

**Section 21 Enquiry (Fostering) Part A**

Information Required	Response
<b>Part A – Background</b>	
1. <u>Characteristics</u>	
<b>1.1 <u>History of the Local Authority</u></b>	
<p>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.</p>	<p>Please note the following approximate time frames in relation to this response:</p> <ul style="list-style-type: none"> <li>• 1930 – 1975 – Ayr County Council (some documents held at Ayrshire Archives, South Ayrshire);</li> <li>• 1975 – 1996 – Kilmarnock and Loudoun District Council and Cumnock and Doon Valley District Council;</li> <li>• 1975 – 1996 – Strathclyde Regional Council (with responsibility for Social Work function) (some documents held at City Archivists , Mitchell Library, Glasgow);</li> <li>• 1996 – Present – East Ayrshire Council (EAC).</li> </ul> <p><b><i>All subsequent references to “local authority” mean the local authority and its statutory predecessors.</i></b></p> <p><b><i>All references to “foster care” include boarding out with private families.</i></b></p>
<p>b) When and how did the local authority become involved in the provision of foster care for children in Scotland?</p>	<p>Historically (and <u>within the timeframe of the Inquiry</u>), fostering or ‘boarding out’ of children with private families, where local authorities (initially Education authorities) had some form of responsibility over these children, appears to date back to approximately 1930’s (Children and Young Persons (Scotland) Act 1932 and 1937). Education was transferred to the responsibility of the local authority under the Local Government (Scotland) Act 1929 and therefore, in terms of East Ayrshire’s predecessors, initial responsibilities over the boarding out of children would have sat with Ayr County Council.</p>
<p>c) How has the involvement of the local authority in the provision of foster care</p>	<p>Full details on the historical evolution of foster care in Scotland can be found below at 1.3. However, an initial assessment of the development of foster care can be found below. Please note that the majority of the historical information provided below has been ascertained by research, mainly,</p>

<p>changed/developed over time?</p>	<p>Professor Kenneth Norrie's report on the Legislative Background to the Treatment of Children and Young People Living Apart from their Parents.</p> <ol style="list-style-type: none"> <li>1. Early (pre 1930) 'boarding out' was undertaken by the courts and children would be placed in either industrial or reformatory schools (later approved schools), or with a 'fit person' who would be an individual known to the child. <b>In this way, early boarding out (other than within schools) was more akin to our current understanding of kinship.</b></li> <li>2. Post 1930's – a move away from this early form of kinship care began in approximately 1930's to 'boarding out' or fostering and the <b>widening of 'fit persons' to include Education Authorities.</b> This saw an increase in Regulations around the quality of both the accommodation and type of person to which the child may be committed. However, early Regulations do not take into account the welfare of the child and focused more on their 'training' (habits of punctuality and thrift, good manners and language). <b>There was no mechanism to assess the fitness of foster parents</b> other than to exclude certain categories of individuals.</li> <li>3. Late 1940's, the <b>vetting of foster carers</b> began and a move towards the <b>consideration of child welfare and wellbeing.</b> Children could make complaints for the first time and were allocated individual workers. Carers were given rules to follow in their care of the children.</li> <li>4. Systematic changes in 1948 following recommendations of the Clyde Report. Single department to oversee a <b>'foster carer system'</b>. There was a move away from institutional care to the notion of creating real family life for the child. Substantial increase in state involvement in the care of children and local authorities ultimately responsible for boarded out children. <b>Children's Committees established by Local Authorities.</b></li> <li>5. Move away from creating family life in placements to <b>working with families</b> to keep children at home during the 1950s and 1960s. Duty of Local Authorities to promote social welfare – <b>more emphasis on preventative actions.</b> Social Work Committee replaced Children's Committees and the Children's Hearing system established. Move away from boarding out or fostering being first choice for child and further options explored through the Hearing system. Greater emphasis on child and family participation.</li> <li>6. Mid 70's there became a requirement to give <b>consideration to the need to safeguard and promote the welfare of the child throughout his childhood and ascertain and take into account the wishes and feelings of the child.</b></li> <li>7. Mid 80's perception of fostering as a temporary placement. <b>Establishment of fostering panel</b> to consider the suitability of carers. Fostering Agreement to be entered into to include financial arrangements.</li> </ol>
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	<p>8. Mid 90's extension of powers in relation to the care and welfare of children. Increased powers for Local Authorities and a fostering definition and Act to flesh out provisions within the Children (Scotland) Act 1995. <b>Extended the rules for foster carers and included training.</b></p> <p>9. 2000's – increased rules on inspections of care providers and establishments and tighter restrictions on those who could work with children. Requirement for register of social workers and social service workers. Persons can be removed from that register.</p> <p>In summary of the above, initially fostering appears to have been linked to the child's personal and physical safety and removal from immoral environments. Emotional wellbeing and giving children a voice was only considered in later years.</p> <p>From an East Ayrshire perspective relating to past practices of the authorities predecessors, no evidence has been found which would suggest that there was any deviation from the national norms. Some further information on the practices of our predecessors can be found below and attached in the form of Council and Committee minutes.</p>
<p><b>1.2 Funding of Foster Care</b></p> <p>a) How were the local authority's operations and activities, so far as relating to the provision of foster care, funded?</p>	<p><b>East Ayrshire Council:</b> East Ayrshire Council has, from inception, been funded along with all other Scottish Local Authorities, through a mixture of Scottish Government central funding, and locally raised taxation, via Council Tax.</p> <p>The Council distributes this funding as it deems appropriate through the functioning of various Committees including, between 1996 and 2007 the Social Work Committee. From 2007 resourcing decisions regarding fostering were taken by East Ayrshire Council's Cabinet.</p> <p><b>Strathclyde Regional Council:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of Strathclyde Regional Council. Separately, it is our understanding that work is being undertaken by the archivists, Mitchell Library, Glasgow to attempt to locate such data if it exists.</p> <p><b>Predecessor Authorities:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of the predecessor authorities who existed between 1930 and 1975. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>

<p>b) To what extent, if any, did the local authority provide funding to other organisations for the purposes of provision of foster care?</p>	<p><b>East Ayrshire Council:</b> The Council has always attempted to meet the needs of children who require fostering placements from within its own foster care resources wherever possible. This accounts for the steady growth of the fostering service after 1996.</p> <p>External fostering providers have been used regularly by East Ayrshire Council and the details of the organisations used, and the cost of these services is outlined in appendix one.</p> <p><b>See appendix one for detail of annual spend on external fostering and providers used.</b></p> <p><b>Strathclyde Regional Council:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of Strathclyde Regional Council. Separately, it is our understanding that work is being undertaken by the archivists, Mitchell Library, Glasgow to attempt to locate such data if it exists</p> <p><b>Predecessor Authorities:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of the Predecessor authorities who existed between 1930 and 1975. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>c) If funding was provided by the local authority to other organisations for the provision of foster care, to whom was it provided, when was it provided and what criteria were applicable to its provision?</p>	<p><b>East Ayrshire Council:</b> See information above regarding the use of external fostering agencies. In terms of the criteria used in accessing such resources, factors involved would include: finding a suitable placement which can meet the child's identified needs; no in-house resource being able to meet the identified needs; identification of a suitable fostering family approved by another registered fostering agency, where it is assessed that the child's needs can be met; agreement from Senior Manager to the purchase of an external placement.</p> <p>From 2012 a policy document was in use which formalised the above, this was called the 'Foster Care Placement Approval Procedure'.</p> <p><b>Strathclyde Regional Council:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of Strathclyde Regional Council. Separately, it is our understanding that work is being undertaken by the archivists, Mitchell Library, Glasgow to attempt to locate such data if it exists.</p>



	<p><b>Predecessor Authorities:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of the Predecessor authorities who existed between 1930 and 1975. These records are not controlled or held by East Ayrshire Council. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>d) To what extent was financial state support available to foster carers? How were foster carers made aware of that state support? How was that state support accessed by foster carers (e.g. directly or via the local authority)?</p>	<p><b>East Ayrshire Council:</b> Foster carers are not allowed to claim state benefits for the children in their care, with the exception of Disability Living Allowance where the child has qualifying needs. All funding for foster care therefore comes from the Local Authority.</p> <p><b>Strathclyde Regional Council:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of Strathclyde Regional Council. Separately, it is our understanding that work is being undertaken by the archivists, Mitchell Library, Glasgow to attempt to locate such data if it exists.</p> <p><b>Predecessor Authorities:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of the Predecessor authorities who existed between 1930 and 1975. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>e) To what extent was financial support from the local authority available to foster carers?</p>	<p><b>East Ayrshire Council:</b> Between 1996 and 2013 EAC paid fostering carers in the form of an allowance which was not separated into a 'fee' and 'allowance' element, this combined payment was calculated to cover the costs of caring for the child, and contributing towards household costs, e.g. utility bills. Additional payments were made to foster carers to contribute towards birthday and Christmas presents for the child, as well as a holiday. From 2013 a separate fee and allowance structure was implemented which combined in the allowance the previous payments for holidays, Christmas and birthdays. The fee element is the financial remuneration to the foster carer for the task undertaken, and the allowance is to be used to meet the child's needs and the financial upkeep of the child.</p> <p>The rate paid to foster carers varied according to the age of the child, with 4 age bands, outlined below, rates and age bands as at January 2013:</p> <p>0-4 years £168.55  5-10 years £209.25  11-15 years £257.82</p>

	<p>16+ years £333.89</p> <p>The 1996 to 2013 East Ayrshire Council system for foster care payments included regular review of payments to take account of cost of living increases- over time however a gap developed between EAC rates and the recommended minimum allowance indicated by The Fostering Network.</p> <p>The previous scheme was also based on 3 levels of foster carer competency. This required carers to undertake particular training in order to progress from Level 1 to Level 3, and undertake work with children and young people at corresponding levels of complexity. However, due to the demands on the service, placements at levels 2 and 3 became indistinguishable, these factors were the drivers for a review of the scheme which took place in 2013.</p> <p>Since 2013 a new scheme has been in place which is not based on different competency gradings, but which does vary payments according to the number of children in placement and their ages. The current scheme includes a fee element of remuneration for the carer, and an allowance to meet the needs of the child. The scheme has been modified slightly in terms of rates to take account of the parity model of paying kinship carers and foster carers the same allowance rate for children of the same age.</p> <p><b>Strathclyde Regional Council:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of Strathclyde Regional Council. Separately, it is our understanding that work is being undertaken by the archivists, Mitchell Library, Glasgow to attempt to locate such data if it exists.</p> <p><b>Predecessor Authorities:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of the Predecessor authorities who existed between 1930 and 1975. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>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</p>	<p><b>East Ayrshire Council:</b> See above- funds were provided from within the Local Authority budget, itself a combination of central grant and locally raised taxation. Funds were and are distributed according to the fostering payment scheme of the time, outlined above.</p> <p><b>Strathclyde Regional Council:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of Strathclyde Regional Council.</p>

<p>to the distribution of such funds?</p>	<p>Separately, it is our understanding that work is being undertaken by the archivists, Mitchell Library, Glasgow to attempt to locate such data if it exists.</p> <p><b>Predecessor Authorities:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of the Predecessor authorities who existed between 1930 and 1975. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>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?</p>	<p><b>East Ayrshire Council:</b> Information regarding financial support was made available to prospective foster carers at the point of enquiry, being within an information pack which was sent to interested parties. Post-approval carers received an induction which included the financial arrangements for fostering. Payments were made directly to foster carers four weeks in advance, based on the children who were in their care.</p> <p><b>Strathclyde Regional Council:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of Strathclyde Regional Council. Separately, it is our understanding that work is being undertaken by the archivists, Mitchell Library, Glasgow to attempt to locate such data if it exists.</p> <p><b>Predecessor Authorities:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of the Predecessor authorities who existed between 1930 and 1975. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>h) What other sources of funding were available to foster carers in relation to the provision of care for children?</p>	<p><b>East Ayrshire Council:</b> Discretionary payments have always been available for use in exceptional circumstances, or where a child has had a particular need which could not reasonably be met from the normal fostering fees and allowances. An example of this would be discretionary grant for additional clothing purchase where a child arrives at a fostering placement with little or no adequate clothing.</p> <p><b>Strathclyde Regional Council:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of Strathclyde Regional Council. Separately, it is our understanding that work is being undertaken by the archivists, Mitchell Library, Glasgow to attempt to locate such data if it exists.</p>

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<p>i) Was the funding adequate to properly care for the children?</p>	<p><b>East Ayrshire Council:</b> Funding was sufficient to meet the needs of children, though as noted above, it was deemed necessary in 2013 to amend the scheme to take account of a divergence between EAC rates and recommendations from the Fostering Network regarding the minimum rates- because EAC was paying a combined Fee and Allowance it was difficult to benchmark the rates and it was decided to amend this in the new scheme.</p> <p>Case file audits have been undertaken from throughout the period of EAC's existence and one of the things file readers were asked to comment upon was the adequacy of funding to meet the child's needs. There has been no evidence of a systematic problem of underfunding during the EAC period and rates have been sufficient to meet the essential needs of children in placement.</p> <p><b>Strathclyde Regional Council:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of Strathclyde Regional Council. Separately, it is our understanding that work is being undertaken by the archivists, Mitchell Library, Glasgow to attempt to locate such data if it exists.</p> <p><b>Predecessor Authorities:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of the Predecessor authorities who existed between 1930 and 1975. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>j) If not, why not?</p>	<p><b>East Ayrshire Council:</b> Not applicable- see above.</p> <p><b>Strathclyde Regional Council:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of Strathclyde Regional Council. Separately, it is our understanding that work is being undertaken by the archivists, Mitchell Library, Glasgow to attempt to locate such data if it exists.</p> <p><b>Predecessor Authorities:</b> At the time of writing we have been unable to locate any data which shows the funding arrangements for foster care during the period of the Predecessor authorities who existed</p>

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<b>Present</b>	
k) With reference to the present position, are the answers to any of the above questions different?	See information in e) above.
l) If so, please give details.	Not applicable
<b>1.3 Legal Status</b> <b>(i) Local authority</b>	
<b>Past</b>	
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?	<p>Given the timeframe of the Inquiry, the information requested covers a range of historical and current legislative Acts and Regulations. Please note that the majority of the historical information provided below has been ascertained by research, mainly, Professor Kenneth Norrie's report on the Legislative Background to the Treatment of Children and Young People Living Apart from their Parents. It will be clearly indicated where information has been found within East Ayrshire Council or their predecessors records. The extracts provided with this response were previously submitted to the Inquiry in 2017 in relation to a previous Section 21 notice regarding the 'Inspection' or 'Visitation' of children within Residential Establishments. These have been included again with this response for ease of reference.</p> <p>As detailed above at 1.1 (b), initial responsibilities for the care of children 'boarded out' or 'fostered' would have sat with Ayr County Council in terms of the Children and Young Persons (Scotland) Acts 1932 and 1937. These Acts gave the courts the option (other than approved schools or placing the child with someone known to them) of committing a child to the care of a 'fit person'. At this time, the notion of a 'fit person' to whom the care of a child in need could be committed moved from a form of 'kinship care' to that of 'boarding out or fostering'.</p> <p>Every education authority was deemed a 'fit person' with the Treasury bearing the cost. Education authorities were not obliged to take the child if requested by the courts. However, if they didn't and the child was committed to an approved school, the education authorities would then bear the costs. When education authorities accepted the responsibility of a child as a 'fit person', they could not then send the</p>

child to approved schools – only mechanism available to them was boarding out with private families i.e. fostering. Fit persons were given parental powers.

