

## **Section 21 Notice - Fostering - Clackmannanshire Council**

### **Section A and D - Submission date: 14 August 2020**

#### **Introduction**

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

#### **Key contact details:**

Fiona Duncan Chief Social Work Officer - [REDACTED]  
Lindsay Thomson Senior Manager Legal & Governance – [REDACTED]

#### **Guidance note 12**

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

Fiona Duncan – Chief Social Work Officer  
Lindsay Thomson – Senior Manager – Legal and Governance  
Margaret Ure – Business Support Childcare Manager  
Heather Buchanan - Solicitor  
Susan Yule – Archive and Records Management Officer  
Chris Alliston - Senior Manager – HR and Workforce Development  
Lindsay Sim – Chief Finance Officer  
Margaret McIntyre – Service Manager  
Suzanne Fraser-Kerr – Team Manager - Fostering  
Gillian Buchanan – Corporate Parenting Manager

The posts noted above refer to those held at 14 August 2020.

#### **Methodology**

The following data sources were identified for scrutiny to provide the response to the s21 notice:

- The Clackmannan County Council – pre 1975 (paper records).
- The Central Region Council – 16th May 1975 – 31st March 1996 (relevant paper records for open cases were retained by Clackmannanshire Council from Central Regional Council at the point of disaggregation). Closed client records from 1975 – 31st March 1996 were retained by Stirling Council and have not been accessed for the purposes of this report.

- Clackmannanshire Council – 1st April 1996 – present date (paper records and electronic records held on Children and Family Information System Lotus Notes)
- Clackmannanshire Council's Looked After and Accommodated children information held on an access database entitled CLAS. (This was created primarily to provide statutory annual return data to Scottish Government.)
- A report was run to identify all children who were in a foster care placement from the date of the database being created (2000). To identify any records from 1st April 1996 – 2000 the foster care payment ledgers were referred to and a manual list was prepared which identified a list of children and foster carers.

A spreadsheet was then created to include all children and their placement dates, identified from the search of the ledgers and the database. A separate worksheet was created to list all Clackmannanshire Council approved foster carers and another which listed any externally approved foster carers. This was used as the master list to record the retrieving of files and assist the allocation of records to file readers. Also a separate spreadsheet was kept of Clackmannan County records and a report was run on the Children and Families Lotus Notes Information System

This work was overseen by Margaret Ure, Business Support Team Leader who reported to a steering group also comprising: Margaret McIntyre, Service Manager (Children's Services) Fiona Duncan Chief Social Work Officer and Lindsay Thomson Senior Manager Legal & Governance.

**Limitations:**




- The available records from Clackmannan County Council (prior to 1975) are limited in detail. The majority of the information from these records has been taken from Council and Committee Minutes and Appendices, and financial ledgers. In January 1958 the County Council agreed that reports of the Children's Committee should refer to case numbers rather than children's names so it was necessary to cross-reference the information from the minutes with that from the ledgers to try and avoid duplication of the numbers of children in care. It is possible that there may have been children in foster placements during this period which have not been recorded. According to the information in the minutes, Clackmannan County Council had some informal oversight of these placements and provided finance for them, albeit legislation for approval and monitoring of foster carers came later.
- There are gaps in the recorded details of foster care at two specific times in the Clackmannan County Council period: there are no recorded foster care cases in the period around World War Two (1938 to 1948). The Social Work Committee Minutes of 14/03/1945 state that there were 'currently no children boarded out.' The second gap in foster care information is the period of 1970-

75 when Social Work minutes mostly refer to the reorganisation of the department under Central Regional Council. Figures for foster care cases are only occasionally recorded in the minutes. The only other source of information within this period is a report entitled 'Proposals for Development of Social Work Services' which lists numbers of foster carers in 1973. This is also detailed below.

- The limitations regarding the retrieval of full staffing data has been included in section 1.8 below.
- The limitations of retention of financial documents is included in section 1.2 b) below.
- Although Stirling Council and Clackmannanshire Council had a shared service arrangement for social work, including foster care, between 2013 and 2015, each Council maintained their own records during this period.
- The national requirements for statistical reporting of data for looked after children have changed periodically and best efforts have been made to interpret the available data meaningfully to underpin the answers below.
- There will also be a margin of human error in the initial recording and subsequent data gathering. There are intrinsic difficulties in accurately interpreting data compiled historically and by third parties.

<b>Part A - Background</b>	
1.1 a)	Over the period from 1930 to date, please provide details of the predecessor authorities for the local authorities area for which the authority is now responsible, and the time periods during which these authorities were the responsibility for the area, or any part thereof,.
Response:	<ol style="list-style-type: none"> <li>1. Between 1930 and 1975 Clackmannan County Council was responsible for the functions of social care in the area of Clackmannanshire.</li> <li>2. Clackmannan County Council was abolished in 1975 by the Local Government (Scotland) Act 1973 and a new hierarchy of regions and districts was created. Clackmannan County Council area was renamed "the Clackmannan District" and it became part of Central Regional Council, together with a Stirling District and a Falkirk District. Between 1975 and 1996 the area of Clackmannanshire was served by Central Regional Council. Clackmannanshire District Council was established at the same time as Central Regional Council to carry out the functions reserved for the district councils in the new two tier structure.</li> <li>3. Central Regional Council was subsequently disaggregated in March 1996 when local authorities were established in Scotland. Clackmannanshire Council was formed in April 1996 and from then to the present time it has held responsibility for the provision of social care functions including the care of children and young persons.</li> </ol>
1.1 b)	When and how did the local authority become involved in the provision of foster care for children in Scotland?
Response:	<p>Prior to 1975 responsibility was held by the County Council for the County of Clackmannanshire.</p> <p>From 1975 to 1996 fostering came under the responsibility of the amalgamated Central Regional Council and some records relating to this time may be held by Stirling Council</p> <p>Clackmannanshire Council has held responsibility for the provision of foster care in since 1996.</p>



1.1 c)	How has the involvement of the local authority in the provision of foster care changed/ developed over time?
Response:	<p>See response to 1.1 b)</p> <p>There are some references to boarded out/fostered children in the Minutes of the 'Public Assistance Committee for The County Council of the County of Clackmannan. During the period of 1930-1975 there is limited information. .</p> <p>Our archives contain: Public Assistance Circular No 18 received 1 July 1931 "Boarded - Out Children"</p> <p style="text-align: center;"> Public Assistance Circular No.18 - Boarded Out Children</p> <p style="text-align: center;"><b>[Appendix 1]</b></p> <p>Public Assistance Circular No. 28 dated 13 December 1932 'Infant Life Protection'.</p> <p style="text-align: center;"> Public Assistance Circular No.28 - Infant Life Protection</p> <p style="text-align: center;"><b>[Appendix 2]</b></p> <p>"Rules for the boarding out of Children made by the County Council of the County of Clackmannan in terms of paragraph 25 of the Poor Relief Regulations (Scotland) 1934" dated at Alloa 21 of May 1935</p> <p style="text-align: center;"><b>[Appendix 3]</b> [Referred to in the Minutes of the Public Assistance Committee dated 10/5/1935]</p> <p style="text-align: center;"> Clacks Boarded Out Children Rules re. Poor Relief Regulations</p>

Public Assistance Committee Minutes dated 8 October 1943 **[Appendix 4]** notes the Department of Health Circular requiring local authorities in terms of the Poor Relief Regulations (Scotland) 1934 to make arrangements for the local supervision of children boarded out by them in the area of another authority and to obtain a report every 6 months on the state of the children and the condition of the home.



Circular 1943 -  
Visiting of Boarded Out

There is reference in a paper headed "Proposals for Development of Social Work Services" "Social Work (Scotland) Act 1968" **[Appendix 5]** page 23 to Fostering and Lodging of Children and the requirement for additional foster parents.



Clacks Proposals for  
Development of Social

There is reference in Central Regional Council Minutes dated 25 March 1986 to the problems associated with the recruitment and retention of foster parents within the Region:



CRC Minutes  
25.03.1986 - Boarding  
**[Appendix 6]**

There is reference in Central Regional Council Minutes dated 17 October 1989 to a proposed expansion of the community carers scheme/professional fostering.



CRC Minutes  
17.10.1989 - Community  
**[Appendix 7]**

Also obtained from Archives is a blank template form "Record Boarding Out"



Appendix 8 - Blank  
Template Form - Rec

**[Appendix 8]**

In Clackmannanshire Council from 1996, the provision of foster care has developed with legislative change as set out further below. The Looked After Children (Scotland) Regulations 2009 and the Children (Scotland) Act 1995 form the basis of Clackmannanshire Council's current fostering arrangements.

With the exponential developments in legislation, regulation, standards, polices, professional bodies and a significant body of research, foster care has grown and evolved offering high quality of care to most children. While the growing framework has been essential, at the heart of fostering are people with deep values and principles that reflect kindness, compassion, belonging, safety and love. There are examples of 'extraordinary' nurture and care enabling children to recover from trauma and thrive in foster care. However, throughout the history to date, there are adults who enter the system who have not met the standards of care or demonstrated the nurture required, and indeed, some have abused, hurt and harmed children. This has to be acknowledged and the 'system' must continue to learn while advancing the safeguarding of children in Foster Care.

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

Response:


In the years of Clackmannan County Council, operations and activities in relation to the provision of foster care were funded by national and local means – through central government funding and local taxation. There is reference in legislation e.g. the Children and Young Persons (Scotland) Act 1937 and the Children Act 1948 to 'grants paid to local authorities' and to 'monies provided by parliament to local authorities' to support the carrying out of their duties under these Acts.

Appendices to Clackmannan County Council Minutes include Estimates of Income & Expenditure for the care of children **[Appendix 9a]**. These refer to a 'government grant' between 1948 and 1958. The following table details the amounts received in each year. In the estimates for 1960-61 the government grant ceases to be paid in and there is a reference to 'Scottish Home Department – repayment of grant overpaid for year 1958-59 = £424.'




	<b>Financial Year</b>	<b>Grant Amount Received</b>
	1948-49	£425
	1949-50	£920
	1950-51	£1,346
	1951-52	£1,262
	1952-53	£3,016
	1953-54	£4,794
	1954-55	£5,068
	1955-56	£4,593
	1956-57	£4,527
	1957-58	£3,880
	1958-59	£5,674



Estimates of Income  
& Expenditure 1948-7

The following information is also available **[Appendix 9b]**:



Clacks Funding of  
Children in Care 1930

Clackmannan County Council paid other local authorities for the provision of foster care of children. Less frequently other local authorities also paid money to Clackmannan County Council for this service. There are also references to 'recoveries' and 'contributions' under the Children Act 1948 from other authorities in the Statements of Income & Expenditure for 1948-49, 1950-51 and 1951-52, which totalled £121, £4 and £46 respectively, however it is not recorded whether these payments were for foster care or for other services.

From 1996 to 2014 Clackmannanshire Council received most of its funding from Central Government by way of a grant. The budget is balanced using income from Council Tax and other Fees and Charges. The provision for foster care along with other services is then paid out of these pooled funds.

1.2 b)	To what extent if any did the local authority provide funding to other organisations for the purpose of provision of foster care?
Response:	

Clackmannan County Council provided funding to other local authorities for the provision of foster care and residential care for children from Clackmannanshire. These payments are documented in the Estimates of Income & Expenditure referred to in 1.2 (a) [see Appendix 9], however the amounts paid are not divided in terms of foster or residential care but are simply stated as one sum. The following table details the payments to other local authorities between 1949 and 1966.

<b>Financial Year</b>	<b>Payments to Other Local Authorities</b>
1949-50	£195
1950-51	£167
1951-52	£592
1952-53	£3,716
1953-54	£6,058
1954-55	£6,789
1955-56	£3,330
1956-57	£3,235
1957-58	£3,460
1958-59	£3,724
1959-60	£4,295
1960-61	£4,225
1961-62	£4,322
1962-63	£3,600
1963-64	£4,491
1964-65	£5,682
1965-66	£6,000 (estimate)
1966-67	£7,131

The data below has been extracted from records for the Clackmannanshire Council period to date [Appendix 10]:



Fostering Payments -  
External 2000 - 2020

This spreadsheet also contains figures that will be referred to below at 1.2 I).

The figures for 2000/01 -2015-16 are taken from the downloads of Strategix transactions. This is a listing of the Council's payments to companies and does not include financial codes so it is not possible to identify Social Services spend or expenditure on Fostering. Fostering

	<p>expenditure has been identified on the basis of payments to organisations that provide Fostering. The starting point for this exercise was the list of providers identified in Tech One but this has been built on by reviewing the payments to identify other organisations providers (for example those with Fostering" in their title) as well as discussions with Children's Services Business Support.</p> <p>There are some limitations to this model:</p> <ul style="list-style-type: none"> <li>• The Strategix files do not detail a financial code which means it is not possible to identify Social Services spending separately from overall Council expenditure.</li> <li>• There are some organisations that provide both a range of services to the Council including accommodation and fostering services, where this is the case this analysis will detail all the payments as it is not possible to split the expenditure between fostering and residential care.</li> <li>• Strategix files for 2005/06 do not include any payments to Fostering organisations. It is possible there is an error with the file as it is significantly smaller than the other files.</li> </ul>																																
1.2 c)	<p>If funding was provided by the local authority to other organisations for the provision of foster care, to who, was it provided, when was it provided and what criteria were applicable to it provision?</p>																																
Response:	<p>According to the Estimates of Income &amp; Expenditure, the sums detailed in the following table were paid to these local authorities for the provision of foster and/or residential care between 1949 and 1951.</p> <table border="1" data-bbox="453 1234 1313 1696"> <thead> <tr> <th>Local Authority</th> <th>1949-50</th> <th>1950-51</th> <th>1951-52</th> </tr> </thead> <tbody> <tr> <td>City &amp; Royal Burgh of Edinburgh</td> <td>£60</td> <td>£63</td> <td>£61</td> </tr> <tr> <td>Royal Burgh of Stirling</td> <td>£61</td> <td>-</td> <td>-</td> </tr> <tr> <td>Aberdeen County Council</td> <td>£22</td> <td>-</td> <td>£5</td> </tr> <tr> <td>Banff County Council</td> <td>£52</td> <td>£104</td> <td>£7</td> </tr> <tr> <td>City &amp; Royal Burgh of Dunfermline</td> <td>-</td> <td>-</td> <td>£284</td> </tr> <tr> <td>City &amp; Royal Burgh of Perth</td> <td>-</td> <td>-</td> <td>£82</td> </tr> <tr> <td>Town Council of Falkirk</td> <td>-</td> <td>-</td> <td>£153</td> </tr> </tbody> </table> <p>The only archive record stating criteria for the provision of foster care by</p>	Local Authority	1949-50	1950-51	1951-52	City & Royal Burgh of Edinburgh	£60	£63	£61	Royal Burgh of Stirling	£61	-	-	Aberdeen County Council	£22	-	£5	Banff County Council	£52	£104	£7	City & Royal Burgh of Dunfermline	-	-	£284	City & Royal Burgh of Perth	-	-	£82	Town Council of Falkirk	-	-	£153
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	<p>other local authorities is the Boarded-Out Children circular from the Department of Health for Scotland dated 1936.  <b>[See Appendix 1].</b></p> <p>These regulations advise the limiting of the number of boarded out children in one area to avoid imbalance with the number of 'native' children. They also state that 'it is essential that a definite relationship should be established between the boarding authority and the authority in whose area the child is boarded' and that there should be a 'qualified local agent' in the area of residence to supervise the child. The following arrangements were recommended by the Department of Health:</p> <ul style="list-style-type: none"> <li>a) The boarding authority should provide a list of children and guardians to the accommodating authority and should intimate any changes</li> <li>b) The boarding authority should obtain the consent of the accommodating authority to utilise their public assistance officer as a local agent for the supervision of the children</li> <li>c) Before placing a child the boarding authority should consult their local agent regarding the selection of a suitable guardian</li> <li>d) An arrangement should be made with the local agent for the systematic visitation and supervision of boarded out children</li> <li>e) Local agents should be remunerated for their services by the boarding authority</li> <li>f) A report should be obtained half-yearly by the boarding authority on every child boarded by them.'</li> </ul> <p>There is no data available to answer this question for the period 1996 – 2000. For the period 2000 – 2014, please see above at 1.2 b</p>
1.2 d)	<p>To what extent was financial state support available to foster carers? How were foster carers made aware of that state support? How was that state support accessed by foster carer (e.g. directly or via the local authority)?</p>
Response:	<p>It is not clear from the archive records from 1930 – 1975 whether the payments to foster carers for the maintenance of children came from</p>



the state or from the local authority. The information pertaining to the period 1975 to 1996 may be held by Stirling in the records for Central Regional Council. There is reference in **Appendix 6** Central Regional Council Minutes dated 25 March 1986 to paying a reward element of £10 per week to foster families in addition to the boarding out allowance. This scheme was to be effective from 1<sup>st</sup> April 1986. No evidence was found in the Central Region minutes as to when this scheme for foster carers ended.



