

SCOTTISH CHILD ABUSE INQUIRY

SECTION 21 – FOSTER CARE, DUMFRIES AND GALLOWAY COUNCIL

PART A – BACKGROUND

1. Characteristics

1.1. History of the Local Authority

a)	<p>Over the period from 1930 to date, please provide details of the predecessor authorities for the local authority area for which the authority is now responsible, and the time periods during which these authorities were the responsible authority for the area, or any part thereof.</p> <p>The Local Government (Scotland) Act 1929 reorganised local government in Scotland from 1930-1975 introducing joint county councils, large and small burghs and district councils. The authorities in the Dumfries and Galloway area during that time with direct responsibilities for looked-after children were made up of the following:</p> <ul style="list-style-type: none"> • Dumfries County Council (covering the geographic areas Annandale, Eskdale and Nithsdale) • Kirkcudbright County Council • Wigtown County Council • Dumfries Town Council <p>The Local Government (Scotland) Act 1973 introduced a two-tier system of Regional and District Councils. Dumfries and Galloway Regional Council was responsible for education and social work. Dumfries and Galloway Regional Council covered the whole geographic extent of the County Council's above.</p> <p>Dumfries and Galloway Council was the unitary authority constituted under the Local Government etc. (Scotland) Act 1994, coming into operation on 1 April 1996. This position has remained in place to this current day. Dumfries and Galloway Council takes in the same geographic extend as the above Regional Council.</p>
b)	<p>When and how did the local authority become involved in the provision of foster care for children in Scotland?</p> <p>As a local authority, from 1930 onwards provision of foster care was made under the legislation in force at that time. The provision of foster care has seen a number of legislative changes over the decades and this has required Local Authorities to continually review practice and make the necessary changes over time in accordance with such legislative changes. The aim for Local Authorities to provide foster care was to safeguard and protect vulnerable children.</p> <p>Regulations under the governing legislation were: (from 1st November 1933), the Children and Young Persons (Scotland) Care and Training Regulations 1933 and from 20th October 1947, the Children (Boarding-Out etc) (Scotland) Regulations 1947, and from 1st August 1959, the Boarding – Out of Children (Scotland) Regulations, 1959, and from 1st April 1986, the Boarding-out and Fostering of Children (Scotland) Regulations 1985, and from 1st April 1997, the Fostering of Children (Scotland) Regulations 1996.</p>

The Fostering of Children (Scotland) Regulations 1996 were revoked by the Looked After (Children (Scotland) Regulations 2009 which have governed public fostering arrangements from 28th September 2009 until the present day.

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

Over time the provision of Foster Care by D&G Council has changed significantly in line with new legislation, national policies and guidelines. In the past in response to meeting the needs of vulnerable children, children and young people were seen as being 'boarded out' with a 'fit person' willing to 'undertake the care of girls' and boys'. It was a more informal system with no mechanisms to assess a person's 'fitness' to act as a foster parent. This approach was society's response at the time to put care arrangements in place to provide care for some children who could not live at home for a variety of reasons. The perception of how to care for children and young people has changed over the years in response to national perceptions and national and international research.

As new legislation has come into force, D&G Council in its different forms has ensured they have implemented national guidelines which is evident in the minutes of Children's and Social Work Committees throughout the years. When a new paper was published, or new legislation came in to force the Council would discuss and consider it at committee meetings and request local practices were amended to follow national policy. An example of this is the establishment of Fostering Panels to scrutinise the approval of Foster Carers as a result of the 1985 Regulations. Dumfries and Galloway began to introduce Fostering Panels in line with this legislative change. Dumfries and Galloway Council retain all minutes of Fostering Panels which have taken place since this change of legislation came into force. Scrutiny of the minutes also allows us to see the practice changes implemented by the Council since these Fostering Panels were introduced.

Foster care has therefore developed from children being 'boarded out' to being 'Looked After' by the Local Authority where they are appropriately matched with a suitable family who have been thoroughly vetted, trained and continue to be supported by Social Work staff. The 2009 Regulations dropped the term 'boarding out' to solely use the term 'foster' to mean to 'arrange for a child to live as a member of the family'.

A significant change over time has been the level of assessment, scrutiny and monitoring which is now in place which has developed and become more robust in line with national research, legislative changes and the emergence of oversight bodies such as SSSC and Care Inspectorate throughout the decades. All have informed our current fostering services which are now delivered by Local Authorities and independent providers throughout Scotland and England.

Further significant changes over time has been the need to review all fostering arrangements and the importance of the voice of the child in relation to their views and wishes in respect of their care experience.

1.2. Funding of Foster Care**Past**

a)	How were the local authority's operations and activities, so far as relating to the provision of foster care, funded?
<p>Local Authority foster care was funded from the organisation's budgets and supplemented by parental contributions, payments from other local authorities, a portion of government grants and possibly charitable donations. There is reference in legislation e.g. the Children and Young Persons (Scotland) Act 1937 and the Children Act 1948 to "grants paid to local authorities" and to "monies provided by parliament to local authorities" to support the carrying out of their duties under these Acts.</p> <p>While reviewing our childcare files from 1930's – 1960's there is evidence that parents were asked to contribute towards the cost of their child's care.</p> <p>It can also be noted that for children who were placed by another Local Authority that both the placing Local Authority and the parents would be expected to contribute to the care of a child living with Dumfries and Galloway.</p>	
b)	To what extent, if any, did the local authority provide funding to other organisations for the purposes of provision of foster care?
<p>Fostering was predominately undertaken by the Local Authority however there have been instances of private fostering placements being sourced through organisations such as Barnardo's.</p> <p>While we do not have a great deal of information available to us to fully inform us of the volume of such arrangements, we have evidence to suggest that there were occasions when this was the case. This however does appear to have happened in exceptional circumstances and does not appear to have been the norm.</p>	
c)	If funding was provided by the local authority to other organisations for the provision of foster care, to whom was it provided, when was it provided and what criteria were applicable to its provision?
<p>We are able to say that the Local Authority did place some children with Barnardo's outwith Dumfries and Galloway but only in exceptional circumstances and there is no paper trail on the files indicating how such placements were made.</p> <p>We have not found any evidence to tell us how these placements were funded or what the criteria for such placements were. Our research indicates that the numbers involved are less than 20 for the period 1930 - 1980.</p>	
d)	To what extent was financial state support available to foster carers? How were foster carers made aware of that state support? How was that state support accessed by foster carers (e.g. directly or via the local authority)?
<p>There is reference made in minutes of the Children's Committee to foster carers receiving a 'Boarding Out Allowance' or a 'National Assistance Allowance'. These payments were made direct to Foster Carers by the Local Authority. There is no evidence of how foster carers were made aware of these allowances however they would presumably be informed of such by their allocated worker from Social Services. The support was accessed via the Local Authority as there is reference made in Committee minutes of carers applying to the Children's Committee for additional funds. These funds were in addition to the Boarding Out and National Assistance Allowance and were for one off purchases or extra activities for a child such as holiday expenses or bicycle repairs.</p>	

<p>There is evidence when reviewing our children's files of Local Authority workers liaising with parents to secure financial payments which were then paid to foster carers over and above the "Boarding Out or National Assistance Allowance".</p>	
e)	<p>To what extent was financial support from the local authority available to foster carers?</p> <p>As above foster carers would have received a 'Boarding Out Allowance' or a 'National Assistance Allowance' as well as additional money being granted to Foster Carers for board and lodgings, clothing grants, laundry and mending, holiday expenses, a new mattress, bicycle repairs and transport to school. These examples are provided in old committee minutes of the Local Authority. It does appear that in order to be granted additional monies over and above the Boarding Out or National Assistance Allowance that such requests would be discussed and considered by the Councils committee structure and if approved such payments would then be granted to the foster carers.</p> <p>There is also mention in various Children's Committee minutes of allowance and grants being increased to a minimum or maximum amount over the years and for the provision of free school meals for Foster children.</p>
f)	<p>If financial support was available, what was the source of those funds (i.e. from local or central government)? What criteria did the local authority apply to the distribution of such funds?</p> <p>Funds were provided from the Local Authority and there is little evidence of a criteria being applied however there is some evidence that the Council followed nationally agreed rates. There is reference made in the minutes of the Children's Committee of Dumfries County Council in 1962 that The Association of County Councils for Scotland wrote to the Council to draw their attention to a recent decision to standardise foster care payment. The Committee decided that as they had recently reviewed their charges, they would not do this again at this time. Minutes of a Social Work Committee in 1981 makes reference to implementing COSLA revised boarding out allowances for children in Foster Care. D&G County Council as far as we are aware did adhere to the national rates that were put in place.</p> <p>Following the creation of national fostering organisations Dumfries and Galloway Council did consider national rates and increase fostering payments in line with national recommendations and good practice.</p>
g)	<p>How were foster carers made aware of any financial support available from the local authority? How was that financial support accessed by foster carers?</p> <p>There is no record of how Foster Carers were informed of the financial support available however as evidenced in 1.2 (e) above Foster Carers submitted financial claims to the various committee's therefore they must have been given information on how to apply and access funds. The implementation of the 1985 regulations required Local Authorities to enter into a formal 'agreement' which would outline financial arrangements for Foster Carers thus providing carers with a written understanding of financial support they should receive.</p>
h)	<p>What other sources of funding were available to foster carers in relation to the provision of care for children?</p> <p>As mentioned in in 1.2 (d & e) above, Foster Carers received either a Boarding out Allowance or National Assistance Allowance. They could also apply to the Children's Committee for additional funds.</p> <p>Additional funds could also be provided via parental contributions.</p>

i)	Was the funding adequate to properly care for the children?
The Local Authority has set rates for Foster Carers in line with national guidance therefore it was deemed adequate by the appropriate national regulatory bodies.	
There is no evidence when reviewing our committee papers to say there were not adequate.	
j)	If not, why not?
N/A	