Regulations on boarding out were put in place at this time (Children and Young Persons (Scotland) Care and Training Regulations 1933) and approved lists of foster carers willing to accommodate children were kept. Oversight of boarded out children was the responsibility of the authority.

Information found within Ayr County Council Public Assistance and Public Health Committee minutes from 1930 to 1938 indicate that local oversight of boarded out children lay with the Public Assistance Officer through the Inspector of Poor for the County Office. An extract from a meeting of the Public Assistance Sub-Committee from 5<sup>th</sup> June 1930 reads:

*Boarded Out Children*

*180 orphans, deserted, or separated children belonging to the County are boarded with private guardians or in children's homes. 80 are boarded within the County, and 100 out with the County. Whilst the registers in regard to them all will fall to be kept at Ayr, it is proposed to depute at least partial supervision regarding the children within the County to the local officers, who might also pay the allowances and attend to the provision of clothing, &c. In regard to the other 100, their visitation and supervision will be a direct responsibility of the Public Assistance Officer who will periodically remit by money order to the guardians the allowances payable unless in the few instances where payment through other area offices may be found to be expedient. An object in paying allowances in this manner is to dissociate the children, as much as possible, from being known where they are as 'parish' children. (Extract 6).*

Further extracts from these committees have been attached which indicate that the Public Assistance Officer had authority to board out any children within poorhouses as suitable, arrangements were made for the visitation of Boarded-out Children (extract 7) and lists were kept of 'Orphaned, Separated and Deserted Children' (extract 8).

A further minute of the Sub-Committee of 3<sup>rd</sup> February 1931 (extract 9) indicates that regular visitation of children should be undertaken and further, that there were 77 children boarded out in Ayrshire for which other Authorities were responsible. These children were directly supervised by other Authorities and local officers were instructed to take any necessary steps in cases of emergency pending attention by the responsible authority.

A shift from the 'training' of children whilst boarded out, to considerations of the child's welfare began in the 1940's and were addressed in Regulations in 1947 (Children (Boarding-out etc.) (Scotland) Rules and Regulations 1947). Vetting of households began, emphasis on wellbeing of the child, attempts to keep siblings together etc. Children were allocated a named individual who required to ensure the suitability of placements. Children were given the right to make a complaint for the first time and fosters parents were given rules to follow.

The emphasis on child welfare was further compounded in the Children's Act 1948 following the recommendations of the Clyde Report in Scotland. At this time there was a significant move away from residential care to an attempt to replicate family life for children in care. The 1948 Act substantially increased the role of state involvement in the oversight of foster placements. Local authorities were required to establish Children's Committees to oversee, amongst other things, infant life protection, offences and approved schools, remand homes and committal to care. Children's officers were appointed by each local authority.

In terms of the 1948 Act, the Secretary of State was given powers to make Regulations for the 'welfare of children boarded out by local authorities'. Included provisions for ensuring that the household was approved. The Act imposed on local authorities a duty to be proactive and not simply reactive in respect of vulnerable children.

Ayr County Council minutes of 1943 (extract 1) indicate that the Public Assistance Committee became the Social Welfare Committee with the Public Assistance Officer becoming the Social Welfare Officer. In terms of the Children's Act 1948, a new Committee, to be known as the 'Children's Committee' was constituted (extract 2). Minutes of a meeting of the Social Welfare Committee on 3<sup>rd</sup> June 1948 (extract 17) provided details of the boarding out of individual children for example:

*██████████ born █████/1939. Illegitimate of farm worker who subsequently married. Boarded in Strathaven from 19/08/1940 until 18/8/1947, when she was removed to Saltcoats. Ill health of Guardian necessitated the child's removal, and she was placed under satisfactory guardianship in Dunoon on 10/05/1948.*



At a Special Meeting of the Social Welfare Committee on 25<sup>th</sup> June 1948 (extract 18), a Memorandum was issued on 'Services to be performed by the Local Authorities subject to the provision of the National Assistance Act 1948, the National Health Service (Scotland) Act 1947, the Local Government Act 1948 and the Children's Bill. Information on the Children's Bill was provided as follows:

*On the passing of the Bill, the Local Authority will assume responsibility for the provision and supervision of children up to the age of eighteen, and in certain cases, for further periods, of children without parents, or who have been lost or abandoned by, or living apart from, their parents, or where their parents are unfit or unable to take care of them.*

A meeting of the Children's Committee on 6<sup>th</sup> January 1949 (extract 20) includes discussions on the appointment of a Children's Officer as follows:

*Appointment of Children's Officer – The Clerk reported that as required by the Children Act 1948, the name of Mr Thomas Smith, whom the Council recommended for appointment to the post of Children's Officer was submitted on 26<sup>th</sup> October to the Secretary of State for his approval. The Scottish Home Department replied on 5<sup>th</sup> January pointing out that as the County Council are responsible for about 250 deprived children, which number is likely to increase within a year or two, in view of the extension to 18 years of age up to which children may be retained in the Council's care, it is desirable that the Children's Officer should be fully qualified for the specialised duties of the post. In the circumstances the Department ask the Council to submit to the Secretary of State, particulars of a limited number of persons from whom they propose to make a selection for appointment to the post in terms of Section 41 (2) of the Act.*

Included with this response are various other minutes of the meeting of the Children's committees between 1950 and 1959 which by this time included 'Reports on Children' (extracts 24, 25 and 26).

The Boarding-Out of Children (Scotland) Regulations 1959 applied to the boarding out by a local authority in respect of children in their care under the 1948 Act, children committed to their care as a fit person under the 1937 Act and children committed to their care under the Matrimonial Proceedings (Children) Act 1958. More duties were placed on local authorities to ensure the suitability of foster

parents and supervision of children. Visitations were required to take place every 3 months. These Regulations removed the power of the Secretary of State to authorise the boarding out of children outside of Scotland (previously permitted on application). The default became that boarding out outside of Scotland would not be authorised 'unless in (the child's) case, special circumstances make it desirable'. The requirement to compile and maintain case records began.

The Children and Young Persons Act 1963 placed a duty on the local authority to take 'preventative action' in relation to the care of children in their area and a requirement to 'make available such advice, guidance and assistance as may promote the welfare of children by diminishing the need to receive children into and keep them in care'.

Children's Committees under the 1948 Act operated for 20 years before being subsumed into the wider social work departments of local authorities required to be set up in 1968 (Social Work (Scotland) Act 1968). Children's officers became 'Directors of Social Work'. At this point there was a move away from fostering being 'first choice' and there became an emphasis on working with the families, in the best interest of the child to keep the children at home. The Children's Hearing system was established with a requirement on local authorities to give effect to hearing decisions. The 1968 Act clarified and enhanced the role of the Local Authority. Children's Committees were replaced by Social Work Committees to carry out functions under the 1968 Act, as well as the 1937 Act, the Matrimonial Proceedings (Children) Act 1958, Part 1 of the Children Act 1958 (private fostering), the Adoption Act 1958 and the Housing Act 1964 together with existing functions of local health authorities which were transferred to local authorities.

The first meeting of the Social Work Committee within Ayr County Council was on 5<sup>th</sup> March 1969 (extract 28). Included with this response is also a Report, drafted in 1969, on the Administration and Staffing Structure, Accommodation and Future Development of the Service (extract 30).

The Children Act 1975 amended the 1968 Act and created the requirement to give consideration to the need to safeguard and promote the welfare of the child throughout his/her childhood and ascertain and take into account the wishes and feelings of the child. The safeguarding role at the Children's Hearing was created.

The Boarding-Out and Fostering of Children (Scotland) Regulations 1985 revoked and replaced the 1959 Regulations and established the requirement of the local authorities to establish a fostering panel

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'. Care authority became obliged to enter into an agreement with approved foster parents, including details of financial arrangements.

Local information from the period between 1975 and 1996 (in terms of committee minutes and the processes and procedures of the Strathclyde Regional Council in their role as Social Work authority) may be available within the Mitchell Library, who hold records for this period (Glasgow City Archives). The Archivist has previously provided our Records Management Centre with lists of information held at the Library relating to Strathclyde Regional Council Committee Papers and a list of other Reports which may be of assistance to the Inquiry. These lists were previously provided to the Inquiry in response to a previous Section 21 notice (Visitations and Inspections) however, they are included with this response for ease of reference.

The Local Government etc. (Scotland) Act 1994 removed the requirement for local authorities to have a social work committee. Replaced 'Director of Social Work' with 'Chief Social Work Officer'. The Act removed control of the children's reporter and established a Scotland wide body to take over the functions of the Reporters – the Scottish Children's Reporter Administration although hearings themselves remained tied to local authority areas until the 2011 Act established the national body.

The Children (Scotland) Act 1995 imposed the following duties on local authorities to their 'looked after children' to:

- (a) safeguard and promote the child's welfare (which shall be their paramount concern), including preparing the child for the time when he or she is no longer a looked after child,
- (b) make use of such services available for children cared for by their own parents as appears reasonable, and
- (c) take steps to promote, on a regular basis, personal relations and direct contact between the child and any person with parental responsibilities and parental rights.

Obligation of listening to child – views of child taken into account dependent on age/maturity and local authorities given new powers to seek orders (child protection, permanence etc.).

The Fostering of Children (Scotland) Regulations 1996 fleshes out the duties of the 1995 Act. New definition for 'fostering' - 'boarding out' reference found in the 1985 regulations was dropped and 'to foster' was defined as 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'.

Responsibility for placing children with foster carers now rests exclusively with local authorities rather than 'care authorities' which included voluntary organisations. Responsibility of the local authority to set the criteria for approval of foster carers, to be reviewed annually and this approval could be terminated. Written agreements with foster carers was to include the support and training to be given, procedure for handling complaints, financial arrangements, obligation not to administer corporal punishment, duty of confidentiality, duty to care for the child as a member of the family, promote welfare etc. Allowed local authorities to enter into arrangements with voluntary organisations to discharge their duties in relation to fostering. Local authority retained monitoring responsibility. Child could not be placed outside the British Islands.

The Arrangements to Look After Children (Scotland) Regulations 1996 obliged a care plan to address the immediate and longer term needs of the child with a view to safeguarding and promoting his or her welfare. There was a requirement to review child's case within six weeks of placement, three months thereafter and then at six-monthly intervals.

Under the regulation of Care (Scotland) Act 2001 local authority adoption and fostering services registered under Part 2 of the 2001 Act. Includes inspection of local authority and private fostering. Council is required to maintain a register of social workers and social service workers and persons can be removed from that register.

Adoption and Children (Scotland) Act 2007 imposed statutory duties on the local authority.

Looked After Children (Scotland) Regulations 2009 – fleshes out duties of the 1995 Act and revokes the Foster of Children (Scotland) Regulations 1996. Care plan to also include an assessment of how a

	<p>child's needs can be met. Must include matters specified in Schedule 2 of the 1996 and 2009 Regulations. Provide for the approval of 'kinship carers'.</p> <p>Public Services Reform (Scotland) Act 2010 Care Commission replaced by Social Care and Social Work Improvement Scotland, commonly known as 'the Care inspectorate'.</p> <p>Though adoption and fostering services are inspected by the Care Inspectorate, they have no role in enforcing any local authority obligation since local authorities have a statutory duty to provide such services and so the Care Inspectorate cannot deregister them. But local authorities must nevertheless register their adoption and fostering services with the Care Inspectorate, who may impose conditions to improve services.</p>
b) Did that legal basis require the local authority to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.	Yes. Please see above at 1.1 and 1.3 (i) (a).
c) Did the local authority have a legal duty of care to each child in its care?	Yes. Please see above at 1.1 and 1.3 (i) (a).
<p><b>Present</b></p> <p>d) With reference to the present position, are the answers to any of the above questions different?</p> <p>e) If so, please give details.</p>	<p>Current legal basis for the care of children can be found within the following legislation:</p> <p>Children (Scotland) Act 1995</p> <p>The Adoption and Children (Scotland) Act 2007</p> <p>Looked After Children (Scotland) Regulations 2009</p> <p>Children's Hearing (Scotland) Act 2011</p> <p>Children and Young People (Scotland) Act 2014</p> <p>The Continuing Care (Scotland) Order 2015</p> <p>Guidance on Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007</p>

