

APPENDIX

Part C - Prevention and Identification

4. Policy and Practice

4.1 National

Past

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

The earliest regulations relating to children in foster care in Scotland can be found in the Boarding Out (Scotland) Regulations of 1947, although the regulations did not apply to voluntary organisations.

This was subsequently followed by a series of regulatory updates in 1959, 1996 and 2009 which have been referred to and discussed in detail in Part A.

- b) If so, to what extent was the organisation aware of such?

Within the Barnardo's Book, there is a chapter on Boarding-Out which laid down guidance in every aspect of the provision of foster care by the organisation. General details about its content have been provided in Part A. This guidance and standards exceeded what was required by the regulations at the time. After the last edition of the Barnardo Book in 1955 was phased out in the 1960s, Barnardo's sent circulars to staff to update them on new legislation and policies. In the 1980s, Barnardo's introduced a Social Work Policy Manual. The manual was updated regularly to ensure compliance with legislation and regulations.

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

- i. Child welfare (physical and emotional)
- ii. The child's views
- iii. Reviewing a child's continued residence in a foster care placement
- iv. Child protection
- v. Discipline
- vi. Complaints handling
- vii. Whistleblowing
- viii. Record retention
- ix. Recruitment and training of foster carers
- x. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the organisation

Barnardo's was aware of all changes in government policy and regulations. There is evidence within the Management of Committee minutes of discussions taking place at senior management level of changes and the

implications for the organisation.

A copy of the Barnardo Policy Manual – Social Work has been retained in the archives with policy and procedural guidelines covering 1996 to 1999. For example, section S.W.2.2. dated 13.5.96 covered procedures in relation to providing information to fostering panels. Under 7.2 the guidance stated that: *it is Barnardo policy that BAAF assessment Form F or equivalent is completed to report to Panel, The completion of Form F must include the required particulars relating to prospective foster carers as detailed in the statutory regulations that apply (i.e. the regulations of N.I., Scotland, or England and Wales).*

- d) If the organisation was aware of such, did they give effect to that policy/guidance?

The Barnardo's Policy Manual for Social Work demonstrates that Barnardo's were aware of, and took notice of national policy and regulations. Internal policy and guidance was reviewed and changes made to reflect this.

As outlined in c) above there is evidence that the charity used the BAAF (British Association of Adoption and Fostering) Form F to structure and evidence assessments of prospective foster carers. There are samples on files from the mid 1980s to present day of completed Form F's. Within these assessment reports there are examples of independent references being sought and that Health Board, Police and Local Authority checks were carried out.

In essence, an assessment using Form F is primarily about identifying whether an applicant or applicants are suitable to be approved as foster carers, to determine the kind of fostering for which they are suitable, and to consider any terms of approval.

The form offers a structure for providing evidence about these matters to fostering panels and to fostering service decision-makers. A subsidiary purpose is to capture the work that has been done with applicants to prepare them for the task of fostering and to identify the kinds of support and training that they might need. The report needs to convey the essence of the applicant(s) and their family.

- e) If so, how was effect given to such policy/guidance?

See answer above.

- f) If not, why not?

N/A

Present

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

With the advent of the Scottish Parliament in 1999 fostering became a devolved matter and there has been a range of national policy and guidance since then.

h) If so, please give details.

Barnardo's Family Placement Services continue to respond to national policy and guidance as it applies to foster care. For example the service adopted the use of placement descriptors and placement size limits as recommended by the National Foster Care Review which reported in 2014 and was published on 3 December 2013.

The service is well represented on a number of external forums sitting alongside Government representatives and this helps ensure understanding of the national picture. For example we regularly attend and contribute to Social Work Scotland Adoption and Fostering Sub Group, National Association of Fostering Providers national meetings, members of the Fostering Network and attend their third sector providers' meetings.

The service is pro-active in responding to the national agenda, for example providing online Prevent Training to staff and foster carers, a recent staff Safeguarding Training Day included input on Contextual Safeguarding and Child Criminal Exploitation. We work closely with our policy team and have responded to Scottish Government consultations, for example the consultation on Part 1 of the Children (Scotland) Act 1995; we are currently considering the reports from The Independent Care Review and its implications for the service we provide.

4.2 Local authority

Past

a) Was there local authority policy/guidance relevant to the provision of foster care for children?

Yes there was a national framework and local authorities would have their own policies and guidance and we would follow them.

b) If so, to what extent was the organisation aware of such?

Within the Barnardo's Policy Manuals there is evidence that the organisation's own policies and procedures were updated with reference to new legislation, regulations and national policy/guidance. The fostering services that were developed during the 1970s and 1980s were done so in partnership with Local Authorities and in response to need highlighted by the Local Authority. Close working relationships were evident. For example, representatives of the local authority sat on the Advisory Groups that existed to guide the work of the fostering services.

A further example comes from an incident report in a foster carer file from the Edinburgh service dated 05/07/2003. The report was completed by foster carers as a mechanism of reporting incidents both to Barnardo's and to the local authority.

These reports also form the basis of information that is reported to the care inspectorate. The report from 2003 clearly sets out the expectation that the local authority (child's social worker) are informed of any incidents (e.g. violence to another child, absconding, violence to carer, property damage, offence/police involvement, violence to child). This reflects the expectations of the local authority to have such information shared with them as the child's corporate parent.

- c) If there was local authority policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the organisation aware of such?
- i. Child welfare (physical and emotional)
 - ii. The child's views
 - iii. Reviewing a child's continued residence in a foster care placement
 - iv. Child protection
 - v. Discipline
 - vi. Complaints handling
 - vii. Whistleblowing
 - viii. Record retention
 - ix. Recruitment and training of foster carers
 - x. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the organisation

Ex-employees who worked in the service during the 1980s and 1990s remember that the Edinburgh Fostering services stored paper copies of each local authority's Child Protection Guidelines and that they used the specific local authority's policy if there was a child protection concern about a child in Barnardo's care who had been placed by that local authority.

- d) If the organisation was aware of such, did they give effect to that policy/guidance?

See c) above

- e) If so, how was effect given to such policy/guidance?

See c) above. We have been unable to find any additional specific evidence to answer this point.

- f) If not, why not?

N/A.

Present

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

Yes.

h) If so, please give details.

A major change has been the move away from individual negotiations with local authorities to a framework approach to commissioning foster care under Scotland Excel.

The majority of foster placements are provided through the national Scotland Excel Framework which first began operating in 2013. The exceptions are children placed with Barnardo's foster carers by Glasgow City Council and Falkirk Council who have their own framework agreements. The stated objectives of the Scotland Excel framework are to:

- provide consistency of standards across foster care services purchased by local authorities/Health and Social Care Partnerships;
- promote best practice and national policy, ensuring compliance with the Fostering Review and legislative changes (in particular the Children and Young People (Scotland) Act 2014);
- support compliance with the Looked After Children (Scotland) Regulations 2009;
- promote the rights and outcomes of children in purchased foster care and their engagement in services;
- offer increased financial transparency for purchase of foster care services;
- offer robust terms and conditions for making placements;
- provide ease and efficiency of administration of purchased placements;
- give maximum choice of services and providers available to meet diversity of needs; and
- support young people's choices in relation to continuing care

The Local Authority has an Individual Placement Agreement in place with Barnardo's for each child. This sets out a range of information including the likely length of the foster placement, the purpose of the placement, the needs of the child or young person, the cost of the placement and any additional services to be included, for example short breaks, therapy, transport to contact.

Some Local Authorities hold regular commissioning meetings and ask Barnardo's to provide evidence on outcomes for the children we look after. Barnardo's social workers provide reports for those meetings. The meetings review individual placements and set expectations around how Barnardo's will help the local authority achieve the plans for the relevant child/young person. For example at a recent commissioning meeting with a local authority the plan for the child was for permanence through fostering and Barnardo's were asked to explore whether the current carers could provide this.

Barnardo's have an internal document which is used to track outcomes for the children and young people placed in the fostering service. The outcomes that are measured are the same as those set out by the Scottish Government in the Getting it Right for Every Child approach. These are known as SHANARRI indicators and are designed to measure the extent to which children are safe, healthy, active, nurtured, achieving, respected, responsible and included.

4.3 Organisation

(i) Policy

Past

- a) Did the organisation have its own policies/guidance in relation to the provision of foster care?

Yes, Barnardo's had very clear policies and guidance in relation to the provision of foster care. The original policy manual was the Barnardo Book originally published in 1943 with later editions in 1952 and 1955. The Barnardo Book continued to be updated and in general use until the 1960s when it was phased out and replaced entirely by a system of circulars. In the 1980s, the circulars were replaced by a policy and procedure manual aligned to compliance with relevant legislation and regulations for each area of work in which Barnardo's delivered services such as fostering, adoption, day care and specialised residential care for children with disabilities.

The Policy Manual was regularly updated with outdated pages being removed and replaced with updated sections. Barnardo's has retained a copy of the Policy Manual which contains a section on fostering dated May 1996. Section S.W. 2.2 deals with the recruitment of foster carers, including initial enquiries and applications; assessment and approval; and references.

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

In a pamphlet from the 1950s the stated aim of boarding-out is "to give each child who is boarded out the advantage of a normal home life, in which he can grow up as one of the family."

The aim of the Barnardo book and circulars were to provide foster carers, welfare officers and later social workers with detailed guidance on all aspects of providing care for a child in a family home setting.

The later manuals were not as prescriptive as the Books and circulars and were prepared in response to new legislation. They provided guidance on how Barnardo's staff should apply the regulations in everyday practice.

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

The earliest guidance can be found in the Barnardo Books, and later the circulars and policy manuals. When new policies were issued, the old policies were removed from the manual and destroyed. Whilst Barnardo's archive contains some extracts from the manuals, they contain only a snapshot of what would have been available at the time and does not contain superseded or subsequent policies or procedures.

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

i. Child welfare (physical and emotional)

See 4.4(d) (i) (iv) and (v).

ii. The child's views

Between the 1940s to 1960s the views of the child were not given the same importance that they would later be given, enshrined in the UN Convention of Children's Rights 1989.

There is however, evidence in the children's files that their wishes were taken into consideration in areas that they could influence, for example holidays, leisure activities and in some cases placements.

iii. Placement of siblings

See 4.4(c)(xi).

iv. The placement of a child in foster care

The 1955 edition of the Barnardo Book states on page 26 that "children in the Reception Centre are considered for boarding-out by the Placement Committee. It is the responsibility of the Area Chief Executive Officer to consider the case of children in Branch Homes." The Placement Committee membership in 1951 comprised of four Chief Executive Officers (boys, girls, Reception Centres, Boarding-out), a Medical Officer, the Education Advisor, a Psychiatric Social Worker and the Head of the General Administration and Records Department. The Superintendents of the Reception Home and the Branch Home from where children were under consideration would also attend.

Children were boarded-out from Branch homes when it appeared that it was in their interest to go to a foster home. Many children were not deemed suitable on admission to Barnardo's care but later they were considered for boarding-out. Responsibility for the final medical selection of children rested with the Chief Medical Officer. Children passed by him were regarded as candidates for boarding-out unless there were other reasons why a particular child should not be placed. The ideal age for boarding-out children was considered to be under seven years, but consideration was given to children up to eleven years.

Boarding-out in Scotland came under the control of the Scottish Representative who at the time was Miss Garland. A 1951 'Report of the Sub-Committee of the Council on Boarding Out' states that "Miss Garland is hoping to increase the number by concentrating on the areas around our Nursery Homes, Haldane House and Ravelrig." In 1951 there were seventeen children boarded-out in Scotland.

If a child was to be boarded-out from a Branch home, every effort was made to find suitable homes within the same locality. This was one of the duties of the Boarding-out Visitor, later known as Welfare Officer, who would organise a visit to the Branch Home by the foster carers in order to meet the child and the staff prior to placement. If the Boarding-out visitor considered the foster-home to be satisfactory then she

would visit for a second time. The guidance states that “no foster-home is accepted until it has been visited at least twice, the foster-father seen, if possible other members of the family seen as well as the foster-parents, and two references taken up.”

No foster-home was considered if either foster-parent was Roman Catholic. Where there was concern about the foster-parents adhering to the policy of the homes regarding religious upbringing then the matter was to be given careful consideration and special enquiries made of the vicar or minister. Under no circumstances was a child, boy or girl, to be placed with a bachelor or widower. Where there had been a divorce, the presumption was that those homes were not suitable, although guidance would be sought from the local church.

The school to be attended by the child had to be visited. This applied whether or not the school was already known to the Boarding-out Visitor. The family doctor was not required to be routinely consulted unless there were concerns about the health of either foster parent, and written consent was required to consult the doctor.

By the 1970s all children placed in Barnardo’s foster care were referred through local authorities.

v. The particular placement of a child with foster carers

See iv).

The Placement Committee at Head Office approved the matching of a child with foster parents. Recommendations for the matching of a particular child may have come about because the foster parents had previously been social aunts and uncles; or may have known a child through their profession, such as a teacher. Barnardo’s always considered favourably placements where there had been a prior connection between child and foster parents.

From the 1970s onwards children and foster placements were matched locally initially by the service and then approved by the panel.

The Children’s Hearing System, whilst not matching a child with foster carers, had the power to determine that a child must reside with a specific carer under a ‘condition to reside.’ Barnardo’s would have been approached by the Local Authority, usually prior to the Children’s Hearing to ascertain whether there was an available foster carer for a child to be placed from a Children’s Hearing.

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

See 4.4(d)(x).

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

See 4.4(d)(xi).

viii. Information sharing with the child's family

During the 1940s and 1960s the majority of children were placed in Barnardo's care by voluntary agreement. There is evidence in the case files that parents were provided details relating to the placement of their child and any medical issues.

In addition to the formal contact by the organisation the Notes state that contact was to be encouraged. See 4.4(d)(x).

From the 1980s onwards information sharing was covered within a Care Plan for the individual child which would be reviewed every six months.

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

Between the 1940s to the 1970s Barnardo's did not have Fostering Panels as they would be recognised today. As noted above, the Placement Committee took on that role.

In 1980 the report 'Barnardo's New Family Project – Glasgow, the First Two Years' outlines how permanent foster carers and adopters should be recruited and appointed to look after 'harder to place' children. The report describes the existence of a 'Project Case Committee' whose members included a doctor with experience of psycho-sexual counselling, a paediatric psychiatrist, an educational psychologist, two residential care workers, a psychiatric social worker and a social work teacher. By agreement with Strathclyde Region the Project Case Committee could recommend placement for adoption but where a child was to be placed on a fostering basis, then the plan had to be discussed further with the relevant Strathclyde Region Fostering Panel.

In Edinburgh before the two fostering services merged in 1993 there were two separate processes for the approval of carers. Special Families had an Advisory Group and part of their role was as a Panel for approval of carers who provided temporary placements, and agreed matchings. There were a range of external professionals on the group e.g. a consultant psychiatrist, social work lecturer, representatives from local authority fostering services etc. and was chaired by the Project Leader. This Advisory Group also had a consultancy function for staff who could present professional dilemmas/case studies to seek advice. There was a medical advisor who advised on the medical fitness or otherwise of prospective foster carers.

New Families had their own panel which was constituted as a fostering and adoption panel since the service offered both. The panel approved carers and also dealt with any placement disruptions. Following the two services merging one panel was formed in 1995.

The Boarding-Out and Fostering of Children (Scotland) Regulations 1985 came into effect in 1986 and one of the major innovations was the requirement to establish

fostering panels. As outlined above Barnardo's did have advisory boards prior to that date that acted as panels. Since the regulations came into force, Barnardo's has ensured compliance with the regulations in respect of fostering panels from that date and this has been subject to external scrutiny through inspections. There is a Panel Advisory group minute from 6 December 1995 which captures a discussion about diversity of panel membership and included consideration of gender balance and the desire to include an adoptive parent as a panel member.

Minutes from panel meetings in the 1990s reflect some of the topics that the panel discussed as part of their development and the development of the service. For example notes from an away day for advisory panel and staff group in October 1993 reflect that a Scottish Office Inspection had highlighted a lack of clarity about the purpose of applicants attending panel and had stated that panel members and staff had differing views about how much influence applicant's attendance has/should have on decision making. Applicants also had varying views on attendance and most believed there to be an element of assessment involved. The panel development day on 13 May 1997 was an invitation to training for panel on the Children (Scotland) Act 1995.

Panel minutes reflect that the panels were quorate, usually with around 5 panel members at each one.

x. Recruitment and training of foster carers

Recruitment

The Notes which accompanied the 1955 Barnardo's Book gave some guidance on the recruitment of foster carers. Applicants were required to complete a questionnaire. The Boarding-out Department at Head Office would forward the applications to a Boarding-out Visitor who would call at the foster home. If she thought the candidates suitable she would obtain the names and addresses of two references, of the school, and the local doctor. Both references were required to be taken up personally and not in writing. At least one reference had to be a woman; one a person of some standing in the locality; and at least one must have reasonably intimate knowledge of the home life of the foster parents. At least one reference must have known the foster-father and the foster mother personally over a long period. More than two references could be taken up, and if the foster parents' doctor was one of the references, three references had to be taken up.

There is a sample of early foster parents' application forms retained in the archives. It appears that these were completed by the Boarding-out visitor during one of her assessment visits to the family.

The areas covered include on page 1:

- Names and address
- Religion
- Occupants of the house with ages (note on health and how bedrooms are organised)
- How many bedrooms are there?

- How many living rooms are there?
- Is there a garden?
- Are there pets?
- Is there a piano?
- Income and how obtained
- Names and address of references (note as to status and knowledge of applicants and views)
- Which Children's Officer is concerned?
- Have you had any contact with Children's Officer about this home?
- Would applicants travel to a home to see a child?
- Do you recommend this foster-home?

On page two, the form captured the names and addresses of the doctor and school; a report obtained from the school; a section about the foster father (i.e. has he been seen?); and the name of the proposed child to be placed.

Page three contained a description of the foster parents and other members of the household; and other notes with special reference to Christian concern. Also included on this page are the reference reports.

The 1980 report 'Barnardo's New Family Project – Glasgow, the First Two Years' states 'We are looking for families to fit children referred to us - and not the other way round'. The report outlines a process whereby interested families are provided with information about waiting children and are invited to an information evening where they learn about the project and about the children the project is looking to match. Very early in the process applicants were introduced to other adopters and foster carers in the scheme to hear about their experiences.

The report describes that applicants were offered an initial meeting with the project leader which was a screening interview designed to "screen out clearly unsuitable applicants". Suitable applicants were then given an application form. There were individual interviews with applicants and any children who were old enough to take part as well as with other relatives and significant adults. References were taken up and additional interviews may have been held with medical, psychiatric or other specialists. Applicants were encouraged to make scrap books about their family life to share with the child they are ultimately matched to.

A groupwork programme was developed in partnership with a lecturer from Glasgow University and groups were organised in three phases. Phase one: where participants talked and learned about fostering and adoption, the types of children in care, legal process, behaviour problems and ways of coping. Phase 2: increasing the applicants' understanding of what happens when a child joins their family, sharing experiences and supporting each other. Phase 3: groups which were a mix of more and less experienced carers who could support each other and share learning.

