

APPENDIX

Part A – Background

1. Characteristics

1.1 History of the Local Authority

- a) Over the period from 1930 to date, please provide details of the predecessor authorities for the local authority area for which the authority is now responsible, and the time periods during which these authorities were the responsible authority for the area, or any part thereof.

Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Law (Scotland) Act 1934. It states "For many years the policy has been that children should not be brought up in the environment of the poorhouse, and the boarding-out system has long been a successful feature of Scottish poor law administration, though hitherto it has been without specific statutory foundation. Experience has shown that the success of the system depends upon (a) care and judgement in the selection of suitable guardians; (b) the limitation of the number of children boarded with each guardian; (c) the limitation of the number of children boarded in a particular district; and (d) the thoroughness of inspection and supervision".

Dundee Corporation was the responsible authority for the local area from the period 1930 to 16th May 1975, then, as a result of the Local Government (Scotland) Act 1973 Tayside Regional Council and City of Dundee District Council were created and operated from April 1975 to April 1996. During that time Tayside Regional Council was responsible for the exercise of social work functions and the statutory duties associated with the provision of care and protection to children. It was disaggregated on 1 April 1996 and their responsibilities were taken over by Dundee City Council.

Dundee City Council became the local authority for the area of Dundee on 1 April 1996. It is responsible for the exercise of social work functions and the statutory duties associated with the provision of care and protection to children. For the Dundee area, it is the successor authority to Tayside Regional Council in respect of all matters relevant to this Inquiry.

All subsequent references to "local authority" mean the local authority and its statutory predecessors.

All references to "foster care" include boarding out with private families.

- b) When and how did the local authority become involved in the provision of foster care for children in Scotland?

The Local Authority became involved in the provision of foster care for children in Scotland from the period 1930 to 1948, after 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.

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

Regulations under the primary legislation for this period included the Children and Young Persons (Scotland) Care and Training Regulations 1933, the Children (Boarding-Out etc) (Scotland) Rules and Regulations 1947, and The Boarding – Out of Children (Scotland) Regulations, 1959.

The Boarding-out of Children (Scotland) Regulations, 1959 continued to apply until 1st April 1986, when they were revoked and replaced by the Boarding-out and Fostering of Children (Scotland) Regulations 1985. While the 1959 Regulations were based on the understanding that boarding out was a long-term solution, the 1985 Regulations perceived fostering as a temporary placement, reflecting the shift presaged by the 1968 Act from replacement families to short-term non-institutional care. It is considered likely that this is reason why the provisions in the 1959 Regulations permitting boarding-out outside Scotland and allowing the Secretary of State to limit the number of children boarded out in particular areas were not repeated in the 1985 Regulations.

The 1985 Regulations introduced the requirement on care authorities to establish fostering panels, whose functions were to “consider every person referred to it by the care authority as a prospective foster parent” and to make recommendations to the care authority as to the suitability of such a person to act as a foster parent either for any child, any category of child or any particular child”.

A further innovation in the 1985 Regulations required the care authority 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. Provisions concerning 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 were also introduced

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

Between 1995 and 2014 the further relevant primary legislation was introduced: The Children (Scotland) Act 1995, Adoption and Children (Scotland) Act 2007 and Children's Hearings (Scotland) Act 2011 imposed statutory duties on the organisation.

From 1975 to 1996 Tayside Regional Council was the statutory body charged with responsibility for matters pertaining to children in Dundee. There is no information in the available records relating to changes made in the provision of foster care after the formation of Tayside Regional Council prior to 1986. In 1986, following a significant period of consultation, Tayside Regional Council introduced a Strategy document "Children in Crisis: A Strategy for Children and their Families" (1107/86). Its aim was to improve services for children, setting out a strategy to increase the number of children and young people able to be cared for in the community and a reduction in the number of children cared for in residential establishments. This included increased provision of foster care.

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

"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."- Norrie 2017. Quoting from Wilkinson and Norrie he states: "Since the coming into force of the 2009 Regulations there has been no limitation on the type of family structure that potential foster carers can belong to and foster carers are assessed as suitable according to their own merits, without legally specified preconceptions about their lifestyles."

2014-2017: The Children and Young People (Scotland) Act 2014 imposed statutory duties on the organisation.

The Local Authority has been designated with varying forms of legal responsibility for the care, welfare and protection of children under different legislative frameworks at specific periods across the timespan in scope and undertook the provision of boarding out and fostering children as part of a wider range of duties and functions which are consistent with other Scottish local authorities in this period.

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

See also 1.1b. As noted a Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Relief Regulations (Scotland) 1934. It refers to notifications of particulars of boarded-out children, "The notifications are required for the Central Register of Boarded-Out Children which the Department has maintained since 1913...Authorities are recommended to continue,

so far as possible, their supervision of boarded-out children at least until they reach the age of sixteen, even though the children may have ceased to be chargeable. Authorities are reminded that they have no power to relieve any person residing out of Scotland, and that, accordingly, no child should be placed outwith Scotland”.

No records in this regard have been identified for the period prior to 1986.

In 1986, following a significant period of consultation, Dundee City Council introduced a Strategy document “Children in Crisis: A Strategy for Children and their Families” (1107/86). Its aim was to improve services for children, setting out a strategy to increase the number of children and young people able to be cared for in the community and a reduction in the number of children cared for in residential establishments. This included increased provision of foster care.

Dundee City Council Social Work Committee Report 288-2000 on the Children’s Services Development Fund: Additional Funding and Proposals for 2000/2001, sought approval to deploy the new resources from the Children’s Services Department Fund 2000/2001, taking account of the three additional objectives set by the Scottish Executive. <https://www.dundee.gov.uk/reports/reports/288-2000.pdf> The Government determined that an additional £3.3million will be made available to local authorities through the fund in the 2000/2001 financial year and that it expected each authority to continue to reflect its priority service areas for the use of these monies. In addition, however, it requested work to be taken forward in respect of the following additional objectives:

- To assist the introduction of appropriate IT support for care planning (this included computer equipment provided to all foster carers with educational packages);
- To encourage further work on specialist fostering;
- To encourage the development of throughcare and aftercare services.

Therefore, in making recommendations for service developments, the Children’s Services Plan (which was introduced in 1986), was reviewed to ensure that the planned initiatives in Dundee complement and extend services to meet with national priorities and local need.

A locally based family placement was deemed the preferred choice for the majority of children who can no longer live at home. The need for a more professional foster care service, which links a realistic financial reward with carer’s skills and willingness to take on more complex placements, was recognised. Other local authorities and voluntary fostering agencies were developing professional skill-based schemes and the report mentioned a real risk that experienced carers would move to alternative schemes if they do not feel sufficiently valued and rewarded.

The Children’s Services Development Fund was being used to fund a small skill based fostering scheme in Dundee called Alternative Community Experience (ACE), targeted at preventing secure and residential school placements. It was proposed to use the new allocation of monies to extend the principles of skill-based fostering across all the fostering services. It was proposed that a new Foster Care Strategy be developed, in consultation with existing foster carers, which moved practice towards a service which

encompassed the principles of payment of a professional fee to those carers who have the necessary skills and willingness to undertake the tasks required of them.

Report number 192-2001 of the Dundee City Council Social Work Committee set out this new Foster Care Strategy for the City. <https://www.dundee.gov.uk/minutes/article?articlekey=34160> This endeavoured to recognise the vital role that foster carers play in looking after children who have to be cared for away from their own home. It also acknowledged the increasing expectations of the tasks foster carers have to undertake. The report states that through the implementation of the foster care strategy Dundee City Council will be able to achieve its vision of fostering in Dundee. The vision is for a unified fostering service which provides children and young people with:

- a safe, nurturing environment;
- positive experiences of family life;
- well equipped, skilled and confident carers who offer high quality care; and
- a positive option alongside other forms of care.

The Fostering Strategy 2001 stated that Dundee City Council had a clear duty to care for children they are looking after in a safe, nurturing environment and one where children and young people develop to their potential. The shared aim in Dundee City Council's Children's Services Plan 1998-2001, stated that "Dundee City Council values children as unique individuals. It recognised their important place in society and aimed to ensure a child-friendly, secure and healthy environment for them." It went on to explain that this aim formed the basis upon which all children's services are Developed, including foster care.

In summary the main aims of the foster care strategy were as follows:

- To ensure that messages from research are heard and acted upon.
- To recognise the diverse needs of children and young people and to provide services better designed to meet those needs.
- To enable Dundee City Council to continue to recruit and retain carers.
- To ensure that Dundee City Council has a fostering service which reflects national priorities and developments.
- To provide a more unified fostering service where carers are paid on a more equal basis.

The report stated that in order to achieve these aims Dundee City Council Social Work Department would fully implement this strategy and formally review progress within three years.

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?

There is no evidence of funding arrangements prior to the provisions of the Local Authority (Scotland) Act 1973 Act

The Local Government (Scotland) Act 1973 required all local authorities to have a general fund (s.93) which was made up principally from business rates, Scottish Government funding, and council tax. Foster care funding was provided through Revenue Budgets for the Social Work Department. Internal fees for Foster Care are set by Dundee City Council – allowances are set at a recommended amount based on The Fostering Network advice. ACE was based on a basic qualified Social Worker salary and involved a scoping exercise across other local authorities.

Funding to local Authorities from the Scottish Government is detailed in Local Government finance Settlement <https://www.gov.scot/publications/local-government-finance-circular-4-2020-settlement-for-2020-2021>. Local Authorities also receive Council Tax income which accounts for approximately 20% of their overall budget.

Dundee City Council (DCC) then determine their requirements based on Services Plans and statutory obligations. As part of DCC's budget process a report is taken to Policy and Resources Committee in February to seek approval to allocate the budget to each Service within the Council to delivery their statutory duties.

Children and Families will also take to Committee any policy decisions in relation to foster care. <Q:\06 Finance Records\1-2 A Finance extracts Foster Care policy development spreadsheet.xlsx>

lists the reports taken to Committee.

Foster care provision is part of the Children and Families Services remit. Children and Families Service will determine the rates for internal foster care fees and allowances as part of the budget process i.e. internal foster care fees and allowance increase



1-2 B Fostering Rates and Allowan

annually by the inflationary increase approved by Committee.

Fostering rates and allowances lists the allowances paid to foster carers.

External Fostering Agencies set their fees and DCC would negotiate where possible. In 2012, Scotland Excel established a National Framework which secured 15 external providers for foster care. This Framework has continued DCC has signed up and agreed to utilise this framework. Some but not all providers have been used during the stated period. The only Provider used by DCC which are not on the Framework is JMT (Stand-alone Contracts have been issued for this provision and are available from Contracts Team if this is required).

At present the following providers are on the current National Framework:

- Barnardo's
- Carevisions Fostering Limited
- Carolina House Trust

- Core Assets Scotland Limited Trading as Foster Care Associates Scotland
- Dean and Cauvin Trust
- Foster Care Connect Ltd
- Fostering People Scotland Limited
- Fostering Relations Limited
- Fosterplus (Fostercare) Ltd
- Quarriers
- St Andrew's Children's Society Ltd
- SWIIS Foster Care Scotland Ltd
- The Adolescent and Children's Trust (TACT)
- The National Fostering Agency (Scotland) Ltd

Please note that not all the listed organisations will have been used for placements.




- b) To what extent, if any, did the local authority provide funding to other organisations for the purposes of provision of foster care?

In the period from 1930 to 2007, there is no record of providing funding to other organisations for the purposes of provision of foster care.

The cost of providing foster care by External Foster Agencies from 2007-2008 to 2019-20 is summarised below.

	External Family Placements	Additional Support for External Family Placements	Respite for External Family Placements
2007/08	£877,565	£9,822	£5,663
2008/09	£1,882,648	£11,351	£2,538
2009/10	£2,216,217	£31,456	£14,385
2010/11	£3,077,897	£21,702	£22,624
2011/12	£3,832,992	£15,736	£122
2012/13	£4,129,900	£10,492	£1,601
2013/14	£3,888,629	£3,251	£461
2014/15	£3,838,984	£2,623	
2015/16	£3,932,761	£3,361	
2016/17	£4,546,434	£8,356	
2017/18	£4,280,507	£7,609	
2018/19	£4,000,448	£2,237	
2019/20	£2,958,507	£0	

- 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?

Funding provided to external foster carers is shown in  1-2 B Family Placement Costs.xls and broken down by provider, additional support is shown in 1.2 C Family Placement Costs Other  1-2 C Family Placement Costs Other and respite care is detailed in  1-2 C Family Placement Costs Res.

The criteria applicable to its provision was the Looked After Children (Scotland) Regulations 2009 – Arrangements with Registered Fostering Services Part X111 and the criteria for Registered External Fostering Agencies.

- 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)?

There is no evidence in the records held in respect of payments made to foster carers prior to the constitution of Tayside Regional Council. Foster carers were paid fostering allowances from the regional council. No other state support was available other than support available more generally through state benefits.

In 1985, Tayside Regional Council established its first 'professional' foster carers scheme (Mainstay) with the introduction of a financial reward (fee) element in addition to the allowance for the child. Specialist fostering schemes were being established across the country and were introduced to provide foster placements for older children where it had traditionally been difficult to place them in foster care. The fee was in recognition that additional skills and knowledge would be required to provide for older children's needs.

The recruitment process established financial supports available for those interested in becoming a foster carer. This would have been discussed further in the enquiry stage and in more detail during an assessment.

The Mainstay scheme provided initially for children aged 9 to 17 years with the age range being lowered around 1995/96 to 7 years.

Recruitment materials for professional carers clearly stated what the financial payment would be, both in terms of allowance and fee. This included newspapers adverts and specific recruitment campaigns. The Local Authority also funded equipment for foster carers i.e. bed, bedding, prams, wardrobes etc.

Discretionary payments were considered where there was a particular need identified for a child i.e. specialist equipment and school trips. Mileage (transport costs) are provided in addition to the allowance for school, family contact, health appointments outwith the norm i.e. hospital appointments.

Finance for clothing was also available at the start of any placement. A clothing list was provided to carers for them to complete to enable foster carers to provide a good basic wardrobe for a child to begin with. A set amount is now paid for clothing and the list no longer in use. Emergency clothing money also available.

An enhanced allowance could be requested where there were additional costs to meet a child's needs. For example, if they experienced enuresis and this would mean additional laundry costs. There is no longer an enhanced allowance fee as described above as Disability Living Allowance would meet these costs, however there is an enhanced allowance scheme if a child requires a particular type of placement i.e. to be an only child in placement.

For children with additional needs, foster carers can apply for Disability Living Allowance (DLA). Finance for this is not provided by the Local Authority.

Dundee City Council phased out the Mainstay Scheme in the mid to late 1990's and introduced a fee for all foster carers. Not all foster carers wished to receive the fee and remain allowance only carers. There was a further specialist fostering scheme (ACE) which came into being in 1999. This was a specialist scheme to reduce the number of children in secure accommodation or residential school. The fee paid to ACE carers was higher than the fee paid to other foster carers.

Information regarding fostering finance is available in our Foster Care Handbook: <https://www.dundeeecity.gov.uk/search/foster%20care%20handbook>. This can be accessed via our website and can be viewed by members of the public.

Fees and allowances are also published on our website: <https://www.dundeeadopt.co.uk/>.

For Carers to receive an Enhanced Carer Fee, a child regardless of age has to meet either the first two criteria or the last one.

- (I) Where there is a written risk assessment that determines the child/young person poses a significant risk of harm to themselves or others and requires significant additional supervision and support from their Carer to keep them safe.

and

- (II) Where carers require enhanced skills to meet the specific additional needs of a child/young person. These needs will be significant and may include profound physical disabilities or learning disabilities, severe emotional trauma resulting in behavioural and/or emotional difficulties such as increased aggression/self-harming/repeated absconding.

or

- (III) The child/young person will meet the criteria for secure care or a residential school.

Fees and allowances for foster carers are made clear during the recruitment and approval stage. We are required by the Care Inspectorate (as originally outlined in the National Care Standards for foster care and family placement services, first published in 2005 following the introduction of the Regulation of Care (Scotland) Act 2001) to publish our fees and allowances and these are on our website. The fostering service also funds training for carers.

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

In terms of the Children and Young Persons (Scotland) Act 1937- s 88 (3) "An Education Authority may board out children and young persons committed to their care for such periods and on such terms as to payment and otherwise as they think fit..."

Allowances were paid to foster carers by Tayside Region. No information is available regarding rates of pay for this period.

As mentioned "a" above 1-2 B Fostering Rates and Allowances.xlsx lists the allowances paid to internal foster carers

As above in "c" details financial support to external foster agencies.

In addition request for additional ad-hoc support for both internal and external foster carers can be considered by the Resource Management Group. Examples can be found on the 1-2 E Family Placement Costs Other.xlsx.

- f) If financial support was available, what was the source of those funds (i.e. from local or central government)? What criteria did the local authority apply to the distribution of such funds?

The financial support available to all foster carers i.e. both internal and external foster agencies is funded from the Children and Families Service Revenue Budget – refer to "a" above. Criteria applied – see "e" above. Prior to this during the operation of the Tayside Regional Council, Foster care funding was provided through Revenue Budgets for the Social Work Department.

- g) How were foster carers made aware of any financial support available from the local authority? How was that financial support accessed by foster carers?

A Child Care Circular (number 13) from the Scottish Education Department in 1966 - "Publicity for Foster Parents" - advises that they have prepared posters and leaflets designed to interest prospective foster parents. The Circular states that a supply would be sent under separate cover and it suggests that in order to enable a wide section of the community to be made aware of the need for foster parents, that the posters and leaflets be displayed in County Offices, Town halls, libraries and other public places.

In addition, from living memory, the introduction of foster carer reviews asked carers if they agreed with financial arrangements post 1995 Act. Written agreements with foster carers have been in place since the introduction of Main Stay stating their fee/allowance as applicable.

Foster carer files pre 17 December 2014, show that resource workers/link workers were the main source of information regarding any financial support. There were also mentions of the fostering network, Foster Care Handbook and the fostering resource team assisting.

Since the mid 1990's, every foster carer has an allocated worker to support them and the Foster Care Handbook is provided to all foster carers who care for children on behalf of Dundee City Council.



Foster Care
Handbook_revised

It covers the aims of the Fostering Service and contains relevant information about the Fostering role including guidance about the Policies and expectations of carers. It also contains guidance on the financial aspects of caring for children and it sets out financial criteria. This is available to all foster carers and is published on the Dundee City Council website. Prior to this, in the Tayside Regional Council years, the recruitment and selection process, together with the use of Fostering Agreements provided information to foster carers as to the financial support available.

- h) What other sources of funding were available to foster carers in relation to the provision of care for children?

Please refer to question 1.2 e above.

- i) Was the funding adequate to properly care for the children?

There is nothing in the files or archives to suggest that funds were considered inadequate. Dundee City Council believe sufficient allocation was made to cover their fostering requirements. Dundee City Council believe they are allocating appropriate fees and allowances to care for children.

- j) If not, why not?

Not applicable.

Present

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

The present position is as answered above.

l) If so, please give details.

Not applicable, see 1.2 k above.

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 statutory framework has changed significantly over the period since 1930. In relation to the *past* legal basis, the situation can be summarised as follows:

- The Poor Relief Regulations (Scotland) 1934 state “The Department of Health for Scotland, in exercise of the powers competent to them under sections 9,10 and 12 of the Poor Law (Scotland) Act, 1934, and of all other powers enabling them in that behalf, hereby make the following regulations: - ...Part III Boarding-out of children and placing of children in institutions other than poorhouses”.
- The Children Act 1948 imposed a duty on local authorities to accommodate children and foster care was the preferred route. The 1948 Act contained a power for the Secretary of State to make regulations relating to the boarding out of children. This was done with the Children (Boarding Out etc.) (Scotland) Rules and Regulations 1947 and then the Boarding Out of Children (Scotland) Regulations 1959.
- The 1948 Act was replaced by the Social Work (Scotland) Act 1968. This Act set out the responsibilities of the local authority in respect of the provision of foster care which applied to Tayside Regional Council when it was formed under the Local Government (Scotland) Act 1973. Other relevant primary and secondary legislation also applied including the relevant Fostering Acts and Boarding Out regulations (1959 & 1985). See also the response to 1.1 a) and 1.1 b).
- Section 21 of the Social Work (Scotland) Act 1968 empowered the local authority to board out children in care. The Boarding Out of Children (Scotland) Regulations 1959 were replaced by the Boarding Out and Fostering of Children (Scotland) Regulations 1985. These were repealed on 31 March 1997.
- The Boarding Out and Fostering of Children (Scotland) Regulations 1985. “Regulation 4 specifies that a care authority must appoint a fostering panel. Regulation 6 in describing the panel’s function, states that a fostering panel shall consider every person referred to it by the care authority as a prospective foster parent, and that they shall make a recommendation as to whether such a person is suitable to be a foster parent. The panel must also recommend whether they consider the foster parent to be a suitable carer for any child to whom the Boarding

Out Regulations apply, certain categories of children to whom the Regulations apply, or a particular child or particular children.

- In relation to child care social work functions, the Social Work (Scotland) Act 1968 was replaced by the Children (Scotland) Act 1995 which came into force on 1 April 1997. Section 26 of the 1995 Act sets out the manner in which a local authority can provide accommodation for a looked after child. This was supplemented by a range of secondary legislation which set out the legal requirements which a local authority had to comply with in relation to ensuring the welfare of looked after children, the boarding out of children and the approval of foster carers: The Arrangements to Look After Children (Scotland) Regulations 1996 and The Fostering of Children (Scotland) Regulations 1996.
- “Nothing in the Regulations nor the accompanying SWSG Circular makes specific reference to the panel’s composition, although Regulation 5 does place a duty on the care authority to satisfy itself that the numbers, qualifications or experience of individual members enables it to effectively discharge its functions (Appendix 3)
- Future of Adoption and Fostering Panel – Appendix 6, ‘Adoption Agencies (Scotland) Regulations 1984 Scheme for the Establishment of Adoption Panels’ – There were two panels established: Aberdeen, Gordon, Kincardine/Deeside Division and Healthcare; and Banff/Buchan and Moray Divisions. Function 6 states that each panel, in relation to their area, would “Consider applications by persons for approval as prospective foster parents”, and under Function 7 “consider the placement of particular children with approved foster parents in appropriate cases”.
- The Adoption and Children (Scotland) Act 2007 came into force on 28 September 2009. Under this Act, new regulations were passed in relation to the legal framework to support looked after children and also the assessment and approval of both foster carers and kinship carers. Therefore, both the Arrangements to Look After Children (Scotland) Regulation 1996 and the Fostering of Children (Scotland) Regulations 1996 were repealed and replaced with the Looked After Children (Scotland) Regulations 2009. These came into force on 28 September 2009.
- Fostering Services also require to be registered with the Care Inspectorate and so are subject to the regulatory regime set out in the Public Service Reform (Scotland) Act 2010.

- 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.

This did require the Local Authority to meet, or fulfil legal and regulatory requirements in respect of children in its care. The Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Relief Regulations (Scotland) 1934. It states “It will be noted that Article 25, which deals with the making of rules to be observed by guardians, requires that those rules shall ensure that a guardian does not make use of the services of any boarded-out child for the purpose of any trade, business or calling carried on by him, except in the performance of such

light agricultural or horticultural work as may be done by the child without risk of injury to the child's health or of detriment to his educational progress and general welfare. Authorities are reminded, however, that the employment of children in general is regulated by Part IV of the Children and Young Persons (Scotland) Act, 1932, and by any by-laws made by education authorities under that Act. Article 25 of the regulations imposes an additional restriction upon the work that may be performed by boarded-out children. Care should be taken by authorities that the rules for guardians do not permit employment which is prohibited by the statute or by-laws made under the statute or by the Department's regulations".

The Boarding-out and Fostering of Children (Scotland) Regulations 1985 outline that the authority had responsibility for appointing foster carers in accordance with Schedule 1 of the Social Work Scotland Act 1968. The authority approved foster parents under regulation 7 of the Regulations.

See also response to 1.1 a and 1.1 b above.

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

Yes, the local authority had a legal duty of care to each child in its care to the extent that this was contained in the legislation referred to above. The Boarding-out and Fostering of Children (Scotland) Regulations 1985 outline that the authority had responsibility for appointing foster carers in accordance with Schedule 1 of the Social Work Scotland Act 1968. The authority approved foster parents under regulation 7 of the Regulations. See also response to 1.1 a and 1.1 b above.

Present

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

Yes.

e) If so, please give details.

The Children and Young people (Scotland) Act 2014 Part 11, which came in to force on 1st August 2014, inserted an amendment to the 1995 Act: section 26A Provision of continuing care: looked after children. This requires Local Authorities to provide a person who meets the criteria with continuing care; meaning "the same accommodation and other assistance as was being provided for the person by the authority immediately before the person ceased to be looked after. As such Dundee City Council's Fostering Service and Children's Houses are now dual registered as Adult Placement Services.

The Continuing Care (Scotland) Order 2015 came into force on 1st April 2015. This instrument made further provision in relation to the duty placed on local authorities by section 26A of the Children (Scotland) Act 1995 ("the 1995 Act") to provide continuing care (subject to certain exceptions in 26A(5)) to eligible young people when they cease

to be looked after by them (sections 26A(1) and (3)). The policy objective behind this instrument and the provision made in section 26A of the 1995 Act in relation to continuing care is that "young people will be supported through a more graduated transition out of care to help to normalise the experience, by allowing strong and positive relationships between young person and carer to be maintained into adulthood."

https://www.legislation.gov.uk/sdsi/2015/9780111026618/pdfs/sdsipn_9780111026618_en.pdf

(ii) Foster carers

Past

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

No. Prior to the provisions contained in section.5 of the Children (Scotland) Act 1995 which sets out the duties of anyone having care of a child who is not their own, the only legal or statutory status of a foster carer in relation to a child in their care is the common law duty of care.

b) If not, how did the local authority classify a foster carer?

In terms of the Children (Boarding-out etc) (Scotland) Rules and Regulations 1947, "foster -parent" was defined to mean "a husband and wife, or a woman, with whom a child is boarded out by a local authority."

Since the coming into force of the Looked After Children (Scotland) Regulations 2009 there has been no limitation on the type of family structure that potential foster carers must belong to and foster carers are assessed as suitable according to their own merits.... the local authority is responsible for approval of foster carers..."

c) What was the legal basis which authorised, or enabled, a foster carer to become responsible for caring for children?