<p><b>(ii) Foster carers</b></p> <p><b>Past</b></p> <p><b>f) Did foster carers have a special legal, statutory or other status?</b></p>	<p>Foster carers had no distinct legal status and it was the responsibility of the local authorities to appraise carers. Although they had no legal status, they were given rules to follow by the authorities and had a duty to care for children placed with them. Following the creation of the 'Permanence Order' (2007), in some circumstances permanent foster carers share parental rights and responsibilities with local authorities for children who would then be permanently in their care.</p>
<p><b>g) If not, how did the local authority classify a foster carer?</b></p>	<p>Under the Prevention of Cruelty to Children Act and amendments in 1889, and 1894, courts could order that a child be taken into custody of a relation or 'fit person' under a 'fit person order'. At this time there was no state responsibility to oversee the welfare of the child (or contribute financially) following placement with a 'fit person' and there were no limitations on who could be a 'fit person', discretion being with the court.</p> <p>The Children and Young Persons (Scotland) Care and Training Regulations 1933 listed types of persons with whom a child could <b>not</b> be boarded out for example, no persons in receipt of poor relief, those convicted of an offence, on premises which sold alcohol or where a 'lunatic or mentally defective person resided', and finally, with a person whose sole income would be the boarding out of children.</p> <p>The Children (Boarding-out etc.) (Scotland) Rules and Regulations 1947 defined foster carers as 'a husband and wife, or a woman, with whom a child is boarded out by a local authority'.</p> <p>The Children's Act 1948 (following recommendations of the Clyde Report) -requirement to approve fostering households. Further provisions on duties of local authorities to ensure the suitability of foster parents found in the Boarding-Out of Children (Scotland) Regulations 1959. The 1959 Regulations limits foster parents to married couples acting jointly or, a woman or a grandfather, uncle or elder brother of the child.</p> <p>Boarding-Out and Fostering of Children (Scotland) Regulations 1985 – requirement to establish a fostering panel 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. Care authority became obliged to enter into an agreement with</p>

	<p>approved foster parents. Foster parents could be a man and a woman living and acting jointly together, or a man or a woman living and acting alone.</p> <p>Fostering of Children (Scotland) Regulations 1996 – responsibility for approving foster carers (and fostering panel) rests exclusively with local authorities (as opposed to previous 'care authorities' which included voluntary organisations). Criteria for approval of foster carers established.</p> <p>The Looked After Children (Scotland) Regulations 2009 removes the limitation on the type of family structure that potential foster carers must belong to and makes provisions for the consideration by the fostering panel of the suitability of prospective carers.</p>
h) What was the legal basis which authorised, or enabled, a foster carer to become responsible for caring for children?	Please see above at 1.1 and 1.3 (i) (a). Further, approval by fostering panel and based upon fostering agreements and guidance for foster carers.
i) 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. Please see above at 1.1 and 1.3 (i) (a). Foster carers required to follow rules imposed by Regulations and Legislation.
j) Did the foster carer have a legal duty of care to each child in his or her care?	<p>Yes. Please see above at 1.1 and 1.3 (i) (a). Duties were placed on foster carers to 'bring up a child laced 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 (Children (Boarding-Out etc.) (Scotland) Rules and Regulations 1947).</p> <p>As the years progressed, the guidance, rules and principals which foster carers required to abide by increased.</p>
<b>Present</b>	No. Current rules around the provision of foster carers found within the Looked After Children (Scotland) Regulations 2009.



k) With reference to the present position, are the answers to any of the above questions different?	
l) If so, please give details.	N/A
<b>1.4 Legal Responsibility</b>	
<b>(i) Local authority</b>	
<b>Past</b>	
a) Did the local authority have any legal responsibility for the children in its care?	Yes – please see above at 1.3 (a)
b) If so, what was the nature and extent of that legal responsibility?	Please see above at 1.3 (a)
c) Did any other person or organisation have any legal responsibility for the children while they were in the local authority's care?	<p>Under the powers of the courts in terms of the Children and Young Persons (Scotland) Act 1932 and 1937, children sent to approved schools were financially the responsibility of the Education Authority but parental powers vested in the managers of said schools.</p> <p>The Secretary of State retained powers over certain decisions such as arrangements for emigration of a child.</p> <p>Parents retaining parental rights and responsibilities continued to have some legal responsibility for their children while in the care of the local authority.</p> <p>In some circumstances, since the coming into force of the Adoption and Children (Scotland) Act 2007, <u>permanent</u> foster carers are afforded shared parental rights and responsibilities with the local authority</p>

	over a child. This would be in circumstances where the child and carers have been matched for permanency.
d) If so, what was the nature and extent of that responsibility?	See above at (c).
e) If the local authority had no legal responsibility for children in its care, where or with whom did legal responsibility lie?	N/A
<b>Present</b> f) With reference to the present position, are the answers to any of the above questions different?	No
g) If so, please give details.	
<b>(ii) Foster carers</b>  <b>Past</b>	
a) Did the foster carer have any separate legal responsibility (separate from the local authority) for children in his or her care?	Yes – duty to care for the child. From 2005, foster carers were expected to adhere to the 'National Care Standards – Foster Care and Family Placement Services'.  In some circumstances, since the coming into force of the Adoption and Children (Scotland) Act 2007, <u>permanent</u> foster carers are afforded shared parental rights and responsibilities with the local authority over a child. This would be in circumstances where the child and carers have been matched for permanency.
b) Did the foster carer have any separate legal responsibility (separate from the local	Please see 1.3 (iii) (e) and 1.4 (ii) (a) above.

authority) for children in his or her care?	
c) If so, what was the nature of that responsibility?	Please see 1.3 (iii) (e) and 1.4 (ii) (a) above.
d) With reference to the present position, are the answers to either of the above questions different?	No.
e) If so, please give details.	N/A
<b>1.5 Ethos</b>	
<b>Information Required</b>	<b>Response</b>
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?	<p><b>East Ayrshire Council:</b> The core ethos of East Ayrshire Council's fostering service from early in its existence is outlined within the Foster Carer Agreement 1998. This outlined that carers should offer a safe nurturing environment which promoted the ability of the child to reach their emotional, social and educational potential. Carers were expected to be able to work 'objectively' with birth families, and to be able to manage challenging behaviours linked to hurt, rejection, grief and loss. Corporal punishment was explicitly forbidden. Carers were also expected to promote a healthy lifestyle for children and young people, including in particular, actively discouraging children from smoking.</p> <p>Policy and position documents consistently emphasised that the child's welfare should always be the "paramount" consideration.</p> <p>Local Child Protection Procedures noted that; "Where an allegation is made of abuse or neglect, assessment will be made following East Ayrshire's Child Protection Procedures conducted in a planned and sensitive way".</p> <p>Emphasis was also placed on the role of social services, and of the foster care service to promote young people's journey to independence in a supported way.</p> <p>"The department has a responsibility to provide throughcare and aftercare services for every young person who is looked after and accommodated".</p>

	<p>"The preparation of a young person for the time when she/he is no longer looked after should be an integral part of the care plan".</p> <p><b>Strathclyde Regional Council:</b> Strathclyde Regional Council's (SRC) stated prime objective in 1975 was to tackle the problems of multiple deprivation in its area and central to its vision was child-care.</p> <p>An SRC Report 'Home or Away': Residential Child Care for the Eighties' highlighted the right of all children to family life – if not in their own family then with another.</p> <p>Guidelines for the long-term planning of children in care, 1986. A practice document to be used as an aid to social workers who are involved in the long-term planning of children in care provided a guide round the various pieces of legislation which could be used to secure a child's future in care' Every Social Worker to have a copy of the document as a basis for discussion in in area teams or as a training aid.</p> <p><b>Predecessor Authorities:</b> No information has been located from the case file audit which provides information on the ethos of the service during this period. Ayrshire Archives hold all Council and Committee Minutes and papers from the period 1930 to 1975 and are undertaking a record search to locate relevant information. Some extracts of Committee Minutes are included with this response.</p> <p><b>See also 1.3 for information on the legal and regulatory environment which was in existence during the relevant timeframes as this will have influenced the ethos of the services provided.</b></p>
<p>b) What did the local authority see as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?</p>	<p><b>East Ayrshire Council:</b> A Foster Carer Agreement dating from 1998 outlines key aspects of the Local Authorities expectations of foster carers and ethos- this relates to the carers function and the ethos and objectives of the service:</p> <ul style="list-style-type: none"> <li>• Carers expected "operate within a framework of confidentiality, equal opportunities and anti-discriminatory practice"</li> <li>• Core task of carers is to "provide a nurturing environment where children/ young people have the opportunity to develop their maximum social, emotional and educational potential"</li> <li>• "an ability to promote a healthy lifestyle"</li> <li>• "a child's welfare is always paramount".</li> </ul>

From 2005 East Ayrshire foster carers were expected to adhere to the 'National Care Standards- Foster Care and Family Placement Services'. The main principles of the Care Standards carers and agencies were expected to abide by were "dignity, privacy, choice, safety, realising potential and equality and diversity".

Within the 2007 carer's agreement the following statements outline the ethos of the fostering service at that time:

"there will be no corporal punishment of children/young people at any time. The foster carer will neither be verbally abusive nor use demeaning language towards any child/young person placed".

"Discipline of children/young people to be in compliance with the ethos of therapeutic crisis intervention". It should be noted that foster carers are not taught the safe hold techniques within TCI as they are not authorised to use these within a fostering environment.

"Carers will be expected to operate within the framework of confidentiality, equal opportunities and anti-discriminatory practice".

Core skills expected of carers included: "An ability to provide a nurturing, safe environment where children/young people have the opportunity to develop their maximum social, emotional and educational potential".

"An ability to understand and manage complicated behaviours, including those which reflect feelings of hurt, rejection, grief, loss and anger".

"An ability to promote a healthy lifestyle within a framework of appropriate policy, guidance and legislation".

"An ability to assume responsibility for personal learning and development".

There has been some development in terms of how the service views the function and role of foster carers over time. Principally this has been to recognise the importance of attachment and recovery from trauma. It has been recognised that all foster carers need to have a deep understanding of nurture, attachment and trauma, in order to meet the needs of children who are in their care. Accordingly foster

carers are expected to take part in 5 day Nurture Training which focusses on the importance of nurture and of relational care.

Foster carers are recognised as requiring a level of skill and theoretical knowledge to support children to recover from their early experiences, learning and development is integral to the fostering task in a way which it was not perhaps 10-15 years ago and the expectations of carers to be able to participate in, absorb and apply relevant training have increased significantly. Carers are also expected, and supported to be able to reflect, both on the child, their experiences, behaviour and needs, but on how they as carers are responding to the child.

Supervision of foster carers is now much more focussed upon reflection and learning and development than it was previously as are Foster Carer Reviews.

**Strathclyde Regional Council:** An undated Foster Carer's Handbook (circa 1977) published by Strathclyde Regional Council provides ambiguous guidance for foster carers regarding the use of corporal punishment, stating "Foster parents wonder whether they are allowed to use corporal punishment or not. In residential establishments there is a clear Regional policy against corporal punishment. Although *the Regional Council recognises that it would be unwise to impose such strict instructions on foster families, the Council nevertheless would wish to convey its overall philosophy in respect of corporal punishment and seek the co-operation of foster families in ensuring that other means of control and discipline are used*"[Emphasis added].

The same document emphasises the importance of relationships as a tool, stating: "The most positive way of dealing with any problem is to develop a personal relationship with the child where you can both talk freely and openly about what has happened". In addition the guidance explains to foster carers that because of their adverse experiences children in foster care are likely to be more challenging to care for, and that they may not behave in accordance with their chronological age. 'Criticism' and 'punishment' are to be used in the context of a positive relationship with the child.

In addition the handbook emphasises the importance of a reparative approach to parenting, although that term is not used- "Make it your business to find out what good experiences the child has missed and what bad experiences he may have had, and deliberately set out to provide compensation".

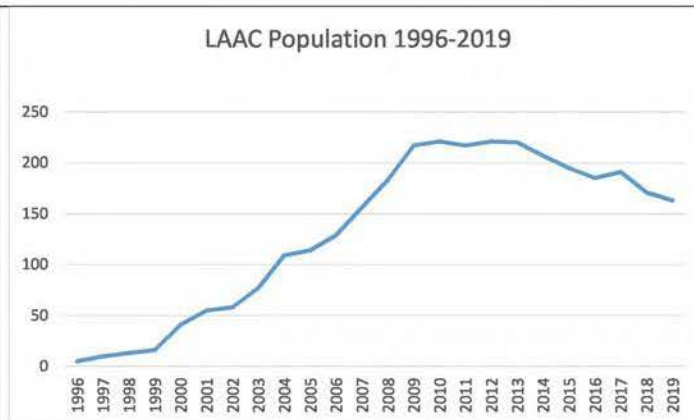
	<p>The importance of positive engagement with birth families was emphasised to foster carers, in part to ease the transition for the child if/when they are rehabilitated to the care of their family.</p> <p><b>Predecessor Authorities:</b> No information has been able to be located which speaks to this area of the enquiry. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>c) Were there changes over time in terms of what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided for children?</p>	<p><b>East Ayrshire Council:</b> There has been development in terms of how the service views the fostering service with an increased recognition that foster carers require access to good quality training which is provided regarding nurture principles and relational care to children. Also therapeutic crisis intervention to ensure safe and supportive responses to challenges (as noted above this did not include safe hold techniques which are not authorised in a fostering setting). There is an increased focus on reparative parenting and supporting children to recover from trauma</p> <p><b>Strathclyde Regional Council: See above b).</b></p> <p><b>Predecessor Authorities:</b> No information has been able to be located which speaks to this area of the enquiry. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>d) Were there changes over time in terms of what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided for children?</p>	<p><b>See a)</b></p>
<p>e) What did the local authority see as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?</p>	<p><b>East Ayrshire Council: See b) above.</b></p> <p><b>Strathclyde Regional Council: See above, b).</b></p> <p><b>Predecessor Authorities:</b> No information has been able to be located which speaks to this area of the enquiry. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>