A foster carer file from the Edinburgh Special Families Project describes an initial

visit to applicants on 15 May 1986. The applicants were friends of existing foster carers and approached Barnardo's following a recommendation from their friends. The initial visit explored issues such as motivation for pursuing fostering and their knowledge and understanding of foster care. Following an initial visit the couple attended preparation training which involved a number of group sessions exploring and learning about fostering. Following attendance at this training the couple were allocated a social worker to complete their assessment. The couple being assessed have a four bed-roomed house and four children living at home. It is clear from the discussion held at that time that it was acceptable practice for fostered children to share a bedroom with the birth children. The notes reflect that medicals, Police checks and local authority checks were carried out. The assessment process included a lot of notes about discussions regarding the likely needs of children placed and how the couple might meet these. On completion of the assessment process the applicants were invited to attend a support group one evening a fortnight. There is evidence within the file that the foster carers attended training opportunities following their approval as foster carers.

A 2002 document titled 'Recruiting and retaining an appropriate range of carers' set expectations that services should determine what range of placements they intend to offer and to which groups of children and young people unless this has been agreed as part of a service level agreement. Services were to analyse gaps in provision and the services local authorities were likely to purchase from the voluntary sector.

Based on the analysis of potential demand for services, the project was to develop a recruitment strategy, either individually or in partnership with other projects. The development and implementation of the recruitment strategy was to draw on a range of skills and expertise, including existing carers and young people and staff with marketing, public relations or community development experience.

The strategy should encourage applicants to come forward from all sections of the community and identify what specific action may be required to attract enquiries from minority ethnic communities or from people in less traditional family structures. Periodic review of project policies and methods of working should identify any working practices which could have a discriminatory effect and/or undermine recruitment from any particular sections of the community, and should determine what action is needed to rectify this situation.

All recruitment activity was to be monitored and evaluated, with the outcomes fed into the annual review of the strategy. All services are to have systems for periodically seeking feedback from carers and from children/young people. The system should include a mechanism for reporting back on any action taken in response to the comments received.

When a carer left the service, an exit interview was to be conducted and a checklist was included of what should be covered.

Training

See 4.5(i)(d)(x).

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

There was no requirement to contact employers for references.

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

Between the 1940s to the 1970s visitors' reports fulfilled the review requirement covering all aspects of the placement. See (xiii) below.

The child's care plan is reviewed by the local authority. This would include reviewing their continued residence in foster care or in a particular placement.

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

The Notes accompanying the 1955 Barnardo Book prescribed the routine for supervision of placements. They state that every child should be visited within six weeks or arrival in a Boarding-out home, and thereafter four times a year. "The Boarding-out visitor should try to establish a friendly relationship with the child, who should be seen alone at every visit." The foster mother should be seen and the general welfare of the child discussed. The bedroom and clothes should be seen, sleeping accommodation should be checked at each visit and additions to the numbers of persons in the household carefully watched. Local activities such as scouts and guides were to be encouraged and financial assistance for uniforms could be given on the visitor's recommendation.

The Boarding-out visitor was required to check on medical attention and give details in her report. If children were over thirteen, the visitor was required to ask about out of school employment on each visit.

Barnardo's appointed what was known as correspondents in each area. This was an early form of independent visiting providing someone other than the foster parent to whom the child could talk. The Boarding-out visitor should meet the correspondent and the progress and welfare of the child should be discussed. The school should be visited at least once a year and if possible twice by the correspondent.

There is evidence of visits to children in placement on all of the case files reviewed from the 1940s to the 1960s.

There are minutes of matching meetings and case notes that show that children were visited in placements both by Barnardo's workers and by the local authority social worker in the 1980s and 1990s up to the present day. There are also notes of regular discussions between the Barnardo's social worker and the foster carer about the needs of the children and how these can be met. Reports of incidents (e.g. accidental injury to a child, child being hospitalised) were shared with the child's social worker. This practice is reflected in case files spanning from the early

1980s to current day.

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

The Barnardo Book 1955, Chapter III, 141, gives some detail about the transfer of children. It states that: *'wherever possible foster-parents are encouraged to fetch the children from the Branch homes themselves.'* Where this was not possible a travelling matron may provide that role or a member of staff from the Branch home as *'it is much happier for the child to make the journey with someone he knows.'*

The majority of children placed in foster care between 1940 and the early 1960s came from Branch homes. The foster homes were usually within the same locality so the continuity of school and friendships made at the home could continue. The case files provide some evidence of this.

There were very few children in foster care in Scotland during the 1960s and 1970s. It was not until 1978 when New Families projects were established that there was a rise in the number of foster placements. On average there were 26 children in foster care in the 1950s and 1960s and by 1975 there was only 1. This means there are very few children to draw evidence from.

There is evidence in foster carer files dating back to the 1990s and 2000s of children and young people in placements being moved on to new placements. This could be for a number of different reasons. One example was of a boy who was placed with a family and where following a period where he had allegedly bullied and targeted the foster carers' adopted son, who had Down's Syndrome, the carers finally asked for him to be moved. Another example was where siblings were being moved from a temporary placement to a permanent one. On both occasions the case notes reflect that there was planning and preparation undertaken with the children to help them to understand the reasons for the move. A programme of introductions to the new carers was undertaken to help with a smooth transition.

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

Transfer was usually between Barnardo's Branch Homes and local foster placements as stated under xiv. A child had resided at a Branch Home, Tyneholm before being boarded out at age ten. He wanted to return to Tyneholm as his brother had been placed there. This was facilitated and he returned when he was twelve.

- xvi. Child protection

See 4.4.(i)(d)(i) and (ii).

- xvii. Complaints handling

See 4.8(i)(d)(i) and (ii).

xviii. Whistleblowing

See 4.8(i)(d)(v).

xix. Record retention

From the very foundation of the charity, an important element was the support of children even after they left Barnardo's care. This meant retaining the records of children who had been cared for and providing them with information on their care.

In consequence, Barnardo's has retained the care records for every child resident in a foster home. Barnardo's Making Connections service maintains the archive of children's records and provides an access to records service.

The first record retention policy was developed in the early 1990s to comply with the Children Act 1989. In Scotland the retention of children's records was governed by the Children (Scotland) Act 1995 Regulation and Guidance Volume 2 'Children Looked After by Local Authorities'.

Barnardo's retention policy complies with all relevant legislation taking into account variances across the UK. It was last reviewed in 2016. The policy requires child care records to be kept for one hundred years from the child's birth date.

Barnardo's Making Connections service has made the decision to retain these records indefinitely for their archival value unless destruction is requested by the subject or direct descendants.

e) Who compiled the policies and/or procedures?

The General Superintendent was the Principal Officer responsible to the Council for the administration and welfare of all children past and present. He was the channel through which instructions of the Council and its committees were conveyed to all members of staff employed in the care, training and education of children and staff.

The Assistant General Superintendent dealt with the execution of the Council and Committee of Management instructions and the checking of legislative requirements and co-ordination of work in the regions, including Scotland.

By the late 1970s the Central Child Care Committee comprised of Directors from the eight divisions of Barnardo's met once a month. They acted as the main policy making forum and were responsible for considering and approving policies. Topics covered similar topics to those in the Barnardo Book and were essentially Barnardo's policies of the time. Unfortunately, Barnardo's has not been able to locate any examples in the archives and the information on the existence of the policies and their contents comes from Sir Roger Singleton, former Chief Executive

from 1984 to 2005.

Policies are now reviewed and amended by the relevant Directors and/or Heads of Department.

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

The original Barnardo Book was published in 1943 with later editions in 1952 and 1955. The Barnardo Book continued to be updated and in general use until the 1960s when it was phased out in response to devolution and the developing diversity of service provision across the UK.

The Barnardo's Policy Manual Social Work dated January 1998 outlined expectations in relation to ensuring that case files were set up in accordance with the Adoption Agencies Regulations 1983. There was an expectation that the assistant divisional director audited files from time to time to ensure the quality of recording was acceptable. A further update to the Policy manual was produced in May 1996. This Policy Manual was a UK document and contained some references to relevant Scottish legislation and regulations. The manual included instructions for case records and the requirement for each divisional office to keep a register of all children placed by Barnardo's.

In the early 2000s an instruction was given to services to delete old policies and procedures from the database to free up space and to ensure that staff were always accessing the most up to date version.

g) Were such policies and/or practices reviewed?

Policies and procedures were regularly reviewed to ensure that they complied with new legislation or regulations relating to the provision of care for children in foster homes. Circulars would be issued with guidance for staff. The Social Work Policy Manual and the Barnardo Book both contained circulars which would issue updated guidance. The archived circulars for the Barnardo Book cover the years 1943-1962.

In recent years policies have been reviewed on a set basis with some policies being reviewed every year and some with longer periods between reviews, unless new legislation warranted an immediate review, for example the introduction of the General Data Protection Regulation (GDPR) 2018.

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

See above.

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

Over time Barnardo's policies changed to reflect the increasing regulation of fostering services. Whilst the 1947 Regulations did not apply to voluntary organisations, Barnardo's were required to comply with later rules and regulations as increasing numbers of children were placed in foster homes by local authorities. The policies were reviewed and amended to reflect regulatory changes.

The most substantive changes were in the child protection arena, as societal attitudes changed and there was a greater understanding of child abuse, its causes, symptoms and impact within the social work profession.

In October 1981 Barnardo's published a booklet titled 'Barnardo's is a Child Protection Agency.' The aim of the booklet was to '*establish the need of the child who has been abused as paramount in the work with families.*' It also sought to set out clearly the responsibilities of Barnardo's staff in the area of child protection.

The booklet covered the following areas:

- Policy
- The nature of child abuse
- Duties and powers
- Procedural requirements
- Case management and support for staff
- Recognition of child abuse
- Child protection training strategy

It was the responsibility of the Divisional Director to ensure that staff received appropriate training to identify and deal with child abuse. Reference was made to an annual training day. The booklet also set out possible indicators of abuse of children at different ages to help educate staff on what to look out for.

Manager's guidance issued in 1995 states that all staff must be aware of the possibility that abuse may occur, and they must be familiar with policy and the requirements of local authorities. Links were included to Barnardo's Social Work Manual (S.W.16) and also guidance specific to Scotland.

Throughout the 2000s Barnardo's regularly reviewed and amended their child protection procedures, now referred to as safeguarding policies and procedures. A Safeguarding Handbook was produced in 2005 with revisions included to reflect developments in policy and practice. In addition, in 2005, a revised leaflet was produced titled '*Safeguarding and Protecting Children*', which was Barnardo's framework for a Safe Organisation. This was included in all new staff's starter packs. In 2011 Barnardo's Safeguarding Children's Board developed a Strategy and Business Plan to cover the period 2011 to 2013. Its aim was to ensure that Barnardo's effectively delivered on its corporate responsibility to ensure that all aspects of the organisation adhered to best practice to keep children and young people safe from harm.

j) Why were changes made?

Changes were made in response to the Kilbrandon Report, the Social Work Scotland Act 1968 and the creation of the Children's Hearings System.

From the 1990s Barnardo's published a number of documents and guidance in relation to child protection. In 1991, Barnardo's published a booklet titled 'Barnardo's is a Child Protection Agency.' Barnardo's wanted first to set out an organisational position statement on child protection and secondly to acknowledge the importance of support for staff engaged in child protection work.

Specific duties, powers and procedures under Scottish legislation are highlighted under the relevant chapter in the booklet. All staff engaged in child protection work were given a copy and all new child care staff received the booklet at the time of their appointment.

The Children Act (Scotland) 1995 consolidated Barnardo's thinking around child protection as it reflected the changing emphasis on child protection as a central activity of the social work profession.

The Fostering of Children (Scotland) Regulations 1996 passed the responsibility for both approving carers and placing children exclusively to the local authority, where before it had rested with 'care authorities' which included voluntary agencies. The Regulations did allow for local authorities to enter into agreements with voluntary organisation to discharge their duties in relation to fostering. This changed the dynamics and Barnardo's policies were amended to reflect these changes.

In general changes were made in response to new legislation, regulations, guidance, policy, messages from research or learning from practice including from complaints and allegations. For example, in 2001 following the death of a four year old boy at the hands of his adoptive parents in Brighton and Hove an inquiry held by two local child protection committees recommended that ex-partner references should routinely be sought for people applying to be foster carers or adopters. Practice within Barnardo's fostering services changed to incorporate this recommendation.

k) Were changes documented?

Changes were documented in the relevant procedural guidance to staff, by the production of a circular detailing the required practice standard; and later in the policy manuals issued to each service.

Staff who worked in the Edinburgh fostering services in the 1990s and early 2000s describe having a large folder with paper copies of policies and procedures. Circulars would be sent with instructions to swap sections of the folder with updated information.

l) Was there an audit trail?

Outdated policies and procedures were not routinely kept once they had been updated.

Present

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

Yes

n) If so, please give details.

Today, as in the past, Barnardo's Safeguarding and Protecting Child Policy and associated procedures reinforce the charity's values, corporate responsibility and statutory duties.

Barnardo's Family Placement Services became a UK service under one Director in 2013 with an increasing focus on achieving consistency of approach across the UK. In recent years policies and procedures have been reviewed on a three year cycle unless new legislation warranted an immediate review, for example the introduction of the General Data Protection Regulation (GDPR).

In June 2017 the first suite of UK policies and procedures were launched and placed in a dedicated section of the Barnardo's intranet for ease of access. These policies and procedures are designed to ensure foster carers are recruited, assessed and approved in a way that ensures people with the correct skills and attributes are providing foster care for the organisation. Following approval the policies that apply are written to support the ongoing safe care of children and young people including policies for recording, supervision of foster carers, safer caring, dealing with allegations to name but a few. Policy documents are stored electronically with the most up to date version available and previous versions are destroyed to ensure staff are accessing the most up to date version.

Barnardo's continues to be a values based organisation with child welfare at the core of all that we do. There is a dedicated Assistant Head of Business for Family Placement who has oversight of reporting of all serious safeguarding incidents and allegations across carers for the whole of the service. These reports are also sent to the Head of Barnardo's corporate safeguarding team, the family placements safeguarding lead and head of family placement. All new staff must complete safeguarding training as part of their induction and in order to pass their six months' probation. Family placement staff and foster carers are also expected to complete an annual safeguarding update.

As part of the Barnardo's Quarterly Performance Review process, the current version of which dates back to 2012, fostering services in Scotland report against a number of quality indicators relating to child protection. These are:

- Policy and governance relating to safeguarding practice give clear, relevant and robust controls – policy
- Incidents are managed in a safe and case appropriate fashion, with the child/adult at risk at the centre of the decisions made. Evidenced consideration of trends and data driven practice improvement - Child/Adult Protection (incident management)
- Rigorous entry and exit controls are completed by or on behalf of all personnel, evidenced monitoring and support to prevent abuse in children – Human Resources
- Effective and robust management of all safeguarding risks with evidenced consideration of scale, likelihood and mitigating actions as well as considering its impact on the organisation – recording
- Effective and robust management of all safeguarding risks with evidenced consideration of scale, likelihood and mitigating actions as well as considering its impact on the organisation -risk assessment
- Children are considered and protected in the way we talk about them; and in the delivery of a robust safeguarding ethos - communication

These reports are completed by all children's services within Barnardo's and trends and data are reported to the Board of Trustees as part of their governance role. The family placement safeguarding leas also collates a family placement specific report and learning from those are shared with managers and disseminated to teams.

(ii) Practice

Past

- a) Did the organisation adhere in practice to its policy/procedures in relation to the provision of foster care?

In so far as the available records allow us to determine there was a good level of compliance and adherence to organisational policies and procedures in relation to the provision of foster care.

- b) Did the organisation adhere in practice to its policy/procedures on the following:
- i. Child welfare (physical and emotional)
 - ii. The child's views
 - iii. Placement of siblings
 - iv. The placement of a child in foster care
 - v. The particular placement of a child with foster carers
 - vi. Contact between a child in foster care with his or her family
 - vii. Contact between a child in foster care and other siblings in foster care
 - viii. Information sharing with the child's family
 - ix. Fostering panels (including constitution, remit, frequency and record keeping)
 - x. Recruitment and training of foster carers
 - xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the organisation
 - xii. Reviewing a child's continued residence in foster care or in a particular foster care placement

- xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)
- xiv. Transfer of a child from one foster placement to another (including preparation and support)
- xv. Transfer of a child between foster care and residential care (including preparation and support)
- xvi. Child protection
- xvii. Complaints handling
- xviii. Whistleblowing
- xix. Record retention

In so far as the available records allow us to determine there was a good level of compliance and adherence to organisational policies and procedures in relation to the above areas.

c) How was adherence demonstrated?

Adherence can be demonstrated through general correspondence between the organisation, foster carers, and placing agencies. In addition, there are some annual reports and management minutes still in existence which demonstrate compliance.

There are a number of ways in which compliance would have been checked. These included regular monthly supervision of social workers and other staff from the 1980s, file audits, advisory committees and latterly fostering panels have a role in scrutinising compliance with policies and procedures. Barnardo's has an internal Corporate Audit and Inspection Unit and there are reports of the unit undertaking inspections of Barnardo's Fostering services in Scotland dating back to 2008. External scrutiny in the form of Care Commission and then Care Inspectorate inspections would also have provided opportunities to identify where policies and procedures were adhered to (or not). File audits of fostering cases exist in the Charms client database from 2013.

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

In addition to the above, Barnardo's has carried out a review of thirty five files of children placed in foster care from the 1940s through to the 2000s and has cited examples of policy and practice from these files within this section 21 notice.

Additional foster carer files from the Edinburgh services dating back to the 1980s were consulted as were files for all services dating back to the early 2000s. Available archived annual reports, newsletters, some policies and procedures and ad hoc documentation were also referenced.

e) Were relevant records kept demonstrating adherence?

Some general records, correspondence and management meeting minutes have been retained in the archives. Individual child care records are also held in the

archives.

An external database exists of foster carer files from the Edinburgh Fostering Services Special Families and Edinburgh New Families services from the 1980s to the early 2000s. There are also minutes from the advisory committee meetings covering the same time frame. Some general records e.g. annual reports, service newsletters, meeting minutes are retained within file rooms on content server.

f) Have such records been retained?

A number of foster carer records from the 1980s and 1990s are located in the archives. Foster carer files prior to 2002 were scanned and saved on external hard drives. From 2002 to 2012 carer files are stored on content server and then all current carer files were transferred to the Charms database between 2012 and 2013. A sample of these files has been reviewed as part of the preparation of the Section 21 Notice response. As detailed elsewhere in these responses Barnardo's destroyed most of their records as per their records retention policy.

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

The expectation was and remains that policies and procedures should be adhered to. Where there are exceptions then this should have been agreed with the manager and recorded. There may have been a small number of occasions where policies and procedures were not adhered to through human error, such as where a person did not check the policy/procedure, they did not know it existed, or they put a different interpretation on the procedure than was intended.