CRC Minutes  
25.03.1986 - Boardin

From 1996 to the present date Clackmannanshire Council operated a three-level scheme for fees, based on experience, training and length of time fostering. Foster carers were paid a fee together with an age related allowance based on the age of the child. Attached as **Appendix 11** headed "Historic Abuse Enquiry – Fostering & Adoption Fees & Allowance Information."



F and A Allowances  
& Fees Historical Abu:






Please note that this also refers to 1.2 l) in terms of the present time (2015 – 2020).


Foster carers were made aware of this funding during the recruitment process and accessed this support through their assigned local authority worker.

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




Response: There are records of maintenance rates paid to carers by the local authority in the Clackmannan County Council minutes and the financial ledgers between 1930 and 1975. There are also records of these payments being reviewed periodically by comparing them to the payments offered by other local authorities.



The information pertaining to the period 1975 to 1996 may be held by

	<p>Stirling in the records for Central Regional Council. There is reference in <b>Appendix 6</b> Central Regional Council Minutes dated 25 March 1986 to paying a reward element of £10 per week to foster families in addition to the boarding out allowance. This scheme was to be effective from 1<sup>st</sup> April 1986. No evidence was found in the minutes as to when this scheme ended.</p> <p>From 1996 to the present date Clackmannanshire Council operated a three-level scheme for fees, based on experience, training and length of time fostering. Foster carers were paid a fee together with an age related allowance based on the age of the child. Attached as <b>Appendix 11</b> headed "Historic Abuse Enquiry – Fostering &amp; Adoption Fees &amp; Allowance Information".</p> <p>The three tiered skill level system was introduced in Clackmannanshire Council in 2002 and was based on the Fostering Network paper Payment for Skills 1996. We have continued to use this scheme until the present date though we are currently considering reviewed proposals attached breakdown of skills levels. The policy and criteria for how this was calculated is attached as the current draft revised proposals</p> <p><b>[Appendices 12 to 16]</b></p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">         Payment for Skills.doc     </div> <div style="text-align: center;">         Skills Level 1.doc     </div> <div style="text-align: center;">         Skills Level 2.doc     </div> <div style="text-align: center;">         Skills Level 3.doc     </div> </div> <div style="margin-top: 10px; text-align: center;">         Specialist Foster Carer Scheme Propos     </div> <p>Please see the document above at 1.2 d) relating to monetary payments to foster carers from 1996- 2014. Please note that this document also refers to the present day to answer this question at 1.2 k) below.</p>
1.2 f)	If financial support was available, what was the source of those funds (i.e. from local or central government)? What criteria did the local authority apply to the distribution of such funds?
Response:	According to the sources of income listed in the Estimates of Income & Expenditure for the care of children in the 1950s, these funds at this time came from the government grant, recovered orphans' pensions,

	<p>payments from other local authorities for the care of children, parental contributions and commission on parental contributions.</p> <p>It would appear that the financial support came from local government from 1996 onwards. From this time the allowances were based on the number of children and ages. Fees were based on the level of carer experience and there was a three level scheme in place. The criteria applied for the distribution of these funds is outlined in the document at 1.2 d) above.</p>
1.2 g)	<p>How were foster carers made aware of any financial support available from the local authority? How was that financial support accessed by foster carers?</p>
Response:	<p>There is archive evidence that local newspapers were used for communication between the Children's Committee and members of the public, including foster carers. For example, press adverts were used to recruit foster carers in 1954 and to raise public awareness of the Children's Act 1958 and the Adoption Act 1958.</p> <p><b>[Appendix 17]</b></p> <div style="text-align: center;">  <p>AA 29.05.1959 Public Notice.jpg</p> </div> <p>There is also evidence in the Clackmannan County Council foster care files of talks held in the local area with the aim of recruiting potential foster carers and information leaflets given to potential foster carers.</p> <p>In the period from 1996 – 2014 foster carers were made aware of financial support available from the local authority through the recruitment process. They accessed this support through their assigned local authority social worker.</p>
1.2 h)	<p>What other sources of funding were available to foster carers in relation to the provision of care for children?</p>
Response:	<p>There is no archive evidence for the period 1930 - 1975 of any other sources of funding available to foster carers.</p> <p>It is known that some foster carers spent their own money on children in their care in the more recent past (1996 – 2014).</p>



1.2 i)	Was the funding adequate to properly care for the children?
Response:	<p>See the following comments from the Council minutes:</p> <p>January 1952: member of the Children's Committee requested they reconsider the pocket money allowance as 'the suggested increase was rather meagre.' <b>[Appendix 18]</b></p> <p style="text-align: center;"> CC3.1.75 p171.jpg</p> <p>May 1954: a comparison of payments to foster carers by other local authorities showed that Clackmannan County Council's were 'lower than those normally prevailing.' <b>[Appendix 19]</b></p> <p style="text-align: center;"> CC3.1.88 p64.jpg</p> <p>January 1956: Dr Stevenson's report on the visitation of children boarded out in Aberdeenshire and Banffshire. Her opinion that 'the allowances paid to foster [parents] gave the bare minimum for necessities and that there was nothing left over for extras for the children, and she felt sure that in many cases the foster parents gave these out of their own pocket.'<b>[Appendix 20]</b></p> <p style="text-align: center;"> CC3.1.88 p89.jpg</p> <p>From 1996 – 2014 staff with living memory cannot recall a time when individual children's needs were not satisfactorily funded. However, these expectations have never been clearly specified and the answer to the question remains subjective.</p>
1.2 j)	If not, why not?
Response:	Please see above at 1.2i)
1.2 k)	With reference to the present position, are the answers to any of the

	above questions different?
Response:	Yes
1.2 l)	If so, please give details
Response:	<p>With regards to b) above - Between 2015 and 31<sup>st</sup> July 2020 Clackmannanshire provided the following funding to other organisations for the purposes of provision of foster care: <b>[Appendix 10]</b></p> <p></p> <p>Fostering Payments - External 2000 - 2020</p> <p>With regards to c) above – Please refer to the document directly above this line. Clackmannanshire holds a service level agreement with each individual external fostering provider agreeing the expected service per placement in line with the Scotland Excel Framework Agreement. Please find an example below: <b>[Appendix 21]</b></p> <p></p> <p>Fostering Template - IndividualPlacementA</p> <p>When seeking an external foster care placement Clackmannanshire Council prepare an anonymous profile of the child's needs. This is recorded within a Placement Enquiry Form which is sent to all Foster Care Providers on the Scotland Excel Foster and Continuing Care Framework.</p> <p>The Foster Care Agency that best matches the needs of the child will be selected. As soon as practical Clackmannanshire Council draft and agree an Individual Placement Agreement with the Foster Care Agency to secure bespoke foster care services The IPA clarifies the placement terms, linking the foster care service to the specified standard of care identified in the Scotland Excel Framework.</p> <p>With regards to d) above – Please refer to the document placed in 1.2 d) answering both past and present times</p>

	<p>With regards to e) above – Please refer to the document in 1.2 d) above answering both past and present times. This refers to monies disseminated from the state for the purposes of fostering but also partly from the local authority from income generation as noted in a) for the present time.</p> <p>With regards to f) above - As noted, the funding for the provision of foster care is sourced both from central government and via Clackmannanshire Council's income generation. The criteria for distribution is noted in the document at 1.2 d) above.</p> <p>With regards to g) above – Similarly to the period prior to 17 December 2014, foster carers are made aware of the financial support available from the local authority during the recruitment process. They continue to access this through processes applied by their supervising social worker.</p> <p>With regards to h) above – It is also known that some foster carers spent their own money on children in their care in the recent period (2015 – 2020)</p> <p>With regards to i) and j) above - This remains the same: Staff cannot recall a time when individual children's needs were not satisfactorily funded. However, these expectations have never been clearly specified and the answer to the question remains subjective.</p>
1.3	Legal Status:
1.3 (i) a)	What was the legal basis which authorised or enabled the local authority to become responsible for the provision of foster care for children in Scotland?
Response:	<p>Norrie (2017) sets out the legislative and regulatory framework from 1908 to the present date in a report compiled for the Scottish Child Abuse Inquiry.</p> <p>The relevant legislation includes:</p> <p>The Children Act 1908  The Children and Young Persons (Scotland) Acts 1932 and 1937  The Children Act 1948  The Social Work (Scotland) Act 1968  The Children (Scotland) Act 1995  The Children and Young People (Scotland) Act 2014  Children's Hearing (Scotland) Act 2011.</p>

	<p>The Boarding Out of Children (Scotland) Regulations 1959  Boarding Out and Fostering of Children (Scotland) Regulations 1985  Fostering of Children (Scotland) Regulations 1996  The Looked After Children (Scotland) Regulations 2009</p> <p>As described by Norrie (2017) the Public Assistance Circular 1931 in relation to Boarded Out Children in Scotland set out the 'duty of dealing with orphan, deserted, or separated children who have become chargeable to the authorities by placing them under guardianship in private houses has been and still is one of the most anxious and responsible of the duties resting upon public assistance authorities.' The 1985 Regulations placed a requirement on authorities to establish fostering panels and enter agreements with approved foster parents. The 1996 Regulations placed a requirement on authorities to make a care plan for each child.</p>
1.3 (i) b)	<p>Did the legal basis require the local authority to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.</p>
Response:	<p>Yes, as above. Since the 1948 Act came into force the local authority had an obligation to seek to further the child's best interests in all the decisions they make in respect of the child. Some other details are provided below:</p> <ul style="list-style-type: none"> <li>• Children Act 1908 – this Act provided that young offenders should be educated and reformed rather than punished.</li> <li>• Children and Young Persons (Scotland) Act 1937 – s88 local authorities could fulfil their obligations to children committed to their care by boarding them out with private families. Fostering could be out with the wider family circle.</li> <li>• Children Act 1948 – local authorities had to establish Children's Committees and Children's Officers. Options available including state provided institutions, voluntary homes or foster homes. All foster homes had to be approved.</li> <li>• Children and Young Persons Act 1963 – imposed a duty on local authorities to make available advice, guidance and assistance as may promote the welfare of children.</li> <li>• Social Work (Scotland) Act 1968 – section 20 – duty on the local authority to further the best interests of the child, and review the child's case every 6 months. There was also a requirement to establish social work committees. Local authorities were responsible for identifying, vetting and</li> </ul>



	<p>overseeing foster carers.</p> <ul style="list-style-type: none"> <li>• Children (Scotland) Act 1995 – section 15 obliged local authorities to receive the child into their care in certain circumstances and section 16 allowed them to assume parental rights and responsibilities in respect of children in their care. Section 17 sets out duties including safeguarding the child's welfare, promoting contact between the child and the person with parental rights and responsibilities.</li> <li>• The Arrangements to Look After Children (Scotland) Regulations 1996 and the Looked After Children (Scotland) Regulations 2009 make requirements for care plans and reviews.</li> <li>• Children and Young Persons (Scotland) Act 2014 required the local authority to consider whether the child's wellbeing is at risk.</li> <li>• Fostering of Children(Scotland) Regulations 1996</li> </ul>
1.3 (i) c)	Did the local authority have a legal duty of care to each child in its care?
Response:	Yes, see response to (a) and (b) above and the legislation referred to.
1.3 (i) d)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
1.3 (i) e)	If so, please give details.
Response:	<p>The Children's Hearings (Scotland) Act 2011 and the Looked After Children's Regulations (Scotland) 2009 are still in force at the current time.</p> <p>The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 established the Care Inspectorate and the regulatory framework was updated.</p>
1.3 (ii) a)	Did foster carers have a special legal, statutory or other status?
Response:	<p>Yes.</p> <p>Norrie (2017) states "in terms of the Children and Young Persons (Scotland) Act 1932, the person to whose power the boy or girl is committed shall, whilst the order is in force, have the same rights and</p>

	<p>powers, and be subject to the same liabilities in respect of his or her maintenance, as if he were his or her parent. The Children and Young Persons (Scotland) Act 1937 replicated this provision. The provision was repealed in the Social Work (Scotland) Act 1968 and no equivalent provision was enacted."</p> <p>Prior to the provisions contained in s.5 of the Children (Scotland) Act 1995 which sets out the duties of anyone having care of a child who is not their own, between 1968 and 1995 it appears that the only legal or statutory status of a foster carer in relation to a child in their care was the common law duty of care.</p> <p>In terms of status, the only other consideration is the status of becoming approved as a foster carer. Appendix 6, Central Regional Council Minutes of 25 March 1986, makes reference to the Boarding Out and Fostering of Children (Scotland) Regulations 1985 in terms of the requirement to appoint a Fostering Panel. It was recommended that five Area Fostering Panels were to be appointed based on the Department's Area Offices. It was also noted that approval of foster parents would lie with the Authority who were required to make recommendations as to the suitability of applicants to act as foster parents.</p> <p>The Fostering of Children (Scotland) Regulations 1996 revoked and replaced the 1985 Regulations and since 1996 the term used is "foster carer" rather than foster parent.</p> <p>The Looked After Children (Scotland) Regulations 2009 have governed fostering arrangements from 2009 to the present date, including whether to recommend a prospective foster carer as approved.</p>
1.3 (ii) b)	If not, how did the local authority classify a foster carer?
Response:	<p>In terms of the Children (Boarding-out) (Scotland) Rules and Regulations 1947 a "foster -parent" was defined to mean "a husband and wife, or a woman, with whom a child is boarded out by a local authority." Since the enacting of the Looked After Children (Scotland) Regulations 2009 there has been no limitation on the type of family structure that potential foster carers must belong to and foster carers are assessed as suitable according to their own merits.</p>
1.3 (ii) c)	What was the legal basis which authorised, or enabled, a foster career

	to become responsible for caring for children?
Response:	See above at 1.3 (ii) a). This was based on the legislation applicable at the time and on the regulations made thereunder.
1.3 (ii) d)	Did that legal basis require a foster carer to meet, or fulfil any legal and/or regulatory requirements in respect of children in his or her care? If so, please give details.
Response:	Yes. The Children (Scotland) Act 1995 made it incumbent upon foster carers to attend the Fostering and Adoption panel for their approval and fostering agreements made provision for outlining the legal expectations for foster carers with regards to children placed.
1.3 (ii) e)	Did the foster carer have a legal duty of care to each child in his or her care?
Response:	<p>The Fostering of Children (Scotland) Regulations 1996 obliged local authorities to enter into written agreements with foster carers which in turn placed duties of care on the foster carer as per the matters listed in Schedule 2 of the 1996 Regulations. For example, the foster carer's obligation to care for the child as if they were a member of their family, promote the child's welfare and not administer corporal punishment.</p> <p>Norrie (2017) also referenced the Children (Boarding-out etc) (Scotland) Rules and Regulations 1947 - " foster- parents shall accordingly bring up a child placed by the local authority in their custody as one of their own children and devote to this duty the care which good parents give to their children".</p> <p>The Looked After Children (Scotland) Regulations 2009 revoked the 1996 Regulations and placed a duty on the local authority to enter a written agreement with the foster carer.</p>
1.3 (ii) f)	With reference to the present position, are the answers to any of the above questions different?
Response:	No
1.3 (ii) g)	If so, please give details.