f) If so, what were the changes and when and why did they come into effect?	<b>See b)</b>																																																																	
<b>Present</b>																																																																		
g) With reference to the present position, are the answers to any of the above questions different?	<b>See sections e-f above.</b>  There have been changes within practice in the fostering service since 1996 as outlined below, although the core ethos has remained very similar to that outlined above.																																																																	
h) If so, please give details.																																																																		
<b>1.6 Numbers</b>																																																																		
a) How many children did the local authority accommodate at a time in foster care and in how many placements?	<b>East Ayrshire Council: See table below:</b>  <table border="1"> <thead> <tr> <th>Numbers as at 1<sup>st</sup> of January</th> <th>Number of children in foster care</th> <th>Number of internal fostering families in use</th> <th>Number of children placed with EAC foster carers</th> <th>Number of children placed with independent fostering agencies</th> </tr> </thead> <tbody> <tr><td>2019</td><td>122</td><td>57</td><td>95</td><td>27</td></tr> <tr><td>2018</td><td>127</td><td>55</td><td>91</td><td>36</td></tr> <tr><td>2017</td><td>140</td><td>53</td><td>99</td><td>41</td></tr> <tr><td>2016</td><td>146</td><td>53</td><td>103</td><td>43</td></tr> <tr><td>2015</td><td>143</td><td>50</td><td>94</td><td>49</td></tr> <tr><td>2014</td><td>163</td><td>50</td><td>106</td><td>57</td></tr> <tr><td>2013</td><td>162</td><td>50</td><td>107</td><td>52</td></tr> <tr><td>2012</td><td>167</td><td>54</td><td>121</td><td>46</td></tr> <tr><td>2011</td><td>154</td><td>52</td><td>103</td><td>51</td></tr> <tr><td>2010</td><td>159</td><td>51</td><td>110</td><td>49</td></tr> <tr><td>2009</td><td>158</td><td>45</td><td>107</td><td>51</td></tr> <tr><td>2008</td><td>128</td><td>44</td><td>99</td><td>29</td></tr> </tbody> </table>	Numbers as at 1 <sup>st</sup> of January	Number of children in foster care	Number of internal fostering families in use	Number of children placed with EAC foster carers	Number of children placed with independent fostering agencies	2019	122	57	95	27	2018	127	55	91	36	2017	140	53	99	41	2016	146	53	103	43	2015	143	50	94	49	2014	163	50	106	57	2013	162	50	107	52	2012	167	54	121	46	2011	154	52	103	51	2010	159	51	110	49	2009	158	45	107	51	2008	128	44	99	29
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<b>2005</b>	<b>54</b>	<b>29</b>	<b>46</b>	<b>8</b>
<b>2004</b>	<b>77</b>	<b>33</b>	<b>68</b>	<b>9</b>
<b>2003</b>	<b>53</b>	<b>29</b>	<b>46</b>	<b>7</b>
<b>2002</b>	<b>42</b>	<b>27</b>	<b>39</b>	<b>3</b>
<b>2001</b>	<b>42</b>	<b>26</b>	<b>39</b>	<b>3</b>
<b>2000</b>	<b>33</b>	<b>20</b>	<b>31</b>	<b>2</b>
<b>1999</b>	<b>13</b>	<b>9</b>	<b>12</b>	<b>1</b>
<b>1998</b>	<b>9</b>	<b>7</b>	<b>8</b>	<b>1</b>
<b>1997</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>0</b>
<b>1996</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>0</b>

The graph below shows the changes over time in the overall LAAC population in East Ayrshire between 1996 and 2019. It is difficult to specify the reasons for the significant increase in the care population between around 2002 and 2010 when there was a relatively steep incline. It is likely that drivers for these increases included a complex range of interacting factors such as the legal and policy context, learning from serious case reviews and enquiries and local developments in terms of developing and implementing robust child protection procedures. The figures for the first five years of East Ayrshire Council's existence appear anomalous in terms of the low numbers of accommodated children- this may be an issue related to the transition of children from Strathclyde Regional Council placements and systems to East Ayrshire and is unlikely to reflect the actual number of children in care at that time- this is however the best information available at the time of writing.



**Strathclyde Regional Council:** At the time of writing we have been unable to access information from Strathclyde Regional Council era.

**Predecessor Authorities:** We have been unable to access robust information for this period but a table of statistics relating to looked after children was found in a child's casefile during our audit activity. This shows the Looked After population as it stood in December 1963.

It should be noted that the term 'boarded out' referred to children 'fostered' by family members, which would now be classified as kinship care, in addition, private fostering arrangements would also be counted within these figures.

Our file audit team have identified that of the files audited approximately 60% of these may have been what would be considered 'true' fostering, i.e. children placed by the Local Authority, or other agency with unrelated carers. It should be cautioned however that whilst this can be used to estimate the fostering population, this may not lead to an accurate figure. Applying the 60% guide we could estimate the internal fostering population as being circa 235 and the children placed out with the authority circa 30 children at December 1963.

See also Committee papers which are included along with this submission which may be of interest.

Year	Boarded Out' within County	Boarded Out' out County	Out' with Residential Internal	Care	Residential Care Ext	Residential School
1963	392	50	69		6	1

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?

**East Ayrshire Council:** Information on the number of carers registered to the authority at the time it was formed is not available in a robust form and has had to be extrapolated from available data. The best information available suggests that in 1996 there were 13 foster carers registered to the Council, these would have initially been carers recruited, approved and assessed by Strathclyde Regional Council. At the time of writing there are 63 operational fostering families registered with East Ayrshire Council's fostering service.

The number of foster carers with children placed with them is indicated in table one above and a clear trend can be seen of the size of the service, and the population of fostered children increasing over time.

The number of carers registered at any one time is a much more fluid number, with foster carers approved but without placements, who would not show up in the figures above. Carers who have either resigned or are awaiting formal de-registration, but who do not have a placement at the time the figures above were produced would also not be represented in the figures above.

**Strathclyde Regional Council:** At the time of writing we have been unable to locate any data which shows the population of children from the current East Ayrshire boundary who were accommodated in foster care by Strathclyde Regional Council at any point of SRC's existence. Separately, it is our understanding that work is being undertaken within the archives, Mitchell Library, Glasgow, which hold the SRC records to attempt to locate such data if it exists.

**Predecessor Authorities:** At the time of writing we have been unable to locate any data which shows the population of children from the current East Ayrshire boundary who were accommodated in foster care by EAC's predecessor authorities between 1930 and 1975. It is our understanding that work is

	being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.
c) Details of categories of registration and numbers of placements in each	<p><b><u>East Ayrshire Council:</u></b> Specific information relating to categories of registration and numbers of placement offered is not available with any accuracy prior to 2013. Fostering Panel minutes dating from 1996 onwards show the initial approval details, but it is not always clearly recorded how many children could be placed with a carer. In addition, different schemes were in operation during this timeframe with categories of carer including:</p> <p><b><u>Children's Carers:</u></b> These carers were expected to have skills and experience to enable them to care for children who were potentially more challenging emotionally and behaviourally. These were intended as longer term or permanent placements.</p> <p><b><u>Shared Carers:</u></b> Provided respite for children with complex needs, usually disability related.</p> <p><b><u>Foster Carer, Level One:</u></b> These carers were considered to be 'historical' carers that had offered their services to the Authority for some considerable period.</p> <p><b><u>Foster Carer, Level Two:</u></b> Considered to be 'basic standard' or new carers.</p> <p><b><u>Foster Carer, Level Three:</u></b> More skills carers with the ability to care for more challenging children.</p> <p><b><u>Respite Carers:</u></b> Provided short breaks to support other foster carers, or more rarely families in the community for up to 28 days.</p> <p><b><u>Familial Respite Carers:</u></b> Part of the social support network of a foster carer, approved only to care for children placed with the particular foster carer they were connected with.</p> <p><b><u>Temporary Foster Carer:</u></b> Could provide placements for anything from 1 night to 2 years, usually to support rehabilitation efforts or to move a child onto permanent placement, whether fostering or adoption.</p> <p><b><u>Permanent Foster Carer:</u></b> Approved for permanent placements which would be formally matched via the Adoption and Permanence Panel.</p>

	<p>Many carers would provide placements across categories, e.g. one family could provide respite care, temporary placements and permanent placements, dependent on the needs of the child/ren placed.</p> <p>Records of meetings of the Fostering and Resources Panel show that between 1996 and 2014, 154 fostering families were discussed at meetings of the Panel.</p> <p>For the purposes of clarity, the figures below apply the current placement descriptors which are in use, rather than the range of categories outlined above:</p> <p>Total Approvals 1996 to 2014: 118  Short Break Carers: 29 families offering 29 placements  Interim Carers: 72 families offering 111 placements  Permanent Carers: 17 families offering 35 placements</p> <p>The 'National Foster Care Review' published by the Scottish Government in 2013 led to some significant changes, including the move to a maximum of 3 unrelated children in any one fostering household, and standardisation of new registration categories, which included the designations, Interim Carer, Permanent Carer, Long-term Carer and Short-break Carer replacing the range of registration categories in use previously.</p> <p>Prior to the introduction of placement limits, there were a very small number of carers operating in East Ayrshire who were approved for four or five children. Since November 2016 all foster carers have been registered under the new placement descriptors as required.</p> <p><b><u>Strathclyde Regional Council:</u></b> We have been unable to locate any information which provides a breakdown of the categories of registration and number of placements during this timeframe.</p> <p><b><u>Predecessor Authorities:</u></b> We have no accurate information regarding the fostering resources which were available prior to 1975. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>d) Details of material changes in numbers of children, placements or carers</p>	<p><b><u>East Ayrshire Council:</u></b> Available data shows a steady increase in the number of children, and fostering households in East Ayrshire Council between 1996 and 2014, the details being shown above. It is possible that the early LAAC Population figures in 1996/7 are artificially low due to problems with the data, this may be related to the transition from Strathclyde Regional Council to East Ayrshire Council</p>

	<p>becoming operational and how children already in care at the transition point were recorded on the systems available at the time. <b>See also information in Section a) above.</b></p> <p><b>Strathclyde Regional Council:</b> We have been unable to locate any information which provides a breakdown of the categories of registration and number of placements during this timeframe.</p> <p><b>Predecessor Authorities:</b> We have no accurate information regarding the fostering resources which were available prior to 1975. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>e) How many children in total were accommodated by the Local Authority (any placement type)</p>	<p><b>East Ayrshire Council:</b> The total number of children Looked After and Accommodated by East Ayrshire Council since between 1996 and December 2014 is according to our data, 725 children and young people.</p> <p><b>Strathclyde Regional Council:</b> We have been unable to locate any information which provides a breakdown of the categories of registration and number of placements during this timeframe.</p> <p><b>Predecessor Authorities:</b> We have no accurate information regarding the fostering resources which were available prior to 1975. It is our understanding that work is being undertaken by Ayrshire Archives to identify and disseminate relevant information to the successor Local Authorities.</p>
<p>f) In general terms what was the main services provided for children, foster care or residential care</p>	<p><b>East Ayrshire Council:</b> Analysis of the LAAC Population from 1996 to 2014 shows that foster care has tended to significantly outweigh all other placement types, by around a 3:1 ratio over the entire period.</p> <p><b>Strathclyde Regional Council:</b> We have been unable to locate any information which provides a breakdown of the categories of registration and number of placements during this timeframe.</p> <p><b>Predecessor Authorities:</b> We have no accurate information regarding the fostering resources which were available prior to 1975, although as indicated above we have uncovered a table from 1963 which shows the care population at that time with fostering significantly outnumbering all other placement types by more than 3:1.</p>
<p>g) With reference to present position are any of the answers different</p>	<p><b>East Ayrshire Council:</b> Foster care continues to be the form of care most accommodated children in East Ayrshire experience, by a similar margin to that described above.</p>



**1.7 Children's Background/ Experiences**

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

**East Ayrshire Council:** Children placed in foster care during the period of East Ayrshire Council's operation have with a significant majority faced a combination of difficulties prior to coming into care, facing multiple deprivations including physical and emotional neglect, physical, sexual and emotional abuse. It is relatively uncommon for children to be accommodated for other reasons, though there have been specific circumstances, e.g. where a child has been orphaned and no family support exists that a child has required a stay in foster care without facing such hardships.

The following data has been drawn from case file audits undertaken for the purpose of this report.

Reason for Accommodation 1996 to 2014	% of children placed for this reason
Emotional Abuse	4
Failure to Thrive	4
Family Relationships	11
Physical Abuse	29
Neglect	36
Sexual	18
Abandonment	0

**Strathclyde Regional Council:** During the Strathclyde Regional Council era the Council was well aware that a significant number of children within the area were at risk from 'multiple deprivation' and many of the background factors described above would have been broadly applicable during that era also.

The following data has been drawn from case file audits undertaken for the purpose of this report.

Reason for Accommodation 1975 to 1995	% of children placed for this reason <sup>3</sup>
Emotional Abuse	0
Failure to Thrive	4
Family Relationships	7
Physical Abuse	43
Neglect	43
Sexual	4
Abandonment	0

**Predecessor Authorities:** Prior to the Strathclyde era, from the case files available to audit we see that as well as children being placed in foster care for reasons of abuse and neglect, there are a not insignificant number of children who were placed into foster care due to family relationship difficulties, homelessness and being born to mothers deemed too young to care for them, or who were exposed to 'moral hazard'.