Present

k)	With reference to the present position, are the answers to any of the above questions different?								
Yes									
l)	If so, please give details.								
<p>Today Foster Care is funded by Local Authority budgets. Fostering Network is a national Fostering Organisation which supports Foster carers and provides national recommendations for the payment of fostering allowances. Dumfries and Galloway currently pay those recommended rates set by the Fostering Network. Foster Carers are entitled to an allowance which is currently set at an allowance dependent on the age of the child for whom they care for. The Boarding out allowances paid are:</p> <table style="margin-left: 20px;"> <tr> <td>0-4</td> <td>£130.34</td> </tr> <tr> <td>5-10</td> <td>£148.47</td> </tr> <tr> <td>11-15</td> <td>£184.80</td> </tr> <tr> <td>16+</td> <td>£224.77</td> </tr> </table> <p>This is a weekly allowance to cover the day to day expenses of caring for a child who is Looked After. Dumfries and Galloway currently view this allowance as adequate. We have no plans to change this at this time as we await the outcome of the Independent Care Review which is currently being taken forward and which we will look forward to hearing its finding when they conclude and share their report which is currently awaited. We believe they may wish to give a recommendation to increase future Boarding Out Allowances, but this has not been confirmed to date.</p> <p>Respite carers throughout Dumfries and Galloway received a payment on a pro rata basis depending on the period of respite plus 33% of the allowance for the period of respite.</p> <p>Throughout Scotland there a number of different payment arrangements in place for Foster Carers. Many Local Authorities and independent providers now pay a fee to all Foster carers. This is variable throughout Scotland. Dumfries and Galloway pay a range of fees depending on the needs of the child and the skills level of our foster carers. All foster carers in Dumfries and Galloway are self-employed.</p> <p>The fee paid has changed over time and in the past, we did pay a CATCH fee for adolescent placements which meant the foster carer would receive £167.68 on top of their weekly Boarding Out Allowance to care for more challenging young people. This scheme has changed in Dumfries and Galloway, but we still have 2 carers who are still deemed CATCH carers and who still receive this fee for all children placed in their care. They do not receive this payment if they have no children in their care.</p>		0-4	£130.34	5-10	£148.47	11-15	£184.80	16+	£224.77
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The CATCH fee has been superseded with an Intensive Support Service (ISS) Foster Carer fee for young people with challenging needs aged 8-18 years. All ISS Foster carers receive a fee of £525.per week. They continue to receive the Boarding Out allowance dependent of the age of the child for whom they care for. ISS foster carers care for young people who have challenging needs and as an alternative residential care.

All other foster carers do not currently receive a fee but do receive a Boarding Out Allowance dependent on the age of the child or children they care for.

All financial arrangements are subject to review on a regular basis.

Dumfries and Galloway currently have a number of young people placed with independent Fostering Agencies who are overseen by the National Scotland Excel Fostering Framework which determines their terms and conditions. These fees are variable depending on the needs of the child or young person. These fees are set via a national fostering contract subject to procurement regulation as operated by Scotland Excel. These fees are higher than those provided by the Local Authorities and this is a challenge for Local Authority budgets due to the increasing demand for external placements.

1.3. Legal Status

(i) Local Authority

Past

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

The legal basis under which the Local Authority became responsible for the provision of foster care has changed significantly over the past century.

The organisation was first founded as a local authority under and in terms of the Local Government (Scotland) Act 1929.

The organisation acted under and in terms of the relevant legislation in force from time to time. The primary legislation includes:

- The Children Act 1908
- The Children and Young Persons (Scotland) Act 1932
- The Poor Law (Scotland) Act 1934
- Children and Young Persons (Scotland) Act 1937
- Children Act 1948
- The Boarding-Out of Children (Scotland) Regulations, 1959
- Social Work (Scotland) Act 1968
- Boarding-Out and Fostering of Children (Scotland) Regulations, 1985
- Children (Scotland) Act 1995
- Fostering of Children (Scotland) Regulations 1996
- Children (Leaving Care) Act 2000
- Regulation of Care (Scotland) Act 2001
- Adoption and Children (Scotland) Act 2007
- Looked After Children (Scotland) Regulations 2009
- Children's Hearings (Scotland) Act 2011
- Children and Young People (Scotland) Act 2014
- Public Bodies (Joint Working) (Scotland) Act 2014

Examples of the powers and duties set out in the above are as follows:

The 1948 Act imposed a duty on Local Authorities to receive children into care if the criteria for doing so were met and, thereafter, to keep children in care for as long as required in terms of their welfare needs. These duties continued under the Social Work (Scotland) Act 1968, with this Act also introducing the Children's Hearing system and measures of compulsory care of children. The Children (Scotland) Act 1995 continued the Hearings system; made provision for the emergency protection of children and introduced Parental Responsibilities Orders. (The latter orders were replaced by Permanence Orders as provided for under the Adoption and Children (Scotland) Act 2007). The 1995 Act remains as the basis under which Local Authorities have a duty to provide residential and foster care for looked after children.

The Regulation of Care (Scotland) Act 2001 was a fundamental Act which directly impacted on the social service workforce by bring in standards which would protect the public by registering social service workers, setting standards for their practice, conduct, training and education and by supporting their professional development. By doing this they increased the protection of people who use services. Where people fall below the standards of practice and conduct, they can investigate and take action.

The SSSC:

- publish the national codes of practice for people working in social services and their employers
- register people working in social services and make sure they adhere to the SSSC Codes of Practice
- promote and regulate the learning and development of the social service workforce
- is the national lead for workforce development and planning for social services in Scotland?

This Act has had a significant impact on all Local Authority and Integrated Joint Boards throughout Scotland on the delivery of social care services and primarily in relation to social care workforce matters.

Public Bodies (Joint Working) (Scotland) Act 2014. This act puts in place arrangements for the integration of health and social care in order to improve the outcomes for patients, service users, carers and their families. The Act requires Health Boards and Local Authorities by integrating the planning and provision of care services, partners in public, third and independent sectors on improving peoples experience of care along with the delivery of quality and sustainable services. Within Dumfries and Galloway Children's Social Work continue to remain the responsibility of the Council. They are not part of the Integrated Joint Board (IJB) at this time. Children's Health Services are incorporated into the IJB. With this in mind suitable governance arrangements have been put in place to ensure the principles of joint planning and provision of services across the Health and social care sector

The Regulations applicable in the past (of which the 2009 regulations continue in force to date) included:

- Children (Boarding-Out) Etc. (Scotland) Regulations 1947;
- Boarding out of Children (Scotland) Regulations 1959 and then 1985;
- Fostering of Children (Scotland) Regulations 1996;
- Looked After Children (Scotland) Regulations 2009

As the legislative basis for Local Authorities changed over the decades so did the role and responsibilities of the Local Authority for the children and young people whom it cared for. In

response to these changes the Locality Authority response and structure towards the provision of a foster care service has evolved throughout this time.

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

Yes, as above the legal and or regulatory requirements are set out in the relevant legislation in force from time to time.

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

Norrie (2017) reports that the 1985 Regulations put a requirement on care authorities to establish fostering panels, whose functions were to “consider every person referred to it by the care authority as a prospective foster parent” and to make recommendations to the care authority as to the suitability of such a person to act as a foster parent either for any child, any category of child or any particular child”. “The other major innovation in the 1985 Regulations was that the care authority became obliged to enter into an agreement with approved foster parents regarding the care to be provided for any children who might be placed with them, including details of the financial arrangements; the care authority’s policies and practice regarding the welfare of children for whom it had responsibility, the ways foster parents would be expected to follow these policies and practices and the assistance to be provided by the care authority to that effect; and the arrangements made by the care authority to review “at appropriate intervals” its approval of foster parents for the purposes of the regulations”

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

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

Yes, we accept there was a duty of care to children placed by the Local Authority in foster care but the standard of care which the Local Authority would expect from its foster carers has not always been the same. For example, historically there was a time when corporal punishment and smoking in foster homes with young children would have been acceptable. Today neither of these is acceptable.

Present

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

As above, the organisation acts under and in terms of the relevant legislation currently in force.

As legislation continues to be reviewed and evolves there are additional legal duties placed upon Local Authority Social Work Services and IJB's. The introduction of continuing care places a requirement on all Local Authorities to continue to offer a continuing care placement for young people up until the age of 21 should they wish to remain in their care placement and provided this is still possible. There is also a duty of aftercare to all Looked After Young people up and till the age of 26 years.

The Children and Young Persons (Scotland) Act 2014 introduced the term 'Corporate Parent' which means the collective responsibility of the council, elected members, employees, and partner agencies, for providing the best possible care and safeguarding for the children who are looked after by us. The introduction of the term Corporate Parenting extended the responsibility for all Looked After Children to be a Council wide responsibility and not solely the responsibility of Social Work Services. This also placed a duty upon each Council to produce a Corporate Parenting Plan for all services to sign up to and to outline clearly what actions would be taken forward to improve the lives and outcomes of Looked After Children. This Act placed a fundamental change in the way we approach the delivery of services for Looked After Children and ensured that a shared responsibility is developed across all Children's providers of services to work together to improve their outcomes.

The incorporation of the European Convention on Human Rights into Scots Law will have had an effect (Right to family life Art 8 in particular) and with an eye to the future, the UN Charter on the Rights of the Child will further extend the fundamental protections given to children when the state intervenes in their lives.

e) If so, please give details.

Legislation which has come into force after 17 December 2014, includes:

- Children and Young people (Scotland) Act 2014 (Relevant services in relation to Children at Risk of becoming Looked after etc.) Order 2016
- Continuing Care (Scotland) Order 2015 SI 2015
- Aftercare (Eligible Needs) (Scotland) Order 2015
- Continuing Care (Scotland) Amendment Order 2019

On top of these legislative changes the following standards and regulation have been adopted to improve practice which includes the following:

- Health and Social Care Standards 2018
- The Duty of Candour Procedure (Scotland) Regulation 2018

The Health and Social Care Standards 2018 has created a new way for the Care Inspectorate inspecting fostering and adoption services. With this in mind Local Authority services must amend its current practices and expectations to incorporate these into the delivery of existing services.