This was based on the primary legislation applicable at the time and on the secondary regulations made thereunder. See above.

Foster carers were approved by Tayside Regional Council' Fostering and Adoption Panel and children were placed with them either directly by the Tayside Regional Council under voluntary care (s.15 SW(S)A1968, A Place of Safety Order (s.15 SW(S)A1968 or through a Supervision Order with a condition of Residence (s.44 SW(S)A1968). Other children were also placed where the local authority held Parental Rights or where the young person had been freed for adoption.

The Children's Hearing System began operating on 15th April 1971, taking over from the courts the responsibility for dealing with children and young people in need of care or protection.

- 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.

Yes, see response to 1.3 (ii) c) for reference to the relevant legislative provisions.

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

Yes, with reference to 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. The Adoption and Children (Scotland) Act 2007 introduced the concept of ancillary provisions within a permanence order whereby foster carers who looked after a child on a permanent basis could be granted parental rights and responsibilities.

Present

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

Yes.

- g) If so, please give details.

In the same way a Foster Carer is required to undertake an assessment, be approved and reviewed (Looked After Children (Scotland) Regulations 2009), Dundee City Council's registration with the Care Inspectorate states that Continuing Care Carers must also be assessed, approved and their approval be reviewed.

1.4 Legal Responsibility

- (i) Local authority

Past

- a) Did the local authority have any legal responsibility for the children in its care?

Yes.

- b) If so, what was the nature and extent of that legal responsibility?

Yes, see response at 1.1 b. Legal responsibilities are those laid out in the relevant statutes and regulations that pertained at the time. See response at 1.1 a) and 1.1 b).

The Poor Relief Scotland Regulations 1934 state under Part III of the regulations that:

"11. A local authority shall not board-out a child without a certificate of a medical officer of the local authority as to the child's bodily health and mental condition and as to his suitability for boarding-out.

"12. A child shall not be boarded out in a house –

- a) Which is so situated, or in such sanitary condition as to be injurious or dangerous to his health;
- b) Which is not within reasonable distance from a school; or
- c) Which does not permit of suitable sleeping accommodation for the child in a room properly lit and properly ventilated.

"13. So far as reasonably practicable, a local authority shall board-out children of the same family in the same house.

"14. Except with the sanction of the Department –

- a) Not more than three children shall be boarded-out in the same house at the same time, unless all the children are children of the same family; and
- b) A child shall not be boarded-out in a house in which there are more than three other children resident unless one or more of these children is a brother or sister of the child to be boarded-out.

"15. If the number of children in a house in which a child is boarded-out by a local authority subsequently exceeds four, including that child, the child shall, unless the child is a brother or sister of one or more of the boarded-out children resident in the house or unless the Department otherwise direct, forthwith be withdrawn.

"16. A child shall not be boarded out or be allowed to remain boarded-out –

- a) In a house in which a certified lunatic or mental defective is residing;
- b) With a guardian occupying or residing in a house or premises licensed for the sale of excisable liquor;
- c) In a house where any member of the household has at any time been convicted of an offence which, in the opinion of the local authority, renders him unfit to be associated with a child; or
- d) With a guardian other than a relative, of a religious persuasion different from that to which the child belongs.

"17. A local authority shall, before boarding-out any child with a guardian, satisfy themselves that the guardian is of good character and of industrious habits, and is a person who is in all respects fit to look after the health, education and general well-being of the child.

"18. A local authority shall ensure that when a child is first boarded-out he is provided with sufficient boots and stockings and at least two outfits of outer and of under-clothing, and that thereafter the child is kept supplied with boots and stockings and suitable clothing, and for that purpose they may arrange with the guardian for an adequate supply of the same.

"19. A local authority shall arrange for the provision of the necessary medical attendance on every child boarded-out by them and for his receiving necessary dental

treatment, medicines and medical or surgical appliances and extras ordered by the medical attendant, and shall notify the guardian of the arrangements made.

"20. Where a local authority board-out a child in the area of another local authority, they shall immediately furnish that authority with particulars of the child and with the name and address of the guardian with whom he has been boarded-out.

"21. Where a local authority board-out a child in the area of another local authority, they shall make suitable arrangements for the child's supervision. Such arrangements shall include provision for the child to be supervised by some reliable person resident in the district where the child is boarded-out, and for the person by whom the child is supervised to furnish to the local authority a report every six months on the matters specified in paragraphs (a) to (h) inclusive of Article 23 of these regulations.

"22. A local authority shall in January of each year furnish the local authority of each area in which a child is boarded-out by them with a list giving the name, age and religion of each child boarded-out by them in that area and the name and address of his guardian.

"23. Unless the Department on the application of a local authority in any particular case otherwise direct, every child boarded out by a local authority shall be visited at least once in every twelve months by an inspector of the local authority who may be accompanied by not more than two members of the local authority, and the inspector and the members, if any, shall furnish to the local authority a report with respect to –

- a) The general conditions of the home where the child is boarded-out, including the suitability of the guardian;
 - b) The sleeping arrangements for the child and the condition of his bed, bed-clothes and night apparel;
 - c) The condition of the child's clothing;
 - d) The child's health, general welfare and behaviour;
 - e) The progress the child has made at school;
 - f) The manner in which the child is occupied outwith school hours;
 - g) Any complaints made by, or concerning, the child; and
 - h) Any other matters relative to the care and supervision of the child by the guardian or to the child's welfare which they consider should be reported;
- and the local authority after taking any necessary action on such report shall retain it for reference.

"24. Where the local authority has reason to believe that a guardian is party to any contract for the purpose of ensuring the payment to him a sum of money upon the illness or death of the child boarded-out with him, they shall forthwith withdraw the child from the guardian.

"25. A local authority shall make rules to be observed by guardians and shall furnish the Department with a copy of such rules. The rules shall contain provisions for ensuring the general welfare of every boarded-out child, including provisions with regard to general training and discipline, attendance at school, feeding, clothing, sleeping accommodation and medical attendance and for ensuring that no guardian shall make use of the services of any boarded-out child for the purposes of any trade, business or calling carried on by him except in the performance of such light

agricultural or horticultural work as may be done by the child without risk of injury to the child's health or of detriment to his educational progress and general welfare.

"26. Where it appears to the Department that an excessive number of children is boarded-out in an area, the Department may, after consultation with the Scottish Education Department, give intimation of such excessive boarding-out to any local authority who have boarded-out children in that area and the local authority shall, within the time prescribed by the Department, reduce the number of children so boarded-out by them to such number as the Department may require.

"27. No child shall be boarded-out in any area which the Department, after consultation with the Scottish Education Department, have declared to be unsuitable for that purpose.

Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Relief Regulations (Scotland) 1934. "Generally speaking, the regulations do not introduce any radical changes in the arrangements hitherto in force in the spheres of poor law administration covered by the regulations...Part III (boarding-out of children) incorporates in regulation form many of the recommendations made by the Department and their predecessors in various administrative circulars, particularly in the Department's Public Assistance Circular No. 18, dated 29th June 1931".

Thereafter, the Local Authority followed any updated legislation.

- c) Did any other person or organisation have any legal responsibility for the children while they were in the local authority's care?

People holding parental responsibilities and rights continued to have some legal responsibility for their children while they were in the care of the organisation.

- d) If so, what was the nature and extent of that responsibility?

Parental rights and responsibilities are now as defined in the Children (Scotland) Act 1995. Prior to that, the Social Work (Scotland) Act 1968 refers to 'rights and powers' without further definition.

Thereafter, the Local Authority followed any updated legislation.

- e) If the local authority had no legal responsibility for children in its care, where or with whom did legal responsibility lie?

Not Applicable.

Present

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

Yes.

g) If so, please give details.

Legislation updated since 2014.

(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?

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."

Thereafter, those employed to provide care in the foster care placement would have undertaken the provision of care for the child on behalf of the organisation. In terms of the Fostering of Children (Scotland) Regulations 1996, "to foster was stated to mean 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?

Refer to response to 1.4 (ii) a above.

Present

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

Yes.

d) If so, please give details.

From 1968 decision making powers relating to children in care rested with the local authority and foster carer's powers have been specified in the relevant regulations."

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?

Child Care Circular letter number 13 from the Scottish Education Department in 1966, states that “they were glad to note that a high proportion of children in care continue to be placed with foster parents and appreciate that this is only possible through the continuing efforts of Children’s Officers and their staffs to find good foster homes”.

No information is available to indicate how Tayside Regional Council viewed its functions and ethos in terms of foster care prior to the strategy document, “Children in Crisis” in 1986, discussed above. The report “Children in Crisis: A Strategy for Children and their Families” outlined key policies that should underpin all work with children and their families in Tayside.

The report recognises that too many children cared for away from home were in residential care and that significant efforts were required to reduce the need for children in care in such placements by increasing the available resources to enable children to be cared for either by their parents or extended family and where this was not possible by foster carers. It also recognised the importance of avoiding children ‘drifting’ in the care system and, as such, the need to ensure planning and reviews for children were focused. Whilst Tayside’s strategy in relation to children in crisis should be recognised as being in the best interests of children and young people it should also be noted that, at the time, there was a major shift in both Scotland and the rest of the UK away from the use of residential care for young people. Whilst this was positive, it was also motivated by economic factors given the high costs involved in providing residential care. For example, in 1980, most regions decided to stop most out of region placements in residential care.

Report 149/84 from 1984, indicates a review of foster care services with a recommendation that a specialist scheme be established specifically for adolescents. This introduced the Mainstay Scheme within Tayside Regional Council.



1984-149.pdf



1984 TRC Social Work committee report



Operational outline



Information for

Work committee report of Tayside Mainstay Young People and P

For the years after Tayside Regional Council – the more recent past, see the response to section 1.1c with regard to the development of a new Foster Care Strategy in 2001, report number 192-2001 of the Dundee City Council Social Work Committee, which sets out a new Foster Care Strategy for the City. <https://www.dundee.gov.uk/minutes/article?articlekey=34160> This endeavoured to recognise the vital role that foster carers play in looking after children who have to be cared for away from their own home. It also acknowledged the increasing expectations of the tasks foster carers have to undertake. The report states that through the implementation of the foster care strategy Dundee City Council will be able to achieve its vision of fostering in Dundee. The vision was for a unified fostering service which provides children and young people with:

- a safe, nurturing environment;

- positive experiences of family life;
- well equipped, skilled and confident carers who offer high quality care; and
- a positive option alongside other forms of care.

Report number 487-2003 of the Dundee City Council Social Work Committee <https://www.dundeeecity.gov.uk/minutes/article?articlekey=38160> received approval for the purchase of 53 Computers and supporting software/training packages for foster carers. It pointed to research that showed most Looked After Children had low educational attainment, were likely to leave school earlier with fewer qualifications and be at greater risk of school exclusion. The report referenced the significant difference foster carers can make to the educational attainment of Children and Young People and how they ensure educational attainment is given a high priority, providing an "educationally rich environment" where learning opportunities are maximised and support is readily available.

Report number 463-2004 of the Dundee City Council Social Work and Health Committee <https://www.dundeeecity.gov.uk/reports/reports/463-2004.pdf> explained how it has recognised the complexity of tasks that foster carers need to undertake Dundee has developed a skills based fostering service with three different types of carers available to offer placements. Payments are based on a carer's ability, availability and willingness to undertake specific tasks. The ACE carers were described as professional carers who required qualifications in childcare up to and including SVQ level 3.

The report went on to say that preparative training and post -approval training were recognised as key areas in the fostering service and were essential to provide the level of knowledge and skills that foster carers require to effectively meet the needs of the children placed with them. Training on an ongoing basis was offered to each foster carer tailored to their individual needs and interests.

Report number 107-2005 submitted to the Dundee City Council Social Work and Health Committee <https://www.dundeeecity.gov.uk/minutes/article?articlekey=42885> detailed a review of Dundee's Foster Care Service undertaken by the Independent Consultant Dr Marjut Kosonen. The report also provided proposals for the future development of the service. It was subsequently agreed that the Director of Social Work be instructed to bring forward a further report to Committee outlining an action plan to progress the recommendations of the Review noting those which could be achieved within existing budget provision and those recommendations which would be progressed when future funding was available. The review commended Dundee Family Placement Service on some of its achievements over the previous 3 years including:

- Successfully implementing a payment for skills structure and developing a
- Comprehensive training strategy for carers.
- Continuing to shift the balance of care in Dundee to ensure more children are looked after in Family Placements rather than Residential Care.
- Increasing the proportion of carers living in public housing areas of the city.
- Successfully retaining carers for longer than the national average of 7 years.

- Successfully establishing the Alternative Community Experience for Young People Scheme (ACE) to provide placements for some very challenging young people.

The main review recommendations in terms of the future development of Dundee's Fostering Service were identified as being:

- To increase the size of foster care provision in Dundee. The Review found that Dundee's Family Placement Service was already providing placements in excess of capacity. Future predicted increases in the number of children requiring accommodation cannot be met within current provision.
- Improve conditions of service for foster carers, particularly given the very competitive fees now being paid by other Fostering Agencies.
- Improve Out of Hours provision for foster carers, recognising that the most effective support is provided by dedicated Family Placement Staff.
- Given the complexity of need of children in Dundee foster placements, improve the support and therapeutic services available for them.
- Enhance the current Link Carer Scheme with a view to placing and supporting more children with relatives.

Report number 378-2005 submitted to the Social Work and Health Committee outlined details of the Scottish Executive's proposed funding allocation to Dundee to improve fostering services and made recommendations on what service improvements should be made with the monies. The priority improvements were:

- o To increase fostering allowances to 75% of the Fostering Network recommended rates.
- o To pay one additional week's allowance to carers at Christmas.
- o To introduce a dedicated out of hours support service for foster carers.
- o To run a sustained recruitment campaign over 2006 with the aim of approving an additional 10 fostering placements by December 2007.

Report number 146-2010 was agreed by the Social Work and Health Committee in 2010. https://www.dundee.gov.uk/minutes/fulltext?meeting_ref=4320 This report proposed the Council maintain and expand the fostering service through;

- the creation of 4 new ACE (Alternative Community Experience for Young People) carer placements
- the creation of 6 additional Dundee City Council foster placements
- increasing Support costs equivalent to 1.41 full time equivalent Resource Worker Posts (0.41 of the post is a conversion of a post where the current part time postholder is due to retire in summer 2010)
- the creation of 1 full time equivalent Adoption Support Social Worker Post
- the creation of a sessional staff budget of £15,000 to carry out carers/adopter assessments
- uprating weekly carers fees and allowances as outlined in Appendix 1 (as in previous financial years)
- amending other allowances to align with the National Foster Network Rates

Report number 258-210 to the Dundee City Council Scrutiny Committee was agreed. <https://www.dundee.gov.uk/reports/reports/258-2010.pdf> This outlined the findings of the recent inspection of Dundee City Council's Fostering Service. The Care Commission highlighted areas for improvement and made 4 recommendations about care and support, i.e.

- that the service should ensure that people who use the service are aware of the Social Work Department's User Involvement Strategy and its purpose and why the local authority has a commitment to getting people involved, and,
- the service should continue to develop ways in which people can become involved in the service and use this information to inform improvement.
- the service should ensure that health and safety risk assessments are updated at the point of any changes in the home situation, and,
- the service should ensure that all children receive information about foster care and that the information is appropriate to their age and stage of development

In respect of the above, the service prepared an Action Plan to address the recommendations.

- 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?

See response to 1.5 a.

Under Tayside Regional Council foster carers were expected to share the ethos and strategy of maintaining young people.

- 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?

Yes.

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

See response to 1.5 a.

- 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?

See response to 1.5 a.

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

See response to 1.5 a.

Present

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

Yes.

- h) If so, please give details.

Although always the position, there is now a publicly declared strong commitment to zero-tolerance of abuse and exploitation. The message that it is everyone's responsibility to protect children is continually reinforced and a partnership approach has been led personally by Dundee City Council's Chief Executive. All efforts are made to protect children and young people and keep them safe at home, in school and within the community. The Council is proactive along with the Child Protection Committee to continually improve child protection services and to respond to new and emerging risks to children. As documented in the single Tayside Plan for Children, Young People and Families 2017-2020, the vision is to ensure that:

"Our children and young people will have the best start in life and Tayside will be the best place in Scotland to grow up".
https://www.dundeeecity.gov.uk/sites/default/files/publications/Tayside_Plan_Final.pdf

At a meeting of the Children and Families Services Committee in 2018, Report number 70-2018 was agreed. https://www.dundeeecity.gov.uk/minutes/fulltext?meeting_ref=6219 This advised the Committee of the outcome of the Fostering and Adoption Inspections undertaken by the Care Inspectorate in November, 2017 and outlined some areas for improvement. The report stated that a joint action plan, corresponding with Health and Care Standards, would be developed and further actions involve:

- Work with Education Psychologists to assist social workers and Education staff to develop a shared understanding of the needs of Looked After Children.
- Support carers to promote their continuous care of children and young people with minimum disruption to placements.

Report number 44-2019 was submitted at the 2019 Children and Families Services Committee. https://www.dundeeecity.gov.uk/minutes/fulltext?meeting_ref=6401 The Committee agreed to adopt and become signatories to the Scottish Care Leavers Covenant and the priorities, actions and intended outcomes proposed within it. The report stated that if implemented fully and consistently, the Covenant would transform the way care leavers are supported as they transition into adulthood. In addition, it asks corporate parents to fully integrate its principles and actions into their Corporate Parenting Plans, through Champions Boards, Community Planning Partnerships and Health and Social Care Partnerships to ensure consistency of entitlement and support to care leavers. Building on the principles of Getting it Right for Every Child (GIRFEC), the Covenant takes a holistic, person-centred approach by focusing on the long-term wellbeing needs of young people as they transition out of care. Aligning the Covenant with GIRFEC makes sure that the 'One Child - One Plan - One Care Journey' principle continues beyond the young person's care setting. It outlines high standards of

cooperation, joint working and communication between agencies locally and across Scotland.

The 2017-2020 Dundee City Corporate Parenting Plan https://www.dundee.gov.uk/sites/default/files/publications/corporate_parenting_plan_2017-2020.pdf states that promoting the wellbeing and rights of looked after children, young people and care leavers as being one of Dundee City Council's most important responsibilities. It goes on to say that "promoting the wellbeing and rights of looked after children, young people and care leavers is one of our most important responsibilities. We will provide help and support as early as possible to prevent children and young people becoming looked after. Where children and young people are looked after, we will ensure that the care and support they receive is of the highest possible standard. We are determined to reduce and eliminate the inequalities experienced by looked after and care experienced children and young people."

This Plan also provides a commitment to enduring that everyone, "from the leaders of organisations to frontline practitioners, fully understands their responsibilities and improves their practice accordingly". In addition, it set out an intention to "enable looked after children and young people and care leavers to reach their full potential".

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?

In Report of Children's Officer Mr James Carney 1 April 1952 to 31 March 1953, it was reported that the number of children in care totalled 249, 83 of which were boarded out and 159 were in homes. It went on to say that 61% of children are boarded out.

In the Dundee Corporation handbook titled 'Some information concerning the Corporation Services and Others, 1954', it states that at the beginning of 1954, there were 470 children in care, of which there 274 were boarded out with foster parents and 147 in residential homes. At that time, it advises that "approximately 70% of the children in care of the Children's Committee in Dundee are in foster homes".

Information in the Dundee Corporation handbook titled "City of Dundee Corporation Services Children's Department 1969" states that at the beginning of 1955, 465 children were under the supervision of the children's committee, 271 of which were boarded out with foster parents and 124 were in residential homes.

Dundee Corporation Children's Committee reported on the number of children in care. The number of children in care at specified points in time are as follows:

- 28 May 1955 – 455
- 27 August 1955 - 473

- 1 October 1955 - 471
- 1 November 1955 - 417
- 31 December 1955 - 402
- 28 January 1956 – 400
- 25 February 1956 – 392
- 31 March 1956 – 395
- 30 April 1959 – 429
- 11 May 1959 – 415
- 31 July 1959 – 420
- 31 August 1959 – 412
- 30 September 1959 – 434
- 30 November 1959 – 437
- 31 December 1959 – 440
- 31 January 1960 - 448
- 29 February 1960 – 451
- 31 March 1960 – 436

In the 'City of Dundee 1959' book containing information on the Dundee Children's Department, it is reported that in January 1957, there were 425 children under the supervision of the Dundee Children's Department, 278 of which were boarded out with foster parents.

In the 'City of Dundee 1959' book containing information on the Dundee Children's Department, it is reported that in January 1959, there were 414 children under the supervision of the Children's Department. A total of 265 of which were boarded out with foster parents and 91 of which were in children's homes, residential schools, training courses, institutions and hostels.

In the Dundee Corporation handbook titled 'Some information concerning the Corporation Services and Others 1961', it states that in January 1961, there were 441 children in care, 294 of which were boarded out, 81 of which were in children's homes, residential schools, training courses, institutions and hostels. It goes on to say that "over 75% of children are boarded out".

Dundee Corporation minutes of the Children's Committee 1966-1967 provide the following figures on the number of children in care as at specified points in time as follows:

- 30 April 1966 – 525
- 31 May 1966 – 538
- 31 August 1966 – 518
- 30 September 1966 – 538
- 30 November 1966 – 523
- 31 December 1966 – 539
- 31 January 1967 – 542
- 28 February 1967 – 537

Dundee Corporation minutes of the Children's Committee 1967-1968 provide the following figures on the number of children in care as at specified points in time as follows:

- 30 April 1967 – 542
- 31 May 1967 – 544
- 30 June 1967 – 544
- 30 September 1967 – 553
- 31 October 1967 – 543
- 14 December 1967 – 531
- 31 December 1967 – 532
- 31 January 1968 – 530
- 29 February 1968 – 519
- 31 March 1968 - 531

Dundee Corporation book titled 'A General Guide – Tayside Regional Council October 1984' states that in March 1984, 380 children were placed in foster care, 122 in 11 local authority children's homes within the region.

Information from the Tayside Regional Council Historic Abuse Inquiry & Children in Crisis report provides the following information on number of children placed in foster care:

Sept 1980 – 370
 March 1981 - 377
 March 1984 - 380
 March 1986 - 339
 March 1987 – 336

Report number TRC 1371/91 indicates that there had been a 24% increase between March 1989 and September 1991 in respect of foster placements and a 183% increase in mainstay placements.

Electronic recording began in 1996, and the local authority accommodated 1614 children in 4932 placements from 1996 to 17th December 2014.

The Children's Services Plan 2002-2004 reports that 392 children were looked after as at 31 March 2001, 122 (31.1%) were accommodated in foster care or with prospective foster parents.

- 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?

At any given time, the number of foster carers registered has varied from year to year, month to month so this question cannot easily be answered. In October 2000, Report Number 659-2000 was approved at the Social Work and Health Committee was agreed. <https://www.dundee.gov.uk/reports/reports/659-2000.pdf> This report provided details on the work carried out by Adoption and Fostering panels and

included statistical information on panel registration activity for carers, which includes the number of Temporary/Mainstay Carers (newly approved) from April 1996 to March 2000. The number of carers were as follows:

1996-1997 – 11
 1997-1998 – 11
 1998-1999 – 22
 1999 – 2000 – 19

Private foster carers were as follows:

1996-1997 – 1
 1997-1998 – 0
 1998-1999 – 0
 1999 – 2000 – 0

Relative foster carers were as follows:

1996-1997 – 4
 1997-1998 – 3
 1998-1999 – 0
 1999 – 2000 – 0

Link Carers were as follows:

1996-1997 – 0
 1997-1998 – 4
 1998-1999 – 12
 1999 – 2000 – 7

There is no information available prior to the dates above.

- 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.

See the following table:

Year	Respite	Short term	Long term/Permanence	Both Short-Term/Long-Term
2020		43	25	21
2019		56	22	13
2018		38	27	26
2017	1	56	15	29
2016	5	67	25	7
2015	0	55	24	25
2014	0	62	19	14
2013	0	55	24	25
2012	0	62	19	14
2011	0	40	24	19
2010	0	56	22	9

2009	2	58	17	7
2008	1	61	25	
2007	3	67	19	
2006	2	77	14	

Article 1685 (Social Work Committee, 23rd January, 1989), Report No 1362/90 was submitted by the Director of Social Work intimating that discussions had taken place with mainstay carers on issues relating to respite, holiday, assessment and emergency care arrangements. The Committee agreed to extend the Mainstay Scheme to provide planned and respite holiday arrangements and to authorise the Director of Social Work to recruit carers to provide weekend and longer respite care.

- d) Please provide details of any material changes in numbers of children, placements or foster carers, and the reasons for those changes?

See 1.6(i)a The reasons for the change in numbers is not known.

- e) How many children in total were accommodated by the local authority (whether in foster care or otherwise)?

Annual data from the Scottish Government website shows great changes over the years and decades. Earliest figures obtained show that in March 1987 there were 621 children accommodated by the local authority.

From 1996 to 17th December 2014 there were 2191 children accommodated. Note that children who were accommodated several times are only counted once; however, there will be a number of children counted in both past and present categories.

- 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?

Based on the above 621 figures, more children were placed in Foster Care (336) than residential care (285) as at March 1987. The numbers placed in foster care have always been higher than the number in residential.

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 local authority accommodated 274 children from 18 December 2014 to November 2019 in a total of 604 placements (plus 60 children in 73 placements pre-1996

recorded retrospectively). In total, there were 670 children accommodated by the local authority from 18 December 2014 to 30 November 2019 (plus 209 children pre-1996 recorded retrospectively). Note that children who were accommodated several times are only counted once; however, there will be a number of children counted in both past and present categories.

More children continue to be placed in Foster care than residential accommodation.

1.7 Children's Background/Experience

Past

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

Children were placed in foster care for a variety of reasons and they are different for every child. Information gleaned from the file reading has found that the further back in time we go, the more the reasons tended to be linked to alcohol use and general neglect, in comparison with more recent years where the reasons tended to be related to drugs and mental health.

In terms of Tayside Regional Council from 1975 to 1996, as with all young people who were received into care, they will share the common background that they have not been able to be cared for at home. Some were referred for welfare reasons including a parent being unable to care for their child and asking that their child be received into voluntary care. Others will have had similar experiences of abuse which resulted in referrals to the Children's Hearing. It is of note that a significant number of children will have been referred to the Children's Hearing on offence grounds although the actual reasons for their needing to be in care may have had little to do with offending behaviour.