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

See g).

Present

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

Yes.

j) If so, please give details.

Ensuring staff adhere to policies and meet expected standards continues to be a priority for the organisation.

There are a number of ways in which adherence to policy in practice is monitored including induction of new staff and 'sign off' that they have been made aware of relevant policies and procedures, regular auditing of case files, regular auditing of staff supervision files, provision of staff supervision, external scrutiny of complaints by the lead assistant director and safeguarding. Annual appraisals take place and targets are set for all staff and fostering panel members. There is support from the

human resources team available with related policies should the performance of a member of staff fall below expected standards.

Fostering services in Scotland work within the quality performance reporting guidance from Barnardo's that 25% of files are audited per quarter with the Operations/Practice Manager, with the Assistant Head of Business undertaking sample file audits as part of the QPR (at least 3 files per quarter). Additional file audits may be undertaken in some cases such as in high risk, specialist or safeguarding cases. A file audit tool and guidance is available; Child and Carer and Adopter Charms File Audit Tool v2 June 2020.doc which evidences what we should be auditing on files, what should be saved on files, and how often this should be updated.

The quality performance reporting guidance requires fostering services to report on a number of performance indicators including performance against business plans, impact, operational quality, finance, human resources and innovation, service user satisfaction and participation and risk. Like the safeguarding report these are collated for all children's services and reported to the Board of Trustees.

A progress action is in Charms whereby a worker/manager can record the file audit has taken place and record any actions and time scales. It is recommended that the Request a Signature Internally.docx guide is used to evidence that a worker has received the file audit actions.

Managers should check the workers Charms files prior to supervision, and check any outstanding file audit actions. If there are actions relating to recommendations from a foster carer review, these should be discussed, recorded and monitored via supervision to ensure actions are addressed within timescales. Foster carer assessments are reviewed at mid-point stages and signed off by managers, and if an assessment is not progressing from Stage 1 to Stage 2, this is signed off by the Agency Decision Maker.

External scrutiny of adherence comes from the Care inspectorate through regular inspection. We also provide Scotland Excel with quarterly reports which include information about how the service is complying with the Scotland Excel contract.

4.4 Children

(i) Policy

Past

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

The Barnardo Book first published in 1943 and subsequently revised in 1953 and 1955 detailed all policies relating to children cared for by Barnardo's in both residential and foster care. Chapter III provided information about boarding-out and covered areas including the following:

- Selection of children for boarding-out, including type of children and age
- Outfits
- Siblings
- Visitors
- Letters
- Religious training
- Higher and special education
- Training
- Recreation
- Medical treatments
- Accidents
- Part-time employment and school leavers

Paragraph 131 in the 1955 edition of the Barnardo Book stated that *“every welfare officer undertaking boarding-out duties should see she has a copy of ‘Notes on Boarding-out’*. These notes provide greater detail about each of the areas covered in the Barnardo book.

There is reference to the existence of subsequent policies and procedures in relation to the care of children in foster care but the actual policies and procedures have not routinely been archived, rather they were destroyed in line with the retention policy.

The January 1998 Manual (section 18.2) outlines in relation to adoption cases the legal requirement that each child should have their own case record and that the recording should be clear, concise and free from jargon. The Glasgow and Edinburgh services that set up in the 1980s operated under the adoption procedures as they provided both adoption and permanent fostering placements.

The 1999 manual refers to the expectation that each child had their own case records which were kept separate from the foster carer record. The Manual outlines the information to be kept on file (including care plan, arrangements for contact reports pertaining to the welfare of the child, who the responsible authority is). A register of placements was to be kept listing all children placed by Barnardo's. Entries in the register were to be retained until the child was 23 years old, if the child died before reaching 23 years then the record was to be kept for 5 years following the death of the child.

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

The aim of the Barnardo Book and circulars were to provide foster carers, welfare officers and later social workers with detailed guidance on all aspects of providing care for a child in a family home setting.

The later manuals were not as prescriptive as the Books and circulars. The manuals were prepared in response to new legislation and detailed how Barnardo's staff should apply the regulations in everyday practice.

These policies fully complied with the Children (Boarding Out) (Scotland) Regulations 1947, (even though these regulations did not apply to voluntary organisations) and the Boarding Out of Children (Scotland) Regulations 1959 which did apply to children boarded out by voluntary organisations.

There is evidence that Barnardo's service procedural aims and intentions were in step with the Boarding Out and Fostering (Scotland) Regulations 1985, for example the development of services in Dundee and Aberdeen to provide respite care for disabled children and the development of short term fostering options in Edinburgh reflected the move away from fostering being about replacement families to short term non-institutional care.

One of the major innovations in the 1985 Regulations was the requirement on care authorities to establish fostering panels. As outlined elsewhere, Barnardo's had already established advisory groups who performed the role of fostering panels in some services.

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. There is evidence in foster carer files from the 1980s that such agreements were entered into.

This would suggest that the practice and therefore the policy and procedural intent was in part to ensure compliance with relevant legislation and regulation.

Further evidence of compliance with the Fostering of Children (Scotland) Regulations 1996 includes the existence of written foster carer agreements.

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

The earliest guidance can be found in the Barnardo Books, and later the circulars and policy manuals. When new policies were issued, the old policies were removed from the manual and destroyed. Whilst Barnardo's archive contains some extracts from the manuals, they contain only a snapshot of what would have been available at the time and does not contain superseded or subsequent policies or procedures.

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

i. Safeguarding

Safeguarding and Child Protection as specific topics were not identified in the Barnardo Books or the accompanying notes. Child Protection was not used as a phrase by Barnardo's until the 1990s and Safeguarding not until the 2000s. There is therefore no specific guidance on these subjects prior to this time. See 4.4(i)(d)(ii)

ii. Child Protection

In the 1940s, 1950s, and 1960s, there was no stand-alone child protection policy but guidance on protecting children was included in the Barnardo Books, in

circulars and in policy manuals.

From the circulars retained by Barnardo's from the 1950s, there is evidence of consideration of child protection issues. In January 1953, a circular was issued to reinforce the basic Barnardo rule that children in the care of Barnardo's could not go on holiday with single men, whether they were pen friends, social relatives or friends in general. They could not stay overnight away from their foster home without the agreement of the General Superintendent at Head Office.

In 1957, a circular was issued in relation to pen friends. The circular stated that before a child was taken out by a pen friend or local friend, or before a child visits such a friend at home, head office should be informed so that references could be taken up and the Boarding-out visitor could call on the friend.

A pamphlet titled "For the guidance of Correspondents" was produced in 1944. Correspondents had to be mindful of sleeping arrangements, health, clothing, education, correspondence with family, pocket money and suitability of the placement.

Note thirteen from Notes on Boarding Out states: *'No person claiming relationship or friendship should be allowed to visit unless he or she produces written authority from Head Office. In all cases where permission to visit is given, the foster-mother and correspondent are informed before the date fixed for the visit.'* This can be seen as an early form of protection, monitoring unplanned visits and relationships with strangers.

Barnardo's policy and procedure manual from November 1980 includes a section on children and the law, with emphasis on the Sexual Offences Act 1956. That provides commentary on sections 5 and 6 of the Act. The Act provided that it was an offence, with certain exceptions, for a man to have sexual intercourse with a girl under the age of sixteen years. There was, however, no legal obligation to report such offences to the police. The policy required all instances of sexual intercourse to be discussed with the relevant Assistant Divisional Director who would seek guidance from the Divisional Director.

From the 1990s Barnardo's published a number of documents and guidance in relation to child protection. In 1991, Barnardo's published a booklet titled 'Barnardo's is a Child Protection Agency.' Barnardo's wanted, first, to set out an organisational position statement on child protection, and secondly to acknowledge the importance of support for staff engaged in child protection work.

The aim of the booklet was to *'establish the need of the child who has been abused as paramount in the work with families.'* It also sought to set out clearly the responsibilities of Barnardo's staff in the area of child protection. It provided that if child abuse was identified, the protection of the child was to be the primary focus and any other organisational principles such as open access and partnership with parents/carers were to be secondary considerations. The definition of child abuse

was clarified to be much more than physical harm and included emotional abuse, sexual abuse and physical neglect. It was the responsibility of the Divisional Director to ensure that staff received appropriate training to identify and deal with child abuse. Reference is made to an annual training day. The booklet also set out possible indicators of abuse of children at different ages to help educate staff on what to look for.

The booklet was given to all staff engaged in direct work with children and made available to everyone employed by the organisation. A copy was given to all new child care staff at the time of their appointment.

Manager's guidance issued in 1995 stated that all staff must be aware of the possibility that abuse may occur, and they must be familiar with the requirements of local authorities. Links were included to Barnardo's Social Work Manual (S.W.16) and guidance specific to Scotland.

The August 1999 Social Work Manual outlines the procedure for dealing with child protection concerns (section 5.1.5) and states that decisions to act on child protection concerns will be made taking into account the 'whole' file. The importance of recording at all stages where a child is or was the subject of a child protection investigation is highlighted. The policy states that the record should contain clear details of the investigation, assessments, the decisions agreed, the basis on which they were made and the plan on which work was based. In circumstances where a child was or becomes the subject of a child protection investigation the file was to be 'tagged' to indicate that there are or have been child protection concerns. The record was to clearly state which is the responsible authority for investigating a particular child's child protection concerns.

Throughout the 2000s Barnardo's regularly reviewed and amended their child protection policies, now referred to as safeguarding policies and procedures. A Safeguarding Handbook was produced in 2005 with revisions included to reflect developments in policy and practice. In addition, in 2005 a revised leaflet was produced titled '*Safeguarding and Protecting Children*', which was Barnardo's framework of a safe organisation. This was included in all new employee starter packs.

In 2011 Barnardo's Safeguarding Children's Board developed a Strategy and Business Plan to cover the period 2011-2013. Its aim was to ensure that Barnardo's effectively delivered on its corporate responsibility to ensure that all aspects of the organisation adhere to best practice and keep children and young people safe from harm.

iii. Medical care

The Barnardo Book stated that serious accidents and illnesses should be reported to Head Office. If a child was dangerously ill and they had relatives, they should be

given the opportunity to visit.

The Chief Medical Officer (CMO) was responsible for the medical care of all children. In cases of serious or prolonged illness the names and addresses of those treating the children had to be given to the CMO who would make contact if appropriate. The welfare officer reported on arrangements made for treatment. Except in emergencies, permission had to be gained from the CMO for surgical procedures.

Children were required to be registered with the same doctor as the foster family and were to benefit from the National Health Scheme.

If there was a serious accident a statement was required to be sent by the welfare officer to the area chief executive officer giving full details of what had happened.

Barnardo's have retained copies of a small sample of 'Incident Report' forms from New Families and Special Families projects. They date from around 1990-91. The Incident Report is a multi-purpose form which states that it 'should be completed and sent to the project leader immediately after any one of the following occurrences:

- a. An accident or injury requiring professional medical help
- b. Running away
- c. Any offence, e.g. Theft outwith the home or any dangerous occurrence causing physical risk to the child or others
- d. Exclusion or suspension from school
- e. Problems including the natural family, e.g. Bruising after a home visit
- f. failure to return child as agreed

The forms included the name of the child, date and time of the incident, description of the incident, action taken, signed and dated, the referring Local Authority and the date they were notified. There is evidence that copies of these forms with memos were also sent to Deputy Director of Child Care, Divisional Director Scotland and Assistant Divisional Director. Copies of the forms were placed on the child's file and held in a folder together by the project.

In relation to earlier fostering placements the chapter on boarding out in the first edition of the Barnardo Book states 'serious accidents and illnesses should be reported to Headquarters by phone or wire unless the Correspondent has already taken this step...If there is a serious accident the inspector should obtain and send to Headquarters a full statement of what happened.'

iv. Children's physical wellbeing

The Boarding-out Notes stated that a medical dossier was maintained on all children, and although this was normally kept where the child was living, for foster children a summary taken from it accompanied the child and the dossier was retained in the office of the Chief Medical Officer. It was the foster-parents' responsibility to report all illnesses or accidents suffered by the children, when they went into hospital and when discharged, and to give the information to the Chief Medical Officer for his dossier. The visitor was required to check the weight and

height of the child during her visit and note it in her report. There are examples of these checks in the case files.

Foster parents were required to take advantage of the services offered by the State, e.g. baby clinics, optical and dental treatment through the School Medical Service.

If it was thought that the child would require an operation or an anaesthetic, the details were required to be sent to the Chief Medical Officer for their approval and consent.

v. Children's emotional and mental wellbeing

Children's emotional and mental wellbeing was not covered as a specific topic in either the Barnardo Books or the accompanying notes. During the 1940s to 1970s wellbeing was covered in the most general physical terms. Little attention was paid to the emotional wellbeing of the children, although there is reference in the files to the impact of being separated from siblings and attempts made to retain contact with their siblings. It was sometimes thought better not to tell children about their family circumstances. They were to be given a fresh start without the 'burden' of family history.

The following quote is taken from "Notes on Boarding Out" circa 1955:

'Boarding Out Visitors can have on request the history of any children in their areas, but the histories are kept at Stepney and any sent must be returned.'

The histories are very confidential and are not given to the foster mothers before the children go, though necessary information regarding likely visits, contacts with relatives, etc. may be given.

It is the Visitor's responsibility to see that suitable information about his family is given to every child. In some cases it is given when the child asks for it and in other cases it is given where it is thought the child should have the information, although he does not necessarily ask, but in every case the child should know about his history before he leaves school.

Normally the best person to tell the child is his foster mother but it is sometimes better for the Boarding Out Visitor to make the explanation, in which case she should be careful to tell the foster mother at least as much as she tells the child. Histories are not given to anyone not on the staff of Dr Barnardo's Homes. They are not told to school teachers and others, though family medical histories are given to doctors on request.

The only definite rules about giving of histories are that under no circumstances may the child be told anything which is untrue and Visitors must keep a careful record of exactly what the child has been told. Apart from this Visitors must use their discretion but are urged to discuss with the senior staff the presentation of any history which is likely to prove difficult of acceptance to the child.'

In some cases, and more so as we moved into the 1970s, children were able to

maintain contact with parents and other family members.

The importance of understanding children's emotional and mental wellbeing was apparent from the 1980s when the advisory groups for both the Edinburgh and Glasgow services included members with child psychiatry and psychology backgrounds.

In recognition of the need for young people to have a wraparound service with children at the centre and providing supports, the first children's worker was employed in Glasgow Fostering in 2006. In 2011 a psychotherapist was employed for the first time in the Edinburgh service. From the outset the children's workers run support services for birth children as well as for looked after children. There was always a variety of support on offer from focussed one to one to wider activity based opportunities for all to promote a sense of being part of the Barnardo's family.

vi. Schooling/education

Paragraph 151 of the 1955 Barnardo Book stated that *"It is the wish of the Council that every child capable of benefitting shall have opportunities of higher education. This should be made clear to all concerned so that children may, both at home and at school, receive every encouragement."* In the case file of a child there is correspondence about him studying and achieving a City & Guilds in Crop Husbandry and Farm Machinery. Two girls went on to study for a pre-nursing course.

Paragraph 161 deals with a child leaving school. During the last term the welfare officer was required to prepare a report for Head Office. If a suitable employment opening was available in the locality and the child wished to remain with their foster parents, it was the policy of Barnardo's Council to allow this to happen. If no suitable employment opening was available, then the child would be recalled to the Homes where training or employment was found in another area.

The Boarding-out Notes stated that *"it is the Boarding-out visitor's duty to keep a careful watch on the child's educational progress, making sure that she visits the school at least at each alternate visit and that she records on the school report fully. In particular the visitor should watch these points:-*

- *When a child is 9 1/2 years plus his school destination should be carefully considered e.g. grammar school, secondary modern.*
- *When a child is 12 1/2 years plus it should again be considered whether he is rightly placed in school.*
- *Any special aptitude should be borne in mind e.g. art, music, dancing, handicraft.*
- *Any particular disability should be watched and methods of helping considered."*

The Notes go on to say that it is extremely important that children attending Grammar School should take leaving examinations in the subjects which are likely to be useful to them if they go on to further education. Boarding-out visitors were required to consult the Education Adviser in cases of doubt. For children attending

technical school it was considered important that they should take subjects and courses which would equip them for the work they later wished to do.

Visitors were required to ensure that foster children had sufficient suitable reading material, particularly for those at grammar school. Where special expenses linked to the school the child attends are required, such as clothes, monies would be reimbursed. Grants for school outings could be made when the journey was recommended for educational purposes.

Individual arrangements were to be made for students attending training colleges, or universities.

vii. Discipline

Chapter III does not give specific guidance on discipline for children in foster care. This is covered for all children in Chapter IX titled '*Maintenance of Discipline.*'

Barnardo's have a record of a home visit in 1990 by the supervising social worker during which the young person in placement is said to have become a little over-emotional whilst listening to music. As is their usual tactic which has met with success in the past, the foster carers took the music away from her until she could calm herself down again. The young person wasn't very happy about this and in fact took some of this anger and frustration out on the social worker's dog apparently grasping at the dog quite cruelly. One of the foster carers, [REDACTED], rose very quickly from his chair and pulled the young person to her feet by her hand, smacked her hand twice fairly hard and then sent her to her room. The social worker asked the carers later in an indirect way how the young person reacted to that kind of discipline, if she held grudges etc. Both carers were very clear that she didn't and in fact tended to learn from them by saying that she had been a naughty girl. The social worker noted there were visitors present so she would address the issue on another occasion.

There is also a record of a case note relating to an incident in July 2002 where a young person had wandered away from the foster carer's home and was disciplined by being confined to the garden. On another occasion the same child had run off during a school trip and on his return home the foster carer describes giving him a 'bollicking', making the discipline clear quickly followed up with a calmer nurturing explanation.

A report dated 2004 from the Edinburgh fostering service described that a foster carer had previously been trained in the CALM method of managing challenging behaviour and that the carer's attitude to discipline is to promote positive behaviours. The report states, "However, we accept that there are occasions when the child in placement's behaviour has been extreme and requiring the carers to physically intervene and hold/restrain her."

An archived copy of the Policies and Procedures from Edinburgh Fostering dated 2004 provided a tool for assessing prospective foster carers. Applicants were expected to evidence "an ability to set boundaries and manage children's behaviour without the use of physical or other inappropriate punishment i.e. to be clear and

consistent, to negotiate appropriately, to make expectations and consequences explicit and fair, not to use isolation, food deprivation or physical chastisement of any kind.”

viii. Activities and holidays for children

Paragraph 155 of the 1955 Barnardo Book stated that *“children should be encouraged to take advantage of the recreational facilities available.”*

The Boarding-out Notes on page seven give some guidance on music lessons and other special lessons such as singing and dancing. If the visitor considered that it was in the child's best interests to have lessons a report was required to be submitted detailing:-

- Reasons in support of the suggestion, including an assurance from someone other than the child or foster-parents that the child has sufficient ability to justify the cost.
- Facilities for practice, preferably daily, but at least two days a week.
- Name and address of teacher, qualifications, fee, number of lessons per week and duration of lessons.
- Enquiries should be made at the school as to whether there is a teacher who could provide the lessons, either at school or in their own home.