(ii) Foster Carers

Past

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

Foster Carers did not have any specific status other than being deemed a 'fit' person to care for a child. There were however no mechanisms or criteria with which to assess a person's 'fitness'. It wasn't until the introduction of the 1985 regulations that the Local Authority and Foster Carer were obliged to enter a formal agreement detailing expectations from both parties.

Historically foster carers would be viewed as people of good standing who could provide care to a child. They would often be seen as competent individuals who could help them grow and develop and prepare them for an independent life including employment when they were old enough to do so.

b)	If not, how did the local authority classify a foster carer?
<p>A Foster Carer was classed as a 'fit' person of 'good character' up until the introduction of the 1985 regulations which required Foster Panels to be established which would scrutinise the approval and continued registration status of foster carers. Following approval at panel foster care agreements were to be entered in to by the foster carer and the Local Authority.</p> <p>Norrie (2017) reports that 'in terms of the Children (Boarding-out) (Scotland) Rules and Regulations 1947 "foster -parent" was defined to mean "a husband and wife, or a woman, with whom a child is boarded out by a local authority. Upon review our Children's file 1930-1950 it is clear that these criteria were adhered to for many years. There is no evidence of a single male looking after a child in the files we have looked at. The carers had to be seen of good standing with good moral behaviour to care for children.</p> <p>"Since the coming into force of the Looked After Children (Scotland) Regulations 2009 there has been no limitation on the type of family structure that potential foster carers must belong to and foster carers are assessed as suitable according to their own merits...the local authority is responsible for approval of foster carers." This is also in line with legislation such as the Equalities Act 2010.</p>	
c)	What was the legal basis which authorised, or enabled, a foster carer to become responsible for caring for children?
<p>The following legislation and regulations enabled Foster Carers to become responsible for caring for children;</p> <ul style="list-style-type: none"> • Children (Boarding-Out) Etc. (Scotland) Regulations 1947; • Boarding out of Children (Scotland) Regulations 1959 and then 1985; • Fostering of Children (Scotland) Regulations 1996; • Looked After Children (Scotland) Regulations 2009 • Adoption and Children (Scotland) Act 2007 • Children's Hearings (Scotland) Act 2011 <p>Whilst the legislation has changed over time so too has been the requirements for who would make a good foster carer. As legislation has changed over the decades so too has the requirements for approval which include the introduction of the medical checks, references and police checks none of which took place prior to the 1970/80's. The development of such checks and balances help the Local Authority to establish a criterion and where possible not approve prospective foster carers who did not reach the approval standard for what subsequently became Fostering panels.</p>	
d)	Did that legal basis require a foster carer to meet, or fulfil, any legal and/or regulatory requirements in respect of children in his or her care? If so, please give details.
<p>From our review of children's file there was an expectation that those who provided care to children and young people as defined as foster carers would provide them with care and protection while living in their care. There was an expectation they would encourage them to go to school and not become involved in offending behaviours. Children were expected to behave and fit into the family they were living with. The foster carers were also expected as the children grew older to help prepare them for independence and help them secure employment to allow them to leave their foster carer and live independently for example in service as a maid, a gardener, farm work or industry would name but a few.</p> <p>Under the 1985 regulations a foster 'agreement' was introduced which placed requirements on all Foster Carers to adhere to the policies and guidelines set out by the Local Authority. This was an agreement which would be signed by both the Local Authority and the foster</p>	

carer and be clear what was expected of them. Since 1985 this agreement has become more specific and responsive to the needs of the individual foster person or family.

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

From 1932 until 1968 a foster carer had the same responsibilities as a parent. This was revoked in 1968 with the implementation of the Social Work (Scotland) Act 1968.

The Children (Boarding-out etc) (Scotland) Rules and Regulations 1947 - "foster- parents shall accordingly bring up a child placed by the local authority in their custody as one of their own children and devote to this duty the care which good parents give to their children". This principle was in place for many years and is reflected in the children's file read to date.

Since the introduction of the 1985 regulations as detailed above a 'fostering agreement' would be entered in to with the Local Authority and the designated Foster Carer setting out expectations of their fostering role. With the introduction of the Children's Hearings (Scotland) Act 2011 a Foster Carer can be classed as a 'Relevant Person' at the request of the Local Authority at a Pre-Hearing Panel. As a Relevant Person the Foster Carer has a duty to attend Children's Hearings. Foster carers should all be deemed relevant persons as the primary carer of the Looked After Child.

For children who were subject to a Supervision requirement in accordance to the Children's Hearing legislation the Local Authority could have a legal duty imposed on them to ensure that the care for the child is at their designated address but the legal duty in on the Local Authority not the foster carer.

Foster carers as the person with day to day care and control of a child can consent to certain medical/dental treatment under S5 of the Children (Scotland) Act 1995 and if so advised, can apply to court for a residence order and other parental rights and responsibilities under S11 of the Children (Scotland) Act 1995.

Under the Adoption and Children (Scotland) Act 2007 a Foster Carer can be granted some parental rights and responsibilities by a court under a Permanence Order. Such a plan would be formed for a child at a Looked After Review for the child and consideration would have been given as to whether this would meet the needs of the child or not. Legal Advice would be taken, and the case would be presented to the Permanence Panel for the Local Authority and then, if endorsed by the agency decision maker, taken forward to court. All children over the age of 12 were required to give their consent for a Permanence order to be taken forward. If they do not agree this legal course of action could not be pursued. This option would only be pursued for those children who required to be cared for the remainder of their childhood and could not return home.

Present

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

No

g) If so, please give details.

Foster Carers continue to be self-employed so with that in mind they can decide whether they care for a child or not. They can technically end a placement at any time although our agreement with them would request that they give us 28 days' notice to find an alternative placement. On occasions they can request the ending of a placement immediately however this is not viewed positively when considering future placements.

Foster carers can be granted certain parental rights and responsibilities in terms of a Permanence Order for a child and if this is the case with shared parental rights and/or responsibilities then they do have a legal order in place to secure their rights in such situations but this is in an exceptional situation and is not the norm. The right of residence always remains with the Local Authority where a Permanence Order is granted.

Generally, the Children's Hearing will make a, Interim Compulsory Safety Order or a Compulsory Supervision Order which will determine where the child will reside, but this is for the Local Authority to implement not the foster carer.

1.4 Legal Responsibility

(i) Local Authority

Past

a)	Did the local authority have any legal responsibility for the children in its care?
<p>Yes. It is noted in minutes of Dumfries County Council from 1934 that the introduction of the Children and Young Persons (Scotland) Act places responsibility on the County Council for boarded out children in foster care and that foster carers were required to co-operate with the Council.</p> <p>The responsibility lies with the Local Authority not the foster carers who offer a self-employed service to the Local Authority.</p>	
b)	If so, what was the nature and extent of that legal responsibility?
<p>As above, the nature and extent of the legal responsibilities were as set out in the relevant legislation in force from time to time. For example, the 1934 regulations made requirements that children should not be boarded out in homes which were unsanitary, not within a reasonable distance from school or where the sleeping accommodation is not properly lit or ventilated. Siblings were to be accommodated together where practical and no more than 3 children were to be accommodated in one house.</p> <p>The regulations also placed a responsibility on the Local Authority to provide medical care for each child including dental treatment. This is evidenced in various Children's Committee minutes, after it was established in 1949, where reference to Boarded out children receiving medical examinations is made. Most noteworthy is the requirement for Local Authorities to make rules for which the carer should observe which were to include their general welfare, training, discipline, school attendance, feeding, clothing and sleeping accommodation.</p> <p>The minutes of the County Council meeting from 1934 state that at that time the public Assistance committee had responsibility for boarding out children. Foster parents were required to notify the council re illnesses and could not remove children from school without notifying the Council. Children were to be removed from foster carers if they were found to have subjected them to abuse, neglect or if the foster carer had been deemed to be cruel to them.</p> <p>Foster carers cared for children on behalf of the Local Authority.</p>	
c)	Did any other person or organisation have any legal responsibility for the children while they were in the local authority's care?
Yes	

Those who retained parental rights and responsibilities (using current terminology) whether birth parents or those who otherwise acquired such rights and responsibilities.	
d)	If so, what was the nature and extent of that responsibility?
As regards parents, this would be dependent upon the legal basis under which the child was placed in the care of the Foster Carers. For example, if on a voluntary basis Section 25 of Children (Scotland) Act 1995, then the parents would have retained their full parental rights and responsibilities and, likewise, if accommodated under a Supervision Requirement under the Social Work (Scotland) Act 1968 and then under the Children (Scotland) Act 1995 (with the exercise of those rights and responsibilities being subject to the conditions of the Supervision Requirement), and if accommodated under the terms of a Permanence Order under Adoption and Children (Scotland) Act 2007, then the parents may have retained a number of their rights and responsibilities.	
This would also include any parents who had received such rights and responsibilities via an adoption order, stepparent adoption order or residence order.	
e)	If the local authority had no legal responsibility for children in its care, where or with whom did legal responsibility lie?
N/A	

Present

f)	With reference to the present position, are the answers to any of the above questions different?
No - The present position is much clearer as the legal parental rights and responsibilities and the allocation thereof is clear and the duties of the Local Authority towards Looked After children are clear.	
g)	If so, please give details.
N/A	

(ii) Foster Carers

Past

a)	Did the foster carer have any separate legal responsibility (separate from the local authority) for children in his or her care?
As stated in the Norrie Report (2017) 'in terms of the Children and Young Persons (Scotland) Act 1932, the person to whose power the boy or girl is committed shall, whilst the order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his or her maintenance, as if he were his or her parent. The Children and Young Persons (Scotland) Act 1937 replicated this provision. The provision was repealed in the Social Work (Scotland) Act 1968 and no equivalent provision was enacted.'	
Since 1968 all children placed in Foster Care are the legal responsibility of the Local Authority. A Foster Carer would not hold separate legal responsibility unless as specified in 1.3 (ii)e) the carer has been granted a Permanence Order which gives them parental rights and responsibilities, or they have been classed a relevant person. S5 of the 1995 Act also gives a Foster Carer responsibility to arrange medical or dental treatment for a child.	
The main responsibility of a foster carer as specified in the Fostering of Children (Scotland) Regulations 1996, was to "arrange for a child to live as a member of the family of a person	

who is not a parent, does not have parental responsibilities in respect of the child and who is not a relevant person in relation to the child and who undertakes to look after the child other than in accordance with the Adoption Agencies (Scotland) Regulations 1996.

