be that child abuse, including child sexual abuse, is high on the agenda of the social work agencies. This must incorporate the fact that child abuse and child sexual abuse takes place in foster care (Kendrick, 1994, p. 12)

In the light of this case file study, additions and amendments can be made to these recommendations:

#### 8.6 Assessment and Review

- child abuse and child sexual abuse must be discussed in the assessment of prospective foster and adoptive families.
- assessment of prospective foster and adoptive families must deal with issues of sexuality and power relationships in the family.
- all members of the family, including the foster carers' children must be included in the process of assessment.
- regular foster carer reviews must be held and these must deal with issues of child abuse

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- foster carer reviews should be held when there are significant changes in the circumstances of foster carers
- recording of information relating to actual or potential abuse must be recorded in a systematic and coherent fashion and made available to foster carer reviews.

#### 8.7 Training

- training must be provided to address with foster carers:

the incidence of child sexual abuse;

the causes of child sexual abuse

the behavioural and emotional effects of abuse on children

the emotional impact for carers of fostering a sexually abused child

the Social Work Department's duty to investigate allegations of abuse

- training, preparation or support should involve all members of the foster family
- training must be provided to social work staff on the incidence and nature of abuse in foster care (including multi-cultural aspects of abuse)
- training must be provided to social work staff on the criteria and procedures for investigating allegations of child abuse to ensure consistency of approach.

#### 8.8 Investigation of Allegations of Child Abuse

- clear policy and procedures should be formulated for the investigation of allegations of abuse in foster care
- social work staff and foster carers should know the policy and procedures and be aware of the process of investigation
- there must be consistent criteria for the involvement of other agencies in allegations of abuse
- investigations should be systematically recorded and appropriate reports, minutes and other documentation contained in the foster carers' file
- support systems for foster carers in the event of allegations should be established
- foster carers should be kept informed at all stages of the investigation
- removal of children should not take place in a precipitate, unplanned way

- where allegations are upheld, support should be given to foster families as it would be to other families

**8.9** This study has shown that those children and young people involved in incidents of abuse or potential abuse have already experienced a great deal of instability both within their own

	<p>home and in the care system. It is therefore of paramount importance that every effort is made to protect them from further abuse in the care system.”</p> <p>The conclusions and recommendations flowed from an examination of a small proportion of case files across the Tayside Regional Council area. It is apparent from the report that there were instances identified where systems had not been routinely followed and there were inconsistent approaches to responding to alleged incidents of abuse in foster care settings.</p> <p>The recommendations are for policy, procedure and practice improvement in the arrangements for the initial assessment and review of foster carers rather than a definitive conclusion that systems at that time had failed. Arguably, the exception to this is the observation that assessment that reviews were not taking place on a regular basis. This findings of the study were accepted by Tayside Regional Council at the time.</p> <p>Angus Council holds a file for a carer approved in 1991, for whom managers at the time were concerned that the legislation Boarding-out and Fostering of Children (Scotland) Regulations 1985 had not been followed. This carer had moved to Angus from Wiltshire and despite an assessment being requested from Wiltshire it was not received. Tayside Regional Council (Angus workers) failed to undertake an assessment before the carers were approved at what is termed on file as a “mini day-care panel” consisting of two people. This system was not adequate and was not adopted by Angus Council where the daycare and fostering panel was set up in 1996.</p> <p>Without knowledge of specific local authority systems at the time it is not possible to determine the extent of any systemic failure other than that noted in the case above. Reading of the files indicated that this was fairly limited and that the systems in place were likely to have been sufficient for the vast majority of children who did not suffer abuse whilst in foster care.</p> <p>However, the audit evidences from 1996 when Angus Council began, that the threshold for approving carers was not the same as in the current time. For example, the weighting of particular aspects of information gathered in assessment did not receive the same attention in the earlier days of Angus Council as they would currently. The relevance and depth of references at this time was also not as good quality as in current practice, albeit it is acknowledged that then, as now, the value of the reference relies upon the referee’s understanding of the fostering task.</p> <p>Background checks were not done with the same rigour which may have placed children at unknown risk. In a minority of cases (n = 2) this might have contributed to children being abused in care. However, it is recognised that checks in themselves do not provide any certainty that acts of abuse will not be committed.</p> <p>In the more recent past there is no evidence that there were systemic failures to protect children in foster care.</p>
3.2 c)	What is the basis of that assessment?
Response:	This assessment is based on a file audit of the carers who deregistered from 1995 onwards. Some of these carers had been actively fostering prior to the Boarding-out and Fostering of Children (Scotland) Regulations 1985.

	It is also based upon Care Inspection reports which have not highlighted any matters of concern in Angus fostering services.
3.2 d)	What is the local authority's explanation for any such failures?
Response:	<p>There is no explanation for the decision making around the carers transferring into Angus from Wiltshire as the records do not evidence this.</p> <p>The approach by Angus Council regarding assessment, references and background checks appears to be consistent with fostering practice in Scotland at the time. (It is not possible to confirm if these practices were systemic failures, however.)</p>
3.3 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?
Response:	Yes
3.3 b)	What is the local authority's assessment of the extent of any such failures in its response?
Response:	<p>The situations whereby the local authority has been deficient in the response to abuse are as follows:</p> <p>(For the avoidance of doubt all the detail provided in this section is based on the files audited and other documents examined in the terms of reference provided rather than a holistic response covering 1930 – 17 December 2014.)</p> <p><u>Case 1 (allegation date - 2.2.04)</u> – child went to his solicitor alleging that he had been “physically abused” by the carer for the past 18 months. It was not noted on file what the act of abuse was. The carer did not want other children in placement interviewed without a family member present. The subject child was deemed credible in joint interview, however the response was to speak with the carer, advise that no action would be taken, but the child would be referred to the Reporter. There may have been other information informing this decision but this cannot be determined due to limited historic recording. Therefore the response is considered deficient.</p> <p><u>Case 2 (respective allegation dates – 1.4.06 and between 26.6.08 and 1.7.08)</u> - child alleged that carer dragged him to bed by his neck. Different child alleged that same carer had grabbed him by the throat, tried to trip him up and threatened to slap him. No notes on file that any of these allegations were investigated. The senior social worker spoke with the carer about dragging the child to bed.</p> <p><u>Case 3 (allegation date - 9.2.06)</u> - child alleged that carer had put nail biting deterrent liquid on her lips and made the child sick. Carer realised this was wrong and apologised. There was no child protection investigation. The carer went on and put soap in two other children's mouths whilst holding them down on separate occasions. Child protection investigations were undertaken for each of these two incidents. This was reported to the Procurator Fiscal upon the second time the carer put soap in a child's mouth. The Procurator Fiscal did not pursue the case. The carer continued as a foster carer.</p>

	<p><u>Case 4</u> (allegations between 12.2.90 and 17.3.91) - two children had been placed with prospective adopters within another local authority area. It was considered at the time of placement that these carers were not very nurturing. The female carer scratched the younger child down his back with her nails to let him experience how this felt, him having just scratched his brother. A social worker has recorded being alarmed at the severity of these injuries upon observation. Although it was noted that the placement would be re-evaluated the material content of this was not apparent in the file. Several other incidents of physical chastisement occurred and the carers were known to smack and restrain the children. The female carer admitted to slapping her adopted daughter in the face which she would have known to be serious as this child had hydrocephalus. Probable abuse of the placed Angus children is noted on file as difficult to challenge because they were boisterous and there were plausible explanations for injuries. However, the children remained in placement even when the carers admitted abuse, for example the female carer advised she may have bruised a child whilst tending to a cut. The male carer also admitted rough handling and kicking of the children. There were several child protection case conferences with no indication that any of the children's names were placed on the register. The Angus children remained in placement until the younger child ran away and advised police he did not want to go back but instead wanted to go somewhere safe. Several workers are recorded within the file as having raised concerns including the person who wrote the matching report. The practice is considered deficient not only because the children remained in placement when there was evidence that they were being neglected and abused, but that adoption of these children by this couple was actively being pursued.</p> <p><u>Case 5</u> – (allegation date - 27.2.03) there was an incident of simulated sexual intercourse instigated by a 12 year old girl towards a 9 year old boy. The experienced carers asked for the girl to be moved as they did not believe they could keep the children safe. She was not moved for another 8 months despite their further formal requests. During this time another two incidents of a sexual nature happened, one of these involving the same child (victim).</p>
3.3 c)	What is the basis of that assessment?
Res pon se:	<p>The data informing this assessment has been gathered from carers files who had deregistered in the 25 years pre-dating this report. Lines of inquiry have been followed where these audits have highlighted children who have been abused, who have made allegations or where workers had concerns about practice.</p> <p>Subsequently these children's files have been fully audited, as have randomly selected files of children in the same placement. Information has been shared with Angus Council by police in respect of this s. 21 notice. Civil actions against the Council have been checked and none refer to children in foster care.</p>
3.3 d)	What is the local authority's explanation for any such failures/deficiencies?
Res pon se:	Decisions were made by workers at the time about what actions to take. The decision making rationale is unclear in the recorded information but will have been based on the worker's knowledge, understanding, values, experience, skills and proficiency in their role. Societal norms, acceptance and thresholds within the agency at the time will have provided the

	context for the decision making. Actions will have been ultimately decided by team managers, service managers etc, where appropriate. However, apart from odd case supervision notes in the children's files, the recording of managers' instructions and their part in decision making is largely not evidenced.
3.4 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?
Response:	It is unclear whether the deficiencies in response noted at 3.3 b) above resulted directly in changes to policy. However, it is known that there has been seismic policy and practice change between 1930 and 17 December 2014. Culturally there have been changes in how children are valued in Scotland. National awareness of risks posed to children grew over the time frame and have been recognised in the development of policy, procedure and practice. Angus has adapted policy to align with legislative requirement and growing research availability. It is likely that foster carers in Angus were challenged by supervising workers in keeping with evolving national practice.
<b>Part C – Prevention and Identification</b>	
<b>4. Policy and Practice</b>	
<b>4.1 National</b>	
4.1 a)	Was there national/policy guidance relevant to the provision of foster care for children?
Response:	<p>POLICY AND PRACTICE</p> <p><u>1930 -1971</u></p> <p>It is assumed that there was no separate National policy or procedures policy during this time, over and above that contained in primary and secondary legislation.</p> <p>Scottish Education Department circulars and memo's:</p> <p>There were Scottish Education Department circulars or memo's advising how to respond to particular situations such as Memo 37 of 1943 dealing with unexploded bombs or Memo 51 regarding the provision of milk in schools. As such, whilst legislation reflected policy in respect of why and how the state set about protecting children and intervening in family life, it would appear there was no separate national policy dictating how organisations and establishments should operate or the policy framework for promoting children's wellbeing in the way that, for example, GIRFEC does currently. This is reflected in both the Kilbrandon Report, which resulted in the Social Work (Scotland) Act 1968 and the creation of the Children's Hearing System, and the White Paper "Scotland's Children – Proposals for Child Care Policy and Law" in 1993, which resulted in the Children (Scotland) Act 1995. Both reports set out the principles of intervention in family life but did not at the time produce separate, distinct policy.</p> <p>The first National guidance in Scotland on Child Protection was Effective Intervention in 1989. There were also Scottish Education Department circulars or memos such as those noted above.</p>

It is worth highlighting, at this point, the distinction between the role of national policy and an understanding of the needs of children and young people, especially those cared for away from home. The fact that the records do not indicate the existence of any national policy setting out how the best interests of young people can be achieved, outwith that contained in the legislation, does not mean that local authority staff operated in isolation of wider developments. This includes, for example, the work of the Clyde and Curtis Committee's established in 1946. It is of note that both reports made clear their preference for placing children in Foster Care over Residential Care. It is unclear however, from the available records, the degree to which any of this directly influenced the practice.

#### 1971 – 1995

As indicated, whilst the Social Work (Scotland) Act 1968 was itself a direct response to the Kilbrandon Report which established the Scottish approach and policies in relation to children in need, it does not appear to have been directly translated into the sort of policy and guidance we are currently familiar with. The absence of specific national policies and guidance appears to have continued and the Scottish Government's own website appears to suggest one of the earliest "policies" was the Skinner report in 1992.

"1992 - The Scottish Office published Another Kind of Home – a review of residential child care (The Skinner Report) which, although mindful of abuse scandals, was focussed on a thorough review of current practice and in conclusion outlined principles for good practice."

This does not paint an accurate picture however, in so much as, in respect of child abuse, significant policy developments began to take place across the UK in response to the death of Maria Caldwell in 1970. In essence a review of the available literature, would suggest that government policy relating to practice in Scotland was focused on the broad themes and principles introduced by the Kilbrandon Report, enacted through the Social Work (Scotland) Act 1968 regarding the role of social services and the operation of the Children's Hearing System followed by the White Paper "Scotland's Children – Proposals for Child Care Policy and Law" in 1983.

Other government led publications and legislation which have influenced policy in Scotland which relate to Foster Care include:

*1974 – Maria Caldwell Inquiry.* The report sensitised the public to issues relating to abuse within the family and the response of the state and promoted a much greater understanding of physical and emotional abuse as well as neglect.

*1988 – The Cleveland Inquiry.* The Inquiry highlighted significant issues in relation to understanding and intervention relating to sexual abuse.

The Foster Children (Scotland) Act 1984 legislated for private fostering whereby people cared for unrelated children for a period of more than 28 days.

*1992 – The Orkney Inquiry.* This Inquiry highlighted the difficulties in protecting children's rights whilst at the same time acknowledging parental responsibilities and rights. It was also significant in highlighting the need for clear legislation, policy and procedures related to the powers and duties of professionals intervening in family life, including the need for evidence based practice.

*1992 – The Fife Inquiry.* Unlike other inquiries, the Fife Inquiry was not related to events surrounding harm to a particular child or children but rather a debate about the role and

nature of intervention in family life. The policies within Fife promoted the developments in relation to juvenile justice which had come out of the research by Lancaster University suggesting that, if left alone children grow out of offending behaviour and that intervention frequently proved detrimental rather than helpful. As a consequence, Social Workers in Fife were expected to exercise the discretion allowed in legislation to only refer young people to the Reporter if they considered compulsory measures of care were necessary. Reporters and panel members objected to this approach believing it was for them to determine whether compulsory measures were necessary.

*1996 – The Dunblane Inquiry* – This Inquiry changed the approach to who could work with children and young people and introduced more stringent checks.

*1997 – The Children’s Safeguarder Report (The Kent Report)* reported on the dangers faced by children living away from home and made recommendations related to the necessary safeguards.

*1999 – The Edinburgh Inquiry* reported on abuse and protection of children in care, investigating complaints of abuse between 1973 and 1987 in Edinburgh’s children homes.

Other inquiries which have influenced policy and practice include the Jasmine Beckford Inquiry in 1984, Victoria Climbié in 2000 and Peter Connolly in 2008.

*2001 - The Regulation of Care Act (Scotland) Act 2001* set up the Scottish Commission for the Regulation of Care (The Care Commission) and the Scottish Social Services Council for the registration and regulation of care services and social services workers. The Act also asked for the publication of Care Standards and Codes of Practice. Ultimately this meant that all services are registered with the Care Commission and are inspected against the relevant standards by Care Commission inspectors. On April 1st 2011, this responsibility passed to the Care Inspectorate. Registration of residential staff began in 2005 and was compulsory for all staff from 2009.

*2002 – The Fife Inquiry* – reported following the conviction of a member of staff for sexual abuse of children between 1959 and 1989.

*2005 - National Care Standards for care homes for children and young people.* These standards are for children and young people who receive a service described in Section 2(3) of the Regulation of Care (Scotland) Act 2001 as one that ‘provides accommodation, together with nursing, personal care or personal support, for persons by reason of their vulnerability or need’.

*2006 - Getting it right for every child (GIRFEC)* Perhaps the most significant, specific national policy was GIRFEC, the Scottish Government’s plan to modernise children’s services to ensure every child in Scotland gets the help they need when they need it. The origin of the policy was as a response in 2004, to “Getting it Right for Every Child: A Report on the Responses to the Consultation on the Review of the Children’s Hearing System”. The plan aims to reduce bureaucracy, ensure that children’s needs are met and enable action to be taken to protect others from children’s behaviour. Much of this policy was incorporated into primary legislation through the Children and Young People (Scotland) Act 2014



	<p>2007 - <i>Looked After Children and Young People - We can and must do better</i> – This highlighted the need to improve the learning and development for everyone who works with Scotland's looked-after children and care leavers.</p> <p>2008 – <i>These are Our Bairns</i> - This gave steer to the expectations of corporate parents in particular noting “corporate parents have not only to provide the opportunities and supports that any good family would provide but we must address significant early disadvantage”. It took note of the emphasis on working together as outlined in <i>Looked After Children and Young People - We can and must do better</i> (2007) and noted that corporate parenting is “more than fulfilling statutory duties”.</p> <p>2013 – <i>Managing Allegations against Foster Carers and Approved Kinship Carers</i> – published by the Scottish Government to sit alongside the guidance for managing allegations against residential carer workers published in 2011.</p> <p>2016 - <i>SSSC Codes of Practice for Social Service Workers and Employers (Revised)</i> The Scottish Social Services Council (SSSC) Codes of Practice set out the standards of practice and behaviour expected of everyone who works in social services in Scotland and the standards expected of employers of social service workers in Scotland.</p> <p><b>Child Protection</b> In addition, starting with Effective Intervention in 1989 through to the current, National Guidance for Child Protection in Scotland, published in 2014, there have been a number of policy developments, frequently preceded by the above inquiries, resulting in guidance and standards in relation to child care and protection. Child Protection Committees were first established in each local authority area in Scotland in 1991. Since then, they have been subject to many reforms and reviews, in particular 2005, when they were strengthened as part of the then Scottish Executive’s Child Protection Reform Programme. The national guidance for Child Protection Committees was published in 2005 and subsequently updated and reviewed. Guidance was developed over the timespan to include the National Risk Framework for Assessment of Children and Young People and the National Framework for Child Protection, Learning and Development.</p>
4.1 b)	If so, to what extent was the local authority aware of such?
Response:	<p>There is no information in the available records to indicate the knowledge of national/policy guidance relevant to the provision of foster care for children of practicing staff or leadership in the local authority.</p> <p>It is evidenced that file content, formats and practice appeared to change over the decades. Some files demonstrated practice which would have accorded with good practice at the time and others less so. It is therefore likely that national practice and guidance was implemented.</p> <p>It is therefore assumed that leaders knew of this national policy and guidance and implemented it appropriately in the relevant service areas. A Workforce Development</p>

