


Section 21 Notice - Fostering - Clackmannanshire

Part B – Current Statement	
3.1 a)	Does the local authority accept that between 1930 and 17 December 2014 any children cared for in foster care were abused?
Response:	Yes
3.1 b)	If so, what is the local authority's assessment of the extent and scale of such abuse?
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 which was prepared for the Council's response to section D of this section 21 notice. There were also 4 allegations of a sexual nature evidenced.</p> <p>Clackmannanshire Council is also aware of the serious case review regarding "Lucy" noted below.</p> <p>Clackmannanshire Council acknowledge criminal charges resulted from some of the allegations in cases noted in spreadsheet 5.9. The Council also acknowledge that the absence of a conviction following a charge does not mean that the abuse did not take place. Equally, the retraction of an allegation does not mean that the abuse did not take place.</p>
3.1 c)	What is the basis of that assessment?
Response:	<p>The basis of this assessment is from data gathered for the Council's response to section D of this section 21 notice.</p> <p>In preparing the section D response, 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 identified 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). Clackmannanshire Council is 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 numbers indicated in Section D 5.2 a). However, the ones of a more serious nature have been included for fullness of assessment.</p> <p>The Police provided information for one case where the social work file was closed before the outcome of the case.</p> <p>Clackmannanshire Council is aware of the serious case review "Lucy" in 2014 noted below. "Lucy's" foster carer [REDACTED] David Leggatt (DL) [REDACTED] approved by external agency National Fostering Agency. The Inquiry may wish to contact the NFA for further information.</p> <p>[Appendix 57]</p> <div style="text-align: center;">  <p>SCR_Report-Executive_Summary_(June_2</p> </div>
3.2 a)	Does the local authority accept that its systems failed to protect children in foster care between 1996 and 17 December 2014 from abuse?
Response:	<p>On the basis of the information available in case files and care inspection reports, Clackmannanshire Council accepts that the systems to protect children in foster care between 1996 and 17 December 2014 were not always as robust as they could have been. This may have meant that a small number of children were exposed to risk in care.</p>
3.2 b)	What is the local authority's assessment of the extent of any

	such systemic failures?
Response:	<p>The records from Clackmannan County Council are limited in relation to policy and systems. There is a reference dated 11 July 1945 that Clackmannan County Council were satisfied with their arrangements in respect of the Department of Health circular regarding the boarding-out of children and war orphans.</p> <p>Clackmannanshire Council assess that key policies to support the functions of the fostering system e.g. recruitment, supervision of foster carers and staff, reviewing and training of foster carers were not fully fit for purpose during the period 1996 to 17 December 2014. These areas are expanded upon in this reponse.</p> <p>The key area of systemic failure during this time was the policy whereby complaints were dealt with at the lowest level. This resulted in a number of allegations not progressing appropriately to child protection process. It is not possible to determine the extent of this from the quality of recording.</p>
3.2 c)	What is the basis of that assessment?
Response:	<p>Please see 3.1 c) above.</p> <p>The views of current managers for this reponse are based on their insights into previous practice from today's perspective and the current programme of ongoing development of the fostering service.</p> <p>Previous care inspection reports have also informed this assessment. The Care Inspectorate now carry out annual inspections of the Fostering Service and assess practice against their agreed framework. Whilst this informs current practice and learning, it also helps us to acknowledge the lack of scrutiny and assessment prior to inspections being carried out.</p>
3.2 d)	What is the local authority's explanation for any such failures?
Response:	<p>There has been a long history in Clackmannanshire Council of a turnover of staffing and leadership. This can have a direct impact on the stability and quality of service delivered. There have been gaps in policy, planning and strategic roles as a result of both the structure and unfilled vacancies to support the consistent, coherent development of policies and procedures to set practice standards. This is interconnected with a lack of self-evaluation, audit and limited internal scrutiny</p>

	<p>of the service, which means poor practice has not always been challenged. There was a lack of accountability for the services delivered. For example, there has been no annual business reporting of the fostering service to committees, as a form of transparency, accountability, scrutiny and governance to ensure high quality fostering service in Clackmannanshire. However, there is now an expectation that this is reported via the People's Committee where inspection reports and business plans are to be tabled for discussion and scrutiny.</p>
3.3 a)	<p>Does the local authority accept that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of children in foster care between 1930 and 17 December 2014?</p>
Response:	<p>Yes</p>
3.3 b)	<p>What is the local authority's assessment of the extent of any such failures in its response?</p>
Response:	<p>There are examples through file reading of failures in response thresholds where child protection procedures have not been invoked after an allegation, when they should have been. In these instances, it would seem matters were dealt with as a developmental issue or a complaint when the child protection threshold should have been applied by the Team Leader for the Fostering Service and the Team Leader for the child.</p> <p>In these cases workers and/or managers of the fostering service have asked the foster carer directly about the content of the allegation and been satisfied with their denial of wrongdoing and no child protection procedures were instigated. Thus, it was possible that the carers were not appropriately challenged by anyone outside of the service. This practice was not compliant with Child Protection Procedures.</p> <p>These situations appear to have been in the minority, albeit they are noteworthy. Once allegations have been properly identified as "child protection" they have been appropriately responded to under Child Protection Procedures</p>
3.3 c)	<p>What is the basis of that assessment?</p>
Response:	<p>Please see 3.1 c) above</p>
3.3 d)	<p>What is the local authority's explanation for any such</p>

	failures/deficiencies?
Response:	<p>It is not possible to explain failure or deficit in response to abuse and allegations of abuse from the records held for Clackmannan County Council.</p> <p>Clackmannanshire Council's assessment of records from 1996 concludes that a consistent level of recording was not always evident. This will have been determined by the worker's proficiency in their role along with the proficiency of team managers and service managers where appropriate.</p> <p>While social workers and team leaders have a duty to ensure safeguarding in fostering, some foster carers were difficult to challenge.</p> <p>Staff were expected to comply with the policy of dealing with complaints at the lowest level. This may have brought a culture at the time of concluding "No Further Action" in response to some allegations. This issue may have been further compounded as two complaints systems ran concurrently – the service specific policy and the corporate complaints policy.</p>
3.4 a)	To what extent has the local authority implemented changes to its policies, procedures and practices as a result of any acknowledgment in relation to 3.1 – 3.3 above?
Response:	<p>There have been cultural changes between 1996 and 2014 in how children are valued in Scotland. Clackmannanshire Council has adapted policy in line with legislative requirements and the emerging research base. Practice expectations evolved with these, alongside societal values and norms.</p> <p>Clackmannanshire Council acknowledged the impact that the lack of workforce stability had had. Consequently, focus was placed on recruiting skilled managers and workers into the fostering service team, whilst also reviewing, designing and embedding clear policies and procedures within the service. Fostering procedures and child protection procedures were aligned to training programmes – with the need for safeguarding and promoting the welfare of the child who is looked after away from home being at the heart of the procedures.</p>

Part C – Prevention and Identification	
(i) Policy 4.1 a)	Was there national/policy guidance relevant to the provision of foster care for children?
Response:	<p>For the period 1930 – 1971 it is not known if there was any particular national policy or guidance relevant to the provision of foster care for children over and above that provided for in legislation or referred to in archive records.</p> <p>The Kilbrandon report in 1964 introduced the welfare model and, as such, this was reflected in the Social Work (Scotland) Act 1968 and national arrangements contained within the Children’s Hearings System beginning in 1971. Thereby the Scottish approach of considering children as “in need” was established.</p> <p>There followed several inquiries which influenced the development of child protection and fostering: the Maria Caldwell Inquiry (1974), Jasmine Beckford Inquiry (1984), The Cleveland Inquiry (1988), The Orkney Inquiry (1992), The Fife Inquiry (1992), The Dunblane Inquiry (1992), The Kent Report (1997), the Edinburgh Inquiry (1999), Victoria Climbié Inquiry (2000) and Peter Connelly (2008).</p> <p>In 2006 the Scottish Executive aimed to transform children’s services and brought together a cluster of policies under the banner of Getting It Right for Every Child (GIRFEC). This aimed to consolidate a common language amongst professionals supporting children and one common plan to promote their safety and wellbeing.</p> <p>There followed in quick succession the 2007 policy - Looked After Children and Young People – We can and must do better and in 2008 – These Are Our Bairns which began the direction of corporate parenting.</p> <p>This sat alongside the developments in child protection more widely, which were largely influenced by outcomes of the above inquiries. Legislation first established Child Protection Committees in every local authority area in Scotland in 1991. The requirements incumbent upon these Committees were strengthened as part of the then Scottish Executive’s Child Protection Reform Programme. National Guidance for Child Protection was published in 2005, followed by the National Framework for Child Protection. Subsequently the National Risk Framework was developed for assessment of children in need in 2012.</p>

4.1 b)	If so, to what extent was the local authority aware of such?
Response:	<p>The following evidence has been gleaned from Clackmannan County Council Committee Minutes regarding awareness of national policies and guidance:</p> <ul style="list-style-type: none"> • Public Assistance (PA) Committee meeting 10/7/1931 – circular no. 18 on Boarded Out Children, dated 26/6/1931 from Dept. of Health for Scotland – rules to be observed. • PA committee 9/11/1934 – Children & Young Persons (Scotland) Act 1932 – circular no.40 dated 18/10/1934 from Dept. of Health. Doubt among local authorities if Public Assistance officials/committees could be ‘fit persons’. The Education Authority was deemed a fit person but there was no authority for PA committees to do so and they should not agree to take on care of children. • Council meeting 21/5/1935 – Public Assistance Boarding out of children regulations (agreed to accept). • Adoption of Children (Regulation) Act 1939 – letter from Scottish Home Dept. 14/4/1943 – Act will come into operation from 1st June 1943, offence for anyone other than local authority or registered adoption society to make arrangements for adoption of a child (minute of PA committee 14/5/1943). • PA committee 8/10/1943 – Dept. of Health circulars regarding visiting of boarded out children (DHS no. 87/1943) & war orphans (DHS no. 95/1943). • Social Work committee 11/7/1945 – circular from Dept. of Health regarding boarding out of children (DHS no. 93/1945). Monckton report re. Dennis & Terence O’Neill. Secretary of State arranging a review of Scottish regulations (Clackmannan Council were satisfied with its current arrangements). • Health committee 14/6/1950 – reference to Children & Young Persons (Scotland) Act 1937 – recommendation that Miss MK (Children’s Officer) be appointed Child Protection Visitor and that health visitors in the County be authorised to exercise the powers of the Child Protection Visitor. • Children’s committee 11/7/1949 – committee constituted after Children’s Act 1948. Clerk impressed

	<p>upon committee the importance of their duties. At that time there were 10 children boarded out with foster parents.</p> <ul style="list-style-type: none"> • Circulars from Scottish Home Department re. Children's Act 1958 and Adoption Act 1958 – public awareness campaigns. • Circular re. Adoption Agencies (Scotland) Regulations 1959. • Memorandum from Scottish Home Dept. dealing with provisions of Boarding Out of Children (Scotland) Regulations 1959. Purpose of the memorandum '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.' • Children's Officer's observations on the Boarding-out of Children Regulations 1959 regarding relations with foster parents, placement of Roman Catholic children and Council's financial contribution to holidays/camps. • Children's Committee Meeting 10th June 1964 (pp341-344): Children & Young Persons Act 1963 – circular from Scottish Education Dept. no. 6/1964 – Secretary of State had decided to call for reports from local authorities under section 1 to check what arrangements were in place. • Letter from the Scottish Education Department regarding difficulties in relation to the re-possession by parents of children who have been placed in the care of another party. The Scottish Advisory Council on Child Care wants to clarify with local authorities the extent to which they can help to resolve such difficulties. Duty under the Children & Young Persons Act 1963 to promote the welfare of the child. • Scottish Education Dept. letter dated 19/10/66 requesting all local authority children's depts. In consultation with Medical Officer to review arrangements for provision of medical reports on children in care, especially boarded out children. • Children's Committee Meeting 13th November 1968 (pp261-264): discussion re. Social Work (Scotland) Act 1968 – new Social Work committee would require to be constituted & Children's committee dissolved –
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combination of health, welfare & children's depts.

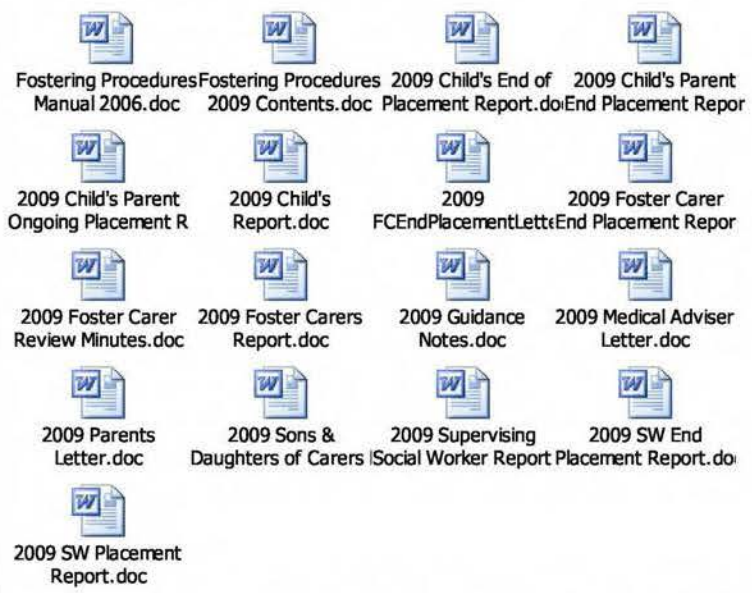
- Social Work Committee Meeting 5th September 1974: Guardianship Act 1973 – Social Work Services Group Circular no.6. Additional powers granted to the court – commit care of child to local authority in exceptional circumstances making it impracticable or undesirable for children to be entrusted to their parents; require local authority to investigate circumstances of child who was subject of application for custody.
- Document 105 – Summary of Provisions relating to Committees: Children's committee, statutory, period of office of members = 1 year. Composition: non-Council members specially qualified may be appointed but majority of committee members must be Council members. Powers referred (subject to County Council's approval): the Council's functions under the Children & Young Persons (Scotland) Act 1937, the Adoption Acts & the Children Act 1948. Powers delegated (on which direct action can be taken): none. Other info: in cases of urgency, Council may act without a report from the Children's committee.
- Organisation sub-committee 31/05/1934: Children & Young Persons (Scotland) Act 1932. Boarded out children: 'a letter, model rules & circular were submitted. After consideration, it was agreed to recommend to the Education Committee that a statement be made to the Scottish Education Department that the Committee were willing to undertake the care of boys & girls who might under this Act be committed to their charge. It was continued with the Executive Officer to go into details & report.