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

From 1932 until 1968 a foster carer had the same responsibilities as a parent. With changes in legislation that responsibility lies with the Local Authority unless a Permanence Order has given a carer parental rights and responsibilities which include safeguarding their wellbeing and guiding a child's upbringing in an appropriate manner. If a carer is deemed a Relevant Person, this guarantees a carer the right to participate in the Children's Hearing process.

Present

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

Yes

d) If so, please give details.

A Local Authority has duties to a Looked after Child as set out in S17 of the 1995 Act. The Parental Rights and Responsibilities remain with the birth parent(s) but may be curtailed or changed by operation of law – such as a Child Protection Order, CSO, ICSO, Permanence Order or Adoptions Order. A Foster Carer can be granted some parental rights and responsibilities by being made a Relevant Person or if they have been given parental rights via a Permanence Order. S5 of 1995 Act and common law duty of care. In terms of Education Legislation, a foster carer will be deemed to be a parent for purposes of access to Educational Records and meetings with the school etc due to the wide definition of parent given in the Education (Scotland) Act 1980.

1.5 Ethos

Past

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

Its functions were as per its statutory duties and responsibilities under the legislation in force from time to time. In general, this changed from the accommodation of children by way of boarding out, to the provision of care in residential establishments and then to the position whereby the aim was to place children in short term foster care with a view to rehabilitation with their family.

The Local Authority's primary focus was to provide care for children and young people who could not live at home due to neglect, abuse and for children who were outwith the control of their parents, carers and families or for those who were orphaned. The Local Authority cared for many children as a result of Children's Hearing disposals to place children in Foster Care. Many children and young people were placed in Foster Care due to a breakdown in their families circumstances due to abandonment, alcohol or substance abuse, neglect and poor family relationships. The Local Authority would provide accommodation to children when it was not safe or in their best interests to remain living at home. The Local Authority would then offer alternative accommodation in the form of Foster Care to ensure their needs were met.

<p>The Local Authority's objective was to ensure that children placed in Foster Care were in a place of safety and that their needs were catered for. Their needs were thought to come under 4 categories - Physical, Intellectual, Emotional, Social. The duty of care included school attendance, medical services, contact with family, social activities and outings.</p>
<p>b) What did the local authority see as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?</p>
<p>To provide accommodation to the children placed in their care and to meet their welfare needs within a family environment. The ethos of Foster Carers was to provide Children with care and support, ensure that they attended school and provide them with a safe place to live. Foster Care often enabled siblings to stay together and thereby prevented them being separated when they were required to be accommodated together. The ethos was to provide an alternative living environment for the children to have the same opportunities as their peers e.g. going to school, being fed, being looked after and participating in activities within a family environment. Foster Care would allow young people to remain for as long as necessary and to help them move on positively to return to family members or move on to live independently.</p>
<p>c) Were there changes over time in terms of what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided for children?</p>
<p>As mentioned in 1.5 (a) the objective changed over time from accommodating children in Residential homes to foster placements; this is noted in the minutes of the Social Work Committee of 1989 which states that extra foster carers need to be recruited due to a shift away from residential care.</p> <p>There was a growing body of evidence through national and international research that children's outcomes were more positive if placed in a family setting as opposed to a residential care establishment. Hence the drive to recruit more foster carers to allow children to remain where possible living as close to their family as possible. This drive was also to reduce the number of young people placed in residential placements either within or outwith Dumfries and Galloway.</p>
<p>d) If so, what were the changes and when and why did they come into effect?</p>
<p>As mentioned above the main change to the ethos of the provision of Foster Care was to try and place children in foster care rather than in a residential setting where appropriate, this is noted in minutes from 1989. The ethos was also changed to rehabilitate young people home. The reasons for the changes in ethos are not recorded however Social Work Committee Minutes in the previous year make reference to adopting the 'Who Cares Scotland' charter of rights for young people in care and the change was therefore presumably influenced by this.</p> <p>The ethos changed to promote an agenda of early intervention and prevention to try to maintain children living at home or returning to live with family members wherever possible. The outcomes for young people who had been brought up in residential schools or residential care settings was not deemed to be positive and many naturally wished to return to live with parents at the age of 16 but were not prepared for this. There was a growing body of evidence that children first and foremost wished to return to live with family members and if their care plans reflected this and direct work was undertaken the outcomes were likely to be more positive.</p> <p>Nationally the voice of listening to children was growing and there was an increasing acknowledgement that we must listen to their wishes and try where possible and safe to do so work with the children, young people and their families to help them and support them</p>

work through their differences. The development of support within communities was growing and hence the needs to support families locally live to together or try to re-establish broken relationships as the young people grew older.

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

Yes, there were changes to the role and function of a Foster Carer in line with changes to legislation and regulations.

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

As mentioned in 1.4 (ii)a) above from 1932 until 1968 the Foster Carer had parental responsibilities and was entrusted by the Local Authority to raise a child as they saw fit albeit with some rules to observe. During this time period Foster Carers were able to employ children in their care in 'light agricultural or horticultural work'.

Since the introduction of the Social Work (Scotland) Act 1968 the function of Foster Carer's changed. Foster Carer's no longer had parental rights and the Local Authority held decision making powers.

Due to the culture of the 1960s there was an element of freedom and exploration which brought a number of children into care. Morally society was very judge mental and many children were accommodated due to being perceived as promiscuous, involved in bad behaviour or mixing with the wrong type. The threshold for accommodation was of its time and would not meet the criteria for accommodation today.

Present

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

Yes

h) If so, please give details.

The ethos of the Local Authority has changed over time. The Local Authority has experienced ups and downs in relation to the Looked After Children population. Following a child death Looked After numbers of children increase and this can also be reflected in national trends and/or national child abuse enquiries. Feedback and follow up from Inspection can also account for increasing trends in the accommodation of children in foster and residential care.

Over the last few years the number of Looked After Children in public care, residential care and kinship care has seen dramatic increases. The change in national legislation to consider and promote kinship care has seen a significant number of children and young people now living in kinship care as opposed to foster care. This is both positive and negative due to the past histories of a number of our kinship families and their past experiences with the services. Nevertheless, it is now the view that where possible children should be allowed to grow up with their families wherever possible, which often includes Kinship Care placements. This is evidenced by current figures which show significantly more young people Looked after at home or in Kinship Care than in Foster Placements. The trend towards reducing residential placements in favour of Foster Care has also continued. We currently have a limited no of children in residential care as Social Work will always try to first identify a suitable family environment in which to place young people.

The voice of children through the development of Independent Advocacy also tells us that children and families wish to care for their children wherever possible. Foster carer has changed to encourage foster carers to work with birth family members to maintain and sustain family relations wherever possible to allow children to return home to live if this is safe to do so.

The Local Authority retains responsibility for Looked After Children and the function of the foster carer remains to provide a home environment and for young people to have similar experiences to their peers with the ultimate goal of rehabilitation home.

Within Dumfries and Galloway at this time we are adopting the Signs of Safety model across all of our children and families social work teams. This is proving positive and is being owned and implemented by our social work workforce. This model is not confined to social work and is being adopted as a multi-agency approach. Initial findings are positive, and this model is well received across the statutory services. We are seeing a reduction in the number of children on the child protection register and our looked after referrals for fostering placements have reduced. The referrals which are coming through are much more challenging and the children often appear with complex needs and significant behavioural challenges due to poor attachment in early childhood.

1.6 Numbers

- (i) Local Authority

Past

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

This cannot be answered in full, however the following information has been retrieved from various sources: -

1. Minutes of Children's Committee of DCC held on 07/12/30 – reference made to Council being responsible for 110 children including those boarded out and residents of children's homes.
2. Social Work Committee of the DGRC meeting held 16 May 1989 – reference to the Local Authority Social Work Services Planning Statement for 1989/90 -1990/91: in respect of children and families it is noted on page 8 that during 1988 there were 13 children subject to supervision requirements living with foster parents and 34 children were living in a children's home or residential school, subject likewise to a supervision requirement. Further, that during 1988 an average of 110 children were living with foster parents at any time and 55 children were in residential care.
3. Social Work Committee of the DGRC meeting held on 17 September it was noted that within the region there were currently 104 foster parents/community carers.

Our historical files of LAAC young people are recorded by date of birth but not the time frame in which they were placed in care. We don't hold figures for those children which were specifically in Foster Care. We can only provide numbers for the overall LAAC by their decade of birth and we therefore have to assume the young people were in care within that decade. The figures are as follows;

1930 – 1939 = 82
 1940 – 1949 = 475
 1950 – 1959 = 853

1960 – 1969 = 905
 1970 – 1979 = 700
 1980 – 1989 = 1097
 1990 – 1999 = 1159
 2000 – 2009 = 668
 2010 – 2014 = 162

We are currently undertaking a file audit of all of our Looked After Children in an attempt to further refine and identify of the above numbers how many were placed at home, with relatives, in foster care or in residential care. This work is progressing. Initial findings reflect that there is a lower number in foster care than we first thought but this may change as our file reading findings progresses and nears completion.

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

We don't have specific figures per year as legislation states that Foster Carer records should only be kept for 25 years. Clearly with this retention code this means that for many foster carers we no longer have their files. We do have the children's files, but this does not always make it easy to identify which children were with which foster carers. This exercise has allowed us to consider this and review our future data collection.