	<p>Officer post was brought in in 1991 which then became a small team. This team continued with the same personnel into Angus Council when Tayside Regional Council was disaggregated. Their focus was on specific implementation and improvement of social work practice. This team disbanded in March 2015.</p>
4.1 c)	<p>If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?</p> <ol style="list-style-type: none"> <li>i. Child welfare (physical and emotional)</li> <li>ii. The child's views</li> <li>iii. Reviewing a child's continued residence in a foster care placement</li> <li>iv. Child protection</li> <li>v. Discipline</li> <li>vi. Complaints handling</li> <li>vii. Whistleblowing</li> <li>viii. Record retention</li> <li>ix. Recruitment and training of foster carers</li> <li>x. Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority</li> </ol>
Response:	<ol style="list-style-type: none"> <li>i. Child welfare (physical and emotional) The local authority were aware of the United Nations Convention on the Rights of the Child 1989 and the Framework for Standards in Child Protection accompanied by the Children's Charter in 2004. They were aware of the National Care Standards which became available for fostering in 2002. These were revised in 2005 and republished in 2011 when the Care Inspectorate was established.</li> <li>ii. The child's views Angus Council were aware of The Children (Scotland) Act 1995 (for example s.16.2 and s.25) whereby due regard must be given to the child's views. This was the basis for practice. The local authority were (and are) aware of how this legislation was integrated into the National Care Standards for Fostering (2002). The Authority were (and are) aware of the Vulnerable Witnesses (Scotland) Act 2004 whereby the courts must take into account the views of the child in question and, if they are over 12, these views as expressed should be given greater weight than the views of the parent (s.1 and s.15).  The Looked after Children's Regulations (Scotland) 2009 required consultation with the child, taking into account their age and maturity in the following processes: <ul style="list-style-type: none"> <li>• before preparing the child's plan (s.5)</li> <li>• reviews and termination of approval of foster carers (s.25)</li> <li>• reviewing emergency placements (s.38 and s.41)</li> <li>• review of child's case when child is cared for by parents or persons with parental rights and responsibilities (s. 44)</li> <li>• review of the child's case when child is placed with kinship carer, foster carer .....(s. 45)</li> </ul> </li> </ol>

	<p>The Adoption and Children (Scotland) Act 2007 required that the court (and adoption agency if applicable) must have regard to the child's views and also presumed the child to be of sufficient age and maturity at age 12. Their consent to adoption and permanence is required when they reach their 12<sup>th</sup> birthday (s.32).</p> <p>Guidance on Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007 was subsequently recognised by the council in support of these Acts. The National Kinship and Fostering Strategy 2007 also embeds this into policy.</p> <p>The Children's Hearings (Scotland) Act 2011 provided that the child must so far as is practical and taking account of the age and maturity of the child be given the opportunity to indicate whether they want to express their view and if so, have an opportunity to do so. The Hearing must have regard to the child's views. (A child is presumed to be of sufficient age and maturity at age 12 s.27).</p> <p>The Social Care (Self-directed Support) (Scotland) Act 2013 legislated that children and families are empowered to make a choice as part of their social care assessment, with various options offered for the provision of support. Taking account of the child's maturity, the child must be given an opportunity to indicate whether he/she wishes to express a view and if so, be given the opportunity to express a view. Regard must be had to any view expressed by the child. The statutory body must 'give effect' to the child or family's choice. (s.8 and s.11)</p> <p>The Children &amp; Young People (Scotland) Act 2014 required that when considering whether to provide information concerning the child's wellbeing to or by the Named Person, the information holder should ascertain and have regard to the views of the child or young person, taking account of the child's age and maturity (s.26). This Act also legislated that the authority preparing a child's plan is, so far as reasonably practicable, to ascertain and have regard to the views of the child, taking account of the child's age and maturity (s.35).</p> <p>iii. Reviewing a child's continued residence in a foster care placement. This was set out in primary legislation (s.20A SW(S)A1968) and Angus Council were aware of the expectations outlined in the Looked After Children (Scotland) Regulations 2009 and Adoption and Children (Scotland) Act 2007.</p> <p>iv. Child protection There is evidence that Tayside Regional Council were aware of Effective Intervention. As noted above Angus Council were aware of the Framework for Standards in Child Protection accompanied by the Children's Charter in 2004. They were also aware of the first published National Guidance for Child Protection 2010 and the National Guidance for Child Protection 2014.</p> <p>v. Discipline There is no information in the available records to determine if Angus District Council or Tayside Regional Council were aware of national policy or guidance on discipline in foster care. Angus Council were not aware of any</p>
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	<p>national guidance or policy on discipline in foster care either, however were aware that the Boarding-out and Fostering of Children (Scotland) Regulations 1985 and the Fostering of Children (Scotland) Regulations 1996 obliged foster carers not to administer corporal punishment. Equally the Council were aware of the ensuing national campaigns to ban smacking generally.</p> <p>vi. <b>Complaints handling</b> Angus Council were aware of the National Care Standards for Fostering 2002 which laid out the expectation for services in terms of complaint handling. They were aware of subsequent revisions to this document.</p> <p>vii. <b>Whistleblowing</b> Angus Council were aware of the National Care Standards for Fostering 2002 which laid out the expected whistleblowing practice. They were aware of subsequent revisions to this document.</p> <p>viii. <b>Record retention</b> Angus Council were aware of the Scottish Council on Archives Records Retention Schedules The first version was released in 2011, with the current 2.0 version coming in 2014. Angus were also aware of the instruction to pause destruction of materials pertinent to the Scottish Child Abuse Inquiry.</p> <p>ix. <b>Recruitment and training of foster carers</b> There is no information in the available records in Tayside. Angus Council were aware that the National Care Standards (2002 onwards) allude to training. The Getting It Right for Looked After Children in Kinship and Foster Care strategy 2007 outlined common themes to assist local authorities in developing their local recruitment and training policy. This working group provided the document Moving Forward in Kinship and Foster Care (2008) which gave examples of good practice in foster carer recruitment. Angus was aware of the Guidance on Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007 which stated "Local authorities should have a mix of training provision that meets with the needs of their particular size and geographical location. This should include regular core areas that all carers need post approval; skills development and access to new ideas to extend their abilities; and focused training that meets carers' need in looking after particular children." (p 97). This document also referred to multi-agency training.</p> <p>x. <b>Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority</b></p> <p>There is no information in the available records from Tayside Regional Council. The Guidance on Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007 only states that employer's references should be sought, not what they should specifically contain.</p>
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	The available Angus operational instructions evidence that the local authority was aware of national policy and guidance. These are referenced in section 4.2 below.
4.1 d)	If the local authority was aware of such, did they give effect to that policy/guidance?
Response:	<p>There is no information in the available records prior to the production of the “Children in Crisis” strategy document.</p> <ul style="list-style-type: none"> <li>i. Child welfare (physical and emotional) Angus Council gave effect to the National Care Standards for Fostering</li> <li>ii. The child’s views There is no information in the policy documents for Tayside Regional Council, however, Angus Council gave effect to the legislation and policy which advanced thereafter.</li> <li>iii. Reviewing a child’s continued residence in a foster care placement Tayside Regional Council and Angus Council gave effect to the legislation and policy on reviewing foster care placements.</li> <li>iv. Child protection Tayside Regional Council and Angus Council gave effect to legislation and policy on Child Protection</li> <li>v. Discipline There is no information in the available records regarding this</li> <li>vi. Complaints handling Angus Council gave effect to complaints handling processes</li> <li>vii. Whistleblowing Angus Council gave effect to whistle blowing policy and processes</li> <li>viii. Record retention Angus Council gave effect to the Scottish Council on Archives Records Retention Schedules 2011 and 2014</li> <li>ix. Recruitment and training of foster carers Angus Council gave effect to the guidance noted above in terms of recruitment and training of foster carers</li> <li>x. Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority N/A</li> </ul>
4.1 e)	If so, how was effect given to such policy/guidance?
Response:	The “Children in Crisis” strategy resulted in changes to the structure and priorities of Tayside Regional Council in respect of children and their families.

	<p>i. <b>Child welfare (physical and emotional)</b> Angus Council made staff and the public aware of the National Care Standards and complied thereafter within care inspections.</p> <p>ii. <b>The child's views</b> To support the enactment of the Children (Scotland) Act 1995 Angus purchased a tool called "Viewpoint" circa. 2009 to capture children's views and prepare reports that could be shared within decision making forums. This included their views on their foster care placements. Children (historically and currently) have been encouraged to complete their "Having Your Say" forms for Children's Hearings which also gives scope for them to share their views about their placements.</p> <p>Gathering children's views was integrated into social work and multi-agency training and discussed in supervision. Prior to this, living memory recalls several linked operational instructions from the inception of Angus Council making reference to children's views being paramount, for example undertaking s22 assessments, reports for Children's Hearings and permanence assessments. Who Cares? (Scotland) were contracted from 2013 to provide an advocacy service to children who are looked after by the local authority. At the time of writing this service is still contracted.</p> <p>iii. <b>Reviewing a child's continued residence in a foster care placement</b> Angus area (and subsequently Angus Council) has reviewed children's placements since prior to the disaggregation of Tayside Regional Council. This is a formal system undertaken by a specific team who do not have any other role for the child.</p> <p>iv. <b>Child protection</b> Angus robustly gave effect to the legislation and guidance which can be seen in the Operational Instructions for Child Protection. These outline roles, expectations and process. A Child Protection team was put in place to specialise in referrals and investigations circa 2000.</p> <p>v. <b>Discipline</b> N/A.</p> <p>vi. <b>Complaints handling</b> Angus Council have had a complaints procedure since 1998 and this was publicised.</p> <p>vii. <b>Whistleblowing</b> Angus Council have had a whistleblowing policy since 2002 and this was publicised.</p> <p>viii. <b>Record retention</b> Angus Council complied with retention and destruction of data as set out in the Scottish Council on Archives Records Retention Schedules versions 2011 and 2014.</p>
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	<p>ix. Recruitment and training of foster carers</p> <p>The National Care Standards for Fostering and Family Placement Services 2011 were complied with in terms of criminal records checks and references (albeit these were undertaken prior to the publication of the National Care Standards.)</p> <p>One of the ways in which the strategy document “Getting It Right for Looked After Children in Kinship and Foster care Strategy” (2007) suggested was best in recruiting foster carers was word of mouth. A particular Angus Council carer recruitment strategy is not available for this time so it could be reasoned that word of mouth recruitment was taking place. The document urges local authorities to consider payment for foster carers. Angus already had a payment scheme in place at this time.</p> <p>The document following this strategy: “Moving Forward in Kinship and Foster Care” (2008) was given effect in the following ways (albeit this activity had started in Angus prior to this):</p> <ul style="list-style-type: none"> <li>• Publicity events at local gatherings, shopping malls etc</li> <li>• Information displayed in public areas e.g. libraries</li> <li>• Advertising on buses, in newspapers and on Radio Tay</li> <li>• Experienced foster carers were involved in recruitment activity by making video and audio clips about their experiences and undertaking specific adverts to recruit carers for various children</li> <li>• Young people were involved in making a video and appeared in the local paper with positive stories</li> <li>• A television advertisement was broadcast</li> <li>• Merchandise (mugs, bags etc) was commissioned to promote Angus Council Family Placement work</li> </ul> <p>Systems were developed for responding to enquiries and progressing applications. The family placement team made (and continues to make) contact with prospective applicants within 24 hours from the enquiry. Enquiries were followed up with written information and opportunities for face to face meetings.</p> <p>Angus has an agreement with Perth and Kinross Council and Dundee City Council regarding the sharing of resources.</p> <ul style="list-style-type: none"> <li>• Planned longer term recruitment strategy? This is actioned, albeit there was not / is not a written strategy</li> </ul> <p>x. Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority N/A</p>
4.1 f)	If no, why not?
Response:	See above
4.1 g)	With reference to the present position, are the answers to any of the above questions different?

Response:	Yes
4.1 h)	If so, please give details.
Response:	<p>Regarding 4.1 c)</p> <p>i. Child welfare (physical and emotional) The local authority were aware of the Getting It Right for Looked After Children and Young People (2015). The new Health and Social Care Standards were in use from 2018.</p> <p>ii. The child's views Children are supported and encouraged to attend and participate in Children's Hearings and Reviews. They are invited to contribute their views prior to these by the "Having Your Say" form for Hearings and often review officers will make direct contact with children prior to reviews.</p> <p>The "Transformers in Care Board" was established in 2014. However this was disbanded in 2016 as the young people felt that one approach was not effective for them and it limited the numbers of young people participating. Following this, changes were made to improve engagement with children and young people. Who Cares? Scotland supported a group advocacy model in Angus called the TOOT (Ten out of Ten) group. This group supported a wide scale consultation with young people in 2018 seeking views about best methods of engagement. The feedback from this indicated the preference was to offer a range of opportunities where support is offered to facilitate participation. Based on these views, the consultation work has included activity events where young people meet and have fun with their corporate parents, for example a sports event at a local rugby club, a pizza making event and a graffiti art night.</p> <p>In 2019 Angus gave effect to legislation, policy and guidance by making 6 short film clips demonstrating different ways to gather and present children's views. This investment was aimed at encouraging workers to attune to individual children's preferences for sharing their views.</p> <p>Angus has also developed "My Views", a digital platform whereby children can use their phone or other electronic device to share views directly with their worker or reviewing officer. This launched on 15 April 2020. Young people and carers contributed to the development and testing of this platform.</p> <p>Increased investment in advocacy to promote choice is planned for 2020.</p> <p>iii. Reviewing a child's continued residence in a foster care placement This has continued in line with legislation.</p> <p>iv. Child protection</p>



The National Guidance for Child Protection 2014 is in use. In recent times this has included the Coronavirus (COVID-19): supplementary national child protection guidance.

v. Discipline

The local authority is aware of the Children (Equal Protection from Assault) (Scotland) Act 2019 and at the time of writing are preparing to put this into effect in child protection processes. The public will be informed of the meaning of this legislation in preparation for its enactment.

ix. Recruitment and training of foster carers

From November 2016 all marketing activity regarding the recruitment of foster carers is commissioned to Jigsaw media. This involves social media activity, radio and newspaper advertising.

vi. Complaints handling

No change

vii. Whistleblowing

No change

viii. Record retention

No change

ix. Recruitment and training of foster carers

Around 2015 there began to be less focus on face to face advertising at events or in public buildings and more emphasis on recruitment via the social media platforms e.g. Facebook.

Angus undertakes multi-agency training including foster carers and includes a mix of training to meet the current needs of the carers.

The training offered is as follows:








Joint Foster Carer  
Training Calendar 20



Foster Carer  
Training Dundee An



Training Calendar  
Aug-Dec 2018 2.doc

	<div style="text-align: center;">         Aug 19-Jan 20        Calendar.docx     </div> <div style="text-align: center; margin-top: 20px;">         Jan - Jun 2019        Calendar FINAL.docx     </div> <div style="text-align: center; margin-top: 20px;">         Training Calendar        2020.docx     </div> <p style="margin-left: 40px;">x. Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority Employers are asked to disclose if the prospective foster carer has received an official warning or other disciplinary action, or if any is pending.</p>
<b>4.2 Local Authority</b>	
(i) Poli cy 4.2 (i) a)	Was there local authority policy/guidance in relation to the provision of foster care?
Res pon se:	<p>There is no available record of particular local authority policies in respect of children in Tayside prior to 1986. As with national policy, local practice appears to have been primarily driven by primary and secondary legislation with the addition of Scottish Office circulars. The latter however, tended to focus on practical matters rather than what we would recognise as policy.</p> <p>In addition, the Maria Caldwell Inquiry in 1974, as with other Inquiries, led to particular practice developments across the UK.</p> <p>Further to a request at Social Work Committee in August 1983 regarding a complete review of child care services, a report to Tayside Regional Council (Report No. 149/84) was considered at the Social Work Committee in March 1984. It highlighted the need for a change in the philosophy of child care from residential to foster care and support within the community. These are referenced at 1.5a) above but for ease of reference see below:</p> <div style="display: flex; justify-content: space-around; align-items: center; margin: 10px 0;"> <div style="text-align: center;">         1984 TRC Social        Work committee mir     </div> <div style="text-align: center;">         1984-149.pdf     </div> </div> <p>Tayside Regional Council minutes show that in September 1986, Peter Bates, having taken over as Director of Social Work for Tayside Regional Council, produced a report for the Social Work committee entitled "Children in Crisis: A Strategy for Children and their Families"</p>

(Report No. 1107/86). The council minutes continue to show the implementation of this strategy including an update presented to TRC Social Work committee in October 1991 entitled, "Strategies For: Children and Families, Young People and Child Protection." The original report outlined key policies that should underpin work with children and their families in Tayside, this included policy guidance in relation to Foster Care.

Policy decisions were also recorded in the minutes including "the accomplishment of the wider preventive and treatment strategies in the community" and "the increase of professional training opportunities for staff dealing with child abuse."

Tayside Regional Council minutes and Report No. 1221/88 detail their response to Scottish Office circular SW9/88 and note the requirement to change service guidelines to take account of increased incidence of sexual abuse and the need for improved practice. To date, we have been unable to locate detailed guidance but we will continue to undertake a search for this. If documentary evidence is located this will be made available to the Inquiry.

The result of that acknowledgement of the need to change service guidelines led to policy being laid out in report No. 1267/88 and 1582/88 by the Director of Social Work. Article 1963 (Social Work Committee, 28 March 1988). Report No. 798/92 by the Director of Social Work advising as to new departmental guidelines which had been produced to assist social workers who undertook assessment, preparation and selection of foster and adoptive parents, those involved in the process of approving carers, and managers in districts responsible for the placement of children and young people in families. The report further outlined the statutory criteria and the conditions laid down by the Social Work Department in relation to applicants who wished to foster or adopt.

The Committee noted the development of the new guidelines and agreed to approve the criteria outlined under the departmental policy and practice as detailed in Appendix 1 to Report 789/92, which specified criteria to be adopted in addition to the statutory provisions, in relation to selection of foster and mainstay carers and adoptive parents.

Angus Council approved guidelines on the preparation and selection of 5 types of fostering on 20 January 1998

- 1) Temporary (Birth – 12)
- 2) Permanent
- 3) Mainstay (contract based placements 11-18)
- 4) Relative care
- 5) Angus Respite Care Helpers (ARCH)

Angus Council operational instructions CS 3.1 Procedure for adoption, fostering, respite carer enquiries, applications and decisions (2008) sets out the procedural expectations for such. This includes post approval procedures, reconsideration and appeals.

Angus Council operational instruction CS 2.4.6 Procedure for placing looked after children and young people with foster carers (2008) covers policy for requesting placements, identifying placements, social worker role during placements and premature termination of placements.

Angus Council operational instruction CS 2.4.7 Placement in foster homes of children under supervision from children's hearings (2008) provides instruction for placement in foster care and kinship care.