There is no operational memory within Clackmannanshire Council to indicate to what extent the local authority was aware of national policy between 1996 and 2005. However the following has been retrieved from the archives: **[Appendix 65]**



Awareness of
National Policies 1996

Clackmannanshire Council was aware of national policy and guidance when revising the fostering policy in 2005 and thereafter. Individual workers were responsible for accessing

	these policies. Group discussions were held in team meetings and documents were distributed.
4.1 c)	<p>If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?</p> <ol style="list-style-type: none"> i. Child welfare (physical and emotional) ii. The child's views iii. Reviewing a child's continued residence in a foster care placement iv. Child protection v. Discipline vi. Complaints handling vii. Whistleblowing viii. Record retention ix. Recruitment and training of foster carers x. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority
Response:	<p>The extent that the local authority were aware of national policy can be evidenced in the example of policies from 2006. They were further updated and reflected in the 2009 update of the Fostering procedures: [Appendices 66 to 82]</p> <div style="text-align: center;">  <p>Fostering Procedures Manual 2006.doc Fostering Procedures 2009 Contents.doc 2009 Child's End of Placement Report.doc 2009 Child's Parent End Placement Report</p> <p>2009 Child's Parent Ongoing Placement R 2009 Child's Report.doc 2009 FCEndPlacementLetter.doc 2009 Foster Carer End Placement Report</p> <p>2009 Foster Carer Review Minutes.doc 2009 Foster Carers Report.doc 2009 Guidance Notes.doc 2009 Medical Adviser Letter.doc</p> <p>2009 Parents Letter.doc 2009 Sons & Daughters of Carers Social Worker Report 2009 Supervising Social Worker Report 2009 SW End Placement Report.doc</p> <p>2009 SW Placement Report.doc</p> </div> <p>Records of any additional policies have not been retained.</p>
4.1 d)	If the local authority was aware of such, did they give effect to that policy/guidance?
Response:	As above, in 4.1 b) - the local authority gave effect to policy and guidance in the fostering policies.

Please also see below for all the available policies prior to 2014

i. Child welfare (physical and emotional)
[Appendices 83 to 85]



C4 Child Protection Procedures 2005.doc



Unannounced Visit 2005-9.doc



Risk Assessment 2009.docx

ii. The child's views **[Appendices 86 to 89]**



Social Worker's Placement Report 201



A9 Views of the Child Procedure 2005.doc



C7 Children's Hearing Procedure 2005.doc



C14a Review of the Pathway Plan Proced

iii. Reviewing a child's continued residence in a foster care placement **[Appendices 90 to 97]**



Social Worker's Placement Report 201



Foster Carer's Review Report 2003.



C7 Children's Hearing Process Map 2003.do



Looked After and Accommodated Childr (Issue 15) 2004.doc



Quality Manual



Supervising Social Worker's Review Rep



C3b Child Placed with a Foster Carer Proce:Supervision Procedur



C15 Home

iv. Child protection **[Appendices 83 & 98]**



C4 Child Protection Procedures 2005.doc



Child Protection Procedures 08.doc

v. Discipline **[Appendix 99]**



Foster care Agreement 2003.doc

vi. Complaints handling **[Appendices 100 to 102]**



A5 Handling Complaints 2005.doc



























A5 Handling Complaints (Issue 6)



Care Commission .Complaints Procedure

vii. Whistleblowing **Appendices 83, 103 & 104]**

	<p style="text-align: center;">    A6 Whistleblowing Council Procedures SI Procedures 2005.doc C4 Child Protection Concerns at Work 2010 A6 Reporting Serious </p> <p>viii. Record retention Appendices 105 to 108]</p> <p style="text-align: center;">    A8a Access To Personal Files Processes A8b Retention and Destruction of Closed Procedure 2005.doc A8d Case Recording </p> <p style="text-align: center;">  A8c Case File Closure Procedure 20 </p> <p>ix. Recruitment and training of foster carers [Appendices 109 to 118 & Appendices 67 & 96]</p> <p style="text-align: center;">    Placement Report - Foster Carer's Report SD CC 31 01 Application to Adopt (Prep and Approval of C3a Rec, Applic, </p> <p style="text-align: center;">    C3b Child Placed with Adoption Procedures a Foster Carer Process FOSTERING booklet draft 0906.pdf 2006.doc </p> <p style="text-align: center;">    ADOPTION booklet draft 0906.pdf Fostering Procedures Appendices 2009.doc Fostering Procedures 2009 Contents.doc </p> <p style="text-align: center;">    Information leaflet for applicants and foster carers Information for Carers on World religious openness.doc Adoption Procedures </p> <p>x. Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority Appendix 119]</p> <p style="text-align: center;">  d Appendix 4 - reviews, representati </p>
4.1 e)	If so, how was effect given to such policy/guidance?
Response:	<p>Clackmannanshire Council incorporated guidance into local policy as noted above in 4.1 c) and 4.1 d)</p> <p style="text-align: center;">  Child Care Procedures 2003.doc [Appendix 120] </p> <p>This had also been reproduced as the 2011 version</p>
4.1 f)	If no, why not?
Response:	

	N/A
4.1 g)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
4.1 h)	If so, please give details.
Response:	<p>Regarding 4.1 c)</p> <p>i. Child welfare (physical and emotional)</p> <p>This is addressed within the Foster Carers Handbook which is embedded below. [Appendix 26]</p> <p> Foster carer handbook - full versio</p> <p>ii. The child's views</p> <p>As above, the revised Foster Carer Handbook highlights the need for child's views to be considered.</p> <p>iii. Reviewing a child's continued residence in a foster care placement</p> <p>As above, the process for Looked After Reviews is described in the Foster Carer's Handbook, 2020. A working draft for Looked After Reviewing Officers is currently also being applied in Clackmannanshire: [Appendix 121]</p> <p> Clackmannanshire-IR Ohandbook Version 1</p> <p>iv. Child protection [Appendix 122]</p> <p> Child Protection Guidelines 2017.pdf</p> <p>v. Discipline [Appendices 123 & 124]</p>



Foster carer
agreement 2020.doc



Understanding
Behaviour in a Traum

vi. Complaints handling [**Appendix 125**]



Complaints Policy
and Procedure for Fo

vii. Whistleblowing [**Appendix 126**]



Whistleblowing Policy
2019.docx

viii. Record retention

The current corporate wide record retention policy was written in 2014 and has been updated regularly since. It is used currently by the social work department. The Council's Progress Update Review on records management was assessed and reported on by the Keeper in February 2020.

The Child Care Procedures 2003 provide the retention schedule on page 136 of the attached document from the period 1998. The Retention and Destruction of Closed files procedure is dated 2005 and provides a detailed internal process around the handling of destruction. There is a note on the "Team Room" (electronic system)" where the procedure is held advising that as from 9.11.2011 the Adoption retention period will be 121 years. [**Appendices 127, 120 & 106**]



Retention Schedule -
January 2014.pdf







Child Care
Procedures 2003.doc



A8b Retention and
Destruction of Closed

ix. Recruitment and training of foster carers [**Appendices 128 to 130**]

	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  Fostering Recruitment 2018.do </div> <div style="text-align: center;">  L&D Clacks Training Policy FOSTER CAREF </div> <div style="text-align: center;">  Payment for Skills.doc </div> </div> <p style="text-align: center;">x. Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority [Appendix 131]</p> <div style="text-align: center; margin-top: 20px;">  CoramBAAF checks and references resou </div>
4.2 a)	Local Authority
4.2 (i) a)	Was there local authority policy/guidance in relation to the provision of foster care?
Response:	Yes
4.2 b)	Was there a particular policy and/or procedural aim/intervention?
Response:	<p>The Clackmannan County Council committee records indicate their discussion on legislation and their intention from the 1930's towards keeping children out of the Poorhouse environment. There are no policy documents however.</p> <p>Please see: PA committee 11/1/1935 – Poor Law (Scotland) Act 1934 – regulations & circular: Rules for guardians of boarded out children [draft regulations submitted 10/5/1935] – ‘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.</p> <p>Please also see 4.2 (i) d) with regard to the period 1996 – 2014.</p>
4.2 c)	Where were such policies and/or procedures recorded?
Response:	<p>The Boarding Out Rules 1935 were recorded in the Appendices to the Council Minutes and referred to in the Public Assistance Committee Minutes.</p> <p>These policies after 1996 were recorded in the fostering handbook and in the series of policies contained in this submission. In the earlier years of Clackmannanshire Council these were printed in hard copy for access in local offices. Latterly they have been available electronically.</p>

4.2 d)	<p>What did the policies and/or procedures set out in terms of the following:</p> <ol style="list-style-type: none"> i. Child welfare (physical and emotional) ii. The child's views iii. Placement of siblings iv. The placement of a child in foster care v. The particular placement of a child with foster carers vi. Contact between a child in foster care with his or her family vii. Contact between a child in foster care and other sibling in foster care viii. Information sharing with the child's family ix. Fostering panels (including constitution, remit, frequency and record keeping) x. Recruitment and training of foster carers xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority xii. Reviewing a child's continued residence in foster care or in a particular foster care placement xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping) xiv. Transfer of a child from one foster placement to another (including preparation and support) xv. Transfer of a child between foster care and residential care (including preparation and support) xvi. Child protection xvii. Complaints handling xviii. Whistleblowing xix. Record retention
Response:	<p>The following information is from the 1935 Rules for Boarding Out Children:</p> <ol style="list-style-type: none"> i. <u>Child welfare</u> (physical and emotional) – <ul style="list-style-type: none"> • supplies of well-fitting clothing and instructions to guardians for the repairing of clothes and boots • Clean, tidy, well-ventilated and not overcrowded sleeping rooms • Removal from 'pauperising influences' and 'no reference to them being chargeable to the Rates' • Only approved contact with relatives or friends

- Cultivation of a 'kindly feeling' between the guardian and the children, who should be treated as members of the family
- Regular religious training in the denomination to which they belong
- Education at the nearest school and the guardian's interest in the children's schoolwork
- 'The children should be taught to cultivate industrious habits, but they must not be oppressed with labour'
- 'Personal cleanliness must be insisted on at all times'
- Attention of a doctor in the event of any illness among the children, and the Poor Law Inspector to be informed of illnesses or 'defects' such as weak eyesight
- Expectation that guardians will obtain suitable work for children when they reach the age for work
- Guardians' homes to be visited by the Poor Law Inspector to check on the welfare of the children
- Particular attention drawn to the risk of children being burned by open, unguarded fires in guardians' homes

For the period of Clackmannanshire Council the welfare of the child was noted in the following policies: **[Appendices 83 to 85 & 98]**



C4 Child Protection
Procedures 2005.doc



Unannounced Visit
2005-9.doc



Child Protection
Procedures 08.doc



Risk Assessment
2009.docx

ii. The child's views –

The following information is from the 1935 Rules for Boarding Out Children:

Taking into account their religious beliefs

Views of children taken if they have been

subjected to neglect or cruelty by the guardian?
'...if, on inquiry, the Council is satisfied that the children have been subjected to cruel, harsh or undue treatment...'

Unclear from the 1935 Rules whether the Inspector of Poor asked the children for their views while visiting to make 'minute enquiry as to the welfare of the children' or whether they just spoke to the guardians.

For the period from 1996 – 2014 in Clackmannanshire Council the following policies were in place with respect to children's views:

[Appendices 86 to 89]



Social Worker's
Placement Report 201



A9 Views of the Child
Procedure 2005.doc



C7 Children's Hearing
Procedure 2005.doc



C14a Review of the
Pathway Plan Proced

iii. Placement of siblings - No reference is made in the 1935 Rules to the placement of siblings

There was no policy prior to 2014 of the placement of siblings so it is understood that Clackmannanshire Council referred to the Looked After Children Regulations (2009) for this practice.

iv. The placement of a child in foster care.

In 1935 the rules noted were:

- No child will be boarded-out or allowed to remain with parties who are themselves in receipt of Poor Relief, or who have children or patients boarded with them from other areas.
- Guardians are reminded that the object of the Council in boarding out children is to remove all pauperising influences, and no reference made to their being chargeable to the Rates.'
- A kindly feeling should be cultivated between the guardian and the children, who ought to be treated, as far as possible, as members of the family, and partake of their meals along with

the guardian, but the children must retain their own names.'

There is no policy in Clackmannanshire Council prior to 2014 for the placement of children in foster care as opposed to any other type of care.

- v. The particular placement of a child with foster carers – No reference is made in the 1935 Rules to matching a child to a particular foster placement.

There is no policy prior to 2014 for the particular placement of a child with foster carers. This decision would have been made by fostering team workers along with the child's social worker. There were occasions where the Children's Hearing named a placement in a Compulsory Supervision Order.

- vi. Contact between a child in foster care with his or her family- The 1935 rules said: 'No communications, nor visits by relatives or friends to children, are allowed without the sanction of the Inspector [of Poor].'

For Clackmannanshire Council, the earliest policy available relating to a fostered child's contact with birth family is in the 2006 handbook, followed by the Fostering Procedures 2009: **[Appendices 132 & 67]**



Fostering Handbook
2006.doc



Fostering Procedures
2009 Contents.doc

- vii. Contact between a child in foster care and other sibling in foster care - The 1935 rules said 'No communications, nor visits by relatives or friends to children, are allowed without the sanction of the Inspector [of Poor].'

For Clackmannanshire Council the earliest policy available relating to a fostered contact with siblings in foster care is also contained in the 2006 handbook, followed by the Fostering Procedures

2009: [Appendices 132 & 67]



Fostering Handbook
2006.doc



Fostering Procedures
2009 Contents.doc

viii. Information sharing with the child's family- The 1935 rules said: 'No communications, nor visits by relatives or friends to children, are allowed without the sanction of the Inspector [of Poor].'

There is no policy about sharing information with the child's family in the period 1996 - 2014

ix. Fostering panels (including constitution, remit, frequency and record keeping)- There are no references to fostering panels in the 1935 Rules as these panels were not established until the 1985 Boarding Out Regulations came into effect.