The fact that foster carers tend to remain as a foster carer for many years does allow us to have a significant number of carers files currently however with a retention code of only 25 years this means that many foster carer files for the period of the timeframe of this inquiry will mean that the foster carers files have been destroyed therefore valuable information has been lost.

A Committee Report dated 17/09/91 states that D&G was using 104 Foster Parents/Catch carers. A previous report in 1989 reported there were 110 children in foster care. Further reports in 2001 and 2003 state there were 133 and 147 children in Foster Care respectively. Based on this information we can conclude there were approx. 100 - 110 Foster carers at any given time with around 110 – 150 children in their care. This is logical, as a new foster carer would normally be approved for the care of 1 child or 2 siblings. These figures have remained constant in Dumfries and Galloway year on year.

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

From the Committee Report dated 17/09/91 the breakdown of the 104 Foster Carers was;

6 x Emergency	6 %
6 x Catch	6 %
48 Temporary carers	46 %
44 Permanent/Specific carers.	42 %

Fostering Panel Minutes from the period 2000 – 2007 show the breakdown of carer types is as follows:

Emergency carers	7%
Respite carers	13%
Specific carers	13%
Temporary carers	67%

d)	Please provide details of any material changes in numbers of children, placements or foster carers, and the reasons for those changes?																					
<p>Fostering Panel Minutes from 1990 – 2008 show the number of new placements approved each year as follows;</p> <table> <tr> <td>1990 – 20</td> <td>1996 – 115</td> <td>2002 – 76</td> </tr> <tr> <td>1991 – 23</td> <td>1997 – 94</td> <td>2003 – 67</td> </tr> <tr> <td>1992 – 11</td> <td>1998 – 97</td> <td>2004 – 63</td> </tr> <tr> <td>1993 – 26</td> <td>1999 – 83</td> <td>2005 – 53</td> </tr> <tr> <td>1994 – 26</td> <td>2000 – 64</td> <td>2006 – 69</td> </tr> <tr> <td>1995 – 116</td> <td>2001 – 92</td> <td>2007 – 60</td> </tr> <tr> <td></td> <td></td> <td>2008 – 60</td> </tr> </table> <p>We can see from the above figures that the no of new foster placements rose drastically in 1995 which was due to the closure of Local Authority Residential units. The number of placements then began to decrease and reached a steady plateau.</p>		1990 – 20	1996 – 115	2002 – 76	1991 – 23	1997 – 94	2003 – 67	1992 – 11	1998 – 97	2004 – 63	1993 – 26	1999 – 83	2005 – 53	1994 – 26	2000 – 64	2006 – 69	1995 – 116	2001 – 92	2007 – 60			2008 – 60
1990 – 20	1996 – 115	2002 – 76																				
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1993 – 26	1999 – 83	2005 – 53																				
1994 – 26	2000 – 64	2006 – 69																				
1995 – 116	2001 – 92	2007 – 60																				
		2008 – 60																				
e)	How many children in total were accommodated by the local authority (whether in foster care or otherwise)?																					
Please see 1.6 (i)a) we are only able to provide figures of young people who were LAAC by their decade of birth.																						
f)	In general terms, was the main service provided by the local authority the provision of residential care for children in establishments, or was it the provision of foster care?																					
Generally, the main service was to provide residential care for children, the local authority ran a number of residential establishments and would also send children to private or charitable organisations. From 1989 onwards this gradually changed to the provision of Foster Care with the recruitment of additional carers.																						

Present

g)	With reference to the present position, are the answers to any of the above questions different?										
Yes											
h)	If so, please give details.										
<p>We currently have;</p> <p>Children in foster care – 106 Foster Care placements – 169 Current Foster Carers – 77</p> <p>The current 77 Foster carers are registered for providing different types of care and some for more than one type of care. The figures are;</p> <table> <tr> <td>Catch -</td> <td>3</td> </tr> <tr> <td>ISS -</td> <td>11</td> </tr> <tr> <td>Permanent -</td> <td>17</td> </tr> <tr> <td>Respite -</td> <td>25</td> </tr> <tr> <td>Temporary -</td> <td>43</td> </tr> </table>		Catch -	3	ISS -	11	Permanent -	17	Respite -	25	Temporary -	43
Catch -	3										
ISS -	11										
Permanent -	17										
Respite -	25										
Temporary -	43										

1.7 Children's Background/Experience**Past**

a)	Did the children placed in foster care generally have a shared background and/or shared experiences?
<p>Yes. The children would fall into the following categories:</p> <ul style="list-style-type: none"> • Those who could not live at home due to a breakdown in family circumstances, abuse of alcohol, domestic violence and poor living conditions or neglect • Those outwith parental control and involved in offending behaviour – this could include girls who were deemed to have” loose morals” and be promiscuous. • Orphaned children with no other family members or children who were abandoned. 	
b)	Were children admitted into the care of the local authority, or were they admitted into the care of particular foster carers?
<p>From a review of existing files children were admitted into the care of the Local Authority and it was the Local Authority who placed children with particular foster carers.</p>	
c)	Who placed children with the local authority?
<p>The children would be placed in accordance with childcare legislation at this time. The review of existing files reflects that children were accommodated in a number of ways. They could be accommodated from hospital following the detention on mental health grounds for a parent or the detention of a parent in prison. They could be directly referred by the police due to criminal behaviour or they could be approached by parents, carers of family members who advised they could no longer care for their children due to a variety of reasons. Often it would be staff of the Local Authority who would remove the children due a variety of reasons from promiscuity, stealing, bad behaviour, running away etc</p> <p>There are reports that the NSPCC would be involved with a number of families and on occasions would remove children deemed to be at risk of living at home and contact the Local Authority to accommodate the children. Children were also placed via the Children's Hearing system.</p>	
d)	From 15 April 1971 (the date on which the Children's Hearing system was introduced), did the local authority receive children mainly through the Children's Hearing system?
<p>Not necessarily. The development of the Children's Hearing system took time to establish itself and the Local Authority did see a rise in the number of children being accommodated via the Children's Hearing system as there was no equivalent system in place before the creation of the Children's Hearing system. The number of children accommodated via the Children's Hearing system has increased over time but history in Dumfries and Galloway has been the use of voluntary reception into care in accordance to the 68 Act/1995 Act.</p>	
e)	If not, generally how did children come to be admitted into the care of the local authority?
<p>On occasions the children would be voluntarily received into the care of the organisation in accordance with Section 25 of the Children (Scotland) Act 1995.</p>	
f)	How long did children typically remain in the care of the local authority?
<p>We don't have specific figures for the length of time a child was in care however we know this would vary and for some children their stay would be less than 6 months, for others they could have remained in Foster Care until they reached adult hood. This is very variable and very much depended on the individual circumstances of the child and their family.</p>	

Our current review of children's files will provide this information when it concludes as we are currently collecting this data in line with this inquiry.	
g)	In respect of children who were admitted into the care of the local authority, who made the decision as to whether they should be placed in foster care?
This decision would be taken by a senior manager within the organisation.	
h)	If the decision was made by the local authority, what criteria were applied?
<p>We currently do not have access to policy and procedures of the time but from our file reading and interviews with key staff it is clear that the decision to accommodate a child post 1971 was more robustly scrutinised than prior to 1970. The culture of the organisation was changing and there was a view to try to support children at home if at all possible.</p> <p>It is clear that often a foster care placement would be sought for children who had experienced the following:</p> <ul style="list-style-type: none"> • neglect or poor parenting • whose parent was detained in prison or hospital • who exhibited low level offending behaviour? • who exhibited loose morals? • who was not going to school? • death of a parent or carer <p>For those more challenging young people a residential care placement would have been sought in one of the regions children's homes at the time.</p>	
i)	Were children moved between different foster care placements?
Yes, on occasions	
j)	If so, in what circumstances?
<p>The general perception is that if a foster carer was struggling to care for a child due to challenging behaviour or generally not get on with the other children in placement a placement move would be considered.</p> <p>Some children experienced a placement move from temporary to permanent carers if the plan was for them to remain in foster care for the remainder of their childhood.</p> <p>Children would also be moved placement following a placement breakdown or at the request of the foster carer.</p> <p>Review of existing files also reflects that some children were removed from fostering placements due to allegations of abuse or cruel actions on the part of the foster carer however there have been no criminal convictions to date. Children could have been removed as a result of the foster carer no longer wishing to offer a fostering placement due to an allegation being made albeit it was not proven.</p>	
k)	Generally did children typically stay in one, or more than one, foster care placement?
<p>This was very variable some children would only live in one foster placement while others would have been placed with more than one foster carer.</p> <p>This is very difficult to speculate on as this was very dependent on the individual circumstances of the child and their relationship with their foster carer.</p>	

l)	What was the process for review of children's continued residence in foster care, in terms of whether they continued to require to be (a) in foster care and/or (b) in that particular placement?
<p>This would take place at the following:</p> <ul style="list-style-type: none"> • Children's meetings • Children's hearings • Directly between the Foster Carer and the parents • Review meetings of their LAC status • Observations of the child in placements • Views of the child and foster carers • Views of other relevant persons e.g. parents, school, school nurse etc • Outcome of the Fostering Panels following discussion of placement. 	
m)	When children left foster care, what was the process for discharge?
<p>There is no evidence of a clear process. There is evidence of collaboration between school, Foster Carer and social worker, including Director of social work but there is no evidence of future planning which would be expected today if a young person left care.</p>	
n)	What support was offered to children when they left foster care?
<p>The organisation would offer to provide support, guidance and assistance to support young people moving on. They were offered support to consider future housing options and some supported accommodation was available locally. They would also have been able to access a Section 29 grant via the Social work (Scotland) Act 1968 if they required financial assistance.</p>	
o)	What information was sought by the local authority about what children leaving foster care planned to go on to do?
<p>The Local Authority did seek to engage with young people to ascertain their views and seek to clarify their plans as to where they were going to live and where they were going. The Local Authority did appear to sign post young people to other services.</p>	
p)	Was such information retained and updated?
<p>This is variable. Some children's records were updated while others were not. In the minutes of the Children's Committee of Dumfries County Council in 1950 it makes reference to a report on the number of children dealt with; employment on leaving school; visitation; health; progress at school and various other matters however the details were not recorded and the report has not been archived.</p>	
q)	What was provided in terms of after-care for children/young people once they left foster care?
<p>After care, as determined in the Social Work (Scotland) Act 1968, was available to young people however many chose not to engage with social work services following their discharge. Some young people retained a relationship with social work in times of personal crisis and their files have been updated but this is sporadic.</p> <p>There is reference in the minutes of the Social Work Committee of 1991 to the establishment of a 6-month scheme for consulting with children regarding their experience in care. In 1993 there is further reference to employing a Full-Time staff member for the consultation scheme.</p> <p>The level of aftercare was on some occasions dependent on the relationship between the young person and their worker. There are a number of occasions when the support to young people continued when they moved on. Some retained a positive relationship with their</p>	

workers and continued to receive support post 16 post 18 years. The Local Authority did have some supported housing options which continued to offer accommodation and support to young people who accessed these services. The level of aftercare support was very dependent on the young people wishing to continue to engage with services. Many chose not to and therefore their support post leaving care was limited.