Angus Council operational instruction CS 2.3.4 Reception into accommodation, movement in accommodation, discharge from accommodation, child and young person placed out with Angus or placed in Angus by another authority (2011) covers policy on finding a placement, action following a placement, reception into accommodation meeting and child's plan, transfer in accommodation and discharge from accommodation. Albeit the earliest version of this available is 2011 it is understood that this was preceded by instruction regarding same.

Angus Council operational instruction CS 2.3.3 Health assessments of children who are looked after and accommodated by the local authority (2011) sets out the expectations with regard to health. Albeit the earliest version of this available is 2011 it is understood that this was preceded by instruction regarding same.

Angus Council operational instruction CS2.3.2 Contact arrangements for looked after and accommodated children (Short term / rehabilitation) (2012) provides policy on defining purpose of contact, benefits, contact agreements, supervision of contact, recording, evidencing detriment, sibling contact and feedback to parents. Albeit the earliest version of this available is 2012, it is understood that this was preceded by instruction regarding same.

Angus Council operational instruction CS 2.3.1 Review of child's plan – Looked after Child (2012) gives the council policy on reviewing plans and placements and delineates the timescales for reviews for different purposes. Albeit the earliest version of this available is 2012 it is understood that this was preceded by instruction regarding same.

Angus Council operational instruction CS 2.4.10 Making decisions for alternative permanent care (2018) sets out the policy regarding matters contained in the title of this instruction. Previous versions of this were overwritten.

Angus Council operational instruction CS 2.4.5 Residence Orders (2012) outlines the council policy regarding support to foster carers pursuing residence orders for looked after children. Previous versions of this were overwritten.

Angus Council operational instruction CS 2.4.8 Occasional alternative care of children in foster placements (2015) provides policy on children staying with friends, temporary delegation by foster carers of their responsibilities as carers and child sitting. It is not known if there were previous versions of this.

Angus Council operational instruction CS 3.7 Fostering Service – Foster carer handbook – assessment of support carers (2013) followed by CS 3.8 Assessment of support carers (2016) provides policy for same. There were previous versions of this but they were overwritten.

Angus Council operational instruction CS2.4.9 Swimming activities for children in foster care (2017) sets out the policy on same. There were previous versions of this but they were overwritten.

Angus Council operational instruction CS1.4 Respite for children with additional support needs (Disabilities) (2008) provided instruction for recruitment to Angus Family Based

	<p>Respite Service supporting children with disabilities. It is not known if there were previous versions of this.</p> <p>Angus Council operational instruction CS 2.5.3 Authorisation for looked after children leaving the country or joining the armed forces (2008) sets out the policy for such. It is not known if there were previous versions of this.</p> <p>Angus Council operational instruction CS 2.3.5 Placement of children who are known to have been involved or suspected of involvement in the sexual abuse of other children (2008) sets out the expectations for risk management of such situations. It is not known if there were previous versions of this.</p> <p>Angus Council operational instruction CS 2.4.4 Children in local authority accommodation who absent themselves without agreement (2008) delineates the distinction between a young person who is absent, missing or who has absconded and provides instruction about what the response should be. It is not known if there were previous versions of this.</p> <p>Angus Council operational instruction CS 4.5 Death or serious injury of children who are looked after or on the child protection register (2008) gives policy on who should be notified and the content of the notifications. It is not known if there were previous versions of this.</p> <p>Angus Council operational instruction CS 3.6 Private fostering (2012) sets out the policy on same. It is not known if there were previous versions of this.</p> <p>There was also a suite of operational instructions on Permanence and Adoption processes which have value to fostering albeit not directly.</p>
4.2 (i) b)	Was there a particular policy and/or procedural aim/intervention?
Response:	<p>The Tayside Regional Council report "Children in Crisis: A Strategy for Children and their Families" (1986) outlined key policies that should underpin all work with children and their families in Tayside.</p> <p>The report recognises that too many children cared for away from home were in residential care and that significant efforts were required to reduce the need children care for in such placements by increasing the available resources to enable children to be cared for either by their parents or extended family and where this was not possible by foster carers. It also recognised the importance of avoiding children 'drifting' in the care system and, as such, the need to ensure planning and reviews for children were focused.</p> <p>The policy and procedural aims in the Angus Council timespan (past) are detailed in 4.2 a) above.</p>
4.2 (i) c)	Where were such policies and/or procedures recorded?

<p>Response:</p>	<p>It is understood that the strategy document “Children in Crisis: A Strategy for Children and their Families” (1986) was widely circulated, both within Tayside and to organisations and residential establishments providing services to children and their families within Tayside such as Independent Residential Schools.</p> <p>As indicated above, with the exception of the document entitled ‘Section 7’ no records of procedures are available from this period. When new procedures were introduced previous ones were destroyed. It can be assumed that this was to avoid confusion in practice.</p> <p>Angus Council has retained the policy documents outlined in 4.2 a) albeit living memory recalls there were previous versions of many of these which were over written. It is assumed that this was again with the intention of avoiding confusion.</p>
<p>4.2 (i) d)</p>	<p>a) What did the policies and/or procedures set out in terms of the following:</p> <ul style="list-style-type: none"> <li>i. Child welfare (physical and emotional)</li> <li>ii. The child’s views</li> <li>iii. Placement of siblings</li> <li>iv. The placement of a child in foster care</li> <li>v. The particular placement of a child with foster carers</li> <li>vi. Contact between a child in foster care with his or her family</li> <li>vii. Contact between a child in foster care and other sibling in foster care</li> <li>viii. Information sharing with the child’s family</li> <li>ix. Fostering panels (including constitution, remit, frequency and record keeping)</li> <li>x. Recruitment and training of foster carers</li> <li>xi. Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority</li> <li>xii. Reviewing a child’s continued residence in foster care or in a particular foster care placement.</li> <li>xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)</li> <li>xiv. Transfer of a child from one foster placement to another (including preparation and support)</li> <li>xv. Transfer of a child between foster care and residential care (including preparation and support)</li> <li>xvi. Child protection</li> <li>xvii. Complaints handling</li> <li>xviii. Whistleblowing</li> <li>xix. Record retention</li> </ul>
<p>Response:</p>	<p><b>Tayside Regional Council</b></p> <p>The information in the following sections are taken from the report “Children in Crisis: A Strategy for Children and their Families” from 1986, together with the ‘Section 7 document referred to above and council minutes from 1991 relating to the constitution of Fostering and Adoption Panels. There are no other available policies and or procedures which provide information relating to these questions for the period from 1975 to 1986.</p>

- i. Section 3 of the 'Children in Crisis' report, sets out a 'value base', which should underpin all aspects of policy and practice within Tayside. It recognised children have specific physical and developmental needs that must be met. This includes the fact that all children should be treated with dignity and respect and have their confidentiality and privacy respected. Particular reference is made to a child's right to love, security and protection from abuse. Recognition is given to the fact that whilst this is the responsibility of parents, where this is not possible the local authority has a responsibility to intervene, possibly through the use of alternative family care (foster care).
- ii. Section 3.14, states that children over 7 should be fully involved and consulted over all decisions affecting their lives. This includes having the right to attend reviews and or submit written views. Children under the age of 7 should be represented by, or accompanied by, an individual advocate acting on their behalf.
- iii. No information is available in relation to policies and procedures relating to the placement of siblings.
- iv. The "Children in Crisis: A Strategy for Children and their Families" report recognises that, where possible, children should be cared for within their families, including when necessary extended families, and only when either it is not safe or possible for a child to remain within the family should the child be received into care. When reception into care was necessary, the report sets out the importance of placing children within an alternative family placement through foster care and, when a return home is not possible, to place the child with permanent carers or adoptive parents.
- v. No information is available in relation to policies and procedures relating to the placement of a child with foster carers.
- vi. No information is available in relation to policies and procedures relating to contact between a child in foster care and their family.
- vii. No information is available in relation to policies and procedures relating to contact between a child in foster care and their siblings in foster care.
- viii. No information is available in relation to policies and procedures relating to information sharing with a child's family.
- ix. Tayside Regional Council Minutes 1990-91 - Pages 1078/79/80 (Report dated 01/08/1990) Fostering Panel Constitution / Permanence Pages 1081/1082/1083 (Report dated 01/08/1990) District Fostering (Temp) and Day Care Panel Constitution.
- x. Section 5 of the "Children in Crisis: A Strategy for Children and their Families" report sets out a 'Homefinding Strategy' to both identify permanent foster carers and adopters for children in need of permanent care as well as increasing the pool of temporary and specialist placements. The 'Section 7' document sets out a framework for recruitment of foster carers.
- xi. No information is available in relation to policies and procedures relating to requiring employers to disclose information.

Consistent with the requirements set out in the Social Work (Scotland) Act 1968, Section 3.13 of the report sets out a requirement that all children received into care must be reviewed within 3 days of admission to formulate an immediate treatment plan and a further review within 4 weeks setting out the treatment plan. It goes on to state that within a year a decision should be made as to whether it is possible to return a child to his or her family and if not legal steps should be taken to place them with a permanent substitute family.

In 1988, the Case Sub Committee of the Social Work Committee sought guidance from the Director of Social work on the role of the Committee and authority in regard to children coming into care, the formulation of care plans and relevant factors to be considered in the long term plan for children unlikely to be rehabilitated with their own family. The report in response discussed the review of children in care which included:

- Well established process
  - Clear plans within 6 weeks
  - Reviewed by reviewing officers at 3 months and 6 months
  - Plans not met drawn to attention of the area manager.
  - Reviewing officers challenge the effectiveness of plans
- Children and parents invited to reviews - these reviews are in addition to reviews held by the Children's Hearing for children under supervision orders

- xii. No information available
- xiii. No information available
- xiv. No information available
- xv. 1988 – 1996

Tayside Regional Council minutes show that on 8 September 1986 the Director of Social work submitted a paper (Report No. 1107/86) regarding the social work services for the care and protection of children. Policy decisions were recorded in the minutes including "the accomplishment of the wider preventive and treatment strategies in the community" and "the increase of professional training opportunities for staff dealing with child abuse."

Minutes reference reports 1267/88 and 1582/88 by the Director of Social Work and detail the "increasingly sophisticated" services required from the Social Work Service to respond to child abuse and introduced a unified child abuse register and responsible officer and staffing to develop practice standards. It discussed child protection and rights of parents and detailed social work response in two processes:

- Investigation and early intervention into suspected cases
- Supervision, alternate care and rehabilitation of children

There was recognition of issues for staff, Service, the Director and the Council including:

- Training and support for staff
- Developing integrated responses
- Increased instance of reporting

The minutes also noted the publication of the Social Work Inspectorate Inspection of Child Protection Services in Rochdale and refer to report 1916/90 and Article 238 Social Work Committee regarding revision and updating of operational instructions issued to staff as an aid to assist staff in carrying out their statutory duties in cases of suspected, alleged or actual child abuse. The Committee approved the revised Child Protection Instructions for implementation in the Social Work Service from January 1991.

In 1991 a Child Protection Committee (CPC) was first established in Tayside.



In 1992, the Directors of Social Work for Scotland, including Peter Bates Director of Social Work for Tayside, came together to produce a Report entitled 'Child Protection: Policy, Practice and procedure to assist the Orkney Inquiry.' This report demonstrates that whilst specific policy and procedures from Tayside may no longer be available, such policies and procedures were in place.

At the Tayside Regional Council Social Work Committee of 28 October 1995, report 1267/95 was presented by the Director of Social Work referring to a management study of social work practice within his Service in relation to child abuse/children at risk of non-accidental injury. The Committee directed preparation of a further report to detail procedures within social work establishments.

xvii. The Quality Assurance Advisory Sub Committee of the Social Work Committee met on 29 November 1991. It discussed a leaflet Your Right to Complain and a note of the authority's complaints procedures, together with Scottish Office circular SWSG5/1991 which provided advice to local authorities on the operation of a complaints procedure that was required to be established by 1 April 1991 in respect of all social work functions. The Committee also made arrangements for a seminar on complaints procedures in January 1992, to which representatives from all registered establishments and officers involved in the registration process were invited.

xviii. No information available

x l x. No information is available in relation policy/procedures for record keeping

#### **Angus Council**

- i. Child welfare (physical and emotional)  
This underpinned the ethos of policy outlined in 4.2 a)
- ii. The child's views  
Legislation noted in 4.1 c) was linked to all relevant policy in Angus Council and staff were expected to follow this
- iii. Placement of siblings  
The Foster Carer handbook (2017) states that "If achievable and in their best interests, to place siblings together or geographically close". It is not clear if previous versions of this handbook said the same. Although there is no full policy specifically on this, the practice expectation is to place siblings together unless there is good reason not to. This complies with the s 4.5 of the Looked After Children (Scotland) Regulations 2009
- iv. The placement of a child in foster care



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Checklist 1 -  
Reception Into Acco

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

There is no specific policy available for this.

Matching is included as part of the process for placing a child, referenced in OI CS2.3.4 for accommodating a child :



CS2.3.4 Reception  
Into Accommodati

This states: "Supplementary information such as integrated assessment or a chronological history may assist with the matching process and therefore copies of reports should be sent or the social worker directed to reports on Carefirst. The duty social worker requires this basic information to contact foster carers and make an appropriate match." - "For every child, consideration needs to be given to the type of placement and services which will meet his or her assessed needs. Regard must be paid to a child's ethnic, religious, cultural and linguistic background. For older children, in particular, issues of gender and sexuality may also be relevant. "

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



CS2.3.2 Contact  
Arrangements for LA

vii. Contact between a child in foster care and other sibling in foster care

As above CS 2.3.2

viii. Information sharing with the child's family



CS2.1.2 Reports for  
the Childrens Hearin

Albeit this policy was written in 2017, this version was updated from a previous version and similar practice was in place prior to 2014. Older versions are not available.



CS2.3.4 Reception  
Into Accommodati

Albeit this policy was written in 2016, this version was updated from a previous version and similar practice was in place prior to 2014. Older versions are not available



CS2.3.1 Case  
Reviews V1.pdf

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

This detail is found on page 8 and 9 of the fostering handbook (which is re-attached here for ease of reference)



CarersHandbook  
2017.docx

However, this does not include record keeping for panels for which Angus Council has never had a policy. Albeit this policy was written in 2017 (and noted to be the 2015 version within the document) this version was updated from previous handbooks and similar practice was in place prior to 2014. Older versions are not available.

x. Recruitment and training of foster carers

There is no current written recruitment strategy and there has not been one in the past.

The training policy is found on page 45-46 in the fostering handbook (which is re-attached here for ease of reference)



CarersHandbook  
2017.docx

This version of the carers handbook is similar to the one which would have been in operation in 2014 and previous, albeit this exact copy is not available.

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

Angus Council employers reference request for fostering applicants 2009 version is attached here:



Employer Ref Letter  
- 2009.doc

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

The policy for reviewing a child’s care plan including residence is attached here:



CS2.3.1 Case Reviews V1.pdf

xiii. Visits to a foster care placement) including frequency, purpose, content, follow up and record keeping]

The frequency of the visits to a foster care placement are found in the “reception into accommodation” operational instructions attached here:



CS2.3.4 Reception Into Accommodati

Albeit this policy was written in 2016 this version was updated from a previous version and similar practice was in place prior to 2014. Older versions are not available.

There is no policy on what the content of the visit to placement should include, or the follow up but this is implicit in the job description of the case holding social worker  
*(this is reattached here for ease of reference)*



Social Worker JO.doc

There was not a policy prior to 2019 about record keeping but the themes contained within this policy attached were discussed with workers in supervision:



CSWO1 0 Case Recording 2019.doc

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

This is detailed in operational instruction:



CS2.3.4 Reception Into Accommodati

This section is identical to the same operational instruction in 2011.

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

This is detailed in operational instruction:



CS2.3.4 Reception  
Into Accommodation

The only difference between this operational instruction and the same section from the 2011 operational instruction that previously authorisation to move a child to secure care was delegated to Area Manager level.

xvi. Child protection



SWCP 1.  
Introduction.pdf



SWCP 2. Legislative  
Framework.pdf



SWCP 3.  
Responsibilities of S



SWCP 4.  
Investigation Process



SWCP 5.  
Responsibilities of the



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SWCP 8. Sup  
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SWCP 14. The  
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SWCP 19. Out of  
Hours Service.pdf



SWCP 20. Problems  
or Disagreements.pr



### SWCP 28. Persons Suspected Offences



### SWCP 29. Persons Convicted Offences

These are the earliest child protection policies on record. However, it is understood that these will have been shaped from previous documents of the same. In the earlier days policy documents were accessible to staff in hard copy: folders in the various offices to refer to. When the operational instructions were made available online they were updated more frequently to ensure staff had the most up to date information. This version control impacted on the retention of documents.

#### xvii. Complaints handling

Previous complaint's policies for the public have been overwritten. In February 2016 the facility was introduced for the public to be able to make complaints online. This policy is found in the Council Web page: [https://www.angus.gov.uk/council\\_and\\_democracy/complaints\\_and\\_comments/making\\_a\\_complaint\\_or\\_comment\\_about\\_our\\_services](https://www.angus.gov.uk/council_and_democracy/complaints_and_comments/making_a_complaint_or_comment_about_our_services)

This is the flowchart was used to investigate complaints.