Reason for Accommodation 1930 to 1974	% of children placed for this reason
Emotional Abuse	0
Failure to Thrive	2
Family Relationships	9
Physical Abuse	2
Neglect	27
Sexual	3
Abandonment	56

<p>b) Were children admitted into the care of the local authority, or were they admitted into the care of particular foster carers?</p>	<p><b>East Ayrshire Council:</b> Children in foster care are by definition admitted to the care of the Local Authority and placed with foster carers - in many cases at the point of accommodation, whether via a Child Protection Order, or at a Children's Hearing, carers will have been identified in advance and in such situations a condition of residence with a specific carer will usually be added at this stage.</p> <p><b>Strathclyde Regional Council:</b> From April 1971 onwards children would be accommodated via a range of mechanisms, including the Children's Hearing, voluntary admission into care, and emergency protection measures taken by either the Police or social work.</p> <p>Figures from the case file audit showed exactly the same breakdown of children placed with named foster carers, versus being placed in the care of the Local Authority, with two thirds placed directly with carers, and one third with the Local Authority.</p> <p><b>Predecessor Authorities:</b> Review of children's case files dating pre-1975 shows that the majority of children were placed into the care of the Local Authority, rather than with named carers, a very different picture from 1975 onwards. Over 60% of children were placed in the care of the Local Authority from the casefiles we audited.</p>
<p>c) Who placed children with the local authority?</p>	<p><b>East Ayrshire Council:</b> Case file audits have shown a range of different actors who intervened to remove children from their families and place them into foster care, these included:</p> <ul style="list-style-type: none"> <li>• Voluntary placement by parent/s</li> <li>• Children's Hearing</li> <li>• Child Protection Order</li> </ul> <p>In almost all instances social work services made an assessment that a child was at risk and required to be removed from their family, with the recommendation either being put to a Sheriff when seeking a Child Protection Order (which would lead to a Children's Hearing), or a Children's Hearing resulting from a referral to the Scottish Children's Reporters Administration. A significant number of parents agreed to their child being accommodated on a voluntary basis.</p> <p><b>Strathclyde Regional Council:</b> Case file audits have shown a range of different actors who intervened to remove children from their families and place them into foster care, these included:</p> <ul style="list-style-type: none"> <li>• Voluntary placement by parent/s</li> <li>• Other emergency legal process (e.g. Police powers).</li> </ul>

	<ul style="list-style-type: none"> <li>• Children's Hearing</li> </ul> <p><b>Predecessor Authorities:</b> Case file audits have shown a range of different actors who intervened to remove children from their families and place them into foster care, these included:</p> <ul style="list-style-type: none"> <li>• The local Children's Committee</li> <li>• RSPCC Inspector</li> <li>• Juvenile Court</li> <li>• Social Work</li> <li>• Child Care Officer</li> <li>• Voluntary placement by parent/s</li> </ul> <p>During this time period the key decision makers seem to have been RSPCC Inspectors, Juvenile Courts and the Children's Committee.</p>												
d) From 1971 were children mainly received via the Children's Hearing system	From 1971 onwards, the Children's Hearing does seem to have been the main route for children to have come into foster care, although voluntary accommodation and Child Protection Orders which would then be a direct route into the children's hearing system have also been significant contributors.												
e) If not how generally did children come into care	See above.												
f) How long did children typically remain in the care of the authority	<p><b>Data below is derived from case file audit activity</b></p> <table border="1" data-bbox="467 1304 1495 1465"> <thead> <tr> <th data-bbox="467 1304 824 1360">*</th> <th data-bbox="824 1304 1175 1360">Average Duration of Foster Care Experience (Months)</th> <th data-bbox="1175 1304 1495 1360">Average Number of Placements</th> </tr> </thead> <tbody> <tr> <td data-bbox="467 1360 824 1388"><b>East Ayrshire Council:</b></td> <td data-bbox="824 1360 1175 1388">30</td> <td data-bbox="1175 1360 1495 1388">2.7</td> </tr> <tr> <td data-bbox="467 1388 824 1415"><b>Strathclyde Regional Council:</b></td> <td data-bbox="824 1388 1175 1415">18</td> <td data-bbox="1175 1388 1495 1415">1.9</td> </tr> <tr> <td data-bbox="467 1415 824 1465"><b>Predecessor Authorities:</b></td> <td data-bbox="824 1415 1175 1465">54</td> <td data-bbox="1175 1415 1495 1465">1.8</td> </tr> </tbody> </table>	*	Average Duration of Foster Care Experience (Months)	Average Number of Placements	<b>East Ayrshire Council:</b>	30	2.7	<b>Strathclyde Regional Council:</b>	18	1.9	<b>Predecessor Authorities:</b>	54	1.8
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g) Who made the decision for children to come into care?	<p><b>See c) above.</b></p> <p><b>East Ayrshire Council:</b> During this period a Service Manager, Children and Families Localities or equivalent Service Manager or Senior Manager are authorised to make the decision that a child be accommodated whether through voluntary agreement with the family or through one of the legal measures detailed above. A Children’s hearing may also make a decision that a child requires to be accommodated that was not sought or recommended by the social work service.</p>
h) If made by the Local Authority what criteria were applied?	<p>East Ayrshire Council and predecessor authorities operated and continue to operate within the legal and regulatory landscape which has set out thresholds of risk, and types of risk which can lead to a child being removed from their family. Case file audit activity has not revealed any criteria in use by any iteration of the organisation which sets out criteria for removing children, over and above that enshrined in law.</p>
i) Were children moved between placements	<p><b>East Ayrshire Council:</b> See table above* f) Based on the available data it is clear that the majority of children experience placement moves. From case file audit activity the average number of moves was 2.7. From the same data, 12.5% of children had experienced 5 or more placement moves. Some of this may be accounted for by children having multiple periods in care, separated in time, e.g. by rehabilitation to their parents, then becoming Looked After and Accommodated again at a later date. The majority of children had between one and two placements, and the average figure is distorted somewhat by a group of children who had significantly more than the average number of placement changes.</p> <p><b>Strathclyde Regional Council:</b> See table above*.</p> <p><b>Predecessor authorities:</b> See table above*.</p>
j) If so in what circumstances	<p><b>East Ayrshire Council:</b> Children can move placement for a variety of reasons- many moves are to a positive destination, e.g. a child moving from temporary foster care to either permanent foster care or adoption.</p> <p>Audits of case records also show however that children who experience multiple changes of placement can do so due to placement breakdown- this could be because the child presented a more challenging behaviour profile than was anticipated, or because of issues which arose within the placement. It can also be the case that at the time a child is accommodated the only suitable placement which is available</p>

	is one which is only available for a short period of time, if the child's stay in care extends beyond that a move would be required.
k) Generally did children stay in one or more than one placement?	See table above re placement duration and number of placements.
l) What was the review process for whether children continued to require to be in FC, and in that particular placement	<p><b>East Ayrshire Council:</b> Since the inception of EAC Looked After and Accommodated Reviews for children who are accommodated away from home by the Local Authority have taken place in accordance with The Looked After Children (Scotland) Regulations 2009 (Section 45). Typically these have been arranged on a six monthly basis and have been attended by the child's parent/s and a range of agencies involved in the care of the child.</p> <p>Review timetable:</p> <ul style="list-style-type: none"> <li>• A Post Admission Meeting is held within 72 hours of the child being placed</li> <li>• 4 week review</li> <li>• 3 Month review</li> <li>• Ongoing reviews at no less than six monthly thereafter.</li> </ul> <p>East Ayrshire Council LAAC Review Procedures dated 2006 record the purpose of the review as being: "The purpose of the Care Plan Review is:</p> <ul style="list-style-type: none"> <li>• To review the child's needs and family circumstances.</li> <li>• To provide an opportunity to take stock of the child's needs and circumstances at regular, prescribed time intervals.</li> <li>• To consult with all involved in the care of the child or young person.</li> <li>• To consult formally with parents and children to ascertain and record their views.</li> <li>• To assess the effectiveness of current plans as a means of securing the best interests of the child.</li> <li>• To provide an opportunity to oversee and make accountable the work of professional staff involved.</li> <li>• To formulate future plans for the child."</li> </ul> <p>The purpose of the LAAC Review is to put together and review a care plan for the child which takes account of their holistic needs. The Review would also consider whether and when it was possible for</p>

a child to be reunified with their family, and what work and support was required to allow this to happen. The suitability of a particular placement, whether with foster carers or in residential care has always been a factor for consideration at these meetings.

The format of these meeting has varied somewhat since 1996, with changes to the assessment tools used to inform the meeting, e.g. SHANARRI indicators in accordance with Scottish Government guidance.

Review meetings are attended by:

- Independent Reviewing Officer (where possible)/ Chaired by Team Manager if IRO not available
- Team Manager
- Social Worker
- Foster Carer
- Child
- Birth Parents
- Education
- Health
- Other involved agencies.

**Strathclyde Regional Council:** Both the 1976 and 1986 Fostering guidelines laid down processes for review.

The guidelines outline areas of interest in the review, including:

- Physical, intellectual and emotional development of the child
- Any changes relating to the family, the foster family or other important persons in their life
- Child's legal situation and whether any changes need to be made in it
- Relationship between the foster parent and Social Work Department

It was Strathclyde policy to invite agencies and individuals involved with the child's life.

The timetable for reviews was:

- First full review no later than 4 weeks after date of admission into care

- Subsequent reviews to be held as appropriate but not less than at six-monthly intervals

The 1986 guidelines detail the main function is to review the child, their circumstances and needs, and will include the following:

- Review of the original plan, monitoring how effectively the recommendations of any former reviews have been implemented and reassessing the appropriateness of any decisions
- Exchanging and coordinating information on the child's physical, emotional, intellectual and social development for all with all invitees
- Child's legal situation and whether this continues to be appropriate to present needs
- Agreeing a plan for the future, for example rehabilitation, permanent care, and detailing tasks to promote its implementation
- Formal recording of decisions regarding child's future care, which would become an integral part of the child's case file

Composition of review team would vary depending on needs of the child, but the following must always be invited;

- District Manager's representative, who will act as Chair
- Supervising Social Worker
- Senior Social Worker
- Foster parents
- Natural parents (unless their parental rights have been removed)
- Child if age and understanding allows
- Divisional Adoption and Fostering Adviser who may attend, or send a representative

Other participants might include the link worker (in temporary placements), health visitor, teacher, or education psychologist

Timings of Review; decision meeting prior to reception; initial review held within 4 weeks in care; child's progress must be reviewed 3 months later and then at 6 monthly intervals



	<p><b>Predecessor authorities:</b> In the vast majority of cases audited by our review team there was no evidence of a formal review of the placement taking place. Children were visited in placement but with a few exceptions there appears to have been no process in operation systematically between 1930 and 1971 when the Children’s Hearing system came into existence.</p>
<p>m) When children left foster care, what was the process for discharge?</p>	<p><b>East Ayrshire Council:</b> LAAC Review Procedures dated 2006 highlight the importance of planning for young people’s long term future when they are in care:</p> <p>“The preparation of a young person for the time when he or she ceases to be looked after should be an integral part of the care plan of that young person and should be considered before he or she begins to be looked after. It should be considered at successive care plan reviews whether the eventual move for the young person is to live with his or her family or to live independently” (p47).</p> <p>“A young person should not move on to independence too quickly. Research suggests that the age of sixteen for most young people is too young to make a successful transition” (p47). A Care Plan Review should make the decision to refer a young person to the Throughcare Team. The majority of looked after and accommodated young people will be referred at the age of fifteen. Young people who are affected by disability should be referred at an earlier point to allow workers from the Transition team and/or Leaving care services to establish good working relationships” (p49).</p> <p>“A Pathways Assessment will be completed on each young person referred. This should be a client centred assessment, which is needs led. It should identify the resources required to meet the assessed need. The young person should be highly involved in the assessment and agree with the final assessment” (p49).</p> <p>The point of leaving care was regarded as a potentially vulnerable time, with a need for a clear assessment of the young person’s needs and a support plan to meet these. It was recognised that young people leaving care will often make mistakes and that it is important support takes account of this.</p> <p>At the point of leaving care a final LAAC Review would consider the planning for the young person to ensure appropriate supports were in place.</p> <p>The legal process of discharge from care will vary dependent on the legal route by which the child has been accommodated- e.g. if accommodated via the Children’s Hearing, it will be necessary to either</p>

	<p>terminate the Supervision Order, or vary the place of residence. Young people accommodated either on a voluntary basis, or via a Permanence Order can leave care at 16 if they choose without any legal intervention or changes being required.</p> <p><b>Strathclyde Regional Council:</b> We have not located any information during file audits which speaks to the process for discharge of children from care.</p> <p><b>Predecessor Authorities:</b> We have not located any information during file audits which speaks to the process for discharge of children from care.</p>
<p>n) What support was offered to children when they left foster care?</p>	<p><b>East Ayrshire Council:</b> See above. Case file audits show that all of the files reviewed of young people who left care following East Ayrshire Council's establishment received ongoing support after leaving care, whether in the form of Throughcare input, Intensive Support or ongoing support from social work services. There appears to be a clear trend of improvement in the supports to young people leaving care, as indicated in the data below.</p> <p>Young people leaving care in East Ayrshire Council continue to have the support of their lead professional which can last until they are 26 if required.</p> <p>East Ayrshire Council has an Intensive Support Team, which has a remit to support young people in their own accommodation and in supported accommodation and the service has a good record of supporting young people into adulthood and maintaining positive relationships over long periods of time with their care experienced young people. The team provides practical and skills based support, tenancy set up and support, support with education or training as well as social outlets and emotional support to vulnerable care experienced young people.</p> <p><b>Strathclyde Regional Council:</b> See above. Case file audits show that just under half of children's case files reviewed showed evidence of ongoing contact and support by the Local Authority following children/ young people leaving care. The support provided appears to have been more systematic and planned than pre-1975 with reference to the existence of specific throughcare services being in existence to support young people.</p> <p>The remaining case files showed no recorded evidence of ongoing support, or stated that the case was closed at the point the young person left care.</p>

	<p><b>Predecessor Authorities:</b> Audit information shows that there is evidence of ongoing contact and/or support from services following a young person leaving care in around one third of cases, for the remainder nothing was recorded in the case file, which may indicate no support was provided, or that it was not recorded.</p>
<p>o) What information was sought by the local authority about what children leaving foster care planned to go on to do?</p>	<p><b>East Ayrshire Council:</b> As noted above, services continue involvement with all young people leaving care where the young people wish to access support, and there is evidence of significant planning prior to leaving care, as well as support afterwards, based on case file audit activity. Information regarding positive destinations for care experienced young people is recorded by the agency in relation to work, education and training and is a key target within the local Corporate Parenting Strategy and plan.</p> <p><b>Strathclyde Regional Council:</b> As indicated above, around half of young people clearly received ongoing contact and support following leaving care, it is not explicitly recorded what young people intended to do on leaving care.</p> <p><b>Predecessor Authorities:</b> See above- there is limited evidence of young people's plans being explored or supported on leaving care, based on case file audits completed.</p>
<p>p) Was such information retained and updated?</p>	<p><b>See o) above.</b></p>
<p>q) What was provided in terms of aftercare for children young/people once they left foster care?</p>	<p><b>See n) above.</b></p>
<p>r) Is the present position different for any of the questions above?</p>	<p>The Children and Young People (Scotland) Act 2014 created additional rights for young people whose 'final' care placement was foster care, kinship or residential care. New duties under the Act came into effect on 1<sup>st</sup> of April 2015 including extended eligibility for Aftercare assistance until their twenty-sixth birthday and providing certain care leavers with the opportunity to continue with the accommodation and assistance they were provided with immediately before they ceased to be looked after.</p> <p>East Ayrshire Council is wholly supportive of the Staying Put agenda. Foster carers for young people aged 18+ become supported carers, and the young person can remain in the same family placement on this basis until their 22<sup>nd</sup> birthday, and in a number of instances have remained beyond that date with the agreement and support of their carer and of the Local Authority.</p>