Response:	N/A
1.4 (i) a)	Did the local authority have any legal responsibility for the children in its care?
Response:	Yes
1.4 (i) b)	If so, what was the nature and extent of that legal responsibility?
Response:	<p>Legal responsibilities are laid out in legislation in force at the relevant time. Some examples are listed here. Under the Children Act 1948 the local authority had a duty to receive children into their care. As described by Norrie (2017), this duty was enhanced under the Children and Young Persons Act 1963 when local authorities were required to take preventative action and promote the welfare of children.</p> <p>Under the Children (Scotland) Act 1995, the local authority had a duty to safeguard, support and promote a child's wellbeing and was obliged to provide the child with accommodation in certain circumstances. The local authority also has a legal responsibility to take into account the child's views in accordance with the age and maturity of the child.</p> <p>Section 17 of the Children (Scotland) Act 1995 sets out the legal duties of the local authorities to the child in their care including promoting their welfare, and promoting personal relations and direct contact.</p> <p>The Arrangements to Look After Children (Scotland) Regulations 1996, require the local authority to review the case of each child looked after by them within certain timeframes and visit regularly. There are also requirements to prepare care plans.</p>
1.4 (i) c)	Did any other person or organisation have any legal responsibility for the children while they were in the local authority's care?
Response:	Yes
1.4 (i) d)	If so, what was the nature and extent of that responsibility?
Response:	<p>Parental rights and responsibilities are now as defined in the Children (Scotland) Act 1995. People holding parental responsibilities and rights continue to have legal responsibility for children who are in the care of the local authority, for example, the right to maintain personal relations</p>

	and direct contact with the child (unless those rights are removed by a Court Order or there are measures preventing this in terms of a Children's Hearing Order.) Also foster carers may have legal responsibility if granted in a Permanence Order by the Court.
1.4 (i) e)	If the local authority had no legal responsibility for children in its care, where or with whom did legal responsibility lie?
Response:	Legal responsibility was held by the local authority when a child was in its care. This contrasts with parental rights and responsibilities which remained in place unless removed by the Courts or an Order was made by the Children's Hearing Panel naming a foster carer as having responsibility.
1.4 (i) f)	With reference to the present position, are the answers to any of the above questions different
Response:	No
1.4 (i) g)	If so, please give details
Response:	N/A
1.4 (ii) a)	Did the foster carer have any separate legal responsibility (separate from the local authority) for children in his or her care?
Response:	<p>The National Perspective on Foster Care, p9 – Children &amp; Young Persons (Scotland) Act 1932 gave foster carers parental rights, powers and liabilities. The Social Work (Scotland) Act 1968 repealed this. From then until the inception of the Children (Scotland) Act 1995 there was only the common law duty of care. The extent to which foster carers had a duty of care will depend on the meaning of that phrase, and this will have changed over time, depending on the meaning given to it by courts. This continues to be an evolving area of law.</p> <p>Fostering was, and is, a function of the role vested in the local authority. Although the task was devolved to foster carers, they were not, and are not, employees of the council. As such, the placement of a child is legally regulated as noted above.</p>

	There may have been occasions whereby foster carers were deemed relevant people by the Children's Hearing System. However, this would not have been prior to the implementation of the Children's Hearings (Scotland) Act 2011.
1.4 (ii) b)	If so, what was the nature of that responsibility?
Response:	Please see 1.4 (ii) a) above
1.4 (ii) c)	With reference to the present position, are the answers to either of the above questions different?
Response:	No
1.4 (ii) d)	If so, please give details
Response:	N/A
1.5 a)	What did the local authority see as its function, ethos and/or objective in terms of the foster care service it provided for children?
Response:	<p>According to the Boarded Out Children circular from the Department of Health for dated 1931 [<b>Appendix 1</b>] the 'duty of dealing with orphan, deserted or separated children who have become chargeable to the authorities by placing them under guardianship in private houses has been and still is one of the most anxious and responsible of the duties resting upon public assistance authorities...Its object is, briefly, the placing of the children in homes where they will be brought up under the conditions obtaining in normal family life.'</p> <p>The Rules for the Boarding Out of Children drawn up by Clackmannan County Council in 1935 [<b>Appendix 3</b>] remind guardians that 'the object of the Council in boarding out children is to remove them from all pauperising influences, and no reference made to their being chargeable to the Rates.'</p> <p>In general terms the minutes of Clackmannan County Social Welfare/Children's Committees demonstrate a willingness to engage with and respond to national circulars, reports and reviews. For example, referring to the review of arrangements following the Monckton Report in 1945, the Social Welfare Committee 'expressed its satisfaction' at the recent report into the local arrangements for visitation and inspection of boarded out children</p>



**[Appendix 22a and 22b].**



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CC3.1.68 p333.jpg

At the first meeting of the newly-constituted Children's Committee on 11 July 1949, the Clerk impressed upon the Committee 'the importance of the work devolving upon them in carrying out the duties under the [Children's] Act [1948]'

**[Appendix 23].**



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The Children's Committee meeting of 9 September 1959 discussed the memorandum from the Scottish Home Department regarding the Boarding Out of Children (Scotland) Regulations 1959 **[Appendix 24]**. The purpose of the memorandum was 'to make suggestions which would be helpful to members of Children's Committees, assist Children's Officers and their staffs in carrying out their duties and help towards the attainment of a uniform standard of good boarding-out throughout Scotland.' The Children's Officer for Clackmannan County engaged with the points raised in the memorandum and reported no difficulties.



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1.5 b)

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


Response:



From the earliest records, fostering was seen as a place for basic needs to be met, a place for lodgings, shelter and food. People who were willing to "take in" children from out with their family were regarded as good people in the community. This was reflected in the scrutiny of the earliest documents referring to carers.



Gradually the task of fostering began to be seen as more professional and there was more delineation between types of fostering and the



	<p>purpose of the services. Foster carers were expected to share the ethos of the local authority, that of maintaining young people and offering guidance.</p> <p>In more recent times the Looked After Children (Scotland) Regulations 2009 has brought more structure to the expectations. Placements are defined more by objectives and can include some therapeutic work. The foster carer is seen more as member of a professional team around a child and their skills recognised in different ways. In the more recent past there has been a shift in emphasis on emotionally nurturing placements as opposed to simply providing for physical needs.</p>
1.5 c)	Were there changes over time in terms of what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided for children?
Response:	Yes
1.5 d)	If so, what were the changes and when and why did they come into effect?
Response:	<p>The changes noted above have been a gradual cultural shift broadly driven by societal expectations as well as evolving fostering practice on a national level. The view taken by the Local Authority about its own function, ethos and objectives was aligned with the legislation of the time and can be seen in the language adopted in the records. For example, The Children and Young Person's (Scotland) Act 1937 implied that children needed to take responsibility for their wrong-doing and paid little regard to the impact of their care on outcomes.</p> <p>A significant shift in society's understanding of children's needs in a welfare-based model came with the establishment of the Children's Hearing System in April 1971. It is understood that this would have changed how local authorities viewed their role with regards to fostering. The implementation of the National Care Standards: Foster Care and Family Placement Services (Scottish Executive 2005) illuminated the minimum expectation of such services. This would have also had an impact on the way that the local authority viewed its ethos.</p>
1.5 e)	Were there changes over time in terms of what the local authority saw as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?
Response:	


	Yes
1.5 f)	If so, what were the changes and when and why did they come into effect?
Response:	See 1.5 b) and 1.5 d)
1.5 g)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
1.5 h)	If so, please give details
Response:	<p>Regarding 1.5 a)</p> <p>Clackmannanshire Fostering services most recently outlined its vision for children in fostering recruitment material developed in 2019. In this the vision was described "To improve outcomes for some of our most vulnerable children. We will do this by increasing the number of foster carers in the area and provide additional training to make sure that as many children as possible can be looked after successfully by local foster carers" The pack goes on to state "Foster carers need to provide children and young people with a safe, secure, stable and stimulating environment.</p> <p>Creating this environment requires the involvement of each individual within any foster family, their family network and external supports. Foster carers must be able to promote the welfare of a foster child by displaying an inclusive attitude towards working with a foster child's own family, with the Social Services and other services involved with the child."</p> <p><b>[Appendix 25]</b></p> <p></p> <p>Information About Fostering Pack 2019.</p> <p>More detailed information is described in the revised Foster Carer's Handbook which was updated in 2020 and is awaiting publication.</p>


	<p><b>[Appendix 26]</b></p> <p></p> <p>Foster carer handbook - full versio</p>
1.6 a)	How many children did the local authority accommodate at a time in foster care and in how many placements?
Response:	<p>Between 1930 and 1974 there were 200 children placed in foster care by Clackmannan County Council, in a total of 274 foster placements. These placements varied from 1 placement in 1938 up to 52 placements in 1959-60.</p> <p>From 1996 – 2014 the following number of children were in foster placements in Clackmannanshire Council:</p> <p><b>[Appendix 27]</b></p> <p></p> <p>Inquiry updated to 31.07.20 with early fi</p> <p>This document also provides figures to answer 1.6 h) below.</p>
1.6b)	How many foster carers were approved/registered by the local authority at any given time? How many placements for children did this represent? How many placements were in use at any given time?
Response:	<p>138 foster carers' names were recorded as providing care for Clackmannan County children between 1930 and 1974. A further 29 carers were referred to in the Council Minutes but their names were not recorded.</p> <p>A report entitled 'Proposals for Development of Social Work Services' <b>[Appendix 5]</b> states there were 31 foster parents with children placed by the local authority in 1973 (7 short-term and 24 long-term).</p> <p>The following report contains the numbers of approved foster carers from 1996 – 2014 as well as how many placements were in use:</p> <p><b>[Appendix 27]</b></p>

	 <p>Inquiry updated to 31.07.20 with early fi</p>
1.6 c)	<p>If foster carers were approved /registered by the local authority as providing only specific types of care – e.g. respite care, short-term foster care, long-term foster care – please provide details of the categories and the numbers of placements in each.</p>
Response:	<p>Types/length of care that foster carers were approved for was not recorded in the County Council Minutes. The only indication of the length of placements between 1930 and 1970 is from the financial ledgers. The report (named in 1.5b) above) entitled 'Proposals for Development of Social Work Services' states there were 31 foster parents with children placed by the local authority in 1973 (7 short-term and 24 long-term).</p> <p>From 1996 – 2014 the following applied:</p> <p>Total number of households 57  Number of single households 12  Number of carers 102</p> <div style="text-align: center;">   1.6 c 1996 - 2014.docx </div> <p><b>[Appendix 28]</b></p>
1.6 d)	<p>Please provide details of any material changes in numbers of children placements or foster carers, and the reasons for those changes?</p>
Response:	<p>There are gaps in the recorded details of foster care at two specific times in the Clackmannan County Council period: there are no recorded foster care cases in the period around World War Two (1938 to 1948). The Social Welfare Committee Minutes of 14/03/1945 state that there were 'currently no children boarded out.'</p> <p>The second gap in foster care information is the period of 1970-75 when Social Work minutes mostly refer to the reorganisation of the department under Central Regional Council. Figures for foster care cases are only occasionally recorded in the minutes. The only other source of information within this period is a report entitled 'Proposals for Development of Social Work Services' which lists numbers of foster carers in 1973 <b>[Appendix 5]</b>.</p>



	<p>From the available data from 1996 – December 2014, it can be concluded that there are variations in each year span due to individual carers becoming approved, deregistered or approvals being varied at review panels. The available foster carers fluctuated over time due to the amount of prospective carers noting an interest in fostering, the suitability of those people to be presented at panel and the desire of those approved to continue in their role as foster carers.</p> <p>The reasons for changes in numbers of placement were due to the circumstances of the carers and those children they cared for. For example, there were occasions whereby carers offered to continue to look after children as they matured and therefore approached panel with a proposal to have their approved age range varied. Some approvals also changed as foster carers pursued permanent care of children who had previously been placed on a temporary basis. Sometimes carers' skill set changed and they were assessed to have more ability in looking after a different age range. Sometimes this change was as a result of carer's preference. The majority of de-registrations were due to the carers wishes including retirement, although the local authority pursued deregistration where there were concerns about the carer's practice in fulfilling their role. This included where allegations had been made against the foster carers.</p>																
1.6 e)	How many children in total were accommodated by the local authority (whether in foster care or otherwise)																
Response:	<p>According to the information recorded in Council Minutes and financial ledgers, Clackmannan County Council accommodated 578 children in foster or residential care between 1930 and 1974, in 652 placements. 200 children were placed in foster care and there were 378 residential placements.</p> <p>During the period 1996 – 2014 the following placements were made:</p> <table border="1" data-bbox="435 1444 1170 1793"> <thead> <tr> <th data-bbox="435 1444 688 1478"><b>Types of Placement</b></th> <th data-bbox="862 1444 1149 1478"><b>Number of Placements</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="435 1478 578 1512">Foster Care</td> <td data-bbox="1117 1478 1170 1512">619</td> </tr> <tr> <td colspan="2" data-bbox="435 1549 1292 1619">(prior to 2011 this was not broken down on the database to identify provided/purchased Foster Care in line with Scottish Government returns)</td> </tr> <tr> <td data-bbox="435 1619 984 1652">Foster Carers (provided) by the Local Authority</td> <td data-bbox="1117 1619 1170 1652">172</td> </tr> <tr> <td data-bbox="435 1652 1005 1686">Foster Carers (purchased) by the Local Authority</td> <td data-bbox="1117 1652 1170 1686">178</td> </tr> <tr> <td data-bbox="435 1686 662 1719">In other community</td> <td data-bbox="1117 1686 1154 1719">30</td> </tr> <tr> <td data-bbox="435 1719 656 1753">In other residential</td> <td data-bbox="1117 1719 1154 1753">50</td> </tr> <tr> <td data-bbox="435 1753 656 1787">Residential School</td> <td data-bbox="1117 1753 1170 1787">137</td> </tr> </tbody> </table>	<b>Types of Placement</b>	<b>Number of Placements</b>	Foster Care	619	(prior to 2011 this was not broken down on the database to identify provided/purchased Foster Care in line with Scottish Government returns)		Foster Carers (provided) by the Local Authority	172	Foster Carers (purchased) by the Local Authority	178	In other community	30	In other residential	50	Residential School	137
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In secure accommodation	38						
Local Authority Residential	52						
Kinship/Related	464						
1.6 f)	<p>In general terms, was the main service provided by the local authority the provision of residential care for children in establishments, or was it the provision of foster care?</p>						
Response:	<p>In general terms, Clackmannan County Council saw residential care mostly as a temporary measure until children could be fostered, adopted or returned to their parents. However, some children were considered unsuitable for fostering due to physical or behavioural problems and therefore remained in residential care. The Public Assistance Committee Minutes of July 1931 refer to Circular no.18 from the Department of Health for Scotland, <b>[Appendix 1]</b>, detailing rules for the boarding out of children. This states that ‘the purpose in establishing [residential] homes was to keep children out of the poorhouse environment. The homes are used mainly as clearing-houses for children prior to boarding-out, where they may be temporarily accommodated until a suitable guardian is found, or where they may be trained in decent habits and improved physically in preparation for boarding-out.’</p> <p>Other than the Alva Sick House and the Alloa Day Nursery, which occasionally provided overnight accommodation for children, Clackmannan County did not have its own residential accommodation and had to rely on securing places in institutions in other local authority areas. Similarly, the majority of the foster carers used by Clackmannan County Council lived in other local authority areas. The figures obtained from the archives suggest that the Council provided more residential care than foster care between 1930 and 1970.</p>						