Investigation Flowchart.doc

The complaints process Stage 2 is outlined below:




Stage 2 Investigation.docx

The complaints policy for carers is contained in page 15 - 17 of the fostering handbook:



CarersHandbook 2017.docx

	<p>This version is similar to the version prior to 2015.</p> <p>xviii. <u>Whistleblowing</u></p> <p></p> <p>Whistleblowing Policy_2.pdf</p> <p>xix. Record retention</p> <p>Angus complied with the Scottish Council on Archives Records Retention Schedules (2011, 2014) There was no separate policy within the Council.</p>
4.2 (i) e)	Who compiled the policies and/or procedures?
Response:	<p>The report “Children in Crisis: A Strategy for Children and their Families” was written by Peter Bates in 1986. No information is available regarding the writing/compilation of other policies and procedures.</p> <p>Some of the policies included in 4.2 e) have authors noted on the individual documents. However, these were a collaboration between area managers, planning officers and others. Social work policies and operational instructions are a delegated function and as such are approved via social work management team meetings.</p>
4.2 (i) f)	When were the policies and/or procedures put in place?
Response:	<p>As indicated, no information is available regarding policies and procedures prior to 1996. Although no specific dates are available for the implementation of the strategy set out in “Children in Crisis: A Strategy for Children and their Families”, it is assumed that it would have been implemented following its approval by the Social Work Committee in 1986.</p> <p>Although the earliest policy documents available at the time of writing are noted in 4.2 e) there is no record of previous policy. Staff can recall Angus Council carrying over Tayside Regional Council operational instruction in 1996 at the inception of Angus Council. All the operational instructions were then updated when Scottish Office guidance was issued in late 1996 /97 on the Children (Scotland) Act 1995. Standards documents were printed into binders for each service.</p>
4.2 (i) g)	Were such policies and/or practices reviewed?
Response:	<p>There is no available information regarding the review of such policies/procedures prior to Local Government reorganisation in March 1996.</p> <p>Angus Council reviewed policy and practice.</p>



	For example, there is evidence on committee report 550/99 that Angus Council undertook a "Best Value" review of fostering (August 1998 – April 1999).
4.2 (i) h)	If so, what was the reason for review?
Res pon se:	Reviews of policy were undertaken for practice improvement reasons and to comply with legislation and national policy.
4.2 (i) i)	What substantive changes, if any were made to the policies and/or procedures over time?
Res pon se:	It is unclear what substantive changes were made as previous policy has been overwritten. However, it is on record that due to concerns about particular carers' unavailability for unannounced visits, such visits were implemented as policy for all carers as of 2004 -2005.  Living memory recalls that the operational instruction: CS 2.3.5 "Placement of children who are known to have been involved or suspected of involvement in the sexual abuse of other children" was put in place as a result of an incident involving children in care.
4.2 (i) j)	Why were changes made?
Res pon se:	It is understood that changes were made for practice improvement reasons and to comply with legislation and national policy.  Please also see 4.2 i)
4.2 (i) k)	Were changes documented?
Res pon se:	The previous policy was mostly overwritten to avoid confusion in practice. Changes were not documented.
4.2 (i) l)	Was there an audit trail?
Res pon se:	There was no audit trail for policy changes.
4.2 (i) m)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	Yes
4.2 (i) n)	If so, please give details.

Res  
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se:

**Regarding 4.2 (i) d i.**

Operational instruction CS 2.5 Through care after care principles (2016) delineates Angus policy for fostered children wishing to be considered for continuing care and after care and the services this entails. This policy incorporates the changes in legislation brought by the Children and Young People (Scotland) Act 2014.

**Regarding 4.2 (i) a, b,c,d** - please see the current foster carer's handbook



CarersHandbook  
2017.docx



Foster Care Hand  
Book - Finance 2018

**Regarding 4.2 d) iv**



CS3.6 Private  
Fostering Operator

**Regarding 4.2 d) x**

A 3-year licence to use The Fostering Network assessment format has been purchased since 2012. The Fostering Network also give regular updates around recruitment and assessment practice which is followed.

**Regarding 4.2 (i) d) xi**



Employer's  
reference form.docx

**Regarding 4.2 (i) d) iv, viii , xiii, xiv, xv,**



CS2.3.4 Reception  
Into Accommodatio

**Regarding 4.2 (i) d) xvi**

- i. Child protection



SWCP 1.  
Introduction.pdf



SWCP 2. Legislative  
Framework.pdf



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	<div style="text-align: center;">   SWCP 13. The responsibilities of tt </div> <div style="text-align: center; margin-top: 20px;">   SWCP 14. The responsibilities of tt </div> <div style="text-align: center; margin-top: 20px;">   SWCP 19. Out of Hours Service.pdf </div> <div style="text-align: center; margin-top: 20px;">   SWCP 20. Problems or Disagreements.pr </div> <div style="text-align: center; margin-top: 20px;">   SWCP 28. Persons Suspected Offences </div> <div style="text-align: center; margin-top: 20px;">   SWCP 29. Persons Convicted Offences </div> <p style="text-align: center; margin-top: 20px;">There was also the continued expectation upon Angus Council staff to comply with successive legislation changes in relation to these policy areas.</p>
(ii) Practic e 4.2 (ii) a)	Did the local authority adhere in practice to its policy/procedures in relation to the provision of foster care?
Res pon se:	<p>As indicated above, there is no available information relating to policy and procedures within Tayside for the period from 1975 – 1986. Whilst the strategy document sets out the broad policy objectives from 1986 to 1996 the only procedural document available is the ‘Section 7’ document which sets out a framework for recruitment of foster carers.</p> <p>As such, the answers to the following questions are limited in scope and based on the position in the Tayside Regional Council era from 1986.</p> <p>It is not possible to determine if Angus Council adhered in practice to its policy and procedures prior to the versions of these outlined above as these were not kept.</p>

	<p>However, there are indications from the file reading that some practice in the more recent past was similar to the practice from current times so it can be concluded that, although policy has been revised, the essence of previous policy was generally adhered to.</p>
4.2 (ii) b)	<p>a) Did the local authority adhere in practice to its policy/procedures on the following:</p> <ol style="list-style-type: none"> <li>i. Child welfare (physical and emotional)</li> <li>ii. The child's views</li> <li>iii. Placement of siblings</li> <li>iv. The placement of a child in foster care</li> <li>v. The particular placement of a child with foster carers</li> <li>vi. Contact between a child in foster care with his or her family</li> <li>vii. Contact between a child in foster care and other siblings in foster care</li> <li>viii. Information sharing with the child's family</li> <li>ix. Fostering panels (including constitution, remit, frequency and record keeping)</li> <li>x. Recruitment and training of foster carers</li> <li>xi. Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority</li> <li>xii. Reviewing a child's continued residence in foster care or in a particular foster care placement</li> <li>xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)</li> <li>xiv. Transfer of a child from one foster placement to another (including preparation and support)</li> <li>xv. Transfer of a child between foster care and residential care (including preparation and support)</li> <li>xvi. Child protection</li> <li>xvii. Complaints handling</li> <li>xviii. Whistleblowing</li> <li>xix. Record retention</li> </ol>
Response:	<p>Tayside Regional Council appears to have followed its policies as set out in the strategy document. It also followed its procedures to the extent required by 'Section 7'. Case files would suggest that policy and procedures were being followed despite the absence of specific procedures to compare practice against.</p> <ol style="list-style-type: none"> <li>i. As specific policies and procedures are not available it is not possible to determine if Tayside Regional Council adhered to these in respect of children's physical and emotional welfare.</li> <li>ii. No clear information available.</li> <li>iii. No information available.</li> <li>iv. Case files indicate when placements have been made indicating why the placement was necessary but no information available as to why a particular foster carer was chosen other than availability.</li> <li>v. As above.</li> <li>vi. Case files indicate some of the contact but not all files have full information.</li> <li>vii. As above, though the actual level of contact is not always clear.</li> <li>viii. Case files, review records and Hearing reports all contain information re information shared with family.</li> <li>ix. The policy and procedures set out in the available documents appears to have been applied in respect of the constitution, remit, frequency and record keeping of Fostering Panels.</li> </ol>

- x. It is clear from the strategy document described above that a wide-ranging recruitment and training programme was planned. No information however is available as to the implementation or success of the plan.
- xi. No information available.
- xii. Whilst specific policies and procedures are not available, case files suggest that children's placements were regularly reviewed both through the Children's Hearing, Tayside's review system and Child Protection Case Conferences where appropriate.
- xiii. Case files suggest that regular visits were maintained and recorded as appropriate though not all information is available.
- xiv. Foster carers' records indicate the arrangements made when children were transferred, the reasons and when support was made available.
- xv. Foster carers' records indicate the arrangements made when children were transferred, the reasons and when support was made available.
- xvi. Case records and foster carer files indicate when child protection concerns were raised. It is not always clear why the particular method of investigation was chosen.
- xvii. Limited information is available regarding the implementation of the 1991/92 Quality Assurance and Complaints procedure.
- xviii. No information available
- xix. Case files suggest that records were maintained and retained as appropriate though not all information is available.

Angus Council

- i. Child welfare (physical and emotional)  
There is evidence available from file reading that Angus Council adhered to legislation and policy regarding child welfare (physical and emotional).
- ii. The child's views  
File reading evidences that the child's views were sought as per policy but it is not possible to tell as to what extent and how this influenced decision making because the recording then (as now) will be subjective.
- iii. Placement of siblings  
Children's files indicate that some siblings were placed together and some separately. The rationale for decision making is not clear in a number of files so it is not possible to confirm whether compliance with the legislation was met on every occasion. It is understood that there was no separate policy in the past (nor is there one in the present) for the placement of siblings, however, legislation is integrated into the operational instructions to place siblings together unless it is in their best interests not to.
- iv. The placement of a child in foster care  
File reading of more recent files evidences compliance with operational instruction CS 2.3.4. However, it is not clear if the previous version of this policy was materially consistent so therefore not possible to confirm if previous policy was adhered to.
- v. The particular placement of a child with foster carers  
As above for iv.

	<p>vi. <u>Contact between a child in foster care with his or her family</u> There is evidence that Angus Council complied with the policy in operational instruction CS2.3.2. However, the earliest version available is dated 2012. Therefore, the content of the previous version cannot be confirmed. From 2012 – 2014 there are files that do not contain a contact agreement as per policy.</p> <p>vii. <u>Contact between a child in foster care and other siblings in foster care</u> There is evidence that Angus Council complied with the policy in operational instruction CS2.3.2. However, the earliest version available is dated 2012 and therefore the content of the previous version cannot be confirmed. It is also possible that contact between siblings happened but was not recorded.</p> <p>viii. <u>Information sharing with the child's family</u> There is evidence from the children's files that this policy was complied with.</p> <p>ix. <u>Fostering panels (including constitution, remit, frequency and record keeping)</u> Angus Council complied with the Fostering and Children (Scotland) Act 1996 and subsequently the Looked After Children (Scotland) Regulations 2009 in respect of panels.</p> <p>x. <u>Recruitment and training of foster carers</u> Angus Council complied with the policy laid out in the Fostering Handbook. Albeit this policy noted above is from 2017, it is understood that this policy was in place before 2014.</p> <p>xi. <u>Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority</u> The earliest employers reference request form available is from 2009 (shared above). There is evidence on file of this being used from this time. Some files prior to 1999 do not contain employer's references and information in references prior to 2009 was not consistent</p> <p>xii. <u>Reviewing a child's continued residence in foster care or in a particular foster care placement</u> Angus Council have aimed to comply with the review timescales in the Looked After Children (Scotland) Regulations 2009 and subsequent policy. There is evidence that for the majority of cases these timescales have been met. However, there are some which have not been met.</p> <p>xiii. <u>Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)</u> Angus Council complied with s46 (2) and (3) of the Looked After Children (Scotland) Regulations 2009. For the majority of cases, Angus Council complied with policy noted above in operational instruction CS 2.3.4, albeit not every case.</p> <p>xiv. <u>Transfer of a child from one foster placement to another (including preparation and support)</u></p>
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	<p>There is evidence that operational instruction CS 2.3.4 was complied with, albeit not in every case.</p> <p>xv. <u>Transfer of a child between foster care and residential care (including preparation and support)</u> There is evidence that operational instruction CS 2.3.4 was complied with, albeit not in every case.</p> <p>xvi. <u>Child protection</u> There is evidence that the suite of operational instructions noted above in respect of child protection have been complied with.</p> <p>xvii. <u>Complaints handling</u> There is evidence that complaints were handled in the past in a manner consistent with the policy outlined in the Fostering Handbook in respect of carers.</p> <p>xviii. <u>Whistleblowing</u> No evidence has been found to date in the current audit of this policy being invoked.</p> <p>xix. <u>Record retention</u> Angus Council complied with records retention schedules.</p>
4.2 (ii) c)	How was adherence demonstrated?
Res pon se:	<p>Adherence was demonstrated through children and carer's files.</p> <p>Children's files contain: case notes, review minutes, "detailed records", family contact records, child's views forms, records of any formal interviews and other relevant information.</p> <p>Foster care's files contain: recruitment and training information, initial assessments, employers references, supervision records, records of other visits made, review reports, panel minutes, agency decision maker memos and other relevant information.</p>
4.2 (ii) d)	How can such adherence be demonstrated to the inquiry?
Res pon se:	The relevant documents described above can be made available to the Inquiry together with sample case files.
4.2 (ii) e)	Were relevant records kept demonstrating adherence?



Res pon se:	As indicated in case files.
4.2 (ii) f)	Have such records been retained?
Res pon se:	Children's files and foster carer's files have been retained with adherence to the records retention schedules.
4.2 (ii) g)	If policy/procedure was not adhered to in practice, why not?
Res pon se:	<p>In the absence of specific policy and procedures in both the Tayside Regional Council and Angus Council periods, it is not possible to be clear as to whether these have been followed and if not, why not.</p> <p>However, of the more recent past it is possible to determine that policy was not always followed. Please see examples below:</p> <p><b><u>Operational instruction CS2.4.6</u></b>  <b><u>Section 1.2</u></b> <i>"The social worker provides the family placement duty worker with information to allow the referral form to be completed."</i>  g) This may not have been adhered to due to lack of time in an emergency  h) Historically it is possible that the referral form may have been completed in hindsight</p> <p><b><u>Section 1.3</u></b> <i>"The child's worker keeps the family placement duty worker advised of relevant developments"</i>  g) This was dependent upon the individual worker's interpretation of "relevant developments" and the timing of the information becoming available so this section might not always have been adhered to  h) Family Placement worker was advised latterly. Also information may have been shared but this sharing not recorded.</p> <p><b><u>Section 2.4</u></b> <i>"The child's worker arranges an introductory meeting between the child, family and carer."</i>  g) there are some examples where this was not adhered to due to the worker prioritizing other emergency or high risk work in the caseload or child's social worker off work on annual leave or sickness leave. Also in some situations children needed to be placed quickly and delay caused by introductory meetings would not have met their safety needs. Also in some cases this could not be complied with due to the risks presented by the parent.  h) in these cases the child was taken straight to placement for introductions and remained in placement</p> <p><b><u>Section 3.1</u></b> <i>"The carers link worker and child's social worker convene a placement agreement meeting."</i>  g) in a small number of cases the carer's link worker or the child's own worker may not have always been present.</p>

h) The meeting may have been convened without the carer's link worker present. A representative of the child's worker (i.e. another social worker) would have attended in place of the worker. However, workers may have spoken on the telephone or emailed to complete the essential core record and placement agreement paperwork. The fostering duty worker would complete the placement risk assessment if the carer's allocated worker was not available. This meeting was formalised into a Reception into Accommodation meeting which fulfilled the requirements of placement planning.

**Section 3.3 3.4** *"The social worker is responsible for ensuring the child is adequately equipped with clothing and other essential equipment"*

g) not adhered to due to the worker prioritizing other emergency or high risk work in the caseload. Child's social worker off work on annual leave or sickness leave. Social worker not undertaking this timeously for other reasons

h) Delay in getting clothing and equipment to the child. Carer sourcing items for child.

**Section 5.7** *"Visiting the child in the foster home once per month"*

g) not adhered to due to the worker prioritizing other emergency or high risk work in the caseload. Child's social worker off work on annual leave or sickness leave

h) contact made with child and / or carer by telephone. Visit delayed.

**Operational instruction C2.3.2**

**Section 1.4** "

*A RAC1 will be completed and will*

*set out the frequency of the contact"*

g) not adhered to due to the worker prioritizing other emergency or high risk work in the caseload or the child's social worker being off work on annual leave or sickness leave. Contact arrangements may have changed quickly to respond to emerging risk and to meet the needs of the child, rendering the RAC1 obsolete.

h) contact may have gone ahead but have been recorded differently. The RAC1 may have been completed later or not at all.

**Section 1.7** *"Decisions must be well-evidenced and recorded on Care First. For example if a child is to have no contact the reasons must be clear – i.e. no relationship, child's view, risk etc"*

g) This might not have been well-evidenced due to worker's understanding and interpretation of the operational instruction and the family dynamics.

h) decisions were not recorded or limited recording of decisions in some cases.


**Section 3.1** *"Contact agreement"*

g) This might not have been adhered to due to workers' understanding and interpretation of the purpose of contact. It might have not been prioritized alongside other competing demands of emergency or high-risk case work, the timing of staff annual leave or sickness leave. It might have not been adhered to as family situations may have changed meaning the best course of action might have been for contact to cease before the contract agreement had been drawn up.

h) There may have been no contract agreement for some periods or some children. However, contact may have appropriately been facilitated.