The earliest available policies for Clackmannanshire Council referring to fostering panels are 2011: **[Appendix 133]**



Adoption and
Fostering Panel Proce

x. Recruitment and training of foster carers- The 1935 rules said: 'No child will be boarded-out or allowed to remain with parties who are themselves in receipt of Poor Relief, or who have children or patients boarded with them from other areas.'

There is no reference to the training of foster carers.

Clackmannanshire Council have records of recruitment packs and materials used to support fostering recruitment from 2009-2019. Prior to this there is an archived process map dated 2005 which provides a broad outline of the assessment process of new foster carers. **[Appendices 111, 134 & 135]**



C3a Rec, Applic,
Prep and Approval of Information Evening !



Fostering
Prep and Approval of Information Evening !



Fostering Pack
2009.pdf

xi. Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority- No reference is made in the 1935 Rules to any checks carried out on prospective foster carers, other than that they are not in receipt of Poor Relief or accommodating children/patients from other areas. Please refer to the Fostering Pack 2009 above for the Clackmannanshire Council position.

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

The 1935 rules said: Regarding the provision of well-fitting clothes for the children and arranging the repair of clothes and boots: 'where these duties are neglected by the guardian, the children will be removed.'

'Cases of neglect, cruelty or misconduct on the part of the guardians will be followed by the immediate withdrawal of the children'

'The homes of the guardians will be visited by the Inspector or his assistant, at such times as may be deemed advisable, for the purpose of making minute enquiry as to the welfare of the children.'

The earliest reviewing policy information for Clackmannanshire Council is contained in the 2006 handbook: **[Appendix 132]**



Fostering Handbook
2006.doc

xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)- The 1935 rules said 'The homes of the guardians will be visited by the Inspector or his assistant, at such times as may be deemed

advisable, for the purpose of making minute enquiry as to the welfare of the children.'

For Clackmannanshire Council, the earliest available policy prior to 2014 was contained in the fostering handbook 2006; **[Appendix 132]**



Fostering Handbook
2006.doc

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

The 1935 rules did not make specific reference to the transfer of children in the Clackmannan County Council archives, other than them being removed from a placement for the reasons outlined above

There is no policy prior to 2014 for this in Clackmannanshire Council

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

– There is no specific reference in the 1935 rules to the transfer of children, other than them being removed from a placement for the reasons outlined above.

There is no policy prior to 2014 for this in Clackmannanshire Council

xvi. Child protection-

The 1935 rules said:

- Sleeping arrangements: '...in no case must children sleep with aged persons, nor more than two in one bed. Boys and girls over eight years of age must not be allowed to occupy the same sleeping room.
- 'All misconduct on the part of the children must be checked by the guardian, but the Council will view with displeasure indiscriminate or severe personal chastisement of children. Any serious act of misconduct on the part of the children should at once be reported to the Inspector.'

- 'The children should be taught to cultivate industrious habits, but they must not be oppressed with labour.'
- 'Cases of neglect, cruelty, or misconduct on the part of the guardians will be followed by the immediate withdrawal of the children, and if, on inquiry, the Council is satisfied that the children have been subjected to cruel, harsh or undue treatment, in breach of the trust reposed on the guardian, the case will be handed over to the authorities to secure punishment of the offender.'
- 'The homes of the guardians will be visited by the Inspector or his assistant, at such times as may be deemed advisable, for the purpose of making minute enquiry as to the welfare of the children.'

The earliest child protection policy on record was in 2005: **[Appendix 83]**



C4 Child Protection
Procedures 2005.doc

Child protection in foster care was covered in the Handbook in 2009: **[Appendix 67]**



Fostering Procedures
2009 Contents.doc

xvii. Complaints handling- There was no specific reference to complaints handling in the archive records prior to 1975, except the Council making inquiries into cases of neglect, cruelty or misconduct, and referring cases to the authorities if they are satisfied that children have received improper treatment from their guardians.

The complaints policies for Clackmannanshire Council for 2005-2014 are included below: **[Appendices 100 & 136 to 138]**








A5 Handling
Complaints (Issue 5)2





Social Work Circ 5.96
complaint proc.pdf






Complaints Guidance
May 2013.doc

	<p style="text-align: center;"> Complaints Procedures November</p> <p>xviii. Complaints policies regarding allegations against carers were covered in the Childcare Procedures 2003 (see above 4.1 e), the Fostering Manuals 2006 and 2009 respectively (this section above). It is noted that these could be understood and applied inconsistently.</p> <p>xix. <u>Whistleblowing</u>- There is no reference to whistleblowing in the 1935 Rules.</p> <p>The Whistleblowing policies in Clackmannanshire Council were as follows [Appendices 83, 103 & 104]</p> <p style="text-align: center;">   A6 Whistleblowing Council Procedures SI C4 Child Protection Procedures 2005.doc A6 Reporting Serious Concerns at Work 201</p> <p>xx. Record retention- There is no direct reference to the creation, storage or retention of records in the archive records prior to 1975.</p> <p>The policy from 2014 is noted below: [Appendix 127]</p> <p style="text-align: center;"> Retention Schedule - January 2014.pdf</p>
<ul style="list-style-type: none"> • 4.2 e) 	<p>Who compiled the policies and/or procedures?</p>
<p>Response:</p>	<p>It is not recorded who compiled the 1935 Rules for Boarding Out but they were presented to the Public Assistance Committee, possibly by the Poor Law Inspector or Public Assistance Officer.</p> <p>It is not known who compiled the policies between 1996 and 2014 although previous managers included D Cameron, M Boyd, A Grant, C Gracie or J Burke</p>
<p>4.2 f)</p>	<p>When were the policies and/or procedures put in place?</p>
<p>Response:</p>	<p>The 1935 Rules for Boarding Out were submitted to the Public Assistance Committee on 10th May 1935 and Clackmannan County Council agreed to accept the</p>

	<p>regulations on 21st May 1935.</p> <p>The dates of the policies are referenced in the answers above.</p>
4.2 g)	Were such policies and/or practices reviewed?
Response:	Yes
4.2 h)	If so, what was the reason for review?
Response:	<p>There is a reference in the Public Assistance Committee minutes of 8th October 1943 to Department of Health circulars regarding the visiting of boarded out children and war orphans. There is also reference in the Social Welfare Committee minutes of 11th July 1945 to the Department of Health circular regarding the boarding out of children. This led to a review of Scottish regulations and it is recorded in the minutes that Clackmannan County Council were satisfied with their current arrangements.</p> <p>The review of Scottish regulations prompted by the Department of Health circular of July 1945 was a result of the Monckton report into the boarding out of Dennis and Terence O'Neill in Wales. Dennis O'Neill died while in foster care and the Monckton report into the case criticised the lack of supervision by the local authority.</p> <p>From 1996 Reviews of policy were undertaken for practice improvement reasons and to comply with legislation and policy. Please also see answer to section 4.9</p>
4.2 i)	What substantive changes, if any, were made to the policies and/or procedures over time?
Response:	<p>No changes were made to policies or procedures after the Monckton report as Clackmannan County Council were satisfied with their arrangements. Substantive changes to the 1935 Rules would be put in place following the enactment of new legislation and national policies, such as the Children and Young Persons (Scotland) Act 1937. It was recommended by the Health Committee on 14th June 1950 that the Children's Officer Miss MK be appointed Child Protection Visitor in reference to the Children and Young</p>

	<p>Persons (Scotland) Act 1937. Further substantive changes were made in 1949 when the Children’s Committee was constituted after the Children’s Act 1948.</p> <p>On the action plan developed in 2014 after the SCR “Lucy”, point 10 notes “ lack of clear information sharing between local authorities regarding LAAC placements” which follows with Action .”</p> <p>These documents are placed here for ease of reference: [Appendices 57 & 64]</p> <p> SCR_Report-Executive_Summary_(June_)</p> <p> Significant Case Review - Appendix 1.</p>
4.2 j)	Why were changes made?
Response:	<p>Changes were made in order to comply with legislation and national best practice of the time in foster care.</p> <p>The changes as a result of the SCR noted above are outlined in 4.2 n).</p>
4.2 k)	Were changes documented?
Response:	<p>Changes were documented in the minutes of the County Council and the Public Assistance/Social Welfare/Children’s/Social Work committees.</p> <p>From 2005, the documents were changed and those that have been retained have been included herein.</p>
4.2 l)	Was there an audit trail?
Response:	<p>There is no audit trail for Clackmannan County Council other than the sequence of events and changes recorded in the Council and committee records for the period prior to the council’s aggregation.</p>

	There is no audit trail in Clackmannanshire Council other than the documents revised as contained herein.
4.2 m)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
4.2 n)	If so, please give details.
Response:	<p>i. Child welfare (physical and emotional)</p> <p>This is addressed within the Foster Carers Handbook which is embedded below. [Appendix 26]</p> <p> Foster carer handbook - full versio</p> <p>ii. The child's views</p> <p>As above, the revised Foster Carer Handbook highlights the need for child's views to be considered.</p> <p>Children and young people are actively encouraged to share their views and experiences of the foster care placement and templates were updated in 2016 for this purpose. [Appendices 139 & 140]</p> <p>  About where I live - About Where I Live - Older child YP questioYounger child in Foste</p> <p>iii. Placement of siblings</p> <p>The Foster Carers Handbook outlines the expectation that siblings will be placed together wherever possible and where not, the need to ensure regular contact. Decisions about children not being placed together are supported by the use of the BAAF "Together and Apart" guidance. These documents were produced pre 2014 but were introduced as standard practice in 2017. [Appendices 141 & 142]</p>



Together and Apart
BAAF.pdf



Together & Apart
Assessment.doc

iv. The placement of a child in foster care

Placements for children in foster care follow the same initial risk assessment process outlined in the document below **[Appendix 143]**



Child Risk
Assessment Placement

v. The particular placement of a child with foster carers

In addition to the above assessment, the following guidance in relation to matching children with foster carers is applied. **[Appendix 144]**



Matching Policy -
2020.docx

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

The Foster Carers Handbook (2020) outlines the importance of maintaining contact between a child in foster care and their family. In Section 4.15 of the Handbook, it states "The local authority has a duty to promote direct contact between children looked after by them and their parents, or people with parental responsibilities. They also have a duty to promote contact between siblings if they are living apart. Contact with wider family such as grandparents, aunts and uncles may also be beneficial."

The handbook includes guidance on the purpose and planning of contact, including when birth families visit the foster home. A template for recording of any observations during contact has also been developed for foster carers in 2020.

[Appendix 145]



Contact Observation
Recording.doc

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

As above, the arrangements for contact between siblings in addressed in section 4.15 onwards of the Foster Carer's Handbook 2020.

- viii. Information sharing with the child's family

The Foster Carers Handbook (2020) outlines the expectation that Children and parents have a right to access information written about them (section 2.6 of Handbook) and provides guidance on how information should be recorded. The Handbook also makes it clear that reports written by carers will be made available to parents and family in specific circumstances e.g. Case Conferences, Hearings etc. unless it falls within the category of restricted access information

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

The guidance and constitution of Fostering Panels is in the procedures for Fostering and Adoption Panels which was updated in 2017. **[Appendix 146]**



Adoption and
Fostering Panel Proce

- x. Recruitment and training of foster carers **[Appendices 129 & 130]**



L&D Clacks Training
Policy FOSTER CAREF



Payment for
Skills.doc

- xi. Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority **[Appendix 131]**



CoramBAAF checks
and references resou

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

The process for Looked After Reviews is described in the Foster Carer's Handbook, 2020. A working draft for Looked After Reviewing Officers is currently also being applied in Clackmannanshire: **[Appendix 121]**



Clackmannanshire-IR
Ohandbook Version 1

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

- This is addressed in 5.1 of the Foster Carer's Handbook 2020 where it outlines the expectation that fostering households will be visited monthly. It includes the requirement that "The supervising social worker will conduct at least one unannounced visit each year. This is in line with the safeguarding of children and young people. The worker will speak to the child in placement alone and check that they are happy and safe within the placement".

The 2020 Handbook also stipulates that "The supervising social worker will keep a written record of each meeting, including any training and support needs expressed by the carer. This will be stored in the carer's record."

Further details around the recording and retention of foster carer's records are contained within section 5.12 of the 2020 Foster Carer's Handbook.

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

Section 4.16 of the Foster Carer's handbook (2020) provides an overview of the matching and planning and preparation requirements for children moving to a permanent care arrangement.

Section 4.17 of the Foster Carer's Handbook provides guidance on placement breakdowns and the need for carers to provide as much notice as possible to "enable further assessment, planning and matching of alternative care and the transition that would follow."

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

There is no specific guidance around the transfer between foster care and residential care though the above response and section 4.17 would be equally applicable.

- xvi. Child protection **[Appendix 122]**



Child Protection
Guidelines 2017.pdf

- xvii. Complaints handling **[Appendix 125]**



Complaints Policy
and Procedure for Fo

- xviii. Whistleblowing **[Appendix 126]**



Whistleblowing Policy
2019.docx

Who compiled the policies and/or procedures?

All current policies for Fostering services were compiled by the Team Leader for the Family Placement Team, Susanne Kerr.