	From 1996 – 2014 the predominant care provision was through fostering.												
1.6 g)	With reference to the present position, are the answers to any of the above questions different?												
Response:	Yes												
1.6 h)	If so, please give details.												
Response:	<p><u>Regarding 1.6a)</u> - Please see document at 1.6 a) which includes figures from the present time.</p> <p><u>Regarding 1.6 b)</u> – Please see document below</p> <div style="text-align: center;">  <p>1.6 h regarding 1.6 b.pdf</p> </div> <p><b>[Appendix 29]</b></p> <p><u>Regarding 1.6 c)</u> -</p> <p>Please see document at 1.6 b)</p> <p><u>Regarding 1.6 e)</u> -</p> <p><b>Types/Numbers of Placements (1<sup>st</sup> January 2015 – 31<sup>st</sup> July 2020)</b></p> <table style="margin-left: 40px;"> <tr> <td>78</td> <td>Foster Care (provided)</td> </tr> <tr> <td>123</td> <td>Foster Care (purchased)</td> </tr> <tr> <td>36</td> <td>Residential (external)</td> </tr> <tr> <td>18</td> <td>Residential (local authority)</td> </tr> <tr> <td>14</td> <td>In other community</td> </tr> <tr> <td>192</td> <td>Kinship/related</td> </tr> </table> <p>Regarding 1.6 f) - the main service for children who cannot be cared for at home in the present time is fostering. Following the Looked After Children's (Scotland) Regulations 2009, the Council's use of kinship placements also increased. More recently, kinship care has further increased with the impact of the ECHR decision in 2015/16 regarding</p>	78	Foster Care (provided)	123	Foster Care (purchased)	36	Residential (external)	18	Residential (local authority)	14	In other community	192	Kinship/related
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	parity of allowances between kinship and foster care.
1.7 a)	Did the children placed in foster care generally have a shared background and/or shared experiences
Response:	<p>According to the archive records for the period 1930 - 1975 many children were taken into the care of the local authority on a temporary basis while their mother was in hospital. They were then usually returned to their family. In some cases, one or both parents had been sent to prison and a petition for the committal of the children's care to the local authority was presented to the sheriff. In some cases, the children were taken into care due to the neglect or desertion of one or both parents. Parents relinquishing children was less common in the recent past in the Clackmannanshire Council time frame.</p> <p>Children placed in foster care will have shared the common background in that they have been considered that their needs are not met at home. This may have been for reasons of abuse and neglect. In the earlier days of Clackmannanshire Council, a number of children may have been referred to the Children's Hearing System on offence grounds, albeit their reasons for offending may have had more to do with neglect, abuse and exploitation. Latterly, in the more recent past, children may have a shared background in that they cannot be cared for at home due to the assessed impact of parental substance use. Some children in foster care may have shared experiences due to parental mental ill-health.</p>
1.7 b)	Were children admitted into the care of local authority, or were they admitted into the care of particular foster carers?
Response:	<p>Children were admitted into the care of the local authority – Clackmannan County Council. The Public Assistance Officer/Social Welfare Officer/Children's Officer/Social Work Director would then decide what foster care placement or residential care each child would be placed in.</p> <p>After the Children's Hearing System began in 1971, children were admitted into the care of the Local Authority. Some were subject to compulsory supervision orders naming their place of residence with particular carers.</p>

1.7 c)	Who placed children with the local authority?
Response:	<p>In some cases, until the early 1970's, birth parents or other family members approached the local authority requesting that their children be taken into care as they could not manage to care for them. In some cases the family were reported to the local authority by health visitors or the RSPCC and the children were subsequently placed in foster care. According to the archive records children were voluntarily placed with the local authority but in order for them to take legal responsibility for the children a resolution was passed by Council and/or a petition had to be presented to the sheriff, under legislation such as the Children Act 1948.</p> <p>After 1971, the children were placed in the care of the local authority by the Children's Hearing System, or occasionally by the courts (Freeing or Parental Rights). Under s82 (1) of the Adoption and Children (Scotland) Act 2007, the courts may have extinguished parental right and vested these in either the Local Authority, the foster carer (or both) on a Permanence Order.</p>
1.7 d)	From 15 April 1971 (the date on which the Children's Hearing System was introduced), did the local authority received children mainly through the Children's Hearing system?
Response:	<p>Due to the scarcity of archive records of children in care between 1970 and 1975 it is not possible to know whether children were mainly received into care through the Children's Hearing System or by another method.</p> <p>At the point of writing it remains the case that Clackmannanshire Council receives children mainly through the Children's Hearing System.</p>
1.7 e)	If not, generally how did children come to be admitted into the care of the local authority?
Response:	See answer to (d) above.
1.7 f)	How long did children typically remain in the care of the local authority?
Response:	It is not possible to determine the length of most residential care placements as children were not referred to by name in the Clackmannan County Council Minutes. The length of foster care placements has been determined from entries in a financial ledger

	<p>between 1948 and 1970. This ledger refers to 13 children in residential establishments who remained in care for varying periods from 1 month to 10 years. The majority of the 200 foster care placements were short-term up to 6 months (73 children). 59 children remained in care between 6 months and 5 years. 25 children were in care between 5 and 10 years. 21 children were in care for over 10 years in the period of Clackmannan County Council.</p> <p>From 1996 - December 2014 children remained in placement for an average of 2,970 days (316 children totalling 938,554 days).</p>
1.7 g)	In respect of children who were admitted into the care of the local authority, who made the decision as to whether they should be placed in foster care?
Response:	<p>In Clackmannan County Council, the Public Assistance Committee/Social Welfare Committee/Children's Committee/Social Work Committee made the decision of whether a child was placed in foster or residential care – this decision was led by the Public Assistance Officer/Social Welfare Officer/Children's Officer/Social Work Director.</p> <p>In Clackmannanshire Council the local area social work team managers made the decision to place children with foster carers (or extended family members) unless their needs could be better met in a residential placement. Where a child had been received into care through a Place of Safety Order, or latterly a Child Protection Order, a case conference would make a recommendation to the Children's Hearing but ultimately the Hearing would make a decision whether to attach a condition of residence to any supervision order.</p>
1.7 h)	If the decision was made by the local authority, what criteria were applied?
Response:	<p>According to the Clackmannan Council Minutes, in some cases a child was deemed 'unsuitable' for fostering and would have to remain in residential care due to physical/mental/behavioural problems. However, there is no archive record of the criteria applied in making the decision between foster and residential care.</p> <p>In Clackmannanshire Council, the criteria applied in the more recent past, was to explore and discount options of placing children within their own extended family prior to placing them with foster carers. In emergency situations this may have meant short stays with foster</p>

	carers before a planned move to kinship carers.
1.7 i)	Were children moved between different foster care placements?
Response:	Yes
1.7 j)	If so, in what circumstances
	<p>In one recorded case in Clackmannan Council archives, a foster carer is noted to have been in hospital and when they returned home they felt they could no longer manage the number of children they were fostering. They requested that 3 siblings be moved to a different placement.</p> <p>Other changes of placement (in both Clackmannan County Council and Clackmannanshire Council periods) happened if the carers felt they could no longer meet the children's needs, or the local authority assessed that the child's needs were not being met. Sometimes decisions to move children were made after they had made allegations against the carers and investigations were commenced. Sometime the carer's own circumstances changed which meant they could no longer care for the child.</p>
1.7 k)	Generally did children typically stay in one, or more than one foster care placement?
Response:	<p>The children in the care of Clackmannan County Council had between 1 and 4 placements. 42 of 200 children had more than one placement.</p> <p>In the Clackmannanshire Council time frame the majority of children were cared for in more than one foster care placement.</p>
1.7 l)	What was the process for review of children's continued residence in foster care, in terms of whether they continued to require to be (a) in foster care and/or (b) in that particular placement?
Response:	<p>There is evidence in the Clackmannan County Council Minutes of children being visited at least annually in their foster homes by a member of the Public Assistance Committee/Social Welfare Committee/Children's Committee/Social Work Committee, or by an appointed officer from another local authority if they were 'boarded out' in that area. A report of the fostering conditions would then be submitted to the Committee. There are no archive records of formal placement reports or reviews of individual children, only the general comments in the Council Minutes. There are also some Clackmannan County Council child care files with case notes that detail regular visits</p>

	<p>within the first few weeks of a placement, then visits every few months to check on the children's progress.</p> <p>From 1971 children's placement would have been subject to review through the Children's Hearing System. From 1996 to 2014 placements were subject to review, initially by team managers and then from circa. 2002-3 by an independent reviewing officer who was line managed by the Strategy Service Manager. The frequency of review was in line with legislation.</p>
1.7 m)	When children left foster care, what was the process for discharge?
Response:	<p>There is no reference in the archive records to the process of discharge from care, other than an occasional comment in the financial ledger about a child going 'off the payroll' as they had reached 18 years of age, had been adopted or had been transferred to another local authority's care.</p> <p>In Clackmannanshire Council the discharge of children from foster care was undertaken in consultation with children and their families. This also applies in current practice. Eligible children received Through Care After Care services.</p>
1.7 n)	What support was offered to children when they left foster care?
Response:	<p>There are no references in the archive records for the period prior to 1975 about support offered to children upon leaving foster care.</p> <p>A range of support was offered to children upon leaving foster care. This included financial support, housing services, support to access further education or preparation for employment as well as pastoral care and emotional support. Some young people will have received services to help them reduce substance misuse or offending behaviours.</p> <p>Some children under 18 years old received services to rehabilitate them home after leaving care. Some of these services may have included respite. Other children received ongoing social work support in residential care services.</p>
1.7 o)	What information was sought by the local authority about what children Leaving foster care planned to go on to do?
Response:	<p>There are some references in the archives prior to 1975 of children going on to training opportunities, such as the Dolphin Training Ship at Leith or the domestic service training establishment at Uplands, Bridge</p>

	<p>of Allan.</p> <p>Information has not routinely been sought by Clackmannanshire Council on what children leaving foster care planned to go on and do.</p>
1.7 p)	Was such information retained and updated?
Response:	<p>There is evidence in the case notes of the Clackmannan County Council childcare files from circa 1960 to 1975 to suggest that Social Workers kept in touch with children and updated their files until the files were closed.</p> <p>This practice continued in Clackmannanshire Council, albeit as noted information may not be recorded about what children planned to go on and do.</p>
1.7 q)	What was provided in terms of after-care for children/young people once they left foster care?
Response:	<p>In Clackmannan County Council some social workers kept in touch with children at the end of their foster care period and provided assistance with college or job applications and interviews.</p> <p>In Clackmannanshire Council until 2000, it is understood that there was no focussed team to undertake through care or after care specific work. It is understood there was only one social worker identified to develop Through Care and After Care. This worker was joined by additional support worker around 2002. By 2009 the social worker was no longer in post and the Through Care After Care team was made up of 2 support workers who were managed by the manager of Woodside Children's Unit.</p> <p>In the main, it is believed the Through Care After Care service provided a service to approximately 35 young people over the age of 16 who were mostly previously Looked After and Accommodated Children. Up until 2014, young people from school leaving age until reaching age of 21, years were eligible for a TCAC service, under Children's (Scotland) Act 1995.</p> <p>Under this framework, the small TCAC team offered support, advice and guidance in main to 16 – 19 year olds but would work with some up until 21 years and, in minority of cases, beyond. Some young people returned home or to other family member whilst others were offered their own tenancy's but with poor long term outcomes as a result of not being able to sustain their tenancy. Collaborative working was</p>



	<p>undertaken with various agencies which no longer operate in the area including: the Path Project managed by Action for Children which offered supported accommodation for young people, Careers Scotland (now SDS), Venture Trust, Action for children - Youth Build.</p> <p>As the manager of Woodside Children's Unit was also managing Through Care After Care at that time, the 2 support workers spent time at Unit and therefore built positive relationships with the young people residing there who would eventually be in receipt of Through Care After Care services.</p> <p>In 2010, a Social Worker joined the team of 2 support workers and although all the cases were held in this worker's name the young people would know all three workers in the team with any of them being able to respond to needs of young person.</p> <p>In 2012, the management of the Through Care After Care Team changed following the employment of a team manager who jointly managed both Clackmannanshire and Stirling Through Care After Care Teams. This brought a period of development within Through Care After Care, with the support of CELCIS, and taking account of Sweet 16 and These Are Our Bairns reports, procedures and policy began to be reviewed and revised. There was also a focus on improving Pathway Reviews which saw an increase to 100%. Additionally, 2013 witnessed the introduction of Housing Protocol for Care Experienced Young People which remains in place today. During this period, Clackmannanshire Through Care After Care team also developed a successful drop in centre for care experienced young people at a local community centre.</p>
1.7 r)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
1.7 s)	If so, please give details.
Response	<p><b>With regards to 1.7f) above</b></p> <p><u>From 2015 - 31st July 2020</u> children remained in placement for an average of <b>616 days</b> (This calculation is based on new placements commencing from 1st January 2015 and an end date of 31st July 2020).</p> <p><b>With regards to q) above</b> - Currently the Through Care After Care</p>

Team has a complement of part time team manager (17.5 hours) 2 full time social workers (1 only in post since Nov 2019) and 1 Social work assistant. They work largely with 16 + care experienced young people who, in the main, are no longer subject to statutory orders. Although with the addition of another social worker to the team they are increasingly working with young people who remain subject to statutory orders.

The Through Care After Care Team offer advice, guidance as well as practical, financial and emotional support to Clackmannanshire care experienced young people up until age of 26. However, staff continue relationships beyond this age and will offer advice and guidance to young people above this age if required.

Two of the team facilitate a weekly support group for care experienced young people. This is managed by the local Who Cares worker and has continued virtually throughout Covid-19 lockdown of 2020.

The team work very closely with Clackmannanshire Housing Services and have regular Liaison Meetings. There is also access to LAAC Health Nurse, local housing services and other agencies: SDS, Clacks Work, Addiction Service, Youth Justice Workers, Intensive family Support services as well as Step up supported accommodation services; Who Cares and other third sector supports. More recently work has begun to improve transitions between Childcare and Adult Care services with developmental meetings arranged with team managers and operational transition policy held in draft.

For the purpose of preparing a young person for leaving care, around age 15.5 years, a Pathways assessment is undertaken and reviewed by Independent Reviewing officer. A young person views and wishes and plans for future transition are recorded at this time.

Regarding 1.7k - Below is an example of typical placement numbers for a small sample of children in the period 2015 – 2020:

<b>Child</b>	<b>Number of Placements</b>	<b>Type</b>
Child 1	1 placement	1 x Foster Care
Child 2	4 placements	3 x foster care + 1 kinship care
Child 3	2 placements	1 x foster care + 1 x adoptive care

	<table border="1"> <tr> <td>Child 4</td> <td>2 placements</td> <td>2 x foster care</td> </tr> <tr> <td>Child 5</td> <td>2 placements</td> <td>2 x foster care</td> </tr> </table>	Child 4	2 placements	2 x foster care	Child 5	2 placements	2 x foster care
Child 4	2 placements	2 x foster care					
Child 5	2 placements	2 x foster care					
1.8 a)	How many people were employed by the local authority who had some responsibility for foster care services for children?						
Response:	<p>From 1930 to 1943 the care of children was the responsibility of the Public Assistance Committee and primarily the Public Assistance Officer, who decided on the foster care or residential care required in each case.</p> <p>From 1943 to 1949 the responsibility lay with the Social Welfare Committee, led by the Social Welfare Officer.</p> <p>Due to the Children Act 1948, the Social Welfare Committee was reconstituted as the Children's Committee with the primary responsibility for child care resting on the Children's Officer. There were 8 members of the Children's Committee, including the chairmen of the Education, Public Health and Landward Committees.</p> <p>Following the Social Work (Scotland) Act 1968 the Children's Committee was disbanded in 1969 and their powers transferred to the newly-established Social Work Committee, led by the Director of Social Work.</p> <p>According to the Council minutes there were a total of 11 staff employed between 1930 and 1975 who had some responsibility for the care of children, including foster care.</p> <p>Clackmannanshire Council's HR and Payroll System is "Itrent". This system was implemented in 2013/2014 and replaced the previous Compel/Delphi HR and Payroll Systems. The HR and Payroll Systems are GDPR compliant and personnel files are retained in line with records management, Leavers are retained for a period of 7 years and then permanently deleted.</p> <p>The HR and Payroll teams relocated to Kilncraigs in 2014 having been located in the Council's former head office in Greenfield House until that point.</p> <p>Prior to the move an assessment of available space at Kilncraigs concluded that HR records, which had previously been held in paper</p>						