**Operational Instruction CS 2.3.1**

	<p><b>Section 3.1 "Review timescales"</b>  g) the review timescales were sometimes not adhered to due to staff sickness absence, availability of rooms, availability of social workers.  h) reviews were postponed and held as soon as possible.</p> <p><b>Section 4.2 4.4 "Parents have access to and understand reports prior to meetings. Parents should be prepared for reviews."</b>  g) Parents may have been difficult to locate prior to meetings or difficult/reluctant to engage in the processes. Workers may not have prioritized this alongside competing demands of emergency or high-risk case work. The timing of staff annual leave or sickness leave may have impacted on available opportunities to engage with parents prior to meetings. Despite best efforts to engage and prepare parents it may be that their anxieties and other needs impacted their understanding.  h) There may have been efforts made to engage parents that were not recorded. It is not possible to determine from the method of this audit the number of parents in the past who attended meetings with no access to the reports or preparation for the meeting.</p>
4.2 (ii) h)	If policy/procedure was not adhered to in practice, what was the practice?
Res pon se:	As above
4.2 (ii) i)	With reference to the present position, are there answers to any of the above questions different?
Res pon se:	Yes
4.2 (ii) k)	If so, give details.
Res pon se:	<p><b>Regarding section b) vi</b>  There are a small minority of current files that do not contain a contact agreement as per policy.</p> <p><b>Regarding section b) vii</b>  There are current files that do not contain a contact agreement between fostered children and their brothers and sisters.</p> <p><b>Regarding section g) and h)</b></p> <p><b>Operational instruction CS2.4.6</b>  <b>Section 1.2 "The social worker provides the family placement duty worker with information to allow the referral form to be completed."</b>  Electronic systems are now used to manage workflow and as such the social worker is required to provide the family placement team with a placing request. This form is shared with the carer so they can make an informed decision on whether to offer a placement.</p>

	<p><b>Section 1.3</b> <i>“The child’s worker keeps the family placement duty worker advised of relevant developments”</i></p> <p>Current experience is that the child’s worker keeps the family placement worker updated. Any improvements in information sharing are addressed with individual workers albeit this is infrequent.</p> <p><b>Section 4.2 4.4</b> <i>“Parents have access to and understand reports prior to meetings. Parents should be prepared for reviews.”</i></p> <p>g) Parents may have been difficult to locate prior to meetings or difficult/reluctant to engage in the processes. Workers may not have prioritized this alongside competing demands of emergency or high-risk case work. The timing of staff annual leave or sickness leave may have impacted on available opportunities to engage with parents prior to meetings. Despite best efforts to engage and prepare parents it may be that their anxieties and other needs impacted their understanding.</p> <p>h) There may have been efforts made to engage parents that were not recorded. It is not possible to determine from the method of this audit the number of parents in the past who attended meetings with no access to the reports or preparation for the meeting.</p>
<b>4.3 Children</b>	
(i) Poli cy 4.3 (i) a)	<p>What policies and/or procedures did the local authority have in place in relation to the care of children in foster care?</p>
Res pon se:	<p>It is assumed based on the documents referred to above in section 4.2 for Tayside Regional Council that more specific policies and procedures were produced. However, these documents are the only indication of the basis of such policies and no other documents are available.</p> <p>As noted in 4.2, Angus Council had policies relating to care of children in foster care. These are set out in the fostering handbook</p> <div style="text-align: center;">  <p>CarersHandbook 2017.docx</p> </div> <p>This version is from 2015 (noted within the document) and was developed from previous versions which would have been similar.</p>
4.3 (i) b)	<p>Was there a particular policy and/or procedural aim/intention?</p>
Res pon se:	<p>The report “Children in Crisis: A Strategy for Children and their Families” outlined key policies that should underpin all work with children and their families in Tayside. The report recognises that too many children cared for away from home were in residential care and that significant efforts were required to increase the available resources to enable children</p>

	<p>to be cared for either by their parents or extended family and where this was not possible, by foster carers. It also recognised the importance of avoiding children 'drifting' in the care system and, as such, the need to ensure planning and reviews for children were focused.</p> <p>For Angus Council, please see the fostering handbook noted above at 4.3 a)</p>
4.3 (i) c)	Where were such policies and/or procedures recorded?
Res pon se:	<p>No information is available regarding the policies following on from "Children in Crisis".</p> <p>Staff in Angus Council remember that policies and procedures in 1996 were recorded in ring binders and a copy held by each relevant office on themes of Children's Services, Child Protection and Permanence. There was also a booklet in use and promoted to all newly qualified workers circa 2002 entitled "Minimum Standards" that set out expectations of home visits to looked after children. It is unclear at which point in the Council's history that these policies were recorded and held online.</p>
4.3 (i) d)	<p>What did such policies and/or procedures set out in terms of the following?</p> <ol style="list-style-type: none"> <li>i. Safeguarding</li> <li>ii. Child Protection</li> <li>iii. Medical care</li> <li>iv. Children's physical wellbeing</li> <li>v. Children's emotional and mental wellbeing</li> <li>vi. Schooling/education</li> <li>vii. Discipline</li> <li>viii. Activities and holidays for children</li> <li>ix. Sharing a bedroom</li> <li>x. Contact with family members</li> <li>xi. Contact with siblings</li> <li>xii. Celebration of birthdays and other special occasions</li> <li>xiii. Information sharing by the foster carer with family members</li> </ol>
Res pon se:	<p><b>Tayside Regional Council</b></p> <ol style="list-style-type: none"> <li>i. No information is available</li> <li>ii. Tayside Regional Council Report No.s 1107/86 &amp; 1267/88 to Tayside Social Work Committee, outline the development of services for abused children and their families within Tayside, however these are not policy documents but rather discuss the services offered. Outwith the documents already referred to, there are no specific policy/procedural documents available. However, it is clear from the above reports and the report 'Child Protection: Policy Practice and Procedure' that Tayside, as with other local authorities in Scotland, did have clear policies and procedures at that time. These built on the developing knowledge and understanding from Inquiries and Effective Intervention the first National Guidance for Scotland produced in 1989. This is further demonstrated by the resources available in the Region at the time such as Polepark (a specialist resource for victims and survivors of abuse).</li> <li>iii. Whilst specific policies and procedures are not available, case files and foster carers files would suggest that appropriate medical care was provided.</li> <li>iv. No information available</li> </ol>

	<p>v. In September 1990 Report No 1362/90 was submitted by the Director of Social Work intimating that discussions had taken place with mainstay carer's on issues relating to respite, holiday, assessment, emergency care arrangements, unexpected expenditure, and the possibility of young people in the Mainstay Scheme being given a bus pass in order that they could continue their usual social contacts, even if their home circumstances changed.</p> <p>vi. No information is available</p> <p>vii. No information is available</p> <p>viii. In September 1990 Report No 1362/90 was submitted by the Director of Social Work, intimating that discussions had taken place with mainstay carer's on issues relating to respite, holiday, assessment, emergency care arrangements, unexpected expenditure, and the possibility of young people in the Mainstay Scheme being given a bus pass in order that they could continue their usual social contacts, even if their home circumstances changed.</p> <p>ix. No information is available</p> <p>x. No information is available</p> <p>xi. No information is available</p> <p>xii. No information is available</p> <p>xiii. No information is available</p> <p><b>Angus Council</b> These policies were laid out in the fostering handbook. It is clear that services were required to have policies when the National Care Standards were set out in 2002, but living memory recalls that Angus had fostering policies before this. As noted above, the earliest copies of this have been overwritten.</p>
4.3 (i) e)	Who compiled the policies and/or procedures?
Res pon se:	<p>No information is available to determine who wrote policies and procedures in Tayside Regional Council. However, living memory within Angus Council recalls that the Tayside Senior Planning Officer developed policies for Angus prior to the disaggregation of Tayside Regional Council.</p> <p>In Angus Council the fostering policies were compiled by the fostering team manager and others including social workers.</p>
4.3 (i) f)	When were the policies and/or procedures put in place?
Res pon se:	<p>The Tayside strategy/policy was presented to Council in 1986.</p> <p>As noted in 4.3 d) above, the National Care Standards (2002) required the formalisation of polices in regard to fostering practice. However, it is understood that Angus Council had fostering policies prior to this. Living memory within Angus Council recalls there were policies in 1990.</p>

4.3 (i) g)	Were such policies and/or practices reviewed?
Res pon se:	No information is available to determine if policies were reviewed in Tayside Regional Council. The policies for fostering within Angus Council were reviewed.
4.3 (i) h)	If so, what was the reason for review?
Res pon se:	The only available information in Tayside Regional Council relates to reviews following implementation of the Children (Scotland) Act 1995.  It is understood that reviews of policy were made for practice improvement reasons and to comply with legislation and national policy. It is likely that Angus reviewed policies in 2012 at the beginning of purchasing three-year licenses from the Fostering Network. However these copies are not available and have been overwritten.
4.3 (i) i)	What substantive changes, if any, were made to the policies and/or procedures over time?
Res pon se:	No information is available for policies and procedures in Tayside Regional Council.  The only available copy of the fostering handbook is the one included in the current paper, so it is not possible to determine any substantive changes.
4.3 (i) j)	Why were changes made?
Res pon se:	No information is available
4.3 (i) k)	Were changed documents?
Res pon se:	No information is available
4.3 (i) l)	Was there an audit trail?
Res pon se:	No information is available
4.3 (i) m)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	Yes

4.3 (i) n)	If so, please give details.
Res pon se:	4.3 g) The fostering handbook was written in 2015 and this version has been labelled 2017 which would indicate a review took place.
(ii) Pra ctic e 4.3 (ii) a)	Did the local authority adhere in practice to its policy/procedures relating to the care of children in foster care?
Res pon se:	In the absence of specific policies and procedures it is not possible to determine how adherence was demonstrated in Tayside.
4.3 (ii) b)	Did the local authority adhere in practice to its policy/procedures in terms of the following? <ul style="list-style-type: none"> <li>i. Safeguarding</li> <li>ii. Child Protection</li> <li>iii. Medical care</li> <li>iv. Children's physical wellbeing</li> <li>v. Children's emotional and mental wellbeing</li> <li>vi. Schooling/education</li> <li>vii. Discipline</li> <li>viii. Activities and holidays for children</li> <li>ix. Sharing a bedroom</li> <li>x. Contact with family members</li> <li>xi. Contact with siblings</li> <li>xii. Celebration of birthdays and other special occasions</li> <li>xiii. Information sharing by the foster carer with family members</li> </ul>
Res pon se:	<b>Tayside Regional Council</b> <ul style="list-style-type: none"> <li>i. In the absence of specific policies and procedures it is not possible to determine how adherence was demonstrated in Tayside.</li> <li>ii. Case records and foster carer files indicate when child protection concerns were raised. It is not always clear why the particular method of investigation was chosen.</li> <li>iii. Whilst specific policies and procedures are not available, case files and foster carers files would suggest that appropriate medical care was provided.</li> <li>iv. In the absence of specific policies and procedures it is not possible to determine how adherence was demonstrated in Tayside.</li> <li>v. In the absence of specific policies and procedures it is not possible to determine how adherence was demonstrated in Tayside.</li> <li>vi. No information is available</li> <li>vii. No information is available</li> <li>viii. Whilst no specific policies and procedures are available, case files and foster carers files suggest activities and holidays for children were supported.</li> <li>ix. No information is available</li> </ul>



- x. Whilst specific policies and procedures are not available, case files and foster carers files would suggest that Tayside ensured that, where appropriate, contact was maintained with family members.
- xi. As above
- xii. Case files and foster carer files indicate that birthdays and other special occasions were celebrated.
- xiii. No information is available

**Angus Council**

Specific fostering policy prior to 2015 is not available. However, given that the policy was likely to be similar, the following conclusions could be drawn:


- i. **Safeguarding**  
Angus Council adhered to policy and procedure which was linked in with child protection. It is known that safer caring policies were developed by foster carers from 2012 with advice from their workers. Adherence could be inferred from supervision notes.
- ii. **Child Protection**  
Angus Council adhered to policy and procedure
- iii. **Medical care**  
Angus Council adhered to policy and procedure
- iv. **Children's physical wellbeing**  
Angus Council adhered to policy and procedure albeit this responsibility was partially devolved to foster carers
- v. **Children's emotional and mental wellbeing**  
Angus Council adhered to policy and procedure albeit this responsibility was partially devolved to foster carers
- vi. **Schooling/education**  
Angus Council adhered to policy and procedure
- vii. **Discipline**  
This responsibility was devolved to foster carers
- viii. **Activities and holidays for children**  
This responsibility was devolved to foster carers albeit social workers would have advised on practice.
- ix. **Sharing a bedroom**  
Angus Council adhered to policy and procedure albeit this responsibility was partly devolved to foster carers.
- x. **Contact with family members**  
This is not recorded on case files in a way that makes it possible to determine if decisions for contact arrangements always adhered to policy.
- xi. **Contact with siblings**

	<p>This is not recorded on case files in a way that makes it possible to determine if decisions for contact arrangements always adhered to policy.</p> <p>xii. Celebration of birthdays and other special occasions This responsibility was devolved to foster carers</p> <p>xiii. Information sharing by the foster carer with family members This responsibility was devolved to foster carers</p>
4.3 (ii) c)	How was adherence demonstrated?
Res pon se:	<p>In the absence of policy documents it is not possible to demonstrate adherence.</p> <p>Adherence for the Angus Council period was demonstrated in case recordings in children's files and foster carer files. Where foster carers own safer caring policies were not adhered to there are records on file of actions taken by Angus Council.</p>
4.3 (ii) d)	How can such adherence be demonstrated to the inquiry?
Res pon se:	Children's files and foster carers files can be provided to demonstrate practice but policies and procedures are not available prior to 2015 in relation to foster care practice.
4.3 (ii) e)	Were relevant records kept demonstrating adherence?
Res pon se:	Yes
4.3 (ii) f)	Have such records been retained?
Res pon se:	Records have been retained in accordance with the retention schedules.
4.3 (ii) g)	If policy/procedure was not adhered to in practice, why not?
Res pon se:	In the absence of specific policy and procedures it is not possible to be clear as to whether these have been followed and if not, why not.

4.3 (ii) h)	If policy/procedure was not adhered to in practice, what was the practice?
Res pon se:	As above
4.3 (ii) i)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	Yes
4.3 (ii) j)	If so, please give details
Res pon se:	Policies and procedures are available for the present position and current files reflect adherence to these.
<b>4.4 Foster Carers</b>	
(i)P olic y 4.4 (i) a)	What policies and/or procedures did the local authority have in relation to foster carers?
Res pon se:	<p>The 'Children in Crisis' strategy document sets out the aim of the Tayside Regional Council in respect of the use of foster care. This, together with the 'section 7' document are the only available sources to indicate policy and procedure from 1986.</p> <p>It cannot be confirmed what specific policies and procedures were in place for foster carers in Angus Council prior to the fostering handbook in 2015.</p>
4.4 (i) b)	Was there a particular policy and/or procedural aim/intention?
Res pon se:	<p>Tayside Regional Council aimed to recruit and maintain carers able to provide both temporary and long term placements and to reduce the number of children placed in residential care</p> <p>No particular policy or procedural aim or intention can be confirmed for Angus Council as the first available foster care policy is from 2015.</p>

4.4 (i) c)	Where were such policies and/or procedures recorded?
Res pon se:	No information is available
4.4 (i) d)	<p>What did the policies and/or procedures set out in terms of the following?</p> <ul style="list-style-type: none"> <li>i. Recruitment</li> <li>ii. Standard and size of accommodation</li> <li>iii. Number, age and gender of children accommodated/in the household</li> <li>iv. Pre-approval/registration checks</li> <li>v. References</li> <li>vi. Foster care agreements</li> <li>vii. Induction</li> <li>viii. Transfer of foster carers to or from other organisations or local authorities</li> <li>ix. Review/supervision</li> <li>x. Training</li> <li>xi. Personal development</li> <li>xii. Disciplinary actions</li> <li>xiii. Removal of approval/registration</li> </ul>
Res pon se:	<p><b><u>Tayside Regional Council</u></b></p> <ul style="list-style-type: none"> <li>i. It is clear from the strategy document described above that a wide ranging recruitment and training programme was planned. No information however is available as to the implementation or success of the plan.</li> <li>ii. No information is available</li> <li>iii. No information is available</li> <li>iv. The 'section 7' document lists appendices relating to relevant checks though the actual appendices are not available: criminal checks, checks with previous agencies, RSPCC, Community Child Health (Tayside) and Directors of other Local Authorities where applicant have lived Medical checks on applicants</li> <li>v. 2 References were required</li> <li>vi. No information is available</li> <li>vii. Attendance at preparation groups, information on the needs of children received into foster care</li> <li>viii. No information is available</li> <li>ix. No information is available</li> <li>x. No information is available</li> <li>xi. No information is available</li> <li>xii. No information is available</li> <li>xiii. No information is available</li> </ul> <p><b><u>Angus Council</u></b></p> <ul style="list-style-type: none"> <li>i. No information is available</li> <li>ii. No information is available</li> <li>iii. No information is available</li> <li>iv. No policy information is available. However current staff recall police checks and health checks being carried out at the pre-approval stage in 1996 and subsequently if there was reason to check. This is supported evidence found in carers files</li> </ul>

	<ul style="list-style-type: none"> <li>v. No policy information is available. However there is information on carers files confirming that references were sought</li> <li>vi. There are foster carer agreements on carers files from the more recent past</li> <li>vii. No policy information is available but there is evidence on the carers files that induction took place in 1991 in Angus area</li> <li>viii. No policy information is available.</li> <li>ix. No policy information is available but it is clear from the file audit that supervision and review took place.</li> <li>x. No policy information is available but there is evidence on all of the carers files that training was undertaken</li> <li>xi. No policy information is available but this would have been undertaken as an integral part of supervision</li> <li>xii. No policy information is available. However there is information on carers files about actions taken as a result of practice issues. This was not considered disciplinary action, more a proportionate response depending on circumstances. This action ranged from practice improvement action to more formal investigation and police processes.</li> <li>xiii. No policy information is available. It is clear from the file audit that Angus Council deregistered carers for a variety of reasons</li> </ul>
4.4 (i) e)	Who compiled the policies and/or procedures?
Res pon se:	No information is available
4.4 (i) f)	When were the policies and/or procedures put in place?
Res pon se:	No information is available
4.4 (i) g)	Were such policies and/or practices reviewed?
Res pon se:	Yes
4.4 (i) h)	If so what was the reason for review?
Res pon se:	No information is available. It is assumed that they were reviewed due to legislation change and practice improvement reasons.
4.4 (i) i)	What substantive changes, if any were made to the policies and/or procedures over time?
Res pon se:	No information is available

4.4 (i) j)	Why were changes made?
Res pon se:	No information is available. It is assumed that changes were made due to legislation and to improve practice.
4.4 (i) k)	Were changes documented?
Res pon se:	No information is available from the Tayside Regional Council time.  It is understood that changes in Angus Council time were documented. However, these were overwritten
4.4 (i) l)	Was there an audit trail?
Res pon se:	No information is available
4.4 (i) m)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	Yes
4.4 (i) n)	If so, please give details.
Res pon se:	<p><b>Regarding 4.4 a, b, c, d -</b></p>  <p>CarersHandbook 2017.docx</p> <p><b>Regarding 4.4 e)</b> The fostering team manager compiled the policies, with input from others</p> <p><b>Regarding 4.4 f)</b> These policies were put in place in 2015</p> <p><b>Regarding 4.4 g)</b> Yes these policies were reviewed</p> <p><b>Regarding 4.4h)</b> The policies were reviewed to improve practice.</p>
(ii)P ract ice	Did the local authority adhere in practice to its policy/procedures in relation to foster care?