	<p>When were the policies and/or procedures put in place?</p> <p>This is answered on the given dates of policy</p> <p>Were such policies and/or practices reviewed?</p> <p>Yes</p> <p>If so, what was the reason for review?</p> <p>The policies were revised when the service separated from Stirling in 2014/15. As Falkirk Council had developed a Foster Carer's Handbook which aligned with Clackmannanshire Council's practice, it was agreed to use this handbook until such time that Clackmannanshire Council could produce their own. In 2020, Clackmannanshire produced its own handbook. This reflected Clackmannanshire Council's ownership and provide a more localised guide for foster carers. The updating of the handbook was supported by a number of accompanying policies which had been developed to reflect models of good practice. The following policies were produced in 2019-20.</p> <p>Foster Carer Breaks Policy Feb 2020 Buddy Support Scheme Aug 2019 Continuing Care Policy & associated docs Jan 2020 Complaints Policy and Procedure for Foster Carers Sept 2019 Contact Observation Recording March 2020 Equality & Diversity Policy Jan 2020 Facebook Use Aug 2019 Financial Checks Policy Oct 2019 Former Partner Checks Policy Oct 2019 Guidance for Foster Carer's on talking to children and young people about sexual behaviour Sept 2019 Guidance for Supervising Social Workers July 2019 Guidance on the use of Disability Living Allowance Jul 2019 Hazardous Activities Risk Assessment Policy & Risk Assessment Template Aug 2019 Incident Reporting Policy Sept 2019 Introducing a New Partner to the Household & New Partner Assessment Aug 2019 Managing Allegations against Foster Carers July 2019 Matching Policy Aug 2019 Mileage Policy Feb 2020 Overseas checks Nov 2019 Participation Policy Sept 2019 Pocket money & savings guidance Jan 2020 Recording Policy Jan 2020 Specialist Foster Carer Scheme Proposal Nov 2019</p>
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	<p>TIPS - Trauma Informed Practice Strategies Aug 2019 TV, DVD & Games Guidance Sept 2019 Unannounced Visit Policy Aug 2019 Understanding Behaviour in a Trauma Context Sept 2019 Whistleblowing Policy Aug 2019</p> <p>A number of these have been embedded within this response as required.</p> <p>What substantive changes, if any were made to the policies and/or procedures over time?</p> <p>As noted above.</p> <p>Why were changes made? The SCR Action Plan in the appendix noted at above at 4.2 i) details the changes required as a result of this review.</p> <p>There were also changes made as a result of the Internal Learning Review in 2019.</p> <p>Were changes documented?</p> <p>Yes</p> <p>Was there an audit trail? Only through previous versions of policy.</p>
4.2 (ii) Practice a)	Did the local authority adhere in practice to its policy/procedures in relation to the provision of foster care?
Response:	<p>In relation to the Clackmannan County Council period (1930-75), this can only be judged by the comments in the Council and Committee Minutes. Reports of children in care were read out at each meeting of the Public Assistance/Social Welfare/Children's Committee and Social Work Committee. These reports outlined brief details of cases and the actions taken by the committee and the Public Assistance/Social Welfare/Children's Officer in dealing with each case. These reports provide documentation of children being taken into the care of the local authority and placed in residential or foster care, and their progress being checked by periodic visits. There is not much detail in the minutes about individual children's situations but in general terms the committee reports demonstrate adherence with the Council's 1935 Rules for the Boarding Out of Children.</p> <p>In the Clackmannanshire Council period, the file reading indicates that the level of adherence to policy and procedure was varied. In some cases it was tightly adhered to and in</p>

	<p>others cases best practice and adherence to policy/procedures was not followed consistently.</p>
4.2 (ii) b)	<p>a) Did the local authority adhere in practice to its policy/procedures on the following:</p> <ul style="list-style-type: none"> i. Child welfare (physical and emotional) ii. The child's views iii. Placement of siblings iv. The placement of a child in foster care v. The particular placement of a child with foster carers vi. Contact between a child in foster care with his or her family vii. Contact between a child in foster care and other siblings in foster care viii. Information sharing with the child's family ix. Fostering panels (including constitution, remit, frequency and record keeping) x. Recruitment and training of foster carers xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority xii. Reviewing a child's continued residence in foster care or in a particular foster care placement xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping) xiv. Transfer of a child from one foster placement to another (including preparation and support) xv. Transfer of a child between foster care and residential care (including preparation and support) xvi. Child protection xvii. Complaints handling xviii. Whistleblowing xix. Record retention
Response:	<p>For the period prior to 1975, the response below sets out the recorded information on what happened in practice. There is little information on formal policy and procedure for this time period.</p> <p>For the period between 1996 and 2014 a comment is made below on whether there was a policy and then an assessment is made on whether that policy was adhered to.</p> <ul style="list-style-type: none"> i. <u>Child welfare (physical and emotional)</u>


	<p>Prior to 1975 there were visits made to boarded out children to check on their progress and the conditions they were living in.</p> <p>In the period 1996 – 2014 there is evidence that the adherence to policy and procedures around child welfare was variable.</p> <p>ii. <u>The child's views</u> Prior to 1975 there is evidence in the Council minutes of children being interviewed/asked for their views during visits to foster homes.</p> <p>In the period of 1996 – 2014 there is evidence that adherence to policy and procedures around children's views was variable.</p> <p>iii. <u>Placement of siblings</u> Dr Stevenson's report on her visitation of boarded out children in the north of Scotland in December 1955 (reported in the minutes of 11th January 1956) stated that 'she was particularly pleased that it had been possible to have brothers and sisters boarded out together as a family.'</p> <p>The file reading for the current audit evidenced that Clackmannanshire Council complied with legislation regarding placement of siblings.</p> <p>iv. <u>The placement of a child in foster care</u> Prior to 1975 there is evidence in the Council minutes of decision-making by the Children's Officer and approval by the Children's Committee regarding the placement of children in foster care.</p> <p>There was no policy specifically about placement of children in foster care as opposed to any other type of care, in the period 1996 – 2014</p> <p>v. <u>The particular placement of a child with foster carers</u> There is not sufficient detail in the Council minutes prior to 1975 regarding individual children's placements, as cases are often referred to by case number rather than by name.</p> <p>There was no policy about the particular</p>
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	<p>placement of a child with foster carers in the period 1996 - 2014</p> <p>vi. <u>Contact between a child in foster care with his or her family</u> There is not sufficient detail in the Council minutes prior to 1975 regarding contact arrangements between foster children and their birth families.</p> <p>There is evidence that the policy (and where applicable, statutory requirements) was complied with in the period 1996 – 2014</p> <p>vii. <u>Contact between a child in foster care and other siblings in foster care</u> According to the Council minutes prior to 1975, children were often placed with their siblings in the same foster home. Sometimes siblings would be in other foster homes, in residential care or would remain with the birth parents or other family members. There is not sufficient detail in the minutes regarding contact arrangements between siblings.</p> <p>Between 1996 and 2014 there is evidence that there was contact between a child in foster care and other siblings in foster care. This would have been subject to risk assessment and other external factors in the facilitation. The reason for decision making is not always evident on the file, however it could be concluded that Clackmannanshire Council complied with its policy in line with the assessed child's best interests. The earliest policy statement is 2006.</p> <p>viii. <u>Information sharing with the child's family</u> There is not sufficient information in the Council minutes prior to 1975 regarding information sharing.</p> <p>There is no specific policy for this between 1996 and 2014</p> <p>ix. <u>Fostering panels (including constitution, remit, frequency and record keeping)</u> There is no information regarding fostering panels in the Council minutes prior to 1975 as they were not established until 1985.</p>
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	<p>There was a policy and procedure for fostering panels in 2011. No information has been identified which would suggest that the policy was not complied with.</p> <p>x. <u>Recruitment and training of foster carers</u> According to the Council minutes prior to 1975, foster carers were recruited by press advertisements, local talks and word of mouth. There is no information regarding the training of foster carers. There is no indication of a formal recruitment and training policy in this area in Clackmannanshire Council between 1996 and 2014. Recruitment activity and training did take place however.</p> <p>xi. <u>Requiring employers to divulge details of complaints etc in relation to prospective foster carers to the local authority.</u> There is no information about this in the Council minutes prior to 1975. The adherence to this policy was variable between 1996 and 2014.</p> <p>xii. <u>Reviewing a child's continued residence in foster care or in a particular foster care placement.</u> There is no reference to formal placement reviews in the Council minutes prior to 1975. Continued placements were decided by the conditions found during visits to foster homes. The adherence to the policy in respect of reviewing of children in placement was variable in the period 1996 – 2014.</p> <p>xiii. <u>Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)-</u> According to the Council minutes prior to 1975, visits were carried out at least annually by the Children's Officer and other members of the Children's Committee. The visits usually took place in the autumn but occasionally at other times of the year. The visits were delayed over the winter of 1962-63 due to extreme wintry conditions. Visits would check on the progress of the children and the living conditions and these would be reported back to the committee. A summary of these</p>
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	<p>reports are recorded in the committee minutes.</p> <p>The adherence to policy on visits, content, follow up and record keeping in cases was variable during the period 1996 – 2014</p> <p>xiv. <u>Transfer of a child from one foster placement to another (including preparation and support)</u> There is occasional reference in the Council minutes prior to 1975 of transfers from one foster placement to another but no details are recorded in terms of preparation and support. There was no policy for this in the period 1996 – 2014.</p> <p>xv. <u>Transfer of a child between foster care and residential care (including preparation and support)</u> There is occasional reference in the Council minutes prior to 1975 of transfers between foster care and residential care but no details are recorded in terms of preparation and support.</p> <p>There was no policy for this in the period 1996 – 2014.</p> <p>xvi. <u>Child protection</u> There is no information about this in the Council minutes prior to 1975. The adherence to policy between 1996 and 2014 was variable. This has been informed by the previous Section D submission. There is evidence that there was, on occasion, over-reliance on foster carers interpretation of events and no further challenge. On other occasions, full investigation took place according to policy.</p> <p>xvii. <u>Complaints handling</u> There is no information about this in the Council minutes prior to 1975. The adherence to complaints handling policy and procedure between 1996 and 2014 was variable. This issue was compounded by the conflicting policies and definitions of complaints and or allegations and the policies being applied inconsistently. .</p> <p>xviii. <u>Whistleblowing</u> There is no information about this in the Council minutes prior to 1975.</p>
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	<p>There is no information identified to suggest that the whistleblowing policy was used between 1996- 2014.</p> <p>xix. <u>Record retention</u> There is no information about this in the Council minutes prior to 1975.</p> <p>It can be evidenced that Clackmannanshire Council adhered to the records retention schedule in the main, although there are examples of where this was not the case.</p>
4.2 (ii) c)	How was adherence demonstrated?
Response:	Adherence was demonstrated through evidence contained within the carers files and the children's files.
4.2 (ii) d)	How can such adherence be demonstrated to the inquiry?
Response:	The relevant documents can be forwarded to the inquiry along with any case files.
4.2 (ii) e)	Were relevant records kept demonstrating adherence?
Response:	<p>Clackmannan County Council kept Minutes and Appendices.</p> <p>The case files were kept as a relevant record in Clackmannanshire Council.</p>
4.2 (ii) f)	Have such records been retained?
Response:	Clackmannan Council Minutes and Appendices are retained in the Council Archives. Children's files and carers files have been kept in line with the relevant retention schedules.
4.2 (ii) g)	If policy/procedure was not adhered to in practice, why not?
Response:	<p>There are a number of individual, team / service and broader organisational reasons as previously stated in 3.3. All aspects are interlinked. Staff changes resulted in variable levels of, and differing quality of, supervision. As supervision is intrinsically linked to practice and standards, this would have contributed to some practice not being challenged.</p> <p>On the occasions that policy and procedure was not adhered to it can be concluded that this may have been for a number of reasons, for example decision making by workers, team managers, and service leaders that was flawed and non-compliant due to lack of understanding and professional views, or because workload pressures led to a different</p>

	prioritisation of resources.
4.2 (ii) h)	If policy/procedure was not adhered to in practice, what was the practice?
Response:	<p>See 4.2 (ii) (g). Practice was therefore variable and often inconsistent. Leadership and staff instability meant that foster carers had gaps in support, supervision, training, and Foster Care Reviews. High support and high accountability of staff and foster carers were not always achieved. As a result, Safeguarding of children occasionally would have been compromised, particularly if there was no allocated Social Worker from the Fostering Service or from the Children's Service.</p> <p>In some cases where there was non-adherence to some areas of policy it appears that the practice was determined by those staff and carers involved. Those staff who reviewed the files took the view that there was no pattern specifically to note, other than that children's views were implicitly included in the presentation by the worker and that record keeping was often poor. For example dates, times, people's names and the relationships between people were omitted on the records.</p>
4.2 (ii) i)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
4.2 (ii) j)	If so, please give details.
Response:	<p>Regarding 4.2 (ii) g) - Clackmannanshire Council's new suite of policies have been updated and have been embedded adheres to current policy and procedures: [Appendix 26]</p>  <p>Foster carer handbook - full versio</p>
(i) Policy 4.3 a)	What policies and/or procedures did the local authority have in place in relation to the care of children in foster care?

Response:	<p>Please see National regulations as at 4.1 above and Council's 1935 Rules, plus 1973 Social Work Proposals. There are no other details of policy/procedure in the archives. [Appendices 132, 147, 67 & 115]</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  Fostering Handbook 2006.doc </div> <div style="text-align: center;">  Private Fostering Procedure 2007.doc </div> <div style="text-align: center;">  Fostering Procedures 2009 Contents.doc </div> <div style="text-align: center;">  Fostering Procedures Appendices 2009.doc </div> </div>
4.3 b) Response:	<p>Was there a particular policy and/or procedural aim/intention?</p> <p>Please see 4.3 a) above.</p>
4.3 c) Response:	<p>Where were such polices and/or procedures recorded?</p> <p>In 1995, Clackmannanshire Council policies were produced in a ring binder as developed by Falkirk Council as Central Council had just disaggregated. . These were stored and accessed electronically in 1995/6.</p>
4.3 d)	<p>What did such policies and/or procedures set out in terms of the following?</p> <ol style="list-style-type: none"> i. Safeguarding ii. Child Protection iii. Medical care iv. Children's physical wellbeing v. Children's emotional and mental wellbeing vi. Schooling/education vii. Discipline viii. Activities and holidays for children ix. Sharing a bedroom x. Contact with family members xi. Contact with siblings xii. Celebration of birthdays and other special occasions xiii. Information sharing by the foster carer with family members
Response:	<p>Clackmannan County Council minutes evidence discussion on the relevant legislation. However there is no particular refereces to policy written by Clackmannan County Council</p>

regarding the above areas.