In the more recent past, Report Number 30-2007 <https://www.dundee.gov.uk/reports/reports/30-2007.pdf> on the Review of Fostering Service agreed at the Social Work Committee states that "the majority of children who are unable to be looked after by their parents, including an increased number of babies and very young children, are from backgrounds of severe neglect, parental drug or alcohol abuse and long-term parental mental health issues". Due to this, many of these children present to the service "with substantial behavioural, health and developmental difficulties or are at high risk of developing such difficulties at some point during their childhood. Many will require additional supports within their educational settings and a number will require specialist input from health, including mental health".

The above report also refers to a series of reports, entitled Extraordinary Lives, commissioned by the Social Work Inspection Agency, published in September 2006, which provides detailed information about the experiences of children and young people looked after away from home as well as recommendations aimed at improving outcomes.

<https://lx.iriss.org.uk/sites/default/files/resources/Looked%20After%20Children%20-%20Extraordinary%20Lives.pdf>

Report number 146-2010 agreed at the 2010 Dundee City Council Social Work and Health Committee also highlights a "sustained demand for fostering" which was seen as a continuing trend, whereby there were "significant increases in the numbers of children placed in kinship care and foster care". The report states that "this typically reflects the significant increase in the numbers of young children who are exposed to substance-misusing parents", and parental substance misuse was considered the "predominant characteristic of children where they cannot return home to their parents and where they need permanent substitute care".
<https://www.dundee.gov.uk/reports/reports/146-2010.pdf>

- b) Were children admitted into the care of the local authority, or were they admitted into the care of particular foster carers?

Children were admitted into the care of the local authority.

- c) Who placed children with the local authority?

Under s.15 SW(S)A1968 parents will have placed the child with the local authority. Other children will have been placed through the Children's Hearing or occasionally from the courts (Freeing or Parental Rights).

- 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?

A proportion of children will have been directly received into care under s.15 SW(S)A1968. Most other children will have come through the Children's Hearing system.

- e) If not, generally how did children come to be admitted into the care of the local authority?

Refer to 1.7 d above.

- f) How long did children typically remain in the care of the local authority?

This time period varied. The earlier case files read highlight there was a number of instances of weekend stays for respite in comparison to more recent files. In the period 1996 to December 2014, children typically remained in the care of the local authority for 608 days. Earlier figures are not available.

- 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?

Information contained in the Dundee Corporation handbook titled 'Some information concerning the Corporation Services and Others', 1954, states that the Children's Department was set up under the Children Act of 1948. The Act makes provision for

the care and welfare, up to the age of 18 years and in certain cases beyond that age, of children who are living away from their parents, or whose parents are unfit to take care of them and its main object is to further the best interests of a deprived child and to offer him opportunity for the proper development of his character and ability. Before the Act, the supervision of deprived children was shared by the Social Welfare Department, Education Department and by Voluntary Organisations. In terms of the Act each Local Authority was required to set up a Children's Committee whose responsibility was to be the care of deprived children. It is assumed therefore that the Dundee Corporation Children's Committee (operated from 1948 to 1969) made the decision as to whether children who were admitted into the care of the local authority should be placed in foster care. Prior to this, information in the archived files suggest that the Dundee Corporation Public Assistance Committee (operated from 1930-1948) made the decisions.

In later years, Tayside Regional Council' local area social work team managers will have made the decision to place children with foster carers (or extended family members) unless their particular set of circumstances justified placement in residential care. The strategy document "Children in crisis" confirms practice from 1986 as being that a case conference was to be held soon after the child's admission to care. Where a child had been received into care through a place of safety order and or referred to the Children's Hearing, the case conference would make a recommendation to the Hearing but the Hearing would make the decision as to whether to attach a condition of residence to any supervision order.

After the Tayside Regional Council years, it is understood that the decision of whether to place children in foster care sits with the local authority or children's hearing system.

h) If the decision was made by the local authority, what criteria were applied?

There is no evidence of this contained in the records but it is assumed that the local authority would apply the criteria set as out in the law at the given time.

The Children in Crisis strategy document established clear principles that when a child was unable to be cared for within their family they should be kept within their community through a foster placement were possible.

Thereafter, if it is the children's hearing that decide, then the Children Hearing Scotland Act 2011 would apply.

i) Were children moved between different foster care placements?

Yes, children were moved between different foster care placements. Ideally, children are in long term placements with minimal movement. However, placements (especially emergency placements) are often short term until a longer-term placement can be found, there may be changes in foster carer circumstances and also the needs of children as they grow up, or dynamics within a foster home if there are several placements. All this means that placement moves are often unavoidable.

The Dundee Children's Committee General Correspondence of 1968, provides information on Continuity of Care. It states that "in applying the principle of continuity of care we aim to ensure the child's upbringing is as stable and secure as possible. This requires the child care procedures in a service to be geared to the needs of the child". It goes on to state that the procedure in Dundee had been to place a child originally in a short-term foster home then transfer them after six months to a long-term foster home and to another child care officer. This break was considered "liable to have an adverse effect" and it is understood from a previous meeting on 22nd January that this procedure is now "dropped".

j) If so, in what circumstances?

Changes of placement occurred either as a result of placement breakdown, a particular carer no longer being able to care for a child or as part of a children's plan, for example, moving from temporary carers to permanent carers.

k) Generally did children typically stay in one, or more than one, foster care placement?

Typically, children stayed in more than one foster care placement.

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?

There is no information prior to Tayside Regional Council. Tayside Regional Council, in keeping with primary (s.20A SW(S)A1968) and secondary legislation, held regular reviews of children in their care. If it was the view of the review that the child was ready to change placement or return home, for those children in voluntary care the decision was made together with the parents. For children subject to supervision orders the children's Hearing would be asked to convene a review.

For the period thereafter, Looked After Children Regulations state that the timescales for foster carers reviews and also reviews of children's plans and this this would include reviews by the Children's Hearing if applicable.

m) When children left foster care, what was the process for discharge?

See response to 1.7 l above.

n) What support was offered to children when they left foster care?

Information gleaned from the case files read during the Tayside Regional Council years and prior to 17 December 1994, show that there was evidence of support offered when children left foster care and it was voluntary support, and take up was generally quite good. There were specific criteria for eligibility for this support and support consisted of helping the young people to build relationships with others, increase their self-esteem, develop practical and financial skills and knowledge and help them to create a safe and stable personal environment.

Since the implementation in 1996 of the Children (Scotland) Act 1995, local authorities have had duties under Section 29 to plan and prepare for young people leaving care after their school leaving age, and to advise, guide and assist them up to the age of 19, or beyond in certain circumstances.

In June 2000 Dundee City Council adopted a Corporate Parenting Policy and the City was the first in Scotland to do so (<https://www.dundee.gov.uk/reports/reports/291-2000.pdf>). This policy was then refreshed in June 2008. In 2008, the Corporate Parenting Charter was set before the Policy and Resources Committee. The Charter set out a social and moral obligation for the Council to do the best for those children and young people for whom we are Corporate Parents.

Report number 288 agreed at the Dundee City Council Committee in 2000 set out a proposal to deploy new resources from the Children's Services Development Fund 2000/2001, including £30,000 towards planning and developing throughcare and aftercare services for looked after children. <https://www.dundee.gov.uk/reports/reports/288-2000.pdf> It acknowledges the duty Local Authorities have to provide "Aftercare" in the form of guidance, advice and assistance, either in kind, or in certain circumstances, in cash, to children formerly "looked after" by Local Authorities. The report goes on to state that "the number of young people supported by aftercare services at this time is 90 and this is provided by the commissioned service of the Carolina House Outreach Team and the independent living workers based in care and assessment teams across Dundee". The £30,000 extra funding was planned to be used to employ a member of staff for the period of one year to plan and develop services in throughcare and aftercare. Their role would include the production of a 3-year strategy "to put the young person at the centre of the assessment process, ensuring joint working between housing, education, careers and health".

Duties introduced under the Regulation of Care (Scotland) Act 2001 reinforce local authority obligations in respect of young people leaving care. These duties require local authorities to ensure that sufficient measures are in place to provide equal access and consistency of service provision to young people leaving care. In addition, local authorities will be required to carry out and record individual needs assessments in respect of these young people, and will incur an obligation to meet their identified needs.

Two reports have been commissioned by the Scottish Executive and published in 2002: "Still A Bairn" (University of York) and "Throughcare and Aftercare of Looked After Children in Scotland" (Throughcare and Aftercare Working Group). Both reports express concern about the standard of throughcare and aftercare services across the country and make a number of recommendations for change and improvement.

In response to the new legislation and research mentioned above, in 2003, report number 788/2002 was submitted to the Social Work Committee and the Personnel and Management Services Committee, outlining the Council's Throughcare and Aftercare Strategy and steps required to implement it. <https://www.dundee.gov.uk/reports/reports/788-2002.pdf>

Report number 156-2010 approved at the Dundee City Council Social Work and Health Committee in 2010 informs the Committee of developments in the service provided

by the Social Work Department's Throughcare and Aftercare Team and the changes in the Throughcare and Aftercare service commissioned from Carolina House Trust following a comprehensive review of the service. <https://www.dundeeecity.gov.uk/reports/reports/156-2010.pdf> The report outlines examples of the activities carried out since 2003 to 2010, including:

- Ongoing financial assistance through legislation requirements
- The provision of suitable accommodation and support.
- Promoting the development of practical skills to aid independent living.
- Encouraging and supporting young people to follow a healthy lifestyle.
- Encouraging and supporting young people to achieve their maximum potential in terms of education and employment
- Encouraging and supporting young people to establish themselves as successful and independent adults.

Report number 369-2010, was agreed at the Dundee City Council Policy and Resources Committee. <https://www.dundeeecity.gov.uk/reports/reports/369-2010.pdf>

This report detailed recommendations to develop the concept of a "family firm" within the City's Public Sector Recruitment approach with the aim of improving positive destinations for Looked After Children in transition to the adult world. It also recommended the development of a Self-Evaluation Framework based on quality indicators designed by the HMle to identify good practice and areas for further development.

- o) What information was sought by the local authority about what children leaving foster care planned to go on to do?

It was not clear in the case files read whether information was sought on this by the local authority, especially in earlier years. The Scottish Government Publication Looked After Children 2002-2003 referred to outcomes for children looked after in Scotland.

<https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2003/10/chidrens-social-work-statistics-2002-03/documents/0029249-pdf/0029249-pdf/govscot%3Adocument/0029249.pdf>

This would appear to be the first time such information was referred to in this type of publication and it is in subsequent years publications. Therefore, this would suggest that Local Authorities would have had to provide the following type of information on an annual basis:

- Number of young people that had a care plan and key worker in place on leaving care
- Accommodation the young person moved to, or whether they remained in the same accommodation as when they were in care or whether they were homeless
- Number of young people in school, education or training on leaving care

- Number of young people that the local authority is still in touch with.

In 2005-2006, information also provided included those entitled to aftercare support with a disability.

p) Was such information retained and updated?

In order for this information to be submitted to the Scottish Government on an annual basis, it is assumed that this information would have to be retained by the local authority and updated as appropriate throughout the year. It is not clear where this information would have been retained.

q) What was provided in terms of after-care for children/young people once they left foster care?

See response to 1.7 n above.

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

In respect of the length of time children typically remain in the care of the local authority, from 18 December 2014 to November 2019) it was 344 days.

The only available (draft) policy – “Draft Resource Allocation Policy” which includes a section on the placing of children in external foster care can be found here:



DRAFT RESOURCE
ALLOCATION POLICY

The finalised version of this document cannot be sourced. As with earlier years, the decision of where a child is placed is an internal process (unless the route is secure accommodation). A discussion would be held with the placing worker about which resource is being requested and whether the panel feel that is an appropriate resource. All children's plans are reviewed regularly and their current plan and placement are discussed to establish whether they still meet their needs. Carers are also regularly reviewed to ensure they still meet the regulations to be approved carers.

In addition, Report number 359-2019, approved at the Dundee City Council Children and Families Services Committee, provided the second 12-month update on the implementation of the Corporate Parenting Plan for Looked After Children and Care Leavers. <https://www.dundee.gov.uk/reports/reports/359-2019.pdf> This report stated that a considerable amount of joint activity had been undertaken across the partnership to help improve the educational outcomes of Looked After Children. This included the development of a Charter with Head Teachers and Social Work Teams;

the implementation of the Breakthrough Mentoring scheme to all 8 secondary schools and offsite education; targeted support from designated Pupil Support Workers; and a new Inclusion Policy. It went on to say that the proportion of Looked After Child school leavers entering a positive destination has increased from 81% in 2014-15 to 87% in 2017-18. This was stated to be an area of priority for ongoing support through the new Looked After Children (LAC) posts in schools and the care leavers employability worker co-located with the Throughcare Team and Discover Works.

This report also documented the importance of providing continued ongoing holistic care and support for care leavers. Of the 73 not in employment, education or training, 12% (17) is due to long term health or being young parents. In order to help address this key issue, which can potentially affect the longer-term life chances of Care Leavers well into adulthood, a range of inter-connected initiatives have been or were due to be implemented, including:

- Whilst still in school all Looked After Children receive key worker support on transitions
- The Through Care After Care Team is co-located with the Discover Work Service to provide instant access to employability advice
- An Employability Worker recently started with Discover Works and will provide continued pro-active outreach support to Care Leavers.
- A programme on employability skills is used with those Care Leavers who are not yet considered to be ready to enter further education, training or employment
- The Council has introduced a Guaranteed Job Interview Scheme which applies to all posts, guarantees an interview to applicants up to the age of 29 who are, or have been, in care with Dundee City Council, who meet the essential selection criteria for a job. It also gives any GJIS applicant who is unsuccessful, access to the selection criteria for a job and access to the Employment Support Service. This has been in place since 2019 and data is not yet available but will be produced from 2020.
- In 2018/2019, 74 new jobs were created by the Scottish Employer Recruitment Incentive (SERI). As part of the Scottish Government's grant for No-one Left Behind (NOLB), funding has been allocated to support the creation of 44 new jobs for young people in 2019/2020. To date in 2019/20 19 jobs have been created.
- Dundee City Council is working in partnership with Skills Development Scotland to set up a data sharing agreement to identify all care experienced young people. This will fulfil our role as corporate parents and enable care leavers to get the full level of support required, hopefully leading to better long-term outcomes through positive sustained destinations.

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?

In line with our record keeping policy, there is no longer information on file for this.

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

No information is available prior to 2006.

Year	Number of people employed
2006	17
2007	17
2008	16
2009	15
2010	12
2011	18
2012	13 FTE
2013	13 FTE
2014	11.5 FTE
2015	20
2016	21
2017	23
2018	24
2019	23
2020	22

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

Minutes of Dundee Corporation and its Committees, (Public Assistance Committee, Book Number 1947-1948, page 1040) reveal the committee agreed that the person appointed by the Banffshire council undertake the duties of Children's Officer in respect of children accommodated at Banffshire, and authorised accordingly. This was in relation to a letter submitted by the director of social welfare of date 18th May 1948 which he had received from the director of social welfare services of Banffshire county council stating that the council was presently considering the revision of its services consequent upon legislative changes about to take place, and enquiring whether this committee would be prepared to appoint the person appointed by the council as Children's officer, or the various district officers of the council, as the local representative in terms of the above mentioned regulations in respect of children from this authority boarded out in the Banffshire area. It was noted that 120 children from this area were at present accommodated in Banffshire 65 in private homes and 55 in Aberlour Orphanage.

A Resource Worker's responsibility towards foster carers include the following:

- To advise, support and supervise the foster carer(s)
- To assist in monitoring and processing around the payment to the foster carer(s) and the management of the fostering payment allowances

- To provide accurate information in relation to all relevant policy and procedures and training opportunities
- To advise carers on the use of the Dundee City Council Foster Care Handbook for reference.
- To provide the foster carer(s) with a diary and guidance on its use
- To continually assess that the fostering household meets quality standards set by the service for foster carer(s) and the provision of care for the children and agree how this is going to be done
- To assess foster carer(s) development needs in relation to the tasks required of them in looking after the needs of specific children and young people linked to everyday arrangements
- To keep a record of contact between foster carer(s) and the supervising resource worker
- To monitor and continually assess foster carer's practice in order to prepare for the foster carer(s) review
- To challenge oppressive practice and to work in an anti-discriminatory way
- To work within the agencies supervising role responsibilities
- The resource worker ensures that adequate time is allocated to meeting all the children within the carer(s) household

A Children's Social Worker has the following responsibilities:

- Provide the foster carer with essential information about the child's background and needs at the start of a placement and additional information thereafter in accordance with the Looked After Children paperwork and child's plan.
- Undertake regular visits to the child, including meeting with the child alone, within statutory time limits and as stipulated in the Day to Day Arrangements.
- Manage contact between the child and her or his family and any other significant contacts as set out in the child's plan.
- Take responsibility for organising, co-ordination and monitoring any specialist support.
- Monitor and record progress of the child's plan, in consultation with the foster carer, the carer's resource worker and other professionals involved in the care of the child.

In addition, the Getting it Right for Every Child (GIRFEC) approach came into effect in Scotland in 2006. GIRFEC is central to all government policies that support children, young people and their families and is delivered through services and people who work with families. The core components of this approach are:

- A focus on improving outcomes for children, young people and their families based on a shared understanding of well-being
- A common approach to gaining consent and to sharing information where appropriate
- An integral role for children, young people and families in assessment, planning and intervention
- A co-ordinated and unified approach to identifying concerns, assessing needs, and agreeing actions and outcomes, based on the well-being Indicators

- Streamlined planning, assessment and decision-making processes that lead to the right help at the right time
- Consistent high standards of co-operation, joint working and communication where more than one agency needs to be involved, locally and across Scotland
- A Named Person for every child and young person, and a Lead Professional (where necessary) to co-ordinate and monitor multi-agency activity
- Maximising the skilled workforce within universal services to address needs and risks as early as possible
- A confident and competent workforce across all services for children, young people and their families
- The capacity to share demographic, assessment, and planning information electronically within and across agency boundaries

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

The recognised qualification between 1975 and 1991 was the Certificate of Qualification in Social Work (CQSW). Thereafter the Diploma in Social Work (Dip SW) was awarded in 1991 and phased out across the UK by 2009. The main qualification for social work is the undergraduate Bachelor's degree (BA, BSc or BSW) in social work, offered at British universities from September 2003 onwards. There is also available a master's degree (MA, MSc or MSW). These have replaced the previous qualifying award, the undergraduate Diploma in Social Work (Dip SW), although the postgraduate counterpart, the postgraduate Diploma in Social Work (PGDipSW) is still awarded and allows the postholder to register and practice as a social worker.

e) When were fostering panels set up? What was their purpose and remit?

Fostering Panels were established under Regulation 4 of the Boarding Out and Fostering of Children (Scotland) Regulations 1985. Their functions are set out in Regulation 6 of the Regulations. The (Boarding - Out and Fostering of Children (Scotland) Regulations 1985 required 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.

In March 1996 Dundee City Council approved the establishment of Adoption and Fostering Panels to fulfil the following duties of the local authority:

- a to act as an adoption agency;
- b to meet the requirements of the Adoption Agencies (Scotland) Regulations 1996; and
- c to meet the requirements of the Fostering of Children (Scotland) Regulations 1996.

Report number 659-2000, which was approved by the Dundee City Council Social Work Committee in October 2000 explains that the Fostering Panel considers whether

or not to recommend the approval of foster carers. It also considers amendments to approval and provides advice regarding ongoing assessments.

In addition to the functions already described, the panel plays a crucial role in identifying patterns which emerge in the work with families. In highlighting these themes, the panel provides feedback which helps staff to reflect on practice and to change or develop the services offered to children and their families. The panel, therefore carries out an integral role in the planning for children and in ensuring positive outcomes.

Report number 332-2013 approved at the Social Work and Health Committee provides an amended constitution for Fostering Panels. <https://www.dundee.gov.uk/reports/reports/332-2013.pdf> The Panel's primary functions are to consider and recommend to the agency:

- (a) whether a prospective foster carer is suitable or continues to be suitable to be a foster carer;
- (b) whether a prospective foster carer would be a suitable foster carer for -
 - (i) a particular child or children;
 - (ii) any child; or
 - (iii) certain categories of child;
- (c) the maximum number of children a particular foster carer may have in their care

Supplementary functions of the Panel include:

- (a) advise on specific issues during the assessment process;
- (b) reviews of foster carers on a bi-annual basis or where amendments to approval are sought
- (c) recommend whether approval of carers should be terminated
- (d) consideration of emergency extensions to foster carer approval
- (e) whether a relative or friend would be a suitable kinship carer for a specific child
- f) How were fostering panels constituted? What skills and experience were the members required to have?

Minutes from a special meeting of the Tayside Regional Council Social Work Committee in 1990/91, set out in an Appendix on page 1076 the composition of the Fostering Panel in respect of permanence. It is understood that the panel was a combined panel and that, as such the Fostering Panel dealt with all matters relating to foster care and permanence. It indicates that the Panel should be chaired by a service manager who is not operationally responsible for the work under consideration. A vice chairman was to be nominated annually from the membership of the Panel. The panel should aim to be representative of the general population in respect of gender, ethnicity and socio-economic status. It was expected that the panel would be made up of no more than 7 members including:

- A designated senior social worker with expertise in fostering and permanent families,
- A medical advisor,

- A district team representative from a different geographic area and drawn from social workers, foster carers or representatives from the day care and residential services for children,
- Independent members with relevant knowledge and expertise and knowledge
- A representative of the councils' legal section (ex officio)

Report number 659-2000 was approved by the Dundee City Council Social Work Committee in October 2000, informing members of the Authority's statutory requirements in relation to its role as an Adoption Agency.

<https://www.dundeeecity.gov.uk/reports/reports/659-2000.pdf>

The membership of both adoption and fostering panels were comprised of experienced child care practitioners and managers, a representative from the Education Authority, medical adviser, and two independent members, one of whom is an adoptive parent and the other a senior child care practitioner from a voluntary agency. As well as obtaining medical advice, in certain circumstances this report explained that panels must also seek legal advice and so a legal adviser attended relevant panels. At the time the report was written, there were 8 members available to attend each panel with panel membership being reviewed every two years to ensure a degree of consistency. Panel composition was planned to be reviewed in order to try to increase the pool of members and widen the experience they bring.

The commitment given by Panel members was acknowledged as high and helped promote quality child care practice. To support panel members in carrying out their duties, and to ensure they are equipped for the task, members were offered training approximately three times a year.

Report number 332-2013 approved at the Social Work and Health Committee provides an amended constitution for Fostering Panels.

<https://www.dundeeecity.gov.uk/reports/reports/332-2013.pdf>

It sets out that the constitution sets out that a Fostering Agency must satisfy itself that the numbers, qualifications and experience of individual members of a Fostering Panel will enable it to discharge its functions. In order to do so Dundee City Council Fostering Panel will comprise a minimum of 6 members appointed by the Director of Social Work.

The Panel membership will include:

- A Social Work Manager or an Independent person who co-ordinates and chairs the panel.
- Social Work Staff members with appropriate qualifications and expertise in fostering or the needs of looked after children.
- Representatives from other agencies, departments and independent members who are considered competent in terms of their knowledge, skills and experience.
- A Medical Adviser, who is a registered medical practitioner, and is appointed by the Health Board. The pool of Panel members may include more than one Medical Adviser.

It also states that the balance of Panel members offers a wide experience and reflects a multi-agency approach that provides objectivity. Panel members should have an

awareness of differing racial, ethnic and cultural backgrounds. Other staff, such as translators or diversity advisers may be asked to participate in any particular panels where there is a specific need.

A full review of the Panel was undertaken in 2012 and led to significant changes from January 2013 focused on increasing capacity and streamlining processes. The number of Panels doubled and moved to weekly, with one Panel dedicated to foster carer reviews. Additional Panel members were recruited with induction and training being prioritised. The Panel continued to fulfil its statutory functions and a number of supplementary functions. These include:

- considering assessments of all prospective foster carers
- making recommendations on the numbers and categories of child the approval should be made for
- considering amendments to approval of carers
- bi-annual reviews of all foster carers
- 8 weekly reviews of emergency extensions to approval
- applications from relatives or friends for approval as kinship carers
- applications for Residence Allowances
- private fostering applications

Present

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

No.

- h) If so, please give details.

Not Applicable.

(ii) Foster carers

Past

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

Child Care Circular letter number 5 from the Social Services Group in 1967, reminded local authorities of the duty within the Boarding Out of Children (Scotland) Regulations 1959 to "satisfy themselves in all practicable ways that prospective foster-parents are of good character and are in all respects suitable to look after a child, and that the Regulations also make certain prohibitions relating to particular circumstances in which a child may not be boarded-out".

In reading the case files pre-17 December 1994, it would appear that the majority of foster carers were approved/registered via Fostering Panels. They were usually identified through the prospective foster carer approaching the department – a number of the files show that the foster carers applied as a result of recruitment and advertising campaigns.

In respect of Tayside Regional Council, no information is available regarding the policies and procedures involved prior to 1986. As part of the implementation of the "Children in Crisis" strategy, a significant recruitment campaign was undertaken. The 1959 Boarding out of Children (Scotland) Regulations only required the local authority to satisfy themselves that those applying to be foster carers were suitable candidates. From 1985, the Boarding Out Regulations set clearer criteria for the necessary checks and that foster cares be approved by Fostering Panels. It would appear that Tayside Regional Council made use of the British Association of Adoption and Fostering (BAAF) form F in the application and approval process. Form F is the licensed template used for assessing foster carers. For Mainstay carers, there was a period when the assessment process involved a combination of application form and individualised assessment, both of which were presented to panel.

Report number 332-2013 was approved in September 2013 at the Social Work and Health Committee. <https://www.dundee.gov.uk/reports/reports/332-2013.pdf>
This report informed members of the work of the Fostering and Adoption Service during 2012, including the business of both the Fostering and Adoption and Permanence Panels. It also advised members of plans to increase the recruitment and retention of in-house foster carers and adopters and provided an amended constitution of both panels.

Reference is made to the National Foster Care Contract, which came into full operation in early 2013 with a number of the independent and voluntary fostering agencies operating across Scotland participating in this process. The contract is designed to provide greater consistency and improvements in delivery of fostering services as well as assisting local authorities to achieve best value in terms of their purchase of fostering placements from external providers.