4.4 (ii) a)	
Res pon se:	<p>For the period of Angus District Council, there were no policies in place.</p> <p>For the period of Tayside Regional Council and Angus Council please see 4.4 (ii) (b)</p>
4.4 (ii) b)	<p>Did the local authority adhere in practice to its policy/procedures in terms of the following?</p> <ul style="list-style-type: none"> <li>i. Recruitment</li> <li>ii. Standard and size of accommodation</li> <li>iii. Number, age and gender of children accommodated/in the household</li> <li>iv. Pre-approval/registration checks</li> <li>v. References</li> <li>vi. Foster care agreements</li> <li>vii. Induction</li> <li>viii. Transfer of foster carers to or from organisations or local authorities</li> <li>ix. Reviews/supervision</li> <li>x. Training</li> <li>xi. Personal development</li> <li>xii. Disciplinary actions</li> <li>xiii. Removal of approval/registration</li> </ul>
Res pon se:	<p><b><u>Tayside Regional Council</u></b></p> <ul style="list-style-type: none"> <li>i. It is clear from the strategy document described above that a wide ranging recruitment and training programme was planned. No information however is available as to the implementation or success of the plan.</li> <li>ii. Foster carers files suggest that proper consideration was given to the suitability of the accommodation carers had to offer. In the absence of specific policy and procedures it is not possible to be clear as to whether practice was consistent with policy and procedures</li> <li>iii. Foster carers files suggest that proper consideration was given to the number and ages of children accommodated. In the absence of specific policy and procedures it is not possible to be clear as to whether practice was consistent with policy and procedures</li> <li>iv. Foster carers files suggest that pre approval/ registration checks were undertaken. In the absence of specific policy and procedures it is not possible to be clear as to whether practice was consistent with policy and procedures</li> <li>v. Foster carers files suggest that 2 references were sought. In the absence of specific policy and procedures it is not possible to be clear as to whether practice was consistent with policy and procedures</li> <li>vi. Foster carers files suggest that 2 references were sought. In the absence of specific policy and procedures it is not possible to be clear as to whether practice was consistent with policy and procedures</li> <li>vii. No information available</li> <li>viii. No information available</li> <li>ix. No information available</li> <li>x. No information available</li> <li>xi. No information available</li> <li>xii. No information available</li> <li>xiii. No information available</li> </ul>


	<p><b>Angus Council</b></p> <p>xiv. There is no information about recruitment policy available</p> <p>xv. Foster carer files indicate that attention was paid to size and suitability of accommodation. There were threshold concerns occasionally raised by workers regarding cleanliness of foster homes in one or two cases. However this cannot be looked at alongside policy as this has been overwritten.</p> <p>xvi. There is evidence on files relating to number, age and gender of children accommodated/in the household. This relates to the approvals of each foster carer. There are entries regarding situations whereby carers accepted placements which placed them outwith approval. It is understood that these situations were heard at panel (retrospectively in case of emergency) and approvals were adjusted. This indicates that attention was paid to this policy, albeit documentary evidence of policy as such is not available.</p> <p>xvii. There is evidence on carers files regarding pre-approval checks albeit there is no policy document to verify if Angus Council adhered to its own policy regarding this</p> <p>xviii. There is evidence on carers files regarding references for prospective foster carers albeit there is no policy document to verify if Angus Council adhered to its own policy regarding this</p> <p>xix. There is evidence on carers files that foster carer agreements were used in the more recent past. It is not possible to determine when this became policy and so earliest compliance cannot be verified.</p> <p>xx. There is no policy document available regarding induction, albeit there is evidence on file of carers receiving induction</p> <p>xxi. There is no policy document which delineates expectations with regards to foster carers moving from or to other organisations or local authorities</p> <p>xxii. There is no policy document available prior to 2015 regarding supervision and review. However, there is evidence on carers files to demonstrate that processes were in place and were followed.</p> <p>xxiii. There is no policy document available prior to 2015 regarding training albeit there is evidence on foster carers files of their attendance at training.</p> <p>xxiv. This is integral to supervision and review at ix. above</p> <p>xxv. No policy documents are available regarding disciplinaries. However there is information on carers files about actions taken as a result of practice issues. This was not considered disciplinary action, more a proportionate response depending on circumstances. This action ranged from practice improvement action to more formal investigation and police processes.</p> <p>xxvi. No policy information is available. It is clear from the file audit that Angus Council deregistered carers for a variety of reasons</p>
4.4 (ii) c)	How was adherence demonstrated?
Response:	In the absence of specific policy and procedures it is not possible to demonstrate adherence
4.4 (ii) d)	How can such adherence be demonstrated to the Inquiry?





Response:	In the absence of specific policy and procedures it is not possible to demonstrate adherence to policy and procedures to the inquiry. However foster care files are available which indicate good practice.
4.4 (ii) e)	Were relevant records kept demonstrating adherence?
Response:	Other than the carers files, no documents are available
4.4 (ii) f)	Have such records been retained?
Response:	As above
4.4 (ii) g)	If policy/procedure was not adhered to in practice, why not?
Response:	In the absence of specific policy and procedures it is not possible to demonstrate adherence to policy and procedures and if policy and procedures weren't adhered to why not.
4.4 (ii) h)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
4.4 (ii) i)	If so, please give detail.
Response:	4.4 (ii) a) b) - Angus adheres to its policy and procedures in practice. c) Adherence is demonstrated in the present time to policy and procedure through considering current policy alongside carers records d) Files can be made available to the Inquiry e) A record of policy is available, along with carers files
<b>4.5 Other members of the foster carer's household</b>	
(i) Policy 4.5 (i) a)	What policies and/or procedures did the local authority have in place in relation to other members of the foster carer's household?

Res pon se:	<p>The only available information for Tayside Regional Council is contained in the 'Section 7' Document which lists the checks to be made.</p> <p>There is no policy or procedural document available in Angus Council regarding other members of the foster carer's household. Current staff recall that criminal records checks were done for members of the household when the Protection of Vulnerable Groups (Scotland) Act 2007 was enacted. However, police checks were undertaken prior to 2007 under Part V of the Police Act 1997. The Protection of Children (Scotland) Act 2003 covered those unsuitable to work with children in Scotland.</p> <p>There is no policy or procedural document available for working with members of the foster carers' household other than the practice expectation that their opinions were taken into account during initial assessment.</p> <p>In 2012 foster carers began to be asked to develop their own safer caring policies, derived from the Fostering Network safer caring book and training materials. The development of this includes other members of the fostering household.</p>
4.5 (i) b)	Was there a particular policy and/or procedural aim/intention?
Res pon se:	No information is available
4.5 (i) c)	Where were such policies and/or procedures recorded?
Res pon se:	No information is available
4.5 (i) d)	Who compiled the policies and/or procedures?
Res pon se:	No information is available
4.5 (i) e)	When were the policies and/or practices reviewed?
Res pon se:	No information is available
4.5 (i) f)	Were such policies and/or practices reviewed?
Res pon se:	No information is available

4.5 (i) g)	If so, what was the reason for review?
Res pon se:	Albeit no written policy is available for Angus Council, it is understood that criminal records checks began routinely for other members of the foster carers' household when the Protection of Vulnerable Groups (Scotland) Act 2007 was enacted.
4.5 (i) h)	What substantive changes, if any were made to the policies and/or procedures over time?
Res pon se:	Albeit no written policy is available for Angus Council, it is understood that criminal records checks began routinely for other members of the foster carers' household when Part V of the Police Act 1997 was enforced.
4.5 (i) i)	Why were changes made?
Res pon se:	Changes in legislation resulted in changed policy in the Council.
4.5 (i) j)	Were changed documents?
Res pon se:	No information is available
4.5 (i) k)	Was there an audit trail?
Res pon se:	No information is available
4.5 (i) l)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	Yes
4.5 (i) m)	If so, please give details.
Res pon se:	<p>4.5 a) This is the current guidance for staff undertaking permanent fostering assessments:</p>  <p>CoramBAAF Form F (Adoption_Permane</p> <p>This is the current form in use for staff completing temporary and respite fostering assessments:</p>

	 <p>The Fostering Network Assessment</p> <p>Albeit there is no written policy, it is current practice to undertake disclosure checks under the Protection of Vulnerable Groups (Scotland) Act 2007 for all people over the age of 16 in the foster carers household.</p> <p>4.5 d) Angus Council comply with the legislation around disclosure checks so, as such, there is no person responsible for compiling policy regarding this.</p> <p>4.5 g) Angus Council review policy and practice to align with legislative changes.</p>
(ii) Practice 4.5 (ii) a)	<p>Did the local authority adhere in practice to its policy/procedures in relation to other members of the foster carer's household?</p>
Response:	<p>In Tayside Regional Council, whilst specific policies and procedures are not available, case files and foster carers files gave appropriate consideration to the position of all members of the carer's household.</p> <p>Angus Council complied with legislative requirements in relation to other members of the foster carer's household.</p>
4.5 (ii) b)	<p>How was adherence demonstrated?</p>
Response:	<p>There is no information available for the Tayside Regional Council period.</p> <p>Adherence is demonstrated in the Angus Council period by foster carers records on file.</p>
4.5 (ii) c)	<p>How can such adherence be demonstrated to the inquiry?</p>
Response:	<p>Foster carers files can be provided to demonstrate practice but policies and procedures are not available</p>
4.5 (ii) d)	<p>Were relevant records kept demonstrating adherence?</p>



Response:	No information available
4.5 (ii) e)	Have such records been retained?
Response:	Records were not retained from the Tayside Regional Council period. Records were retained from the Angus Council period.
4.5 (ii) f)	If policy/procedure was not adhered to in practice, why not?
Response:	No information available
4.5 (ii) g)	With reference to the present position, are the answers to any of the above questions different?
Response:	No
4.5 (ii) h)	If so, please give details.
Response:	N/A
<b>4.6 Placement of children by the local authority with foster carers approved/registered by other local authorities or organisations</b>	
(i) Policy 4.6 (i) a)	What policies and/or procedures did the local authority have in place in relation to placement of children with foster carers approved/registered by other local authorities or organisations?
Response:	<p>There are no policy documents available prior to the Angus Council time.</p> <p>Below are the policies regarding the placement of children with foster carers</p> <div style="text-align: center;">   </div> <p>CS2.3.4 Reception Into Accommodation      CS2point4point6ProcedureForPlacingL</p> <p>Albeit the operational instruction CS 2.3.4 is dated 2016, this copy will have been derived from previous similar versions.</p>

	These would have been the procedural expectations regardless of where a child was placed in foster care.
4.6 (i) b)	Was there a particular policy and/or procedural aim/intention?
Res pon se:	There is no information available from the Angus District Council or Tayside Regional Council periods.  There are no particular aims or intentions noted in the Angus Council policy other than compliance with legislation.
4.6 (i) c)	Where were such policies and/or procedures recorded?
Res pon se:	There is no information available from the Angus District Council or Tayside Regional Council periods.  Current staff in Angus Council recall that the policies were recorded in ring binders in each of the relevant offices.
4.6 (i) d)	Who compiled the policies and/or procedures?
Res pon se:	There is no information available from the Angus District Council or Tayside Regional Council periods.  In Angus Council, team managers and area managers compiled the policies with input from others.
4.6 (i) e)	When were the policies and/or procedures put in place?
Res pon se:	There is no information available from the Angus District Council or Tayside Regional Council periods.  It is not possible to determine when the policies in Angus Council were first put into place albeit they are known to have been in place in some form in 1996.
4.6 (i) f)	Were such policies and/or practices reviewed?
Res pon se:	There is no information available from the Angus District Council or Tayside Regional Council periods.

	Angus Council reviewed policy and practice.
4.6 (i) g)	If so, what was the reason for review?
Res pon se:	It is assumed that reviews were undertaken due to new legislation and to improve practice.
4.6 (i) h)	What substantive changes, if any were made to the policies and/or procedures over time?
Res pon se:	No information available
4.6 (i) i)	Why were changes made?
Res pon se:	It is assumed that changes were made due to new legislation and to improve practice.
4.6 (i) k)	Was there an audit trail?
Res pon se:	No information available
4.6 (i) l)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	No
4.6 (i) m)	If so, please give details.
Res pon se:	N/A
(ii)P ract ice 4.6 (ii) a)	Did the local authority adhere in practice to its policy/procedures in relation to placement of children with foster carers approved/registered by other local authorities or organisations?
Res pon se:	There is no information available from the Angus District Council or Tayside Regional Council periods.  Without the availability of specific policy documents, it is not possible to determine if Angus Council adhered in practice to its policy in relation to placing children with other local authorities or agencies during the period prior to December 2014.

4.6 (ii) b)	How was adherence demonstrated?
Res pon se:	There are no policy documents available from the Angus District Council, Tayside Regional Council or Angus Council periods. Children's files are available from Tayside Regional Council and Angus Council which would give an indication of practice.
4.6 (ii) c)	How can such adherence be demonstrated to the inquiry?
Res pon se:	As above.
4.6 (ii) d)	Were relevant records kept demonstrating adherence?
Res pon se:	There are no policy documents available from the Angus District Council, Tayside Regional Council or Angus Council periods. Children's files are available from Tayside Regional Council and Angus Council which would give an indication of practice.
4.6 (ii) e)	Have such records been retained?
Res pon se:	As above
4.6 (ii) f)	If policy/procedure was not adhered to in practice, why not?
Res pon se:	No information available
4.6 (ii) g)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	No
4.6 (ii) h)	If so, please give details.
Res pon se:	N/A
<b>4.7 Complaints and Reporting</b>	



(i) Policy 4.7 (i) a)	What policies and/or procedures did the local authority have in place in relation to complaints and reporting about foster care?
Response:	<p>The Quality Assurance Advisory Sub Committee of the Social Work Committee met on 29 November 1991 and discussed a leaflet: Your Right to Complain and a note of the authority's complaints procedures, together with Scottish Office circular SW5/1991. This provided advice to local authorities on the operation of a complaints procedure which was required to be established by 1 April 1991 in respect of all social work functions. The Committee also made arrangements for a seminar on complaints procedures in January 1992, to which representatives from all registered establishments and officers involved in the registration process were invited. Limited information is available regarding the implementation of the 1991/92 Quality Assurance and Complaints procedure.</p> <p>A complaints review panel with an independent chair was set up in Angus in 1996. The first available social work complaints report referring to procedure is in the report below:</p> <p> 814_98.pdf</p> <p>There has been an annual committee report since this time.</p> <p>On the 1<sup>st</sup> April 2013, Angus Council adopted and implemented the Scottish Public Services Ombudsman (SPSO) Model Complaints Handling Procedure. Any expression of dissatisfaction at council services was recorded on the Council's Sharepoint site. Up until this point there was no formal recording of complaints centrally. Social Work and Health Complaints followed the statutory requirements, national guidance on local authority complaints procedures (Circular SWSG 5/1996), and guidance to public organisations provided by Service First at the cabinet Office. Please see a copy of the procedure:</p> <p> Social Work Complaints Procedure</p>
4.7 (i) b)	Was there a particular policy and/or procedural aim/intention?
Response:	Quality assurance and compliance with legal obligations
4.7 (i) c)	Where were such policies and/or procedures recorded?
Response:	It is assumed they were, however they are no longer available.


4.7 (i) d)	a) What did the policies and/or procedures set out on the following: i. Complaints by children ii. Complaints by foster carers iii. Complaints by family members of children iv. Complaints by third persons v. Whistleblowing vi. Support, including external support, for those who made the complaint or those who were the subject of complaint vii. Response to complaints (including response by the local authority) viii. External reporting of complaints.
Res pon se:	No information available for any. However, Angus maintained a client's rights officer from 1 <sup>st</sup> April 1999 to 31 <sup>st</sup> March 2012. This role was to advocate for clients and assist in upholding their rights. This included looked after children.
4.7 (i) e)	Who compiled the policies and/or procedures?
Res pon se:	No information available
4.7 (i) f)	When were the policies and/or procedures put in place?
Res pon se:	1991 -1992 is the earliest record
4.7 (i) g)	Were such policies and/or practices reviewed?
Res pon se:	No information available
4.7 (i) h)	If so, what was the reason for review?
Res pon se:	No information available
4.7 (i) i)	What substantive changes, if any, were made to the policies and/or procedures over time?
Res pon se:	No information available
4.7 (i) j)	Why were changes made?
Res pon se:	No information available


4.7 (i) k)	Were changes documented?
Res pon se:	No information available
4.7 (i) l)	Was there an audit trail?
Res pon se:	No information available
4.7 (i) m)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	No
4.7 (i) n)	If so, please give details.
Res pon se:	N/A
(ii)P ract ice 4.7 (ii) a)	Did the local authority adhere in practice to its policy/procedures in relation to complaints and reporting about foster care?
Res pon se:	Foster carers files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known.
4.7 (ii) b)	<p>a) Did the local authority adhere in practice to its policy/procedures on the following:</p> <ul style="list-style-type: none"> <li>i. Complaints by children</li> <li>ii. Complaints by staff</li> <li>iii. Complaints by family members of children</li> <li>iv. Complaints by third persons</li> <li>v. Whistleblowing</li> <li>vi. Support, including external support, for those who made the complaint or those who were the subject of complaint</li> <li>vii. Response to complaints (including response by the local authority?)</li> <li>viii. External reporting of complaints</li> </ul>
	<p><b><u>Tayside Regional Council</u></b></p> <ul style="list-style-type: none"> <li>i. Foster carers and children's files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known</li> </ul>

Res pon se:	<ul style="list-style-type: none"> <li>ii. No information available</li> <li>iii. Foster carers and children’s files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known</li> <li>iv. Foster carers and children’s files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known</li> <li>v. No information available</li> <li>vi. No information available</li> <li>vii. No information available</li> <li>viii. No information available</li> </ul> <p><b><u>Angus Council</u></b></p> <ul style="list-style-type: none"> <li>ix. Foster carers and children’s files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known</li> <li>x. No information available</li> <li>xi. Foster carers and children’s files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known</li> <li>xii. Foster carers and children’s files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known</li> <li>xiii. No information available</li> <li>xiv. Foster carers and children’s files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known</li> <li>xv. As the complaints procedure is not available it is not possible to determine if the Council adhered to this.</li> <li>xvi. As the complaints procedure is not available it is not possible to determine if the Council adhered to this. However, there was an expectation to report certain complaints to the Care Commission and latterly the Care Inspectorate.</li> </ul>
4.7 (ii) c)	How was adherence demonstrated?
Res pon se:	In the absence of specific policies and procedure good practice can be demonstrated by the relevant files however it is not possible to confirm that this was consistent with policy and procedures.
4.7 (ii) d)	How can such adherence be demonstrated to the inquiry?
Res pon se:	As above

4.7 (ii) e)	Were relevant records kept demonstrating adherence?
Res pon se:	If they were, they are no longer available out with the relevant child and foster carer files.
4.7 (ii) f)	Have such records been retained?
Res pon se:	The only records are on the child and foster carer files.
4.7 (ii) g)	If policy/procedure was not adhered to in practice, why not?
Res pon se:	See above
4.7 (ii) h)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	No
4.7 (ii) i)	If so, please give details.
Res pon se:	N/A
<b>4.8 Internal Investigations</b>	
(i)P olic y 4.8 (i) a)	What policies and/or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?
Res pon se:	<p>There appears to have been no specific internal investigation policy or procedures prior to 1996. Despite this, there are general policies which have an element of internal investigation within them. These are Achieving and Maintaining Standards, Fairness at Work, Recruitment and Complaints.</p> <p>Angus Council had child protection policies and procedures as outlined in the suite of operational instructions at 4.2 d). The fostering handbook also refers to the investigation process. It is recognised that these versions noted (with exception of SWCP 05 which is undated) are from 2015 onwards, however these versions were developed from previous instructions.</p>