Present

r)	With reference to the present position, are the answers to any of the above questions different?
Yes	
s)	If so, please give details.
<p>The legislation has changed significantly for Care Leavers and the implementation of the Children and Young People's Act 2014 has ensured that Care Leavers are entitled to a range of aftercare support following their formal discharge from being accommodated. Young People who leave care are entitled to a Leaving Care worker and are eligible to receive through-care support up and till the age of 26. They also have the right to independent advocacy during this time.</p> <p>They have the right to remain in Local Authority care up and till the age of 21 in accordance to the Staying Put agenda and Continuing Care legislation to support Care Leavers make successful transitions into adulthood.</p> <p>They are entitled to be considered for a range of supported housing options including remaining in foster care, supported lodgings, supported tenancies and individual tenancies. The Local Authority currently operates a priority placing system for Care Leavers in the allocation of individual tenancies throughout the council area.</p> <p>They will also receive financial support, housing support, advice and assistance, a start-up grant if they move into their own accommodation, support with university fees etc. There is an increasing number of care leavers who are continuing to remain in education either at college or go away to university. The number of young people attending university is rising year on year. Young people are now also entitled to a Staf grant to help them with their educational costs which helps to encourage them to attend further educational options.</p> <p>Care Leavers in Dumfries and Galloway are exempt from paying council tax which is a significant benefit for them.</p> <p>They are also entitled to an access card to allow them free or subsidised access to Leisure facilities throughout Dumfries and Galloway.</p> <p>Each Care Leaver will have a pathway plan completed to plan their transition from childhood into adulthood. Each pathway plan will be specific with measurable outcomes to ensure that everyone is clearly what the plan is for the young person and what they need to do to achieve this. This plan is subject to regular review.</p> <p>Young People's files are updated to reflect their circumstances, their whereabouts, their employment status and the level of support they require.</p> <p>Leaving Care Workers are involved in national consultations and forums to ensure that we adopt best practice in Dumfries and Galloway.</p>	

1.8 Local Authority staff and foster carers

(i) Local Authority

Past

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

The earliest staffing records we hold are from 1996, please see figures below.

The current review of our case file reading has identified a number of key staff who were involved in the delivery of the fostering service.

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

When the Children's Committee was established in 1949 a Children's Officer was appointed followed by an assistant Children's Officer in 1950; in 1959 a depute Children's Officer was appointed. Over the years the staff team has developed and increased and from the following staffing records we can see the following;

<u>1996</u>		<u>2003</u>	
Chief Social Work Officer -	1	Chief Social Work Officer -	1
Service Manager -	1	Service Manager -	1
Social Workers -	9	Team Manager -	1
		Senior Social Worker -	1
		Social Workers -	9
		Family Support Workers -	2
<u>2008</u>			
Chief Social Work Officer -	1		
Service Manager -	1		
Team Manager -	1		
Senior Social Worker -	1		
Social Workers -	9		
Family Support Worker -	2		

From the above information we can see that since 1996 D&G Council has steadily employed 9 Social Workers within Fostering and Adoption teams however the team expanded and was supported by a Team Manager, Senior Social Worker and Family Support workers. In the 1990's the fostering and adoption workers were based in area teams and worked side by side alongside area team social workers. This raised a number of challenges and since 2000 the team has been separated and sits apart from area team social workers providing independence and autonomy for the family placement tasks to be undertaken.

As a result of service restructures throughout the Council over the years some posts have remained while others have been lost. The delivery of the team has remained constant despite changes of the management structure over the years. The service has also been managed as a stand-alone service as well as included in a centralised service or a resources team. The senior management for the service lies within the body of the Children and Families Social Work Service.

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

The Medical Officer's responsibility was to examine each child before they entered fostering and provide medical treatment if required. They were then required to visit children in foster

care once every six months, this was as per the Children and Young Persons (Scotland) Care and Training Regulations, 1933.

The Children's Committee was established in 1949 and the Chairman and the Vice Chairman of the Committee were required to visit boarded out children along with the Children's Officer as per The Children (Boarding-out etc) (Scotland) Rules and Regulations, 1947. They were required to visit children 1 month after they were placed and thereafter at regular intervals of no more than 6 months. It was the responsibility of the Children's Officer to deal with all admissions of children in to care and report to the Committee on the status and welfare of young people in care. Over the years this role was moved to that of the Chief Social Work Officer who would normally be the Director of Social Work. The CSWO however would have limited contact with children as this would be undertaken by frontline staff such as Social Workers.

The Service Manager would oversee a number of different children and family's services and would supervise the Fostering Team Manager. The Team Manager would have direct responsibility for the day to day running of the Fostering service and would supervise the team of staff. It would be the responsibility of Social Workers and family support workers to undertake direct work and contact with Carers and children who were placed in Foster Care including undertaking assessments on Foster Carers and regular visits to children placed with them.

It would also be the responsibility of the Fostering service to review the status of all foster carers on a regular basis and present to panel for continued approval.

The fostering service would also be responsible for the recruitment, training and retention of foster carers. They would also be responsible for the recruitment, training and retention of adoptive carers on behalf of Dumfries and Galloway Council.

The area team social workers would hold Children's meeting to which fostering staff and foster carers would be invited to attend.

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

It is not known what experience or qualifications the Children's Officer held however there is reference in the Children's Committee minutes in 1958 of the Assistant Children's Officer obtaining a Social Sciences Diploma and then subsequently being appointed to the post of Depute Children's Officer. It would therefore be fair to assume the Children's Officer and Depute would be required to have a Social Science qualification.

All other Social Work Staff with the exception of family support workers would be required to hold a diploma or degree in a Social Work/Science field. Family Support Workers would be required to undertake on the job training and may have worked towards a qualification such as an NVQ/SVQ.

e) | When we're fostering panels set up? What was their purpose and remit?

Fostering panels commenced on 05/10/1984, their purpose and remit was as per the Boarding Out and Fostering of Children (Scotland) Regulations 1985 which stated that its function was to "consider every person referred to it by the care authority as a prospective foster parent" and to make recommendations to the care authority as to the suitability of such a person to act as a foster parent either for any child, any category of child or any particular child.

The service has continued to run fostering panels since the first panel was held in October 1984. A record of all decision continues to be retained by the service to this present day.

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

The fostering panels initially consisted of representatives from Social Work plus a Health Specialist/Medical Advisor. Social Work staff attending included social workers, senior managers and the Director or Depute Director. In 1989 a Legal Advisor was included as a panel member and by 1995 a member of BAAF was also included on the panel. The first record of an Educational Psychologist and an experienced carer being introduced to the panel was in 1996.

All panel members had either a professional qualification in their field or knowledge and experience of Foster Care.

Present

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

Yes

h) If so, please give details.

The Family Placement service now operates 4 panels. They are as follows

- The Temporary Panel – Foster carer approval and changes to registration status
- The Kinship Panel - Kinship care approval
- The Permanence Panel – the approval of adoptive and permanent carers and match to children
- The Supported Lodgings Panel – approval of supported lodgings providers who offer supported lodgings placements post 16 -21 years

The Temporary Panel, Kinship Panel are chaired by a colleague from School Services. The membership of the panels includes the following:

- Chair
- Locality Manager Centralised Services
- Medical Advisor
- Senior Social Worker Family Placement
- Elected member
- Foster Carer
- Educational Psychologist

The Permanence Panel is chaired by an independent chairperson. The panel consists of the following:

- Chair
- Locality Manager Centralised Services
- Senior Social Worker Family Placement
- Adoptive/Permanent Carer
- Elected Member
- Educational Psychologist
- Legal Advisor
- Medical Advisor

The Supported Lodgings Panel is chaired by an independent chair. The panel consists of the following:

- Chair
- Locality Manager Centralised Services
- Senior Social Worker Leaving Care
- Senior Social Worker Family Placement
- Supported Lodgings Provider
- Housing representative.

The Temporary, Kinship and Permanence panels are held on a monthly basis. The supported Lodgings Panel is held quarterly.

(ii) Foster Carers

Past

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

We have no evidence to say how foster carers were approved prior to the introduction of the Fostering panel in 1984. The files and research of the time refer to upstanding members of the community who wished to care for children.

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

The foster carers were expected to have the skills to parent and look after a child as if it were their own. They were expected to ensure that children were well cared for and not subject to abuse, neglect or cruelty. They were to encourage them to attend school and help prepare them for life after being in foster care. These are the only definitions of experience which was evident prior to 1968.