The following points relate to the period of Clackmannanshire Council from 1996 – 2014:

i. Safeguarding

Please see 4.3 a) above

ii. Child Protection [Appendices 83 to 85 & 98]



C4 Child Protection
Procedures 2005.doc



Unannounced Visit
2005-9.doc



Child Protection
Procedures 08.doc



Risk Assessment
2009.docx

iii. Medical care

Please see 4.3 a) above

iv. Children's physical wellbeing [Appendices 83 to 85 & 98]



C4 Child Protection
Procedures 2005.doc



Unannounced Visit
2005-9.doc



Child Protection
Procedures 08.doc



Risk Assessment
2009.docx

v. Children's emotional and mental wellbeing [Appendix 148]







C6 Children Affected
by Mental and Physic


vi. Schooling/education

Please see 4.3 a) above

vii. Discipline

Please see 4.3 a) above

	<p>viii. <u>Activities and holidays for children</u></p> <p>Please see 4.3 a) above</p> <p>ix. <u>Sharing a bedroom</u> Please see 4.3 a) above (2009 handbook)</p> <p>x. <u>Contact with family members</u> This policy is contained in the following: [Appendices 132 & 67]</p> <p>  Fostering Handbook Fostering Procedures 2006.doc 2009 Contents.doc</p> <p>xi. <u>Contact with siblings</u></p> <p>This policy is contained in the following: [Appendices 132 & 67]</p> <p>  Fostering Handbook Fostering Procedures 2006.doc 2009 Contents.doc</p> <p>xii. <u>Celebration of birthdays and other special occasions</u></p> <p>This is only outlined in terms of finance in the above handbooks</p> <p>xiii. <u>Information sharing by the foster carer with family members</u> There was no policy regarding this prior to 2014</p>
4.3 e)	Who compiled the policies and/or procedures?
Response:	In Clackmannanshire Council the policies and procedures were compiled by Douglas Cameron, Mary Boyd and Anne Grant who were all three Team Managers in Children's Services prior to December 2014.
4.3 f)	When were the policies and/or procedures put in place?
Response:	Please see 4.3 a) above
4.3 g)	Were such policies and/or practices reviewed?
Response:	Yes
4.3 h)	If so, what was the reason for review?
Response:	

	Many of the policies were originally from 2006. Policies were reviewed in 2009 in line with The Looked After Children (Scotland) Regulations 2009
4.3 i)	What substantive changes, if any, were made to the policies and/or procedures over time?
Response:	Changes were made in line with legislation, national care standards, GIRFEC and National Risk Assessment guidelines. The policies became more prescriptive and detailed in areas i to xiii i.e. safeguarding, etc.
4.3 j)	Why were changes made?
Response:	Changes were made to comply with legislation and improve outcomes for children and young people.
4.3 k)	Were changes documented?
Response:	Yes
4.3 l)	Was there an audit trail?
Response:	There were no policies on these matters in Clackmannan County Council. In Clackmannanshire Council the audit trail was recorded at renewal of documents (i.e. 2006 and 2009 on record)
4.3 m)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
4.3n)	If so, please give details.
Response:	Regarding 4.3 (i) a) and d) - the shared fostering handbook in 2015 is below: [Appendix 149]  Falkirk Handbook old 2015.doc The policies were revised when the service separated from Stirling in 2014/15. As Falkirk Council had developed a foster carer's handbook which aligned with Clackmannanshire Council's practice, it was agreed to use this handbook until such time that Clackmannanshire Council could produce their own. In 2020, Clackmannanshire produced its own handbook. This reflected

Clackmannanshire Council 's ownership and provide a more localised guide for foster carers. The updating of the handbook was supported by a number of accompanying policies which had been developed to reflect models of good practice. The following policies were produced in 2019-20
[Appendix 26]



Foster carer
handbook - full versio

Regarding 4.3 (i) e) The policies in the current time were compiled by Falkirk Council (the 2015 version) and the 2020 version was updated by the Family Placement Team Leader Susanne Kerr in 2020.

Regarding 4.3 (i) f) 2015 and 2020

Regarding 4.3 (i) h) and j) These policies were made clearer and more prescriptive to reflect developments in best practice.

i. Safeguarding

Safeguarding and providing a safe and healthy environment for children was addressed in the 2015 Handbook and included guidance on the following areas;

- Blood borne viruses
- Preventing accidents
- Fire safety
- Potentially dangerous animals
- Firearms and weapons
- Car safety
- Sporting and outdoor activities
- Sitters
- Day Care
- Leaving a child unattended
- Overnight stays away from home
- Developing a family safe caring policy
- Managing behaviours
- Computers and safe caring

The 2020 Handbook provides updated guidance on the following areas:

- Pregnancy in young people
- Drugs and Alcohol
- Sleep problems
- Fire safety

- Potentially dangerous animals
- Safety in the home
- Firearms and weapons
- Car safety
- Sporting and outdoor activities
- Babysitting
- Overnight stays away from home
- Developing a safe caring policy
- Bedroom sharing
- Photos, video and computer
- Internet safety
- Social Media
- Education

ii. Child Protection

Child protection and allegations against carers were addressed in Section 10 of the 2015 Handbook and in section 2.9 of the 2020 Handbook. More broadly, the service and staff are required to follow the Services Child Protection Procedures which were reviewed in 2017. **[Appendix 122]**



Child Protection
Guidelines 2017.pdf

iii. Medical care

In the 2015 Handbook, Section 8 addresses promoting health and wellbeing of the child in placement and includes guidance on the following areas:

- Comprehensive health assessments
- Consent
- Emergency situations
- Carers' responsibilities
- Registration of child with local practice
- Children with disabilities
- Medication
- Death of a foster child
- Death of a foster carer
- Mental health
- Sexual health and contraception
- Alcohol
- Smoking
- Illegal drugs
- Solvent abuse

The 2020 Handbook in section 6 provides updated

guidance on the following areas

- Health assessments
- Looked After and Accommodated Nurse
- Consents and confidentiality
- Emergency situations
- Carer's responsibilities
- Registration of child with local practice
- Children with disabilities
- Medication
- Smoking
- Death of a foster child
- Death of a foster carer

iv. Children's physical wellbeing

This is addressed as above in response to iii

v. Children's emotional and mental wellbeing

This is addressed as above in response to iii

In addition, guidance for foster carers on using a trauma informed approach was produced in 2019. **[Appendices 124 & 150]**



Understanding
Behaviour in a Traum



Tips Trauma
Informed Practice Str

vi. Schooling/education

In the 2015 Handbook, Section 11 addressed the Educational considerations for the child in placement and includes guidance on the following areas:

- Policy / Procedures
- Educationally rich environments
- Liaison with school
- Exclusion
- Complaints about your child's education
- Integrated assessment framework
- Special needs / additional support for learning
- Learning with care and "We Can and Must Do Better"

The 2020 Handbook addresses the Educational

needs of children in placement in section 4.13

vii. Discipline

In the 2015 Handbook, section 9,2,2 addresses the issue of managing difficult behaviours. Clackmannanshire subsequently moved towards more trauma sensitive language which was reflected in the policy below.

The 2020 Handbook addresses the Managing behaviours in section 5.11, and as noted above, additional guidance on a trauma informed approach and techniques was developed in 2019. A Behaviour Policy was developed in 2019. **[Appendix 151]**



Behaviour
(Restraint) Policy - AF

viii. Activities and holidays for children

The 2015 Handbook provides guidance on sporting and outdoor activities (section 9.1.7) and also highlights the need for an educationally rich environment (section 11)

The 2020 Handbook addresses the issue of sporting and outdoor activities in section 6.20 and also highlights the carers' competency to meet the SHANARRI indicators.

The 2020 Handbook also provides guidance for foster carers and explains the allowance for taking a foster child on holiday in section 3.3

ix. Sharing a bedroom

The 2015 Handbook outlined the expectation that children "Children should not share beds. Anyone going into a child's bedroom with the child should leave the door open. Many children of carers and foster children do share bedrooms but the child's need for privacy should be taken into account if this is a feature of the placement. Likewise, the carer's own children's views need to be taken into account." (section 9,2,1)

The 2020 Handbook states that "Best practice

standards would promote that each child should have their own bedroom in the foster home of which they are able to create their own space and personalise their bedroom according to their age and personal choice with the support of the foster carer.” This can be found in section 6.24 with some additional considerations also set out there.

x. Contact with family members

The 2015 Handbook provided guidance on Contact in section 13 “**Working With Parents And Promoting Contact**” in this section it addressed areas such as

- What the Law says
- The purpose of contact
- Planning and managing contact

The Foster Carers Handbook (2020) outlines the importance of maintaining contact between a child in foster care with their family. In Section 4.15 of the Handbook, it states “The local authority has a duty to promote direct contact between children looked after by them and their parents, or people with parental responsibilities. They also have a duty to promote contact between siblings if they are living apart. Contact with wider family such as grandparents, aunts and uncles may also be beneficial.”

The handbook includes guidance on the purpose and planning of contact, including when birth families visit the foster home. A template for recording of any observations during contact has also been developed for foster carers in 2020. **[Appendix 145]**



Contact Observation
Recording.doc

xi. Contact with siblings

The 2015 Handbook indicates that contact may include siblings in section 13.

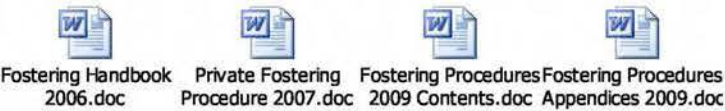
The arrangements for contact between siblings in addressed in section 4. 15 onwards of the Foster Carer’s 2020 Handbook.

	<p>xii. Celebration of birthdays and other special occasions The 2015 Handbook outlines Holidays, Religious Festivals and birthday allowances in section 5.1.6</p> <p>The 2020 Handbook outlines Christmas, Birthday and Holiday allowances in section 3.3</p> <p>xiii. Information sharing by the foster carer with family members</p> <p>There is no specific mention of information sharing with family members in the 2015 Handbook.</p> <p>The Foster Carers Handbook (2020) outlines the expectation that Children and parents have a right to access information written about them (section 2.6 of Handbook) and provides guidance on how information should be recorded. The Handbook also makes it clear that reports written by carers will be made available to parents and family in specific circumstances e.g. Case Conferences, Hearings etc unless it falls within the category of restricted access information.</p>
(ii) Practice a)	Did the local authority adhere in practice to its policy/procedures relating to the care of children in foster care?
Response:	<p>Clackmannan County Council minutes evidence visitation reports on boarded out children. It is, however, difficult to assess adherence given the lack of detail of the policy and the specific case records available.</p> <p>Based on file reading it is possible to conclude that there was compliance in some cases, but in other cases, practice does not appear to have been compliant.</p>
b)	<p>Did the local authority adhere in practice to its policy/procedures in terms of the following?</p> <ul style="list-style-type: none"> i. Safeguarding ii. Child Protection iii. Medical care iv. Children's physical wellbeing v. Children's emotional and mental wellbeing vi. Schooling/education vii. Discipline viii. Activities and holidays for children ix. Sharing a bedroom






	<ul style="list-style-type: none"> x. Contact with family members xi. Contact with siblings xii. Celebration of birthdays and other special occasions xiii. Information sharing by the foster carer with family members
<p>Response:</p>	<p>For the period 1930 to 1975, Clackmannan County Council minutes contain reports of visitations to foster homes. However, these reports are not sufficiently detailed to assess adherence to policy in terms of the care of children in foster care. There is also not sufficient detail as to what the relevant policies and procedures were – the minutes only refer to national legislation and the 1935 Rules for Boarding Out Children. It is not stated if there were other policies and procedures put in place by Clackmannan County Council.</p> <p>The responses below relate to 1996 – 2014 in Clackmannanshire Council:</p> <ul style="list-style-type: none"> i. Safeguarding From 2006, the fostering polices note safer caring expectations throughout. The compliance with this is subjective and variable within the evidence available in the files. Not all ex-partners were contacted during assessment. ii. Child Protection When the issues raised were identified and addressed as child protection issues, the policy applicable at the time was adhered to. This is evidenced in Clackmannanshire Council's response to Part D of the current section 21 notice. There were some instances which could have been identified as possibly meeting the child protection threshold but were considered by workers and managers at that time not to merit further investigation under child protection processes. iii. Medical care The file reading did not highlight any issues where the policy for medical care was not complied with. iv. Children's physical wellbeing The assessment of a child's physical wellbeing is dependant on the particular child and the judgement

	<p>of health professionals, the foster carers, the individual worker and the child and young person views. The policy is not prescriptive or exhaustive on the detail of how this assessment is arrived at. There is evidence on one file of a young person being helped with diet to address obesity issues. This was compliant with policy.</p> <p>v. Children's emotional and mental wellbeing The day to day emotional and mental wellbeing of fostered children primarily rested with the foster carer and was dependent on the emotional care, emotional regulation and resilience of each carer.</p> <p>Clackmannanshire Council has provided support and guidance to foster carers in adherence to the policy albeit the quality evidenced is variable.</p> <p>vi. Schooling/education There is evidence foster carers were very involved with the education of children in their care. They attended meetings in school, communicated with education and social work professionals to promote education and advocated on behalf of children. This was compliant with the policy contained in the 2006 fostering handbook.</p> <p>vii. Discipline There was evidence on some files that foster carers signed The Foster Care Agreement at the beginning of their approval that they would not smack the children. This demonstrates adherence of the Local Authority to its policy. However, there are some files without this agreement which does not demonstrate adherence.</p> <p>There are references to foster carers smacking children on some of the files and this is contrary to the policy for foster care. Where not appropriately challenged by workers, this also demonstrates non-adherence to this policy by the Local Authority.</p> <p>The files evidence non-physical sanctions applied to children by foster carers in order to manage their behaviour and loss of privileges like outings or access to games. This adheres to policy by foster carers and was supported by workers who, for their part, adhered to local authority policy in endorsing this practice.</p>
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	<p>viii. Activities and holidays for children Clackmannanshire Council complied with policy regards activities and holidays for children. This comprised financial payment.</p> <p>ix. Sharing a bedroom There was evidence of some foster families having two unrelated children of same gender in a shared bedroom between 1980 and 2006. This was compliant with the policy of the time.</p> <p>x. Contact with family members There is clear evidence of contact with parents when there is a legal right for that contact and it has been assessed as appropriate. This was compliant with policy.</p> <p>xi. Contact with siblings There is clear evidence of contact with siblings when assessed as appropriate. This was compliant with policy</p> <p>xii. Celebration of birthdays and other special occasions The policy only provided for the financial aspect of birthdays and Christmas which Clackmannanshire Council adhered to. The celebrations of event were a devolved responsibility of foster carers.</p> <p>xiii. Information sharing by the foster carer with family members There was no formal policy for information sharing by the foster carer with the child's family members.</p>
c)	How was adherence demonstrated?
Response:	Adherence to policy in Clackmannanshire Council was demonstrated in children's files and foster carers files.
d)	How can such adherence be demonstrated to the inquiry?
Response:	Children's files and foster carers files can be provided to the inquiry along with copies of the policies.
e)	Were relevant records kept demonstrating adherence?
Response:	Yes

f)	Have such records been retained?
Response:	Records have been retained in line with the relevant retention schedules.
g)	If policy/procedure was not adhered to in practice, why not?
Response:	On the occasions that policy and procedure was not adhered to it can be concluded that this may have been for a number of reasons, for example decision making by workers, team managers, and service leaders that was flawed and non-compliant due to lack of communication, lack of understanding and professional views, or because workload pressures led to a different prioritisation of resources.
h)	If policy/procedure was not adhered to in practice, what was the practice?
Response:	The practice, as far as records indicate, is described above at section 4.3 (ii) b) above
i)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
j)	If so, please give details
Response:	Clackmannanshire Council adhere to the above mentioned policies in the current handbook.
(i)Policy 4.4 a)	What policies and/or procedures did the local authority have in relation to foster carers?
Response:	National regulations as at 4.1; Council's 1935 Rules; 1973 Proposals for Social Work. [Appendices 132, 147, 67 & 115] 
4.4 b)	Was there a particular policy and/or procedural aim/intention
Response:	Please see 4.4 (i) above.