4.8 (i) b)	Was there a particular policy and/or procedural aim/intention?
Res pon se:	There appears to have been no specific internal investigation policy or procedures prior to 1996. The Angus Council child protection processes are a statutory obligation.
4.8 (i) c)	Where were such policies and/or procedures recorded?
Res pon se:	<p>There appears to have been no specific internal investigation policy or procedures prior to 1996.</p> <p>Angus Council recorded policies and procedures centrally and where staff could access them.</p>
4.8 (i) d)	<p>What did the policies and/or procedures set out on the following:</p> <ul style="list-style-type: none"> <li>i. Approach to/process of internal investigations</li> <li>ii. Identifying lessons/changes following internal investigations</li> <li>iii. Implementation of lessons/changes following internal investigations</li> <li>iv. Compliance</li> <li>v. Response (to child and abuser)</li> <li>vi. Response to complaints (including response by local authority)</li> <li>vii. External reporting following internal investigations</li> </ul>
Res pon se:	<p>There appears to have been no specific internal investigation policy or procedures prior to 1996.</p> <p><b>Angus Council</b></p> <ul style="list-style-type: none"> <li>i. <u>Approach to/process of internal investigations</u> It is not possible to determine what the policy set out in this respect as the child protection policy documents have been over written. These are generic documents which applied to all child protection matters and it is not known if there were separate policies regarding internal investigations.</li> <li>ii. <u>Identifying lessons/changes following internal investigations</u> There is no available policy for this.</li> <li>iii. <u>Implementation of lessons/changes following internal investigations</u> There is no available policy for this.</li> <li>iv. <u>Compliance</u> It is understood that there was no specific policy regarding compliance albeit this was expected practice.</li> <li>v. <u>Response (to child and abuser)</u> There is no available policy for this. Information on child and carer files relates to material content of issues arising and subsequent responses and outcomes but this does not define a policy on response.</li> </ul>





	<p>vi. <u>Response to complaints (including response by local authority)</u> There is no available policy for this. Information on child and carer files relates to material content of issues arising and subsequent responses and outcomes but this does not define a policy on response to complaints.</p> <p>vii. <u>External reporting following internal investigations</u> Angus Council complied with legislation regarding notifications to the Care Commission / Care Inspectorate. The policy / procedure from 2013 is below:</p> <p style="text-align: center;"> FCSIGINC(1)-July201 3.dot</p>
4.8 (i) e)	Who compiled the policies and/or procedures?
Res pon se:	<p>There appears to have been no specific internal investigation policy or procedures prior to 1996.</p> <p>The only available policies on child protection indicate that these were written by Service Managers.</p>
4.8 (i) f)	When were the policies and/or procedures put in place?
Res pon se:	There are no specific internal investigation policy or procedures available prior to the child protection policies in 2015.
4.8 (i) g)	Were such policies and/or practices reviewed?
Res pon se:	<p>There appears to have been no specific internal investigation policy or procedures prior to 1996.</p> <p>It is understood that child protection policies in Angus Council time were reviewed.</p>
4.8 (i) h)	If so, what was the reason for review?
Res pon se:	<p>There appears to have been no specific internal investigation policy or procedures prior to 1996.</p> <p>It is understood that child protection policies in Angus Council time were reviewed according to changes in legislation.</p>


4.8 (i) i)	What substantive changes, if any, were made to the policies and/or procedures over time?
Response:	<p>There appears to have been no specific internal investigation policy or procedures prior to 1996.</p> <p>It is unclear what substantive changes were made to the generic child protection policies in Angus Council time, as these have been overwritten.</p>
4.8 (i) j)	Why were changes made?
Response:	<p>There appears to have been no specific internal investigation policy or procedures prior to 1996. It is understood that changes were made to child protection policies in Angus due to changes in legislation.</p>
4.8 (i) k)	Were changes documented?
Response:	<p>There appears to have been no specific internal investigation policy or procedures prior to 1996.</p> <p>In Angus Council time it is understood that changes were documented, but previous documents destroyed.</p>
4.8. (i) l)	Was there an audit trail?
Response:	No
4.8 (i) m)	With reference to the present position, are the answers to any of the above questions different?
Response:	The generic child protection policies have not been updated since 2015.
4.8 (i) n)	If so, please give details.
Response:	<p>The current significant incident form is below:</p> <p> Significant Incident Form July 19.docx</p>




(ii) Practice 4.8 (ii) a)	Did the local authority adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?
Response:	There appears to have been no specific internal investigation policy or procedures prior to 1996.  The specific policy for child protection is not available so it is not possible to determine if Angus Council adhered in practice to its policy or procedures.
4.8 (ii) b)	Did the local authority adhere in practice to its policy/procedures on the following: i. Approach to/process of internal investigations ii. Identifying lessons/changes following internal investigations iii. Implementation of lessons/changes following internal investigations iv. Compliance v. Response (to child and abuser) vi. Response to complaints (including response by local authority) vii. External reporting following internal investigations
Response:	There is no policy available to determine whether or not it was adhered to in practice.
4.8 (ii) c)	How was adherence demonstrated?
Response:	There is no policy available to determine whether or not it was adhered to in practice.
4.8 (ii) d)	How can such adherence be demonstrated to the Inquiry?
Response:	There is no policy available to determine whether or not it was adhered to in practice.
4.8 (ii) e)	Were relevant records kept demonstrating adherence?
Response:	There is no policy available to determine whether or not it was adhered to in practice.
4.8 (ii) f)	Have such records been retained?
Response:	There is no policy available to determine whether or not it was adhered to in practice.

4.8 (ii) g)	If policy/procedure was not adhered to in practice, why not?
Res pon se:	There is no policy available to determine whether or not it was adhered to in practice.
4.8 (ii) h)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	<p>The Fostering Handbook provides the guidance for dealing with allegations against foster carers:</p>  <p>CarersHandbook 2017.docx</p>
4.8 (ii) i)	If so, please give details.
Res pon se:	<p>The Fostering Handbook provides the guidance for dealing with allegations against foster carers.</p> <p>There is evidence on current files that Angus Council comply with this policy as it refers to 4.8 (ii) b) i, iv, v, vi and vii.</p>
<b>4.9 Record Keeping</b>	
(i)P olic y 4.9 (i) a)	What policies and/or procedures did the local authority have on record keeping in relation to foster care?
Res pon se:	<p>There is no written policy available.</p> <p>Procedures are evident in the audit of the carer's files and children's files. This involved the pre-approval checks as described above, initial assessment, supervision notes, case recordings and panel minutes. It included any records pertaining to the specifics of individual situations.</p>

4.9 (i) b)	What policies and/or procedures did the local authority have on record keeping by foster carers?
Res pon se:	There is no policy available for foster carer record keeping prior to the handbook dated 2015.
4.9 (i) c)	In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?
Res pon se:	No specific policies or procedures are available.
4.9 (i) d)	<p>What did the policies and/or procedures set out in relation to record keeping on the following:</p> <ul style="list-style-type: none"> <li>(i) Children in foster care</li> <li>(ii) Foster carers</li> <li>(iii) Visits to children and foster carers</li> <li>(iv) Complaints</li> <li>(v) Investigations (both internal and external)</li> <li>(vi) Discipline</li> <li>(vii) Responding to requests from former children in foster care for information/records</li> <li>(viii) Other issues relevant to foster care</li> </ul>
Res pon se:	<p>No specific policies or procedures are available for Tayside Regional Council.</p> <p>For Angus Council the following policies with record keeping requirements embedded within have been retained for the period prior to December 2014:</p> <ul style="list-style-type: none"> <li>i) <ul style="list-style-type: none"> <li> CS2.3.1 Case Reviews V1.pdf</li> <li> Checklist 1 - Reception Into Acco</li> </ul> </li> <li>ii) <ul style="list-style-type: none"> <li> CS3point1ProceduresForAdoptionFoste</li> </ul> </li> <li>iv) <ul style="list-style-type: none"> <li> Social Work Complaints Procedu</li> </ul> </li> </ul> <p>Other relevant documents have been over written</p>
4.9 (i) e)	Who compiled the policies and/or procedures?

Response:	<p>No specific policies or procedures are available for Tayside Regional Council.</p> <p>In Angus, the policies were a collaboration between area managers, planning officers and others. Social work policies and operational instructions are a delegated function and, as such, are approved via social work management team meetings.</p>
4.9 (i) f)	When were the policies and/or procedures put in place?
Response:	Please see the documents at 4.9 (i) d. The checklist document reference at 4.9 (i) d is undated but living memory recalls that this was available to workers prior to 2014.
4.9 (i) g)	Do such policies and/or procedures remain in place?
Response:	The policies have been updated.
4.9 (i) h)	Were such policies and/or practices reviewed?
Response:	Yes
4.9 (i) i)	If so, what was the reason for review?
Response:	Practice improvement and legislative changes
4.9 (i) j)	What substantive changes, if any were made to the policies and/or procedures over time?
Response:	<p>No specific policies or procedures are available for Tayside Regional Council.</p> <p>The updated operational instruction on case recording is detailed below:</p> <p></p> <p>CSWO1.0 Case Recording 2019.doc</p> <p>As noted below - from April 2017 the complaint handling procedures in respect of Social Work services was aligned with Angus Council's Complaints Handling Procedures:</p>

	 Report 7 - 17.docx
4.9 (i) k)	Why were changes made?
Response:	To give clearer guidance and expectations
4.9 (i) l)	Were changes documented?
Response:	Please see the operational instruction noted at 4.9 (i) j)
4.9 (i) m)	Was there an audit trail?
Response:	No
4.9 (i) n)	With reference to the present position, are the answers to any of the above questions different?
Response:	No
4.9 (i) o)	If so, please give details
Response:	N/A
(ii)P ractice 4.9 (ii) a)	Did the local authority adhere in practice to its policy/procedures in relation to record keeping?
Response:	Records were maintained in relation to foster carers and children in foster care. However, it is not possible to evidence adherence without the policy documents.
4.9 (ii) b)	Did the local authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?
Response:	There is no policy or procedural document available regarding record keeping by foster carers, so it is not possible to check adherence.
4.9 (ii) c)	Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following: i. Children in foster care

	<ul style="list-style-type: none"> <li>ii. Foster carers</li> <li>iii. Visits to children and foster carers</li> <li>iv. Complaints</li> <li>v. Investigations (both internal and external)</li> <li>vi. Discipline</li> <li>vii. Responding to requests from former children in foster care for information/records</li> <li>viii. Other issues relevant to foster care</li> </ul>
Response:	Although no specific policies or procedures are available, records were maintained in relation to foster carers and children in foster care.
4.9 (ii) d)	How was adherence demonstrated?
Response:	In the absence of specific policies and procedures adherence cannot be demonstrated
4.9 (ii) e)	Were relevant records kept demonstration adherence?
Response:	In the absence of specific policies and procedures adherence cannot be demonstrated
4.9 (ii) f)	Have such records been retained?
Response:	Although no specific policies or procedures are available, records were retained in relation to foster carers and children in foster care in line with the expectations of the Scottish Council on Archives Records Retention Schedules (2011) (2014)
4.9 (ii) g)	If policy/procedure was not adhered to in practice, why not?
Response:	In the absence of specific policies and procedures adherence cannot be demonstrated
4.9 (ii) h)	Did the local authority undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for in foster care may have taken place?
Response:	<p>In October 1995 a study was undertaken by Andrew Kendrick (Department of Social Work, University of Dundee) and Stewart Brodie (Department of Social Work, The Robert Gordon University) entitled "PREDICTORS OF ABUSE IN FOSTER CARE" Report to Tayside Region Social Work Department.</p> <p>Tayside Social Work Department considered that it was important to collate information on the scale of abuse within the region and to study instances of abuse in foster care to identify whether any patterns or common features were present.</p>

The authors were commissioned to carry out a study of case files for all instances of substantiated abuse in foster care since 1st January 1990.

This would therefore include incidents which were both substantiated and unsubstantiated. 34 incidents involving 29 children were identified to be included in the case file study which involved inspection of both the child's case file and the foster carers' case file for each incident of abuse. Note: all substantiated incidents involving physical or sexual maltreatment, or the neglect of children were included whether or not these were considered to be abusive.

Most of the 24 cases involved children being smacked, hit or physically mishandled (n=18). In ten of these cases, single, specific incidents were identified. In the remaining eight cases, a number of incidents were acknowledged to have taken place at some period during the placement and these eight cases involved three sibling groups. Six cases involved sexual abuse. These cases ranged from inappropriate sexual requests of a young person to penetrative sexual abuse over an unknown period. The six cases involved four male foster carers.

It should be noted that the study was not an audit of practice and did not consider whether policy and procedures were followed or the quality of such procedures.


One of the allegations of inappropriate sexual touching concerns abuse in a multi-cultural context and discriminatory practice. The study did not have full details of the investigation of the allegation but the conclusion reached was that while the acts were substantiated, they were misinterpreted by the child because she had been raised as a Muslim. This appears to involve assumptions based upon dubious cultural stereotypes.

The conclusions from the study show a lack of consistency in response to an allegation i.e. practice varied dependant on the individuals involved. In one case, a single incident of smacking a child led to the removal of the child involved and other children, the carer being charged by the police (although no further action was taken by the Procurator Fiscal) and no further children were placed with the carers. In another case, where there had been smacking and hitting children with belt and slipper on a number of occasions the police were not informed and after reminding carers of departmental policy, no further action was taken.

It was recommended that:

- clear criteria were laid down for the action to be taken in response to allegations of abuse
- procedures of investigation and follow-up action should be carried out in a consistent manner
- steps were taken to ensure that information relating to abuse in care could be drawn together in some way (a specific section possibly in carers' case files) to ensure that information could be presented to foster carer reviews in a structured and coherent way.

A further concern was the lack of information in case files and it was recommended that case-files contain full and up-to-date information. Concerns were also raised about the frequency and structure of foster carer reviews and that foster carer reviews are held on a regular basis to ensure that foster carers have the necessary support and training for their role and to identify and take action of issues of concern. It was also recommended that reviews take place when there are significant changes in the foster carers situation. The importance of

	<p>drawing together information which might indicate a pattern of concerns and how information from different incidents was brought together and considered and by whom was considered.</p> <p>A number of further recommendations are contained in the report in relation to Assessment and Review, training and the investigation of allegations of child abuse.</p> <p>There are no documents indicating a review or analysis of records to establish abuse or alleged abuse of children in foster care in terms of a service audit in Angus Council.</p> <p>The only review of records would have been for contextual evidence on a case by case basis when concerns or allegations arose.</p>
4.9 (ii) i)	If so, when did the reviews take place, what documentation is available and what were the findings?
Response:	<p>The Kendrick and Brodie review took place in October 1995</p> <p>The findings of the report are set out above and in the document below:</p> <p> Kendrick and Brodie 1995.pdf</p>
4.9 (ii) j)	How have the outcomes of investigations been used to improve systems, learn lessons?
Response:	<p>Whilst there is a reference to Tayside Regional Council Social Work Committee of 28 October 1995, report 1267 / 97 to the council reviewing practice in this area and a further report was requested by the committee, there is no record that the findings of the review were incorporated into practice during the period from publication in October 1995 to local government reorganisation in April 1996.</p> <p>It is worth remembering that not only does this period coincide with local government reorganisation but also with the passing of the Children (Scotland) Act 1995. The new legislation, regulations and guidance resulted in the successor local authorities of Perth and Kinross, Dundee and Angus introducing new policies and procedures for all areas of children and families practice.</p>
4.9 (ii) k)	What changes have been made?
Response:	Please see 4.9 (ii) j)
4.9 (ii) l)	How are these monitored?



Res pon se:	Please see 4.9 (ii) j)
4.9 (ii) m)	Did the local authority afford former children in care access to records relating to their time in foster care?
Res pon se:	Yes
4.9 (ii) n)	If so, how was that facilitated?
Res pon se:	This was facilitated through the provisions contained within s. 7 of the Data Protection Act 1998 or previously the Access to Personal Files (Social Work) (Scotland) Regulations 1989 (between April 1989 and March 2000).
4.9 (ii) o)	If not, why not?
Res pon se:	N/A
4.9 (ii) p)	With reference to the present position, are the answers to any of the above questions different?
Res pon se:	Yes
4.9 (ii) q)	If so, please give details.
Res pon se:	n) This was facilitated latterly under the provisions contained within the s.45 of the Data Protection Act 1998 following implementation of the General Data Protection Regulation (2018)
4.9 (ii) r)	Please provide details of the types of any records currently held relating to the children in foster care in respect of the following: <ul style="list-style-type: none"> <li>i. Children in foster care</li> <li>ii. Staff with responsibilities for foster care</li> <li>iii. Foster carers</li> <li>iv. Complaints</li> <li>v. Investigations (both internal and external)</li> <li>vi. Responding to requests from former children in foster care for information/records</li> </ul>


Res pon se:	<ul style="list-style-type: none"> <li>i. <u>Children in foster care</u> Case files including: case notes, reports for initial child protection case conferences, review child protection case conferences, hearing reports, reports for looked after child reviews, reports for respite reviews, reports from professionals, correspondence between professionals, correspondence between professionals and parents, communication directly from parents, complaints.</li>   <li>ii. <u>Staff with responsibilities for foster care</u> Human Resources files include: Application forms, job specification, copies of qualifications, identification documents (birth certificates etc), references, notice of acceptance, offers of appointment, statement of employment particulars, notification of new employee, conditions of service, amendments to terms and conditions, change of circumstances forms, performance appraisal records, sickness absence interviews, specialist health assessments, termination of service</li>   <li>iii. <u>Foster carers</u> Files containing: initial assessment, medical reports, references, PVG checks, panel minutes, approvals, correspondence, incidents, training records, finance, carers reports, placement reports, placement records, day to day agreements, case notes, supervision notes, investigation</li>   <li>iv. <u>Complaints</u> These would be filed within the respective carer or child's file</li>   <li>v. <u>Investigations (both internal and external)</u> These would be held in the respective carer's file</li>   <li>vi. <u>Responding to requests from former children in foster care for information/records</u> Lists are kept of subject access request records however, these do not indicate if the request is from a former looked after child.</li> </ul>
<p><b>Part D - Abuse and Response</b> The questions in Part D should be answered in respect of abuse or alleged abuse relating to the time frame 1930 to 17 December 2014 only.</p>	
<b>5.1 Nature</b>	
5.1 a)	What was the nature of abuse and/or alleged abuse of children in foster care, for example, sexual abuse, physical abuse, emotional abuse
Res pon se:	The nature of abuse and /or alleged abuse of children in foster care in Angus was physical, sexual, psychological and emotional.
<b>5.2 Extent</b>	