The report advises that a new foster carers website will soon be available which will include a facility to register an interest in becoming a foster carer or adopter online and will include video clips and soundbites of carers and adopters being interviewed about their experiences and motivations to become a carer. National research has shown that sharing the experience of existing foster carers is a key component of the recruitment strategy.

Report number 332-2013 goes on to state that the system for the review of foster carers' approval was changed during 2012 and became fully operational in January 2013. The previous system, whilst complying with national care standards and regulatory requirements, did not provide the level of independent monitoring and scrutiny the service aspired to. It goes on to confirm that all foster carer reviews are now undertaken by the Fostering Panel within 12 months of approval and thereafter bi-annually. The revised structure of the reviews and format of the reports required for it take account of aspects of the BAAF Good Practice Guidance and provides the basis for greater reflection by carers on their capacities to meet the needs of the individual children placed with them, their personal development needs, the agency expectations and the carers own views on the service they have been offered by the Department.

The report goes on to document that the Social Work Department reviewed its current fostering and adoption recruitment activity and recognised the need to have an effective marketing and publicity strategy in place.

The service also committed to set out a clear fostering and adoption recruitment strategy each year with targets set for the recruitment and retention of foster carers to ensure the pool of in-house foster carers continues to grow to a level which provides a more affordable balance of in-house and external provision and which will over time reduce the reliance on external fostering placements.

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

In reading the case files pre-17 December 1994, it would appear that the majority of foster carers did not have specific qualifications for the role, however they did have experience in caring for their own children or looking after friends' children. Some of the foster carers had experience in volunteering, working with children with challenging behaviour.

Information contained in the Children's Committee General Correspondence 1954 provides the following criteria in a Plan for the Boarding out of Children:

You Should

1. Have a home where a child will have security, affection, and hope for the future.
2. Have the time and patience to care for a child physically and spiritually.
3. Be a normal family group as children are happiest where there is a father and mother, sister and brother in the family circle.
4. Have room for another child.
5. Be in good health. The members of your family should be free from illnesses and prejudicial to the welfare of a child.
6. Have an income sufficient to support your family. The rate of board covers the child's expenses.

These were considered the "essentials for a good foster home". In turn, the authority would:

1. Become acquainted with you and your family before placing a child in your home.
2. Tell you about the child before he comes to live with you so that you may decide if he is a child who would feel at home in your family.
3. Place a child of your own faith with you in so far as practicable.
4. Come regularly to share with you the planning for the child's future.
5. Pay board directly to you each week or month as agreed.

In the more recent past, they were required to satisfy the Fostering Panel that they had a stable home and that they could provide good care for the children placed with them.

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

From the files reviewed, there is evidence that a number of checks were carried out. These include criminal, medical, identify, finance, RSPCC, SCRO, disclosure and Protecting Vulnerable Group (PVG) checks as well as requesting references and conducting interviews.

For the Tayside Regional Council years, there was evidence of a document listing the statutory checks to be carried out prior to assessment. They include criminal records check, checks with other fostering/adoption agencies, RSPCC, other local authorities where applicants have lived, medical checks, references and 2 or 3 interviews were sought for all prospective foster carers.

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

There is evidence in some of the foster carer files pre-17 December 2014 that a number of checks were carried out, mainly through criminal record checks and interviews.

Child Care Circular letter number 5 from the Social Services Group in 1967 suggests to local authorities that as an additional check (if they do not already have it in place), is to "arrange with the local health authority for the appropriate health visitor to be told immediately if a child under 5 is placed with foster-parents so that she may visit the foster family in the same way as she visits other families when a new baby arrives".

For the Tayside Regional Council years, no procedural records are available, however foster carers files indicate that the same checks were carried out.

- e) What checks were carried out in relation to other family members and friends of a prospective foster carer including criminal record checks, references and interviews?

There is evidence within some of the foster carer files pre-17 December 2014, that there were checks carried out, for example on extended family members so that they could have temporary delegation of responsibility or checks on a new girlfriend of the foster carer. They were mainly medical and criminal record checks and they were generally reviewed in line with annual carer reviews or as required.

Child Care Circular letter number 5 from the Social Services Group in 1967, reminded local authorities of "the need for the child care officer, when considering the suitability of a prospective foster-home, to see all the members of the foster-family in their own home, both before a child is placed with them and afterwards, to make certain that the family as a whole will receive the child well".

- f) 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?

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

Foster carer files pre-17 December 2014 indicate that any such services beyond accommodating the children included support to appointments, taking to various activities and clubs and taking on holiday, ensuring they attend school and maintaining links between the birth family and support on contact.

- 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?

No. However, there were a few case files read that stated the children were expected to do chores for pocket money.

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

Pre 17 December 2014, some foster carer case files for Dundee indicate that fostering agreements were used.

Present

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

No

- n) If so, please give details.

Not applicable

2. Organisational Structure and Oversight

2.1 Culture

Past

- a) What was the nature of the culture within the local authority in relation to the provision of foster care?

No information is available from 1975 to 1986 when the strategy document 'Children in Crisis' was produced. This document however, sets out its value base which includes stating that children who are unable to be cared for at home should, whenever possible, be cared for by a substitute family. This would appear to place a significant focus on creating a culture which saw foster care as a valuable resource in meeting the needs of children who were not able to be cared for at home.

The culture of viewing foster care as a valuable resource in meeting the needs of the children who were not able to be cared for at home continued into the period beyond

Tayside Regional Council. Examples from Dundee City Council Committee reports demonstrate this and are detailed below.

National Foster Care Standards were launched in Scotland in 1999 and they encouraged local authorities to consider changes required to move fostering services into the 21st century. They recommended that local authorities strengthen their fostering services in aspects of partnership, training, and choice and diversity of placements.

Report Number 192-2001 approved at the Dundee City Council Social Work Committee in March 2001 outlines a new Foster Care Strategy, in line with national changes to the fostering task to better meet the needs of children that require family placement. <https://www.dundee.gov.uk/reports/reports/192-2001.pdf> It also "acknowledges the increasing expectations of the tasks foster carers have to undertake".

The shared aim in Dundee City Council's Children's Services Plan 1998-2001, stated that "Dundee City Council values children as unique individuals. It recognises their important place in society and aims to ensure a child-friendly, secure and healthy environment for them." The vision in the new Foster Care Strategy was for a unified fostering service which provides children and young people with:

- a safe, nurturing environment;
- positive experiences of family life;
- well equipped, skilled and confident carers who offer high quality care; and
- a positive option alongside other forms of care.

In 2013, Report number 332-2013 was approved at the Social Work and Health Committee, informing members of the work of the Fostering and Adoption Service during 2012. <https://www.dundee.gov.uk/reports/reports/332-2013.pdf> It also advises members of plans to increase the recruitment and retention of in-house foster carers and adopters. This was considered a high priority due to growing pressures around fostering and adoption services with demand for foster carers outstripping the supply of in-house foster carers with the council becoming more dependent on using more expensive external agency placements.

Report number 30-2007, approved at the Dundee City Council Social Work and Health Committee in January 2007, and detailed how the recruitment of foster carers has continued to have a high profile in Dundee over the past year in order to try to keep pace with the demand for placements. <https://www.dundee.gov.uk/reports/reports/30-2007.pdf>

It highlighted that proposals were being developed to increase support to kinship care arrangements that recognise the family systems own networks whilst providing the same safeguards as for other Looked After children. The report also states that in spite of the pressures arising from placement numbers, Dundee's foster carers and Social Work staff were to be commended for the positive way in which they have responded to the changing requirements of the service and the complex needs of the children requiring placements.

- b) Was that culture reflected in the local authority's policies, procedures and/or practice in relation the provision of foster care?

There is no written evidence pre-Tayside Regional Council. With regard to the Tayside Regional Council years, although specific policies and procedures are not available, the strategy document mentioned above reflects the philosophy and principles which were subsequently translated into policy.

In the period after Tayside Regional Council, it would appear from reading the documents mentioned in 2.1a above that the culture was reflected in the local authority's policies, procedures and practice in relation to the provision of foster care.

- c) How can that be demonstrated?

The file reading exercise has evidenced this in practice, please see below.

- d) Did the provision of care by foster carers reflect the local authority's culture, policies and procedures?

It is not possible to delineate the culture, policies and procedures prior to 1975. During the latter part of the Tayside Regional Council period, Andrew Kendrick from Dundee University and Stuart Brodie from Robert Gordon's University were commissioned to review fostering practice. In particular: "Predictors of Abuse in Foster Care, scrutinizing the themes in the Tayside Regional Council foster carer files from Jan 1990-Sep 1994". Please see below for evidence of occasions carers did not work in accordance with the Local Authority's then culture, policies and procedures:

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

In the Dundee City Council period post 1996, there are records of carers who did not provide placements reflecting the local authorities culture. However, it is not possible to determine if this was true for policies and procedures without copies of such.

- 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?

Example 1 (Approval period: 13/6/1999 to 15/2/2017)

Foster carer EGP had 3 allegations made against her by the foster child. After an internal investigation, the first, physical assault, was partially upheld. The second of inappropriate behaviour management was upheld as was the third in that EGP had failed to provide the child with an appropriate bed. It was noted that during the course of the investigation, concerns from as early as 2004 came to light including leaving children in her care with a person smoked and that EGP had breached confidentiality that could only have emanated from her.

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

EGP [REDACTED] was deregistered on 7 February 2017 at the Fostering Panel because she failed to meet the standards of care expected of a foster carer for Dundee City Council.

Actions taken by the Council: De-registration of foster carer.

Example 2 (Approval period: 9/3/1994 to 4/11/1994)

It was alleged that foster carer EFM [REDACTED] asked the 15 year old girl in placement to identify one of her friends that he could meet and have sex with. Whilst the police stated that while the information available would tend to indicate that something untoward or wrong did happen, there was no criminal case to answer.

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

Actions taken by the Council: The case was formally reviewed by the Fostering and Day Care Panel to assess whether Mr EFM [REDACTED] still met the requirement to be a foster carer. He did not and was subsequently de-registered.

Example 3 (Approval period: 11/5/1993 to 13/02/2012)

In 2012, the Fostering Panel agreed de-registration for EFL-EGR [REDACTED] (after carers had handed in their notice) after concerns again arose about them not meeting the basic care standards for a child in placement and being dishonest. This related to repeated failure to accompany an autistic child in a taxi to school despite being told more than once, keeping DLA money for this child and not being open and honest about when they received this and how much (and what it had been spent on), sending child to school with a plastic bag instead of a lunch box after he had lost it and having to be told to buy him a new one and concerns about Mrs EGR [REDACTED]'s lack of emotional warmth. There were also some issues mentioned on file that carers were not adhering to policies e.g. smoking, spending money inappropriately and withholding pocket money inappropriately.

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

Actions taken by the Council: De-registration of both foster carers.

Example 4 (Approval period: 31/01/2007 to 23/03/2015)

Foster carers EGH-EGJ [REDACTED] were de-registered due to the level of care provided being "not good enough" for any Looked After child. It is assessed that both carers lacked understanding and the capacity to change and maintain that change. There was also concerns about trust in that the carers had failed to inform their resource worker about ongoing health issues.

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

Actions taken by the Council: De-registration of both foster carers.

- f) When and why did any changes in the culture of the local authority in relation to the provision of foster care come about?

As indicated above the strategy document "Children in Crisis" produced in 1986 and was finally approved in 1990. The report advocated:

- An increasing emphasis on providing alternative family placements
- Using residential care only when there was no suitable alternative
- A shift towards high quality residential care in small local units and
- A priority of keeping children of the same family together

There was extensive consultation on this strategy with a range of Social Work teams, Trades Unions, council departments, Children's panel and a range of professional and statutory bodies. Consultation was also carried out with Foster parents and parents of children in care.

The proposals were positively received and led to a whole series of improvements:

- High quality residential care for those who could not be placed with families
- Single rooms, higher staff ratios
- access to expert counsellors
- Separation of younger and older children
- Increased training for residential staff
- Continued care for 16-18 year olds
- Maintaining links with key worker
- Attendance of parents and children at reviews.

- 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?

No information is available other than the fact that the strategy was led by Dundee City Council.

- h) Were there any changes in culture that were driven by abuse, or alleged abuse, of children in foster care?

There is no information available. It is thought the new strategy reflected wider changes in the understanding of the best ways to meet the needs of children unable to live at home.

- i) If so, when did they occur and how did they manifest themselves?

Not Applicable.

- j) Were any changes in culture driven by any external influences or factors and if so what were those influences or factors?

There was a significant shift in research (Lancaster University) at this time which suggested that children were better cared for at home, for example through the use of Intermediate Treatment, and that, where this was not possible, in alternative families rather than residential care (see s.4).

Present

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

No. The most recent Annual Report on Fostering available as approved at the Dundee City Council Social Work and Health Committee in June 2015 (Report Number 230-2015 <https://www.dundee.gov.uk/reports/reports/230-2015.pdf>) states in the report that "the recruitment of foster carers, particularly those able to offer permanent placements remains a priority" as demand continues to grow. It also refers to a programme of quality learning opportunities for foster carers and states that "there is clear evidence of the positive impact that this has had in supporting carers to provide a high standard of care". The report also mentions the provision of information to prospective and existing foster carers through the Foster Care Handbook and website as well as undertaking family finding activities and regular consultation with foster carers, including the revision of policy.

- l) If so, please give details.

Not applicable.

- 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?

There is no clear evidence from the files read that any particular cases of abuse or alleged abuse of children cared for in foster care specifically 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.

2.2 Structure, leadership and accountability

Past

- a) What was the structure of responsibility within the local authority in relation to foster care?

There is no information available prior to Dundee City Council being established in 1996. At this point the social workers in the fostering and adoption team were managed by a Team Manager who reported to a Service Manager. The Service Manager reported to an Assistant Director, who in turn, reported to the Director, then Chief Executive.

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

There is no information available prior to Dundee City Council being established in 1996. Supervision from this point onwards was considered a time for discussion around practice and workload.

- c) What were the lines of accountability?

There is no information available prior to Dundee City Council being established in 1996. From 1996 please see 2 a.

- 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?

There is no information available prior to Dundee City Council being established.

In Dundee City Council senior management/corporate/organisational responsibility for the managers/management teams/leadership team's responsibility in relation to children in foster care was delegated to the Service Manager, Assistant Director and Director.

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

There is no information available prior to Dundee City Council being established. Service Leads would take decisions on policy, procedure and practice and significant policy change would have been agreed at wider Management Team Meetings. Team managers made operational decisions and workers made practice decisions.

- f) To whom were foster carers accountable?

There is no information available prior to Dundee City Council being established. Foster carers were directly accountable to their supervising worker after this time. The line of accountability then followed the council's organisational structure.

- 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?

There is no information available prior to Dundee City Council being established. After this time, it is considered that the implementation of policy would have been a team manager's responsibility, supported by their line management structure.

All staff in fostering as well as the carers were expected to comply with policy and procedure. Addressing non-compliance would have followed the supervising structure outlined in 2 a and 2 f.

h) To whom were fostering panels accountable?

There is no information available prior to Dundee City Council being established. From 1996 time it is clear that fostering panels were accountable to the Agency Decision Maker and ultimately the Chief Executive of the Council.

i) What were the oversight and supervision arrangements in respect of fostering panels?

There is no information available prior to Dundee City Council being established. In 1996 there was a deliberate decision to keep the oversight and supervision of the fostering panel separate from operations to ensure impartiality. At this point it was overseen by the Senior Officer Fostering and Adoption who co-ordinated the panels.

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.

2.2 a – there is a new structure. In April 2016, Social Work and Education Departments merged to form the Children and Families Service. The structure of responsibility within the local authority in relation to foster care is now:

- Social Worker
- Fostering Team Manager
- Senior Manager
- Service Manager
- Head of Service
- Executive Director of Children and Families Service
- Chief Executive

2.2 d – The senior responsibility for fostering changed to Acting Head of Service, Glyn Lloyd in 2019. At this time, the incumbent Chief Social Work Officer retired and responsibility for this post moved to Diane McCulloch. Ms McCulloch is the Head of Health and Community Care for the Health and Social Care Partnership.

In relation to 2.2 i, from 2018 – 2019, the Senior Officer Fostering and Adoption post was shared with Angus Council and the post was re-titled Senior Officer, Panel Co-

ordinator. There was a realisation that the shared post was not working as intended therefore in 2019, the postholder became the Panel Co-ordinator solely for Dundee City Council. They recruit, interview, supervise panel members and undertake an annual appraisal of panel members. In addition, they arrange Panel business meetings and training.

2.3 External Oversight

Past

- a) What were the arrangements for external oversight of the local authority's foster care services?

The Fostering of Children (Scotland) Regulations 1996, which superseded the Boarding Out and Fostering of Children (Scotland) Regulations 1985 allowed local authorities to enter into arrangements with voluntary organisations to discharge their duties in relation to fostering. This was one of the main changes to the Regulations. They could do so only if satisfied that the voluntary organisation had the capacity to discharge these duties and that making such arrangements was the most suitable way for these duties to be discharged. These arrangements had to be reviewed annually, and Dundee City Council did this and voluntary organisations were prohibited from placing the child outside the British Isles.

- b) Who visited the local authority's foster care services in an official or statutory capacity and for what purpose?

The local authority retained monitoring responsibility over the child even when a child was placed with a foster carer by a voluntary organisation on behalf of a local authority. The local authority had to arrange for one of its officers to visit the child either within 14 days of the voluntary organisation requesting them to do so, or within seven days of being informed that the welfare of the child was not being safeguarded or promoted.

- c) How often did this occur?

The Care and Training Regulations 1933 had required (without detailed specification of purpose) 3 monthly visits by the education authority. Following the Clyde Report's concerns about overburdening foster parents, the 1947 Rules and Regulations reduced this to 6-monthly visits, but with greater obligation on local authorities, which had to perform not only initial vetting of foster parents but also continuous monitoring. Official visitors were required to report on the matters listed above, though there is nothing to indicate how local authorities were to respond to such reports. It may, however, be assumed that negative reports would be used in the decision-making process of approving foster-parents and sending children to them in the future. Of particular note is the provision in article 18(i) which for the first time provided the child with an opportunity to make complaints.

Part IV of the Fostering Children (Scotland) Regulations (1996) set out the circumstances necessitating visits by local authorities and this is what Dundee City Council adhered to. The regulations say that:

“Every local authority shall arrange for one of their officers to visit every child who is accommodated with a foster carer on their behalf by a voluntary organisation in any of the following circumstances and within the periods specified–

- where the voluntary organisation which made the placement with the foster carer make representations to the local authority that there are circumstances relating to the child which require a visit, within 14 days of the receipt of the representations;
- where the local authority is informed that the welfare of the child may not be being safeguarded or promoted, as soon as reasonably practicable but in any event within 7 days of being informed.”

Information in some of the foster carer files pre-17 December 2014 reveal that there was variation in terms of frequency of visits, but that they were regular and ranged between fortnightly to monthly throughout the fostering period and varied depending on the needs of the children and carers.

d) What did these visits involve in practice?

The case files on foster carers pre-17 December 2014 show that the purpose of the visits was to review the placement progress, provide carer information, discuss practical issues, addressing any children or carer issues, supporting the carer and general oversight of the placement. In some cases, there was evidence of a set agenda – children’s issues, carer issues, outcome tasks agreed and visiting pattern.

The Boarding out of Children (Scotland) Regulations 1959 focused less on such matters as the child’s sleeping arrangements and clothes than the 1947 Regulations, and focussed more on the duties that local authorities had to ensure suitability of foster parents and supervision of children, for example by requiring 3-monthly rather than 6-monthly visits.

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.

The Scottish Commission for the Regulation of Care, known as the Care Commission, carried out the legal duty to regulate specific care services in Scotland between 2002 and 2011. The Care Commission began work in April 2002 as an independent regulator under the Regulation of Care (Scotland) Act 2001. The key principles of the Commission in regulating care services were threefold; keeping people safe; promoting dignity and choice, and supporting independence.

The Public Services Reform (Scotland) Act 2010 came into force in April 2011. It aimed to reduce and to streamline the number of Government agencies, including the different regulators. As a result, the previous work of the Care Commission, of SWIA and of HMIE (children’s services remit) were absorbed into the new Social Care and

Social Work Improvement Scotland (SCSWIS). Care services in the country became regulated by SCSWIS, who from 15 September 2011, adopted the simpler working name of the Care Inspectorate.

Dundee City Council made the decision to join the National Framework for Foster Care. The original tendering period for this contract was in late 2013 and the contract period started in March 2014. The current contract started on 25th March 2020 and has now been extended to 6th March 2021. The key objectives of the framework are to:

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

Scotland Excel oversee the contracts and undertakes monitoring meetings with all providers included in the framework. In addition, Dundee City Council also made the decision to hold their own 6 monthly contract monitoring meetings, independent of Scotland Excel, and include providers who are not on the framework. Prior to these meetings the external provider is asked to submit reports on each placement which cover how the SHANARRI principles are being met for the child/young person in placement.

Part B – Current Statement

3. Retrospective Acknowledgement/Admission

3.1 Acknowledgement of Abuse

- a) Does the local authority accept that between 1930 and 17 December 2014 any children cared for in foster care were abused?

The file reading has evidenced instances of children in foster care being abused, however the numbers appear to be relatively small.

- b) If so, what is the local authority's assessment of the extent and scale of such abuse?

The file reading has evidenced instances of children in foster care being abused, however the numbers appear to be relatively small.

c) What is the basis of that assessment?

This assessment is based on examination of available historical documents relating to policy, procedures, and practices in relation to children in the care of the organisation throughout the period of the inquiry and foster carer files. It is also informed by accounts volunteered by existing staff employed in foster care services and includes a case file audit of records of individual children from the period from 1934 to 17 December 2014.

3.2 Acknowledgement of Systemic Failures

a) Does the local authority accept that its systems failed to protect children in foster care between 1930 and 17 December 2014 from abuse?

It is accepted that no system is 100 percent fool-proof and can invariably be improved upon. In respect of the relatively small numbers of children who were abused it is recognised that the system in place at the time failed them.

The historical records do however show that on the whole, children had very good placements. There is evidence in the files read that there were determined efforts by the organisation over time to respond to the needs of children, young people and families to adapt and improve the quality of care over the period. Overall, it is our opinion that the systems in place throughout the period were likely to be sufficient to ensure that the vast majority of children were cared for in a non-abusive environment.

In relation to the recent past and present position, Dundee City Council places the highest priority on the protection of children and young people. It has consistently and publicly declared its strong commitment to zero tolerance of abuse and exploitation. The message that it is everyone's responsibility to protect children at home, school and community is continually re-enforced and a partnership approach has been led by Dundee City Council's Chief Executive, as the Chief Officer for the Child Protection Committee to continually improve child protection services and respond to new and emerging risks to children.

b) What is the local authority's assessment of the extent of any such systemic failures?

As in 3.2 a, it is difficult to answer a question about past systemic failures for the same reasons. There is evidence throughout the years of continuous improvement and innovation to improve standards of care and introduce effective systems to protect children from abuse. These include staff training and development including mandatory courses, and visible interest and greater oversight by senior managers and Elected Members.

There is evidence of incremental and sustained positive change through the years, particularly in relation to training of foster carers and record keeping. Within this context, there is no evidence of systemic failures within the organisation. The instances where the abuse of children has been reported or recorded relate to the unacceptable behaviours of individuals who abused their position of trust.

Dundee City Council recognises the commitment and efforts of staff throughout the period of the inquiry, many of whom have been instrumental in driving improvements and securing positive experiences and outcomes for children.

c) What is the basis of that assessment?

The evidence available indicates that recorded allegations of historical abuse of children in foster care are small in scale.

Instances of abuse relate to unacceptable and abhorrent behaviours of individuals who abused their position of trust.

There is evidence of continuous improvement throughout the years to advance standards of care and introduce effective systems to protect children from abuse.

Within this context, there is limited evidence of systemic failures within Dundee City Council.

d) What is the local authority's explanation for any such failures?

It is difficult to provide an explanation about the part which past failures may have played in those instances of abuse for the same reason as noted in 3.2 a.

3.3 Acknowledgement of Failures/Deficiencies in Response

a) Does the local authority accept that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of children in foster care between 1930 and 17 December 2014?

It is accepted that no system is 100 percent fool-proof and can invariably be improved upon. However, evidence from the files show that when allegations were made, they were clearly followed through appropriately, using the guidelines and procedures of the day. Whilst recording of information is not comprehensive prior to 2000, there is evidence that appropriate meetings have taken place, for example Initial Referral Discussions (IRDs).

Evidence from the files highlights a number of cases whereby the carers would de-register themselves when the department tried to challenge them. This might be because those carers did not want the department to challenge them or they did not wish to take up training.

There were a number of cases in the files read, whereby despite a number of allegations being made against them, the carers continued to be approved. These carers remained critical of the department and ended up de-registering.

- b) What is the local authority's assessment of the extent of any such failures in its response?

See section 3.2.

- c) What is the basis of that assessment?

See section 3.2.

- d) What is the local authority's explanation for any such failures/deficiencies?

See section 3.2.

3.4 Changes

- a) To what extent has the local authority implemented changes to its policies, procedures and practices as a result of any acknowledgment in relation to 3.1 – 3.3 above?

There is no clear evidence from the files read that changes to policies, procedures and practices were as a result of any specific cases of abuse.

Part C - Prevention and Identification

4. Policy and Practice

4.1 National

Past

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

Between 1930 and 1971 it is assumed that there was no separate National policy or procedures during this time, over and above that contained in primary and secondary legislation.

There were, Scottish Education Department circulars or memo's advising how to respond to particular situations such as Memo 37 of 1943 dealing with unexploded bombs or Memo 51 regarding the provision of milk in schools. As such, whilst legislation reflected policy in respect of why and how the state set about protecting

children and intervening in family life, it would appear there was no separate national policy dictating how organisations and establishments should operate or the policy framework for promoting children's wellbeing in the way that, for example, GIRFEC does currently. This is reflected in both the Kilbrandon Report, which resulted in the Social Work (Scotland) Act 1968 and the creation of the Children's Hearing System, and the White Paper "Scotland's Children – Proposals for Child Care Policy and Law in 1993, which resulted in the Children (Scotland) Act 1995. Both reports set out the principles of intervention in family life but did not at the time produce separate, distinct policy.