The 1947 regulations stated that a 'local authority shall satisfy themselves by all necessary enquiries that any person whom they propose to select as a foster-parent for the care of boarded-out children is of good character and is in all respects fit to look after the health, education and general well-being of children'

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

Prior to the introduction of the Boarding Out and Fostering of Children (Scotland) Regulations 1985 there were little mechanisms and criteria for carrying out 'checks' on prospective carers. Those excluded from fostering were persons in receipt of poor relief, persons with a criminal conviction that rendered them unfit to be a foster parent (although regulations at the time did not specify the convictions), persons residing in licensed premises or in a home with a certified lunatic or mental defective.

The 1947 regulations stated that a 'local authority shall satisfy themselves by all necessary enquiries that any person whom they propose to select as a foster-parent for the care of boarded-out children is of good character and is in all respects fit to look after the health, education and general well-being of children'. There were however still no checks specified.

With the introduction of the 1959 regulations it now specified that the Local Authority shall 'ensure that the prospective foster home is visited by the care authority's children's officer, or a visitor, as the case may be, who is personally acquainted with, or, if that is not practicable, fully informed about, the child, and shall satisfy themselves that

<p>the foster home and the household living there are likely to be suitable for the child.</p> <p>Once Fostering Panels were established in 1985 it became the responsibility of panel members to decide on a foster carers' suitability. Prospective carers had to be interviewed and a report submitted to the panel for scrutiny.</p> <p>Formal Police Checks via Disclosure Scotland was not introduced until 2007.</p>	
d)	<p>What checks were carried out in relation to other persons residing with the prospective foster carer, including criminal record checks, references and interviews?</p>
<p>There is little evidence of checks being carried out on other residents of households however there is reference made in the minutes of the Children's Committee in 1963 of a Foster Carer not being allowed to take in lodgers to the home without the approval of the Committee.</p> <p>It wasn't until the introduction of the Fostering of Children (Scotland) Regulations 1996 that stipulated that any report submitted to the fostering panel with regards the suitability of a prospective carer should also include details of other members of the household.</p> <p>Since the introduction of Disclosure Scotland checks in 2007 all members of a prospective fostering household have been required to be vetted in respect of criminal convictions and relevant police information before being registered as a carer.</p>	
e)	<p>What checks were carried out in relation to other family members and friends of a prospective foster carer including criminal record checks, references and interviews?</p>
<p>As stated in 1.8 (ii)d) above checks were not carried out on other family members until the introduction of the 1996 regulations.</p>	
f)	<p>To what extent, if any, were the checks referred to at paras (c) to (e) above reviewed? If so, how frequently and what checks were done? If not, why not?</p>
<p>It is not known to what extent checks were reviewed however there is reference made in the minutes of the Children's Committee in 1962 that the Children's Officer was instructed to keep under close surveillance a Foster Care Household with five children whose Foster Home circumstances had changed.</p> <p>A review of children's files tells us that a number of visits were undertaken by a range of staff over the years. It is not possible to conclude how often these visits were to take place, but it is recorded in the children's files. The expectation as per the 1933 regulations was that this would be 3 monthly.</p>	
g)	<p>What checks were carried out by the local authority of the available accommodation? How frequently were these carried out? Were they repeated? If so, how frequently? If not, why not?</p>
<p>The Children and Young Persons (Scotland) Care and Training Regulations, 1933 stated that children in care were to be visited once every 3 months but not within the school environment. Norrie 2017 states 'the prohibition on school visits emphasises that it is the child's or young person's home surroundings (and their continuing suitability) that was to be the focus of inspections. That reports were required to be submitted indicates that visits were individualised, and the opportunity was therefore present to identify and raise any welfare concerns in relation to any child, or his or her treatment by foster parents.'</p> <p>The 1947 regulations further expanded on this requirement and officers were to complete a report of visits to include details of the general conditions on the foster home, the child's</p>	

sleeping arrangements, the condition of the child's clothing and their general well-being and behaviour. It was a requirement that 'all facilities shall be afforded to the visitor to interview the children and inspect their clothing, sleeping accommodation, etc. If a visiting book is supplied to the foster-parent, it must be available for inspection by any authorised visitor.'

Upon reviewing files there is no reference to a visitor's book but there are some file records of visits having been undertaken and recorded accordingly.

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

Single men were prohibited from fostering children prior to the 1985 regulations. The exact reasons why are not known however Norrie 2017 makes the following statement; 'The assumptions were clearly that a man alone was likely to be motivated by desires not in keeping with children's welfare (or that caring for children was not man's work).'

Primarily foster carer families would include a husband and wife or a single woman.

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

The 1947 regulations stated that 'No boy over the age of 7, and no girl, shall occupy the same bedroom as a person of the opposite sex over that age.' There were no such requirements made in further regulations.

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

According to the 1933 regulations "Foster-parents shall be required (a) to give boys and girls the care and attention necessary for their proper training in habits of punctuality and thrift, of good manners and language, of cleanliness and neatness, of cheerful obedience to duty, of consideration and respect for others, and of honour and truthfulness to word and act, (b) to notify the Education Authority of any material facts regarding the boys and girls (e.g. illness, accident) and (c) to endeavour, in conjunction with the Education Authority, to find employment for the boys and girls when they leave school".

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

As mentioned in 1.5 (e) from 1932 until 1968 the Foster Carer was entrusted by the Local Authority to raise a child as they saw fit and they were able to employ children in their care in 'light agricultural or horticultural work'. The 1947 regulations stated, 'each child shall also be brought up in habits of industry but shall be given adequate opportunity for play and recreation.' After the introduction of the 1968 legislation children were no longer permitted to be put to work by foster carers.

l) We're fostering agreements entered into? If so, were these in a prescribed form or created on an ad hoc basis?

Fostering agreements were entered into after the introduction of the 1985 regulations. These were in a prescribed form. Many of these are no longer available due to the destruction dates for foster carers files being 25 years following them ceasing to be foster carers.

Present

m)	With reference to the present position, are the answers to any of the above questions different?
Yes	
n)	If so, please give details.
<p>All foster and adoptive carers must attend a Pre-Approval course prior to be taken forward to consider if they wish to apply to foster or adopt. The training currently lasts 4 days. Once a prospective carer submits their application, we shall undertake a pre-approval visit. They will then be allocated a social worker who will undertake a thorough assessment known as a Form F. Thorough checks are undertaken on all prospective Foster Carers including members of their household. It is a requirement that all carers are PVG checked and full assessments and interviews of all references are carried out before being presented to the fostering panel. The Form F assessment is a detailed and in-depth assessment of their background, history and parenting styles. A full medical is also required prior to attendance at panel for approval. The assessment process takes a minimum of 12 weeks, but many take much longer.</p> <p>If a prospective carer has been divorced or has grown up children, the assessing worker will seek to make contact with them to ascertain their views on the prospective application.</p> <p>Foster carers of any gender over the age of 21 years are able to care for a child including single carers and those in same sex relationships.</p>	

2. Organisational Structure and Oversight2.1 Culture**Past**

a)	What was the nature of the culture within the local authority in relation to the provision of foster care?
<p>The culture of foster care taken from children's files is that children were placed in foster care when they could not live at home. The foster carers were expected to bring them up as if they were their own and give them the same opportunities as their own children. If children in their care were to see their parents there were occasions when foster carers were to support this but on the whole, many did not have continuing contact with birth family.</p> <p>It is believed that foster carers were highly valued and viewed very positively.</p>	
b)	Was that culture reflected in the local authority's policies, procedures and/or practice in relation the provision of foster care?
<p>We are unable to answer this question as we do not have access to any policy and procedures of the past. We believe that the committee reports and presentation at committee do reflect that there were processes in place and arrangements to be followed if the following occurred:</p> <ul style="list-style-type: none"> • Children were not attending school • Children required additional expenditure • Children were working • Children were ill • Children were subject to abuse or neglect at the hands of the foster carer 	

	<ul style="list-style-type: none"> Foster carers until 1968 were expected to find light work for their foster children to help them develop their independent living skills preparing them for the world of work.
c)	How can that be demonstrated?
	This can only be demonstrated by records in children's files of the times and minutes of committee reports where the circumstances of some foster carer allowances and some foster carers situations were discussed and recorded. We have to date not found any paper copies of such.
d)	Did the provision of care by foster carers reflect the local authority's culture, policies and procedures?
	Yes, we believe it did as per 2 ,2.1c above
e)	If not, please provide a representative range of examples and explain, by reference to those examples, why particular foster carers did not, in material ways, work in accordance with the local authority's then culture, policies and procedures and what, if anything, was done to change that?
	There are a few occasions reflected in our file reading and knowledge of more recent fostering instances in 1990/2000 when we know that not all foster carers reflected the culture of the organisation. There were occasions when standing under cold water was used as a punishment, poor conditions in the household, not providing the proper level of care to their foster child. Such incidents were taken to the Fostering Panel and discussed. Panel minutes verify this and this on occasions led to the deregistration of the foster carer and the placement move of the young person.
f)	When and why did any changes in the culture of the local authority in relation to the provision of foster care come about?
	<p>Significant changes came about with the introduction of new legislation and new regulations which governed the provision of fostering services. The introduction of the 1968 Act significantly impacted on foster carers as they could no longer make their own decisions in relation to children in their care, but they were then accountable to the Local Authority. The 1968 Act meant that children could no longer undertake light work therefore there were a number of changes which emerged from 1947 -1968 which began to change the way foster carers and fostering services operated. This clearly continued into the 70's, 80' and 90's with more significant changes at a national level which year on year was becoming more prescriptive in terms of how fostering services operated. The introduction of the Fostering panel post 1984 had a dramatic impact on fostering services and the accountability, monitoring and management oversight that this brought. This also brought the creation of a specialist Fostering team within Dumfries and Galloway.</p> <p>Further changes to the need for checks and references in 2000 added to the scrutiny for foster care applicants. Since 1995 and the introduction of the Children's (Scotland Act) 1995 the development of fostering services has been transformed. This transformation has continued to date.</p>
g)	Were any changes in culture driven by internal influences, incidents, experiences or events within the local authority, or any of the foster care placements?
	We are not able to answer this question as the staff are no longer in place and there is no knowledge or history that we have found to date which has informed this that we are aware of.