	<p>In order to drive further improvements in the experiences of young people in care, East Ayrshire Council has a Connecting Voices group at which care experienced young people meet to support improvements to policy and practice, locally and nationally.</p>
<p><b>1.8 Local Authority Staff and Carers</b></p>	
<p>a) How many people were employed by the local authority who had some responsibility for foster care services for children?</p>	<p><b>East Ayrshire Council:</b> In 1996 when the authority was formed it is unclear from available records the exact size and composition of the fostering team, it appears that there may have been two family placement supervisors in place in 1996-99, with evidence of some fostering assessments being completed and taken to Panel by Children and Families social workers and team managers. Fostering assessments were for a time, prior to the establishment of a substantive fostering team, completed and taken to Panel by non-specialist workers and supported by managers not specialist in fostering work.</p> <p>The service developed quickly however and as the size of the fostering service grew to meet demand it was realised that a larger, dedicated team was needed to support the service. A proposal was put before the Social Work Committee and agreed in March 1999 requesting funding for an additional family placement supervisor. By September 2000 a further report to the Social Work Committee outlines that the service now comprised of 3 family placement supervisors and one team manager.</p> <p>By 2012 there were eight supervising social workers in the Corporate Parenting Team (Fostering and Adoption). Since then, an additional family support worker post has been added to supplement the work of the qualified social workers and to undertake specific tasks. In 2013 a second team manager was recruited in order to have a registered manager for the fostering service, and a separate manager for the adoption service.</p> <p>Workers in the Corporate Parenting Team had, and still have, the following core responsibilities:</p> <ul style="list-style-type: none"> <li>• Recruitment of foster carers</li> <li>• Training of foster carers</li> <li>• Preparation and assessment of foster carers</li> <li>• Completion of statutory checks</li> <li>• Review of foster carers</li> <li>• Provision of supervision and support to foster carers</li> </ul>

	<p><b>Strathclyde Regional Council:</b> We have not come across any information in our records which outlines the staffing of fostering services during the Strathclyde era. A search of archives held by the Mitchell Library has not to date uncovered relevant information either.</p> <p><b>Predecessor Authorities:</b> We have not come across any information in our records which outlines the staffing of fostering services during the era which preceded Strathclyde Regional Council. In this time period social workers would generally have held generic caseloads which covered disparate areas of social work, rather than specialising as we see today.</p> <p>Case file audits and review of available case files strongly suggest that for the bulk of the timeframe 1930-75 there were no dedicated fostering teams or supervising social workers in place therefore it has not been possible to provide a detailed response to this question.</p>
<p>b) How many people were employed by the local authority at any one time who had some responsibility for foster care services for children?</p>	<p><b>See a) above.</b></p>
<p>c) What roles and responsibilities did such staff have? Please specify in which roles staff met with children and foster carers.</p>	<p><b>See a) above.</b></p>
<p>d) In relation to each role, what experience/qualifications did such staff have?</p>	<p><b>East Ayrshire Council:</b> As indicated above the Corporate Parenting Team is staffed by qualified social workers who hold a Diploma in Social Work (or equivalent).</p> <p><b>Strathclyde Regional Council:</b> See above.</p> <p><b>Predecessor Authorities:</b> No information regarding the experience or qualifications of the workforce supporting and assessing has been discovered to date during case file audits.</p>

<p>e) When were fostering panels set up? What was their purpose and remit?</p>	<p>East Ayrshire Council established a Fostering Panel in March 1996. The purpose of the Panel was and is to provide a level of scrutiny and oversight of fostering applications and assessments and to make recommendations to the Agency Decision Maker regarding:</p> <ul style="list-style-type: none"> <li>• Applications from prospective foster carers</li> <li>• Review of foster carers</li> <li>• De-registration of foster carers</li> </ul> <p><b>Strathclyde Regional Council:</b> In 1986/7 Strathclyde Region established Fostering Panels in response to the Boarding-out and Fostering of Children (Scotland) Regulations 1985.</p> <p>Each Panel consisted of 4 Elected Members of the Social Work Committee, one of whom must be Chairman, a Medical Adviser, an Educational Psychologist, and the Divisional Organiser (Community and Field Work) or the Divisional Adoption and Fostering Adviser.</p> <p><b>Predecessor agencies:</b> Prior to 1985 Fostering Panels were not a requirement and we have not found any documentary evidence of such a body being in existence between 1930 and 1975 within the current boundaries of East Ayrshire.</p>
<p>f) How were fostering panels constituted? What skills and experience were the members required to have?</p>	<p><b>East Ayrshire Council:</b> At the point of establishment the composition of the Fostering Panel was as follows:</p> <ul style="list-style-type: none"> <li>• Two elected Members of the Social Work Committee</li> <li>• The Principal Officer (Children and Families) within the Social Work Department</li> <li>• A Service Officer (Children and Families) within the Social Work</li> <li>• An appropriately qualified member of staff nominated by the Head of Service</li> <li>• Education Department</li> <li>• A childcare designated member of staff of the Social Work Department</li> </ul> <p>A 2016 Person Specification for Prospective Panel Members provides a good overview of the requirements of the role, both now and in the recent past:</p> <p><i>“Experience and qualifications</i></p>

- Experience, either professionally or personally or both, of the placement of children and young people in adoptive and/or foster families or children being cared for away from their birth family.
- A social work or medical qualification will be necessary for some panel members. For other members a range of relevant professional qualifications and/or personal experience will be sought.

*Knowledge*

- An appreciation of the effects of separation and loss on children and young people.
- Awareness of the richness of different kinds of families and their potential for meeting young people's needs.
- Understanding of the purpose and function of panel and of the agency that the panel is serving or a willingness to learn.

*Abilities*

- Good listening and communication skills
- The ability to read, process and analyse large amounts of complex and sometimes distressing information.
- The ability to make an assessment and to form a view, based on the written and verbal information presented to panel and the confidence to articulate this at panel.
- The ability to use personal and/or professional knowledge and experience to contribute to discussion and decision-making in a balanced and informed manner.
- The ability to work co-operatively as part of a multidisciplinary team.
- The ability to attend panel meetings as required, arriving on time, and to attend at least one training day each year, and business meetings as requested.

	<p><i>Attitudes and values</i></p> <ul style="list-style-type: none"> <li>• A commitment to adoption and/or fostering as a way of meeting a young person's needs for security, safety and nurture when these are not available within their birth family.</li> <li>• Valuing diversity in relation to issues of ethnicity, religion, gender, disability and sexuality.</li> <li>• An understanding of and a commitment to, the need for confidentiality.</li> <li>• A willingness to increase knowledge and understanding of issues through reading, discussion and training.</li> <li>• A willingness to contribute constructively to discussion of your panel membership and functioning.</li> <li>• A commitment to keeping children within their own family or community where this is possible and to maintaining an appropriate type and level of contact between children and their birth families where this appears to be in child's best interests".</li> </ul> <p><b><u>Strathclyde Regional Council:</u></b> In 1986/7 Strathclyde Region established Fostering Panels in response to the Boarding-out and Fostering of Children (Scotland) Regulations 1985.</p> <p>Each Panel consisted of 4 Elected Members of the Social Work Committee, one of whom must be Chairman, a Medical Adviser, an Educational Psychologist, and the Divisional Organiser (Community and Field Work) or the Divisional Adoption and Fostering Adviser.</p> <p><b><u>Predecessor agencies:</u></b> Prior to 1985 Fostering Panels were not a requirement and we have not found any documentary evidence of such a body being in existence between 1930 and 1975 within the current boundaries of East Ayrshire.</p>
<b>Present</b>	<p><b>See above -</b> The current panel membership includes:</p>



<p>g) With reference to the present position, are the answers to any of the above questions different?</p>	<ul style="list-style-type: none"> <li>• Independent Panel Chair with deep knowledge and experience of family placement work and social work.</li> <li>• Service Manager, Corporate Parenting</li> <li>• Team Manager, Locality Social Work Team (Children and Families)</li> <li>• Current foster carer (independent of East Ayrshire Council)</li> <li>• Current adopter and former foster carer</li> <li>• Manager of Residential Children's House</li> </ul> <p>Also participating in the Panel, but not as voting members:</p> <ul style="list-style-type: none"> <li>• Local Authority solicitor</li> <li>• Medical Adviser</li> </ul>
<p>(ii) Foster Carers <b>Past</b></p>	
<p>a) How were foster carers identified, and approved?</p>	<p><b><u>East Ayrshire Council:</u></b></p> <p><b>Recruitment:</b> Foster carers have been recruited through advertising and publicity campaigns. Awareness of the need for foster carers was raised through use of advertisements and features in the local press, on local radio, and by the fostering team attending public events and arranging information sessions for the public.</p> <p>Initial expressions of interest would be screened by a member of the team and an information pack sent out to those who requested one. If interest continued beyond this stage, an initial visit would be arranged whereby a team member would visit the interested party in their home. The function of this visit was, and still is, two-fold; to provide information to the enquirer directly and in more depth about fostering and the assessment and approval process, and for an initial viability assessment of the application to be undertaken.</p> <p><b>Preparation:</b> If progressing, Fostering Preparation Groups would be attended, this is effectively initial training for prospective foster carers and is and was intended to provide prospective carers with the information they need to know whether fostering is something they feel that they want to pursue. Traditionally, whilst these groups have been 'non-assessable' there are occasions with issues of</p>

suitability become apparent during the sessions and this has been another means of ensuring that those who go onto be assessed as foster carers are suitable to proceed.

Since 1996 when EAC was formed there has been a significant progression in terms of how fostering assessments are conducted. Much of the broad content of an assessment, in terms of headings, or subject areas would be familiar from fostering assessments undertaken in the 1970s, what has changed is the depth of information required, the analysis of this information, and the recognition that information needs to be checked and verified as far as possible.

Checks: Police and medical checks have always been required as part of these assessments, as well as Local Authority Checks where the applicant lives out with EAC boundary.

Like the assessment itself, over time the checks involved in an assessment have evolved- Checks now required for a fostering assessment include:

- Enhanced Disclosure Check
- Comprehensive Medical (AH1), reviewed and commented on by Medical Adviser.
- References from education/ health visitor if the applicants have children.
- Reference from current employer
- References from **all** previous care sector employers
- References from ex-partners where this has been a significant relationship (the definition of significant can vary but is interpreted in EAC currently as meaning having either lived together or a relationship which lasted for a significant period of time. These checks have been made more rigorous after the findings of the 2001 Brighton and Hove serious case review into the death of a 4 year old boy at the hands of his adopters.
- Interview all birth children old enough to give a view
- Reference from a member of the applicant's birth family
- Personal reference from a member of the applicant's social or support network
- International checks where the applicant has lived abroad
- Where a couple is applying to foster one reference is required from someone who knows them as a couple, in addition to the personal reference above.

Completed fostering assessments have always been quality assured by a manager within the fostering service before presentation to a meeting of the Fostering Panel. The Fostering Panel will make a recommendation to the Agency Decision Maker. The role of ADM can be delegated, in recent years

	<p>been ordinarily undertaken by the Head of Service for Social Work (now Head of Children's Health, Care and Justice).</p> <p><b>Strathclyde Regional Council:</b> SRC ran concerted publicity campaigns and outreach activities in the 1970s.</p> <p>The process of assessment and preparation of applicants included</p> <ul style="list-style-type: none"> <li>• Group meetings</li> <li>• Individual interviews</li> <li>• Undertake contact with existing foster carers</li> <li>• Formal enquiries of applicants: departmental records; police enquiry; Area health Board enquiry ; personal references ; medical reports and x-rays</li> <li>• Enquiries regarding other residents</li> <li>• Out with the Region enquiry (Local Authority Checks)</li> <li>• Presentation of assessment report</li> <li>• Approval by Divisional Adoption and Fostering Panel, passed to Divisional Director who makes final decision</li> </ul> <p><b>Predecessor authorities:</b> Case file audits uncovered an outline for a fostering assessment circa 1976, which appears to have been in use and to pre-date Strathclyde Regional Council, though it is not clear how long it had been in use. It is notable that the report is mainly a descriptive report, with requirement to describe the house, the prospective carers, their children etc. Description of the carers was to include comment on "whether they are basically stable, able to accept that all humans have problems", it further required comment on "are they able to understand and accept children as individuals, to discipline them with the sort of understanding that will make them feel secure".</p> <p>The broad topics outlined for the assessment are similar to those of modern assessments, although with less focus on the analysis of information or of seeking corroboration for the information provided by applicants.</p>
<p>b) What experience and/or qualifications did a foster carer require to have?</p>	<p><b>East Ayrshire Council:</b> See above- there are no minimum requirements in terms of experience or qualification, however a robust assessment of capacity to meet core fostering competencies is undertaken.</p>

	<p><b><u>Strathclyde Regional Council:</u></b> See above</p> <p><b><u>Predecessor Authorities:</u></b> See above</p>
c) What checks were carried out in relation to a prospective foster carer, including criminal record checks, references and interviews?	<p><b><u>East Ayrshire Council:</u></b> See above</p> <p><b><u>Strathclyde Regional Council:</u></b> See above</p> <p><b><u>Predecessor Authorities:</u></b> Case file audits have uncovered some assessments completed in the 1960s and 1970s- at that time there is evidence of checks being undertaken with the applicants GP and Police.</p>
d) What checks were carried out in relation to other persons residing with the prospective foster carer, including criminal record checks, references and interviews?	<p><b><u>East Ayrshire Council:</u></b> Adults residing in a prospective carer's home are subject to Police checks, currently an Enhanced Disclosure Check would be required, and in addition local authority checks would be carried out.</p> <p><b><u>Strathclyde Regional Council:</u></b> Guidelines in place required the following checks to be undertaken,</p> <ul style="list-style-type: none"> <li>• Departmental records</li> <li>• Police;</li> <li>• Health;</li> <li>• Health visitor</li> </ul> <p><b><u>Predecessor Authorities:</u></b> Case file audits have not uncovered information regarding checks on other household members.</p>
e) What checks were carried out in relation to other family members and friends of a prospective foster carer including criminal record checks, references and interviews?	<p><b><u>East Ayrshire Council:</u></b> Adults who spend a significant amount of time visiting a fostering household are subject to Disclosure Scotland checks, this has been the practice since at least 2012. No references are carried out though they may be interviewed by the Supervising Social Worker.</p> <p><b><u>Strathclyde Regional Council:</u></b> Case file audits and review of accessible policy and procedure has not uncovered relevant information.</p> <p><b><u>Predecessor Authorities:</u></b> Case file audits and review of accessible policy and procedure has not uncovered relevant information.</p>