The first National guidance in Scotland on Child Protection was Effective Intervention in 1989. There were also, Scottish Education Department circulars or memos such as those noted above. In 1970 and 1971, circulars were received from SWSG relating to training for social workers but these related to the availability of training rather than setting minimum standards or requirements for residential staff.

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

Between 1971 and 1995, as indicated, whilst the Social Work (Scotland) Act 1968 was itself a direct response to the Kilbrandon Report which established the Scottish approach and policies in relation to children in need, it does not appear to have been directly translated into the sort of policy and guidance we are currently familiar with. The absence of specific national policies and guidance appears to have continued and the Scottish Governments own website appears to suggest one of the earliest "policies" was the Skinner report in 1992.

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

This does not paint an accurate picture however, in so much as, in respect of child abuse, significant policy developments began to take place across the UK in response to the death of Maria Caldwell in 1970. In essence, the writer's own knowledge of the period to 1995, together with a review of the available literature, would suggest that Scottish Governmental Policy was focused on the broad themes and principles introduced by the Kilbrandon Report, enacted through the Social Work (Scotland) Act 1968 regarding the role of social services and the operation of the Children's Hearing System followed by the White Paper "Scotland's Children – Proposals for Child Care Policy and Law in 1983.

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

- 1974 – Maria Caldwell Inquiry. The report sensitised the public to issues relating to abuse within the family and the response of the state and promoted a much greater understanding of physical and emotional abuse as well as neglect.
- 1988 – The Cleveland Inquiry. The Inquiry highlighted significant issues in relation to understanding and intervention relating to sexual abuse.
- 1992 – The Orkney Inquiry. This Inquiry highlighted the difficulties in protecting children’s rights whilst at the same time acknowledging parental responsibilities and rights. It was also significant in highlighting the need for clear legislation, policy and procedures related to the powers and duties of professionals intervening in family life, including the need for evidence-based practice.
- 1992 – The Fife Inquiry. Unlike other inquiries, the Fife Inquiry was not related to events surrounding harm to a particular child or children but rather a debate about the role and nature of intervention in family life. The policies within Fife promoted the developments in relation to juvenile justice which had come out of the research by Lancaster University suggesting that, if left alone children grow out of offending behaviour and that intervention frequently proved detrimental rather than helpful. As a consequence, Social Workers in Fife were expected to exercise the discretion allowed in legislation to only refer young people to the Reporter if they considered compulsory measures of care were necessary. Reporters and panel members objected to this approach believing it was for them to determine whether compulsory measures were necessary.
- 1996 – The Dunblane Inquiry – This Inquiry changed the approach to who could work with children and young people and introduced more stringent checks.
- 1997 – The Children’s Safeguarder Report (The Kent Report) reported on the dangers faced by children living away from home and made recommendations related to the necessary safeguards.
- 1999 – The Edinburgh Inquiry reported on abuse and protection of children in care, investigating complaints of abuse between 1973 and 1987 in Edinburgh’s children homes
- 2011 - A fatal accident inquiry (FAI) conducted before Sheriff David Bicket concluded that a female foster carer’s death could have been avoided if the agency had taken account of the carers inexperience.

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

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

In 2002 The Fife Inquiry reported following the conviction of a member of staff for sexual abuse of children between 1959 and 1989. National Care Standards for care homes 2005 came into effect for children and young people. These standards are for children and young people who receive a service described in Section 2(3) of the Regulation of Care (Scotland) Act 2001 as one that 'provides accommodation, together with nursing, personal care or personal support, for persons by reason of their vulnerability or need'.

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

In 2016 the SSSC Codes of Practice for Social Service Workers and Employers (Revised) came into effect. The Scottish Social Services Council (SSSC) Codes of Practice set out the standards of practice and behaviour expected of everyone who works in social services in Scotland and the standards expected of employers of social service workers in Scotland.

With regard to Child Protection, (starting with Effective Intervention in 1989 through to the current) National Guidance for Child Protection in Scotland, published in 2014, there have been a number of policy developments, frequently led by the above inquiries, resulting in guidance and standards in relation to child care and protection. These include the National Risk Framework for Assessment of Children and Young People and the National Framework for Child Protection Learning and Development.

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

Dundee City Council and its predecessors were aware of national policy and guidance relevant to the provision of foster care for children through its knowledge of legislation and Scottish Office and other relevant service circulars explaining how particular legislation should be implemented or interpreted.

There are numerous references to various relevant pieces of legislation and circulars within the minutes of meetings.

Tayside Regional Council minutes show that it was informed by national reports regarding child abuse. Its report 1220/88 detailed its response to the Cleveland Enquiry and 1221/88 reported on Scottish Office circular SW9/88 and the requirement to change Service guidelines to take account of an increasing awareness of the prevalence of sexual abuse and the need for improved practice.

The minutes also noted the publication of the Social Work Inspectorate Inspection of Child Protection Services in Rochdale and refer to report 1916/90 and article 238 Social Work Committee regarding revision and updating of operational instructions

issued to staff as an aid to assist in carrying out their statutory duties in cases of suspected, alleged or actual child abuse. The Committee approved the revised Child Protection Instructions for implementation in the Social Work Service from January 1991.

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

Local practice, policies and procedures promoted by the Dundee City Council Child Protection Committee (CPC) has been consistent with, and actively followed, the requirements of national guidance – “Protecting Children and Young People: Child Protection Committees” (Scottish Executive: 2005); “National Guidance for Child Protection in Scotland 2010” (Scottish Government: 2010) and “National Guidance for Child Protection in Scotland 2014” (Scottish Government: 2014).

Getting it Right for Every Child (GIRFEC) has been embraced in Dundee, and a key message led by the Chief Executive of the Council and senior officers is that child protection sits within the overarching framework of GIRFEC.

The Children's Charter published in April 2004 sets out what children and young people need and expect to help protect them when they are in danger of being, or already have been, harmed by another person. Dundee City Council in partnership with others is responsible for ensuring that the right help is given by the right person at the right time when a child needs it.

In January 2009, Report 51-2009 on Child Protection Guidelines and Procedures was approved by the Dundee City Council Education Committee.
<https://www.dundee.gov.uk/reports/reports/51-2009.pdf>

This report outlined that the Education Department had commissioned a review of existing child protection guidelines and procedures (dated March 2003). The revised 'Child Protection - Guidelines and Procedures' ensured that links between the Education Department and the Council's Chief Social Work Officer (Director of Social Work) are further strengthened and also that the Chief Social Work Officer is appropriately informed when allegations of a child protection nature are made, including allegations against Council and partner agency staff. The report goes on to say that the Education Department believes the protection of children from harm to be an integral and essential part of its work. This guidance makes clear that all staff must be alert to concerns and advises them on what to do if they do become concerned about a child's safety.

The Dundee Child Protection Committee translated the National Guidance for Child Protection in Scotland 2014 (Scottish Government, 2014) into local single and inter-agency partnership working arrangements which provides a working framework for the childcare and child protection services. The instructions are intended to be dynamic and responsive to learning and developments in child protection. They are in line with the National Child Protection Legislation, Policy Framework for Scotland are built on what is known locally about what works in practice and reflects lessons learned from Research, Significant Case Reviews and Inspection Reports. These instructions were reviewed in 2017/18 financial year and updated again in 2019.

<https://www.dundeeprotectschildren.co.uk/sites/default/files/docs/Inter-AgencyCPInstructions.pdf>

The Looked After Children (Scotland) Regulations 2009 set out expectation for the assessment and care planning for all Looked After Children. These Regulations also define the arrangements for the regular review of children's care and the minimum intervals for that review. Practice in Dundee City Council ensures that children's plans adhere to these Regulations and that statutory timescales for the review of children who are looked after are met. Performance in relation to the statutory review of looked after children is reported. Reviews of children's circumstances are carried out by senior staff who are independent of the management of the child's care.

- c) If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?
- i. Child welfare (physical and emotional)

From 1930 onwards, there were references to circulars in council minutes regarding child welfare and child protection.

Both terms child welfare and child protection are inter-related in terms of historic / current practice. Within Dundee practice has been based on both, without distinction.

Child Protection Committees (CPCs) were first established in each local authority area in Scotland in 1991. At that time, they may not have been known as CPCs.

Local practice, policies and procedures promoted by the Dundee City Council Child Protection Committee (CPC) has been consistent with, and actively followed, the requirements of national guidance – "Protecting Children and Young People: Child Protection Committees" (Scottish Executive: 2005); "National Guidance for Child Protection in Scotland 2010" (Scottish Government: 2010) and "National Guidance for Child Protection in Scotland 2014" (Scottish Government: 2014).

"Child Protection Committees are locally-based, inter-agency strategic partnerships responsible for the design, development, publication, distribution, dissemination, implementation and evaluation of child protection policy and practice across the public, private and wider third sectors in their locality".

(Source: National Guidance for Child Protection in Scotland 2014)

Since 1991, in Scotland all policy, practice and legislation relating to child welfare and child protection have been underpinned by principles derived from Articles of the United Nations Convention on the Rights of the Child. This was ratified by the UK Government in 1991. In 1998 the then Scottish Office published its comprehensive guidance "*Protecting Children – A Shared Responsibility. Extract from Protecting Children – A Shared Responsibility*" (Scottish Office: 1998):

These principles are:

- “Each child has a right to be treated as an individual.
- Each child who can form a view on matters affecting him or her has the right to express those views if he or she so wishes.
- Parents should normally be responsible for the upbringing of their children and should share that responsibility.
- Each child has the right to protection from all forms of abuse, neglect or exploitation.
- So far as is consistent with safeguarding and promoting the child’s welfare, public authorities should promote the upbringing of children by their families.
- Any intervention by a public authority in the life of a child must be properly justified and should be supported by services from all relevant agencies working in collaboration.”

In support of these principles, three main themes appear in Scottish children’s legislation:

- “The welfare of the child is the paramount consideration when his or her needs are considered by Courts, Children’s Hearings and local authorities.
- No Court should make an Order relating to a child and no Children’s Hearing should make a supervision requirement unless the Court or Hearing considers that to do so would be better for the child than making no Order or supervision requirement at all.
- The child’s views, taking appropriate account of age and understanding, should be considered where major decisions are to be made about his or her future.”

This 1998 Scottish Office guidance made significant references to child welfare (69 instances); to child protection (246 instances); to residential care and/or placements (13 instances); and to Looked After Children (7 instances). It effectively set into context the wider multi-agency child welfare and child protection arrangements in Scotland following two key UK inquiry reports:

- Butler-Sloss, Lady Justice E, (1988): Report of the Inquiry into Child Abuse in Cleveland; and
- HMSO Clyde Report, (1992): Report of the Inquiry into the Removal of Children from Orkney in February 1991

This 1998 guidance replaced previous directives (Scottish Office circulars SWSG 18/1991; SWSG 4/96 and SWSG 14/1997) which specifically related to Child Protection: Local Liaison Machinery – Child Protection Committees.

At the time of publication (1998), the policy framework for child welfare and child protection included the Children’s Hearing system and the Reporter. Children’s Hearings had the power to determine how to best meet a child’s need; to make supervision requirements; to place a child under the supervision of the local authority and to place a child in a place of safety, albeit with recourse to a Sheriff.

The 1998 guidance empowered all professionals to promote children’s wider welfare; to protect them from abuse and neglect; promoted all the provisions of The Children (Scotland) Act 1995; promoted inter-agency working; placed key child welfare and

child protection responsibilities on local authorities; defined the role of CPCs; described the child protection process and, more importantly, Child Protection in Special Circumstances – Children Living Away from Home which stated:

“Local authorities and other agencies, who provide care and accommodation for children in residential placements, schools, foster care, or in other forms of accommodation, should ensure guidance and procedures are in place to respond to allegations of abuse concerning children living away from home.”

In 2000 the then Scottish Executive commissioned a Multi-Agency Audit and Review of Child Protection in Scotland. This resulted in publication of the Report of the “Child Protection Audit and Review: It’s everyone’s job to make sure I’m alright” (Scottish Executive: November 2002). This in turn led the Scottish Executive’s Child Protection Reform Programme (CPRP) 2003 – 2006. This report included numerous references to child welfare and child protection.

Since 2005, findings from inquiry reports: The Audit and Review Report; all national reports; policy and legislative developments have been considered by the CPC and used to shape local child welfare and child protection local practices, procedures and guidance.

National policy developments from the Child Protection Reform Programme focussed specifically on child welfare and child protection and included:

- Scottish Executive (2004): Protecting Children and Young People: The Charter
- Scottish Executive (2004): Protecting Children and Young People: Framework for Standards
- Scottish Executive (2005): Protecting Children and Young People: Child Protection Committees

Following publication of these key national policy developments, Dundee City Council CPC led on their implementation locally to ensure local policy, procedures and practice arrangements reflected these national requirements.

In addition to the above, since 2005 a significant amount of other child welfare and child protection national policy developments were published by the Scottish Executive / Scottish Government. Furthermore, there have also been a number of child welfare and child protection legislative developments.

Since 2005, every national policy development (and legislation, inquiry report and inspection report) in relation to child welfare and child protection since has been considered by the CPC and implemented locally. This also included new child welfare, child protection and children’s services scrutiny and inspection arrangements via the now Care Inspectorate:

- HMle Services for Children Unit (2005): How well are children and young people protected and their needs met? Self-evaluation using quality indicators
- HMle Services for Children Unit (2009): How good are we now? How well do we protect children and meet their needs? How good can we be?

- Care Inspectorate (2014): How well are we improving the lives of children and young people? A guide to evaluating services using quality indicators

Dundee City Council has promoted GIRFEC since 2005 and has embraced the emergence of "Getting it Right for Every Child" (GIRFEC) in 2006 which resulted in many policy (and legislation) developments. Dundee City Council takes account of this and continually reviewed its policy and practice consistently with GIRFEC within which child welfare and child protection sits.

ii. The child's views

In 1998 the then Scottish Office published its comprehensive guidance "Protecting Children – A Shared Responsibility. Extract from Protecting Children – A Shared Responsibility" (Scottish Office: 1998):

These principles are:

- "Each child has a right to be treated as an individual.
- Each child who can form a view on matters affecting him or her has the right to express those views if he or she so wishes.
- Parents should normally be responsible for the upbringing of their children and should share that responsibility.
- Each child has the right to protection from all forms of abuse, neglect or exploitation.
- So far as is consistent with safeguarding and promoting the child's welfare, public authorities should promote the upbringing of children by their families.
- Any intervention by a public authority in the life of a child must be properly justified and should be supported by services from all relevant agencies working in collaboration."

In support of these principles, three main themes appear in Scottish children's legislation (The Children (Scotland Act) 1995):

- "The welfare of the child is the paramount consideration when his or her needs are considered by Courts, Children's Hearings and local authorities.
- No Court should make an Order relating to a child and no Children's Hearing should make a supervision requirement unless the Court or Hearing considers that to do so would be better for the child than making no Order or supervision requirement at all.
- The child's views, taking appropriate account of age and understanding, should be considered where major decisions are to be made about his or her future."

iii. Reviewing a child's continued residence in a foster care placement

This was set out in primary legislation (s.20A SW(S)A1968).

iv. Child protection

See answer to 4.1 c (i) above. In addition, in 1997 there was submitted report No 73/1997 to the Social Work Committee advising on matters relating to child protection policy, research and practice and the priority given to child protection. The report highlighted the importance of having good quality assurance mechanisms in place and outlined a proposal for the conduct of an external audit to provide the Council with an objective overview. The Committee, having noted that the cost of the proposed audit would be six thousand pounds to be met within the current revenue budget, agreed that the Director of Social Work be instructed to arrange for an external audit/inspection of child protection work with children and families and to report back on the findings of the audit, in due course.

v. Discipline

Information on discipline was contained within the Tayside Regional Council Operational Instructions and Dundee City Council Foster Care Handbook well as Child Protection Handbook, of which all staff had a copy.

vi. Complaints handling

The following provides a chronology of complaints policies and procedures:

- Social Work (Scotland) Act 1968 S5B (published July 1968) - Provides Scottish Ministers by order to require LAs to establish a procedure to allow a person to make a complaint about social work services.
- In April 1991, the Social Work (Representation Procedure) (Scotland) Order 1990 (SI 1990/2519) took effect. This was derived from Social Work (Scotland) Act 1968.
- In November 1991, the Social Work Committee's Quality Assurance Sub Group - Noted leaflet "*Your Right to Complain*" and the authority's complaints procedures in conjunction with Circular SWSG5/91
- Social Work Committee Seminar in January 1992 - Representatives from all registered establishments and offices involved in the registration process attended the seminar on complaints procedures.
- In March 1996 the Social Work (Scotland) Act 1968 S5B and the Circular SWSG5/1996 (replaced SWSG5/91 – Feb 1991) - S5A and S5B of the 1968 Act also provide Scottish Ministers with guidance and direction making powers in respect of local authority complaints procedures.
- The Social Work (Representation Procedures) (Scotland) Directions 1996 - Sets out complaints procedure in respect of social work including arrangements for Complaints Review Committees (CRCs).
- There was submitted Report Number 410/1999 by the Director of Social Work informing the Committee of the operation and effectiveness of the statutory

Social Work Department Complaint procedure from 1st April, 1998 to 31st March 1999.

The Committee agreed to

- (i) note and approve the contents of the report;
- (ii) Instruct the Director of Social Work to Inform the Scottish Office Social Work Services Group of the content; and
- (iii) Instructed the Director of Social Work to make publicly available in the form of an annual report the information detailing action resulting from complaints.

Dundee City Council has a process in place for where information is received alleging abuse/neglect by a foster carer. This is dealt with through the Child Protection procedures. Where children are deemed to be at immediate risk, carers will be suspended with immediate effect. The Agency Decision Maker will be asked to endorse this via an emergency amendment to approval. This will be the case whether as a result of a formal child protection allegation or if as a result of a complaint or a concern received. <https://www.dundeeadopt.co.uk/publication-view/process-if-allegationcomplaint-made-against-foster-carer>

- There was submitted Report number 236/2006 to the Social Work and Health Committee in April 2006, informing members of the operational effectiveness of the statutory Social Work Department Complaints procedure during the calendar year 2005. <https://www.dundee.gov.uk/reports/reports/235-2006.pdf> This report also states that the Social Work Department had recently developed a customer complaints database which was proving to be an important monitoring tool. The Department planned to collate and analyse information from this database to contribute to its agenda of continuous improvement. New Customer Care standards were developed during the year 2004. These standards expressed the Social Work Department's commitment to customers through positive accessibility: respect; effective communication; involvement and partnership. Arrangements were being made to distribute a copy of these and other expected standards of behaviour to every member of staff. The report went on to say that the philosophy of "listen, learn and improve" will continue to be applied throughout the Department and in the coming year, the Customer Care Officer would produce a Customer Charter, which would include key information for service users, and an annual report.
- There was submitted agenda note AN142-2007, which was approved by the Complaints Review Committee (Social Work), advising that the Council required to set up a Complaints Review Committee, the remit of which would be to review on the request of the complainant any response or action to be taken by the authority.
- In March 2011, the Public Services Reform (Scotland) Act 2010 - In response to the Sinclair Report, the Public Services Reform Act gave the Scottish Public Services Ombudsman (SPSO) the authority to lead the development of simplified and standardised Complaints Handling Procedures (CHPs).
- In June 2012, Report number 214-2012 was approved by the Policy and Resources Committee. <https://www.dundee.gov.uk/reports/reports/214->

[2012.pdf](#) This report advised the Committee of guidance from the Scottish Public Services Ombudsman on the implementation of a model Complaints Handling Procedure, and to recommend implementation of the procedure from 1 September 2012.

- In April 2017, Report number 157-2017 was approved at the Dundee City Council Policy and Resources Committee. <https://www.dundee.gov.uk/reports/reports/156-2017.pdf> This report provided an update on changes to the way complaints about social work issues were going to be dealt with by the Council. Nationally, from 1 April 2017 the Statutory Social Work Complaint Procedure was replaced by a new Social Work Model Complaints Handling Procedure. This happened across all Scottish Local Authorities and Health and Social Care Partnerships and also coincided with the introduction of a new NHS model Complaint Handling procedure.

vi. Whistleblowing

There are provisions in the Employment Rights Act 1996, amended by the Public Interest Disclosure Act (PIDA) 1998, which protect workers who make a disclosure in the public interest (whistleblow) from detriment.

vii. Record retention

The Looked after Children (Scotland) Regulations 2009, Regulations 31 and 32 detail the specific requirements for the establishment and retention of records on foster carers. Regulations 42 and 43 set out the requirements in relation to case records for looked after children.

viii. Recruitment and training of foster carers

There are no records available prior to Tayside Regional Council. Tayside Regional Council Social Work Committee in March 1984 and in subsequent meetings of the Manpower Committee discussed the social work training function reverting to the Social Work Service after a 2-year trial period because "certain changes had now taken place at national level" in the sphere of professional social work training.

In 1985, Tayside Regional Council established its first 'professional' foster carers scheme (Mainstay) with the introduction of a financial reward (fee) element in addition to the allowance for the child. Specialist fostering schemes were being established across the country and were introduced to provide foster placements for older children where it had traditionally been difficult to place them in foster care. The fee was in recognition that additional skills and knowledge would be required to provide for older children's needs.

The 1987 paper "Children in Crisis – The Way Ahead in Tayside", discussed in some detail in the response to part A, identified the need for improved training of staff within residential care. This need was met in the short term by recruitment of residential resource workers with community education, teaching or social work qualifications.

With reference to Article 1963 (Social Work Committee, 28 March 1988) there was submitted Report No 798/92 by the Director of Social Work advising as to new departmental guidelines which had been produced to assist social workers who undertook assessment, preparation and selection of foster and adoptive parents, those involved in the process of approving carers, and managers in districts responsible for the placement of children and young people in families.

The report further outlined the statutory criteria and the conditions laid down by the Social Work Department in relation to applicants who wished to foster or adopt.

The Committee noted the development of the new guidelines and agreed to approve the criteria outlined under the departmental policy and practice as detailed in Appendix 1 to Report 798/92, which specified criteria to be adopted in addition to the statutory provisions, in relation to selection of foster and mainstay carers and adoptive parents.

Report number 487-2003 of the Dundee City Council Social Work Committee <https://www.dundee.gov.uk/minutes/article?articlekey=38160> received approval for the purchase of 53 Computers and supporting software/training packages for foster carers. It pointed to research that showed most Looked After Children had low educational attainment, were likely to leave school earlier with fewer qualifications and be at greater risk of school exclusion. The report referenced the significant difference foster carers can make to the educational attainment of Children and Young People and how they ensure educational attainment is given a high priority, providing an "educationally rich environment" where learning opportunities are maximised and support is readily available.

Report Number 783-2003 was submitted and approved at the Personnel Committee in December 2003. <https://www.dundee.gov.uk/reports/reports/783-2003.pdf> This report sought approval to regrade staff supervising fieldwork teams, make interim payments to retain key staff carrying out the statutory functions of the Department, and undertake a review of roles and responsibilities within fieldwork care and assessment services. This report advised that there was national recruitment and retention difficulties in Social Work. Many councils had introduced a range of incentives to attract and retain suitably qualified and experienced staff in order to continue to meet their statutory responsibilities, e.g. "golden hellos" of £5,000, payment of student loans, and accelerated increments to new staff. It went on to report that at present, Dundee City Council Social Work Department also had difficulty retaining qualified and experienced staff but was developing a range of initiatives to improve support to front line staff in the longer term.

Report number 463-2004 of the Dundee City Council Social Work and Health Committee <https://www.dundee.gov.uk/reports/reports/463-2004.pdf> explained how it has recognised the complexity of tasks that foster carers need to undertake Dundee has developed a skills based fostering service with three different types of carers available to offer placements. Payments are based on a carer's ability, availability and willingness to undertake specific tasks. The ACE carers were described as professional carers who required qualifications in childcare up to and including SVQ level 3.

The report went on to say that preparative training and post -approval training were recognised as key areas in the fostering service and were essential to provide the level of knowledge and skills that foster carers require to effectively meet the needs of the children placed with them. Training on an ongoing basis was offered to each foster carer tailored to their individual needs and interests.

The National Care Standards for Foster Care and Family Placement Services, revised March 2005, cover recruiting, selecting, approving, training and supporting foster carers. All fostering agencies must comply with these national care standards. They have been developed to make sure that the services that they provide are of high quality. The standards do not apply to the services provided directly by foster carers themselves. The UK National Standards for Foster Care, published by the National Foster Care Association (now the Fostering Network) in 1999, are comprehensive service standards that apply to fostering services provided directly by foster carers, social work services and other agencies involved in the provision of child care services.

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2011/05/national-care-standards-foster-care-family-placement-services/documents/0116830-pdf/0116830-pdf/govscot%3Adocument/0116830.pdf>

Report Number 107-2005 was submitted and approved at the Dundee City Council Social Work and Health Committee in February 2005, which provided members with details of the Review of Dundee's Foster Care Service, undertaken by the Independent Consultant, Dr Marjut Kosonen. The report set out proposals for the future development of the Service. <https://www.dundee.gov.uk/reports/reports/107-2005.pdf> There was a recommendation that Dundee City Council Social Work Department explore further the staffing model for Dundee Family Placement Service. It goes on to say that given the national shortage of qualified and experienced Social Workers and the broad range of skills required within a Family Placement Service, some fostering agencies have withdrawn the requirement for all staff to be Social Work qualified. Staff from non-Social Work backgrounds have been employed to undertake recruitment and marketing tasks, some elements of carer support and therapeutic work with children. Dundee City Council planned to undertake a staffing review over the next 6 months to explore whether any staffing changes are desirable.

Report Number 524-2005 was submitted and approved at the Dundee City Council Social Work and Health Committee in September 2005. <https://www.dundee.gov.uk/reports/reports/524-2005.pdf> This report outlined proposal arising from a detailed review of roles, responsibilities, skills mix and structures within social work care management and assessment services. The report concentrates on the arrangements required to assist professionally qualified staff in care management and assessment.

Report number 30-2013, approved at the Dundee City Council Social Work and Health Committee in January 2007, and detailed how the recruitment of foster carers has continued to have a high profile in Dundee over the past year in order to try to keep pace with the demand for placements. <https://www.dundee.gov.uk/reports/reports/30-2007.pdf>

It highlighted that proposals were being developed to increase support to kinship care arrangements that recognise the family system's own networks whilst providing the same safeguards as for other Looked After children. The report also states that in spite of the pressures arising from placement numbers, Dundee's foster carers and Social Work staff were to be commended for the positive way in which they have responded to the changing requirements of the service and the complex needs of the children requiring placements.

