

Section 21 Enquiry (Fostering) Part C

Contextual Information Pertaining to Part C Response:

- 1930 – 1975 – Ayr County Council (some documents held at Ayrshire Archives, South Ayrshire);
- 1975 – 1996 – Kilmarnock and Loudoun District Council and Cumnock and Doon Valley District Council;
- 1975 – 1996 – Strathclyde Regional Council (with responsibility for Social Work function) (some documents held at City Archivists , Mitchell Library, Glasgow);
- 1996 – Present – East Ayrshire Council (EAC).

All of the information below applies to the East Ayrshire Council period, 1996 to date, unless otherwise specified.

Limited information about the policy, procedures from predecessor authorities (ACC and SRC) have been located by East Ayrshire Council during this exercise.

Ayr County Council

As has been explained in previous responses to the Inquiry (Section 21 notice – Policies or procedures for inspection of or visitations to residential establishments – October 2017), and in Part A to this Section 21 notices, some historical documents for the Ayr County Council period 1930 – 1975 are held within Ayrshire Archives. These documents include Council minutes which Ayrshire Archives have previously confirmed are unlikely to contain historical policies or procedures. Individual case files have been previously retrieved from Ayrshire Archives and some of these case files have been reviewed as part of the case file audit which informs Part D of this response. However, these individual case files contain limited information which would inform a response relating to policies or procedures for the period. Some information from these case files are relevant to practices at the time and will be referenced where appropriate.

It is our understanding that Ayrshire Archives have carried out an exercise in response to this request which will be submitted as an inclusion in South Ayrshire Council's response. East Ayrshire Council does not hold a record of Council minutes or reports from predecessor authorities organisations which has limited our ability to provide a history of developments during periods prior to 1996. Information that we have been provided from the Ayrshire Archive does not include policy and procedure and are largely committee references to foster payment rates

Strathclyde Regional Council

Relevant documents from this period are held with the Glasgow City Council Archivist. East Ayrshire Council does not hold copies of policy, procedure or guidance used during this period. Where documents have been found incidentally, these have been referenced in the appropriate sections of our response. References to the SRC period within this current report are based upon documents within the possession of East Ayrshire Council.

It is also understood that on behalf of all of the local authorities who were part of Strathclyde Regional Council a response has been prepared by the archivist at the Mitchell Library and this document will be available to Inquiry.

East Ayrshire Council:

Upon formation East Ayrshire Council adopted large tranches of policy, procedure and guidance from Strathclyde Regional Council until such time as these could be replaced by East Ayrshire specific documents and processes (for detail see report to Social Work Committee, 'Social Work Department Interim Arrangements for Policy and Procedures' dated 7 December 1995). Unfortunately copies of the policy, procedure or guidance implemented have not been retained so it has not been possible to refer to these in detail within the response below.

The information provided in response to Part C has been compiled from a range of sources:

- Council Committee Minutes
- Fostering and Adoption Panel Minutes (review of all minutes from 1996-2014)
- Search of electronic systems for policy, procedure and guidance documents
- Case file audits*
- Inspection Reports

* A case file audit exercise was undertaken which involved detailed review of a large sample of children's case files held by East Ayrshire Council. These case files dated 1955-2014. A team of social workers with experience of working in both child protection and fostering services, was tasked with reviewing these records for evidence of confirmed or alleged abuse, as well as compiling data from the case files to inform many of the other queries raised by the Inquiry. This team was engaged in this work as their primary task for a period of 16-20 weeks. Where allegations or concerns about abuse of children in foster was uncovered a self-assessment tool was used to gather more detailed information of a qualitative nature about how the matter was responded to, and the outcome.

Information Required	Response
Part C – Prevention and Identification	
4. Policy and Practice	
4.1 National	<p>All of the information below applies to the East Ayrshire Council period, 1996 to date, unless otherwise specified.</p> <p>Limited information about the policy, procedures from predecessor authorities (ACC and SRC) have been located by East Ayrshire Council during this exercise.</p>
<p>Past</p> <p>a) Was there national policy/guidance relevant to the provision of foster care for children?</p>	<p>Yes:</p> <ul style="list-style-type: none"> • Children (Scotland) Act 1995 • Fostering of Children (Scotland) Regulations 1996 • The Arrangements to Look After Children (Scotland) Regulations 1996 • UK National Standards for Foster Care • National Care Standards: Foster Care and Family Placement Services • Looked After Children (Scotland) Regulations 2009 • Children’s Hearing (Scotland) Act 2011 • The Children and Young People’s (Scotland) Act (2014)
<p>b) If so, to what extent was the local authority aware of such?</p>	<p>There is evidence in the form of reports to various Council Committees, minutes of the Fostering Panel, and different iterations of policy and procedure that East Ayrshire Council was aware of developments in policy and guidance nationally in the area of fostering, and that these were taken on board and changes in policy and practice locally followed as a result.</p> <p>Example 1: Minute of the Children, Families and Criminal Justice Sub-Committee of the Social Work Committee, 1 April 1998, regarding the introduction of the Foster Carer Pilot Contract. The background section of a report to the meeting notes that “in pursuit of good practice and in compliance with the</p>

requirements of the Children (Scotland) Act 1995, the Fostering of Children (Scotland) Regulations and Guidance (Regulation 8), a written agreement requires to be drawn up between a local authority and children's carers and foster carers approved by it" (doc 1, p1).