h)	Were there any changes in culture that were driven by abuse, or alleged abuse, of children in foster care?
We are not able to answer this question as the staff are no longer in place and there is no knowledge or history that we have found to date which has informed this that we are aware of. However, we have not concluded our file reading and we do believe that there may have been some incidents of the use of corporal punishment, eating of soap and use of cold water which will come to light as our search progresses.	
i)	If so, when did they occur and how did they manifest themselves?
We are unable to answer this question.	
j)	Were any changes in culture driven by any external influences or factors and if so, what were those influences or factors?
<p>As above at 2, 2.1 f</p> <p>We also believe that the increasing knowledge and growth of fostering agencies and national organisations helped to share the future direction of fostering services. The work taken forward which helped to shape, and influence fostering services development included the following:</p> <ul style="list-style-type: none"> • New Legislation implemented by the Scottish Executive followed by Scottish Government • The creation of Fostering Network as a national resource • The formation of BAAF and the expertise this brought with it for Dumfries and Galloway • The production by BAAF of national good practice and the formulation of set frameworks for the assessment of foster carers. • The introductions of Disclosure and PVG Checks • The requirement to seek references for all applicants • The development and access of Independent Advocacy for all Looked After Children • The subsequent demise of BAAF and reconfiguration of Coram BAAF. • The creation of AFA Scotland • National and international research on fostering, panels, training etc • The learning from Care Reviews • Care inspectorate findings on the inspection of services across Scotland • Lessons from England • Views and feedback from young people and adults who have access fostering services. 	

Present

k)	With reference to the present position, are the answers to any of the above questions different?
Yes	
l)	If so, please give details.
<p>The organisation has in place an extensive range of policy and procedures in which the Local Authority must operate in the care of children and young people. These policy and procedures are influenced by:</p> <ul style="list-style-type: none"> • National Legislation • Local arrangements • Health and Safety legislation and practices • Safe working practices 	

<ul style="list-style-type: none"> • Working time directives • Employment law • Past child abuse inquiry reports • National Care Standards/Health and Social Care Standards • Looked after children arrangements • Direct views of children and young people <p>We have a much better understanding of what children require when placed in foster care and research from past abuse inquiries helps to inform and improve practice. There is a general wish to continue to do better and continue to improve our services for those most vulnerable children and young people. Our organisation is a learning environment which continues to strive to do better in times of adversity and challenging budgets.</p>
<p>m) To what extent, if any, has abuse or alleged abuse of children cared for in foster care caused, or contributed to, the adoption of the current policies, procedures and/or practices of the local authority, in relation to the provision of foster care services for children including the safeguarding and child protection arrangements applying to its current foster care placements?</p>
<p>Current policy and procedures both nationally and locally have been significantly influenced over the years by historic child abuse inquiries both within residential care and within family environments throughout the UK. Policy and procedures are constantly refreshed and amended to reflect ongoing learning both from research, national approaches and direct practice.</p>

2.2 Structure, leadership and accountability

Past

<p>a) What was the structure of responsibility within the local authority in relation to foster care?</p>
<p>Various departments were set up in order to carry out the organisation’s functions, with Directors/Heads of Service having responsibility and reporting to the Chief Executive and to Committee.</p> <p>Separate hierarchies existed for the 4 authorities responsible for looked-after children before the reorganisation of local government in 1974 (Dumfries County Council, Kirkcudbright County Council, Wigtownshire County Council and Dumfries Burgh).</p> <p>From a Public Assistance Committee report of Dumfries County Council in 1934 it states that the Children and Young persons (Scotland Act 1934) clarifies the county council were responsible for boarded out children in foster care and that foster carers were required to cooperate with the Council. The public Assistance committee had responsibility for boarding out children. Foster parents were required to notify the council re illnesses and could not remove children from school without notifying the Council. Children were to be removed from foster carers if they were found to abuse, neglect or be cruel.</p> <p>After the Social Work (Scotland) Act 1968 all 4 had a director of social work, DCC and WCC also had a deputy director, DCC and Dumfries Burgh had 2 assistant directors, all had a senior social worker except DCC which had 2, and below this hierarchy were training officers, fieldwork teachers, social workers (32 altogether), prison welfare workers, trainee social workers, welfare assistants, home help organisers and their assistants, and administrative staff.</p>

After 1974 the Regional Council introduced a new hierarchy with a director and senior deputy director based in Dumfries and overseeing an area structure based on the new districts (Merrick [later Wigtown], Stewartry, Nithsdale and Annandale and Eskdale. Each area had a deputy director overseeing principal and senior social workers, with other posts reflecting the pre-1974 hierarchy. (from the 'Report of the Dumfries and Galloway Regional Joint Committee established to assist in the preparation for the reform of local government' (ref. DG (352) f)).

Over the years there have been a number of restructures for social work services which has influenced and determined the structure and management arrangements for the whole of Dumfries and Galloway. Such changes have been in a direct response to local government changes and national directives to improve services.

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

There is evidence in our file reading that senior management had an overview of key decisions taking place within the service. Many admissions of children to care were signed by the Depute director and other senior managers e.g. principle offer etc. and recorded within children's files.

Senior managers signatures are seen within many of the files which we have read to date.

c) | What were the lines of accountability?

There is evidence from a report in 1974 – which may have remained until 1986 - that there is an area structure with a Deputy Director responsible for major local decision-making and the implementation of Regional Policy in the operation of the day to day social work services in the district. The hierarchy below the deputy director was

Principal Social Worker
 Senior Social Worker (2 posts)
 Social Workers (6 posts under each Senior Social Worker)
 Clerical and typing staff

All panel minutes were signed off by the Agency Decision maker who was a senior manager within the Children and Families Social Work service. There are records of senior managers attending and having an oversight of panel decisions throughout the years.

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

Prior to 1968 the Children's Officer had management responsibility for staff in foster care services. This then became the responsibility of the Chief Social Work Officer or Director of Social Work.

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

From 1949 the Children's Committee took decisions on policy, procedure and practice this was then followed by the establishment of the Social Work Committee in the 1970's.

Ultimately the Chief Social Work Officer and/ or the Director of Social Work was responsible for all matters in relation to policy, procedure and practice within Dumfries and Galloway. This however would often be delegated to the Service or Team Manager for Fostering.

f)	To who were foster carers accountable?
Foster Carers were accountable to the Local Authority and would report to their designated officer. Once Fostering Panels were introduced these would hold Foster Carers to account and would regularly review their suitability to act as a carer and on occasions a carer would be de-registered if their care and co-operation with the Local Authority was deemed inadequate.	
g)	Who, within the local authority, was responsible for the implementation of, and compliance with, the local authority's policies, procedures and/or practices in foster care both by local authority staff and by foster carers?
The Children's Officer until 1968 subsequently followed by the Chief Social Work Officer or Director had overall responsibility for the implementation of policies and procedures. This however would often be delegated to the Service or Team Manager for Fostering.	
h)	To who were fostering panels accountable?
Fostering Panels were accountable to the Chief Social Work Officer or Director of Social Work.	
i)	What were the oversight and supervision arrangements in respect of fostering panels?
Fostering panels would be chaired by a senior member of the social work workforce or an independent person. Each panel would be subject to oversight by the Agency Decision Maker who was either the Chief Social Work Officer of the Director or Social Work or his depute.	
The panel would consist of representation from professional colleagues across a number of service areas.	

Present

j)	With reference to the present position, are the answers to any of the above questions different?
Yes	
k)	If so, please give details.
<p>The current hierarchy of social work services is that it is headed by a Chief Social Work Officer. Children and families social work is overseen by the Senior Social work manager for children and families who is responsible to the CSWO.</p> <p>Locality Managers who are responsible for the running of each of the 4 localities across Dumfries and Galloway with direct operational management of their frontline teams. There is a centralised services manager who reports to the Senior manager within children and families and who oversees all fostering and residential services.</p> <p>Adult services have integrated with health to form the new Integrated Joint Board.</p> <p>A structure plan with job titles and names of officers can be provided.</p>	

2.3 External Oversight

Past

a)	What were the arrangements for external oversight of the local authority's foster care services?
Various governmental and statutory agencies had oversight; for example, in an inspection role. These included the Chief Inspector of Social Work Services; the Social Work Inspection Agency and the Care Inspectorate, the latter under the Public Service Reform (Scotland) Act 2010.	
b)	Who visited the local authority's foster care services in an official or statutory capacity and for what purpose?
From various Children's Committee reports of Dumfries County Council during the 50's and 60's it states that the Chairman and Vice Chairman of the Committee visited Boarded out Children in accordance with article 18 of the children (boarded out etc (S) Rules and Regs 1947, carried out along with the Children's Officer.	
c)	How often did this occur?
It is believed this took place on an annual basis and committee minutes regularly make note of reports on visits being presented and discussed at meetings however the corresponding reports have not been archived.	
d)	What did these visits involve in practice?
It is believed these visits to the fostering household and a discussion is then believed to have taken place with the foster carer and the child who is being care for provided they were present at the time of the visit. As noted above Committee Minutes make reference to visits being carried out and the details being reported to the meeting members however copies of the actual reports have not been archived.	

Present

e)	With reference to the present position, are the answers to any of the above questions different?
Yes	
f)	If so, please give details.
<p>External oversight is now undertaken by a range of verifiers. This includes:</p> <ul style="list-style-type: none"> • Inspection by the Care Inspectorate of regulated services • Local Authority joint inspections of children and family's services • Independent advocacy service which promotes the rights and views of children and young people who are Looked After • Working in partnership with both statutory and voluntary organisations • Shared planning of children and family's services • Looked After Care Arrangements • Direct involvement by the LAC health team who undertake all LAC medicals • Children's Hearing system • Direct involvement - joint practice with third sector organisations. • Comments and complaints process • Information commissioner • Locality manager oversight of case recordings for all children in foster care 	

- External manager oversight by the Locality Manager Centralised Services for all foster carers.
- Independent chairing of fostering panels.