	<p>format, could not be stored physically. A project was undertaken to digitally transfer files to the Councils records management system (IDOX). All hard copy files were destroyed once scanned. Digital records are also retained in line with records management i.e. deleted 7 years after a staff member leaves the employment of the Council.</p> <p>In line with the Council's Records Management Plan the personnel files of those staff who leave the employment of Clackmannanshire Council are only retained for a limit period of time and thereafter deleted from the digital records management database. No hard copy files are retained as previously indicated. As such, historical records for staff who have left Council employment over 7 years ago will not be held and we are only able to provide partial staffing information predominately relating to our existing staff cohort or those who left between 2014 to date. Further deletion of leaver records for staff within the Children Services area of the Council has been stopped until further notice. These limitations have been considered. It has been concluded that only partial data is available for purposes of this question. This can be provided to the inquiry if required.</p>
1.8 b)	How many people were employed by the local authority at any one time who had some responsibility for foster care service for children?
Response:	<p>Between 1930 and 1949 Clackmannan County Council employed at least two members of staff in the Public Assistance/Social Welfare department who had responsibility for child care – the Public Assistance Officer/Social Welfare Officer.</p> <p>In 1949 Mr C retired and with the advent of the Children Act 1948 Miss K was appointed Children's Officer. This was a part-time post as Miss K also performed the duties of Registrar for the parishes of Alloa and Clackmannan (later the whole county), although her duties under the Children Act were her primary responsibility. A letter from the Scottish Home Department in January 1949 recognised 'that the number of children in the care of the Council would not justify the employment of a full-time children's officer' and stated they would not object to a part-time officer provided that Children duties were their priority and their other duties did not involve working with aged persons or cases under the Lunacy &amp; Mental Deficiency Acts.</p> <p>In November 1954 the Children's Committee agreed to the use of Alloa Day Nursery for temporary residential care as a publicity campaign for short-term foster carers had not been successful. The Committee</p>



	<p>agreed to review the salary of the Day Nursery Matron due to this extra care and to arrange suitable assistance after normal nursery hours.</p> <p>In July 1961 there is a reference in the Committee minutes to Miss W, an Assistant to the Children’s Officer undertaking a training course, though it is not recorded when this assistant was first recruited. Another assistant was recruited while Miss W was on the training course – Mrs C occupied the post of ‘junior’ from January 1962 to June 1963 and Miss B was appointed as Clerical Assistant in September 1963.</p> <p>A review of staffing took place in March 1968 and the Children’s Officer advised that a minimum of 3 case workers would be required to “manage 275 problem families” in the county. Only 2 applicants were suitable and started a trial period in July 1968. The Children’s Officer recommended a senior case worker who could train the new staff and a local visitor for the RSPCC was recruited to this post in November 1968.</p> <p>In November 1969 the following staff were transferred from the Children’s Department to the Social Work Department: Children’s Officer, Social Worker, 3 case workers and a clerkess/typist. The Children’s Officer also acted as Registrar and the clerkess as Assistant Registrar. They had to continue these duties until replacements were found.</p> <p>In January 1970 it was agreed that Mrs D, trainee social worker, should take a course for a certificate in social work. In December 1973 Miss AK was appointed as a senior social worker.</p> <p>For the period 1996 – 2014 Please see 1.8 (i) a)</p>
1.8 c)	What roles and responsibilities did such staff have? Please specify in which roles staff met with children and foster carers
Response:	<p>There are no archive records of job specifications for these roles noted above for Clackmannan County Council, but details of responsibilities have been taken from the Council minutes. The Public Assistance Officer/Social Welfare Officer had responsibilities for all Poor Law cases, involving adults and children, whether they were in the community, in the poorhouse or other homes, or ‘boarded out’ in private homes. The Public Assistance Officer/Social Welfare Officer or Miss K were responsible for visiting boarded out children for regular inspections (at least quarterly). The Public Assistance Officer/Social</p>

Welfare Officer would also attend meetings of the Society of Public Assistance Officials/the Scottish Association of Social Welfare Officers.

The Children's Officer also acted as the county registrar, so the Children's Officer role was a part-time post but Children's Duties were to be her primary responsibility. These duties included deciding on residential or foster care requirements for children and finding suitable placements for them. The Children's Officer would visit the children in these placements and report back to the Children's Committee about her decisions and findings. Sometimes other members of the Children's Committee would be delegated to carry out the visitation of children in foster homes and residential homes, and to report back to the Committee. In 1950 The Children's Officer was responsible for coordinating help from various Council services to gather information about potential neglect under the Scottish Home Department circular 'Prevention of Neglect or Ill-treatment of Children in their own homes'. Also in 1950, the Children's Officer was appointed as a Child Protection Visitor under the Children & Young Persons (Scotland) Act 1937. The Children's Officer was appointed as a reporting officer under the Matrimonial Proceedings (Children) Act 1958 regarding the arrangements for the future care and upbringing of children. The Children's Officer attended meetings of the Scottish Children's Officers' Association and also decided on the staffing and training requirements of the Children's Department.

The Director of Social Work was responsible for the management, staffing and training of the Social Work Department and the day-to-day responsibility for child care was the duty of the social workers. In March 1970 the Social Work Committee agreed to delegate powers to the Director of Social Work regarding authorisation to disburse sums of money under section 12 of the Social Work Act. This was an extension of the powers previously held by the Children's Officer under the Children & Young Persons' Act 1963.

In Clackmannanshire Council the documents relating to employment of social workers in the fostering team in 2014 are:

**[Appendices 30 to 32]**





Q52a1 - Social Worker (Fostering an



Social Worker (Adoption & Fostering



Social Worker (Adoption & Fostering

	<p>The documents relating to the Team Manager of the fostering team are:  <b>[Appendix 33]</b></p> <p style="text-align: center;">  Team Manager (Child Care Services) March</p> <p>The document relating to the Intensive Support Worker in 2014 was:  <b>[Appendix 34]</b></p> <p style="text-align: center;">  Intensive Support worker JD 2014.doc</p>
1.8 d)	In relation to each role, what experience/qualifications did such staff have?
Response:	<p>According to the Clackmannan County Council minutes between 1930 and 1975, the following experience and qualifications were recorded for staff involved in foster care:</p> <p><b>Mr C – Public Assistance/Social Welfare Officer:</b> appointed Vice President of the Scottish Association of Public Assistance Officers in May 1934; promoted from County to District Public Assistance Officer after death of previous District Officer in September 1941; continued as Chief Public Assistance Officer for 6 years after reaching retiral age (1942 to 1948).</p> <p><b>Miss K – Children’s Officer:</b> initially assistant to Public Assistance/Social Welfare Officer; passed exams and was awarded Scottish Poor Law Diploma in November 1932; assisted with visitations of boarded out children; appointed Children’s Officer (part-time) in March 1949 with advent of Children Act 1948 arrangements and after retiral of Mr C; also appointed Registrar for the county; attended regular meetings and courses for Scottish Children’s Officers; appointed as a reporter under Matrimonial Proceedings (Children) Act 1958; appointed as official responsible for the Supervision of Problem Families scheme in March 1968; resigned as Children’s Officer and Registrar in December 1969.</p> <p><b>Miss W – Assistant to Children’s Officer:</b> took 2-year course in general social work provided by the Scottish College of Commerce from 1961-63; succeeded in obtaining the certificate to become a full qualified Child Care Officer in September 1963 – Committee agreed to</p>



recommend her post be upgraded to Child Care Officer; attended additional child care training in June 1964 and adoption course in May 1965.

**Mrs C – ‘Junior’/Assistant to Children’s Officer:** no qualifications or experience recorded. Appointed in January 1962 and resigned in June 1963.

**Miss B – Clerical Assistant:** no qualifications or experience +recorded. Appointed in September 1963.

**Caseworkers for ‘managing problem families’:** ‘would be unqualified persons’ at clerical grade, recruited on an initial month’s trial period.

**Mrs S – Senior Case Worker:** was a ‘lady visitor’ of the RSSPCC prior to being appointed Senior Case Worker for Clackmannan County; duty to train the new case workers; took up post on 25 November 1968.

**Miss R – Director of Social Work:** no record of qualifications required but the method of recruiting the Director of Social Work was detailed in the White Paper ‘Social Work and the Community’ received in November 1966 [**Appendix 35**]: ‘The appointment to this post will be made by the local authority but only with the approval and from a list approved by the Secretary of State after consideration by an advisory committee consisting partly of members of the local authority and partly of independent referees appointed by the Secretary of State.’



White Paper - Social  
Work p3.jpg

**Mrs D – Welfare Assistant:** former assistant to County Welfare Officer, then transferred to Social Work Department in January 1970 as a trainee social worker – to take a one-year course for certificate in social work.

**Miss AK – Senior Social Worker:** no record of qualifications or experience. Appointed in December 1973.

**For the period 1996 – 2014:**

Intensive Support Workers held a range of qualifications from NC Childcare and Education through to SVQ Care qualifications.



Social Workers held a range of qualifications from Certificate of Qualification in Social Work (CQSW) and Diploma Social Work (Dip Sw) through to BA (Hons) Social Work and MSc Social Work.

Team Managers held a professional qualification as above and may have undertaken further training in management and supervision, child protection or practice education.

Service Managers also held relevant professional qualifications and some held qualifications in management and leadership.


All social work staff employed in the statutory child care teams held similar relevant prior experience and were supervised by more senior staff.

Clackmannanshire Council offered a calendar of continuing professional development for social work staff. It is understood some staff also undertook additional training in their own time which is not recorded on Human Resources files.

The Scottish Social Services Council began their register of social workers in 2003. The qualification requirements for social workers in employment thereafter was:

- Diploma in Social Work
- Certificate of Qualification in Social work (issued by Central Council for Education and Training in Social Work from 1971 – 1998)
- Certificate in Social Service (issued by Central Council for Education and Training in Social Work from 1975 – 1995)
- Letter of comparability to Certificate of Qualification in Social Work (issued until 1990)
- Courses recognised by the Association Of Psychiatric Social Workers
- Courses and certificates recognised by the Institute of Medical Social Workers (previously the Institute of Almoners)
- Probationary Certificate (issued by the Recruitment and Training Committee of the Advisory Council for Probation and After care until 1971)
- Certificate in Social Work (issued by the Council for Training in Social Work from 1962 to 1971)
- Certificate in Child Care or letter of recognition (issued by the Home Office Central Training Council in Child Care from 1947 –

	<p>1971)</p> <p>Clackmannanshire Council employed social work staff on the basis of their registration with the SSSC from the point their part of the register opened. In addition to the expectations of the registration with SSSC Clackmannanshire Council job descriptions also set minimum qualifications required.</p> <p>It is noted that the most direct contact with children and foster carers was had by supervising social workers for the carer, statutory social workers representing the child and the linked social work support staff for these teams. Less contact was had by team managers, albeit they were involved in decision making. Service managers and the Chief Social Work Officer may have had very minimal contact but did not visit homes of foster carers.</p>
1.8 e)	How were fostering panels set up? What was their purpose and remit?
Response:	<p>Fostering panels were established under s.4 Boarding-out and Fostering of Children (Scotland) Regulations 1985. Their functions are set out in s.6 of the Regulations.</p> <p>Norrie (2017 p.168) states that “one of the major innovations of the 1985 Regulations (Boarding-Out and Fostering of Children Regulations 1985) was the requirement on care authorities to establish fostering panels, whose functions were “to consider every person referred to it by the care authority as a prospective foster parent” and to make recommendations to the care authority as to the suitability of such a person to act as a foster parent either for any child, any category of child or any particular child”.</p> <p>At the point of disaggregation from Central Regional Council, Clackmannanshire Council assumed full legal responsibility for the remit of fostering panels in the Clackmannanshire area.</p> <p>As with current practice, the panel made recommendations to the Agency Decision Maker who is a senior, social work qualified member of the Clackmannanshire Council social work management team.</p>
1.8 f)	How were fostering panels constituted? What skills and experience were the members required to have?
Response:	<p>Panel procedures are available from 2011 The membership of the Panel is noted as requiring:</p>

	<p>5.1 The Panel will have a minimum membership of nine members which includes both men and women.</p> <p>5.2 The panel shall include</p> <ul style="list-style-type: none"> <li>(i) a person with direct experience of being or having been an adoptive parent/foster carer or short breaks carer</li> <li>(ii) a representative from Education Services</li> <li>(iii) at least two independent members from outwith the Authority</li> <li>(iv) a representative from a voluntary organisation</li> <li>(v) Children and Families Team Manager or Service Manager</li> <li>(vi) a health professional</li> </ul> <p>5.3 The Agency will appoint a medical adviser and legal adviser, neither of whom will be Panel members with voting rights.</p> <p>5.4 Each member of the Panel should possess such knowledge, skill or experience to enable the Panel to effectively discharge its functions.</p> <p>5.4 Each member of the Panel should possess such knowledge, skill or experience to enable the Panel to effectively discharge its functions.”</p> <div style="text-align: right;">         Adoption and Fostering Panel Proce     </div> <p>Please see the panel procedures for 2011:  <b>[Appendix 36]</b></p>																														
1.8 g)	With reference to the present position, are the answers to any of the above questions different?																														
Response:	Yes																														
1.8 h)	If so, please give details.																														
Response:	<p>Regarding 1.8 (i) a)</p> <table border="1" data-bbox="435 1549 1349 1822"> <thead> <tr> <th>2015</th> <th>2016</th> <th>2017</th> <th>2018</th> <th>2019</th> <th>2020</th> </tr> </thead> <tbody> <tr> <td>5 SW posts</td> <td>4 SW posts</td> <td>4 SW posts</td> <td>4 SW posts</td> <td>4 SW posts (1 kinship)</td> <td>4 SW &amp; 1 starting</td> </tr> <tr> <td>No TL</td> <td>1 ATM</td> <td>1 TM</td> <td>1 TM</td> <td>1 TM</td> <td>1 TM</td> </tr> <tr> <td>SM</td> <td>SM</td> <td>SM</td> <td>SM</td> <td>SM</td> <td>SM</td> </tr> <tr> <td>CWSO &amp; CEO</td> <td>CWSO &amp; CEO</td> <td>CWSO &amp; CEO</td> <td>CWSO &amp; CEO</td> <td>CWSO &amp; CEO</td> <td>CWSO &amp; CEO</td> </tr> </tbody> </table>	2015	2016	2017	2018	2019	2020	5 SW posts	4 SW posts	4 SW posts	4 SW posts	4 SW posts (1 kinship)	4 SW & 1 starting	No TL	1 ATM	1 TM	1 TM	1 TM	1 TM	SM	SM	SM	SM	SM	SM	CWSO & CEO	CWSO & CEO	CWSO & CEO	CWSO & CEO	CWSO & CEO	CWSO & CEO
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CWSO & CEO	CWSO & CEO	CWSO & CEO	CWSO & CEO	CWSO & CEO	CWSO & CEO																										

HR records are held for the overall Children's Services so this figure has been provided with best efforts through memory of long standing members of staff. This will not include any additionality to staffing during 2013 – 2015 when Stirling and Clackmannanshire worked under a shared service arrangement as Clackmannanshire Council does not hold the details of staff from Stirling

Regarding 1.8 (i) b) Please see the table above at 1.8 (i) a (this section)

Regarding 1.8 (i) c)

The job description relating to the Support Assistant is: **[Appendix 37]**



Intensive Support  
Worker.tif

The job description relating to the Social Workers in the fostering team is: **[Appendix 38]**



Q52a1 - Social  
Worker (Fostering an

The job description relating to Assistant Team Manager is: **[Appendix 39]**



Asstant Team  
Manager - Applicator

The job description relating to Team Leader is: **[Appendix 40]**



Team Leader (JJ77)  
profile - August 2018

The job description relating to the Service Manager in 2014 is:





Service Manager -  
Job Profile.docx

#### Regarding 1.8 (i) d)

Social work staff in the present time hold qualifications which enable their registration with the SSSC.

#### Regarding 1.8 (i) e) and f)

In 2016 the Panel constitution was amended to and membership was described as the following:

#### "Panel Composition

##### 6.1 Chair:

The panel shall be chaired by a member independent of the council(s) or in his/her absence a Service Manager recommended by the CSWO/ADM.




6.2 The Panel shall consist of no less than 6 persons including at least one man, and, one woman and shall be representative of the community it serves.