Page thirteen of the Notes deals with holidays with foster parents, organised parties, Continental holidays and travel by air. The notes state that *“foster-parents must never allow a child to spend a night away from their home without asking permission and giving enough notice to enable a visit to be made to the address in question should this be considered necessary.”* Foster parents taking children away were required to provide details of dates and addresses.

The Notes provide for assistance with the cost of holidays with organised parties. If the family was going away for a summer holiday it was expected that the foster child would accompany them. No additional payment was provided in these instances.

Holidays with relatives were permitted if the child had settled in their placement.

ix. Sharing a bedroom

The notes for the guidance of Boarding-out Correspondents stated that *‘separate bedrooms are required for boys and girls. We prefer each child to have a separate bed, except that a boy may share with his brother and a girl with her sister.’* The visitor was required to check the sleeping accommodation on each visit and *“carefully watch additions to the number of persons in the household.”* The case files reviewed evidence that all children had separate beds and the majority of them had their own room, a few shared with one other of the same sex.

x. Contact with family members

Page 4 of the Boarding-out Notes 1955 stated that *“in general contacts are encouraged between boarded-out children and their families, and exceptions made because either the child is too upset or the parents too unwise require the authority of a Chief Executive Officer.”*

All letters passing between the parents and child or foster-parents were required to go through Head Office at Stepney Causeway and foster parents had to inform headquarters if the parents wrote directly to their child.

Parents were required to write to Head Office for permission to visit their children, giving sufficient notice to enable them to find out whether the day was convenient for the foster parents.

Children in foster care could go on holiday with their parents after a visit had been made to the home to assess whether the conditions were suitable. If a meeting between a child and their parents was likely to cause difficulties then this could take place at headquarters.

Later, when children were placed by local authorities it was their responsibility to act as the conduit for maintaining contact between foster children and their families. Contact would be determined on the Care Plan which was reviewed at the child's six-monthly review unless family circumstances changed in the interim.

xi. Contact with siblings

The Barnardo Book 1955, Chapter III Boarding-out, paragraph 142 gives some guidance on the placement of siblings. It states that it is the policy to keep brothers and sisters together. If it was not possible to keep whole families together, everything possible should be done to see that brothers and sisters of an age to do so keep in touch through letters. If a response was not received, the matter should be reported to Head Office and the necessary action would be taken to link the children up or get news to the child.

Page 4 of the accompanying Boarding-out Notes stated that it is the responsibility of the Boarding-out Visitors to ensure that their foster children maintain contact with siblings in Barnardo's care, whether or not boarded out in her area. Such contact was required to be mentioned in reports. There is evidence of contact with siblings in the case files which were reviewed for the purposes of preparing this response; A child admitted in May 1944, boarded out in March 1949 and went to situation in July 1957; A child admitted in March 1944, boarded out in August 1953 to December 1955 and joined Merchant Navy in September 1959; A child fostered via Special Families April 1987 to January 1988 a child fostered via Special Families January 1984 to May 1986.

From the 1980s, contact would be covered within a Care Plan for the individual child and reviewed every six months.

xii. Celebration of birthdays and other special occasions

There is no specific guidance on the celebration of birthday and other special occasions whilst in foster care. Evidence in the case files suggest that birthdays were celebrated as they would be in any family. Christmas was always a big celebration with additional gifts to foster children which had been donated by benefactors. In addition trips to the pantomime would be arranged paid for by Barnardo's.

xiii. Information sharing by the foster carer with family members

During the 1940s and 1950s the foster parents would not have had much, if any, direct contact with family members. Any information to be shared was through the Boarding-out visitor or from the Scottish Representative.

See under Section 4.4 d) v) above for an excerpt from the Barnardo's Book in 1955 for policy details in respect of information sharing at that time.

From the 1980s expectation in relation to information sharing by the foster carers with family members would have been set out in the child's care plan or more generally guided by the responsible local authority.

e) Who compiled the policies and/or procedures?

The General Superintendent was the Principal Officer responsible to the Council for the administration and welfare of all children past and present. He was the channel through which instructions of the Council and its committees were conveyed to all members of staff employed in the care, training and education of children and staff.

The Assistant General Superintendent dealt with the execution of the Council and Committee of Management instructions and the checking of legislative requirements and co-ordination of work in the regions, including Scotland.

By the late 1970s the Central Child Care Committee comprised of Directors from the eight divisions of Barnardo's met once a month. They acted as the main policy making forum and were responsible for considering and approving policies. Topics covered similar topics to those in the Barnardo Book and were essentially Barnardo's policies of the time. Unfortunately, Barnardo's has not been able to locate any examples in the archives and the information on the existence of the policies and their contents comes from Sir Roger Singleton, former Chief Executive from 1984 to 2005.

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

The original Barnardo Book was published in 1943 with later editions in 1953 and 1955. The later social work policy manual was regularly updated to reflect changes in rules and regulations.

g) Were such policies and/or practices reviewed?

Policies and procedures were regularly reviewed to ensure that they complied with new legislation or regulations relating to the provision of care for children in foster homes. Circulars would be issued with guidance for staff.

Policies and practices were reviewed in response to regulatory changes in Scotland in 1959, 1985, 1996 and 2009.

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

See above.

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

In October 1981 Barnardo's published a booklet titled 'Barnardo's is a Child Protection Agency.' The aim of the booklet was to '*establish the need of the child who has been abused as paramount in the work with families.*' It also sought to set out clearly the responsibilities of Barnardo's staff in the area of child protection.

The booklet covered the following areas:

- Policy
- The nature of child abuse
- Duties and powers
- Procedural requirements
- Case management and support for staff
- Recognition of child abuse
- Child protection training strategy

It was the responsibility of the Divisional Director to ensure that staff received appropriate training to identify and deal with child abuse. Reference was made to an annual training day. The booklet also set out possible indicators of abuse of children at different ages to help educate staff on what to look out for.

Manager's guidance issued in 1995 states that all staff must be aware of the possibility that abuse may occur, and they must be familiar with policy and the requirements of local authorities. Links were included to Barnardo's Social Work Manual (S.W.16) and guidance specific to Scotland.

Throughout the 2000s Barnardo's regularly reviewed and amended their child protection policy, now referred to as safeguarding policies and procedures. A Safeguarding Handbook was produced in 2005 with revisions included to reflect developments in policy and practice. In addition, in 2005, a revised leaflet was produced titled '*Safeguarding and Protecting Children*', which was Barnardo's framework for a Safe Organisation. This was included in all new employee starter packs.

In 2011 Barnardo's Safeguarding Children's Board developed a Strategy and Business Plan to cover the period 2011 to 2013. Its aim was to ensure that Barnardo's effectively delivered on its corporate responsibility to ensure that all aspects of the organisation adhered to best practice to keep children and young people safe from harm.

j) Why were changes made?

Changes were made in response to the Children Act 1989 which radically changed the legislative framework for the protection of children. Specific duties, powers and procedures under Scottish legislation are highlighted under the relevant chapter in the booklet. Barnardo's wanted, firstly, to set out an organisational position statement on child protection, and secondly to acknowledge the importance of support for staff engaged in child protection work. All staff engaged in child protection work were given a copy and latterly all new child care staff received the booklet at the time of their appointment.

k) Were changes documented?

Changes would have been documented in the relevant procedural guidance to staff; by the production of a circular detailing the required practice standard; and later in the policy manuals issued to each service.

l) Was there an audit trail?

Outdated policies and procedures were not routinely kept once they had been updated.

Present

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

Yes.

n) If so, please give details.

Policies and procedures in relation to children and young people have developed over time to reflect our understanding of relevant research and associated practice developments and in line with changes to legislation, regulation and policy.

Barnardo's Family Placement is now a UK service and the majority of policies and procedures are for the four countries with national variations recognised and covered. The fostering services in Scotland work to both family placement specific policies and procedures and Barnardo's wide policies and procedures. The Barnardo's wide policies cover topics such as safeguarding and child protection, complaints, whistleblowing and data protection. The more specific family placement policies and procedures include for example foster carer supervision, unannounced visits, health and safety checks, managing allegations and end of placement management.

The policies and procedures are reviewed on a three yearly basis unless there is a need to update before then. The Safeguarding Policies and Procedures are reviewed on an annual basis. There is a version control update at the front to indicate when changes are made. Reasons for updating include where there has been changes to legislation or regulation, changes to national policy (eg the recent Independent Care Review), in response to new information from research or practice development,

learning from complaints or feedback or evaluations.

Policies and procedures exist in relation to all the areas listed in (ii) b) above the information below includes some examples and is not an exhaustive list:

Child welfare (physical and emotional) is at the heart of all that we do, starting with the Barnardo's values: Respecting the unique worth of every person; encouraging people to fulfil their potential; working with hope (Our hope for a better future for all children is the source of our inspiration); and exercising responsible stewardship. There are a range of policies and procedures in place that support our commitment to upholding child welfare including safer recruitment practices for staff and foster carers, policy for matching children's needs to carers' skills, safer caring policy, risk assessments, health and safety procedures to name but a few. Each child coming into a foster placement is given a welcome box which contains information about the service and information on how the child can raise concerns and know their rights. Staff have access to a range of training opportunities e.g. children's rights training.

Barnardo's employ a number of different strategies to attempt to capture the child's views, for example by asking them to provide feedback for foster carer reviews. Children are given information on how to access the Barnardo's children's rights team and have done so when issues arise. There are children's workers in all services and they provide opportunities both formally and informally for children to give their views. Each service has a participation plan which is reviewed quarterly.

Barnardo's is committed to placing siblings together where it is safe to do so. Barnardo's are members of Stand Up for Siblings which is a collaboration between a number of child welfare, children's rights and legal organisations and academics within Scotland who work together to influence the law, policy and practice. The service is also committed to providing placements for sibling groups and where this is not possible to supporting sibling relationships. There are good examples where foster carers have offered regular sleepovers and/or other forms of contact to siblings of children in their care.

When placing a child with our foster carers there are a raft of policies and procedures in relation to safer caring plans, home risk assessments, ensuring the individual placement agreement is in place, a process of matching is followed which includes matching the child's needs to the skills of the foster carers. This includes the particular placement of a child with foster carers.

Barnardo's supports appropriate contact between children and their family members in line with the child's care plan and any legal orders. Foster carers will share information with family members as guided by the local authority.

Fostering panels operate within the regulations and guidance of the Looked After Children (Scotland) Regulations 2009. The panel scrutinises all assessments and reviews for foster carers. There is a comprehensive programme for the recruitment and training of foster carers which includes requesting employer references at the point of assessment. Barnardo's does not currently require employers to divulge details of complaints etc. in relation to prospective foster carers to the organisation

Responsibility for reviewing a child's continued residence in foster care or in a particular foster care placement is the role of the local authority. However Barnardo's has a role in recognising when foster carers are struggling to provide an appropriate level of care and will provide additional support and/or training and/or short breaks to a foster carer to try to support the placement. There have been occasions when the service has had to end a foster placement as they have not believed the carers capable of meeting a particular child's needs.

Supervising social workers are expected to visit full time foster carers at least once a month to provide supervision to the carers. The sessions are recorded and signed off by both parties. Visits will be more frequent if required. Foster carers are also expected to complete mandatory training and to be committed to ongoing learning.

The service follows the fostering network protocols for transferring children from one foster placement to another and work in partnership with the local authority to prepare children and support transitions. There are examples of situations where foster carers have continued to care for children beyond the formal notice period to allow for an appropriate placement to be found. On occasion children's workers have continued to provide support to some children and young people after they have left the service.

Policies, procedures and processes in relation child protection, complaints handling, whistleblowing and record retention are charity wide and are compliant with wider legislative and policy expectations.

Compliance with all of the above is checked in a number of ways including through staff supervision, file audits, external scrutiny by local authorities and the Care Inspectorate and internal scrutiny of safeguarding processes, health and safety processes and reporting against KPI's.

(ii) Practice

Past

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

In so far as records allow us to determine there was a good level of compliance and adherence to organisational policies and procedures in relation to the provision of foster care.

- b) Did the organisation adhere in practice to its policy/procedures in terms of the following?
- i. Safeguarding
 - ii. Child Protection
 - iii. Medical care
 - iv. Children's physical wellbeing

- v. Children's emotional and mental wellbeing
- vi. Schooling/education
- vii. Discipline
- viii. Activities and holidays for children
- ix. Sharing a bedroom
- x. Contact with family members
- xi. Contact with siblings
- xii. Celebration of birthdays and other special occasions
- xiii. Information sharing by the foster carer with family members

Yes, in so far as records allow us to determine. For example, in 2001 in the file for foster carers Mr and Mrs ■ there was an incident report outlining a situation where a young person in their care had exposed himself to some younger girls in the local park. The policy was that incident forms were completed when any of the following had occurred in respect of a child:

- An accident or injury requiring professional medical help
- Running Away
- An offence, e.g. theft outwith the home
- Any incident during which child had to be physically removed/restrained – or any incident involving physical risk to child, other children, yourself or others
- Problems involving the natural family, e.g. bruising after home visit, failure to return child as agreed

A Record of Visit form was used by the Edinburgh service to record meetings between social workers and foster carers. In one dated 17 March 1995 the pro forma guides the social worker to discuss the following points:

- Details of placement since the last visit (to include child's behaviour, relationships and progress, both within and outwith the foster home; contact with natural family; plus any significant incidents/episodes)
- Plan for the child (what stage has this reached?)
- Dealing with outside agencies (e.g. school, the child's social worker).
- Progress and development of foster family (to include their response to and handling of the child; their response to project expectations, e.g. regarding groups, reviews, diaries etc.; plus relevant changes in their own family.)
- Other points (to include any action agreed, and by whom; and points to note for next visit).

The information recorded in these forms suggests that there was general adherence to policy and procedures. For example, notes of children and young people having contact with family members, descriptions of celebrations of birthdays and Christmas, discussions about school and how to support the young person in their education and evidence that children attended for medical appointments.

A supervision record from foster carers in the Glasgow service dated 15 September 2009 was completed on a 'Home Visit Recording Template'. Areas to be covered in discussion were: caring for children; providing a safe and caring environment;

working as part of a team; own development. Discussion included exploration of children's emotional and physical well-being and activities planned including participation in community based groups, contact with family members.

c) How was adherence demonstrated?

Adherence can be demonstrated through general correspondence between the organisation, foster carers, and placing agencies. In addition, there are some annual reports and management minutes still in existence which demonstrate compliance.

From the 1980s onwards adherence is demonstrated in the children's care plans, internal reviews and statutory reviews.

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

See c). In addition, Barnardo's has carried out a review of thirty five case files of children in foster care from the 1940s through to 2000s, and has cited examples of policy and practice from these files within this section 21 notice response.

Additional foster carer files from the Edinburgh services dating back to the 1980s were consulted as were files for all services dating back to the early 2000s. Available archived annual reports, newsletters, some policies and procedures and ad hoc documentation were also referenced.

e) Were relevant records kept demonstrating adherence?

Some general records, correspondence and management meeting minutes have been retained in the archives. Individual child care and foster carer records are also held in the archives.

f) Have such records been retained?

As above.

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

In so far as records allow us to determine there was a good level of compliance and adherence to organisational policies and procedures in relation to the provision of foster care.

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

Not applicable.

Present

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

Yes.

- j) If so, please give details.

There are a number of ways in which compliance with policies and procedures in respect of practice is now monitored.

Current checks and balances include auditing children's files, regular staff supervision, regular foster carer supervision, auditing staff supervision files. Some children have input from a children's worker or therapist and this will include checking that they are safe and well cared for. There is also oversight of the serious safeguarding and incident reporting processes by Barnardo's corporate safeguarding team, the family placements safeguarding lead and head of Family Placement (Fostering), and external inspection.

All social workers are registered with the Scottish Social Services Council and this is checked on a regular basis to ensure it remains current. Professional registration is in place for all therapists in the service and this places expectations on the individual and the organisation. Barnardo's as an employer of registered staff is expected to support continuous professional development with an onus on the organisation to ensure staff are supported to do their jobs through appropriate learning and development opportunities and have a full understanding of the expectations of the role.

There are robust Human Resource processes in place to deal with situations where policies and procedures are not being adhered to. These include performance management and dismissal in cases of persistent failure to adhere to policies and procedures or gross professional misconduct.

4.5 Foster carers

- (i) Policy

Past

- a) What policies and/or procedures did the organisation have in relation to foster carers?

Barnardo's has not been able to locate any policies in relation to foster carers from the 1940s to the 1960s.

The guidance contained in the Notes on Boarding-out issued in 1955 provides information about foster home applications and supervision of the placements.

The examples of early foster carer agreements that have been located in the archives demonstrate that Barnardo's practice was in line with the Children (Boarding Out) (Scotland) Regulations 1947. Practice developed to take account of

the changes in the 1959 regulations where there was less emphasis on practical arrangements such as sleeping accommodation and clothes. The foster carer forms reflect these changes.

From the mid 1980s Barnardo's fostering services in Scotland followed the BAAF guidelines which required the completion of the Form F assessment on prospective foster carers.

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

Yes, to provide a consistent approach across all foster placements; and a framework for the inspection of, and monitoring of the welfare of, the children.

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

The Barnardo Book, notes for correspondents and the Notes on Boarding-out. In the 1960s policy and procedure would have been captured in the social work policy manual.

From the 1980s there were folders in each service which contained the Barnardo's policies and procedures. Staff employed at the time recount there being three of these folders and when a policy was updated the old one would be replaced in the folder and the new one destroyed.

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

i. Recruitment

This has been covered under 4.3 (i) x.

ii. Standard and size of accommodation

There is no specific reference to the size of the accommodation. Barnardo's hold records of foster parent application forms from 1944 onwards which ask questions about the physical layout of the house, for example the number of bedrooms and living room and whether there was a garden.

Additional information was added by the Visitor such as comments on furnishings and cleanliness. The forms evolved but similar styles were still being used in the late 1950s and for routine visit reports in the early 1960s.

As outlined above the Form F was used as a tool to assess prospective foster carers across all of the services and there are examples of completed Form F's in files dating back to the 1980s. As part of the Form F assessment there was a description of the standard and size of the accommodation.

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

The Barnardo Book 1955 states that the age at which a child should be

boarded out varies with the individual child and with the foster home. *'On the whole it is desirable that children should be boarded-out before the age of seven but they could be considered for boarding-out up to the age of eleven. Individual children between eleven and fifteen can be suggested for boarding-out when it appears desirable.'*

From a review of the case files it appears that one child was placed with each foster family unless they were siblings.

iv. Pre-approval/registration checks

The Placement Committee approved foster carers between the 1940s to the 1960s.