4.4 c)	Where were such policies and/or procedures recorded
Response:	In the earlier days of Clackmannanshire Council these policies were recorded in ring binders. Gradually these became available online.
4.4 d)	<p>What did the policies and/or procedures set out in terms of the following?</p> <ul style="list-style-type: none"> i. Recruitment ii. Standard and size of accommodation iii. Number, age and gender of children accommodated/in the household iv. Pre-approval/registration checks v. References vi. Foster care agreements vii. Induction viii. Transfer of foster carers to or from other organisations or local authorities ix. Review/supervision x. Training xi. Personal development xii. Disciplinary actions xiii. Removal of approval/registration
Response:	<p>There were no policies available for Clackmannan County Council in respect of these matters.</p> <p>The information below relates to Clackmannanshire Council from 1996 to 2014:</p> <ul style="list-style-type: none"> i. Recruitment - This is set out in the fostering handbook 2006 and the Fostering Procedures 2009 below ii. Standard and size of accommodation – This is set out in the Fostering Procedures 2009 p 12 iii. Number, age and gender – this was discussed and recommended at panel as appropriate to carer's circumstances. Decisions were ratified by the Agency Decision Maker iv. The pre-approval checks policy was set out in the 2006 Handbook (p 13 and 15 mainly) <ul style="list-style-type: none"> These checks are also set out in the 2009 Fostering Procedures p16 v. References are set out in the 2009 Fostering

	<p>Procedures p17 / 18</p> <ul style="list-style-type: none"> vi. Foster carer agreements are set out in the 2009 Fostering Procedures p 6 vii. Induction is referred to on page 41 of the Fostering Procedures 2009 but the Induction Pack referred to within the policy is not available. viii. There was no policy regarding the transfer of carers to or from other agencies prior to 2014 ix. The first supervision of foster carers policy was set out on p9 of the Fostering Procedures 2009 x./xi. The training policy was alluded to in the 2006 Fostering Handbook and strengthened in the Fostering Procedures 2009 . This does not refer to personal development explicitly defined but considers training and development as one. <p>The skills level scheme for payment to foster carers was also linked to training as noted below. [Appendix 152]</p> <div style="text-align: center;">  n Appendix 11 PAYMENT FOR SKILLS </div> <ul style="list-style-type: none"> xii./xiii. Disciplinary actions were not referred to in the 2006 Fostering Handbook or the Fostering Procedures 2009. It is understood that this function was served by the fostering panel who would oversee any recommended actions, approve, vary approval, or deregister a foster carer. [Appendices 132, 147, 67 & 115] <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  Fostering Handbook 2006.doc </div> <div style="text-align: center;">  Private Fostering Procedure 2007.doc </div> <div style="text-align: center;">  Fostering Procedures 2009 Contents.doc </div> <div style="text-align: center;">  Fostering Procedures Appendices 2009.doc </div> </div>
4.4 e)	Who compiled the policies and/or procedures?
Response:	Senior managers and team leaders compiled the policies which were signed off by the Chief Social Work Officer



4.4 f)	When were the policies and/or procedures put in place?
Response:	The earliest policies on record are from 2006.
4.4 g)	Were such policies and/or practices reviewed?
Response:	Yes
4.4 h)	If so what was the reason for review?
Response:	These were reviewed in line with legislation
4.4 i)	What substantive changes, if any were made to the policies and/or procedures over time?
Response:	As noted above at 4.4 d)
4.4 j)	Why were changes made?
Response:	These were reviewed in line with legislation.
4.4 k)	Were changes documented?
Response:	Yes
4.4 l)	Was there an audit trail?
Response:	Only the refreshed documents
4.4 m)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
4.4 n)	If so, please give details.
Response:	<p>Regarding 4.4 (i) d</p> <p>i. <u>Recruitment</u></p> <p>Recruitment drives took place in 2017 and 2018 by way of information events held locally. Radio advertising was used in 2017 and also an advert in the Alloa Advertiser, which is the local newspaper. In 2018 advertisement was undertaken on the side of council vans to direct people to an information event. Hospital radio in Forth Valley Royal Hospital was used. In the period 2015 -18 10 fostering household were recruited. In 2019 Leith Buckley (an external recruitment agency) were</p>

	<p>commissioned to identify potential foster carers - with a target of recruiting and assessing 12 fostering households. At the point of writing 3 carers have been approved. [Appendices 128 & 153 to 155]</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  Fostering editorial.doc </div> <div style="text-align: center;">  Fostering info event poster Oct 2018.doc </div> <div style="text-align: center;">  Fostering Recruitment 2018.doc </div> </div> <div style="text-align: center; margin-top: 10px;">  Information About Fostering Pack 2019. </div> <p>The Clackmannanshire Council 2020 policies mention non-discriminatory, inclusive recruitment of foster carers.</p> <ul style="list-style-type: none"> iv. The Clackmannanshire Council 2020 policies note the required pre-approval checks ix. The 2015 fostering manual made the supervision policy more explicit and specified monthly visits with the regular telephone contact between visits. It noted the frequency of face to face contact as being more intensive for new carers, for new placements or during times of crisis or stress. This policy also specified annual unannounced visits. x. The Clackmannanshire Council 2020 policies note the range of training as an example of what might be offered both pre and post-approval.
(ii)Practice (Past) a)	Did the local authority adhere in practice to its policy/procedures in relation to foster care?
Response:	<p>In relation to the Clackmannan County Council period (1930-75), this can only be judged by the comments in the Council and Committee Minutes. Reports of children in care were read out at each meeting of the Public Assistance/Social Welfare/Children's Committee and Social Work Committee. These reports outlined brief details of cases and the actions taken by the committee and the Public Assistance/Social Welfare/Children's Officer in dealing with each case. These reports provide documentation of children being taken into the care of the local authority and placed in residential or foster care, and their progress being checked by periodic visits. There is not much detail in the minutes about individual children's situations but in general terms the committee reports demonstrate adherence with the Council's 1935 Rules for the Boarding Out of Children.</p>



	<p>The adherence to policy between 1996 and 2014 was variable. There are examples of non-adherence to policy in respect of non-pursuit of references from prospective foster carer's ex-partners.</p>
b)	<p>Did the local authority adhere in practice to its policy/procedures in terms of the following?</p> <ul style="list-style-type: none"> i. Recruitment ii. Standard and size of accommodation iii. Number, age and gender of children accommodated/in the household iv. Pre-approval/registration checks v. References vi. Foster care agreements vii. Induction viii. Transfer of foster carers to or from other organisations or local authorities ix. Review/supervision x. Training xi. Personal development xii. Disciplinary actions xiii. Removal of approval/registration
Response:	<p>The policy for most of these areas was contained in the Fostering handbook 2006, private fostering procedure 2007 and the 2009 procedures. Adherence to all of these policies and procedures was variable in Clackmannanshire Council prior to 2014. (Please see 4.4 a) above) In particular:-</p> <ul style="list-style-type: none"> viii. There was no policy for the transfer of foster carers to or from organisations or local authorities. The removal of approval / registration was not a particular policy but determined by recommendation of the fostering panel and subsequent decision making of the Agency Decision Maker at the time. x./xi. File readers considered that there was a gender bias in the reviews, training and development of foster carers in the period 1996 - 2014. The male carers may have been less visible to the fostering service due to their working patterns. This may have been no cause for concern and male carers have clearly provided good quality care, but equally this may have brought risk to children. This was also evidenced in the AFA Independent Learning review (2019), which considered practice from 1997, and focussed on specific events with one foster family in 2004 and 2012. AFA review embedded below for



	<p>ease of reference.</p> <p>xi. Personal development was considered in terms of the skill level programme. This scheme and policy appear to have been adhered to.</p> <p>xiii. The removal of approval / registration was not a particular policy but determined by recommendation of the fostering panel and subsequent decision making of the Agency Decision Maker at the time.</p>
c)	How was adherence demonstrated?
Response:	Adherence was demonstrated by recording in the carers and children's files.
d)	How can such adherence be demonstrated to the Inquiry?
Response:	Clackmannanshire Council can provide copies of carers and children's files along with the policies above.
e)	Were relevant records kept demonstrating adherence?
Response:	Yes
f)	Have such records been retained?
Response:	Records have been retained according to the relevant retention schedules
g)	If policy/procedure was not adhered to in practice, why not?
Response:	On the occasions that policy and procedure was not adhered to it can be concluded that this may have been for a number of reasons, for example decision making by workers, team managers, and service leaders that was flawed and non-compliant due to lack of communication, lack of understanding and professional views, or because workload pressures led to a different prioritisation of resources.
h)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
i)	If so, please give detail.



Response:	Clackmannanshire Council adheres to the policy delineated at question 4.4 (ii) b) as outlined in the 2020 Handbook.
(i)Policy 4.5 a)	What policies and/or procedures did the local authority have in place in relation to other members of the foster carer's household?
Response:	<p>National regulations as at 4.1; Council's 1935 Rules.</p> <p>The 2009 foster carer handbook notes: "Applicants are required to give written consent for Disclosure Scotland checks. These are required for anyone over the age of 16 living within the household.</p> <p>Current and previous records held by the Social Work Service will be checked in respect of applicants and members of their household. Should the prospective carer(s) live or have lived in the area of another authority (since the age of 16), the views of that other authority will be sought."</p>
b)	Was there a particular policy and/or procedural aim/intention?
Response:	Safeguarding is inherent in the policy noted at 4.5 (i) a)
c)	Where were such policies and/or procedures recorded?
Response:	These policies were recorded in the fostering handbook.
d)	Who compiled the policies and/or procedures?
Response:	The team manager Suzanne Kerr wrote more recent policies. The previous version may have been written by D Cameron, M Boyd, A Grant, C Gracie or J Burke. This would have had oversight of service leaders and been signed off by the Chief Social Work Officer. Resource and capacity pressures meant that many policies were used from Falkirk and Stirling Councils.
e)	When were the policies and/or practices put into place?
Response:	2009 is the earliest retained record
f)	Were such policies and/or practices reviewed?
Response:	Yes
g)	If so, what was the reason for review?
Response:	





	Shared service between Stirling, and Clackmannanshire from 2013 to 2015 resulted in the review in 2015 where Clackmannanshire Council adopted Falkirk's procedures.
h)	What substantive changes, if any, were made to the policies and/or procedures over time?
Response:	The Fostering Procedures 2009 provided an addition of policy with regards to disclosure checks for members of the fostering household and commenced a Foster Carer Consultative Committee. The policy for supervision and training was also strengthened in 2009.
i)	Why were changes made?
Response:	These were made in line with national practice and the overall reviews of policy.
j)	Were changes documented?
Response:	Yes
k)	Was there an audit trail?
Response:	Only the refreshed policy documents
l)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
m)	If so, please give details.
Response:	This is detailed in the fostering handbooks [Appendices 149 & 26]   Falkirk Handbook old 2015.doc Foster carer handbook - full versio
(ii)Practice a)	Did the local authority adhere in practice to its policy/procedures in relation to other members of the foster carer's household?
Response:	Reports in Council minutes; 1972-73 County Council foster carer files indicate that prior to 1975, the only references to policies and procedures were in relation to national legislation and guidance, and the Council's own 1935 Rules for Boarding Out Children. The 1935 Rules prohibited children

	<p>from being boarded with recipients of Poor Relief or children/patients from other areas. There is no reference in any visit reports regarding any such 'prohibited' members of foster carers' households.</p> <p>In the two Clackmannan County Council *foster carer files (1972-73) that were read, there was evidence of some checks being carried out on other members of the foster carers' households. Full checks were not required as there were either no other residents or they were children under ten.</p> <p>There is evidence that Clackmannanshire Council's adherence to policy in respect of other members of the fostering household is variable.</p> <p>*A small number of Clackmannan County Council files were located in archives by undertaking a physical check of each box in storage. These were closed cases prior to the implementation of the centralised electronic CIS (Central Regional Council information system) and therefore did not appear in any report to destroy these in line with the retention schedule.</p>
b)	How was adherence demonstrated?
Response:	Adherence was demonstrated through recordings in the carer's files. It is evidenced that checks are not always on file for other member of a carer's household.
c)	How can such adherence be demonstrated to the inquiry?
Response:	Clackmannanshire can provide copies of carers files to the inquiry.
d)	Were relevant records kept demonstrating adherence?
Response:	Yes
e)	Have such records been retained?
Response:	Yes
f)	If policy/procedure was not adhered to in practice, why not?
Response:	On the occasions that policy and procedure was not adhered to it can be concluded that this may have been for a number of reasons, for example decision making by workers, team managers, and service leaders that was flawed and non-compliant due to lack of communication, lack of




	understanding and professional views, or because workload pressures led to a different prioritisation of resources.
g)	With reference to the present position, are the answers to any of the above questions different?
Response:	No on the basis that the current files will not be able to say with certainty that every check is up to date. A carer's child turning 16 and a delay in the check could mean that other members of the foster carer family are not all checked at particular moments in time.
h)	If so, please give details.
Response:	N/A
(i)Policy 4.6 a)	What policies and/or procedures did the local authority have in place in relation to placement of children with foster carers approved/registered by other local authorities or organisations?
Response:	<p>National regulations as at 4.1; Council's 1935 Rules; 1973 Proposals for Social Work.</p> <p>There is no policy available from 1996 – 17 December 2014 Individual Placement Agreements were in place, an example of which is below: [Appendices 156 & 157]</p> <p style="text-align: center;">   IAF Form 9B - SD CC EX 30 04 LAC Placement Agreement Essential Core Record </p>
4.6 b)	Was there a particular policy and/or procedural aim/intention?
Response:	N/A
4.6 c)	Where were such policies and/or procedures recorded?
Response:	These Individual Placement Agreements were held on the child's file.
4.6 d)	Who compiled the policies and/or procedures?
Response:	N/A
4.6 e)	When were the policies and/or procedures put in place?
Response:	These are undated.