##### 6.3 Membership shall include

- (i) a person with direct experience of being or having been an adoptive parent/foster carer or short breaks carer
- (ii) a representative from Education Services
- (iii) at least two independent members from out with the Authority
- (iv) a representative from a relevant child care agency
- (v) Adoption & Fostering Team Manager and/or Service Manager
- (vi) a health professional

6.4 Membership shall include a qualified medical practitioner, preferably a paediatrician who will act as Medical Adviser and a solicitor who will act as a Legal Adviser. The Medical Adviser will have voting rights. The Legal Adviser will not.

Regulations in England require Adoption agencies to appoint a senior staff member as a Panel Adviser. Although there are no comparable

	<p>requirements in Scotland, the role of Agency (Panel) Adviser to the Clackmannanshire Council Panel will be carried out by the Adoption and Fostering Team Manager.</p> <p>6.5 Each member of the Panel should possess such knowledge, skill or experience to enable the Panel to effectively discharge its functions.</p> <p>6.6 A Panel Administrator will support the Panel to fulfil its functions.</p> <p>6.7 The membership of the Panel will be reviewed annually by the Agency to ensure there is sufficient range and number of members to ensure the Panel can fulfil its functions.</p> <div style="text-align: center;">         Adoption and Fostering Panel Proce  <b>[Appendix 41]</b> </div>
<b>Foster carers</b> 1.8 (ii) a)	How were foster carers identified and approved/registered?
Response:	<p>There is not much detail in the archive records of Clackmannan County Council regarding methods of or procedures for identifying and approving foster carers. The minutes of the Children's Committee meeting on 10 November 1954 refer to a press advertisement for short-term foster carers that had been published but had only received one reply. The Children's Officer had interviewed the applicant and 'formed the opinion that she would be a suitable person to take charge of young children' but after a trial period of 12 days 'the result had not been entirely satisfactory.'</p> <p>The Children's Officer's concerns about the failure of the press advert and the general difficulty in recruiting short-term foster carers in the area are recorded in the notes of a meeting on Child Care Arrangements with representatives of the Scottish Home Department on 14 October 1954 <b>[Appendices 42a and 42b]</b>.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">             CC3.2.23 doc 57            p1.jpg         </div> <div style="text-align: center;">             CC3.2.23 doc 57            p2.jpg         </div> </div> <p>During the Child Care Arrangements meeting the Children's Officer</p>

	<p>stated that in an attempt to find short-term care 'she had visited Kincardine-on-Forth in the hope of finding some suitable foster homes there but had not been successful although in the past this area had provided a certain number of foster homes.' A representative of the Scottish Home Department 'suggested that the search for suitable foster homes required more than the occasional visit but rather the intensive work which could only be expected from a Children's Officer who was employed full-time on her duties under the Children Act.' The Children's Officer committed to 'devote the next few weeks to an intensive search for short-term foster parents. The Kirkcaldy area was mentioned in particular as possible recruitment ground.'</p> <p>The 1973 report on 'Proposals for Development of Social Work Services' [<b>Appendix 5</b>] contains a paragraph on 'arrangements for assessing suitability of prospective foster parents':</p> <p>Individual assessment. Prospective Foster Parents complete application form which allows reference to be made to Police, GP and referees. The local authority Health Service is also asked for any known information. A selected group of social workers carry out the individual assessments and ideally a complementary visit is made by a senior member of staff with decisions whether to accept or reject being taken by a staff group of those involved in the selection process.'</p> <p>From 1996, living memory suggests that there was publicity to encourage people to come forward and self-identify as prospective foster carers. Qualified staff would interview these people and if they were considered suitable for assessment, they would be allocated a worker who would support them in the process of "home study". When the national care standards were introduced in 2005, the assessment period also required prospective foster carers to undertake preparation training. The process for approval is described above.</p>
b)	What experiences and/or qualifications, if any, did a foster carer require to have?
Response:	<p>What experience and/or qualifications, if any, did a foster carer require to have?</p> <p>The Public Assistance Circular No.18 on Boarded-out Children dated 1931 [<b>Appendix 1</b>] acknowledges the fact that the boarding out system 'has grown naturally and is not regulated by statute', however it does emphasise the importance of 'the care and judgement with which the</p>

	<p>selection of guardians is made'. This Circular states that guardians or foster carers 'should be of good character and industrious habits.' They should also be of 'temperate habits' and should not depend for a living on the payments received for boarding out children. Guardians who have children of their own should not make distinctions between the fostered children and their own. Guardians should have a 'natural fondness for children', should not be too old to give the necessary care and attention, and should be able to properly control the children. The Guardians' homes should be clean and tidy and have suitable sleeping accommodation for the children. These regulations are reflected in the Rules for the boarding out of children made by Clackmannan County Council in 1935 [<b>Appendix 3</b>], which reiterates these points.</p> <p>The Public Assistance Circular on 'Infant Life Protection' dated 1932 emphasises the above requirements of foster carers, stating that 'the class of unsuitable foster parents now specifically includes persons unfit by reason of old age, infirmity or ill-health. A detrimental environment may now be a cause for action as well as unsuitability of persons or premises.' [<b>Appendix 2</b>]</p> <p>There are no further archive records for Clackmannan County Council that specify the experience, qualifications or requirements of foster carers.</p> <p>There is no evidence from the records of Clackmannan Council that any particular qualifications or experience were expected of foster carers. The requirements of s 7.1 (e) of the Boarding-out and Fostering of Children (Scotland) Regulations 1985. Similarly, s.22 (4) of the Looked After Children (Scotland) Regulations 2009 did not require foster carers to have any specific qualifications or experience, only that they must be suitable people, have been interviewed and have been approved by a panel.</p>
c)	<p>What checks were carried out in relation to a prospective foster carer, including criminal record checks, references and interviews?</p>



Response:	<p>The 1973 report on 'Proposals for Development of Social Work Services' [Appendix 5] states that 'Prospective Foster Parents complete application form which allows reference to be made to Police, GP and referees. The local authority Health Service is also asked for any known information.'</p> <p>The Boarding-out and Fostering of Children (Scotland) Regulations 1985 lists the statutory checks required prior to assessment. These include criminal records checks, checks with other fostering and adoption agencies, checks with other local authorities where applicants have lived, medical checks, references. These processes were already in place at disaggregation and were continued in Clackmannanshire Council.</p> <p>In Clackmannanshire Council, personal references were only undertaken for initial assessment and not repeated. Health reports were required for foster carers for review at panel so this frequency was in line with panel dates. The Clackmannanshire Council policy for repeat police disclosure checks for foster carers and their family members over the age of 16 was in line with the frequency of annual review. If concerns were raised additional police checks would have been applied for on a discretionary basis, however friends and family members of approved foster carers were not subject to routine medical checks.</p> <p>The service was able to access Fostering Procedures from 2009. In these, it outlines the requirement for checks to be undertaken as part of the initial enquiry from prospective foster care applicants, as well as the checks required as part of the assessment to become a foster carer (see below this section). Initial checks included Disclosure checks (now replaced by PVG) and local authority checks. Earlier copy of the procedures prior to this date are not available, however, archived templates for foster reviews 2004 (see below this section) clearly highlight the expectation that disclosure checks and medical are required as part of the review process.</p> <p>As part of the assessment a medical check is required along with a number of references including those of employer, referees, ex partners (where applicable) (see below this section).</p> <p>As part of the foster carer's review, the procedures outline the requirement for disclosure checks (replaced now by PVG) to be renewed every two years for every member of the household over the</p>
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age of 16. Medical checks are required to be undertaken annually. A revised policy on partner checks has been updated. (see below this section).

**[Appendices 43 to 46]**



Annual H&S Checks  
2009.docx



FORM AF1 -  
Checklist for supervisi



Former Partner  
Checks Policy.docx





Review of Foster  
Carers - Supervising !

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






Response:  
According to the two Clackmannan County foster carer files identified from 1972-73, there were no checks carried out in relation to other persons residing with prospective foster carers. In one of these cases the other residents were three children under the age of ten and therefore no checks were undertaken.  
  
Clackmannan County Council do not hold any records indicating what checks, if any, were carried out in relation to other persons residing with the prospective foster carer.

	<p>Clackmannanshire Council undertook criminal records checks with police from 1996 and this became formalised with Part V of the Police Act 1997. The Protection of Children (Scotland) Act 2003 created a list of individuals considered to be unsuitable to work with children and prohibited individuals included in the list from working with children. Subsequently with the Protection of Vulnerable Groups (Scotland) Act 2007, created a new framework for criminal records checks for people who were undertaking regulated work. This included foster carers who were specifically defined in the Act. In practice this meant that criminal records checks were undertaken routinely for family members and others over age 16 living in the prospective foster carers home. This extended to others who spent significant amounts of time in the home. Unpaid babysitters were not required to undertake disclosure checks</p> <p>Clackmannanshire Council also interviewed other people living in the home during a fostering assessment.</p>
e)	What checks were carried out in relation to other family members and friends of a prospective foster carer including criminal record checks references and interviews?
Response:	<p>What checks were carried out in relation to other family members and friends of a prospective foster carer including criminal record checks, references and interviews?</p> <p>According to the two Clackmannan County foster carer files identified from 1972-73, there were no checks carried out in relation to other family members of prospective foster carers.</p> <p>In the period from 1996 onwards, this was undertaken proportionately depending on how much time the person was spending with the prospective foster carer. Prospective foster carers were asked if there was anyone in their network who posed a safeguarding risk to children. Supervision of the foster carer offered another way of continuous checks and risk management.</p>
f)	What checks were carried out by the local authority of the available accommodation? How frequently were these carried out? Were they repeated? If so, how frequently? If not, why not?
Response:	According to the two Clackmannan County foster carer files identified from 1972-73, there were descriptions of the prospective foster carers'

	<p>homes in their applications and in the social worker case notes from their initial visits.</p> <p>The archive records for Clackmannan County Council do not hold records of checks on accommodation.</p> <p>In Clackmannanshire Council, checks were carried out regarding the accommodation of prospective foster carers during their initial assessment. Once approved the carers had regular visits by social workers for supervision, and the child's worker visited to support the child in placement. Basic safety checks were carried out with regard to placing individual children with different ages, stages and needs. Other risks arising from accommodation were dealt with when workers became aware of them. Considerations about accommodation were discussed at reviews.</p> <p>A checklist of accommodation assessment was included as part of the appendices for the Fostering Procedures in 2009 <b>[Appendices 47 &amp; 48]</b></p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>Appendix - Annual H&amp;S Checks 2009.doc</p> </div> <div style="text-align: center;">  <p>Appendix - Home safety checklist to a</p> </div> </div>
h)	Was the gender of the foster carer of any relevance to approval as a foster carer or in relation to the placement of a child with a particular carer? If so, why
Response:	<p>The Looked After Children (Scotland) Regulations 2009 allowed same-sex couples to be considered as foster parents on an equal basis.</p> <p>In relation to the placement of particular children, this was done by matching the child's needs with the skill set and personal qualities of the foster carer. In a small minority of cases, it may have been necessary to consider gender as a matching consideration with regards to risk assessment of both the child and the carer.</p>
i)	Was the gender of other persons (including children) residing in the same house of any relevance to the approval of a foster carer or to the placement of a child with a carer? If so, why
Response:	Gender of other people in the fostering household was a consideration

	<p>when matching with regards to fostered children sharing a bedroom with foster carers own children. This practice ceased with increasing practice developments and greater cognisance of children's privacy, space and rights. The National Foster Care Review in December 2013 also further developed fostering standards. Otherwise, gender was a consideration in matching with regards to ages and family dynamics in order to promote relational security and placement stability.</p>
j)	<p>Were foster carers required to provide any services for children in their care beyond accommodating them? If so, what were they?</p>
Response:	<p>No documents are available to answer this.</p>
k)	<p>Did children work manually in the placement or externally (e.g. farming work or other labour), or both? If so did that change at any point? If so why?</p>
Response:	<p>No evidence is available to answer this.</p>
l)	<p>Were fostering agreements entered into? If so, were these in a prescribed form or created on an ad hoc basis?</p>
Response:	<p>There are no fostering agreements recorded in the two Clackmannan County foster carer files identified from 1972-73.</p> <p>The Boarding-out and Fostering of Children (Scotland) Regulations 1985 made this a requirement. Foster Care is primarily a partnership between the agency and the Foster Carer. This partnership gives each side a set of expectations and responsibilities, which are written into the Foster Carer Agreement. The primary responsibility is to safeguard and promote the welfare of the child. Foster Carer Agreements are a requirement of the Looked After Children (Scotland) Regulations, 2009. The Regulations specify the areas which must be covered in the Agreement under Schedule 6. Every carer will be asked to sign one following their approval by the Fostering Panel. It is unknown when fostering agreements first began to be used in a prescribed form in Clackmannanshire Council. However, these were evident in the files scrutinised for this audit for the period prior 1996 to 17 December 2014.</p> <p>There is a record of a template agreement dated 2003. The Clackmannanshire Fostering Procedures 2009 outlined the detail to be included in the Agreement. Attached are templates used in 2010, updated version in 2011 then current agreement which was amended in</p>



	<p>2014</p> <p><b>[Appendices 49 to 52]</b></p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">   Appendix - Foster Care Agreement 200: </div> <div style="text-align: center;">   Appendix - Fostering Agreement sept 2010 </div> <div style="text-align: center;">   Appendix - Fostering Agreement February </div> <div style="text-align: center;">   Appendix - Fostering Agreement August 20 </div> </div>
m)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
n)	If so, please give details.
Response:	<p>Regarding g) above. The procedures make it clear that this Health and Safety assessment should be repeated annually. A template for home assessment developed by Coram BAAF in 2016 has been used as standard practice by the Fostering service since 2016: <b>[Appendix 48]</b></p> <div style="text-align: center;">   Home safety checklist to accompar </div> <p>Checks on support persons identified by the carers either as part of the assessment or on an ongoing basis are undertaken as required. There is currently no standard procedure for renewing these checks though the issue of support persons in considered as part of the foster carer review process and updated checks will be carried out as required.</p>
2.1 a)	What was the nature of the culture within the local authority in relation to the provision of foster care?
Response:	<p>The culture in relation to foster care within Clackmannan County Council between 1930 and 1975 appeared to be that of taking their duties seriously and being prepared to engage with the national circulars and reviews which were discussed in the committee meetings.</p> <p>Due to staff turnover, Clackmannanshire Council is unable to provide any clarity about the nature of the culture of the local authority in relation to fostering beyond what is contained in the children and foster carer's files prior to 2009. The fostering procedures (2009) outline the</p>




	<p>responsibilities of the supervising social worker and the service to assess, support and review foster carers. These procedures, outlines the following:</p> <p>"The purpose of Clackmannanshire Fostering Service is to ensure that all children and young people, who require one, will have access to a foster carer placement that is appropriate to their needs and takes account of their religious persuasion, racial origin, cultural and linguistic background. The service aims to achieve the objectives by:</p> <ul style="list-style-type: none"> <li>• Recruiting and assessing a range of foster carers to provide the number, type and diversity of placements required. The service aims to develop and support services including temporary foster care, permanent foster care, short breaks services for children with a disability, weekend/ holiday care, related/ kinship care, private foster care.</li> <li>• Appointment of a Fostering Panel that is responsible for the recommendations it makes and reflects the community it serves.</li> <li>• Approving, reviewing and terminating the approval of foster carers in accordance with the approval of the Agency Decision Maker</li> <li>• Ensuring that the Fostering Panel discharges its duties and functions</li> <li>• Providing carers who are approved with appropriate ongoing training and support to meet the needs of children and young people placed with them and to offer the highest standard of care.</li> <li>• Providing financial support to carers, including a fee, which recognises the skills of the foster carer.</li> <li>• Ensuring that staff are appropriately qualified and trained to meet the needs of the service.</li> <li>• Working with colleagues to ensure that children's needs are assessed accurately and that effective care planning is in place for individual children and young people.</li> <li>• Prioritising and maximising the health, education, training/ employment opportunities for children and young people in foster care</li> <li>• Supporting foster carers to work with young people in the transition from their foster care placement to independence.</li> <li>• Monitoring and evaluating the service within a quality assurance framework."</li> </ul>
2.1 b)	Was that culture reflected in the local authority's policies, procedures and/or practice in relation the provisions of foster care?