As outlined at 4.3 d) ix above, advisory panels and fostering panels provided a level of independent scrutiny of pre-approval/registration checks. Carer files from the services developed in the late 1970s onwards have copies of Police checks, local authority checks and medical checks.

v. References

This has been covered under 4.3 (i) x.

vi. Foster care agreements

Foster parents were required to sign a lengthy agreement. The earliest agreement located in the archives relating to Scotland is from 1949. A child was placed with Carers in Dunfermline on [REDACTED] 1949 aged six years and eight months. The foster parents agreed to undertake the following:

- a. To bring up carefully, lovingly and in all aspects as one of our family.
- b. To provide her with a good diet and clothing.
- c. To do all that is in our power to see that she develops into a useful and happy member of the community.
- d. To take care that she shall attend regularly at Church or Chapel in accordance with rule 3 below. (name of church to be attended)
- e. To see that, when of suitable age, unless prevented by sickness or other urgent cause, she shall attend regularly the appropriate school.
- f. To communicate with the local representative of Dr Barnardo's in the district upon all matters affecting her welfare, and if she is ill to call in the Assistance of a Doctor.
- g. To forward for inspection to CEO Boarding-out before handing to child, all letters which may be received direct from relatives or friends, and to do likewise all letters written by her, and not to enter into any correspondence with any person who may claim to have any relationship or interest in her, except by arrangement with Head Office.
- h. To allow her to be visited at any time by any person appointed by the CEO Boarding-out and to permit no visit from her relatives or friends without authorisation from Head Office.
- i. To restore her with all her clothes and belongings to any person sent by the CEO Boarding-out to receive her. It is understood whenever

possible no less than a fortnight's notice of removal will be given.

- j. To give our assistance in carrying out whatever plans may be made for her when she reaches school leaving age. We understand that when good opportunities are available locally, any suggestion that a child should remain in the foster-home will always receive sympathetic consideration.

There are examples of foster carer agreements from the 1950s in the case files reviewed. While we have no evidence of them in the archives in the 1960s to 1980s we anticipate that such agreements continued throughout this period. There is evidence of these being updated in response to developments in policy and practice, for example a new foster carer agreement was produced in 2005. This reflected the newly revised Care Standards and Barnardo's policies. Foster carers were asked to sign to say they had received a copy and were also referred to the Family Placement Service's Carer's Handbook. The agreement highlights the changing nature of foster care over time.

The agreement laid out the following:

BARNARDO'S RESPONSIBILITIES

- To Carer(s)
- To provide advice, information and support from an allocated support worker.
- To provide additional support and links with other carers through groups and other arrangements.
- To provide respite as required (details to be specified at reviews and with each new child placed).
- To inform carers of 24 hour support arrangements.
- To ensure access to external support, particularly in the event of child protection concerns, through membership of the Fostering Network.
- To provide information on relevant legislation and procedures including child protection; health and safety; access to records; confidentiality; equalities and making complaints.
- To involve carers in FPS service provision, particularly any significant changes which may affect them.
- To provide access to training and learning opportunities to equip them for the foster care task and enable them to develop their knowledge and skills.
- To organise, facilitate and record annual carer reviews.
- To provide materials and (in association with local authorities) equipment necessary for the task.
- To arrange required checks and references.
- To give at least 28 days' notice of any intention to terminate the placement (other than in emergency circumstances or where children are at risk).

In relation to placement(s)

- To obtain and provide as much information as possible on the child/young person prior to placement and throughout if new information becomes available.
- To involve the carer in decision making as to whether a placement should take place and other decisions throughout the duration of the placement.

- To ensure that a placement agreement is completed specifying: length and aims of placement; tasks and specialist resources required; education and health arrangements; arrangements for family contact; the support agreed by FPS and the Local Authority.
- To provide support in liaison with local authorities, preparation of reports and involvement in planning and formal meetings as required.

Finance

- To provide information on the scale of expenses, allowances and fees, method and frequency of payment.
- To ensure payments are made regularly and promptly.
- To provide information on insurance and legal liability.
- To liaise with local authorities in relation to additional funding required to maintain the placement and needs of child/ young person.
- To facilitate advice on welfare benefits as required.
- To provide information about tax.

RESPONSIBILITIES OF CARERS

To the child young person

- To promote their welfare and treat them as a valued member of the family and to adhere to the principles and requirements of the National Care Standards and Children's Charter.
- To adhere to policies and procedures outlined in the carer's handbook, for example, confidentiality, child protection, care and control.
- To operate within an equal opportunities and anti-discriminatory framework, with particular attention to cultural and religious practices and traditions.
- To be aware of and respond to children's health, educational and medical needs.
- To work within care plans, including maintaining contact with birth family and any other significant links as specified.

To the Agency

- To seek prior consent before undertaking any paid child care services to another agency e.g. child-minding.
- To inform of any relevant changes in circumstances, for example, health, significant relationships or change in household composition.
- To inform of any holiday plans or arrangements to live elsewhere with the child/ young person.
- To co-operate with review and training plans.
- To keep a diary of significant events for each child/ young person.
- To attend and participate in relevant meetings and reviews.
- To share any difficulties with support worker and other relevant professionals.
- To give at least 28 days notice of any intention to terminate the placement (other than in emergency circumstances).

Finance

- To inform FPS of any under/over payment in fees, allowances and expenses.

- To alert FPS to changes which impact on fees and allowances and to complete expense claims promptly and accurately.
- To ensure they are adequately insured.
- To comply with expectations in terms of tax and state benefit claims.
- To respond to any relevant welfare benefits and financial advice.

vii. Induction

There was no formal induction for foster carers from the 1940's to the 1960s.

There is evidence from Advisory Group minutes from both Glasgow and Edinburgh New Families as far back as the 1980s and 90s that foster carers were encouraged to join support groups as part of an induction into the role. There is also evidence that inexperienced foster carers were matched with more experienced carers to offer advice and support.

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

Barnardo's has been unable to find evidence from the 1940s to 1960s that foster carers transferred from Barnardo's to another organisation, or vice versa.

Since 2004 Barnardo's has followed the Fostering Network transfer protocol when foster carers wish to transfer to another agency.

ix. Review/supervision

During the early period the Boarding-out visitors supervised and reviewed the placement of children in foster care. If they had concerns these were communicated to the Scottish Representative.

From the 1980s onwards the placement would have been made by the local authority in agreement with Barnardo's and would be reviewed at the six monthly review. Supervision of the placement was twofold. The Barnardo's social worker provided support to the foster carers, whilst the child's social worker provided support to the child and their family.

x. Training

There is no early information about training for foster carers. The Boarding Out and Fostering of Children (Scotland) Regulations in 1985 placed a requirement on agencies to establish Fostering Panels. In preparation for presentation to the Panels the proposed foster carers undertook some training sessions as part of the assessment process.

The Fostering of Children (Scotland) Regulations 1996 listed the training and support to be offered to the foster carer as one of the matters which can feature in the fostering agreement.

Files from the 1980s onwards include evidence that foster carers attended preparation groups where they received training on the fostering role. Initial training

took the form of preparation groups but in a foster carer file from 1984 there is reference to the carers attending training in child sexual abuse, Vera Fahlberg training, training on child development as well as the existence of foster carer support groups for those carers in the Edinburgh New Families service.

xi. Personal development

The provision of training opportunities to foster carers, the encouragement to attend support groups and to buddy with more experienced carers from the 1980s provided encouragement to foster carers that they were expected to develop into the role.

xii. Disciplinary actions

There was no record of disciplinary actions taken in the sample of children's case files reviewed

Foster carers are not employees so disciplinary action is not a route that was available to Barnardo's in dealing with unsatisfactory performance.

xiii. Removal of approval/registration

There was no record of the removal of approval or registration in the children's case files reviewed or the few foster carer files retained in the archives for the period 1940 to 1980s. The archived records do not cover policies on the removal of approval or registration.

There is a report of a de-regulation in 1993 of foster carers following allegations of sexual abuse and the male foster carer being charged with serious sexual offences in respect of a child who had previously been in their care. Reports describe an initial temporary suspension of the couple's approval to foster and the removal of the young person who was placed with them at the time the historical allegations were made. It is recorded in the case notes that the foster carers were told that they had been de-regulated and this meant they could no longer foster.

e) Who compiled the policies and/or procedures?

The General Superintendent was the Principal Officer responsible to the Council for the administration and welfare of all children past and present. He was the channel through which instructions of the Council and its committees were conveyed to all members of staff employed for the care, training and education of children and staff.

By the late 1970s the Central Child Care Committee comprised of Directors from the eight divisions of Barnardo's met once a month. They acted as the main policy making forum and were responsible for considering and approving policies. Topics covered similar topics to those in the Barnardo Book and were essentially Barnardo's policies of the time. Unfortunately, Barnardo's has not been able to locate any examples in the archives and the information on the existence of the policies and their contents comes from Sir Roger Singleton, former Chief Executive from 1984 to 2005.

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

The original Barnardo Book was published in 1943 with later editions in 1952 and 1955. The Barnardo Book continued to be updated and in general use until the 1960s when it was phased out in response to devolution and the developing diversity of service provision across the UK. It was replaced with circulars issued as appropriate.

A copy of the Barnardo Policy Manual – Social Work has been retained in the archives with policy and procedural guidelines covering 1996 to 1999. This replaced the Barnardo Book which was phased out during the 1960s. For example, section S.W.2.2. dated 13 May 1996. provides guidance on the application of regulations. Under 7.2 the guidance states that: *it is Barnardo policy that BAAF assessment Form F or equivalent is completed to report to Panel. The completion of Form F must include the required particulars relating to prospective foster carers as detailed in the statutory regulations that apply (i.e. the regulations of N.I., Scotland, or England and Wales).*

Between 1999 and 2008 when the fostering services across Scotland came together under one Assistant Director, services would follow the Barnardo's policies alongside service specific ones. In 2008 the aim was to move to a more consistent approach across all the fostering services in Scotland.

g) Were such policies and/or practices reviewed?

Policies and procedures were regularly reviewed to ensure that they complied with new legislation or regulations relating to the provision of care for children in foster homes. Circulars would be issued with guidance for staff

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

See above.

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

Over time Barnardo's policies changed to reflect the increasing regulation of fostering services. Whilst the 1947 Regulations did not apply to voluntary organisations, Barnardo's were required to comply with later rules and regulations as increasing numbers of children were placed in foster homes by local authorities. The policies were reviewed and amended to reflect regulatory changes.

j) Why were changes made?

Changes were made in response to the Kilbrandon Report, the Social Work Scotland Act 1968 and the creation of the Children's Hearings System.

From the 1990s Barnardo's published a number of documents and guidance in relation to child protection. In 1991, Barnardo's published a booklet titled 'Barnardo's is a Child Protection Agency.' Barnardo's wanted first to set out an

organisational position statement on child protection and secondly to acknowledge the importance of support for staff engaged in child protection work.

Specific duties, powers and procedures under Scottish legislation are highlighted under the relevant chapter in the booklet. All staff engaged in child protection work were given a copy and latter all new child care staff received the booklet at the time of their appointment.

The Children Act (Scotland) 1995 consolidated Barnardo's thinking around child protection as it reflected the changing emphasis on child protection as a central activity of the social work profession.

k) Were changes documented?

Changes would have been documented in the relevant procedural guidance to staff, by the production of a circular detailing the required practice standard; and later in the policy manuals issued to each service.

l) Was there an audit trail?

Outdated policies and procedures were not routinely kept once they had been updated.

Present

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

Yes

n) If so, please give details.

As outlined above Barnardo's has a full suite of policies related to foster care. Some of these are specific to the fostering task and some are generic Barnardo's policies.

The policies have a number of aims and intentions mainly to ensure compliance with legislation and regulation and to ensure compliance with Barnardo's basis and values, to operate within the realms of good practice and to ensure the provision of safe, therapeutic fostering service that effectively cares for some of our most vulnerable children and young people. Policies and procedures are accessible to all staff through the Barnardo's intranet.

A comprehensive assessment and preparation programme is in place. This includes pre-approval checks and reference uptake. In the two years following approval foster carers are required to demonstrate that they can meet the core competencies as set out by Coram BAAF. Each service publishes an annual, or bi-annual, training programme which details the events and venues of the training scheduled for the coming year available to foster carers. There are then 12 pieces of mandatory training that the main foster carer has to complete in the first two years. These are: Recording, Managing Contact, Equality, Diversity and Inclusion, First Aid, Infection

Control, Safer Caring, Child/Adult Protection and Safeguarding, Managing Allegations, E-Safety, Understanding and Promoting Attachment & Resilience, Positive Interventions.

A digital induction pack is sent to all new carers. This includes a copy of the carer handbook, foster carer agreement, training programme, last newsletter, Charms log in and set up, expenses explanation, payment schedule for fees and allowances. There is a strong expectation that foster carers (and the second carer where there is one) complete mandatory training. This is monitored through the foster carer review system and monthly carer supervision. The foster carer handbook was refreshed in 2019 and as a result the foster carer agreement was also updated.

In December 2014 an amendment to the Looked After Children (Scotland) Regulations 2014 made it unlawful for children to be accommodated in a foster placement with more than two other unrelated looked after children. This did not have a particular impact on the numbers of children in Barnardo's foster care placements at the time as existing practice was to ensure careful matching of children with foster carers and not to overload foster carer households.

In 2015 the Government introduced a placement descriptor which defined the different categories of registration. These were introduced to provide a level of uniformity across Scotland which had been missing previously. All three Barnardo's services in Scotland use the placement descriptors when approving and reviewing foster carers and this has achieved uniformity and supported more accurate data gathering and analysis.

There are policies in place to deal with possible removal of a foster carer including a de-registration policy and internal safeguarding review policy which is a mechanism for reviewing a foster carer's time with Barnardo's through the chronology.

(ii) Practice

Past

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

The reports of visits made to children in foster care are factual and cover all the essential areas as laid down in the regulations of the time.

- b) Did the organisation adhere in practice to its policy/procedures in terms of the following?
- i. Recruitment
 - ii. Standard and size of accommodation
 - iii. Number, age and gender of children accommodated/in the household
 - iv. Pre-approval/registration checks
 - v. References
 - vi. Foster care agreements
 - vii. Induction
 - viii. Transfer of foster carers to or from other organisations or local authorities

- ix. Review/supervision
- x. Training
- xi. Personal development
- xii. Disciplinary actions
- xiii. Removal of approval/registration

There is evidence in all available files of adherence, e.g. copies of Form F assessments, case notes, incident reports, case discussions, supervision notes.

c) How was adherence demonstrated?

Adherence can be demonstrated through general correspondence between the organisation, foster carers and placing agencies. In addition, there are some annual reports and management minutes still in existence which demonstrate compliance.

From the 1980s onwards there are copies of the Form F Assessments, references, and medical information contained within the foster carer files that have been retained in the archives.

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

As above.

e) Were relevant records kept demonstrating adherence?

Some general records, correspondence and management meeting minutes have been retained in the archives. A small number of foster carer files from the 1980s are also held in the archives.

Foster carer files in general would have been destroyed in line with Barnardo's Records Retention Policy.

f) Have such records been retained?

As above.

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

The expectation was and remains that policies and procedures should be adhered to. Where there are exceptions then this should have been agreed with the manager and recorded. In reality there will always be a small number of occasions where policies and procedures were not adhered to e.g. person did not check the policy/procedure, they did not know it existed, they put a different interpretation on the procedure than was intended etc.

Present

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

Yes

i) If so, please give details.

As outlined above in 4.3 (ii) j) compliance is monitored in a number of different ways.

4.6 Other members of the foster carer's household

(i) Policy

Past

a) What policies and/or procedures did the organisation have in place in relation to other members of the foster carer's household?

Barnardo's has been unable to locate any policies and/or procedures from the 1940s through to the 1960s in relation to other members of the foster carer's household.

Foster carer files and Advisory Group meeting minutes from the 1980s and 1990s include evidence that consideration was given to other children living within the household and the likely impact of fostering on them.

A report pro-forma for a foster carer review for foster carers in the Edinburgh fostering service dated March 2008 includes a section titled 'Impact of Fostering on Carers' Family'. Within the same file there is evidence that a Police check was completed in relation to an adult son of the foster carers who still lived within the carer household.

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

Availability of space. Initially and even as late as the 1990s fostered children would routinely share a bedroom with a birth child. As practice changed and the expectation was set that fostered children had their own bedroom (or share if they are siblings) then ensuring the availability of a spare room

Ensuring the provision of safe care, that the foster carers would not be overwhelmed by their caring responsibilities or that any child whether fostered or birth child would be adversely impacted.

Compliance with legislation – it was not until 28 September 2009, that the Looked After Children (**Scotland**) Regulations 2009 came into effect, which allowed **same-sex couples** to be considered as **foster** parents on the same basis as anyone else.

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

We have not found any policies and procedures – but recording on files and Advisory Group notes reflect that conversations took place. See answer a).

d) Who compiled the policies and/or procedures?

See c) above

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

See c) above

f) Were such policies and/or practices reviewed?

The development of practice from placing children with families where they shared a room with a birth child to setting an expectation that a fostered child had their own bedroom provides evidence that practice was reviewed.

g) If so, what was the reason for review?

Changes in societal attitudes and in legislation.

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

Unknown.

i) Why were changes made?

Unknown.

j) Were changes documented?

Unknown.

k) Was there an audit trail?

No written audit trail has been identified.

Present

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

Yes.

m) If so, please give details.

Policies relating to other members of the foster carer household are covered across a number of policy and practice areas.

The current UK Family Placement policies cover expectations in relation to other family members in a number of different sections. For example under criminal convictions, a person who is seeking approval as a foster carer will not be considered if s/he or any adult member of the household is within the category of Disqualified Person or have offences that deem them a risk to children.

In relation to references, the following information must be obtained as soon as reasonably practicable relating to the applicant and other members of their household and family:

- Full name, address and date of birth;
- Details of health (supported by a medical report);
- Particulars of any other adult members of the household;
- Particulars of the children in the family, whether or not members of the household, and any other children in the household;
- Particulars of their accommodation;
- The outcome of any request or application made by them or any other member of their household to foster or adopt children, or for registration as an early years provider or later years provider, including particulars of any previous approval or refusal of approval relating to them or to any other member of the household.

The Foster Carer Handbook also references other members of the foster carer's household.

(ii) Practice

Past

- a) Did the organisation adhere in practice to its policy/procedures in relation to other members of the foster carer's household?

See responses under 4.6 (i) a) above

- b) How was adherence demonstrated?

There is evidence in archived foster carer files from the Edinburgh Fostering service of adherence from the early 2000s.

- c) How can such adherence be demonstrated to the Inquiry?

See responses under 4.6 (i) a) above.

- d) Were relevant records kept demonstrating adherence?

There are some reference in case files.

- e) Have such records been retained?

There are some reference in case files.

- f) If policy/procedure was not adhered to in practice, why not?

Not applicable.

Present

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

Yes.

h) If so, please give details.

Adult children have been invited to attend skills to foster as part of the foster carer household to enhance their understanding of the needs of the young people that might be placed.