The most recent Annual Report on Fostering available as approved at the Dundee City Council Social Work and Health Committee in June 2015 (Report Number 230-2015 <https://www.dundeecity.gov.uk/reports/reports/230-2015.pdf>) states in the report that "the recruitment of foster carers, particularly those able to offer permanent placements remains a priority" as demand continues to grow. It also refers to a programme of quality learning opportunities for foster carers and states that "there is clear evidence of the positive impact that this has had in supporting carers to provide a high standard of care". The report also mentions the provision of information to prospective and existing foster carers through the Foster Care Handbook and website as well as undertaking family finding activities and regular consultation with foster carers, including the revision of policy.

In 2013, Report number 332-2013 was approved at the Social Work and Health Committee, informing members of the work of the Fostering and Adoption Service during 2012. <https://www.dundeecity.gov.uk/reports/reports/332-2013.pdf> It also advises members of plans to increase the recruitment and retention of in-house foster carers and adopters. This was considered a high priority due to growing pressures around fostering and adoption services with demand for foster carers outstripping the supply of in-house foster carers with the council becoming more dependent on using more expensive external agency placements.

Report number 332-2013 goes on to state that the system for the review of foster carers' approval was changed during 2012 and became fully operational in January 2013. The previous system, whilst complying with national care standards and regulatory requirements, did not provide the level of independent monitoring and scrutiny the service aspired to. It goes on to confirm that all foster carer reviews are now undertaken by the Fostering Panel within 12 months of approval and thereafter bi-annually. The revised structure of the reviews and format of the reports required for it take account of aspects of the BAAF Good Practice Guidance and provides the basis for greater reflection by carers on their capacities to meet the needs of the individual children placed with them, their personal development needs, the agency expectations and the carers own views on the service they have been offered by the Department.

The report goes on to document that the Social Work Department reviewed its current fostering and adoption recruitment activity.

The service also committed to set out a clear fostering and adoption recruitment strategy each year with targets set for the recruitment and retention of foster carers to ensure the pool of in-house foster carers continues to grow to a level which provides a more affordable balance of in-house and external provision and which will over time reduce the reliance on external fostering placements.

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

The Protection of Vulnerable Groups (Scotland) Act 2007 provides the legislative framework for a vetting and barring scheme aimed at those working with children and/or protected adults. The scheme built on the previous Disqualified from Working with Children List as well as introducing a new list of individuals disqualified from working with protected adults. The Act introduces the concept of "regulated work". Regulated work with children supersedes the definition of child care position in the Protection of Children (Scotland) Act 2003 ("POCSA") and regulated work with adults supersedes contact with an adult at risk.

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

Yes. The organisation did give effect to that policy/guidance as detailed above and in the answers to the following questions.

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

The organisation is a local authority and how such policy was given effect is discussed in detail in the answers to the questions at 4.2.

- f) If not, why not?

See above.

Present

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

Yes, National policy/guidance relevant to the provision of foster care continues to be developed, and Dundee City Council takes account of such developments in its policies, processes and procedures.

- h) If so, please give details.

The GIRFEC approach provides us all with a common approach to working in together to deliver better outcomes for children to ensure they reach their full potential. It promotes a shared approach and accountability that:

- builds solutions with and around children, young people and families
- enables children and young people to get the help they need when they need it
- supports a positive shift in culture, systems and practice
- involves working better together to improve life chances for children, young people and families (n23: Foster Care Handbook, 08.09.2017, p19)

On 2 March 2017, the Scottish Government published "Protecting Scotland's Children and Young People: It is Still Everyone's Job" (Dyer: 2017) which contains 12 recommendations for the Scottish Government; Chief Officers; CPCs; Chief Executives; the Care Inspectorate; and Scotland's Commissioner for Children and Young People.

The Scottish Government accepted all 12 recommendations and in response published its Child Protection Improvement Programme Report (Scottish Government: 2017) which sets out 35 actions. This includes a commitment to articulating a national child protection policy including a National Child Abuse Prevention Plan, which creates strong and dynamic cross-government policy connections to keep children and young people safe. The Dundee City Council Child Protection Procedures have been developed in line with these developing national priorities.

Report number 49-2020 submitted and approved at the Dundee City Council Children and Families Services Committee in January 2020, presents the Dundee Child Protection Committee Annual Report 2019. <https://www.dundee.gov.uk/reports/reports/49-2020.pdf> In this report, it outlined key achievements, including, in partnership with the Improvement Service, Transformation, Performance and Improvement Team Dundee Child Protection Committee undertaking a variety of self-evaluation activity of core business. This has led to the development of thematic agendas and personal statements from all Child Protection Committee (CPC) members.

Report 49-2020 goes on to state that that work was ongoing in the development of a corporate risk register in respect of Protecting People which reflects Child Protection needs. In addition, it is reported that in partnership with the Care Inspectorate the Chief Officers Group (Public Protection) has embarked upon an ambitious 2-year transformation programme. The Child Protection Committee is an integral partner in this.

Over the last year review and development of Initial and Significant Case Reviews (SCRs) featured as part of work undertaken by both the Chief Officers Group and the Tayside Regional Collaborative. Dundee Child Protection Committee undertook two Initial Case Reviews (ICRs) last year with practice improvement actions arising from both. The Committee has also considered learning identified from a national review of SCR's undertaken by the Care Inspectorate. Revisions to the Dundee Significant Case Review protocol have been piloted throughout the year.

In December 2016 a common report, Strategic Collaboration and Enhanced Partnership Working (Angus, Dundee and Perth and Kinross Councils – Education, Children and Families Service and Children's Services), was approved at the respective Full Council/Executive Board meetings of Angus, Dundee, Perth and Kinross Councils and NHS Tayside (reference is made to Article II of the Minute of Meeting of the Children and Families Services Committee of 12 December 2016, report number 397-2016). <https://www.dundee.gov.uk/reports/reports/397-2016.pdf> The report set out the potential for extended collaborative approaches between the above-named organisations working in close partnership with the Third Sector and private enterprise as appropriate.

The report identified that working together in this way was essential to plan to address the national agenda in terms of tackling poverty, closing equity gaps, raising attainment and improving the health and wellbeing of all children, young people, families and communities. It concluded the work could be taken forward at pace but that should be balanced against the need to ensure it was done in conjunction with all appropriate stakeholders. A commitment was made to bring a further report before Committee and this was approved in October 2017 and provided information about a joint strategy and delivery plan. <https://www.dundee.gov.uk/reports/reports/372-2017.pdf>

4.2 Local Authority

(i) Policy

Past

- a) Was there local authority policy/guidance in relation to the provision of foster care?

As with national policy, local practice appears to have been primarily driven by primary and secondary legislation with the addition of Scottish Office circulars. The latter however, tended to focus on practical matters rather than what we would recognise as policy. In addition, the Maria Caldwell Inquiry in 1974, as with other Inquiries, led to particular practice developments across the UK.

Further to a request at Social Work Committee in August 1983 regarding a complete review of child care services, a report to Tayside Regional Council (149/84) was considered at the Social Work Committee in March 1984. It highlighted the need for a change in the philosophy of child care from residential to foster care and support within the community.



1984-149.pdf



1984 TRC Social
Work committee mir

Tayside Regional Council minutes show that in September 1986 Dundee City Council produced a report for the Social Work committee entitled "Children in Crisis: A Strategy for Children and their Families" (1107/86). The council minutes continue to show the implementation of this strategy including an update presented to TRC Social Work committee in October 1991 entitled, "Strategies For: Children and Families, Young People and Child Protection." The original report outlined key policies that should underpin work with children and their families in Tayside, this included policy guidance in relation to Foster Care.

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

Tayside Regional Council minutes and report 1221/88 detail their response to Scottish Office circular SW9/88 and note the requirement to change service guidelines to take

account of increased incidence of sexual abuse and the need for improved practice. To date, we have been unable to locate detailed guidance but we will continue to undertake a search for this. If documentary evidence is located this will be made available to the Inquiry.

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

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

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

The report "Children in Crisis: A Strategy for Children and their Families" aimed report outlined key policies that should underpin all work with children and their families in Tayside. The report recognises that too many children cared for away from home were in residential care and that significant efforts were required to reduce the need children care for in such placements by increasing the available resources to enable children to be cared for either by their parents or extended family and where this was not possible by foster carers. It also recognised the importance of avoiding children 'drifting' in the care system and, as such, the need to ensure planning and reviews for children were focused.

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

It is understood that the strategy document was widely circulated, both within Tayside and to organisations and residential establishments providing services to children and their families within Tayside such as Independent Residential Schools.

As indicated above, with the exception of the document entitled 'Section 7' no records of procedures are available from this period. This is perhaps consistent with good practice of destroying previous copies of procedures when new ones are introduced to avoid confusion.

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

The information in the following sections are taken from the report "Children in Crisis: A Strategy for Children and their Families" from 1986, together with the 'Section 7 document referred to above and council minutes from 1991 relating to the constitution

of Fostering and Adoption Panels. Thereafter guidance evolved in line with legislation and was included in the Foster Care Handbook.

i. Child welfare (physical and emotional)

Section 3 of the 'Children in Crisis' report, sets out a 'value base', which should underpin all aspects of policy and practice within Tayside. It recognised children have specific physical and developmental needs that must be met. This includes the fact that all children should be treated with dignity and respect and have their confidentiality and privacy respected. Particular reference is made to a child's right to love, security and protection from abuse. Recognition is given to the fact that whilst this is the responsibility of parents, where this is not possible the local authority has a responsibility to intervene, possibly through the use of alternative family care (foster care). There are no other policy documents available on this.

ii. The child's views

Section 3.14, states that children over 7 should be fully involved and consulted over all decisions affecting their lives. This includes having the right to attend reviews and or submit written views. Children under the age of 7 should be represented by, or accompanied by an individual advocate acting on their behalf. There are no policy documents available on this.

iii. Placement of siblings

No information is available on this.

iv. The placement of a child in foster care

The "Children in Crisis: A Strategy for Children and their Families" report recognises that, where possible, children should be cared for within their families, including when necessary extended families, and only when either it is not safe or possible for a child to remain within the family should the child be received into care. When reception into care was necessary, the report sets out the importance of placing children within an alternative family placement through foster care and, when a return home is not possible, to place the child with permanent carers or adoptive parents.

v. The particular placement of a child with foster carers

No information is available in relation to policies and procedures relating to the placement of a child with foster carers.

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

No information is available in relation to policies and procedures relating to contact between a child in foster care and their family.

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

No information is available in relation to policies and procedures relating to contact between a child in foster care and their siblings in foster care.

viii. Information sharing with the child's family

This was in line with the legislation at the time and was regulated through the Council review process.

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

Tayside Regional Council Minutes 1990-91 - Pages 1078/79/80 (Report dated 01/08/1990).

- Fostering Panel Constitution / Permanence
- Pages 1081/1082/1083(Report dated 01/08/1990)
- District Fostering (Temp) and Day Care Panel Constitution

See also answer to 1.8 e and f

x. Recruitment and training of foster carers

Section 5 of the "Children in Crisis: A Strategy for Children and their Families" report sets out a 'Homefinding Strategy' to both identify permanent foster carers and adopters for children in need of permanent care as well as increasing the pool of temporary and specialist placements. The 'Section 7' document sets out a framework for recruitment of foster carers.

This then became embedded within the Foster Care Handbook.

See also response to 4.1 c above.

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

Dundee City Council has guidance on the operation of the National Protecting Vulnerable Groups Scheme. Disclosure Scotland will receive conviction information as deemed relevant by Disclosure Scotland, and certainly if the individual is being considered for listing or is barred from undertaking regulated work. The PVG Scheme provides the Council with a means of satisfying itself that preferred candidates who have been offered regulated work are not barred from doing so. This is important as it is an offence under the Protection of Vulnerable Groups (Scotland) Act 2007 to offer regulated work, or to employ, a barred person.

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

Consistent with the requirements set out in the Social Work (Scotland) Act 1968, Section 3.13 of the report sets out a requirement that all children received into care must be reviewed within 3 days of admission to formulate an immediate treatment plan and a further review within 4 weeks setting out the treatment plan. It goes on to state

that within a year a decision should be made as to whether it is possible to return a child to his or her family and if not, legal steps should be taken to place them with a permanent substitute family.

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

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

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

No information available.

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

This information is contained within the Foster Care Handbook.

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

This information is contained within the Foster Care Handbook.

- xvi. Child protection

Within the time range 1988 to 1996, Tayside Regional Council minutes show that on 8 September 1986 the Director of Social work submitted a paper 1107/86 regarding the social work services for the care and protection of children. Policy decisions were recorded in the minutes including "the accomplishment of the wider preventive and treatment strategies in the community" and "the increase of professional training opportunities for staff dealing with child abuse."

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

- Investigation and early intervention into suspected cases

- Supervision, alternate care and rehabilitation of children

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

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

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

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

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

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

See also response to 4.1 c above.

xvii. Complaints handling

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

See also response to 4.1 c above.

xviii. Whistleblowing

Dundee City Council had a Disclosure of Information Policy in 2010, however it does not specifically reference foster care. No information is available prior to this.



Disclosure of
Information Policy.d

xix. Record retention

The Looked after Children (Scotland) Regulations 2009, Regulations 31 and 32 detail the specific requirements for the establishment and retention of records on foster carers. Regulations 42 and 43 set out the requirements in relation to case records for looked after children.

See also response to 4.1 c above.

e) Who compiled the policies and/or procedures?

The report "Children in Crisis: A Strategy for Children and their Families" was written by Peter Bates in 1986. No information is available regarding the writing/compilation of other policies and procedures.

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

Although no specific dates are available are available for the implementation of the strategy set out in "Children in Crisis: A Strategy for Children and their Families", it is assumed that it would have been implemented following its approval by the Social Work Committee in 1986. See response to 4.1 c above.

g) Were such policies and/or practices reviewed?

See response to 4.1 c above.

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

See response to 4.1 c above.

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

Not Applicable.

j) Why were changes made?

Not Applicable.

k) Were changes documented?

Not Applicable.

l) Was there an audit trail?

Not Applicable.

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.

See response to 4.1 g and h above.

With regard to whistleblowing, in August 2017, the Council refreshed its Whistleblowing Policy and it was updated again in June 2019. The aim of the Policy is to encourage and assist employees to report any concerns they may have about possible fraud or other wrongdoing in connection with council operations or activities and to ensure that all concerns reported are dealt with thoroughly and consistently.

(ii) Practice

Past

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

Whilst the strategy document sets out the broad policy objectives from 1986 to 1996 the only procedural document available is the 'Section 7' document which sets out a framework for recruitment of foster carers. As such, the answers to the following questions are limited in scope and based on the position from 1986.

b) Did the local authority adhere in practice to its policy/procedures on the following:

Tayside Regional Council appears to have followed its policies as set out in the strategy document. It also followed its procedures to the extent required by 'Section 7'. Case files would suggest that policy and procedures were being followed despite the absence of specific procedures to compare practice against.

i. Child welfare (physical and emotional)

Case files suggest that they were adhered to in respect of promoting the physical and emotional welfare of children. In addition, all allegations were acted upon and there was a dedicated social worker for the children and a resource worker for the carers.

ii. The child's views

There is evidence from the files read that the child's views were considered, for example, where allegations were made and a child wanted to move placement.

iii. Placement of siblings

Evidence from the files read would indicate that this often came down to a resource issue, particularly where there were 3 or more siblings. However, there was still evidence that the local authority did what they could in order that siblings could be placed together.

iv. The placement of a child in foster care

Case files indicate when placements have been made indicating why the placement was necessary but no information available as to why a particular foster carer was chosen other than availability.

v. The particular placement of a child with foster carers

As above.

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

Case files indicate some of the contact but not all files have full information. Particularly in the early 90's, there was evidence that carers were facilitating contact and there was a lot of effort put into maintaining contact between a child in foster care with his or her family.

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

There was evidence in the files of arrangements for such contact. The actual level of contact is not always clear. It seemed to be linked to contact with birth parents – if there was not a lot of contact with them, then there was not a lot of contact with siblings.

viii. Information sharing with the child's family

Case files, review records and Hearing reports all contain information re information shared with family and there was a good level of contact with birth parents.

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

The policy and procedures set out in the available documents appears to have been applied in respect of the constitution, remit, frequency and record keeping of Fostering Panels. It was noted that this was considered one of the most consistent processes, with regard to where a child was placed and annual reviews taking place.

x. Recruitment and training of foster carers

It is clear from the strategy document described above that a wide-ranging recruitment and training programme was planned. No information however is available as to the implementation or success of the plan. See also response to section 4.1 c above.

Whilst there was no information in the foster carer files in respect of recruitment per se, there would appear to be a more in-depth assessment for approval of foster carers compared to earlier years.

With regard to the training of foster carers, there is evidence in the files read that foster carer take up of training was mixed and training was not mandatory in the earlier years.

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

This information is contained within the Foster Care Handbook.

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

Whilst specific policies and procedures are not available, case files suggest that children's placements were regularly reviewed both through the Children's Hearing, Tayside's review system and child Protection Case Conferences were appropriate.

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

Case files suggest that regular visits were maintained recorded and as appropriate though not all information is available.

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

Foster carers' records indicate the arrangements made when children were transferred, the reasons and when support was made available.

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

Foster carers' records indicate the arrangements made when children were transferred, the reasons and when support was made available.

- xvi. Child protection

Case records and foster carer files indicate when child protection concerns were raised. It is not always clear why the particular method of investigation was chosen. There is evidence of follow up and adherence to procedures of the day. It was apparent that whilst earlier files show evidence of follow up, they are not written up to the same quality and detail as they are in present times.

- xvii. Complaints handling

There is evidence of follow up of cases where appropriate and in response to complaints. It was noted that once a complaint was dealt with and the foster carer spoken to, another allegation of the same theme would often emerge soon after. It

was as though the foster carer did not learn and change their practice in between times.

xviii. Whistleblowing

There was evidence in the files read of carers reporting other carers but there were not specific references to whistleblowing.

xix. Record retention

Case files suggest that records were maintained and retained as appropriate though it was recognised that this could have been better as not all information is available. Some were hand written and difficult to read and others were not in chronological order.

c) How was adherence demonstrated?

Case files / foster care files.

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

The relevant documents described above can be made available to the Inquiry together with sample case files (other than adoption files which are sealed).

e) Were relevant records kept demonstrating adherence?

Only as indicated in case files.

f) Have such records been retained?

Case files have been retained.

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

In the absence of being able to locate specific written policies and procedures it is not possible to be clear as to whether these have been followed and if not, why not.

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

As above.

Present

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

Yes

j) If so, please give details.

In keeping with present day practice Dundee City Council have much more stringent systems and processes in place in respect of the above. Particularly in respect of record completion and retention. More information is required to be gathered and there is also more acceptance of Professional responsibility with regard to Social Worker record keeping compared to earlier years as there is more accountability and if further information is required, it is requested in advance of Panels.

In addition, training is also more stringent, as it is mandatory for carers to complete and they are also required to complete records on a regular basis for reflection on their practice.

4.3 Children

(i) Policy

Past

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

With regard to Tayside Regional Council (TRC) and Dundee City Council (DCC) - It is considered, based on the documents referred to above in section 4.1 and 4.2 above, that more specific policies and procedures were produced. However, these documents are the only indication of the basis of such policies and no written documents are available.

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

The report "Children in Crisis: A Strategy for Children and their Families" outlined key policies that should underpin all work with children and their families in Tayside. The report recognises that too many children cared for away from home were in residential care and that significant efforts were required to reduce the need children care for in such placements by increasing the available resources to enable children to be cared for either by their parents or extended family and where this was not possible by foster carers. It also recognised the importance of avoiding children 'drifting' in the care system and, as such, the need to ensure planning and reviews for children were focused. No further information is available.

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

This information is contained within the Foster Care Handbook, Child Protection Handbook and the Operational Instructions.

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

See response to 4.1 c above.

- ii. Child Protection

Reports TRC 1107/86 & 1267/88 to Tayside Social Work Committee, outline the development of services for abused children and their families within Tayside, however these are not policy documents but rather discuss the services offered. Outwith the documents already referred to, there are no specific written policy/procedural documents available. However, it is clear from the above reports and the report 'Child Protection: Policy Practice and Procedure' that Tayside, as with other local authorities in Scotland, did have clear policies and procedures in place at that time. These built on the developing knowledge and understanding from Inquiries and Effective Intervention the first National Guidance for Scotland produced in 1989. This is further demonstrated by the resources available in the Region at the time such as Polepark (a specialist resource for victims and survivors of abuse).

iii. Medical care

Whilst specific written policies and procedures are not available, case files and foster carers files would suggest that appropriate medical care was provided. Child Care Circular letter number 5 from the Social Services Group in 1967 suggests to local authorities that as an additional check (if they do not already have it in place), is to "arrange with the local health authority for the appropriate health visitor to be told immediately if a child under 5 is placed with foster-parents so that she may visit the foster family in the same way as she visits other families when a new baby arrives".

iv. Children's physical wellbeing

The Foster Care Handbook sets out the expectations of foster carers in how they meet physical development.

v. Children's emotional and mental wellbeing

In September 1990 Report No 1362/90 was submitted by the Director of Social Work intimating that discussions had taken place with mainstay carer's or issues relating to respite, holiday, assessment, emergency care arrangements, unexpected expenditure, and the possibility of young people in the Mainstay Scheme being given a bus pass in order that they could continue their usual social contacts, even if their home circumstances changed.

The Foster Care Handbook sets out the expectations of foster cares in how they meet children's emotional and mental wellbeing.

vi. Schooling/education

The Foster Care Handbook sets out the expectations of foster cares in how they meet schooling/education needs.

vii. Discipline

The Foster Care Handbook sets out acceptable discipline in line with legislation of the day.

viii. Activities and holidays for children

In September 1990 Report No 1362/90 was submitted by the Director of Social Work, intimating that discussions had taken place with mainstay carer's or issues relating to respite, holiday, assessment, emergency care arrangements, unexpected expenditure, and the possibility of young people in the Mainstay Scheme being given a bus pass in order that they could continue their usual social contacts, even if their home circumstances changed.

The Foster Care Handbook sets out the expectations of foster cares in relation to activities and holidays for children.

ix. Sharing a bedroom

The Foster Care Handbook sets out the expectations of foster cares in relation to sharing a bedroom. There is also a policy on this: <https://www.dundee.gov.uk/reports/reports/324-2007.pdf>

x. Contact with family members

The Foster Care Handbook sets out the expectations of foster cares in relation to contact with family members.

xi. Contact with siblings

The Foster Care Handbook sets out how foster carers should encourage contact with siblings.

xii. Celebration of birthdays and other special occasions

With reference to Article 877 (Social Work Committee, 4 September 1989), there was submitted Report No 1214/92 by the Director of Social Work proposing the organization of a pre-Christmas social event for foster and mainstay carers and their partners in recognition of the important role undertaken by such carers in the Council's childcare strategy.

The Committee agreed to authorize the Director of Social Work to organize a pre-Christmas social event for all of the Region's serving foster and mainstay carers in the autumn of 1992, as detailed in the Report.

There was reference to children's birthdays and other special occasions such as Christmas in some of the minutes read, however they mainly related to the financial side i.e. how much allowance was paid for such things.

The Foster Care Handbook sets out the expectations of foster cares in relation to celebration of birthdays and other special occasions.

xiii. Information sharing by the foster carer with family members

The Foster Care Handbook sets out the expectations of foster cares in relation to this.

e) Who compiled the policies and/or procedures?

Management, Senior Officers and Committee members and where applicable, in consultation with young people and / foster carers.

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

The strategy/policy was presented to Tayside Regional Council in 1986.

g) Were such policies and/or practices reviewed?

Yes.

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

In line with changes to legislation, outcomes of significant incident reviews and changes in practice.

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

Changes were made in line with changes in legislation and as a result of inquiries and reviews of practice as above.

j) Why were changes made?

See above.

k) Were changes documented?

No information is available.

l) Was there an audit trail?

No information is available.

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.

See response to 4.1 g and h above. In addition, there is a medical policy on the management of medication and medical treatment within foster placements available on the fostering and adoption website for Dundee City Council https://www.dundeefosteradopt.co.uk/sites/default/files/-MEDICATION%20POLICY%202016_0.pdf and this was last updated in 2017. There is also policies on smoking, room share and bedroom size, https://www.dundeefosteradopt.co.uk/sites/default/files/Updated%20Policies%20October%202015_0.pdf

Information pertaining to 4.3 d is covered in the Foster Care Handbook, last updated 2016, for example on discipline, activities, schooling and education, child protection, contact, and information sharing.

(ii) Practice

Past

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

Without the full suite of written policies and procedures it is not possible to determine how adherence to these was demonstrated. Examples from file reading has evidenced that policies and practice were followed.

b) Did the local authority adhere in practice to its policy/procedures in terms of the following?

i. Safeguarding

Without the full suite of written policies and procedures it is not possible to determine how adherence to these was demonstrated. Examples from file reading has evidenced that policies and practice were followed.

ii. Child Protection

Case records and foster carer files indicate when child protection concerns were raised. It is not always clear why the particular method of investigation was chosen. There was one foster carer file read that contained information to say that the Agency Decision Maker stated that an investigation did not follow Child Protection Procedures for two sibling children. No record of this was found within the child's file. It was however noted that the Social Work Department worked within policy and procedures within other aspects of the case.

iii. Medical care

Whilst specific written policies and procedures are not available, case files and foster carers files would suggest that appropriate medical care was provided.

iv. Children's physical wellbeing

Whilst specific written policies and procedures are not available case files suggest that carers were promoting the physical welfare of children. Looked After Children (LAC) Meetings were well documented in the majority of the files and held a minimum of 6-monthly without any drift which was positive. Case notes would indicate that physical needs were met well on the whole however in the absence of written policies or procedures, it is difficult to say whether there was adherence.

v. Children's emotional and mental wellbeing

Whilst specific written policies and procedures are not available there were case files that suggest that carers were meeting the emotional and mental wellbeing needs of the children on the whole, however there were a few cases where it was noted in the case files that concerns were raised about the carers ability to meet the child's emotional needs. Due to the lack of consistency in case files on this information, it is difficult to say whether there was adherence.

vi. Schooling/education

Whilst some of the files read had better recording than others, there was often evidence of updates sent from School and some report cards were on file. Good reference was made to schooling in LAC Reviews.

vii. Discipline

No information is available.

viii. Activities and holidays for children

Whilst no specific policies and procedures are available, case files and foster carers files suggest activities and holidays for children were supported. There is some mention of carer's taking children on holiday and only occasional mention to children undertaking activities. It is generally well recorded within supervisory (AF22) records.

ix. Sharing a bedroom

This was clearly documented and in line with carers approval.

x. Contact with family members

Whilst specific written policies and procedures are not available, case files and foster carers files would suggest that Tayside Regional Council ensured that, where appropriate, contact was maintained with family members.