<p>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?</p>	<p><b>East Ayrshire Council:</b> Checks are currently updated annually as part of the annual review process- this requirement has been in place since at least 2012.</p> <p><b>Strathclyde Regional Council:</b> Case file audits and review of accessible policy and procedure has not uncovered relevant information.</p> <p><b>Predecessor Authorities:</b> Case file audits and review of accessible policy and procedure has not uncovered relevant information.</p>
<p>g) What checks were carried out by the local authority of the available accommodation? How frequently were these carried out? Were they repeated? If so, how frequently? If not, why not?</p>	<p><b>East Ayrshire Council:</b> A health and safety inspection is carried out on an annual basis by the Supervising Social Worker, in addition, since circa 2014 all fostering homes are required to have a fire safety inspection completed and renewed whenever there is a significant change to the property, e.g. an extension is built, or a loft conversion, or the carer/s move home.</p> <p><b>Strathclyde Regional Council:</b> Case file audits and review of accessible policy and procedure has not uncovered relevant information.</p> <p><b>Predecessor Authorities:</b> Case file audits and review of accessible policy and procedure has not uncovered relevant information.</p>
<p>h) Was the gender of the foster carer relevant to approval or in relation to placement of a child with a particular carer?</p>	<p><b>East Ayrshire Council:</b> The gender of foster carers has not been a significant factor in the approval of foster carers. The majority of fostering families have tended to be mixed sex couples, with a significant number of single foster carers who with rare exceptions have been female.</p> <p>The gender of a foster carer may be considered as a matching consideration dependent on the assessed needs of a particular child. There is no either formal guidance, or 'rule of thumb' which is in use now, or which we can see evidence of between 1996 to 2014 which pertains to gender as a matching consideration, or as regards suitability.</p> <p><b>Strathclyde Regional Council:</b> At the time of writing, no information is available from the Strathclyde era which speaks to this issue.</p> <p><b>Predecessor agencies:</b> At the time of writing, no information is available from the pre-1975 era which speaks to this issue.</p>

	<b>Refer to section 1.3 ii (g)</b> – regarding composition of foster care households i.e. man and woman acting jointly etc
i) Was the gender of other persons in the house of any relevance?	<p><b>East Ayrshire Council:</b> The gender of other household members has not been a significant factor.</p> <p><b>Strathclyde Regional Council:</b> At the time of writing, no information is available from the Strathclyde era which speaks to this issue.</p> <p><b>Predecessor agencies:</b> At the time of writing, no information is available from the pre-1975 era which speaks to this issue.</p>
j) Were foster carers required to provide any services to children in their care beyond accommodating them?	<p><b>East Ayrshire Council:</b> Foster care, both now and in the period 1996 to 2014 has been seen as much more than simply accommodating children. Foster carers are expected to attend to not only the child's physical care needs, but to their emotional wellbeing as a primary concern, with nurture and recovery from trauma being integral to the role of foster carer. Carers are also expected to promote the child's wider needs such as maximising their educational potential, their inclusion into wider society, and their ability to function as healthy, independent and happy individuals. Foster care is seen as a role in which there is a need for carers to continually develop in terms of their knowledge and skills, and for them to engage in reflective supervision regarding how they can improve in their role.</p> <p><b>Strathclyde Regional Council:</b> Similarly to the information above, the concept of reparative parenting was seen as integral to the role of foster carer, see 1.5 b) above.</p> <p><b>Predecessor Authorities:</b> Information from case file audits does suggest that fostered children were viewed as needing an alternative family to accommodate them, without the explicit focus on reparative parenting and promoting independence etc.</p>
k) Did children work manually in the placement or externally?	<b>East Ayrshire Council:</b> There is no evidence of children or young people being required to undertake manual work either in the placements or elsewhere on a systematic level. Case file audit and review of Fostering Panel minutes did find one example of a foster carer requiring a child to undertake inappropriate levels of household tasks such as cleaning a toilet, and this identified as being inappropriate and a concern as to the carer's conduct and suitability.

	<p><b>Strathclyde Regional Council:</b> Case file audits have not uncovered evidence of children undertaking manual work during this time period.</p> <p><b>Predecessor Authorities:</b> Case file audits have found only two examples of children undertaking manual work in a fostering placement, these being from 1955 and 1962. Little information was recorded as to the nature of the work or whether the young person volunteered to take part, or was expected to work by the carer/s.</p>
l) Were fostering agreements entered into?	<p><b>East Ayrshire Council:</b> The first evidence we have of foster carers being asked to sign formal fostering agreements dates from 1998, this was described as a 'Foster Carer's Pilot Contract'. Fostering agreements have been standard practice within the fostering service since that time and continue to be required.</p> <p><b>Strathclyde Regional Council:</b> No evidence has been sighted in the historic case audit file records regarding fostering agreements. The 1980s guidelines refer to access agreements re parental contact.</p> <p><b>Predecessor agencies:</b> No evidence of fostering agreements has been found in case audited files prior to 1975.</p>
m) With reference to present are any answers different?	All relevant information is included in the sections above.
<b>2</b>	
<b>2.1 Culture</b>	
a) What was the nature of the culture within the local authority in relation to the provision of foster care?	Information on culture customs and beliefs is not readily recordable in the context of the provision of a social work service and this type of information has often not been recorded within children's case files, or within organisational records. It is therefore difficult to provide any strong views about the culture of organisations not still extant. Case file audits have provided a trove of data as part of this exercise and workers auditing files have been asked to look for information which they assess as speaking to the culture of the organisation with regard to fostering, and to the children in placement and the analysis of this data which is currently in progress may allow for further comment. It would be wise to caution however that there is a scarcity of information that speaks directly to culture and although inferences can be made from descriptions of practice and alignment to stated ethos this may not be representative of the organisation as a whole.

Inasmuch as we can comment on the culture of the organisation and its predecessor agencies therefore it would perhaps be prudent to rely on the espoused ethos of the organisations outlined in 1.5 (above) and evidence of this in practice.

**East Ayrshire Council:** Children who have been provided a fostering service like other children have seen practice develop with the principals of Getting It Right For Every Child. Placing the child at the centre and ensuring that they have the right support at the right time to meet their needs and enable them to flourish. Information provided in previous sections highlight the development of nurture principals and the importance of reparative care for children who have experienced trauma and understanding of children's behaviour as communication. Foster carers are provided with training and support to put these principals into practice as part of a supporting team around the child which recognises the challenges that can be encountered.

The importance of ensuring children's views are properly recorded and considered in decisions made about them has been taken forward through use of tools which have been further developed more recently to encourage children's participation.

A comprehensive review of all fostering approvals, resignations, reviews and de-registrations between 1996 and 2014 as part of the formulating the response to the Enquiry evidence over time changes in practice, and service standards and expectations which are speak to the underlying culture and commitment to provide the best possible care to children needing a foster care placement and that carers have the qualities and are equipped to provide this care.

Observations of such changes would include the following:

- Increased scrutiny by the Fostering Panel of information provided in fostering assessments.
- Over time fostering assessments involve a greater level of independent checks, relying less on information provided by applicants, and cross checking key information where possible.
- The approach to the service regarding applicants who have been involved in domestic violence incidents has become much more cautious, with a move towards a zero tolerance approach to past perpetrators of domestic violence.
- When foster carers choose to resign there is a more explicit focus on their suitability and any concerns about care standards during their fostering career- this is to prevent carers resigning before they are de-registered and to ensure that



sufficient information is recorded to assist any other fostering agency should the carers reapply elsewhere in future.

Certain areas of practice have developed as a result of the experience gained by those running the service and from incidents and situations from which learning was derived- key changes to practice have included:

- Fostered children must have their own bedroom.
- Placement limits are much more strictly adhered to.
- Risks associated with carers operating out with their approved age category, number of children, gender are given greater scrutiny
- Ex-partner checks have been tightened significantly, partly as a result of the Brighton and Hove case review, but also experiential learning by the service.
- The risk assessment of children placed within the fostering service has developed to ensure potential risks are identified and addressed so that children's need are met and potential risks to foster carers and other children in the household are properly considered in the matching process.
- There is evidence within the panel minute history of a shift away from a more resource led approach to fostering, where some carers had been clearly overburdened in terms of the number and profile of children placed, to a more managed approach which seeks to match the carers skills and experience, as well as the needs of other children in placement, to the children and young people needing placements in order to secure better outcomes and reduce risks.

**Strathclyde Regional Council:** For the reasons indicated above it is not possible to comment on the culture of Strathclyde Regional Council due to the paucity of information available and the danger of over generalising to a whole service or time period from a small number of examples which may not be representative.

**Predecessor Authorities:** For the reasons indicated above it is not possible to comment on the culture of Predecessor Authorities due to the paucity of information available and the danger of over generalising to a whole service or time period from a small number of examples which may not be representative.

<p>b) Was that culture reflected in the policies, procedures and practices of the organisation?</p>	<p><b>East Ayrshire Council:</b> A review of those past policies and procedures which are available, as well as those which are currently operational shows that the ethos of the service as espoused by planning documents and vision statements produced by EAC between 1996-2019 is and was consistently reflected within the policies and procedures of the fostering service and children's services.</p> <p>Broadly the practices of both foster carers and professionals administrating the fostering services over time has been consistent with the espoused ethos inasmuch as can be ascertained from the case file audits and a comprehensive review of all Fostering Panel minutes between 1996 and 2014.</p> <p><b>Strathclyde Regional Council:</b> See above</p> <p><b>Predecessor Authorities:</b> See above</p>
<p>c) How can that be demonstrated</p>	<p><b>East Ayrshire Council:</b> Reference to relevant documents.</p> <p><b>Strathclyde Regional Council:</b> See above</p> <p><b>Predecessor Authorities:</b> See above</p>
<p>d) Did the provision of care by foster carers reflect the local authority's culture, policies and procedures?</p>	<p><b>East Ayrshire Council:</b> Analysis of case file audits activity to complete the additional sections subject to the enquiry is currently taking place which will provide a more complete and evidenced review how children's experience in foster care matched the stated ethos and policies set out. Initial analysis and review of Fostering Panel minutes show that for the service as a whole there is evidence that foster carers have, and do operate in a way which is reflective of the Local Authority's culture, policies and procedures.</p> <p>Where there are examples of carers failing to provide the standard of care required or follow policy and procedure in a way which is detrimental to children this were addressed with appropriate challenge support and learning opportunities to ensure that children received a good standard of care. There are a number of examples of carers being de-registered due to not meeting standards expected of them and where support to address these concerns has not been successful.</p> <p><b>Strathclyde Regional Council:</b> See above</p> <p><b>Predecessor Authorities:</b> See above</p>

<p>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?</p>	<p>Part of this question is by its nature difficult to answer as understanding 'why' a carer did not adhere to policy or guidance requires understanding their internal motivation which is likely to be different to their expressed motivation. It is difficult therefore to comment meaningfully on this aspect of the question, unless carers have explicitly addressed this issue and their response was recorded contemporaneously.</p> <p><b>East Ayrshire Council:</b> Example 1: Mr and Mrs S were de-registered as foster carers at a meeting of the Fostering Panel on 16<sup>th</sup> December 2010, concerns included the children being given in appropriate tasks within the home, such as cleaning toilets and emptying bins. In addition the children being fostered reported that they were treated differently to the couple's birth children who were not asked to undertake the type of tasks that 'J' and 'N' were.</p> <p>Example 2: Mrs S, a foster carer for 9 years, resigned as a foster carer at a meeting of the Fostering Panel on 3<sup>rd</sup> of July 2008. Mrs S had not been able to maintain her home to safe and satisfactory standard, and over a period of time, despite intervention to support her, the house was observed to be cluttered, untidy and below acceptable standards. Mrs S was given support in relation to her health needs and possible depression but was unable to engage with this.</p> <p>In this instance there were significant concerns regarding Mrs S's suitability and the route to end her fostering career was through her offering her resignation, which she willingly did. There is however explicit, though brief reference to the difficulties with Mrs S as a foster carer within the Panel minute which would be of use to any other agency were Mrs S to reapply to foster.</p> <p>Example 3: Mr and Mrs S were de-registered as foster carers at a meeting of the Fostering Panel on 7<sup>th</sup> of February 2013. Concerns about the carers included lack of empathy towards the children and an inability to understand the children's developmental stages and to parent them appropriately in view of their age and stage of development. There were also significant concerns regarding unexplained bruising to a child in their care, and it was not able to be established what had happened to the child.</p> <p>For their part, Mr and Mrs S stated that they felt that they had been 'overloaded' by having three children placed with them and that this caused significant stress.</p> <p>Panel members unanimously agreed to terminate the couple's approval as foster carers.</p> <p><b>Strathclyde Regional Council:</b> No information has been located which speak to this time period.</p>
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	<p><b><u>Predecessor Authorities:</u></b> No information has been located which speak to this time period.</p>
<p>f) When and why did any changes in the culture of the authority in relation to the provision of FC come about?</p>	<p><b><u>East Ayrshire Council:</u></b> By its nature changes to culture are more of a process than an event which may be linked to legislation and changes to policies and guidance as an initial driver but require the commitment of organisations to embrace and embed those changes.</p> <p>Changes to culture and practice in relation to foster have been driven by a number of factors. Some of these factors are linked to wider societal changes in relation to attitudes towards children. As referenced above Getting It Right For Every Child is one such development with the focus on placing the child at the centre of planning and including the voice and views of the child at the centre of decision making. This is a model of practice which has been fully embraced along with multi-agency partners to improve outcomes for children in foster care. Knowledge of the impact of trauma and neglect including on the brain development of young children has informed the further development of trauma informed nurture approaches and training to equip foster carers to provide restorative parenting to children.</p> <p>In addition to legislative and policy drivers experiential learning in the service has supported practice development and cultural changes. External factors have included learning from Serious Case Reviews and Inquiries some of which are explicitly referenced in Foster Panel minutes.</p> <p><b><u>Strathclyde Regional Council:</u></b> See above</p> <p><b><u>Predecessor Authorities:</u></b> See above</p>
<p>g) Were any changes in culture driven by internal influences, incidents, experiences within the authority?</p>	<p><b><u>East Ayrshire Council:</u></b> See above</p> <p><b><u>Strathclyde Regional Council:</u></b> See above</p> <p><b><u>Predecessor Authorities:</u></b> See above</p>
<p>h) Were any changes in culture driven by abuse, or alleged abuse of children in care?</p>	<p><b><u>East Ayrshire Council:</u></b> There is evidence of changes to practice and culture over time which seem to have been driven, at least in part, by learning derived from difficult experiences. An example of this would be a couple who were approved as foster carers despite there being evidence of domestic violence in their relationship in the past. The couple had also concealed information about violence in the male partner's previous relationship. An incident of domestic violence which occurred with a child</p>