Where foster carers take a new partner then there is an expectation that they will be re-assessed as a couple and this includes background checks on the new person and references on them as individuals and as a couple. Where couples are not living together but has regular contact with fostered children then we would carry out a local authority check, PVG, references

Occasionally a family member will move to live with a foster carer e.g. an older family member. In these situations we routinely complete background checks including local authority check, police check, medical check and we would seek references.

The training that is available for the foster carers can be available to other adult members of the household, they are also invited to wider service celebrations and social occasions e.g. Christmas panto, summer picnic. We will provide support eg provision of support to a young person who was struggling with a fostered child moving on.

Babysitting – sometimes adult children may provide babysitting for the children. We have a policy and will carry out background checks including PVG, references and complete a babysitting risk assessment. Carers are encouraged to have approved babysitters. Sometimes they will also be assessed to provide short breaks for the children and young people in the family home. This would involve a more detailed assessment and background checks.

Children's workers will during the assessments process have an input with any birth children or other children living within the foster carer household. Working alongside assessing sharing info about fostering understanding their resilience, coping mechanisms, how they feel about the idea. Highlights strengths and vulnerabilities with some carers.

Practice adherence is monitored through file audits, by the fostering panel and Agency Decision Maker, through staff supervision.

4.7 Placement of children by the organisation with foster carers approved/registered by local authorities or other organisations

(i) Policy

Past

- a) What policies and/or procedures did the organisation have in place in relation to placement of children with foster carers approved/registered by local authorities or other organisations?

Barnardo's do not place children with foster carers approved/registered by local authorities or other organisations.

Following the Social Work (Scotland) Act 1968 all children were placed with Barnardo's foster carers by the local authority.

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

Not applicable.

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

Not applicable.

- d) Who compiled the policies and/or procedures?

Not applicable.

- e) When were the policies and/or procedures put in place?

Not applicable.

- f) Were such policies and/or practices reviewed?

Not applicable.

- g) If so, what was the reason for review?

Not applicable.

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

Not applicable.

- i) Why were changes made?

Not applicable.

- j) Were changes documented?

Not applicable.

- k) Was there an audit trail?

Not applicable.

Present

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

Barnardo's do not place children with foster carers approved/registered by local authorities or other organisations.

m) If so, please give details.

Not Applicable.

(ii) Practice

Past

a) Did the organisation adhere in practice to its policy/procedures in relation to placement of children with foster carers approved/registered by local authorities or other organisations?

Following the Social Work (Scotland) Act 1968 all children were placed with Barnardo's foster carers by the local authority.

b) How was adherence demonstrated?

Not Applicable.

c) How can such adherence be demonstrated to the Inquiry?

Not Applicable.

d) Were relevant records kept demonstrating adherence?

Not Applicable.

e) Have such records been retained?

Not Applicable.

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

Not Applicable.

Present

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

Not Applicable.

h) If so, please give details.

Not Applicable.

4.8 Complaints and Reporting

(i) Policy

Past

a) What policies and/or procedures did the organisation have in place in relation to complaints and reporting about foster care?

The Barnardo Book 1955 does not contain a section about complaints. Complaints were dealt with as they arose and not under any formal policy or procedural format.

It was not until the growing awareness of children's rights during the late 1970s that consideration was given to the production of a separate complaints policy.

There are records of complaints within Family Placement held within a central complaints folder dating back to 2009 and a list of all the names and areas that they lived in. We may not have kept the actual complaints detail as the folder is cleansed every 3 years. The service user complaints policy would have been in situ by then which has always been compiled and updated at Barkingside.

The present complaints policy was written in its current form in 2016.

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

The aim was to provide services which were responsive children and young person's needs and rights. The Complaints Procedure was part of this strategy. The aim was for all services to be open to the views and insights of their foster children and willingly involve them in decisions that affected their lives.

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

The earliest policies were recorded in the Social Work Policy Manual section S.W.17. During the 1990s policies were gradually transferred from hard back paper files to electronic versions.

A central complaints folder has existed since 2009 and is ordered according to region and nation and year. Prior to this complaints would have been held in individual services. Every complaint made should cross reference to a child or carers file. Where complaints are made about staff and upheld a record is also held on the staff file.

Since the introduction of data protection and GDPR the central complaints folder is required to be monitored and each case detail is held for 3 years after which it is erased and if needed any detail transferred to the relevant case record.

d) What did the policies and/or procedures set out on the following:

i. Complaints by children

The earliest reference to managing complaints that Barnardo's has located in the archive is from 1984. Children in Barnardo's care received a booklet on Children and Young Persons in Barnardo's. The booklet was to be given to the child with a few days of arrival at their foster home and the purpose explained by the foster carer.

The booklet provided the child with a complaints procedure. The child was asked to think carefully about any problem and discuss it with their foster carer or social worker. If the child did not feel that they could speak to those individuals, they were to fill out the card at the back of the booklet and post it to the Divisional Director

using the stamped addressed envelope provided. An acknowledgement would be sent to the child within three days, and an independent senior member of staff would visit the child within one week to discuss the complaint in person.

Fostering Services were required to promote policy and practice in accordance with the Policy and Procedural Guide Volume 2. Social Work S.W.17 dated 14 June 1994 provided a policy statement and the procedure for making a complaint by young people in Barnardo's foster care. In S.W.18 dated 13.5.96, under paragraph 6.5 there was a requirement to provide each young person with a copy of the Barnardo's Complaints Procedure leaflet and that staff explained it to them in order that they understood how to use it. The booklet was split into the following sections:

- What is Barnardo's
- Why do children come to Barnardo's
- Rights and Responsibilities
- Moans and Groans
- Complaints
- Points for Parents

The introduction of the National Care Standards: Foster Care and Family Placement Services in 2001 brought to the forefront the expectation that children should be made aware of their rights in relation to complaints and that they should not experience discrimination should they choose to complain.

Following the introduction of the care standards local services would have been required to have handbooks or guides for children and young people about making complaints if they did not already have them. This would be supported by procedures around children's reviews and participation that would gather their feedback at, during and after placement.

ii. Complaints by foster carers

The complaints procedure applied to any person directly or indirectly receiving a service from Barnardo's Child Care Department; or any person whom Barnardo's considered had sufficient interest in a child's welfare to warrant his/her representations being heard.

iii. Complaints by family members of children

As above.

iv. Complaints by third persons

As above.

v. Whistleblowing

Barnardo's Whistleblowing Policy was developed in the late 1990s following the

Public Interest Disclosure Act of 1998. It covered concerns about:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- breach of any legal obligation; or
- Concealment of any of the above.

- vi. Support, including external support, for those who made the complaint or those who were the subject of complaint

Support for those making a complaint or who the complaint is about is covered in the procedures highlighted above.

- vii. Response to complaints (including response by the organisation)

The procedure is covered in the policy highlighted above.

- viii. External reporting of complaints

Barnardo's would liaise with the relevant local authority regarding complaints. A decision would be made about which agencies complaints procedure should be used. Copies of all complaints would be sent to the relevant authority and to Barnardo's Head Office.

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

By the late 1970s the Central Child Care Committee comprised of Directors from the eight divisions of Barnardo's met once a month. They acted as the main policy making forum and were responsible for considering and approving policies. Topics covered similar topics to those in the Barnardo Book and were essentially Barnardo's policies of the time. Unfortunately, Barnardo's has not been able to locate any examples in the archives and the information on the existence of the policies and their contents comes from Sir Roger Singleton, former Chief Executive from 1984 to 2005.

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

The first complaint policy retained within the archive was produced in the 1970s.

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

Policies and procedures were regularly reviewed to ensure that they complied with new legislation or regulations relating to the provision of care for children in foster homes, or in line with changing practice and awareness in childcare. Circulars would be issued with guidance for staff.

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

See above.

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

We do not have the archived policies in our archive as copies were not retained, but we anticipate that over years Barnardo's policies changed to reflect the increasing regulation of fostering services and an increased awareness of the risk of abuse of children in certain settings.

- j) Why were changes made?

We have no specific record of this. We anticipate changes were made to reflect legislation and changing societal understanding.

- k) Were changes documented?

Changes would have been documented in the relevant procedural guidance to staff, by the production of a circular detailing the required practice standard; and later in the policy manuals issued to each service.

- l) Was there an audit trail?

Outdated policies and procedures were not routinely kept once they had been updated.

Present

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

Yes.

- n) If so, please give details.

Processes and procedures in relation to complaints handling have been reviewed and changed in recent years.

The complaints policy aims to safeguard and protect children, young people and vulnerable adults by providing a process for them to raise concerns about the service they are receiving.

It includes information on the process for responding to complaints and representations made by, or on behalf of people using a Barnardo's children's service or business line. This includes children, young people, trainees, carers and adopters.

The aim is to make sure that our complaints process is open, fair and accessible. We pledge that we will learn from complaints and representations and use that learning to improve our services.

Complaints lead manager role is a region/nation/business line Assistant Director Children's Service or equivalent task allocated by the relevant director. They can delegate the function. The fostering service complaints lead manager has responsibility a) for co-ordinating the management of complaints b) for providing training, support and advice to staff in respect of complaints, c) for seeking advice as appropriate from the complaints officer, business support, safeguarding and planning team, d) for providing information to the fostering service management team about complaints, and e) for contributing to the development of organisational policy and practice in relation to complaints.

The complaints administrator has responsibility for maintaining information about complaints made and providing support to the region/nation/business line complaints lead manager.

We set out to enable children and young people being looked after in fostering placements or placed for adoption to be able to speak out and have their voice heard. The complaints process gives a framework to that and enables people independent from the service to investigate and examine the circumstances of each child's concerns. The process also formalises access to independent advocates for children and young people. The children and young person's welcome pack includes information about how to complain.

Children and young people in our current policy that would fall into some of the past and present day time frame can complaint at any time now or into the future. This is linked to our historical abuse policies.

Complainant - the following people may complain using the Children's Services and Business Line Complaints Policy and Procedure:

- Children and young people and care leavers under age 21 (26 Scotland) who are or have been users of a children's service or business line including children who may or have been adopted. This includes the child or young person's advocate with their consent
- Adults (e.g. parents, carers, special guardians, those with parental responsibility, potential adopters) on behalf of children and young people receiving services
- The parents of prospective pupils of non-maintained special schools
- Adult users of a children's service or business line including Adoption Support Services
- Adopted persons, their parents, natural parents and former guardians where the complaint does not fall into 'Adults Abused as Children (Historic Abuse)/ Responding to Historical Abuse Policy'
- Family Placement applicants during assessment and after approval
- Others whom Barnardo's considers to have sufficient interest in a child or young person, to warrant their representations being considered including partner agency if complaining on behalf of or about service to an individual service user
- An advocate for any of the above can raise the concern on their behalf

In respect of foster carers the policy sets out to give a voice to foster carers with regard to the required standards relating to all aspects of the fostering role including assessment and training. Complaints and representations are in place and managed by a national lead advisor and manager at senior level to ensure that foster carers can be heard and supported to raise issues that can be formally examined and reported on.

The current policy covers third persons and examples are members of the public, local authorities, or friends who may complain on behalf of the child or young person. Our policy allows for those concerns to be investigated within a formal framework and process. Outcomes are then able to be translated into recommendations to improve and put right.

Barnardo's head office now has a communications and relations team which can and does receive complaints from members of the public or family members that are then devolved to the relevant senior manager for the area concerned.

(ii) Practice

Past

- a) Did the organisation adhere in practice to its policy/procedures in relation to complaints and reporting about foster care?

From its review of 35 children's files for the purposes of preparing this response, Barnardo's did not find any complaints and therefore cannot comment on whether its complaint procedures were followed in practice between 1942 and the 1980s.

We did locate in a foster carer file from the Edinburgh fostering service a slip signed by a foster carer dated 20 June 1994 and another dated 22 November 1993 that acknowledged receipt of a copy of the Barnardo's Complaints procedure leaflet. However, there is little other information.

- b) Did the organisation adhere in practice to its policy/procedures on the following:
i. Complaints by children

Our records do not assist in answering this.

ii. Complaints by staff

See answer b) i.

iii. Complaints by family members of children

See answer b) i.

iv. Complaints by third persons

See answer b) i.

v. Whistleblowing

See answer b) i.

- vi. Support, including external support, for those who made the complaint or those who were the subject of complaint

See answer b) i.

- vii. Response to complaints (including response by the organisation)

See answer b) i.

- viii. External reporting of complaints

See answer b) i.

- c) How was adherence demonstrated?

We have not been able to find supporting evidence of adherence historically.

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

As above.

- e) Were relevant records kept demonstrating adherence?

If records were kept, that has not been evident in the files reviewed.

- f) Have such records been retained?

We have not identified any such records.

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

Not applicable.

Present

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

Yes.

- i) If so, please give details.

The complaints procedure is well known and understood by staff within the service and we benefit from having a complaints lead manager role to ensure compliance in practice.

As outlined in Section A the internal safeguarding review process was introduced in response to a case where there was evidence of disguised compliance by foster carers and a number of low level concerns in relation to the care of a sibling group of three over a number of years. The children were subsequently removed from the placement and the foster carers were deregistered and there was evidence that the care the children had received fell short of the standards expected.

The internal safeguarding review process involves the collation and analysis of a chronology of a foster carer's fostering journey leading to a range of possible outcomes:

- No further action
- Deferred decision to access additional information (a date should be agreed to reconvene the meeting as soon as practicable)
- Recommendation carers access specific learning and development

opportunities and the implications of not doing to

- Review at fostering panel to recommend change to categories of registration
- Review at fostering panel to recommend de-registration
- Immediate/planned removal of children in placement

As a result of the situation referred to above and a similar situation in another service in England, disguised compliance training was devised and delivered to Family Placement staff UK wide. This will be refreshed and available on a rolling programme.

There are examples of recent practice where Barnardo's fostering services have challenged practice in the local authority including escalating a child protection issue where we did not believe the local authority had taken appropriate action. In August 2017 the Edinburgh service became concerned about possible attempts to radicalise a young person in foster care. Although the attempts were from unknown males, there were concerns that they were linked to a family member who had previously been convicted of sexually abusing this young woman.

Concerns were raised in relation to the young person viewing inappropriate material online, extremist videos linked to ISIS and homophobic content. This material was sent to her via unknown males. On receiving this information, the service shared it directly with the duty worker at the Local Authority as the allocated worker was on leave. The duty worker had initially felt that as there was no imminent threat to the young person, that this could await the allocated workers return. The Barnardo's service was concerned that this could result in further material being shared. The young person was/is very vulnerable and at the time was sharing concerning, inappropriate and harmful views about others. The concern was that she would engage in the material and discussion resulting in radicalisation. Due to this concern, along with the response from the Local Authority, Barnardo's contacted the NSPCC for advice. We discussed the concerns and the call was escalated to a duty manager within the NSPCC who shared our concerns for a more immediate response and offered to support with further action. It was agreed that the Barnardo's social worker would contact the Local Authority again to request that the concerns be escalated and share the support for this action from the NSPCC.

A multi-agency meeting was held with the Police Prevent Team. They were clear that they were not concerned for any criminality from the young person however they were concerned for her vulnerability. They offered support to the young person to understand these views although she struggled to understand the risks of publicising these views. The foster carers were able to link her in with a local church who were able to meet her religious needs whilst giving clear messages about inclusion and value to all people.

The Police advised at the multi-agency meeting and in follow up emails that Barnardo's were very appropriate in the actions taken to ensure these concerns were investigated and a support plan put in place.

On another occasion the service complained about the practice of a local authority children's social worker where it fell below expected standards and was undermining work being undertaken with a fostered child who had sexually harmful

behaviour. This related to two sisters in foster placement. The situation came to light on 4th October 2018 when following a swimming lesson the siblings took time to emerge from the cubicle area. The carer who had been spectating went down to check on both girls, on her arrival the older sibling was exiting the cubicle with an indication the younger sibling had required help with dressing. Later the younger sibling made a disclosure about her older sister inappropriately touching her in the cubicle and indicating this had happened a number of times within the previous placement.

This information was shared by Barnardo's with the local authority social worker. Further disclosures emerged and it was necessary to put a robust safer caring plan in place to support, monitor and protect the girls.

Between the months of October 2018 and January 2019 there was limited social worker visits to the foster home by the local authority social worker despite the level of risk. The decision to pursue child protection procedures at the initial stages between police and social work was changed without evidence or reason and this pathway was not progressed. A number of actions agreed at a workers meeting including identifying a placement for the older sibling in a solo or residential setting was not fully pursued. Risk assessments were not completed and referrals to specialist agencies and consultants were not actioned by the allocated social worker. Multiple dates were offered to have a consultation with the Barnardos Child Psychotherapist were not suitable. The allocated social worker did not share key information with the carer and actively withheld information re the older sibling. Carer's and Barnardo's were guided by the allocated social worker they would not be invited to key consultations with specialists.

The foster placement continued to be difficult and despite an enhanced level of supervision the older sibling's behaviour escalated, the sibling relationship between the girls deteriorated and disclosures from the younger sibling continued. The carer's noted a relentless approach by the older sibling to be with her younger sister unsupervised. Disclosures from both siblings were made about their birth home and allegations of abuse involving birth mother and an adult male perpetrator known to social work services. Placement required a high level of vigilance and supervision. School raised concerns with foster carer and Barnardo's. All communicated with local authority social worker. Relationship with local authority social worker and carer's began breaking down due to lack of transparency, contact and agreed actions being outstanding.

Attempts were made by Barnardo's to raise concern and profile of case with the team leader in the authority due to continued concerns, escalations within placement, outstanding actions and social workers practice. The team leader was unable to give timescales re necessary risk assessments being completed or reason for child protection processes not progressing.

The foster carers submitted notice on the placement for the older sibling in November 2018, as the sibling dynamic was changing and a level of fear and anxiety was apparent in the younger sibling. In January 2019 the local authority made the decision to move both siblings together to the same placement despite the risk. The younger sibling in the presence of her allocated social worker, a

colleague and her sister on being told about the placement move made further disclosures. These disclosures were met with a response that the decision to move them was made at a higher level. No child protection procedures or initial referral discussion took place.

As a result of being extremely concerned for both siblings the operational manager of the fostering service reached out to the identified liaison link within the local authority to raise concerns. The practice manager also bypassed the team leader due to lack of response and made contact with the locality manager in the local authority. Raising concerns around decision making, outstanding actions, practice and safeguarding concerns re the siblings being further placed together.

The locality manager removed the allocated social worker from the case and offered to meet with the foster carers. The allocated worker had not followed the local authorities procedures designed for sexually harmful behaviour. It was noted by the locality manager the social workers presentation, lack of follow through and lack of communication had been unacceptable and would be addressed by the team leader.

Police Scotland Family Protection Unit confirmed in further meetings information relating to disclosures and situations within placement had not been fully communicated by the allocated social worker to their service.