4.6 f)	Were such policies and/or practices reviewed?
Response:	No
4.6 g)	If so, what was the reason for review?
Response:	N/A
4.6 h)	What substantive changes, if any were made to the policies and/or procedures over time?
Response:	N/A
4.6 i)	Why were changes made?
Response:	N/A
4.6 j)	Were changes documented?
Response:	The only documentation is contained herein.
4.6 k)	Was there an audit trail?
Response:	N/A
4.6 l)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
4.6 m)	If so, please give details.
Response:	<p>A process for identifying placements, including foster placements, out with the local authority was updated in 2018. [Appendices 158 & 159]</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  External Placement process for Clacks sy: </div> <div style="text-align: center;">  PEF BLANK.doc </div> </div>
4.6 (ii)Practice a)	Did the local authority adhere in practice to its policy/procedures in relation to placement of children with foster carers approved/registered by other local authorities or organisations?
Response:	Reports in Council minutes; 1972-73 County Council foster










	<p>carer files indicate that prior to 1975, the only references to policies and procedures were in relation to national legislation and guidance, and the Council's own 1935 Rules for Boarding Out Children. The 1935 Rules made no reference to foster carers approved by other authorities or organisations. The evidence in the Council minutes suggests that many of the children in the care of Clackmannan County Council were boarded out in other local authority areas due to the difficulty in recruiting foster carers locally. There is no information recorded in the minutes about where foster carers were registered.</p> <p>There was no policy in Clackmannanshire Council with regards to placement of children with foster carers approved by other local authorities or organisations, albeit this did happen in practice. Children were placed on the basis of individual placement agreements.</p>
b)	How was adherence demonstrated?
Response:	<p>Individual placement agreements are evidenced on some children's files. [Appendices 156 & 157]</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  SD CC EX 30 04 LAC Essential Core Record </div> <div style="text-align: center;">  IAF Form 9B - Placement Agreement </div> </div>
c)	How can such adherence be demonstrated to the inquiry?
Response:	Files can be produced should the inquiry wish to see them.
d)	Were relevant records kept demonstrating adherence?
Response:	Yes
e)	Have such records been retained?
Response:	Files have been retained in line with the relevant retention schedules
f)	If policy/procedure was not adhered to in practice, why not?
Response:	N/A
g)	With reference to the present position, are the answers to any of the above questions different
Response:	There is no separate policy for placing children in external placements. The Council continues to use IPA which are overseen by the commissioning team in social work.

h)	If so, please give details.
Response:	N/A
(i)Policy 4.7 a)	What policies and/or procedures did the local authority have in place in relation to complaints and reporting about foster care?
Response:	<p>Nothing specific was recorded in Clackmannan County Council archives regarding complaints.</p> <p>The following were the complaints policies in place in Clackmannanshire Council: [Appendices 100 & 136 to 138]</p> <div style="text-align: center;">     </div> <p>A5 Handling Complaints (Issue 5)2 Social Work Circ 5.96 complaint proc.pdf Complaints Guidance May 2013.doc Complaints Procedures November</p>
4.7 b)	Was there a particular policy and/or procedural aim/intention?
Response:	Please see the policies at 4.7a) above
4.7 c)	Where were such policies and/or procedures recorded?
Response:	Please see the policies at 4.7 a) above
4.7 d)	<p>What did the policies and/or procedures set out on the following:</p> <ol style="list-style-type: none"> i. Complaints by children ii. Complaints by foster carers iii. Complaints by family members of children iv. Complaints by third persons v. Whistleblowing vi. Support, including external support, for those who made the complaint or those who were the subject of complaint vii. Response to complaints (including response by the local authority) viii. External reporting of complaints.

Response:	<p>The complaints procedures are noted at 4.7 a) above</p> <p>For allegations against carers there was also the following policy</p>
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	<p>on p38 of the Childcare Procedures in 2003: [Appendix 120]</p> <p> Child Care Procedures 2003.doc</p> <hr/> <p>This did not match the material content of the children's services complaints policy and it is unclear if the two policies ran concurrently. [Appendix 101]</p> <p> A5 Handling Complaints (Issue 6) :</p> <hr/> <p>The policy for allegations against carers was updated within the following policy: [Appendix 67]</p> <p> Fostering Procedures 2009 Contents.doc</p>
4.7 e)	Who compiled the policies and/or procedures?
Response:	<p>The Complaints Officer in Social Services in conjunction with Senior Management utilised the 1996 Social Work Complaints circular to formulate the complaints procedures and guidance until new Scottish Public Services Ombudsman (SPSO) Model introduced in April 2017. The officer responsible was Gavin Burt CO Shared Service era and then John O'Donnell from 2015 onwards.</p>
4.7 f)	When were the policies and/or procedures put in place?
Response:	<p>Complaints procedures were in place prior to 1996 and organisational memory recalls their periodic review as noted below.</p>
4.7 g)	Were such policies and/or practices reviewed?
Response:	<p>Yes</p>
4.7 h)	If so, what was the reason for review?
Response:	<p>Team Managers drafted complaints procedures prior to 1996. Thereafter it was in the job remit of the Complaint Officer to collate procedure and guidance. The SPSO Complaints Handling Procedure (CHP) Model was introduced April 2017 which is a standardised complaints procedure across Local Authority and care</p>

	<p>sector i.e. NHS and care providers. It had been recognised at the time that the “informal” handling of complaints was not sufficient in respect of quality assurance. There were no accurate numbers or outcomes of complaints.</p> <p>The concurrent child care service complaints and allegations against foster carers policies were reviewed at the same time as other service wide policies for fostering.</p>
4.7 i)	<p>What substantive changes, if any, were made to the policies and/or procedures over time?</p>
Response:	<p>The 1996 circular on Social Work Complaints remained in place and was the basis for all corporate complaints procedural documents issued up until 2015. The SPSO Complaint Handling Model was introduced in April 2017 following consultation with social services across Scotland. There were various issues concerning timescales of complaint responses given the complexity of social work complaints which conflicted with a standardised approach at that time. Social work were offered an extra 10 day extension period at Stage 1. Wider access to the complaints procedures was promoted to individuals and groups affected by social services e.g. foster carers.</p> <p>Under the social work complaints procedures prior to 2017, managers could deal with complaints informally without registering them. The informal process was removed in 2017 with all complaint matters becoming then subject to recording. This aimed to improve quality assurance processes in terms of outcomes, trends, learning and improvement action required.</p> <p>Running concurrently to the corporate complaints processes was the allegations policy noted on p38 of the Childcare Procedures 2003 (noted at 4.7 d). Further to this the child care service policy in 2005 (noted at 4.7 d) proposed the differing levels of complaint: informal – to be resolved at the lowest level by worker or line manager and formal to be investigated by more senior staff. It is unclear whether the 2003 was replaced by the 2005 policy or if this was also applied at the same time.</p> <p>These two themes were brought together in the 2006 Fostering Manual. Complaints continued to be delineated as informal and formal and the allegations policy advised:</p> <p>“When allegations are made against carers that fall within the definition of child abuse (see below) it is important for everyone involved to ensure that rigorous investigations takes place using the joint investigation arrangements with the Police where appropriate. If there is apparent substance to the allegation made, a senior social work</p>

	<p>manager will nominate an investigating officer and it is likely that an investigation planning meeting will be chaired by the Child Protection Co-ordinator or another manager. A carer's own supervising worker will not be part of the investigation but will, in so far as possible, keep the carer informed."</p> <p>The same policy was carried through to the 2009 revision.</p>
4.7 j)	Why were changes made?
Response:	Please see 4.7 h)
4.7 k)	Were changes documented?
Response:	<p>Yes - See Complaints Procedures at 4.7n</p> <p>The corporate policy documents were reviewed each year with little change. There is no access to previous processes but the 2015 documents are the same as previously issued in the Shared service era. All procedural documents are available to staff on "Teamrooms" electronic platform with example forms and pro forma letters to assist with administration of complaints.</p> <p>The service wide policies were documented as contained herein.</p>
4.7 l)	Was there an audit trail?
Response:	Only the updated policy documents
4.7 m)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
4.7 n)	If so, please give details.
Response:	<p>The complaints policies are noted below: [Appendices 160 to 168]</p> <div style="display: flex; flex-wrap: wrap; justify-content: space-around;"> <div style="text-align: center; margin: 5px;">  Complaints Satisfaction Question Guidance November 2017.docx </div> <div style="text-align: center; margin: 5px;">  Complaints November 2017.docx </div> <div style="text-align: center; margin: 5px;">  New Complaints Procedures September 2017.docx </div> <div style="text-align: center; margin: 5px;">  AdminProcedure CHP 2017.docx </div> <div style="text-align: center; margin: 5px;">  Complaints Flowchart 2017.docx </div> <div style="text-align: center; margin: 5px;">  issue codes -complaints 2017.docx </div> <div style="text-align: center; margin: 5px;">  SPSO Social Work Complaints Handling </div> <div style="text-align: center; margin: 5px;">  SW CHP Model Complaints Procedure </div> <div style="text-align: center; margin: 5px;">  updated complaint leaflet 2020.pdf </div> </div>

	<p>It is also worth noting that prior to the new model in 2017, there was only a process for foster carers to complain on behalf of the children they cared for. Foster carers are now able to raise complaints on their own behalf about the local authority's service to them as foster carers.</p>
(ii)Practice a)	<p>Did the local authority adhere in practice to its policy/procedures in relation to complaints and reporting about foster care?</p>
Response:	<p>It is not possible to tell from Clackmannan County Council archive information.</p> <p>The adherence of Clackmannanshire Council officers to the complaints policy was variable.</p>
b)	<p>Did the local authority adhere in practice to its policy/procedures on the following:</p> <ul style="list-style-type: none"> i. Complaints by children ii. Complaints by staff iii. Complaints by family members of children iv. Complaints by third persons v. Whistleblowing vi. Support, including external support, for those who made the complaint or those who were the subject of complaint vii. Response to complaints (including response by the local authority?) viii. External reporting of complaints
Response:	<p>The 1996 social work complaints circular was the document that guided staff at that time. There is evidence that procedures were in place from that date. Clackmannanshire had 4 complaints officers from 1996- 2014 who monitored and investigated complaints covering the above areas.</p> <p>The volume of complaints registered at corporate level regarding foster carers in Clackmannanshire Council has been low.</p> <p>Adherence to the complaints policy was variable. Once an issue was recognised as a complaint then adherence to policy is evidenced in the file. This may have been in the form of child protection processes, supervision notes, or case notes. Professional judgement was required to determine the difference between an informal and a formal complaint as defined in the 2005 policy.</p> <p>The principle of informal and formal complaints remained current in subsequent complaints policy renewals until 2017.</p>

c)	How was adherence demonstrated?
Response:	Prior to 2014 Social Work had their own complaints procedures. In 2015 complaints were registered on excel spreadsheets and Joanne Beaton used the centralised complaints database as a lead up to the standardised CHP Model being introduced in 2017. Complaint Reports were sent to Council Scrutiny Committee annually and there were Senior Management meetings that covered complaints quarterly which I have provided reports to from 2015 until present. COVALENT and then PENTANA Information systems recorded complaint activity also.
d)	How can such adherence be demonstrated to the inquiry?
Response:	Clackmannanshire Council can provide the inquiry with copies of the files and associated complaints information held in centralised systems.
e)	Were relevant records kept demonstrating adherence?
Response:	Yes
f)	Have such records been retained?
Response:	Yes
g)	If policy/procedure was not adhered to in practice, why not?
Response:	Decisions were taken by workers, team managers and service managers at the time depending on their individual and collective professional judgement. On some occasions these professionals deemed no further action after a complaint was raised. They are recording as having spoken to the foster carer and being satisfied with the carers account of the issues. The decision making rationale is seldom recorded.
h)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
i)	If so, please give details.
Response:	All complaints from 2017 are formally registered at Stage 1 and Stage 2 and dealt with by Team Leaders at stage 1 and Service Managers at stage 2. The final stage in the process is for complainants to refer to SPSO for independent review.

(i)Policy 4.8 a)	What policies and/or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?
Response:	<p>There is nothing specific in the Clackmannanshire County Council archives regarding internal investigations.</p> <p>The following policies are available in Clackmannanshire Council prior to 2014: [Appendices 66 & 67]</p> <div style="text-align: center;">   </div> <p style="text-align: center;">Fostering Procedures Fostering Procedures Manual 2006.doc 2009 Contents.doc</p>
4.8 b)	Was there a particular policy and/or procedural aim/intention?
Response:	<p>The implicit policy aim was to ensure the welfare of children. The intervention would have been proportionate according to need and would have been determined through professional judgement.</p>
4.8 c)	Where were such policies and/or procedures recorded?
Response:	<p>Please see 4.8 a.</p>
4.8 d)	<p>What did the policies and/or procedures set out on the following:</p> <ol style="list-style-type: none"> i. Approach to/process of internal investigations ii. Identifying lessons/changes following internal investigations iii. Implementation of lessons/changes following internal investigations iv. Compliance v. Response (to child and abuser) vi. Response to complaints (including response by local authority) vii. External reporting following internal investigations
Response:	<p>There are no archived records relating to this section for the period of Clackmannan County Council. The information below relates to Clackmannanshire Council between 1996 and 2014:</p> <p><u>Approach to/process of internal investigations</u></p> <p>This is contained in the policies below regarding allegations: [Appendices 66 & 67]</p> <div style="text-align: center;">   </div> <p style="text-align: center;">Fostering Procedures Fostering Procedures Manual 2006.doc 2009 Contents.doc</p>

Investigations into practice issues other than allegations was the responsibility of supervising social workers and team managers. (For example fostering practice which generally fell below the standards of care acceptable). However this is not written into policy

The complaints policies also provided guidance: **[Appendices 100 to 102]**



Identifying lessons/changes following internal investigations

There is no policy available for this

Implementation of lessons/changes following internal investigations

There is no policy available for this

Compliance

There is no separate policy or procedure.

The following quality assurance policy was in place in 2013-14: **[Appendix 169]**



Stirling Clacks Quality Assurance Framework

Response (to child and abuser)

Response to child and abuser is not detailed in the Clackmannanshire Council complaints policies.






Response to complaints (including response by local authority)


Response to complaints was provided for in the policies contained within this section.