5.2 a)	What was the local authority's assessment of the scale and extent of abuse of children in foster care?
Res pon se:	<p>Of the allegations that were investigated it is assessed that there were 48 allegations or incidents which could be considered abuse. These allegations were made by 36 children.</p> <p>Of these, considering the threshold applied around definitions of abuse at the time of writing, there were:  35 cases involving positive allegations of physical abuse (with associated psychological and emotional abuse)  15 cases involving positive allegations of sexual abuse (with associated psychological and emotional abuse)  1 child alleged assault but refused to identify any further details.</p> <p>Of these, 6 foster carers were charged but not convicted. The son of one foster carer was charged but not convicted. Angus Council note that the absence of conviction or indeed sufficient evidence to investigate or charge does not mean that abuse did not take place.</p> <p>One child made some significant allegations of physical and psychological abuse to police at 7 months after, and then again 6 years after the end of the placement but these were not investigated as there was deemed to be insufficient evidence.</p>
5.2 b)	What is the basis of that assessment?
Res pon se:	<p>196 retained files of carers who deregistered in the previous 25 years have been audited for the inquiry. From this sample, 51 children have made allegations against foster carers in the period prior to 17 December 2014 which resulted in (or should have resulted in) multi-agency investigation. The files belonging to these children have also been audited and information cross-referenced.</p> <p>Police have provided additional information to support known allegations about 8 foster carers and one family member of a foster carer for this inquiry.</p> <p>The audit was led from first reading information in carers' files, then auditing relevant children's files. There may be information contained in different children's files which have not been audited as corresponding concerns may not have been recorded in the carers' files. Similarly there may be information contained in children's files where the corresponding carers' files have been destroyed.</p>
5.2 c)	How many complaints have been made in relation to alleged abuse of children in foster care?
Res pon se:	48
5.2 d)	Against how many foster carers have the complaints referred to at (c) above been made?
Res pon se:	23

5.2 e)	How many foster carers have been convicted of, or admitted to, abuse of children?
Response:	<p>No foster carers have been convicted of abuse of children.</p> <p>Four unrelated foster carers and two other related foster carers have admitted to single isolated acts of physical abuse.</p>
5.2 f)	How many foster carers have been found by the local authority to have abused children?
Response:	<p>The local authority consider that from the available information, there is sufficient information to suggest that 15 foster carers may have potentially abused children. Similar conclusions were drawn at the time of these respective allegations. The exceptions to this are as follows:</p> <ul style="list-style-type: none"> <li>• The failures in response noted in cases 1 to 5 detailed in our response to 3.3 b</li> <li>• The allegations against foster carer, FVL [REDACTED], detailed in row 20 (case11) and row 21 (case 12) in spreadsheet at 5.9 whereby Angus Council were not afforded the opportunity to consider information shared with the police by the alleged victims after the placement had ended. (This particular case is not considered part of the 15 noted above, however the same carer was implicated in a further case which is counted.)</li> </ul> <p>Otherwise, there is not enough evidence recorded to consider whether or not abuse may have taken place regarding the other allegations noted in spreadsheet 5.9.</p>
5.2 g)	Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?
Response:	<p>There have been a number of complaints made and retracted. From the available information in the file audit, there were 6 definite complaints in relation to alleged abuse of children by family members of foster carers. This does not include allegations that were made and then retracted.</p>
5.2 h)	How many family members of foster carers have been convicted of, or admitted to, abuse of children?
Response:	<p>1 family member admitted to the offence and was convicted under Criminal Law (Consolidation) (Scotland) Act 1995 s.5 (3).</p>
5.2 i)	How many family members of foster carers have been found by the local authority to have abused children?
Response:	<p>Angus Council considers that there is sufficient information to suggest that 3 family members of foster carers in the sample may have potentially abused children.</p> <p>The same conclusions were drawn in two of these cases both at the time of the allegation and/or investigation and in the current analysis of historic information audited for the inquiry.</p>

	<p>In the third case, of FNE (son of foster carer, FND), it appears that the Council have not recorded any conclusion of their own at the time of the investigation. Although the Procurator Fiscal did not pursue this case, the current audit has lead to analysis of subsequent recordings about impact on the alleged victims. It has been concluded at the time of writing that there is sufficient information to suggest abuse was likely to have taken place.</p> <p>In other cases there is not enough evidence recorded to consider whether or not abuse may have taken place regarding these allegations.</p>
5.2 j)	Against how many other children placed in foster care in the same placement have complaints been made in relation to the alleged abuse of children?
Response:	In the sample there were 11 allegations made by fostered children against other fostered children in the same placement that required further investigation.
5.2 k)	How many other children placed in foster care in the same placement have been convicted, or admitted to abuse of children?
Response:	None
5.2 l)	How many other children placed in foster care in the same placement have been found by the local authority to have abused children?
Response:	<p>Angus Council considers that there is sufficient information to indicate that 7 fostered children in the sample were potentially abused by other fostered children in the same placement.</p> <p>Otherwise there is not enough evidence to consider whether or not abuse may have taken place regarding these allegations.</p>
<b>5.3 Timing of Disclosure/Complaint</b>	
5.3 a)	When were disclosures and complaints of abuse and/or alleged abuse or children in foster care made to the local authority?
	Please see spreadsheet at 5.9
5.3 b)	To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?
Response:	37 of the complaints or allegations were made while the abuse or alleged abuse was going on or recent.
5.3 c)	To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?
Response:	10 the complaints or disclosures were made some years after the alleged abuse about non-recent abuse.


5.3 d)	Are there any patterns to note in terms of the timing/disclosure of abuse and /or alleged abuse?
Response:	The only significant pattern is that the four arguably most serious allegations in foster care looked at in this audit (involving 6 children in total) were made by children some time after they were alleged to have occurred, when these children had moved on to different placements. These allegations involved a series of acts of commission over a length of time. When this alleged abuse took place the children were at an age where they may have lacked the sophistication of language to express what was happening to them.
<b>5.4 External Inspections</b>	
5.4 a)	What external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children?  For each such external inspection please answer the following:
Response:	There have been no external inspections relating to abuse or alleged abuse of children prior to 17 December 2014. Care inspections commencing in 2006 have not needed to consider issues relating to abuse or alleged abuse of children in Angus.
5.4 b)	Who conducted the inspection?
Response:	N/A
5.4 c)	Why was the inspection conducted?
Response:	N/A
5.4 d)	When was the inspection conducted?
Response:	N/A
5.4 e)	What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?
Response:	N/A
5.4 f)	What was the local authority's response to the inspection and its outcome?
Response:	N/A
5.4 g)	Were recommendations made following the inspection?
Response:	N/A


5.4 h)	If so, what were the recommendations and were they implemented?
Response:	N/A
5.4 i)	If recommendations were not implemented, why not?
Response:	N/A
<b>5.5 External Investigations</b>	
5.5 a)	What external investigations have been conducted relating to children in foster care which have considered issues relating to abuse and/or alleged abuse of children?  For each such external investigation please answer the following:
Response:	In the sample of 196 files read up until 17 December 2014, there have been 34 external investigations conducted relating to children in foster care regarding issues relating to abuse or alleged abuse of children in Angus. 25 of these allegations were towards foster carers and their family members and 9 relating to child to child abuse within placement.
5.5 b)	Who conducted the investigation?
Response:	Police and health professionals in conjunction with social work  In the case of Colin Christie the investigating police officer is named as Tracey Spence and the social worker as Angela Lyall.
5.5 c)	Why was the investigation conducted?
Response:	 5.5c.xlsx  This spreadsheet is also attached as Appendix 1
5.5 d)	When was the investigation conducted?
Response:	Please see spreadsheet in 5.5c
5.5 e)	What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?
Response:	Please see spreadsheet in 5.5c
5.5 f)	What was the local authority's response to the investigation and its outcome?

Res pon se:	Please see spreadsheet in 5.5c  Overall the quality of recording is variable so it is recognised that there may have been other discussion and safety planning undertaken but not recorded.
5.5 g)	Were recommendations made following the investigation?
Res pon se:	The only recommendations were joint decision making between social work and police in the course of multi-agency working.
5.5 h)	If so, what were the recommendations and were they implemented?
Res pon se:	N/A
5.5 i)	If recommendations were not implemented, why not?
Res pon se:	N/A
<b>5.6 Response to External Inspections/Investigations</b>	
5.6 a)	What was the local authority's procedures/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?
Res pon se:	There were no external inspections on record before 2006. Angus Council complied with the requests of the Care Commission and subsequently the Care Inspectorate. These were overall care inspections and did not investigate abuse.  With regards multi-agency investigations into allegations of child abuse, Angus Council worked with police, education and health in order to establish facts and decide upon a course of action in the interests of children.  This involved initial referral discussion, joint interview (police and social work), wider interview of family members and others and medical examination where necessary.
5.6 b)	What was the local authority's procedure / process for responding to the outcomes of such external inspections and / or investigations?
Res pon se:	This was risk assessed and actioned on a case by case basis, in discussion with relevant multi-agency colleagues, the child, family and foster carer.



5.6 c)	What was the local authority's procedure / process for implementing recommendations which followed from such external inspections and / or investigations?
Res pon se:	Risks were managed on a case by case basis. The only recommendations were made within the course of multi-agency working rather than external inspection.
<b>5.7 Impact</b>	
5.7 a)	What was known about the impact of abuse on those children in foster care who were abused, or alleged to have been abused?
Res pon se:	Please see detail in corresponding spreadsheet in 5.5c
5.7 b)	Where does the local authority's knowledge/assessment of that impact come from?
Res pon se:	Children's files / carers files
5.7 c)	What is known about the impact of abuse on the families of those children in foster care who were abused, or alleged to have been abused?
Res pon se:	None  In the case of ██████████ the social worker notes on record that [her mother] "is disappointed with the social work department that they had put her ██████████ in a place of safety didn't fully protect her"
5.7 d)	Where does the local authority's knowledge/assessment of that impact come from?
Res pon se:	Information about the impact of abuse on the families of those children in foster care who were abused or alleged to have been abused is not routinely held on children's files.
<b>5.8 Known Abusers and Alleged Abusers</b>	
5.8 a)	Does the local authority know of specific abusers, or alleged abusers, of children in foster care?
Res pon se:	Yes
5.8 b)	If so, what are the names of the abusers, and/or alleged abusers
Res pon se:	FVH ██████████ FVI ██████████ FVJ ██████████ FVK ██████████ FVL-FVM ██████████ FVN ██████████ FVO ██████████

	<p>FND [REDACTED]  FNE [REDACTED]  FNF-FNT [REDACTED]  FOH [REDACTED]  FXP [REDACTED]  FXO-FXT [REDACTED]  FXQ [REDACTED]  FXM [REDACTED]  FXY [REDACTED]  Colin Christie</p> <p>(zEGQ [REDACTED] has been included in spreadsheet 5.5 c for information and context, albeit the marks on the child had been observed to be present prior to this specific allegation)</p> <p>Alleged abuse of children by other children has not been included here. This is available in the spreadsheet at 5.9.</p>
5.8 c)	<p>For each of these persons, please provide as much as possible of the following information:</p> <ul style="list-style-type: none"> <li>- the period (dates) during which they are known or alleged to have abused children in foster care</li> <li>- if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse.</li> <li>- the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter</li> <li>- any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation or abuse was made.</li> </ul>
Response:	<p>Please see below:</p>  <p>5.8c.xlsx</p> <p>This spreadsheet is also attached as Appendix 2.</p> <p>Records of local authority checks provided to other fostering agencies have only been retained since 2016 so there may have been information shared about the named foster carers above for this purpose that is not recorded. For example, it is known that FVK [REDACTED] went on to be approved as a foster carer by Care Visions and it is assumed that information was requested from Angus Council by them during their initial assessment.</p>
5.8 d)	<p>Were known abusers, or alleged abusers, of children permitted to continue as foster carers?</p>
Response:	<p>Yes</p>
5.8 e)	<p>If so, why was this considered to be appropriate?</p>
Response:	<p>FVH [REDACTED] – insufficient evidence  FVI [REDACTED] – insufficient evidence  FVJ [REDACTED] - insufficient evidence</p>

	<p>FVK [REDACTED] – allegations not joint investigated. Guidance given on behaviour management</p> <p>FVL-FVM [REDACTED] -</p> <p>The first allegations were not made until after the end of the placement (7 months and 6 years after respectively). The information about these allegations were provided to Angus Council by police in respect of the current s21 notice from the Inquiry. As the information was not on the carers file it can be reasonably assumed that the Local Authority did not know and continued to place children in good faith. All children were removed on the day that the child broke her arm and the skeletal survey found healed injuries which would have happened in the timespan of the placement. The carers were deregistered.</p> <p>FVN [REDACTED] -</p> <p>The first allegation was deemed by the local authority to be malicious and unsubstantiated. The carers were deregistered after the second confirmed allegation of a similar nature.</p> <p>FVO [REDACTED]</p> <p>The carers terminated the placement after the first incident. The same child was placed with the carers a second time as it was assessed to be in the child’s interests. The carers were invested in him as they knew him prior to fostering him. The placement was terminated after the second incident which happened some 8 years after the first.</p> <p>FND [REDACTED] – there is no explanation for why it was considered appropriate for this carer to continue to care for children on behalf of the Local Authority.</p> <p>FXP [REDACTED] - insufficient evidence</p> <p>FXQ [REDACTED] - insufficient evidence</p> <p>FXM [REDACTED] – insufficient evidence</p> <p>FXQ [REDACTED] – insufficient evidence</p> <p>FXY [REDACTED] – insufficient evidence</p>
5.8 f)	If so, what process of monitoring/supervision followed?
Response:	Additional and proportionate risk assessment was carried out by the supervising social worker. It is understood that these risks were discussed in supervision. Carers approvals were monitored by subsequent panels.
<b>5.9 Specific Complaints</b>	
5.9 a)	How many specific complaints of abuse of children in foster care have been made to the local authority?
Response:	<p>Please see the document below which answers all of the questions in 5.9:</p> <p> 5.9.xlsx</p> <p>This spreadsheet is also attached as Appendix 3</p>
5.9 b)	For each specific complaint, who made the complaint?
Response:	Please see the document above in 5.9 a)

5.9 c)	For each specific complaint, when was the complaint made?
Res pon se:	Please see the document above in 5.9 a)
5.9 d)	For each specific complaint , against whom was the complaint made?
Res pon se:	Please see the document above in 5.9 a)
5.9 e)	For each specific complaint, what was the nature of the complaint?
Res pon se:	Please see the document above in 5.9 a)
5.9 f)	For each specific complaint, when/over what period was the abuse alleged to have taken place?
Res pon se:	Please see the document above in 5.9 a)
5.9 g)	For each specific complaint, what was the local authority's process and approach in dealing with the complaint?
Res pon se:	Please see the document above in 5.9 a)
5.9 h)	For each specific complaint, what was the local authority's process and approach for investigating the complaint?
Res pon se:	Please see the document above in 5.9 a)
5.9 i)	For each specific complaint, what was the outcome of the complaint following that investigation?
Res pon se:	Please see the document above in 5.9 a)
5.9 j)	For each specific complaint, did the local authority provide a specific response to the complaint?
Res pon se:	Please see the document above in 5.9 a)
5.9 k)	If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?
Res pon se:	Please see the document above in 5.9 a)
5.9 l)	If there was no response, why not?
Res pon se:	Please see the document above in 5.9 a)

5.9 m)	Was the information/content of the complaint passed to police?
Response:	Please see the document above in 5.9 a)
5.9 n)	If not, why not?
Response:	Please see the document above in 5.9 a)
<b>5.10 Civil Actions</b>	
5.1 0 a)	How many civil actions have been brought against local authority relating to abuse, or alleged abuse, of children in foster care?
Response:	There were no civil actions raised brought against Tayside Regional Council for the area of Angus during 1975 – 1996.  There have been no civil actions raised in respect of abuse or alleged abuse of children in foster care in Angus Council.
5.1 0 b)	Who brought the action?
Response:	N/A
5.1 0 c)	When was the action brought?
Response:	N/A
5.1 0 d)	Against whom was the action brought
Response:	N/A
5.1 0 e)	What was the nature of the abuse, or alleged abuse, to which the action related?
Response:	N/A
5.1 0 f)	What were the names of the persons said to have, or alleged to have committed abuse?
Response:	N/A
5.1 0 g)	When/over what period was the abuse said, or alleged to have taken place?

Res pon se:	N/A
5.1 0 h)	How did the action progress?
Res pon se:	N/A
5.1 0 i)	What was the outcome
Res pon se:	N/A
5.1 0 j)	Was the action settled on a conditional basis of confidentiality?
Res pon se:	N/A
5.1 0 k)	Who was/were the local authority's legal representative(s) in relation to the civil action?
Res pon se:	N/A
5.1 0 l)	Did the local authority carry insurance for meeting civil claims at the time the action was live?
Res pon se:	N/A
5.1 0 m)	How/where can copies of the court papers relating to the civil action be made available to the Inquiry?
Res pon se:	N/A
5.1 1 a)	Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?
Res pon se:	Yes
5.1 1 b)	If so, please provide details if known.
Res pon se:	It is recorded that ██████████ (DOB ██████,84) received £11,500 around the time of his 18 <sup>th</sup> birthday relating to alleged sexual abuse in foster care.
5.1 2 a)	How many complaints of abuse of children in foster care have been made to the police? In relation to each known complaint to the police, please answer the following questions:

Res pon se:	Please see the document above at 5.9 a)
5.1 2 b)	Who was the alleged abuser or abuser?
Res pon se:	Please see the document above at 5.9 a)
5.1 2 c)	Did the police conduct an investigation in relation to the complaint?
Res pon se:	Please see the document above at 5.9 a)
5.1 2 d)	If so, who conducted the investigation and when?
Res pon se:	The named officers who conducted the police investigation are not recorded by social work. The timing of the investigation is understood to be either on the day of the allegation or commenced shortly after. This is indicated in 5.9c (full detail evidenced in spreadsheet at 5.9a). Some investigations will have taken a considerable length of time to conclude albeit the specific end date is not always recorded on social work files.
5.1 2 e)	What was the outcome of the police investigation?
Res pon se:	Please see the document above at 5.9 a)
5.1 2 f)	What was the organisation/establishment's response?
Res pon se:	Please see the document above at 5.9 a)
<b>5.13 Crown</b>	
5.1 3 a)	To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care?  In relation to each time the Crown has raised proceedings, please answer the following questions:
Res pon se:	In each case when the police have referred matters to the Procurator Fiscal the case has not proceeded.
5.1 3 b)	What is the name of the person(s) against whom the proceedings were raised?
Res pon se:	Please see the document above at 5.9 a)
5.1 3 c)	What was the nature of the charges?

Res pon se:	Please see the document above at 5.9 a)
5.1 3 d)	What was the outcome of the proceedings, including disposal/sentence if there was a conviction?
Res pon se:	Please see the document above at 5.9 a) There was one conviction in Angus arising from the full audit of 196 carers files. This person was convicted under Criminal Law (Consolidation) (Scotland) Act 1995 s.5 (3) (intercourse of a person in position of trust with child under 16).
5.1 3 e)	What was the local authority's response to the proceedings and outcome?
Res pon se:	Please see the document above at 5.9 a)