Both operational manager and practice manager from Barnardo's linked with police. Police were of the view the level of risk in the placement was unacceptable now they had all the information available. Police Scotland advised they would be referring the matter to their seniors and it would be escalated through their liaison in North Lanarkshire's CPC. Police Scotland had submitted Data Protection Requests to have access to reports submitted to Scottish Children's Reporters Administration and also to the Sheriff Court over the time period to see what information these decision making agencies had available to them at the time of advice being given to the Sheriff and the Permanence Order for the children being granted.

Barnardos submitted a formal complaint to the Local Authority in February 2019 regarding the handling of the case.

On [REDACTED] 2019 the placement for the siblings with Barnardo's foster carers ended. The siblings were placed in separate foster placements.

In May 2019 the Edinburgh Fostering service received a call from the neighbour of foster carers. The neighbour said that she was calling because she was concerned about the care the young person was receiving from the foster carer and made a number of allegations. These included not allowing the young person her birthday presents, being sent to bed very early, that the carer ignores the young person, that there is a lot of shouting and swearing from the house. The neighbour also claimed to have been assaulted by the foster carer earlier that day. The service worked closely with the local authority to investigate the allegations. The local authority had asked initially if the young person could be removed from the placement while the allegations were investigated. However there were no other placements available for the young person who has quite significant additional support needs. It was

therefore agreed that the Barnardo's social worker and a manager would conduct a home visit to risk assess whether the young person could remain in the placement over the weekend and that the allegations should be further investigated. A home visit to the foster placement by the Barnardo's social worker and manager took place and a safety plan was agreed which allowed the young person to remain with the carers over the weekend. Further investigation of the complaints from the neighbours led to the conclusion that some of what was alleged was due to a poor relationship between the neighbours. However there was also recognition that the living situation was not ideal as the young person could not always control the level of noise she made and the carer lives in a block of flats. The local authority agreed that the placement was not sustainable and the young person had a planned move two months later. The foster carer returned to the fostering panel for a review and some changes were made to their category of registration.

4.9 Internal Investigations

(i) Policy

Past

- a) What policies and/or procedures did the organisation have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?

The earliest policy held in the archive in respect of internal investigations relating to abuse of children in foster care would be contained in the 'Barnardo's is a child protection agency' policy document which is dated October 1991.

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

The 'Barnardo's is a child protection agency' policy document dated October 1991 sets out the intention "to state clearly that if child abuse is identified with any user of our services then the protection of the child is to be the primary focus and any other organisational principles such as open access and partnerships with parents, are to be secondary considerations."

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

The original policy/procedures and reviews were contained within the Policy Manual. Latterly, the corporate policy and procedures have been placed on the Barnardo's intranet and promoted by a network of Safeguarding Leads.

- d) What did the policies and/or procedures set out on the following:

i. Approach to/process of internal investigations

The 1991 policy was clear that the duty of Barnardo's staff was to work with the relevant Local Authority as the Local Authority has the duty to investigate or cause to be investigated all cases of suspected child abuse. Barnardo's staff holding any evidence of possible child abuse were instructed within the policy to direct this information to the Social Work Department.

The 1991 policy outlined the actions services should take following "incidents in Barnardo's child care work involving the death of a child or an incident where major

public concern arises” under these circumstances there was to be an inquiry by Barnardo’s and each agency involved and an inquiry by the local Child Protection Committee. As soon as such a situation was identified the service lead was responsible for securing the files and notes relating to the child. The Assistant Director was responsible for notifying the local holder of the child protection register and the chair of the Child Protection Committee to ensure all other agencies took appropriate action. Each agency was to carry out a management review to establish:

- Whether the child protection procedures have been followed
- Whether the case suggests there is an urgent need to review those procedures
- Whether any other action is needed within the agency

The overall purpose of the review by each agency was to secure the best possible quality of services for children and their families. The specific action was to have the following main objectives:

- Establish a factual chronology of the action that has been taken in the agency
- Assess whether decisions and actions taken in the case appear to have been in line with the policy and procedure within the agency
- To consider which services were provided in relation to the decisions and actions in the case
- To recommend appropriate action in light of the review’s findings

The 1991 policy goes on to outline a step by step response to be taken by staff where there is actual or suspicion of child abuse. This includes notes on case management and support for staff.

ii. Identifying lessons/changes following internal investigations

In 2007 an audit of safeguarding practice was carried out across Barnardo’s children’s services. This followed a recent serious injury to a service user allegedly caused by a member of staff in one of Barnardo’s services. It was described as a brief audit looking at factors recognised as ensuring good practice in safeguarding. The purpose was to: assess current practice; identify concerns and areas for improvement; identify and learn from best practice and devise improvement action plans where necessary.

The audit report states “The audit will be undertaken in all services using Children Services Managers and Assistant Directors identified by Region/Nation Directors and ADs. This will mean that managers could be auditing each other’s services. Regions and Nations can also choose to bring in independent auditors especially if it eases pressure on managers’ time. The audit has been generated by the Business Planning and Performance Management Unit (BPPMU) and replaces the former style of core standards audit undertaken by the Policy and Standards team in Children’s Services. It is evidence based and asks auditors to take a “tell me, show me” approach. It is essential that auditors record any concerns about safeguarding practice or any failure to support the rights and independence of children and young people. Martin Ruddock (BPPMU) and Jacquelyn Burke (Barnardo’s Safeguarding Manager) are available for advice, guidance and information. Auditors should also ensure that they are familiar with the relevant policies and standards. These are listed and linked in the Guidance section below.

The information from the audit will be fed back directly to the BPPMU via Livelink. They will analyse the results and feed them back to the Regions and Nations.”

iii. Implementation of lessons/changes following internal investigations

As outlined above in i there was an expectation that lessons learned from serious safeguarding incidents were gathered and that appropriate action was taken.

iv. Compliance

See ii.

v. Response (to child and abuser)

The ‘Barnardo’s is a child protection agency’ policy document dated October 1991 sets out the view that where Barnardo’s staff suspect that a child is or is likely to suffer significant harm and reporting this to the appropriate authority has not remedied the situation, Barnardo’s will take whatever steps are necessary to protect the child. The welfare of the child is the paramount consideration. The policy stated that it is important to involve and consult with parents at every stage in child protection work, but the principle of working alongside parents must not hamper the paramount objective of protecting children. Staff were guided to allow the interest of the child to be considered distinctly from the interests of the parents or other carers. Priority over all work was to be given to the action necessary to protect a child when there is possible evidence of child abuse.

The policy goes on to outline the specific actions to be taken by staff in relation to the child depending on whether there was perceived to be an immediate threat or a child where there was a concern. The policy also outlines the expected response where a child is already on the child protection register, for young people over the age of 16 and for young adults with additional support needs.

The policy outlines the need to be aware of situations where involving parents in all stages may jeopardise obtaining crucial evidence needed to protect the child in the longer term.

vi. Response to complaints (including response by the organisation)

The Policy and Procedures have always sought to take an approach that takes the allegations seriously and views the protection and safety of the child as paramount. Other aspects of the response to complaints can be found under other answers in this section of our submission.

vii. External reporting following internal investigations

The Policy and Procedures do not refer directly to external reporting following internal investigations, other than the need to involve the Police if a potential crime has been discovered and the need to bring any instance of abuse to the attention of the local authority by following their local procedures and a clear expectation that this should be within 24 hours of identifying such abuse.

The non-recent abuse policy that is currently under review will include clear expectations in terms of consideration of and decision around external reporting to the Care Inspectorate, the Scottish Social Care Council and the Charity Commission. While it is not contained within this Policy and Procedure at the time of

writing, it is custom and practice in instances where harm has been perpetrated on children by people working for Barnardo's, including foster carers, that such harm is reported to these bodies.

e) Who compiled the policies and/or procedures?

The 'Barnardo's is a child protection agency' policy document dated October 1991 was signed off by Michael Jarman Director of Child Care.

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

The first such policy dated 1991 would have been effective immediately.

g) Were such policies and/or practices reviewed?

In the past Policy and Practices were revised with subsequent reviews of the Barnardo's Book, then more recently the Policy and Procedures Manual as outlined earlier in this submission. More recently, the Policy and Procedures are reviewed by a subject-matter expert within the organisation at an interval set for individual policies and procedures. The Safeguarding Policy and Procedures and the investigation Procedures are reviewed annually.

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

In the past a review would be undertaken due to a new iteration of the Barnardo's Book. More recently Policies and Procedures would be revised due to changes in legislation and/or government guidance.

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

It is difficult to evidence substantive changes, rather services developed over time in response to our on-going learning about what makes a good fostering service. This would be influenced by government policy, legislation, messages from research, practice wisdom, feedback from carers and children etc.

j) Why were changes made?

see i) above

k) Were changes documented?

The main way in which changes were documented was through the development of policies and procedures. These would be reviewed and updated to reflect changes to practice, policy, legislation etc.

l) Was there an audit trail?

No.

Present

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

Yes.

n) If so, please give details.

Barnardo's has robust processes in place for managing internal investigations relating to the actual or alleged abuse of children in foster care. The current version of the Safeguarding and Protecting Children Policy and Procedures (Children's Services) was updated in April 2020 and is a Barnardo's wide policy. The overall purpose of the policy and its associated procedures is to protect the welfare of children and young people using and receiving services we provide. This includes responding to direct concerns of safeguarding raised by children and young people.

Everyone who works or volunteers for Barnardo's or is a carer has a duty to safeguard and promote children and young people's welfare alongside a duty to recognise, respond and share concerns or worries about possible abuse and harm in a timely fashion. Everyone must complete mandatory safeguarding training at the point of induction and in family placement services we expect staff to update that training annually.

There are specific procedures around conduct and boundaries, responding to concerns or allegations and reporting incidents. The policy includes specific guidance on the use of social media and the internet.

The Corporate Director for Children's Services has ultimate responsibility and is ultimately accountable to the Trustees for Safeguarding Barnardo's.

There are a number of processes and procedures in respect of internal investigation of actual or suspected abuse.

Serious safeguarding Incidents and Allegations against Adults are written up on a reporting form and sent within 24 hours of notification to service Director and the Head of Corporate safeguarding and other service relevant managers on the circulation list (Barnardo's corporate safeguarding team, the family placements safeguarding lead and head of FP). Following scrutiny by these remain under 4 weekly review until satisfactorily resolved. The process was reviewed following the Oxfam child abuse scandal in 2018 and led to additional scrutiny of safeguarding processes at a senior level (including weekly sign off by the CEO) and a tightening of reporting timescale.

Incident reports are completed in respect of actual or suspected abuse incidents and these are reported to the Care Inspectorate and the local authority that placed the child. They are also subject to management sign off.

The Internal Safeguarding Review Process is a family placement procedure that was introduced in response to a case where there was evidence of disguised compliance by foster carers and a number of low level concerns in relation to the care of a sibling group of three over a number of years. The children were subsequently removed from the placement and the foster carers were deregistered and there was evidence that the care the children had received fell short of the standards expected.

The internal safeguarding review process involves the collation and analysis of a chronology of a foster carers fostering journey leading to a range of possible outcomes:

- No further action
- Deferred decision to access additional information (a date should be agreed to reconvene the meeting as soon as practicable)
- Recommendation carers access specific learning and development opportunities and the implications of not doing to
- Review at fostering panel to recommend change to categories of registration
- Review at fostering panel to recommend de-registration
- Immediate/planned removal of children in placement

As a result of the situation referred to above and a similar situation in another service in England, disguised compliance training was devised and delivered to Family Placement staff UK wide. This will be refreshed and available on a rolling programme.

(ii) Practice

Past

- a) Did the organisation adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?

In so far as records allow us to determine there was a good level of compliance and adherence to organisational policies and procedures in relation to internal investigations relating to the abuse or alleged abuse of children in foster care. We have provided examples elsewhere in this response.

- b) Did the organisation 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 the organisation)
 - vii. External reporting following internal investigations

In so far as records allow us to determine there was a good level of compliance and adherence to organisational policies and procedures in relation to internal investigations relating to the abuse or alleged abuse of children in foster care.

- c) How was adherence demonstrated?

Adherence was demonstrated through the use of incident forms, correspondence, cases discussions and reports contained in the children's files.

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

There are some examples from the 1990s of completed incident reports and correspondence relating to internal investigations.

One incident report dated 11.12.92 related to an allegation made by a former female foster child of sexual abuse by a current male foster carer.

An incident form was completed and sent to the Assistant Divisional Director in the Scottish Office. Actions taken included:

- Removing the current child in placement.
- Suspending the foster carers pending outcome of an investigation.
- Case discussion with local authority, child protection and the police set up.

There is detailed recording of telephone calls between all agencies involved in the investigation and a summary report by the Assistant Divisional Director.

e) Were relevant records kept demonstrating adherence?

As above.

f) Have such records been retained?

There is a small sample of incident reports for the early 1990s retained in the archives.

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

Not applicable.

Present

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

Yes.

i) If so, please give details.

There are a number of ways that adherence to policy is demonstrated. For example, local authorities ask for information about allegations and incidents as part of their monitoring of placements. Safeguarding is a standing item on team meeting agendas and the operations manager is responsible for ensuring any updates to policy or procedure are communicated to staff.

Safer caring training for foster carers is mandatory and fostering families must have a safer caring plan in place for each of the children they look after. These plans are reviewed at least annually. Staff and carers must undertake annual child protection training.

There are examples of recent practice where Barnardo's fostering services have challenged practice in the local authority including escalating a child protection issue where we did not believe the local authority had taken it seriously. On another occasion the service complained about the practice of a local authority children's social worker where it fell below expected standards and was undermining work being undertaken with a fostered child who had sexually harmful behaviour.

File audits, completion of incident forms, serious safeguarding and allegation reporting, staff supervision all provide opportunities to ensure compliance with policies related to internal investigation.

4.10 Record keeping

(i) Policy

Past

- a) What policies and/or procedures did the organisation have on record keeping in relation to foster care?

Barnardo's has retained the records of all children in its care, including those placed in foster care.

Barnardo's has not been able to locate policies or procedures relation to keeping records for foster carers between the 1940s and 1960s.

Barnardo's policies complied with the requirements of the Fostering of Children (Scotland) Regulations 1996 in relation to retaining records of foster carers. Regulation 19 required that the records of a foster carer be retained for at least ten years from the date upon which the foster carer's approval is terminated or until his/her death if earlier. The Looked After Children (Scotland) Regulations 2009 Regulation 32 requires records for the foster carer to be kept by the local authority for at least 25 years from the date the foster carer's approval is terminated or until their death if earlier. Barnardo's policies on 'Retention, Management of Closed Records, Archiving & Destruction of Records' between 2007-2017 outline how long specific types of records need to be kept for.

- b) What policies and/or procedures did the organisation have on record keeping by foster carers?

Barnardo's has not been able to locate information relating to the requirement to keep records by foster carers between the 1940s and the 1960s. Barnardo's hold carer files from the 1980s onwards.

Barnardo's policies complied with the requirements of the Fostering of Children (Scotland) Regulations 1996 in relation to retaining records of foster carers. Regulation 19 required that the records of a foster carer be retained for at least ten years from the date upon which the foster carer's approval is terminated or until his/her death if earlier. The Looked After Children (Scotland) Regulations 2009 Regulation 32 requires records for the foster carer to be kept by the local authority for at least 25 years from the date the foster carer's approval is terminated or until

their death if earlier.

From 2012 when the current Charms database was set up Barnardo's has had full compliance both with the retention of records policy and the regulatory guidance for foster carer files as set out in regulations 31 and 32 of the Looked After Children Regulations 2009.

It has not been possible to locate a policy in relation to record keeping for foster carer files prior to 2007. However Barnardo's has on file 1,270 foster carer files from the period prior to 2012, dating from the early 1980s. It is important to note that these files include applications which did not progress to approval, some files for foster carers who will also be included in the numbers from the Charms database and some where the service has retained a file for each carer and others where one file is retained per foster care family.

- 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?

Barnardo's Policy Manual – Social Work – S.W.5.1 dated 17.8.99., provides some details about the requirements to keep records on foster carers. It states that: *Where Barnardo's has undertaken the assessment of a foster carer, the Project Leader must establish and maintain a case record of each approved carer and must keep records of prospective foster carers not approved.* This is in accordance with the Fostering of Children (Scotland) Regulations 1996.

The Caring Assets Summary Log – Caring Made Easy noted the two primary reasons for keeping logs, namely; "to identify when a child is experiencing problems and hopefully reduce the number of placements a child has to experience in their chaotic lives" and "to help protect carers and their families whilst caring for looked after children".

- d) What did the policies and/or procedures set out in relation to record keeping on the following:
i. Children in foster care

Barnardo's has historically kept very detailed records for the children and young people in its care.

From 1942 every child who was admitted to Barnardo's care had their own individual paper file which was held at Barnardo's Head Office in London. Children placed in Scotland had another file held at the Barnardo's Divisional/Regional office in Edinburgh which opened around 1947.

Once the child had reached the age of eighteen these divisional files were returned to Head Office for archiving and were microfilmed (or later scanned to CD). Lists were kept of all children who featured on these microfilms and CD.s It is from these lists that the random sample of case files was selected.

A circular dated July 1956 states that details of a child's admission and departure from a foster home must be given to the Children's Officers for their registers. This

information was also required to be sent to Barnardo's Head office.

Record keeping would have complied with the Boarding Out of Children (Scotland) Regulations 1959 and later regulations in 1996 and 2009.

The Barnardo's Policy Manual dated 16/07/07 outlined expectations that all children's records should be retained until the child's 24 birthday unless they need to be retained for longer. Where there has been a serious case review the file should be retained for 75 years. Where the child was looked after in foster care then the file was to be retained for 75 years from their date of birth or for 15 years after death if the child dies before 18 years.

A recording document called Barnardo's Core Child Care Standards and dated from 2008 was archived and covered the following areas:

RECORDING: CORE STANDARD

1. Service users participate as appropriate in recording processes

Evidence:

Foster carers and service users are aware of service recording practices. Guidance is given to carers about their own recording in respect of children and young people

Areas to be developed:

Consideration of children's files content and format through Scottish fostering/participation work.

2. SU records show the purpose and outcome of contacts and track goals and achievements from referral to outcome

Evidence:

There is a standard recording and report format which facilitates this

Areas to be developed:

More routine use of this by service staff

3. SU records contain recommendations for future actions

Evidence:

As 2

Areas to be developed:

As 2

4. Records are used in staff/volunteer supervision and professional development

Evidence:

Yes, supervision notes are kept. Annual appraisals too.

Areas to be developed:

5. Records respect confidentiality and privacy but are shared

appropriately to ensure safety

Evidence:

Yes, see child protection guidance and 2007 audit

Areas to be developed:

6. Records identify patterns of concern and actions taken to address these

Evidence:

Yes, see child protection guidance and 2007 audit

Areas to be developed:

2 RECORDING

RECORDING: AGREED ACTION PLAN (*agreement of areas to be developed/improved based on comments under areas to be developed under core standard heading*)

In accordance with CP audit and Care Commission inspection, recording (particularly of children's information) will be considered alongside participation developments

1.