Response:	<p>Yes</p> <p>The 1935 Rules for the Boarding Out of Children written by Clackmannan County Council reflected the ethos of the Public Assistance Circular on Boarded Out Children dated 1931, showing their engagement with national regulations. The seriousness with which the Council viewed its duties to children in their care was reflected in the establishment of the Children's Committee in 1949, when the clerk impressed upon the committee the importance of their duties under the Children Act 1948.</p> <p>The availability of policies limited for the early period of Clackmannanshire Council but latterly, the culture was reflected in the policy and procedures. An example of this is in 2.1 b) above.</p>
2.1c)	How can that be demonstrated?
Response:	<p>The culture of Clackmannan County Council can be demonstrated in the Council and Committee minutes, appendices and ledgers.</p> <p>It can be demonstrated in the available foster carers files and children's files for the period 1996 – 2014 along with the care inspection reports, and the Chief Social Work Officer reports.</p>
2.1 d)	Did the provision of care of foster carers reflect the local authority's culture, policies and procedures?
Response:	<p>It is not possible to determine from the archive records the provision of care for each child but there are general comments in the Children's Committee minutes that suggest the majority of foster carers reflected the Council's culture and rules on the boarding out of children. For example, during the visitation of children boarded out in Aberdeenshire in September 1961, committee members 'found the children in excellent health and considered that the Council were fortunate in the type of foster parents with whom all the children had been placed.</p> <p>The quality of care given by individual foster carers was variable during the timespan 1930 and 2014. There were occasions where provision of care did not reflect Clackmannanshire Council's culture, policies and procedures. There were also examples of files examined in the audit where foster carers' practice has reflected the Council's culture, policies and procedures.</p>




2.1 e)	If not, please provide a representative range of examples and explain by reference to those examples, why particular foster carers did not in material ways, work in accordance with the local authority's then culture, policies and procedures and what, if anything, was done to change that?
Response:	<p>There is only one instance recorded in the Children's Committee minutes of foster carers not reflecting the culture of the Council. During the visitation of children boarded out in Aberdeenshire and Banffshire in December 1957, a committee member and the Children's Officer reported one case where the children's clothing was 'found to be far from satisfactory. Fresh clothing which had been supplied had not been given to the children.' The foster parents in question were making arrangements to move house but no formal notice had been given to the Children's Officer about the proposed move. It is recorded that there was to be closer investigation of this case and the Children's Officer was to receive a report, however there is no further record of this case in the Council/Committee minutes or appendices.</p> <p>During the period 1996- 2014 there were a number of carers who did not, in material ways, work in accordance with the local authority's then culture, policies and procedures. This data is contained in spreadsheet 5.9, along with the local authority's response.</p>
2.1 f)	When and why did any changes in the culture of local authority in relation to the provision of foster care come about?
Response:	<p>Changes in the culture of Clackmannan County Council in relation to foster care came about due to changes in national laws and regulations, such as the Children &amp; Young Persons (Scotland) Acts 1932 &amp; 1937, the Children's Act 1948, the Boarding Out of Children (Scotland) Regulations 1959, the Children &amp; Young Persons Act 1963 and the Social Work (Scotland) Act 1968.</p> <p>The Regulation of Care (Scotland) Act 2001 brought the expectation of care providers to conform to prescribed standards of care and initiated an inspection framework.</p> <p>The National Care Standards for Fostering were established thereafter in 2002 and Clackmannanshire Council complied with their implementation. Culture has further developed in line with successive legislation and national policy. Clackmannanshire Council has taken heed of Serious Case Reviews within other local authorities and been cognisant of recommendations in practice. This has served to influence</p>


	cultural change.
2.1 g)	Were any changes in culture driven by internal influences, incidents experiences or events within the local authority, or any of the foster care placements?
Response:	<p>There are no archive records that suggest that changes in the culture of Clackmannan County Council were driven by internal influences or events.</p> <p>It is not possible to say with any certainty if culture has changed as a result of the SCR noted in section D of this response. However, current workers are aware of the SCR and its recommendations.</p>
2.1 h)	Were there any changes in culture that were driven by abuse, or alleged abuse, of children in foster care?
Response:	<p>There are no archive records that suggest that changes in the culture of Clackmannan County Council were driven by the abuse or alleged abuse of children in foster care.</p> <p>Clackmannanshire Council has one member of staff who has been with the fostering team since 2009. At that time, the procedures for fostering services were refreshed and the member of staff is not aware of any particular local safeguarding issues or concerns that resulted in a change to a further policy or guidance.</p>
2.1 i)	If so, when did they occur and how did they manifest themselves?
Response:	N/A
2.1 j)	Were any changes in culture driven by any external influences or factors and if so, what were those influences or factors?
Response:	Changes in culture were driven by amendments and updates in national laws and regulations – see the answer to 2.1 (f)
2.1 k)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes

2.1 l)	If so, please give details.
Response:	<p>Regarding 2.1 a) Clackmannanshire Fostering services most recently outlined its vision for children in fostering recruitment material, developed in 2019. In this the vision was described "To improve outcomes for some of our most vulnerable children. We will do this by increasing the number of foster carers in the area and provide additional training to make sure that as many children as possible can be looked after successfully by local foster carers"</p> <p>The pack goes on to state "Foster carers need to provide children and young people with a safe, secure, stable and stimulating environment. Creating this environment requires the involvement of each individual within any foster family, their family network and external supports. Foster carers must be able to promote the welfare of a foster child by displaying an inclusive attitude towards working with a foster child's own family, with the Social Services and other services involved with the child."</p> <p>Clackmannanshire is committed to improving and sustaining quality foster care provision for children in need of being looked after. As part of this commitment, a self assessment of the fostering service is currently being carried out -to encourage an inclusive approach, this has involved seeking the views of carers, the fostering care team, service, Panel members and children and young people. "</p> <p>Regarding 2.1 e) - Please see the document below</p> <div style="text-align: center;">  <p>Examples of Addressing Standard:</p> </div> <p><b>[Appendix 53]</b></p>
2.1 m)	To what extent, if any, has abuse or alleged abuse of children cared for in foster care caused, or contributed to, the adoption of the current policies, procedures and /or practices of the local authority, in relation to the provision of foster care services for children including the safeguarding and child protection arrangements applying to its current foster care placements?
Response:	<p>Policy has been developed from changes in legislation as well as incidents of abuse or alleged abuse in foster care in the local authority. Child protection practice has been led at a national level and</p>



	<p>Clackmannanshire have learned from case reviews and practice in other areas.</p> <p>Aside from national initiatives and developments, Clackmannanshire commissioned a learning review following allegations made against a foster carer in 2019. This review identified the need for improved chronologies in respect of carers records and the IT system was modified to allow SSW to easily highlight significant information from case records to populate a chronology. This was implemented in 2019</p> <p>The learning review has been shared with the Child Protection Committee and a briefing is being drawn up at the time of writing along with an action plan. Clackmannanshire is able to share these with the Inquiry upon completion if they would wish to see this.</p>
<b>Structure, leadership and accountability</b>	
a)	What was the structure of responsibility within the local authority in relation to foster care?
Response:	<p>In the Clackmannan County Council period (1930-75) the Public Assistance Officer/Social Welfare Officer and then the Children's Officer were responsible for placing children in foster care. These officers had to report to the Public Assistance/Social Welfare/Children's Committee. From November 1969 the day-to-day case workload would be taken on by social workers who reported to the Director of Social Work.</p> <p>In December 2010 Stirling and Clackmannanshire Council agreed to a shared service model for social services and education. It was agreed that Clackmannanshire's Head of Social Policy would be appointed Joint Head of Social Services for the two local authorities. In late 2015 both Councils began to work towards the cessation of the shared service model, which was completed during 2016</p> <p>The shared services: Social Services progress update report outlines the structure for the new model: <b>[Appendix 54]</b></p> <div style="text-align: center;">  <p>SS SSPU.pdf</p> </div> <p>The cessation report also evidences the high level management structure which was going to be put in place. <b>[Appendix 55]</b></p>

	 CSS.pdf
b)	What were the oversight and supervision arrangements by senior management?
Response:	<p>For the period 1930 – 1975 oversight and supervision was by the Public Assistance/Social Welfare/Children’s Committee and then the Director of Social Work. Resolutions regarding taking children into the care of the local authority were approved by the County Council and expenditure was approved by the Finance Committee.</p> <p>From 1996 – 2014 please see below document in 2.2c) and 2.2 e).</p>
c)	What were the lines of accountability?
Response:	<p>For the period 1930 – 1975 – as above</p> <p>From 1996 – 2014 please see below:</p> <p><b>[Appendix 56]</b></p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">   F&amp;A S21 96 - 2014  Senior Managers.xlsx </div> <div style="text-align: center;">   F&amp;A Staff (no's) S21  96 - present.xlsx </div> </div>
d)	Within the local authority, who had senior management/corporate/organisational responsibility for the managers/management teams / leadership teams who had responsibilities in relation to children in foster care?
Response:	<p>For the period 1930 – 1975 – as above.</p> <p>For the period 1996 – 2014:</p> <p>1996 – 2000 – Bob Allan, Chief Executive  1996 – June 2001 – Bobbie Dickie – Director</p> <p>2000 – 2007 – Keir Bloomer – Chief Executive  July 2001 – 2007 – Dave Jones</p> <p>2007 – 2009 – Dave Jones – Chief Executive  2007 – 2008 – Director’s post was vacant</p> <p>2009 – 2011 – Angela Leitch – Chief Executive</p>

	<p>2000 – 2010 – Graham Blair – Director</p> <p>2010 – Deirdre Cilliers – Head of Service</p> <p>2011 – 2018- Elaine McPherson – Chief Executive  2011 – 2012 – Deidre Cilliers – Head of Service  2012 – 2016 – Val De Souza – Head of Service</p>
e)	Who, within the local authority, took decisions on matters of policy, procedure and/or practice in relation to foster care?
Response:	<p>For the period 1930 – 1975, matters of policy were decided by the Public Assistance Officer/Social Welfare Officer, then the Children's Officer, then the Director of Social Work, with approval from their respective committees.</p> <p>From 1996 – 2014 please see below:</p> <p style="text-align: center;"> 2.2e.xlsx</p> <p><b>[Appendix 56]</b></p>
f)	To whom were foster carers accountable?
Response:	<p>According to the 1935 Rules for the Boarding Out of Children written by Clackmannan County Council, guardians or foster carers were accountable to the Council and were inspected or supervised by the Inspector of Poor, then the Public Assistance Officer/Social Welfare Officer, then the Children's Officer and then individual social workers.</p> <p>In Clackmannanshire Council, foster carers were accountable to their supervising worker. The line of accountability then followed the council's organisational structure.</p>
g)	Who, within the local authority, was responsible for the implementation of, and compliance with, the local authority's policies, procedures and/or practices in foster care both by local authority staff and by foster carers?
Response:	All staff in fostering as well as the foster carers were expected to implement and comply with policy and procedure.


h)	To whom were fostering panels accountable?
Response:	In Clackmannanshire Council, fostering panels were accountable to the Agency Decision Maker and ultimately the Chief Executive of the Council.
i)	What were the oversight and supervision arrangements in respect of fostering panels?
Response:	The agency decision maker was responsible for approving or rejecting panel recommendations. Please see 1.8 e) above with regards to panel procedures.
j)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
k)	If so, please give details.
Response:	<p>3.2 a) - The current structure of responsibility within Clackmannanshire Council in relation to foster care is the following:</p> <p>Intensive Family Support Worker  Social Worker  Team Leader  Service Manager Corporate Parenting  Chief Social Work Officer  Chief Executive</p> <p>2.2 d) – The current senior managers who have responsibility for the managers of fostering are:</p> <p>Margaret McIntyre – Service Manager  Fiona Duncan – Chief Social Work Officer  Fiona McOmish – Director of People Services  Nikki Bridle - Chief Executive</p> <p>2.2 e) – The people who take (or have taken) decisions on matters of policy, procedure and practice in relation to foster care are:</p> <p>Margaret McIntyre – Service Manager</p>



	Gillian Buchannan – Corporate Parenting Service Manager Suzanne Fraser-Kerr – Team Leader All social workers
2.3 a)	What were the arrangements for external oversight of the local authorities foster care services?
Response:	<p>According to the Public Assistance Circular on Boarded Out Children dated 1931, each local authority at this time was required to 'intimate to the Department [of Health for Scotland] on the appropriate form every child placed with a guardian' and to inform them of subsequent changes affecting each child. There are no further archive records relating to arrangements for the external oversight of Clackmannan County Council's fostering services.</p> <p>For the period after disaggregation, there are no available records prior to the first inspection of Clackmannanshire fostering services in 18 November 2008 by the Care Commission (who were themselves established in 2002).</p> <p>The subsequent inspection dates were as follows:</p> <p>29 September 2009 11 August 2010 4 August 2011 17 July 2012 14 June 2013 5 June 2014</p>
2.3 b)	Who visited the local authority's foster care services in an official or statutory capacity and for what purpose?
Response:	<p>There are no archive records detailing regular visits or inspections of Clackmannan County Council's fostering services. There is only one reference in the Children's Committee minutes of 11 November 1953 regarding an inspection: 'Miss Anderson, Inspector from the Scottish Home Dept. was visiting for two days examining records, etc, and suggests that some of the children in Martha Frew Home, Crossford and Cleeve Home, Perth be dealt with by boarding out or by some other means.'</p> <p>Once the Care Commission was established, the routine inspection of Clackmannanshire fostering services was carried out by their inspectors. Latterly, this agency became the Care Inspectorate who</p>

	currently continue to undertake routine statutory inspection.
2.3 c)	How often did this occur?
Response:	As above, there is only one archive reference of a visit to Clackmannan County Council's fostering service in 1953.  Please see 2.3 a) and b)
2.3 d)	What did these visits involve in practice?
Response:	The content of the inspections can be found in the link below:  <a href="https://www.careinspectorate.com/index.php/care-services?detail=CS2004084406&amp;q=kilncraigs&amp;fq=!&amp;ServiceStatus:\$Cancelled&amp;sort=&amp;start=0&amp;message=%3Cb%3EResults%20for%20kilncraigs:%3C/b%3E%20&amp;sCondition=null">https://www.careinspectorate.com/index.php/care-services?detail=CS2004084406&amp;q=kilncraigs&amp;fq=!&amp;ServiceStatus:\$Cancelled&amp;sort=&amp;start=0&amp;message=%3Cb%3EResults%20for%20kilncraigs:%3C/b%3E%20&amp;sCondition=null</a>
2.3 e)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
2.3 f)	If so, please give details.
Response:	Regarding 2.3 a) - the dates for the external inspections in the present time were:  8 June 2015 28 June 2016 27 August 2018 14 August 2019

<b>Part D - Abuse and Response</b>	
<b>The questions in Part D should be answered in respect of abuse or alleged abuse relating to the time frame 1930 to 17 December 2014 only.</b>	
<b>5.1 Nature</b>	
5.1 a)	What was the nature of abuse and/or alleged abuse of children in foster care, for example, sexual abuse, physical abuse, emotional abuse
Response:	The nature of abuse and /or alleged abuse of children in foster care in Clackmannanshire was physical, sexual, psychological and emotional.
<b>5.2 Extent</b>	
5.2 a)	What was the local authority's assessment of the scale and extent of abuse of children in foster care?
Response:	<p>There were 18 allegations of a physical nature by children in foster care that were recorded in the audit of all children's files held by Clackmannanshire Council. There were also 4 allegations of a sexual nature evidenced.</p> <p>Clackmannanshire are also aware of the serious case regarding "Lucy" noted below.</p>
5.2 b)	What is the basis of that assessment?
Response:	<p>The CLAS database for Scottish Government returns was accessed and a list compiled of those children in foster care from 1996- 17 December 2014. As the database was not fully created until 2000, the ledgers were examined for the payments made by the Local Authority to the foster carers. This evidenced a further group of children's files to audit. These files were cross referenced with the relevant carers' files.</p> <p>Some of these records have been destroyed in accordance with the Scottish Council on Archives Records Retention Schedules (2011 and subsequently version 2.0 in 2014) albeit Clackmannanshire Council were aware of the instruction to cease destruction of pertinent materials relating to the Inquiry.</p>