On the whole, contact with family members seemed to be well promoted however at times it appeared to meet the parents needs more than the child. For example,

instances of contact going ahead whilst a parent was under the influence and a child asking for it to be stopped. Also instances of children having to travel to contact outwith Dundee as their parent could not commit to travelling to Dundee, despite this being a reasonable request. This would be in contrast to practice today.

xi. Contact with siblings

Whilst specific policies and procedures are not available, case files and foster carers files would suggest that Tayside Regional Council ensured that, where appropriate, contact was maintained with siblings. In addition to above, if birth parents were having contact often sibling contact would go ahead at the same time. Little evidence of contact going ahead between siblings in different placements when birth parents were not having contact, therefore would not think policy would have been adhered to as sibling contact did not seem to be promoted.

xii. Celebration of birthdays and other special occasions

Carers receive allowances for special occasions and case files and foster carer files indicate that birthdays and other special occasions were celebrated. In addition, often within case notes it was documented when a Birthday/Christmas contact went ahead with birth family and what presents children received, however case notes did not specify what the celebration actually consisted of.

xiii. Information sharing by the foster carer with family members

Case files read indicate that there was quite a lot of informal sharing of information between carer's and family. Frequent reference was made to parents calling during the placement to check contact arrangements or appearing at the placement to see a child unplanned which appeared to be acceptable on the whole.

c) How was adherence demonstrated?

In the absence of specific written policies and procedures it is not possible to determine how adherence was demonstrated.

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

As above – Children's files and foster carers files can be provided to demonstrate practice but not all of the written policies and procedures are available.

e) Were relevant records kept demonstrating adherence?

No information is available.

f) Have such records been retained?

No records are available.

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

In the absence of specific written policy and procedures it is not possible to be clear as to whether these have been followed and if not, why not.

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

As above.

Present

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

Yes.

- j) If so, please give details.

With regard to the present position, Dundee City Council have improved greatly documentation of emotional and mental well-being, and any deficits in this. In addition, there is improved promotion of contact with siblings in comparison to earlier years and more emphasis on Birthdays and Christmas celebrations.

The current policies and procedures are excellent and adherence to them can be easily identified on Mosaic, particularly as all Fostering Panel. Carer Reviews reports and minutes are filed within the Mosaic system. Case notes within mosaic are clear and concise and there are chronologies, training logs, career records, and significant event records with regard to carers. Prior to Mosaic, Carers were not on Event Recording therefore case notes were recorded on word document and in earlier days handwritten. Mosaic has enabled the Fostering and Adoption Teams to integrate with the wider department where before, they were effectively "stand alone" teams. This allows resource workers and foster carers' relationships to be more transparent.

4.4 Foster carers

(i) Policy

Past

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

The 'Children in Crisis' strategy document sets out the aim of the Tayside Regional Council in respect of the use of foster care. This, together with the 'section 7' document are the only available written sources to indicate policy and procedure from 1986.

Guidance, policies and procedures were in place in the form of the previous Foster Care Handbook, which was subsequently re-written in 2015 to become our current Handbook.

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

To recruit and maintain carers able to provide both temporary and long-term placement and to reduce the number of children placed in residential care.

No particular written policy or procedural aim or intention can be confirmed for Dundee City Council as the first available foster care policy is from 2015.

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

Operating procedures, Child Protection Handbook and Foster Care Handbook.

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

i. Recruitment

It is clear from the strategy document described above that a wide-ranging recruitment and training programme was planned. Information was also contained in the recruitment strategy of the day.

ii. Standard and size of accommodation

Internal guidance would reflect legislation of that time and would set out information on standard and size of accommodation. Specific questions in relation to this would be included within Foster Care Assessments which were presented to Panel.

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

Internal guidance would reflect legislation of that time and would set out information on standard and size of accommodation. Specific questions in relation to this would be included within Foster Care Assessments which were presented to Panel. Committee report 324-2007 on 25th June 2007 seen the ratification of change in policy to maximum number of 4 children per household.

iv. Pre-approval/registration checks

The 'section 7' document lists appendices relating to relevant checks though the actual appendices are not available:

- criminal checks,
- checks with previous agencies, RSPCC,
- Community Child Health (Tayside) and
- Directors of other Local Authorities where applicant have lived
- Medical checks on applicants

Evidence in the carers files reference Police checks and health checks being carried out.

v. References

Fostering Regulations and the National Care Standards set out the expectations on this, as did the BAAF Form F. In addition, there is information on carers files confirming references were sought and 2 references were required.

vi. Foster care agreements

There are foster carer agreements on carer files.

vii. Induction

There is no past written information available on induction policy, however there is evidence of attendance at preparation groups, information on the needs of children received into foster care and evidence in the files that induction took place.

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

National guidance at the time would set out information on this and would have been followed by the Local Authority.

ix. Review/supervision

The Foster Care Handbook would evidence best practice guidance. It is also clear from the file audit that supervision and review took place.

x. Training

The Foster Care Handbook would evidence best practice guidance and the Fostering Training Strategy at the time would also provide direction on this. There was evidence in the files that training was undertaken.

xi. Personal development

The Foster Care Handbook sets out expectations on this and it would have been undertaken as an integral part of supervision.

xii. Disciplinary actions

The Foster Care Handbook sets out expectations on this and the role of Panel and Agency Decision Maker in disciplinary actions such as de-registration. There is information in carer files about action taken as a result of practice issues. This was not considered disciplinary action, more a proportionate response, depending on the circumstances. The action ranged from practice improvement action to more formal investigation and police processes.

xiii. Removal of approval/registration

See above.

e) Who compiled the policies and/or procedures?

No information is available.

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

Dates of publication are unavailable, for the previous Foster Care Handbook which came into place in the 1990's.

g) Were such policies and/or practices reviewed?

Yes

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

The would have been reviewed in line with changes to legislation, inquiries and changes in practice.

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

There was a substantive change to the Foster Care Handbook which was updated in 2005.

j) Why were changes made?

Changes were made to reflect updated legislation and changes in practice.

k) Were changes documented?

In the Foster Care Handbook.

l) Was there an audit trail?

No information is available.

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.



Foster Care
Handbook_revised

4.a, b, c, d, the most up to date Foster Care Handbook is here.
4.4 e – the Fostering and Resources Team Manager compiled the policies with input from others.
4.4 f – the policies were put in place in 2015

4.4 g – yes, they were reviewed

4.4 h – the policies were reviewed to improve practice

(ii) Practice

Past

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

For the period of Dundee District Council, there were no written policies in place.

For the period of Tayside Regional Council and Dundee City Council, please see 4.4 ii (b).

- b) Did the local authority adhere in practice to its policy/procedures in terms of the following?
- i. Recruitment

It is clear from the strategy document described above that a wide-ranging recruitment and training programme was planned. No information however is available as to the implementation or success of the plan. In the absence of specific written policy and procedures it is not possible to be clear as to whether practice was consistent with policy and procedures.

ii. Standard and size of accommodation

Foster carer's files suggest that proper consideration was given to the size and suitability of the accommodation carers had to offer. In the absence of written specific policy and procedures it is not possible to be clear as to whether practice was consistent with policy and procedures.

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

Foster carer's files suggest that proper consideration was given to the number and ages of children accommodated. In the absence of specific written policy and procedures it is not possible to be clear as to whether practice was consistent with policy and procedures.

The evidence relating to number, age and gender of children accommodated in the household relates to approvals for each foster carer. There is evidence that there were emergency situations whereby carers accepted placements which placed them outwith approval. It is understood that these situations were held at panel (retrospectively in case of emergency) and approvals were adjusted. This indicates attention was paid to this policy, albeit written documentary evidence of policy is not available.

iv. Pre-approval/registration checks

Foster carer's files suggest that pre-approval/ registration checks were undertaken. In the absence of specific written policy and procedures it is not possible to be clear as to whether practice was consistent with policy and procedures.

v. References

Foster carer's files suggest that 2 references were sought. In the absence of specific written policy and procedures it is not possible to be clear as to whether practice was consistent with policy and procedures.

vi. Foster care agreements

Foster carer's files suggest that Foster Care agreements were used in the more recent past. It is not possible to determine whether this became policy and so earliest compliance cannot be verified.

vii. Induction

No written policy document is available regarding induction albeit there is evidence on file of carers receiving induction. It took place within the assessment period and was an important part of the assessment.

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

There is no written policy document which sets out expectations with regard to foster carer moves from or to other organisations or local authorities. There were a few foster carer files where carers were dual approved, for example with Dundee City Council and Angus Council but these were few and far between.

ix. Review/supervision

There is no written policy document available prior to 2015 regarding supervision and review. However, there is evidence on carer files to demonstrate processes were in place and were followed.

x. Training

There is no written policy document prior to 2015 regarding training, albeit there is evidence on foster carer files of their attendance at training. In the absence of specific written policy and procedures it is not possible to be clear as to whether practice was consistent with policy and procedures.

xi. Personal development

There is no written policy information available, but this would have been undertaken as an integral part of supervision and review. Foster carer files show carers were encouraged to develop personally and professionally through supervision and training opportunities.

xii. Disciplinary actions

No written policy information is available. However, there is information on carer's files regarding actions taken as a result of practice issues and these appear to be taken timeously. This was not considered disciplinary action, more a proportionate response depending on circumstances. This action ranged from practice improvement action to more formal investigation and police processes.

xiii. Removal of approval/registration

No written policy information is available; however, it is clear that DCC de-registered carers for a variety of reasons.

c) How was adherence demonstrated?

In the absence of specific written policy and procedures it is not possible to demonstrate adherence to policy and procedures.

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

In the absence of a complete set of written policy and procedures, it is not possible to demonstrate adherence to policy and procedures to the inquiry. However foster care files are available which indicate good practice.

e) Were relevant records kept demonstrating adherence?

Other than carer files, there are no documents available.

f) Have such records been retained?

As above.

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

In the absence of specific written policy and procedures it is not possible to demonstrate adherence to policy and procedures and if policy and procedures weren't adhered to and why not.

Present

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

Yes

i) If so, please give details.

4.4 (ii) a and b – DCC adheres to policy and procedure in practice and adherence is demonstrated by the present time to policy and procedures through considering current policy alongside carer records.

- d – Files can be made available on request
- e – A record of policy is available along with carer files

4.5 Other members of the foster carer's household

(i) Policy

Past

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

The only available information is contained in the 'Section 7' Document which lists the checks to be made.

There is no written policy or procedural document available in Dundee City Council regarding other members of the foster carer's household. Current staff recall that criminal records checks were done for members of the household when the Protection of Vulnerable Groups (Scotland) Act 2007 was enacted. However, there police checks were undertaken prior to 2007 under Part V of the Police Act 1997. The Protection of Children (Scotland) Act 2003 covered those unsuitable to work with children in Scotland.

There is no written policy or procedural document available for working with members of the foster carers household other than the practice expectation that their opinions were considered during initial assessment.

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

No information is available.

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

No information is available.

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

No information is available.

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

No information is available.

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

No information is available.

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

Albeit no written policy is available for Dundee City Council, it is understood that criminal records checks began routinely for other members of the foster carers

household when the Protection of Vulnerable Groups (Scotland) Act 2007 was enacted.

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

Albeit no written policy is available for Dundee City Council, it is understood that criminal records checks began routinely for other members of the foster carers household when Part V of the Police Act 1997 was enforced.

- i) Why were changes made?

Changes in legislation resulted in changed policy in the Council.

- j) Were changes documented?

No information is available.

- k) Was there an audit trail?

No information is available.

Present

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

Yes.

- m) If so, please give details.

4.5 a – Whilst there is no written policy, it is current practice to undertake disclosure checks under the Protection of Vulnerable Groups (Scotland) Act 2007 for all people over the age of 16 in the foster carer's household.

4.5 d - Dundee City Council comply with the legislation around disclosure checks so, as such, there is no person responsible for compiling policy regarding this.

4.5 g – Dundee City Council review policy and practice to align with legislative changes.

(ii) Practice

Past

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

Whilst specific written policies and procedures are not available, case files and foster carers files gave appropriate consideration to the position of all members of the carer's

household. This would happen at assessment stage or when another adult moved into the household, then statutory checks were undertaken for that individual. If they were to become a carer an assessment was also undertaken. With regard to visitors or friends staying over, it would be up to the carer to report this for checking.

b) How was adherence demonstrated?

No information is available.

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

Children's files and foster carers files can be provided to demonstrate practice but written policies and procedures are not available.

d) Were relevant records kept demonstrating adherence?

No information is available.

e) Have such records been retained?

No.

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

No information is available.

Present

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

No

h) If so, please give details.

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

(i) Policy

Past

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

The British Association of Adoption and Fostering Form F was used. This form has been updated over the years and is now electronically available on our electronic recording system Mosaic for workers to use.

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

There are no particular aims or intentions noted in the Dundee City Council policy other than compliance with legislation.

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

The form was in paper form but in recent years it is available electronically on Mosaic as per 4.a above.

d) Who compiled the policies and/or procedures?

No information is available.

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

No information is available.

f) Were such policies and/or practices reviewed?

Dundee City Council reviewed policy and practice.

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

It is considered probable that reviews were undertaken due to new legislation and to improve practice.

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

No information is available.

i) Why were changes made?

It is considered probable that reviews were undertaken due to new legislation and to improve practice.

j) Were changes documented?

No information is available.

k) Was there an audit trail?

No information is available.

Present

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

Yes.

m) If so, please give details.

Operating procedures are now set to be reviewed bi-annually. Also, amendments to policy/practice will be made if recommendations or requirements are made by the Care Inspectorate after an inspection. Changes in legislation and research will also now guide changes.

(ii) Practice

Past

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

There is evidence of adherence in practice in the majority of the sample case files read of adherence to policy/procedures.

b) How was adherence demonstrated?

Case files read.

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

Providing a sample of case files.

d) Were relevant records kept demonstrating adherence?

Case files.

e) Have such records been retained?

Yes, for the statutory retention periods.

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

N/A

Present

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

Yes.

h) If so, please give details.

Information from the file reading shows that in the present day, the matching process is more robust than previous years. For example, in respect of emergency placements or temporary placements which often became long-term. However, it was evident that often the carers did not have the ability to fully meet the child's needs. In present day, Dundee City Council are better than earlier years, at reviewing whether a child's placement fully meets their needs and seeking alternative placements if they do not.

4.7 Complaints and Reporting

(i) Policy

Past

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

The Quality Assurance Advisory Sub Committee of the Social Work Committee met on 29 November 1991 and discussed a leaflet: Your Right to Complain and a note of the authority's complaints procedures, together with Scottish Office circular SW5/1991 which provided advice to local authorities on the operation of a complaints procedure which was required to be established by 1 April 1991 in respect of all social work functions. The Committee also conducted a seminar on complaints procedures in January 1992, to which representatives from all registered establishments and officers involved in the registration process were invited.

Limited information is available regarding the implementation of the 1991/92 Quality Assurance and Complaints procedure.

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

Quality assurance and compliance with legal obligations.

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

It is considered probable that they were, however they are no longer available.

- d) What did the policies and/or procedures set out on the following:
i. Complaints by children

This would be set out in the Children's Service Operating procedures.

- ii. Complaints by foster carers

The Foster Carer's Handbook would set out the processes for this.

- iii. Complaints by family members of children

This would have been set out in the Complaints procedure for the Local Authority at that time.

iv. Complaints by third persons

This would have been set out in the Complaints procedure for the Local Authority at that time.

v. Whistleblowing

Child Protection procedures would set out best practice on this.

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

This would have been set out in the Complaints procedure for the Local Authority at that time.

vii. Response to complaints (including response by the local authority)

This would have been set out in the Complaints procedure for the Local Authority at that time.

viii. External reporting of complaints

Regular reports to the relevant Committee or referral to relevant inspection bodies.

e) Who compiled the policies and/or procedures?

No information available.

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

1991/1992 is the earliest record.

g) Were such policies and/or practices reviewed?

No information available.

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

No information available.

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

No information available.

j) Why were changes made?

No information available.

k) Were changes documented?

No information available.

l) Was there an audit trail?

No information available.

Present

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

No.

n) If so, please give details.

N/A.

(ii) Practice

Past

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

Foster carer's files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known.

b) Did the local authority adhere in practice to its policy/procedures on the following:

i. Complaints by children

Foster carers and children's files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known. Information from the files read indicate that complaints relating to physical or sexual abuse ensued a robust following of policy and procedures. However, emotional abuse was not addressed so readily, which may partly be due to it not being as easily identifiable.

ii. Complaints by staff

The file reading carried out indicates that complaints by staff were recorded and investigated, and were usually addressed through supervision and subsequent reviews. If they were serious and related to Child Protection, Child Protection procedures would be followed. However, whether this was consistent with the policy and procedures is not known.

iii. Complaints by family members of children

Foster carers and children's files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known.

iv. Complaints by third persons

Foster carers and children's files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known.

v. Whistleblowing

No information available.

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

Foster carers and children's files indicate complaints were recorded and investigated however whether this was consistent with the policy and procedures is not known.

vii. Response to complaints (including response by the local authority)

As the complaints procedure is not available it is not possible to determine if the Council adhered to this. Information gleaned from the file reading, indicates that, with regard to those making the complaint, immediate action was generally taken following disclosure and support would be on hand for the child. Unfortunately, once a child was moved there is little reference in the carers' files as to what happened next. With regard to the subject of complaints and allegations, support outwith their resource worker was minimal due to the ongoing investigations. Carers were always advised to contact the Fostering Network (they are advised at approval to join the Network) where they would receive advice and legal representation if required.

viii. External reporting of complaints

As the complaints procedure is not available it is not possible to determine if the Council adhered to this. However, there was an expectation to report certain complaints to the Care Commission and latterly the Care Inspectorate. Evidence in the files indicate that referrals were made to the Disqualified from Working with Children List (PVG) and it's equivalent prior to the PVG scheme, when carers have been convicted/deregistered for proven allegations.

c) How was adherence demonstrated?

In the absence of specific written policies and procedure good practice can be demonstrated by the relevant files however it is not possible to conform that this was consistent with policy and procedures.

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

As above.

- e) Were relevant records kept demonstrating adherence?

If so they are no longer available outwith the relevant child and foster carer files.

- f) Have such records been retained?

The only records are on the child and foster carer files.

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

See above.

Present

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

Yes

- i) If so, please give details.

The Dundee City Council has a complaints procedure and this is followed. It can be found on the Council website: <https://www.dundee.gov.uk/service-area/chief-executive/chief-executives-services/complaints-to-the-council>

4.8 Internal Investigations

(i) Policy

Past

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

There appears to have been no specific written internal investigation policy or procedures prior to 1996. Despite this, there are general policies which have an element of internal investigation within them. These are Achieving and Maintaining Standards, Fairness at Work, Recruitment and Complaints.

Dundee City Council had child protection policies and procedures as detailed in 4.1 c. The Foster Care Handbook also refers to the investigation process.

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

There appears to have been no specific written internal investigation policy or procedures prior to 1996. The Dundee City Council child protection processes are a statutory obligation.

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

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

- d) What did the policies and/or procedures set out on the following:
- i. Approach to/process of internal investigations

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

- ii. Identifying lessons/changes following internal investigations

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

- iii. Implementation of lessons/changes following internal investigations

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

- iv. Compliance

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

- v. Response (to child and abuser)

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

- vi. Response to complaints (including response by local authority)

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

- vii. External reporting following internal investigations

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

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

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

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

There appears to have been no specific written internal investigation policy or procedures prior to the child protection policies in 2015.

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

There appears to have been no specific written internal investigation policy or procedures prior to 1996. It is understood that policies in Dundee City Council time were reviewed.

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

There appears to have been no specific written internal investigation policy or procedures prior to 1996. It is understood that child protection policies in Dundee City Council time were reviewed according to changes in legislation.

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

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

It is unclear what substantive changes were made to the generic child protection policies in Dundee City Council time, as these have been overwritten.

j) Why were changes made?

There appears to have been no specific written internal investigation policy or procedures prior to 1996. It is understood that changes were made to child protection policies in Dundee due to changes in legislation.

k) Were changes documented?

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

l) Was there an audit trail?

No.

Present

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

Yes

n) If so, please give details.

The current forms for the process/procedures for managing a complaint made against a carer and support for carers following a complaint are below.



Allegation_Complai Support for carers
nt made against a cr following a complai

(ii) Practice

Past

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

There appears to have been no specific written internal investigation policy or procedures prior to 1996. There are references in the case files indicating investigations were carried out, but whether they adhere to policy or procedures is unknown.

- b) Did the local authority adhere in practice to its policy/procedures on the following:
- i. Approach to/process of internal investigations

There appears to have been no specific written internal investigation policy or procedures prior to 1996 therefore it is not possible to state whether there was adherence to policy or procedures. Information in the case files indicate that on nearly every occasion the Social Work Department were swift in respect of immediately moving a child to a place of safety. There were a few occasions when it was assessed the child was not at immediate risk and the carers were unaware of a pending investigation so the move did not happen immediately but that was rare.

- ii. Identifying lessons/changes following internal investigations

There appears to have been no specific written internal investigation policy or procedures prior to 1996. The case files indicate that following investigation, training was sometimes identified and there was sometimes an increase to visiting pattern and support but this was not maintained in the longer term. Whether this was adhering to policy or procedures or not is unknown.

- iii. Implementation of lessons/changes following internal investigations

There appears to have been no specific written internal investigation policy or procedures prior to 1996. The case files indicate that following investigation, training was sometimes identified and there was sometimes an increase to visiting pattern and support but this was not maintained in the longer term. Whether this was adhering to policy or procedures or not is unknown. It is not clear from reading the foster carer files that any particular carer's practice was the catalyst for change.

- iv. Compliance

Information from the file reading indicates that there was compliance for serious allegations. Whether this was adhering to policy or procedures or not is unknown.

- v. Response (to child and abuser)

No information regarding response to the child however the response to the abuser was always professional and advice provided as to where they could access external support. Whether this was adhering to policy or procedures or not is unknown.

vi. Response to complaints (including response by local authority)

There appears to have been no specific written internal investigation policy or procedures prior to 1996. Information found in case files indicate that the response was generally appropriate. Whether this was adhering to policy or procedures or not is unknown.

vii. External reporting following internal investigations

There appears to have been no specific written internal investigation policy or procedures prior to 1996. Information from the case files indicate that external reporting following internal investigations was appropriate.

c) How was adherence demonstrated?

There appears to have been no specific written internal investigation policy or procedures prior to 1996. Records were kept for the most part but in older files they were not very well recorded. Records generally exist about the eventual outcomes but records of the investigation are not well recorded within the foster care files, for example Police interviews of children who were previously placed.

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

There appears to have been no specific written internal investigation policy or procedures prior to 1996. Therefore, whether there was adherence to policy or procedures is unknown.

e) Were relevant records kept demonstrating adherence?

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

f) Have such records been retained?

There appears to have been no specific written internal investigation policy or procedures prior to 1996.

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

There appears to have been no specific internal investigation policy or procedures prior to 1996.

Present

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

Yes

- i) If so, please give details.

As records are now stored electronically on Mosaic, the process of adherence to policy and procedures is transparent and ownership of all parts of the investigation is recorded.

4.9 Record keeping

(i) Policy

Past

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

There is no written policy available.

Procedures are evident in the audit of the carers files and children's files. This involved the pre-approval checks as described above, initial assessment, supervision notes, case recordings and panel minutes. It included any records pertaining to the specifics of individual situations.

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

There is no written policy available for foster carer record keeping prior to the Foster Care Handbook dated 2015.

- c) In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?

No specific written policies or procedures are available

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

No specific written policies or procedures are available.

- ii. Foster carers

No specific written policies or procedures are available.

- iii. Visits to children and foster carers

No specific written policies or procedures are available.

iv. Complaints

No specific written policies or procedures are available.

v. Investigations (both internal and external)

No specific written policies or procedures are available.

vi. Discipline

Attached is Discipline and Substandard Work Performance Procedure which was implemented on 1 July 2010 which covers Discipline and Investigations. There is no specific reference to record keeping in this policy. No information is available prior to this.



Discipline
Procedure 1-7-2010.

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

No specific written policies or procedures are available.

viii. Other issues relevant to foster care

No specific written policies or procedures are available.

e) Who compiled the policies and/or procedures?

No specific written policies or procedures are available.

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

No specific written policies or procedures are available.

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

No specific written policies or procedures are available.

h) Were such policies and/or practices reviewed?

No specific written policies or procedures are available.

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

No specific written policies or procedures are available.

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

No specific written policies or procedures are available.

- k) Why were changes made?

No specific written policies or procedures are available.

- l) Were changes documented?

No specific written policies or procedures are available.

- m) Was there an audit trail?

No specific written policies or procedures are available.

Present

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

No.

- o) If so, please give details.

N/A

(ii) Practice

Past

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

Records were maintained in relation to foster carers and children in foster care. However, it is not possible to evidence adherence without the policy documents. It was noted from the file reading that files differed in quality. Some appeared to have adequate information and others did not. There were also significant gaps in some of the paper files so it is unknown if there were missing files/documents or if recording was poor and some records were badly handwritten and very difficult to decipher.

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

There is no written policy or procedural document available regarding record keeping by foster carers so it is not possible to check adherence.