RECORDING: IDENTIFIED EXAMPLES OF GOOD PRACTICE (*for purpose of sharing information/good practice/distinctiveness at region/nation/UK level*)

See recording format which links with Getting it Right for Every Child

ii. Foster carers

There was no policy in relation to the retention of foster carer records between the 1940s and the 1960s.

Barnardo's complied with the Fostering of Children (Scotland) Regulations 1996 and The Looked After Children (Scotland) Regulations 2009. Foster carer files were stored on an external hard drive for the 1980s and 90s. Carer files after this are stored on Charms/Content Server.

The Barnardo's Policy Manual dated 16 July 2007 outlined expectations that foster carer records should be retained for six years after the last child that was placed

reaches 18 or at least 10 years after placements are concluded and approval terminated, whichever was longer. Potential carers' records following initial inquiry where no contact were to be retained for one year and where there was an initial visit for three years unless there were significant issues that may affect future inquiries then they were to be retained for six years.

Potential carers' records after application and assessment process had started were to be retained for three years if no significant issues, if there were significant issues that may affect future inquiries then they were to be retained for six years.

Foster carers where there was an application, assessment and approval but no placement were to be retained for three years if no significant issues. If there were significant issues that may affect future inquiries then they were to be retained for six years. Applications where there was no approval were to be retained for 10 years from the date of the refusal of the application to foster. Fostering panel minutes were to be retained for 25 years.

iii. Visits to children and foster carers

In a circular dated July 1956, contained in the Barnardo Book there is a paragraph that states that *'report forms must be completed after every visit and must cover welfare, health, conduct at home and at school, and progress at home and at school. The report on conduct and progress at school requires consultation with the school, but we do not expect the welfare workers to make a school visit more than twice a year. When the school is not visited, observations and information gathered from the child and the foster-parents should be noted.'*

The Boarding-out and Fostering of Children (Scotland) Regulations 1985 provided that written reports should be produced in relation to visits. There are copies of these reports of visits on all of the children's files. The format varies over time with the earlier files having a set form with specific fields to be completed and the later files, from the mid 1970s, being a written report covering all areas in more detail.

iv. Complaints

There was no separate complaints policy or procedure for foster care. Barnardo's Complaints Policy covered all areas of the work undertaken by the organisation. The earliest policy that has been retained in the archive is from the 1970s.

There are records of complaints within Family Placement held within a central complaints folder dating back to 2009 and a list of all the names and area's that they lived in. We may not have kept the actual complaints detail as the folder is cleansed every 3 years. The service user complaints policy would have been in situ by then which has always been compiled and updated at Barkingside.

v. Investigations (both internal and external)

There was no separate policy for investigations for foster carers. Barnardo's general policy covered all aspects of the organisation's work.

vi. Discipline

There was no separate policy for discipline for foster carers. Barnardo's general policy covered all aspects of the organisation's work.

The Barnardo Book had a chapter on discipline in the main book, however it is not referred to separately in the Boarding Out chapter of the book and does not appear in the Notes on Boarding Out.

- vii. Responding to requests from former children in foster care for information/records

Barnardo's After Care service, now called Making Connections, dates back to the time of Dr Barnardo. The service is there to help people who were cared for by the organisation when they were children. The Department has pioneered services for helping adults to come to terms with growing up in care, providing information about their background and assisting them to trace family and relatives. People who grew up in Barnardo's care have been provided with information about their backgrounds for many years. This includes children who were placed in foster care.

Since January 1995 people have been able to see their original records. Although Barnardo's was not at that time legally obliged to do this, the decision was made in the light of increased understanding of the significance of information from the past.

In addition Making Connections provides a fee based service for the descendants of those people who grew up in Barnardo's care, including the reasons for their admission and any photographs held in the archives.

- viii. Other issues relevant to foster care

Not applicable.

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

The General Superintendent was the Principal Officer responsible to the Council for the administration and welfare of all children past and present. He was the channel through which instructions of the Council and its committees were conveyed to all members of staff employed for the care, training and education of children and staff.

By the late 1970s the Central Child Care Committee comprised of Directors from the eight divisions of Barnardo's met once a month. They acted as the main policy making forum and were responsible for considering and approving policies. Topics covered similar topics to those in the Barnardo Book and were essentially Barnardo's policies of the time. Unfortunately, Barnardo's has not been able to locate any examples in the archives and the information on the existence of the policies and their contents comes from Sir Roger Singleton, former Chief Executive from 1984 to 2005. The 2017 Retention of Records policy is the first identified example where the name of the writer is included. From 2007 the name of the responsible department appears.

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

The original Barnardo Book was published in 1943 with later editions in 1952 and 1955. The Barnardo Book continued to be updated and in general use until the 1960s when it was phased out in response to devolution and the developing diversity of service provision across the UK.

All policies would have complied with the Boarding Out of Children (Scotland) Regulations 1959 and later Regulations in 1985, 1996 and 2009.

g) Do such policies and/or procedures remain in place?

All policies are regularly reviewed to ensure that they comply with the latest legislation and regulatory guidance.

h) Were such policies and/or practices reviewed?

Policies and procedures were regularly reviewed to ensure that they complied with new legislation or regulations relating to the provision of care for children in foster homes. Circulars would be issued with guidance for staff.

i) If so, what was the reason for review?

See above.

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

Over time Barnardo's policies changed to reflect the increasing regulation of fostering services. Whilst the 1947 Regulations did not apply to voluntary organisations, Barnardo's were required to comply with later rules and regulations as increasing numbers of children were placed in foster homes by local authorities. The policies were reviewed and amended to reflect regulatory changes.

k) Why were changes made?

Changes were made in response to the Kilbrandon Report, the Social Work Scotland Act 1968 and the creation of the Children's Hearings System.

From the 1990s Barnardo's published a number of documents and guidance in relation to child protection. In 1991, Barnardo's published a booklet titled 'Barnardo's is a Child Protection Agency.' Barnardo's wanted first to set out an organisational position statement on child protection and secondly to acknowledge the importance of support for staff engaged in child protection work.

Specific duties, powers and procedures under Scottish legislation are highlighted under the relevant chapter in the booklet. All staff engaged in child protection work were given a copy and latter all new child care staff received the booklet at the time of their appointment.

The Children Act (Scotland) 1995 consolidated Barnardo's thinking around child

protection as it reflected the changing emphasis on child protection as a central activity of the social work profession.

l) Were changes documented?

Changes would have been documented in the relevant procedural guidance to staff, by the production of a circular detailing the required practice standard; and later in the policy manuals issued to each service.

m) Was there an audit trail?

Outdated policies and procedures were not routinely kept once they had been updated.

More recently, there is an audit trail of electronic versions of policies and procedures.

Present

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

Yes.

o) If so, please give details.

Barnardo's places an expectation on foster carers that they maintain logs relating to the children and young people in their care.

The current organisational expectations in relation to record keeping are outlined in a number of policy areas. Policies and procedures are recorded on the intranet and accessed electronically to ensure the most up to date version is used.

From April 2016 Barnardo's Family Placement rolled out foster carer log ins for the Charms database. Each service drew up an action plan setting out their plan for eventually getting all carers logged into charms. Phase one of the carer log in roll out was for carers to log into charms to complete their placement log/diary only.

There are a number of corporate Barnardo's policies relevant to record keeping including the Children's Services Recording Policy and Procedure which provide a framework for the recording of personal data about service users, carers and supported lodgings providers, and identifies where variation is permitted at service level, in order to promote good quality recording and to ensure that the statutory, regulatory, and contractual requirements are met.

The recording of personal data about service users, carers and supported lodgings providers is a critical part of service provision. It provides an account of the work undertaken for the benefit of the data subject, it may be used for reporting and quality assurance purposes, it provides a means of planning and evaluating the

intervention and it may be used as evidence in case of a complaint, inquiry or other legal process. It must also be compliant with the requirements of The General Data Protection Regulation (GDPR), which means that it must be held securely, it must be accurate, it must be possible to identify where it is being stored and it must be deleted when it is no longer required for the purpose for which it was obtained. This policy and procedure enables these requirements to be met.

The Retention, Archiving and Deletion of Records Policy, Barnardo's Corporate Data Protection Policy provides the overarching policy framework which enables all staff and volunteers who are acting on behalf of Barnardo's to comply with the legal requirements of the GDPR and the Data Protection Act 2018. Beneath the Corporate Policy are a number of individual policies and procedures that provide more detailed policy and guidance for specific departments within Barnardo's.

Other relevant corporate policies and procedures include the Service Recording Protocol, Protocols in relation to GDPR and Data protection and Subject Access Requests.

The foster carer handbook was updated in September 2019. A copy of the handbook is given to foster carers when they are approved. The handbook sets out Barnardo's expectations in respect of recording and report writing. There is also information about confidentiality including the Data Protection Bill, General Data Protection Regulations and Subject Access Requests.

Compliance with recording expectations is considered within foster carer reviews, file audits and external inspection. Quarterly reports are submitted to Scotland Excel to evidence compliance with the fostering framework.

(ii) Practice

Past

- a) Did the organisation adhere in practice to its policy/procedures in relation to record keeping?

In the absence of copies of the relevant policies and procedures it is difficult to be emphatic about this. However as outlined above Barnardo's has on file a number of foster carer files from the period prior to 2012, dating from the early 1980s. All children's files have also been retained.

During the earlier period of the 1940s, 1950s and 1960s there was no requirement for carers to keep records on the children in their care. All the records were compiled by the visitors in their reports and these are all held on the children's files. Foster carer diaries and log books have been returned with the children's closed paper files in the past and these are archived alongside the child's file.

- b) Did the organisation check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?

As outlined above, in a case note from Edinburgh Special Families Project dated 25 November 1987 the supervising social worker reminds the foster carer to record information about the children she is caring for in her diary.

c) Did the organisation adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following:

i. Children in foster care

See previous answers. All children's files have been kept and archived on microfilm, CD or electronic file.

ii. Foster carers

See previous answers. We have foster carer files from 1980s and 90s held on portable hard drive and later files held electronically.

iii. Visits to children and foster carers

All visits to children and their foster carers are recorded on the child's file. Records of visits also appear on foster carers' files from the 1980s onwards.

iv. Complaints

See previous answers under 4.8 above.

v. Investigations (both internal and external)

See previous answers under 4.9 above.

vi. Discipline

See previous answers under 4.4 above.

vii. Responding to requests from former children in foster care for information/records

Barnardo's has always responded to requests for information from people formerly in foster care with the organisation and details of any after care contact was added to the child's file, although it was specific questions answered or a summary of information given. Barnardo's opened access to its records for people formerly in their care in 1995 prior to the DPA coming into force. Making Connections continues to provide an access to records service to those people.

viii. Other issues relevant to foster care

This is a broad question, but in so far as we can determine Barnardo's did comply with its policies.

d) How was adherence demonstrated?

Adherence can be demonstrated through general correspondence between the organisation, foster carers, and placing agencies. In addition, there are some annual reports and management minutes still in existence which demonstrate compliance.

Adherence is demonstrated in the children's files where there are reports of the visits made to children in their foster homes. In some files there are foster-parents application forms and agreements with foster carers.

In the sample of foster carer files from the late 1980s held in the archives there are copies of the Form F Assessment, some review minutes and correspondence about the children in placement.

In addition to the above, Barnardo's has carried out a review of thirty five case files of children in foster care from the 1940s through to 2000s, and has cited examples of policy and practice from these files within the section 21 notice.

e) Were relevant records kept demonstrating adherence?

Some general records, correspondence and management meeting minutes have been retained in the archives. Individual child care and foster carer records are also held in the archives.

f) Have such records been retained?

All paper records for children who have been in Barnardo's foster care are retained in the archives. Later files are stored electronically.

A very small number of paper foster carer files from the 1980s have been archived. Later files are stored electronically with a retention date.

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

Not applicable

h) Did the organisation 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?

Barnardo's has undertaken a review of a random sample of case files from the 1940s to 2000s for the purpose of providing information to complete the section 21 notice. We have documented all known cases of abuse or alleged abuse in Parts B and D.

i) If so, when did the reviews take place, what documentation is available, and what were the findings?

A review was undertaken of all known cases of abuse or alleged abuse in Foster Care in Scotland – the analysis is contained in Parts B and D.

j) How have the outcomes of investigations been used to improve systems, learn lessons?

Barnardo's has always had a strong learning culture with training for staff and foster carers central to how the service operates.

Outcomes of investigations were disseminated in the main through team meetings and business meetings for panel members. This is evidenced in minutes from some of these meetings.

k) What changes have been made?

In 2001 following the death of a four year old boy at the hands of his adoptive parents in Brighton and Hove, an inquiry held by two local child protection committees recommended that ex-partner references should routinely be sought for people applying to be foster carers or adopters. Practice within Barnardo's fostering services changed to incorporate this recommendation.

In 2011 Dawn McKenzie, a foster carer was murdered by her 13 year old male foster child. This was not a placement connected in any way with Barnardo's. The Significant Case Review made a number of recommendations which have been implemented by Barnardo's including use of chronologies to review complex caring situations, challenging local authorities where there is a lack of support to children placed, a move away from generic and wide ranging categories of registration for foster carers and an increased focus on a trauma informed approach to foster care provision as part of a whole systems approach.

l) How are these monitored?

Through staff supervision, quality assurance processes, external inspection.

m) Did the organisation afford former children in care access to records relating to their time in foster care?

Yes.

n) If so, how was that facilitated?

People formerly in Barnardo's care have been provided with information about their background in different ways, over the period under scrutiny.

In the 1940s a young person leaving care went through a 'Farewelling' process during which a senior officer would provide verbal information about their family background, and hand them their short-version birth certificate. They would be encouraged to keep in touch with the After Care service, and advised they could approach After Care for help or support, including further background information if required. Information supplied on such requests between 1940 and the 1970s was fairly limited however.

Increasing understanding since the 1980s of the significance for care experienced adults of information about their past, led to acknowledgement that people should be able to read for themselves what was written about them.

Barnardo's began to offer a direct access to records (ATR) service in 1995. From

the 1980s until 1995 people had been given extracts from or full summaries of their information on request.

In October 2001 the Data Protection Act 1998 was implemented, giving the legal right to all care experienced adults to obtain their care records.

From around 1940, all children's care records have been retained in Barnardo's After Care service. The service is now known as Barnardo's Making Connections.

Making Connections is now a dedicated service, which maintains the archive of children's records and provides access to records and disclosure services, including a genealogy service for relatives and descendants of people who were in the charity's care. All contact with service users is recorded in line with the requirements of current Data Protection legislation.

The child care records archive dates back to 1867. Barnardo's has cared for over 370,000 children in residential and foster care; since 1947 Barnardo's has placed over 6,500 children for adoption.

Until about 1940 records were handwritten in large ledgers, indexed by name and date of admission. Between 1939 and 1945, few records were kept due to war activities. After WWII an alphabetical card index system was introduced and records were kept in file format.

All records are now microfilmed or scanned to disc for ease of storage. Since 2005 children's records have been created digitally.

Barnardo's Photographic Archive contains over 500,000 images; a large proportion are individual or sibling group photos of children, enabling Making Connections to provide care experienced adults with personal images whenever available.

The demand for Access to Records services has diminished very little in the last 25 years, since Barnardo's began offering full access to records in 1995.

After Care/Making Connections has pioneered practice in helping adults make sense of growing up in care, providing information about family history and early life, helping to trace relatives and facilitating reunions.

As founder members/organisers of the Post Care Forum, Barnardo's workers have actively promoted the sharing of good practice in ATR, and facilitated seminars to assist implementation of Data Protection legislation.

Good Practice Guidelines have been developed in the service, to identify and clarify the purpose and value base of practice in the service, which include principles such as:

- working transparently and truthfully
- working in compliance with Data Protection legislation which recognises the individual's legal and moral entitlement to their records
- observing legal and moral parameters with respect to third party information

- recognising that 'ownership' of the information lies with the subject of the records, not with Barnardo's
- recognising and respecting the uniqueness of each individual's experience of care
- respecting our role as representatives of the former "parent" of service users, and acting with due responsibility towards both organisation and service user.
- acting responsibly regarding the welfare of service users, their families and others including the welfare of former Barnardo's employees
- recognising the importance of origins, continuity and the powerful need to learn about or renew contact with important people from their past.

o) If not, why not?

Not applicable.

Present

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

Yes

q) If so, please give details.

Adherence to policies and procedures for record keeping on the present is checked through child and carer file audits, audits of staff files, staff supervision, foster carer reviews, quarterly reporting of KPI's and external inspection.

The new foster carer handbook sets out the expectation that foster carers comply with recording expectations and that this will be monitored through supervision and at carer reviews. The handbook outlines that lack of compliance with the recording policy may result in carers being returned to the fostering panel, possibly being stepped down a level and ultimately could lead to de-registration if there evidence of not following support and training with the competencies expected following support and training.

Likewise staff may be subject to work performance and disciplinary action if, following training and support they fail to comply with the recording policy.

Barnardo's is a learning organisation and this is demonstrated in a number of ways. All employees have an annual performance development review. As part of this process Barnardo's has made a commitment to all employees and volunteers to an annual minimum of three days' learning above and beyond mandatory and continuing professional development (CPD) requirements. Through a range of partnerships, and with an apprenticeship academy, employees may undertake qualifications from NVQs to masters degrees.

Around 18 months ago Barnardo's signed up to Workplace which is akin to Facebook for work environments. Through this it has been possible to share access to learning opportunities, develop special interest groups and share relevant

articles, research, practice tips etc.

There are examples of recent practice where Barnardo's fostering services have challenged practice in the local authority including escalating a child protection issue where we did not believe the local authority had taken it seriously. On another occasion the service complained about the practice of a local authority children's social worker where it fell below expected standards and was undermining work being undertaken with a fostered child who had sexually harmful behaviour.

Learning from complaints, incidents and significant case reviews are shared in a number of different forums and disseminated to staff and foster carers through team meetings and supervision.

r) Please provide details of the types of any records currently held relating to the children in foster care in respect of the following:

i. Children in foster care

An electronic file is held securely within the CHARMS database.

ii. Staff with responsibilities for foster care

A staff file is held on the Barnardo's intranet this is set up at the point of recruitment and includes background checks, verified references, safeguarding sign off, supervision notes, PVG.

iii. Foster carers

An electronic file is held securely within the CHARMS database.

iv. Complaints

These are held centrally within the central complaints folder. Any complaints are recorded in the relevant Charms file and cross referenced against the centrally held details.

v. Investigations (both internal and external)

Investigations regarding children in foster care have recordings made on the child's Charms file. Additionally, if within the remit of Barnardo's safeguarding policy, an incident form may have been completed and sent to Barnardo's corporate safeguarding team, the family placements safeguarding lead and head of FP. These records are held centrally and case updates are reviewed until closure.

vi. Responding to requests from former children in foster care for information/records

Barnardo's has a subject access request policy and process and all requests follow this process.