External reporting following internal investigations




Clackmannanshire Council's policies did not cover external reporting, but the Local Authority were aware of the statutory






	requirement to inform the Care Commission (and latterly the Care Inspectorate) of notifiable incidents.
4.8 e)	Who compiled the policies and/or procedures?
Response:	Senior Managers compiled policies and it was understood to be D Cameron, M Boyd, A Grant, C Gracie or J Burke who were employed during this period.
4.8 f)	When were the policies and/or procedures put in place?
Response:	The policies in section 4.8 d) are dated 2005, 2006 and 2009 respectively.
4.8 g)	Were such policies and/or practices reviewed?
Response:	Yes
4.8 h)	If so, what was the reason for review?
Response:	These policies were reviewed routinely and developed, where needed, in line with evolving national practice expectations. There was also a review for reasons of quality improvement noted at 4.7 h) above with regards to the complaints policy.
4.8 i)	What substantive changes, if any, were made to the policies and/or procedures over time?
Response:	The policy changes are evidenced in the information contained herein.
4.8 j)	Why were changes made?
Response:	Please see 4.8 h) above
4.8 k)	Were changes documented?
Response:	Yes
4.8. l)	Was there an audit trail?
Response:	The retention of the policies contained within this response serves as an audit trail.
4.8 m)	With reference to the present position, are the answers to any of the above questions different?
Response:	

	Yes
4.8 n)	If so, please give details.
Response:	<p>i. Approach to/process of internal investigations</p> <p>ii. Identifying lessons/changes following internal investigations</p> <p>iii. Implementation of lessons/changes following internal investigations</p> <p>iv. Compliance</p> <p>v. Response (to child and abuser)</p> <p>vi. Response to complaints (including response by local authority)</p> <p>vii. External reporting following internal investigations</p> <p>i. The policies relating to the present position in terms of approach, process and responding to complaints and investigations are noted below: [Appendices 170, 171 & 26]</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  FINAL Allegations Against Carers, May : </div> <div style="text-align: center;">  CP procedures V3 03.04.18.pdf </div> <div style="text-align: center;">  Foster carer handbook - full versio </div> </div> <p>The policy for allegations was rewritten in 2019 as contained in the learning review below: [Appendix 172]</p> <div style="text-align: center;">  P Review report (2).docx </div> <p>Forth Valley Initial Case Review and Serious Case Review Guidance is also used for internal investigations: [Appendix 173]</p> <div style="text-align: center;">  forth-valley-scr-prot ocol.pdf </div>
(ii)Practice a)	Did the local authority adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?
Response:	

	<p>It is not possible to confirm this from archive information relating to the period prior to 1975. Prior to 2014 it can be evidenced that once allegations were considered as "formal" complaints, the internal investigation policy was adhered to.</p>
<p>b)</p>	<p>Did the local authority adhere in practice to its policy/procedures on the following:</p> <ol style="list-style-type: none"> i. Approach to/process of internal investigations ii. Identifying lessons/changes following internal investigations iii. Implementation of lessons/changes following internal investigations iv. Compliance v. Response (to child and abuser) vi. Response to complaints (including response by local authority) vii. External reporting following internal investigations
<p>Response:</p>	<p>The information below relates to Clackmannanshire Council between 1996 and 2014:</p> <p><u>Approach to/process of internal investigations</u></p> <p>Investigations were undertaken by workers and team managers in terms of "informal" allegations and more senior staff were involved in investigations which were deemed "formal". This was in accordance with policy.</p> <p><u>Identifying lessons/changes following internal investigations</u></p> <p>There is no policy available for this</p> <p><u>Implementation of lessons/changes following internal investigations</u></p> <p>There is no policy available for this</p> <p><u>Compliance</u> [Appendix 169]</p> <p> Stirling Clacks Quality Assurance Framework</p> <p><u>Response (to child and abuser)</u></p> <p>Response to child and abuser is not very detailed in the Clackmannanshire Council complaints policies and fostering service</p>


	<p>policies. It can be concluded that this policy was followed, but possibly not on every occasion. The recording of these responses may or may not capture the response accurately as it was limited in detail..</p> <p><u>Response to complaints (including response by local authority)</u></p> <p>There is evidence on file of responses to complainer and alleged perpetrator, albeit not in every case. There was different applications of this policy. Although it is not possible to directly determine that the policy itself was not followed, the decision making in practice was sometimes not aligned with child protection policy. This was around the themes outlined above of complaints being deemed “formal” or “informal” and the practice of no further challenge to the foster carer’s denial of wrongdoing.</p> <p><u>External reporting following internal investigations</u></p> <p>Clackmannanshire Council policies did not cover external reporting, however, the Council were aware of the statutory requirement to inform the Care Commission (and latterly Care Inspectorate) of Notifiable Incidents.</p>
c)	How was adherence demonstrated?
Response:	Adherence is demonstrated through the carers and children’s records
d)	How can such adherence be demonstrated to the Inquiry?
Response:	Files can be shown to the Inquiry
e)	Were relevant records kept demonstrating adherence?
Response:	Yes.
f)	Have such records been retained?
Response:	Yes. These were kept in line with retention schedules. (However, as noted above there were additional files retained, which were not destroyed in line with this policy).
g)	If policy/procedure was not adhered to in practice, why not?
Response:	This was determined by those involved at the time
h)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes

i)	If so, please give details.
Response:	Clackmannanshire Council comply with legal obligations of informing the Care Inspectorate of notifiable incidents.
(i)Policy 4.9 a)	What policies and/or procedures did the local authority have on record keeping in relation to foster care?
Response:	<p>1931 Circular Boarded-out children regulations contains items about record keeping.</p> <p>After 1996 the following document is available [Appendix 108]</p>  <p>A8d Case Recording Procedure.doc</p>
4.9 b)	What policies and/or procedures did the local authority have on record keeping by foster carers?
Response:	<p>Prior to 1975 there is no information in the archives indicating that record keeping was expected of foster carers.</p> <p>The record keeping policies for the period 1996 – 2014 are contained in the documents as follows: [Appendices 66 & 67]</p>  <p>Fostering Handbook 2006.doc</p>  <p>Fostering Procedures Appendices 2009.doc</p>
4.9 c)	In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?
Response:	The policy aim is understood as child welfare.
4.9 d)	<p>What did the policies and/or procedures set out in relation to record keeping on the following:</p> <ul style="list-style-type: none"> (i) Children in foster care (ii) Foster carers (iii) Visits to children and foster carers (iv) Complaints (v) Investigations (both internal and external) (vi) Discipline (vii) Responding to requests from former children in foster care for information/records (viii) Other issues relevant to foster care

Response:	<p>4.9 d) (i) The record keeping policies available are the one mentioned at 4.9.a)</p> <p>4.9 d (ii) The following policies about recording matters relating to foster carers: [Appendices 91, 90 & 75]</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  Foster Carer's Review Report 2003. Placement Report 20 </div> <div style="text-align: center;">  Social Worker's Placement Report 20 </div> <div style="text-align: center;">  2009 Foster Carers Report.doc </div> </div> <p>4.9 d (iii) Visits to foster carers are provided for in the policy contained in the Fostering Procedures Manuals at 4.9 b). There is no policy for visiting children.</p> <p>4.9.d) (iv) and (v) [Appendices 174 & 101]</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  A5 Handling Complaints 2005.doc </div> <div style="text-align: center;">  A5 Handling Complaints (Issue 6) </div> </div> <p>Guidance is also in the Fostering Procedures Manuals at 4.9 a</p> <p>4.9 d (vi) There is no policy on recording discipline prior to 2014</p> <p>4.9 d (vii) – please see 4.9 (ii) r)</p> <p>4.9 d (viii) – There are no other policies to note in this section</p>
4.9 e)	Who compiled the policies and/or procedures?
Response:	The policies were written by senior childcare managers and signed off by the Chief Social Work Officer.
4.9 f)	When were the policies and/or procedures put in place?
Response:	The policies contained herein are all dated where known.
4.9 g)	Do such policies and/or procedures remain in place?
Response:	Yes. However these have been updated.
4.9 h)	Were such policies and/or practices reviewed?
Response:	Yes
4.9 i)	If so, what was the reason for review?
Response:	

	The policies overall were reviewed and shaped in line with legislation and national developments in both fostering and child protection practices.
4.9 j)	What substantive changes, if any, were made to the policies and/or procedures over time?
Response:	The changes to all policies are evidenced in this report as far as is known.
4.9 k)	Why were changes made?
Response:	The policies overall were reviewed and shaped in line with legislation and national developments in both fostering and child protection practices.
4.9 l)	Were changes documented?
Response:	Yes
4.9 m)	Was there an audit trail?
Response:	The documents presented in this report are the only evidence of an audit trail
4.9 n)	With reference to the present position, are the answers to any of the above questions different?
Response:	No
4.9 o)	If so, please give details
Response:	N/A
(ii) Practice 4.9 (ii) a)	Did the local authority adhere in practice to its policy/procedures in relation to record keeping?
Response:	Yes
4.9 (ii) b)	Did the local authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?
Response:	There was no policy regarding record keeping by foster carers prior to 2014.
4.9 (ii) c)	Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following: i. Children in foster care

	<ul style="list-style-type: none"> ii. Foster carers iii. Visits to children and foster carers iv. Complaints v. Investigations (both internal and external) vi. Discipline vii. Responding to requests from former children in foster care for information/records viii. Other issues relevant to foster care
Response:	There is evidence of adherence to policy, however there is likely to be information that has not been recorded.
4.9 (ii) d)	How was adherence demonstrated?
Response:	Adherence was demonstrated in the file recording.
4.9 (ii) e)	Were relevant records kept demonstration adherence?
Response:	Yes
4.9 (ii) f)	Have such records been retained?
Response:	Records have been retained in line with the relevant retention schedules.
4.9 (ii) g)	If policy/procedure was not adhered to in practice, why not?
Response:	From the evidence available it is not possible to determine why recording policy was not adhered to.
4.9 (ii) h)	Did the local authority undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for in foster care may have taken place?
Response:	See below for information relating to the Independent Learning Review (ILR) in 2019
4.9 (ii) i)	If so, when did the reviews take place, what documentation is available and what were the findings?
Response:	The ILR below was undertaken in 2019 by the Association of Fostering and Adoption. It relates to practice from 1997 to 2018 and the findings are included in the report. The review was triggered in response to a Child Protection Investigation in 2018. The date of the trigger for the review was outwith the scope of Section D of the Inquiry and therefore the matters considered by the ILR were not caught by our methodology and included in our response to Section A & D which has already been submitted. In

	<p>addition the matters considered from 1997 to 2018 were not captured on the children's file at the time. Therefore this document was only identified for consideration under this Part. We have determined that it should now be included in this section given the ILR established that there were complaints and allegations within the scope of the Inquiry [Appendix 172]</p> <p style="text-align: center;">  P Review report (2).docx </p>
4.9 (ii) j)	How have the outcomes of investigations been used to improve systems, learn lessons?
Response:	A Fostering Improvement Plan (FIP 2019) has been developed as a result of the Independent Learning Review (ILR). This Plan is currently being implemented and shall be reviewed using a RAG status to determine progress against the Plan.
4.9 (ii) k)	What changes have been made?
Response:	Since the FIP was agreed there have been a number of challenges to implementing the actions; however, these are being addressed.
4.9 (ii) l)	How are these monitored?
Response:	The (FIP 2019) is monitored by the managers in the Fostering Service – Team Leader & Service Manager. This work is also scrutinised by the 'Group' Service Manager and CSWO. The (ILR) & (FIP) shall also be submitted to the Public Protection Committee & the Chief Officer's Group to enable further scrutiny and governance (2020). The Strategic Link Inspector and Registered Link Inspector from the Care Inspectorate have also been notified and given a copy of the (ILR) & (FIP). A Fostering, Adoption & Annual Panel Business Report shall be prepared in December 2020 for the CSWO and, if required, for the People Committee. The FIP shall remain a live document until all improvement actions are complete.
4.9 (ii) m)	Did the local authority afford former children in care access to records relating to their time in foster care?
Response:	Yes
4.9 (ii) n)	If so, how was that facilitated?
Response:	

	This was facilitated through subject access provisions in the provisions within s.7 of the Data Protection Act 1998 or previously the Access to Personal Files (Social Work) (Scotland) Regulations 1989.
4.9 (ii) o)	If not, why not?
Response:	N/A
4.9 (ii) p)	With reference to the present position, are the answers to any of the above questions different?
Response:	Yes
4.9 (ii) q)	If so, please give details.
Response:	Regarding n) above – Access to files for children previously in foster care is now provided for .through the General Data Protection Regulation (2018) and the Data Protection Act 2018.
4.9 (ii) r)	Please provide details of the types of any records currently held relating to the children in foster care in respect of the following: <ul style="list-style-type: none"> i. Children in foster care ii. Staff with responsibilities for foster care iii. Foster carers iv. Complaints v. Investigations (both internal and external) vi. Responding to requests from former children in foster care for information/records
Response:	<ul style="list-style-type: none"> i. Children in foster care – Files contain: reports for case conferences, review case conferences, hearing reports, reports for looked after children’s reviews, reports for respite reviews, reports of the welfare of children living at home under compulsory supervision orders, parenting capacity assessment, written communication from parents, correspondence between professionals, assessments from other professionals on the child and parent and case notes ii. Staff with responsibilities for foster care – Data is retained in line with principles of Data Protection i.e. Kept for no longer than is necessary for the purposes for which it is processed. As such files will generally contain: application forms, personal identification documents, notices of acceptance, correspondence between employer and employee, offers of appointment, contracts, amendment to contracts, outcomes of any live employment related process including disciplinary

	<p>warnings, grievance outcomes, matters related to capability and absence management, leaver documentation including signed settlements related to Voluntary Severance, Targeted Voluntary Redundancy, Mutual Termination Agreement.</p> <p>iii. <u>Foster carers</u> – Files contain: initial inquiry information, application forms, initial assessment, medical information, references, disclosure checks, panel minutes, approvals by Agency Decision Maker, case notes, supervision notes, correspondence, detailed recordings of incidents etc, training records, financial information, placement reports, carer's reports, feedback from children and statutory childcare social worker, placement records, day to day agreements regarding the expectations of the carer for the placement, investigations.</p> <p>iv. <u>Complaints</u> – There are references on the file about complaints but the detail of investigation is held on a main complaints database.</p> <p>v. <u>Investigations</u> - As above</p> <p>vi. <u>Responding to requests from former children in foster care for information / records</u> - It would not necessarily be noted by the applicant that they were previously looked after but it would be known through records. If they were an open case their request would be case noted. There is an allocated place on the electronic system where these requests are logged.</p>
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