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

i. Children in foster care

Although no specific written policies or procedures are available, records were maintained in relation to foster carers and children in foster care. There was inconsistency with the level of detail. For example, there is clear evidence and recording in the foster carer files read of children placed on a planned basis and very detailed information via reviews/reports/case notes about their time in care with a particular carer. However, for many of the short respite placements, the information recorded is minimal.

ii. Foster carers

Although no specific written policies or procedures are available, records were maintained in relation to foster carers and children in foster care.

iii. Visits to children and foster carers

Although no specific written policies or procedures are available, records were maintained in relation to foster carers and children in foster care. Records exist with regard to foster carers. Visits to children were not automatically recorded in the foster carer files/contact notes because they were undertaken by the child's social worker and recorded in the child's file.

iv. Complaints

Although no specific written policies or procedures are available, records were maintained in relation to foster carers and children in foster care.

v. Investigations (both internal and external)

Although no specific written policies or procedures are available, records were maintained in relation to foster carers and children in foster care. This was particularly the case with regard to progress and outcomes for the carers. Impact on the children was less informative as they had generally moved so that was not recorded in great detail within the foster carer files.

Every current member of staff has a personal file which is either held electronically on CERDMS or a physical file in store. This would include information regarding investigations. Ex-employees' records are kept for 7 years from the date they left employment with DCC.

vi. Discipline

Although no specific written policies or procedures are available, records were maintained in relation to foster carers and children in foster care. The Foster Care Handbook was explicit on what was acceptable and not acceptable. Any breaches identified appear to have been addressed appropriately however there appears to be an over reliance on self-reporting by the carers or the child before issues were addressed.

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

Although no specific written policies or procedures are available, records were maintained in relation to foster carers and children in foster care.

- viii. Other issues relevant to foster care

Although no specific written policies or procedures are available, records were maintained in relation to foster carers and children in foster care.

- d) How was adherence demonstrated?

In the absence of specific written policies and procedures adherence can't be demonstrated.

- e) Were relevant records kept demonstrating adherence?

In the absence of specific written policies and procedures adherence can't be demonstrated.

- f) Have such records been retained?

In the absence of specific written policies and procedures adherence can't be demonstrated.

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

In the absence of specific written policies and procedures adherence can't be demonstrated.

- h) Did the local authority undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for in foster care may have taken place?

In October 1995 a study was undertaken by Andrew Kendrick (Department of Social Work, University of Dundee) and Stewart Brodie (Department of Social Work, The Robert Gordon University) entitled "PREDICTORS OF ABUSE IN FOSTER CARE" Report to Tayside Region Social Work Department.

Tayside Region Social Work Department considered that it was important to collate information on the scale of abuse within the region and to study instances of abuse in foster care to identify whether any patterns or common features were present.

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

This would therefore include incidents which were both substantiated and unsubstantiated. 34 incidents involving 29 children were identified to be included in the case file study which involved inspection of both the child's case file and the foster

carers' case file for each incident of abuse. Note: all substantiated incidents involving physical or sexual maltreatment, or the neglect of children were included whether or not these were considered to be abusive.

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

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

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

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

It was recommended that:

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

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

foster carers' situation. The importance of drawing together information which might indicate a pattern of concerns and how information from different incidents was brought together and considered and by whom was considered.

A number of further recommendations are contained in the report in relation to Assessment and Review, training and the investigation of allegations of child abuse.

There are no documents indicating a review or analysis of records to establish abuse or alleged abuse of children in foster care in terms of a service audit in Angus Council.

The only review of records would have been for contextual evidence on a case by case basis when concerns or allegations arose.

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

The Kendrick and Brodie review took place in October 1995. The findings of the report are set out above and in document below:



Kendrick and
Brodie 1995.pdf

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

Whilst there is a reference to Tayside Regional Council Social Work Committee of 28 October 1995, report 1267/95 to the council reviewing practice in this area and a further report was requested by the committee, there is no record that the findings of the review were incorporated into practice during the period from publication in October 1995 to local government reorganisation in April 1996.

It is worth remembering that not only does this period coincide with local government reorganisation but also with the passing of the Children (Scotland) Act 1995. The new legislation, regulations and guidance resulted in the successor local authorities of Perth and Kinross, Dundee and Angus introducing new policies and procedures for all areas of children and families practice.

- k) What changes have been made?

See above.

- l) How are these monitored?

See above.

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

Yes.

n) If so, how was that facilitated?

This was facilitated through the provisions contained within s. 7 of the Data Protection Act 1998.

o) If not, why not?

N/A

Present

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

Yes.

q) If so, please give details.

n - This was facilitated latterly under the provisions contained within the s.45 of the Data Protection Act

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

i. Children in foster care

Case files including: case notes, reports for initial child protection case conferences, review child protection case conferences, hearing reports, reports for looked after child reviews, reports for respite reviews, reports from professionals, correspondence between professionals, correspondence between professionals and parents, communication directly from parents, complaints.

ii. Staff with responsibilities for foster care

Human Resources files include: Application forms, job specification, copies of qualifications, identification documents (birth certificates etc), references, notice of acceptance, offers of appointment, statement of employment particulars, notification of new employee, conditions of service, amendments to terms and conditions, change of circumstances forms, performance appraisal records, sickness absence interviews, specialist health assessments, termination of service.

iii. Foster carers

Files containing: initial assessment, medical reports, references, PVG checks, panel minutes, approvals, correspondence, incidents, training records, finance, carers reports, placement reports, placement records, day to day agreements, case notes, supervision notes, investigation.

iv. Complaints

These would be filed within the respective carer or child's file.

- v. Investigations (both internal and external)

These would be held in the respective carer's file.

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

Lists are kept of subject access request records however, these do not indicate if the request is from a former looked after child.

Part D – Abuse and Response

The questions in Part D should be answered in respect of abuse or alleged abuse relating to the time frame 1930 to 17 December 2014 only.

5. Abuse

5.1 Nature

- a) What was the nature of abuse and/or alleged abuse of children in foster care, for example, sexual abuse, physical abuse, emotional abuse?

The limited evidence available indicates that the nature of abuse and/or alleged abuse of children in foster care relate to physical and sexual abuse, however there were a few cases documented in the files read that indicate emotional abuse.

5.2 Extent

- a) What is the local authority's assessment of the scale and extent of abuse of children in foster care?

The evidence available indicates that recorded abuse and/or alleged abuse of children in foster care in Dundee City Council and its predecessor bodies are few in number. It is acknowledged that for these individual children, being in foster care did not provide the loving and nurturing experience they deserved.

- b) What is the basis of that assessment?

This assessment is based on examination of available historical documents relating to policy, procedures, and practices in relation to children in the care of the organisation throughout the period of the inquiry. All foster carer files were screened (231) and rated red amber or green in terms of deeper reading of file, red and amber requiring a more in-depth review. It is the red (25) and amber files (11) on which this assessment is based. Not all the red and amber files had complaints included. The assessment is also informed by accounts volunteered by existing and former staff employed in

foster care services and includes a case file audit of records of foster carers and individual children including and prior to 17 December 2014.

- c) How many complaints have been made in relation to alleged abuse of children in foster care?

From reading the available information in the foster carer files, there appear to be a total of 82 complaints made in relation to alleged abuse of children in foster care, 33 of which were deemed serious enough to have police involvement. This is a sample of all our files and not a definitive figure from all the records we hold.

- d) Against how many foster carers have the complaints referred to at (c) above been made?

From reading the available information in the foster carer files, the complaints referred to at (c) above were made against 33 foster carers, some of whom were living together in the same household.

- e) How many foster carers have been convicted of, or admitted to, abuse of children?

Information from the available files show that whilst there were cases where the foster carer was charged (6 occasions as identified in the available files read), there were no convictions in 5 cases, with 1 still outstanding with a court date set for October this year.

- f) How many foster carers have been found by the local authority to have abused children?

In the files read, there is only one case where the local authority specifically records as part of the de-registration process, that the reason was that whilst the foster carer was charged but then did not proceed due to lack of evidence, Dundee City Council "believed witness statements to be credible". In the other cases where there was alleged abuse, the local authority, in the majority of cases, de-registered the carer(s) or the care(s) self-de-registered.

- g) Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?

Information in the files read, indicate that there were 6 family members who had complaints made against them in relation to alleged abuse of children. They were all children of the foster carers – 3 males and 3 females.

- h) How many family members of foster carers have been convicted of, or admitted to abuse of children?

There is no information in the files alluding to family members of foster carers having been convicted of, or admitted to abuse of children.

- i) How many family members of foster carers have been found by the local authority to have abused children?

There is no information in the files alluding to family members of foster carers having been found by the local authority to have abused children.

- j) Against how many other children placed in foster care in the same placement have complaints been made in relation to the alleged abuse of children?

There is no information in the files to suggest there were other children placed in foster care in the same placement who have had complaints made in relation to the alleged abuse of children.

- k) How many other children placed in foster care in the same placement have been convicted of, or admitted to abuse of children?

There is no information in the files to suggest there were other children placed in foster care in the same placement who have been convicted of, or admitted to abuse of children.

- l) How many other children placed in foster care in the same placement have been found by the local authority to have abused children?

There is no information in the files to suggest there were other children in the same placement having been found by the local authority to have abused children.

5.3 Timing of Disclosure/Complaint

- a) When were disclosures and complaints of abuse and/or alleged abuse of children in foster care made to the local authority?

Information from the files read indicated that they were predominately made at the time of placement, however there were a few instances where allegations were historic; 18 years, 6 years, 2 years and 1-year post placement. There were also 2 allegations made at 8 years after placement.

- b) To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?

See answer to 5.3 a above, they were mainly made whilst the abuse of alleged abuse was ongoing or recent rather than historic.

- c) To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?

See answer to 5.3 a and b.

- d) Are there any patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse?

From reading the files, there are no patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse, other than the majority were made at the time the child was in placement.

5.4. External Inspections

- a) What external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children?

There have been no external inspections relating to abuse or alleged abuse of children prior to 17 December 2014.

For each such external inspection please answer the following:

- b) Who conducted the inspection?
N/A
- c) Why was the inspection conducted?
N/A
- d) When was the inspection conducted?
N/A
- e) What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?
N/A
- f) What was the local authority's response to the inspection and its outcome?
N/A
- g) Were recommendations made following the inspection?
N/A
- h) If so, what were the recommendations and were they implemented?
N/A
- i) If recommendations were not implemented, why not?
N/A

5.5 External Investigations

- a) What external investigations have been conducted relating to children in foster care which have considered issues relating to abuse and/or alleged abuse of children?

Information obtained in the foster carer files show that there were 33 instances where external investigations by the Police were conducted. See spreadsheet 5.5 for details for 5.5b, c, d, e, f, g, h, and i.

For each such external investigation please answer the following:

- b) Who conducted the investigation?

See spreadsheet 5.5

- c) Why was the investigation conducted?

See spreadsheet 5.5

- d) When was the investigation conducted?

See spreadsheet 5.5

- e) What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?

See spreadsheet 5.5

- f) What was the local authority's response to the investigation and its outcome?

See spreadsheet 5.5

- g) Were recommendations made following the investigation?

See spreadsheet 5.5

- h) If so, what were the recommendations and were they implemented?

See spreadsheet 5.5

- i) If recommendations were not implemented, why not?

See spreadsheet 5.5

5.6 Response to External Inspections/Investigations

- a) What was the local authority's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?

There was no information found on this.

- b) What was the local authority's procedure/process for responding to the outcomes of such external inspections and/or investigations?

There was no information found on this.

- c) What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?

There was no information found on this.

5.7 Impact

- a) What is known about the impact of abuse on those children in foster care who were abused, or alleged to have been abused?

It was known that the abuse made children less trustful of adults, less willing to buy into future placements and more likely to want to return to the care of the birth family and to actively seek this. The outcomes for children in care were very poor at the time, and would be exacerbated by any inadequate care they may have received in foster care.

- b) Where does the local authority's knowledge/assessment of that impact come from?

It comes from the case files read.

- c) What is known about the impact of abuse on the families of those children in foster care who were abused, or alleged to have been abused?

Allegations of abuse impacted relationships with Social Work. This was case noted on occasions and could be seen in interactions and decision making of parents thereafter, i.e.: seeking for children to be returned home, when previously they had been satisfied with their child being accommodated.

- d) Where does the local authority's knowledge/assessment of that impact come from?

It comes from the case files read.

5.8 Known Abusers and Alleged Abusers

- a) Does the local authority know of specific abusers, or alleged abusers, of children in foster care?

Yes, when complaints/allegations were made.

- b) If so, what are the names of the abusers, and/or alleged abusers?

See spreadsheet 5.8 for answers.

- c) For each of these persons, please provide as much as possible of the following information:
- the period (dates) during which they are known or alleged to have abused children in foster care
 - if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse
 - the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter
 - any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made,

See spreadsheet 5.8 for answers.

- d) Were known abusers, or alleged abusers, of children permitted to continue as foster carers?

See spreadsheet 5.8 for answers.

- e) If so, why was this considered to be appropriate?

See spreadsheet 5.8 for answers.

- f) If so, what process of monitoring/supervision followed?

See spreadsheet 5.8 for answers.

5.9 Specific Complaints

- a. How many specific complaints of abuse of children in foster care have been made to the local authority?

There has been a total of 82 specific complaints, 33 of which were serious enough for Police investigation. The other 50 were dealt with internally.

See Spreadsheet 5.5 for 5.9 b-n answers.

For each specific complaint, please answer the following:

b. Who made the complaint?

See Spreadsheet 5.5 for 5.9 b-n answers.

c. When was the complaint made?

See Spreadsheet 5.5 for 5.9 b-n answers.

d. Against whom was the complaint made?

See Spreadsheet 5.5 for 5.9 b-n answers.

e. What was the nature of the complaint?

See Spreadsheet 5.5 for 5.9 b-n answers.

f. When/over what period was the abuse alleged to have taken place?

See Spreadsheet 5.5 for 5.9 b-n answers.

g. What was the local authority's process and approach in dealing with the complaint?

See Spreadsheet 5.5 for 5.9 b-n answers.

h. What was the local authority's process and approach for investigating the complaint?

See Spreadsheet 5.5 for 5.9 b-n answers.

i. What was the outcome of the complaint following that investigation?

See Spreadsheet 5.5 for 5.9 b-n answers.

j. Did the local authority provide a specific response to the complaint?

See Spreadsheet 5.5 for 5.9 b-n answers.

k. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?

See Spreadsheet 5.5 for 5.9 b-n answers.

l. If there was no response, why not?

See Spreadsheet 5.5 for 5.9 b-n answers.

m. Was the information/content of the complaint passed to police?

See Spreadsheet 5.5 for 5.9 b-n answers.

n. If not, why not?

See Spreadsheet 5.5 for 5.9 b-n answers.

5.10 Civil Actions

a) How many civil actions have been brought against local authority relating to abuse, or alleged abuse, of children in foster care?

Two civil actions have been brought against local authority relating to abuse, or alleged abuse, of children in foster care.

For each such civil action, please answer the following:

b) Who brought the action?

Claim 1:

[REDACTED]

Claim 2:

[REDACTED]

c) When was the action brought?

Claim 1: 15 July 2014

Claim 2: 22 October 2010

d) Against whom was the action brought?

Claim 1: Dundee City Council

Claim 2: Dundee City Council as successor authority to Tayside Regional Council.

e) What was the nature of the abuse, or alleged abuse, to which the action related?

Claim 1: Mr [REDACTED] was subjected to serious sexual abuse by his foster carer's son whilst residing with his foster carers.

Claim 2: Mr [REDACTED] alleged that he was subjected to physical and sexual abuse by the foster carer's children.

f) What were the names of the persons said to have, or alleged to have, committed abuse?

Claim 1: EFJ [REDACTED]

Claim 2: Mr and Mrs EGS-EGT (no first names available in case file) and their two sons (one named EFK)

- g) When/over what period was the abuse said, or alleged, to have taken place?

Claim 1: Late 1999 to early 2000 over a number of weeks.

Claim 2: ██████████ 1976 to ██████████ 1988.

- h) How did the action progress?

Claim 1: The claim was referred to Dundee City Council's insurers who appointed solicitors to deal with this on their behalf.

Claim 2: The claim was referred to Tayside Regional Council's insurers to deal with the claim on our behalf.

- i) What was the outcome?

Claim 1: The claimant's solicitors raised a court action. An out of court settlement offer was made and accepted. A formal decree was received absolving Dundee City Council of any liability in relation to the matter. The claimant received £10000.

Claim 2: The claim was closed with no payments being made.

- j) Was the action settled on a conditional basis of confidentiality?

Claim 1: No.

Claim 2: No.

- k) Who was/were the local authority's legal representative(s) in relation to the civil action?

Claim 1: Dundee City Council's legal representatives were Simpson and Marwick (now Clyde and Co).

Claim 2: Not Applicable.

- l) Did the local authority carry insurance for meeting civil claims at the time the action was live?

Claim 1: Yes, Dundee City Council carried insurance via Zurich Municipal for meeting civil claims at the time the action was live.

Claim 2: Yes. Tayside Regional Council were insured via Municipal Mutual Insurance. Claims were handled by Zurich Municipal on Municipal Mutual's behalf.

- m) How/where can copies of the court papers relating to the civil action be made available to the Inquiry?

Claim 1: A copy of the claims file can be obtained, on request, from, Clyde and Co, Solicitors.

Claim 2: A copy of the claims file could be obtained on request from Zurich Municipal.

5.11 Criminal Injuries Compensation Awards

- a) Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?

The only information available is from living memory, which indicates that Dundee City Council did support young people to pursue claims.

- b) If so, please provide details if known.

As above.

5.12 Police

- a) How many complaints of abuse of children in foster care have been made to the police?

Information obtained from the files read, indicate that 33 complaints of abuse of children in foster care made to the police. Police attend Initial Referral Discussions (IRDs) when an allegation is received from any source.

In relation to each known complaint to the police, please answer the following questions:

- b) Who was the alleged abuser or abuser?

- 1 EFR [REDACTED]
- 2 EFQ [REDACTED] son of [REDACTED] (carer)
- 3 EFU [REDACTED]
- 4 EGV [REDACTED] x 2
- 5 EFM [REDACTED]
- 6 EFN [REDACTED] x2
- 7 EFL [REDACTED] x2
- 8 EFP [REDACTED]
- 9 EFV [REDACTED] x2
- 10 EFW [REDACTED]
- 11 EFX [REDACTED] x2
- 12 EFY [REDACTED] (x3) and EFZ [REDACTED] (x2)
- 13 EGB [REDACTED]
- 14 EGC [REDACTED]
- 15 EGD [REDACTED]
- 16 EGF [REDACTED]

- 17 EGH-EGJ [REDACTED]
- 18 EGK [REDACTED], adult son of carers [REDACTED] (carer)
- 19 EGM [REDACTED]
- 20 EGN [REDACTED]
- 21 EGP [REDACTED]
- 22 EGQ [REDACTED] x3

c) Did the police conduct an investigation in relation to the complaint?

- 1 Yes
- 2 Yes
- 3 Yes
- 4 Yes (x2)
- 5 Yes
- 6 Yes (x2)
- 7 Yes (x2)
- 8 Yes
- 9 Yes (x2)
- 10 Yes
- 11 Yes (x2)
- 12 Yes (x5)
- 13 Yes
- 14 Yes
- 15 Yes
- 16 Yes
- 17 Yes
- 18 Yes
- 19 Yes
- 20 Yes
- 21 Yes
- 22 Mentions Child Protection Investigation carried out which would have included Police.

d) If so, who conducted the investigation and when?

The named officers who conducted the police investigation are not always recorded by social work. The timing of the investigation is understood to be either on the day of the allegation or commenced shortly after. Some investigations will have taken a considerable length of time to conclude albeit the specific end date is not always recorded on social work files.

- 1 5th May 2006, Information not known on who conducted investigation
- 2 No information in file
- 3 WPC Katie Chisholm, date unknown
- 4 No information in file
- 5 Sergeant Graham and PC Heather Irvine, 03/04/1994
- 6 No information in file
- 7 No information in file
- 8 DC Lindsey Brown, 09/01/2019
- 9 DC Janet Swanson

- 10 No information in file
- 11 No information in file
- 12 PCs Dot Gunn and Shonagh Reid
- 13 PC Renilson and PC Garren
- 14 Unknown
- 15 Unknown
- 16 Unknown
- 17 DS John Calligan (Fife Police) and PC Jim McNally (Tayside Police) 5/6/1998
- 18 Unknown
- 19 unknown who conducted it but it took place on 12/03/07
- 20 Unknown
- 21 Unknown
- 22 Unknown

e) What was the outcome of the police investigation?

- 1 Charged and report sent to the Procurator Fiscal
- 2 No action as child did not wish to make a formal complaint
- 3 No information in the file
- 4 No information in the file
- 5 No further action as there was insufficient evidence to proceed further with the case.
- 6 Mr ^{EFL} was charged with head-butting child, failure to seek medical treatment for child and also with a number of counts of threatening behaviours towards the child.
- 7 No further action - Police found following interview with child that they were of the opinion that excessive force was used, however after interview with Mr ^{EFL} they could not be sure due to differing accounts of child and Mr ^{EFL}. For the second allegation, Police found Mr ^{EFL} had no case to answer.
- 8 ^{EFP} was charged with two assaults against a minor.
- 9 No further action
- 10 Charged with assault. Appeared at court and then no further prosecution.
- 11 No further action against the carer as there was no physical evidence of an assault for both allegations.
- 12 It was concluded that allegations could not be substantiated for either carer.
- 13 Procurator Fiscal took no further action
- 14 Charged with 2 accounts of assault of a child whilst employed at New Breaks
- 15 Child did not wish to pursue a complaint
- 16 Unknown
- 17 Outcome "inconclusive" therefore no further action on the part of the Police
- 18 Referral to Procurator Fiscal, outcome unknown
- 19 Child did not wish to make a statement
- 20 Medical examination found no physical injuries and concluded that if child had hit her head against the wall, minimal force had been used. Police and Social Work Department were satisfied with the explanation given (i.e. that there may have been an accidental hitting off the wall in the process of separating the children, and that the child was perfectly willing to return to foster carers care.
- 21 The Police interviewed her however she stated she could not recall any of these incidents. As there was no corroboration the Police were unable to progress the complaint.
- 22 No evidence found in the Child Protection Investigation

f) What was the organisation/establishment's response?

- 1 De-registration
- 2 Information on file states that the carers were deregistered as they did not take any placement from when [REDACTED] left in 1993.
- 3 Unclear. The information in the file states that the female making the complaint had left the placement six years before.
- 4 De-registration
- 5 De-registration
- 6 De-registration
- 7 De-registration
- 8 Carer and her husband currently suspended
- 9 No information on file
- 10 Carers suspended and then chose not to continue when court situation resolved.
- 11 The carer and his wife de-registered by their own request so no organisational action to be taken.
- 12 EFZ [REDACTED] was de-registered
- 13 EGB [REDACTED] was given "time-out" until the Procurator Fiscal decision, then was reinstated after Procurator Fiscal took no further action.
- 14 De-registration
- 15 No information on file
- 16 De-registration
- 17 05/06/1998 – "Planning Meeting" held, 05/06/1998 and both boys were moved to an alternative placement as the previous day it was late and they were assessed as not being at immediate risk. The Children's Reporter notified of placement end and Children's Hearing arranged for 10/06/1998. CAFSES Dundee to liaise with CAFSES in Fife as carers reside out with Tayside Region. On 30/06/1998 a letter was sent to Carers advising that the investigation was over however an early carers' review would be arranged. A Fostering Panel was held on 22/10/1998 and the Carers' approval as Temporary Foster Carers was reduced to Day Care Respite only until they could be reassessed.
- 18 Placement ended 17/02/2000, the day after complaint was made, stayed with grandfather on 16/02/2000 as planned respite.
- 19 The Fostering Panel agreed to recommend that EGM [REDACTED] take 6 months out from Fostering and that during the 6 months an assessment of her changed circumstances and her ability to continue fostering be undertaken. Recommendation by Social Work Department for EGM [REDACTED] not to continue as ACE carer due to change in circumstances (now a single carer who had suffered a significant loss). Also, the level of risk associated with young people who meet ACE criteria had increased and assessment was that it would not be safe for EGM [REDACTED] or LAC child to place a child with such high risk with EGM [REDACTED]. EGM [REDACTED] then stated she did not wish to progress re-assessment if it was not as an ACE carer and she wished to be de-registered.
- 20 No information on file but it would appear that child had already left this placement
- 21 An internal investigation was launched particularly as a member of the public had contacted the Social Work Department and made several points that appeared to corroborate much of what [REDACTED] was alleging. Carer then deregistered on 7 February 2017 at the Fostering Panel because she failed to meet the standards of care expected of a foster carer for Dundee City Council.

22 No information on this.

5.13 Crown

- a) To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care?

It is apparent from reading the available foster carer files, that there were 10 cases where the police referred matters to the Procurator Fiscal.

In relation to each time the Crown has raised proceedings, please answer the following questions:

- b) What is the name of the person(s) against whom the proceedings were raised?

1 EFR [REDACTED]
 2 EFN [REDACTED]
 3 EFP [REDACTED]
 4 EFW [REDACTED]
 5 EGC [REDACTED]
 6 EFZ [REDACTED]
 7 EFX [REDACTED]
 8 EGB [REDACTED]
 9 EGC [REDACTED]
 10 EGK [REDACTED]

- c) What was the nature of the charges?

1 Sexual abuse allegations
 2 Physical assault
 3 2 accounts of physical assaults and misconduct
 4 Physical assault
 5 2 accounts of physical assault of a child
 6 Sexual abuse
 7 Physical
 8 Physical assault
 9 Physical assault
 10 Physical assault

- d) What was the outcome of the proceedings, including disposal/sentence if there was a conviction?

1 Not proven at trial
 2 Procurator Fiscal dropped charges
 3 The case is not yet resolved – provisional court date October 2020
 4 Appeared at court then no further prosecution
 5 No information in file to answer this
 6 Appeared in court with outcome there was no case to answer, insufficient evidence for criminal conviction.

- 7 Report submitted to PF but then no further information on outcome in file
- 8 Procurator Fiscal took no further action
- 9 No information in file but reference to bail conditions being in place.
- 10 Outcome unknown

e) What was the local authority's response to the proceedings and outcome?

- 1 De-registered by local authority
- 2 De-registered by local authority
- 3 Currently suspended as carer
- 4 Carer self- de-registered
- 5 De-registered by local authority
- 6 De-registered by local authority
- 7 De-registered by local authority
- 8 EGB [REDACTED] was given period of "time-out" until PF decision, re-instated after the PF decision and approved for further placements
- 9 Immediate end of placement, appears to have been de-registered but it is not clear whether the carer did this herself or whether it was the local authority that de-registered her.
- 10 Unknown