	<p>All 479 files relating to children in foster care held in Clackmannanshire have been considered. Some of these were open cases transferred from Central Regional Council at the point of disaggregation in 1996. In addition, 72 carers files were examined.</p> <p>A number of complaints had been made and retracted. The majority of these are not included in the above numbers indicated in 5.2 a). However, the ones of a more serious nature have been included for fullness of assessment.</p> <p>Police provided information for one case where the social work file was closed before the outcome of the case.</p> <p>Clackmannanshire Council are aware of the serious case "Lucy" in 2014 noted below. [REDACTED] carer David Leggatt (DL) [REDACTED] approved by external agency National Fostering Agency. The Inquiry may wish to contact the NFA for further information.</p> <p><b>[Appendix 57]</b></p> <div style="text-align: center;">  <p>SCR_Report-Executive_Summary_June_2</p> </div>
5.2 c)	How many complaints have been made in relation to alleged abuse of children in foster care?
Response:	<p>23 complaints have been identified through the audit model described above, in terms of the definition of abuse in the s21 guidance: primarily physical and sexual abuse, with associated psychological and emotional abuse.</p> <p>1 complaint has been identified in relation to "Lucy".</p>
5.2 d)	Against how many foster carers have the complaints referred to at (c) above been made?
Response:	14
5.2 e)	How many foster carers have been convicted of, or admitted to, abuse of children?
Response:	



	<p>No foster carers approved by Clackmannanshire Council have been convicted of, or admitted to, abuse of children.</p> <p>David Leggatt (NFA) was convicted and sentenced to 8 years imprisonment with 3 years post release monitoring.</p>
5.2 f)	How many foster carers have been found by the local authority to have abused children?
Response:	The evidence presented at the time of the allegations against foster carers demonstrated that 3 carers were found by the Local Authority and police to have abused children. Otherwise there was not enough information available at the time to conclude if abuse had taken place regarding these allegations.
5.2 g)	Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?
Response:	It is found on record that a number of complaints have been made and retracted. However, file audits confirmed that there were 2 definite complaints in relation to alleged abuse of children by family members of foster carers.
5.2 h)	How many family members of foster carers have been convicted of, or admitted to, abuse of children?
Response:	From the information gleaned in the current audit it is confirmed that one family member of a foster carer has been convicted of abuse of a child in placement.
5.2 i)	How many family members of foster carers have been found by the local authority to have abused children?
Response:	<p>As at 5.2 h) above, the Local Authority have found one family member of foster carers to have abused a child.</p> <p>Otherwise there is not enough evidence for the Local Authority to determine whether or not abuse may have taken place regarding the allegations towards family members of foster carers on record.</p>
5.2 j)	Against how many other children placed in foster care in the same placement have complaints been made in relation to the alleged

	abuse of children?
Response:	It is found on record that a number of complaints have been made by fostered children against other fostered children in the same placement and then retracted. However, file audits confirmed that there was one definite complaint in relation to alleged abuse of children in foster care by other children in the same placement.
5.2 k)	How many other children placed in foster care in the same placement have been convicted, or admitted to abuse of children?
Response:	As above in 5.2 j) – the aforementioned child (peer in placement) admitted to an act that is considered as abuse.
5.2 l)	How many other children placed in foster care in the same placement have been found by the local authority to have abused children?
Response:	As above in 5.2 j) – the aforementioned child (peer in placement) admitted to an act that is considered by the Local Authority as abuse.
<b>5.3 Timing of Disclosure/Complaint</b>	
5.3 a)	When were disclosures and complaints of abuse and/or alleged abuse or children in foster care made to the local authority?
	Please see spreadsheet at 5.9 below.
5.3 b)	To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?
Response:	Nine of the complaints or allegations were made while the abuse or alleged abuse was going on or recent.
5.3 c)	To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?
Response:	Two of the complaints or disclosures were made some years after the alleged abuse about non-recent abuse.  Eleven allegations have been made referring to a timespan so these

	are unclear
5.3 d)	Are there any patterns to note in terms of the timing/disclosure of abuse and /or alleged abuse?
Response:	No patterns can be drawn from this data set due to the small size and the number of cases where the allegations refer to timespans of several years.
<b>5.4 External Inspections</b>	
5.4 a)	What external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children?  For each such external inspection please answer the following:
Response:	There have been no external inspections conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children?
5.4 b)	Who conducted the inspection?
Response:	N/A
5.4 c)	Why was the inspection conducted?
Response:	N/A
5.4 d)	When was the inspection conducted?
Response:	N/A
5.4 e)	What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?
Response:	N/A
5.4 f)	What was the local authority's response to the inspection and its outcome?
Response:	N/A


5.4 g)	Were recommendations made following the inspection?
Response:	N/A
5.4 h)	If so, what were the recommendations and were they implemented?
Response:	N/A
5.4 i)	If recommendations were not implemented, why not?
Response:	N/A
<b>5.5 External Investigations</b>	
5.5 a)	What external investigations have been conducted relating to children in foster care which have considered issues relating to abuse and/or alleged abuse of children?  For each such external investigation please answer the following:
Response:	There have been 22 external investigations undertaken by police and health professionals relating to children in foster care where there have been issues relating to alleged abuse.
5.5 b)	Who conducted the investigation?
Response:	Police and health professionals in conjunction with social work
5.5 c)	Why was the investigation conducted?
Response:	 5.5c - 5.5 i FINAL.xlsx <b>[Appendix 58]</b>
5.5 d)	When was the investigation conducted?
Response:	Please see 5.5c
5.5 e)	What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?
Response:	Please see 5.5c




5.5 f)	What was the local authority's response to the investigation and its outcome?
Response:	Please see 5.5c
5.5 g)	Were recommendations made following the investigation?
Response:	Please see 5.5c
5.5 h)	If so, what were the recommendations and were they implemented?
Response:	Please see 5.5c
5.5 i)	If recommendations were not implemented, why not?
Response:	Please see 5.5c
<b>5.6 Response to External Inspections/Investigations</b>	
5.6 a)	What was the local authority's procedures/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?
Response:	<p>The Local Authority complied with the national and local expectations of the Care Commission and latterly Care Inspectorate.</p> <p>In response to allegations of abuse, the local authority arranged and attended Initial Referral Discussions with other relevant professionals. The Local Authority undertook joint investigation into allegations of child abuse with police and medical professionals. This involved joint investigative interviewing of children and referral for medical examination where required.</p>
5.6 b)	What was the local authority's procedure / process for responding to the outcomes of such external inspections and / or investigations?
Response:	Action was taken where necessary in individual cases where external investigation had been required. This included safety plans as well as longer-term planning to protect children and promote their best interests. This included finding alternative placements for children or deregistration of foster carer. Further multi-agency working was undertaken on a proportionate basis.

5.6 c)	What was the local authority's procedure / process for implementing recommendations which followed from such external inspections and / or investigations?
Response:	As noted in 5.6 b) recommendations and courses of action were agreed at a multi-agency level. The local authority carried out their statutory role.
<b>5.7 Impact</b>	
5.7 a)	What was known about the impact of abuse on those children in foster care who were abused, or alleged to have been abused?
Response:	<p>Overall, it is not possible to determine with any degree of accuracy that the outcomes for children, negative or otherwise, were as a direct result of their experiences in foster care. The detail shared with the inquiry in spreadsheet 5.9 is to enable understanding of context.</p> <p>In addition to the general response above there is one case in which the Council has some information about impact of abuse on a child in foster care. This information comes from the initial writ in the civil action referred to below. In that document it is alleged by the pursuer that, as a consequence of the abuse, she has a specific phobia of close and intimate relationships with the opposite sex, that it has caused anxiety, avoidance of social contact, isolation, depressive disorder, a sense of worthlessness and low self esteem, disruption of education and disadvantage in the labour market.</p>
5.7 b)	Where does the local authority's knowledge/assessment of that impact come from?
Response:	Knowledge underpinning the assessment of the impact on children of abuse or alleged abuse is contained in children's files.
5.7 c)	What is known about the impact of abuse on the families of those children in foster care who were abused, or alleged to have been abused?
Response:	<p>Please see detail in corresponding in 5.9</p> <p>Overall, it is not possible to determine, with any degree of accuracy, the impact of abuse or alleged abuse, on family members of children.</p>

5.7 d)	Where does the local authority's knowledge/assessment of that impact come from?
Response:	Knowledge underpinning the assessment of the impact on children of abuse or alleged abuse is contained in children's files. However, this is not information that would be routinely recorded.
<b>5.8 Known Abusers and Alleged Abusers</b>	
5.8 a)	Does the local authority know of specific abusers, or alleged abusers, of children in foster care?
Response:	Yes
5.8 b)	If so, what are the names of the abusers, and/or alleged abusers
Response:	<p>Child protection investigations were conducted in respect of the following people:</p> <ul style="list-style-type: none"> <li>FVE [REDACTED]</li> <li>FVF [REDACTED]</li> <li>FVV [REDACTED]</li> <li>FVW-FVX [REDACTED]</li> <li>FWK [REDACTED]</li> <li>FWL [REDACTED]</li> <li>FWM [REDACTED]</li> <li>FWN [REDACTED]</li> <li>FWO-FWP [REDACTED]</li> <li>FWR [REDACTED]</li> <li>FWS-FWT [REDACTED]</li> <li>FWU [REDACTED]</li> <li>FWV [REDACTED]</li> <li>FXZ [REDACTED]</li> <li>FYQ [REDACTED]</li> <li>FYR-FYS [REDACTED]</li> </ul> <p>It is also known that David Leggatt (NFA carer) abused a child in foster care.</p> <p>Alleged abuse of children by other children has not been included here. The complaints raised can be found in 5.9.</p>

5.8 c)	<p>For each of these persons, please provide as much as possible of the following information:</p> <ul style="list-style-type: none"> <li>- the period (dates) during which they are known or alleged to have abused children in foster care</li> <li>- if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse.</li> <li>- the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter</li> <li>- any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation or abuse was made.</li> </ul>
Response:	<div style="text-align: center;">             5.8 c FINAL.xlsx  <b>[Appendix 59]</b>            All police disclosure checks were done in line with the annual review frequency         </div>
5.8 d)	Were known abusers, or alleged abusers, of children permitted to continue as foster carers?
Response:	Please see spreadsheet at 5.8c
5.8 e)	If so, why was this considered to be appropriate?
Response:	Please see spreadsheet at 5.8c
5.8 f)	If so, what process of monitoring/supervision followed?
Response:	Please see spreadsheet at 5.8c
<b>5.9 Specific Complaints</b>	
5.9 a)	How many specific complaints of abuse of children in foster care have been made to the local authority?



Response:	<p>Please see the document below which answers all of the questions in 5.9:</p> <div style="text-align: center;">   5.9 Data Final.xlsx  <b>[Appendix 60]</b> </div>
5.9 b)	For each specific complaint, who made the complaint?
Response:	Please see 5.9 a)
5.9 c)	For each specific complaint, when was the complaint made?
Response:	Please see 5.9 a)
5.9 d)	For each specific complaint, against whom was the complaint made?
Response:	Please see 5.9 a)
5.9 e)	For each specific complaint, what was the nature of the complaint?
Response:	Please see 5.9 a)
5.9 f)	For each specific complaint, when/over what period was the abuse alleged to have taken place?
Response:	Please see 5.9 a)
5.9 g)	For each specific complaint, what was the local authority's process and approach in dealing with the complaint?
Response:	Please see 5.9 a)
5.9 h)	For each specific complaint, what was the local authority's process and approach for investigating the complaint?
Response:	Please see 5.9 a)
5.9 i)	For each specific complaint, what was the outcome of the complaint following that investigation?
Response:	Please see 5.9 a)

5.9 j)	For each specific complaint, did the local authority provide a specific response to the complaint?
Response:	Please see 5.9 a)
5.9 k)	If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?
Response:	Please see 5.9 a)
5.9 l)	If there was no response, why not?
Response:	Please see 5.9 a)
5.9 m)	Was the information/content of the complaint passed to police?
Response:	Please see 5.9 a)
5.9 n)	If not, why not?
Response:	Please see 5.9 a)
<b>5.10 Civil Actions</b>	
5.10 a)	How many civil actions have been brought against local authority relating to abuse, or alleged abuse, of children in foster care?
Response:	There has been one action brought against Clackmannanshire Council relating to alleged abuse of a child in foster care. This is case 2 referred to at 5.13 b) below.
5.10 b)	Who brought the action?
Response:	The victim of the alleged abuse.
5.10 c)	When was the action brought?
Response:	A pre-action protocol letter was received by the Council in May 2018 and an Initial Writ was served on the Council in October 2018.
5.10 d)	Against whom was the action brought





[APG]

Response:	Clackmannanshire Council
5.10 e)	What was the nature of the abuse, or alleged abuse, to which the action related?
Response:	There are more precise details in the Initial Writ but the nature of the abuse can be summarised as rape and sexual assault and associated psychological trauma.
5.10 f)	What were the names of the persons said to have, or alleged to have committed abuse?
Response:	The Initial Writ names David John Leggatt – who was a foster carer approved by independent fostering agency (NFA) contracted by Clackmannanshire Council. The victim was placed with Mr Leggatt by Clackmannanshire Council.
5.10 g)	When/over what period was the abuse said, or alleged to have taken place?
Response:	2011-2012
5.10 h)	How did the action progress?
Response:	The action is still live
5.10 i)	What was the outcome
Response:	N/A
5.10 j)	Was the action settled on a conditional basis of confidentiality?
Response:	N/A
5.10 k)	Who was/were the local authority's legal representative(s) in relation to the civil action?
Response:	Insurer appointed firm – Clyde & Co
5.10 l)	Did the local authority carry insurance for meeting civil claims at the time the action was live?
Response:	

	Yes
5.10 m)	How/where can copies of the court papers relating to the civil action be made available to the Inquiry?
Response:	The documents are held by Clyde &Co and the contact solicitor is Lesley Allan.
5.11 a)	Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?
Response:	No criminal injuries compensation has been identified from children's files in this audit
5.11 b)	If so, please provide details if known.
Response:	N/A
5.12 a)	How many complaints of abuse of children in foster care have been made to the police?  In relation to each known complaint to the police, please answer the following questions:
Response:	Please see 5.9 a)
5.12 b)	Who was the alleged abuser or abuser?
Response:	Please see 5.9 a)
5.12 c)	Did the police conduct an investigation in relation to the complaint?
Response:	Please see 5.9 a)
5.12 d)	If so, who conducted the investigation and when?
Response:	The only named officers who conducted police investigations are collated in spreadsheet 5.5 c – 5.5 i. (column G)  Each investigation was commenced at the time of the complaint, however, it is understood that some investigations will have taken

	some time to complete and the concluding date is often not recorded on social work files.
5.12 e)	What was the outcome of the police investigation?
Response:	Please see 5.9 a)
5.12 f)	What was the organisation/establishment's response?
Response:	Please see 5.9 a)
<b>5.13 Crown</b>	
5.13 a)	To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care?  In relation to each time the Crown has raised proceedings, please answer the following questions:
Response:	There are two cases where by the Crown have raised proceedings in respect of allegations of children in foster care in period 1996 – 17 December 2014.
5.13 b)	What is the name of the person(s) against whom the proceedings were raised?
Response:	Case 1: FZE Case 2: David Leggatt in respect of SCR "Lucy"
5.13 c)	What was the nature of the charges?
Response:	Case1: Breach of the Peace Case 2: As David Leggatt was not approved by Clackmannanshire Council the actual charges are not recorded. This information will be held by the National Fostering Agency. It is known that the charges related to sexual assault of a minor in this case..
5.13 d)	What was the outcome of the proceedings, including disposal/sentence if there was a conviction?
Response:	Case 1: Diversion from prosecution Case 2: Prison sentence (8 years)



5.13 e)	What was the local authority's response to the proceedings and outcome?
Response:	<p>Case 1: FZE [REDACTED] was referred to criminal justice services Case 2: Please see documents below: <b>[Appendices 61 to 64]</b></p> <p> SCR_Report-Executive_Summary_[June_</p> <p> Clackmannanshire and Stirling Child Prot</p> <p> Significant Case Review - [REDACTED] doc</p> <p> Significant Case Review - Appendix 1.</p>