	<p>in placement and to which the child was exposed led to the couple being de-registered. Mr ■ was initially de-registered as he was deemed to have been the perpetrator of the abuse, this took place at a meeting of the Fostering Panel on 1<sup>st</sup> of March 2013.</p> <p>Mrs ■ was de-registered on 19-06-2014 after the child who had been in placement had to be moved after becoming aggressive towards Mrs ■. This child had witnessed a significant domestic incident whilst in the care of Mr and Mrs ■. It was noted that at the time of the placement breaking down Mrs ■ had been considering reuniting with her husband.</p> <p>The recommendation to de-register Mrs ■ and not use her as a carer again was based on lack of trust due to her not being open about past incidents of violence. Mrs ■ had been offered access to Women's Aid and victim support but had declined these.</p> <p>Panel members took the view based on this incident that there had to be greater scrutiny going forward regarding the experiences of applicants ex-partners as there was information which could have been gained from Mr ■'s ex-partner had she been interviewed. This was followed by a decision by the service to seek references from all ex-partners where there had been a significant relationship, no matter how long ago this was.</p> <p>As set put in earlier section both checks in relation to background information became more robust and previous domestic violence made applicants to be foster cares unsuitable</p> <p><b><u>Strathclyde Regional Council:</u></b> See above.</p> <p><b><u>Predecessor Authorities:</u></b> See above.</p>
<p>i) If so when did they occur and how did they manifest themselves</p>	<p><b><u>East Ayrshire Council:</u></b> Information above provides details of issues brought to the Fostering Panel</p> <p><b><u>Strathclyde Regional Council:</u></b> See above</p> <p><b><u>Predecessor Authorities:</u></b> See above</p>
<p>j) Were any changes in culture driven by external influences</p>	<p><b><u>East Ayrshire Council:</u></b> See above- external factors included changes to legislation, regulation, findings from Serious Case Reviews and Inquiries. Sharing of information re practice in forums such</p>

<p>or factors, of so what were they</p>	<p>as the West of Scotland Consortium (a Consortium of family placement agencies run by BAAF) also contributed to cultural development.</p> <p><b><u>Strathclyde Regional Council:</u></b> See above</p> <p><b><u>Predecessor Authorities:</u></b> See above</p>
<p><b>Present</b></p>	
<p>k) With reference to the present position, are the answers to any of the above questions different?</p>	<p>All relevant information is in the sections completed above.</p>
<p>l) If so please give details</p>	
<p>m) to what extent, if any, has abuse, or alleged abuse of children caused or contributed to the adoption of the current procedures or practices of the LA re provision of FC including Safeguarding arrangements and child protection arrangements?</p>	<p><b><u>East Ayrshire Council:</u></b> Whilst there is not an explicit change in procedure linked to a specific allegation of abuse learning from previous experience has contributed to practice development and understanding as procedures have been revised and updated.</p> <p><b><u>Strathclyde Regional Council:</u></b> See above</p> <p><b><u>Predecessor Authorities:</u></b> See above</p>
<p><b>2.2 Structure, leadership and accountability</b></p>	
<p>a) What was the structure of responsibility in relation to foster carers</p>	<p><b><u>East Ayrshire Council:</u></b> The structure of responsibility has been broadly consistent throughout the period of East Ayrshire Council's existence in the form below, it should be noted that job titles have changed during the period but there remains a broad equivalence between the structure in 1996 and 2014:</p> <p>Chief Executive  Director of Education and Social Work Services  Head of Service, Children Families and Justice (Chief Social Work Officer during some of this period)  Senior Manager (Authority Wide Services)  Service Manager (Corporate Parenting)</p>

	<p>Team Manager (Fostering) Registered Manager for Fostering Service Supervising Social Worker Foster Carer</p> <p>In April 2015 East Ayrshire Health and Social Care Partnership was established. The social work service was no longer part of the department of education. The Head of Service reports to Director of the HSCP who in relation to the foster care service reports to the Chief Executive. Reports in relation to the fostering, fostering service are presented to the councils cabinet of elected members</p> <p><b>Strathclyde Regional Council:</b> No information is available regarding the structure of responsibility in Strathclyde Regional Council as regards fostering.</p> <p><b>Predecessor Authorities:</b> No information is available regarding the structure of responsibility in Predecessor authorities as regards</p>
<p>b) What were the oversight and supervision arrangements by senior management</p>	<p><b>East Ayrshire Council:</b> The registered manager of the fostering service has always reported to an intermediate manager, currently titled Service Manager Corporate Parenting, who has overall responsibility for the service. In turn the Service Manager reports to the Senior Manager Authority Wide Service, who reports to the Head of Service.</p> <p>An additional route for oversight comes via the Fostering and Resources Panel, whose recommendations are made to the Agency Decision Maker (usually the Head of Service, Social Work).</p> <p>Further accountability and oversight comes via the relevant Council Committees which have included during the EAC period the Social Work Committee, Cabinet and latterly the Health and Social Care Partnership Integrated Joint Board (IJB).</p> <p><b>Strathclyde Regional Council:</b> The Regional Council established various committees for the discharge of their functions, including the Social Work Committee. The Regional Council retained the right to take many decisions at full Council level, but there were arrangements for the allocation of duties to Committees and Sub-Committees.</p> <p><b>Predecessor Authorities:</b> No information is available for this period.</p>

c) What were the lines of accountability	See above
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?	<p><b>East Ayrshire Council:</b> The organisational management and reporting structure is outlined in section a) above. The Senior Manager Authority Wide service has the senior management responsibility for the service reporting to the Head of Service.</p> <p><b>Strathclyde Regional Council:</b> 1975-1996 Chief Executive was Chief Officer 1975 -1996 Social Work Department, Director of Social Worker.</p> <p><b>Predecessor Authorities:</b> No information has come to light from available records which is relevant to this question.</p>
e) Who took decisions on matters of policy, procedure and practice in relation to foster care?	<p><b>East Ayrshire Council:</b> Major matters of policy and procedure required to be approved by the relevant Council Committee, whether it be the Social Work Committee, Cabinet, or latterly the Integrated Joint Board.</p> <p>More minor amendments to practice have been able to be implemented directly by the managers of the fostering service following consultation with appropriate senior managers or using delegated authority where the proposed change was not sufficiently significant to require this level of sign off.</p> <p><b>Strathclyde Regional Council:</b> No information has come to light from available records which is relevant to this question.</p> <p><b>Predecessor Authorities:</b> No information has come to light from available records which is relevant to this question.</p>
f) To whom were foster carers accountable?	<p><b>East Ayrshire Council:</b> Foster carers are ultimately accountable to the Agency Decision Maker who, either upon recommendation by the Fostering Panel, or by substituting their own decision has the power to de-register carers, or to amend their registration as they deem appropriate, and with appeal measures in place.</p> <p><b>Strathclyde Regional Council:</b> No information has come to light from available records which is relevant to this question.</p>



	<p><b>Predecessor Authorities:</b> No information has come to light from available records which is relevant to this question.</p>
<p>g) Who, within the local authority, was responsible for the implementation of, and compliance with, the local authority's policies, procedures and/or practices in foster care both by local authority staff and by foster carers?</p>	<p><b>East Ayrshire Council:</b> The Team Manager fostering is the registered manager for the fostering service. As a registered fostering agency the registered manager of the fostering service has the ultimate responsibility for ensuring adherence to policy, practice and guidance.</p> <p>Within the structure of the organisation they are accountable to the Service Manager. Senior Manager and Head of Service in relation to the provision and management of the service</p> <p><b>Strathclyde Regional Council:</b> No information has come to light from available records which is relevant to this question.</p> <p><b>Predecessor Authorities:</b> No information has come to light from available records which is relevant to this question.</p>
<p>h) To whom were fostering panels accountable</p>	<p><b>East Ayrshire Council:</b> Fostering Panels are and have always been during the EAC period accountable directly to the Agency Decision Maker/ Head of Service.</p> <p><b>Strathclyde Regional Council:</b> No information has come to light from available records which is relevant to this question.</p> <p><b>Predecessor Authorities:</b> No information has come to light from available records which is relevant to this question.</p>
<p>i) What were the oversight and supervision arrangements for fostering panels?</p>	<p><b>East Ayrshire Council:</b> Panel members do not receive regular supervision in the traditional sense- membership of the Panel has been reviewed periodically, and there have been formal reviews of the functioning and makeup of the Panel, with reports made available to the Head of Service in order to take decisions as to whether any changes were required.</p> <p>East Ayrshire has an Independent Panel Chairperson who also has a responsibility for review of Panel members and to whom any issues regarding particular panel members, or the functioning of Panel in general can be directed.</p>

	<p><b>Strathclyde Regional Council:</b> No information has come to light from available records which is relevant to this question.</p> <p><b>Predecessor Authorities:</b> No information has come to light from available records which is relevant to this question.</p>									
<p><b>2.3 External Oversight</b></p>										
<p>a) What were the arrangements for the external oversight of the LA's foster care service</p>	<p><b>East Ayrshire Council:</b> External oversight of the fostering service in particular has primarily been provided by the organisations below during the period of the Council's existence. Inspection of Children's Services in the wider sense have also been provided by HMIE though these have not focussed specifically on fostering services according to available information.</p> <table border="1" data-bbox="467 835 1388 974"> <thead> <tr> <th data-bbox="467 835 829 890">Agency</th> <th data-bbox="829 835 1019 890">Date Established</th> <th data-bbox="1019 835 1388 890">Date Disbanded</th> </tr> </thead> <tbody> <tr> <td data-bbox="467 890 829 945">Social Work Inspection Agency (SWIA)</td> <td data-bbox="829 890 1019 945">01/04/2005</td> <td data-bbox="1019 890 1388 945">01/04/2011</td> </tr> <tr> <td data-bbox="467 945 829 974">Care Inspectorate</td> <td data-bbox="829 945 1019 974">01/04/2011</td> <td data-bbox="1019 945 1388 974">Ongoing</td> </tr> </tbody> </table> <p><b>Strathclyde Regional Council:</b> No information has come to light from available records which is relevant to this question.</p> <p><b>Predecessor Authorities:</b> No information has come to light from available records which is relevant to this question.</p>	Agency	Date Established	Date Disbanded	Social Work Inspection Agency (SWIA)	01/04/2005	01/04/2011	Care Inspectorate	01/04/2011	Ongoing
Agency	Date Established	Date Disbanded								
Social Work Inspection Agency (SWIA)	01/04/2005	01/04/2011								
Care Inspectorate	01/04/2011	Ongoing								
<p>b) Who visits the foster care services in an official or statutory capacity and for what purpose?</p>	<p><b>East Ayrshire Council:</b> As noted above the Fostering Service is visited by the Care Inspectorate for the purpose of inspecting the service.</p> <p>Fostering placements are also visited by the following people, for the following purposes:</p> <table border="1" data-bbox="467 1268 1490 1430"> <thead> <tr> <th data-bbox="467 1268 630 1297">Role</th> <th data-bbox="630 1268 878 1297">Purpose</th> <th data-bbox="878 1268 1105 1297">Frequency</th> <th data-bbox="1105 1268 1490 1297">What did visits involve</th> </tr> </thead> <tbody> <tr> <td data-bbox="467 1297 630 1430">Supervising Social Workers</td> <td data-bbox="630 1297 878 1430">Initial assessment/ support and monitoring of placements/ annual review</td> <td data-bbox="878 1297 1105 1430">Minimum of monthly</td> <td data-bbox="1105 1297 1490 1430">Support and supervision to carers/ meeting and supporting children, hearing their views, safeguarding re care standards, safer care planning.</td> </tr> </tbody> </table>	Role	Purpose	Frequency	What did visits involve	Supervising Social Workers	Initial assessment/ support and monitoring of placements/ annual review	Minimum of monthly	Support and supervision to carers/ meeting and supporting children, hearing their views, safeguarding re care standards, safer care planning.	
Role	Purpose	Frequency	What did visits involve							
Supervising Social Workers	Initial assessment/ support and monitoring of placements/ annual review	Minimum of monthly	Support and supervision to carers/ meeting and supporting children, hearing their views, safeguarding re care standards, safer care planning.							

	Children's Social Workers	Statutory and good practice visits to children for whom they have responsibility	Minimum of 3 monthly by law, monthly as good practice	Support and intervention with children, support and guidance to carers, safeguarding re care standards.
	Team Manager, Fostering	Second Opinion Visit/ Annual Review/ Ad-hoc visits as required	As required	Annual review of suitability, safeguarding re care standards, home conditions
	Curators and litigant in person	Visits to children involved in permanency or other Court processes	As required	Seeking views of children re legal processes, and living circumstances/ contact plans
	Safeguarders	Visits to children referred to the Children's Hearing system	As required	As above with focus on Children's Hearing decision making
	Who Cares? Workers	To provide independent advocacy and support to young people in care.	As required	Advocacy and ensuring the child's voice is heard in planning, also safeguarding in event of concerns in placement.
	Fire Safety Officers	Undertaking Fire Safety Checks	As required	Fire safety check
	<p><b>Strathclyde Regional Council:</b> No information has come to light from available records which is relevant to this question.</p> <p><b>Predecessor Authorities:</b> No information has come to light from available records which is relevant to this question.</p>			
c) How often did this occur	See above			
d) What did these visits involve in practice?	<b>East Ayrshire Council:</b> See above			

	<p><b>Strathclyde Regional Council:</b> No information has come to light from available records which is relevant to this question.</p> <p><b>Predecessor Authorities:</b> Case file audits have shown evidence of children being visited by Councillors, and by a 'Police Sheriff'.</p>
<p>e) With reference to the present position, are the answers to any of the above questions different?</p>	<p>No.</p>