Example 2: A more recent example is contained in the report 'Key Developments in Adoption and Fostering Services' dated 29 August 2012. This report outlines the core legislation and guidance underpinning the service, as below:

- Guidance on Looked After Children (Scotland) Regulations 2009
- Children (Scotland) Act 1995 and related regulations
- Regulation of Care (Scotland) Act 2001 and related standards (doc2)

Example 3: Section 2 of East Ayrshire Council's Fostering Procedures and Guidance (doc 3, 2017) outlines the key legislation and guidance underpinning the fostering service as below:

"Key Legislation

All practitioners should be fully aware and familiarise themselves with the content of the following legislation:

- National Care Standards, Foster Care and Family Placement Services (2005).
- Looked After Children (Scotland) Regulations 2009.
- Guidance on the Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007.
- Children (Scotland) Act 1995.
- Data Protection Act 1998
- Adoption and Children (Scotland) Act 2007
- Children's Hearings (Scotland) Act 2011 and Regulations 2012
- Children and Young Peoples (Scotland) Act 2014.
- The Continuing Care (Scotland) Order 2015
- Health and Social Care Standards (2017) implementation 01 April 2018

	<p>Good Practice Guidance</p> <ul style="list-style-type: none"> • Getting It Right For Every Child 2008 • Managing Allegations against Foster Carers and Approved Kinship Carers: How Agencies should respond 2013” (p4)
<p>c) If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?</p>	<p>There is evidence from the content of policies and procedures, reports provided to Council Committees, and the minutes of Council Committees that the Council was aware of national policy/ guidance in relation to the themes below. Under each heading will be provided an example of this evidence which can be made available to the Inquiry on request.</p> <p>i. <u>Child welfare (physical and emotional)</u></p> <p>Evidence:</p> <p>a) Social Work Committee Minute, 03 October 1996 re ‘Progress on the Implementation of The Children (Scotland) Act 1995’ (doc4).</p> <p>b) Social Work Committee Minute, 07 September 2006 re implementation of the GIRFEC Framework (doc5).</p> <p>ii. <u>The child’s views</u></p> <p>Evidence:</p> <p>a) Report to Cabinet by Executive Director of Educational and Social Services- ‘Listening to the Views of Children and Young People’, 24 January 2008 (doc6).</p> <p>iii. <u>Reviewing a child’s continued residence in a foster care placement</u></p>

Evidence: Report to Cabinet 18 June 2008 by Executive Director of Educational and Social Services 'Policies and Procedures for Looked After Children' (doc7)- Policies and procedures designed in accordance with Children (Scotland) Act 1995, including review procedures.

iv. Child protection

Evidence: a) Report to Social Work Committee, 27 March 2003, titled 'It's Everyone's Job to Make Sure I'm Alright'. Feedback to Cabinet regarding the findings of the review into Child Protection in Scotland (doc8).

v. Discipline

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*"[Doc 68-Emphasis added].

East Ayrshire Council:

No specific reference to national legislation or policy as regards discipline was found during the review of Council Committee minutes, fostering panel minutes and policies and procedures from the East Ayrshire Council period. Corporal punishment of foster children by carers is however explicitly forbidden in a range of policies and documents, e.g. foster carer agreements from 1996 onwards.

vi. Complaints handling

The following national legislation or guidance is referred to in relation to complaints handling within East Ayrshire Council documents and records relating to policy in this area:

- Social Work (Scotland) Act 1968
- National Health and Community Care Act 1990
- Community Care in Scotland; Local Authority Complaints Procedures (Scottish Office)
- The Social Work (Representations Procedure) (Scotland) Directions 1996
- Guidance on Local Authority Complaints Procedures

All of the above policy and guidance was referred to, and used to devise the different iterations of the Council's complaints handling procedures. The 1998 'Comments and Complaints' (doc9) document refers to key legislation which was in force at that time, e.g. the Social Work (Scotland) Act 1968, and The Social Work (Representations Procedure) (Scotland) Directions 1996, to name just two.

A report submitted to East Ayrshire Council's Cabinet, dated 27 June 2012 (doc10) focusses on the Model Complaints Handling Procedure which was published by the Scottish Public Service Ombudsman. Reference is also made within the same report the Public Services Reform (Scotland) Act 2010.

vii. Whistleblowing

The following national legislation or guidance is referred to in relation to complaints handling within East Ayrshire Council documents and records relating to policy in this area:

- Employment Rights Act 1996
- The Public Interest Disclosure Act 1998
- The Enterprise and Regulatory Reform Act 2013
- The Public Interest Disclosure (Prescribed Persons) Order 2014

The Council was aware of the relevant legislative changes and incorporated these into different iterations of its Whistleblowing Policy from 2000 onwards, the legislation above is referred to specifically within the procedures and associated reports.

viii. Record retention

Evidence: Minute of the Children, Families and Criminal Justice Sub-Committee of the Social Work Committee, 03 December 1997 (doc11). Discussion regarding a report which was submitted regarding 'Authority Records for Young People Looked After'- requirement for records system was linked to requirements under The Children (Scotland) Act 1995.

ix. Recruitment and training of foster carers

Recruitment and training of foster carers in East Ayrshire Council has been undertaken in accordance with the legislation and guidance listed below, all of which can be evidenced as being referred to in a range of documents including, but not limited to, Foster Carer Agreements, Policies and Procedures and Committee Reports and Minutes:

- The Children (Scotland) Act 1995
- Fostering of Children (Scotland) Regulations 1996
- The Arrangements to Look After Children (Scotland) Regulations 1996
- UK National Standards for Foster Care
- National Care Standards: Foster Care and Family Placement Services
- Looked After Children (Scotland) Regulations 2009
- Guidance on the Looked After Children (Scotland) Regulations 2009
- Children's Hearings (Scotland) Act 2011 and Regulations 2012
- Health and Social Care Standards (2017) implementation 01 April 2018

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

No specific reference to national legislation or policy as regards requiring employers to divulge concerns or complaints was found during the review of Council Committee minutes, fostering panel minutes and policies and procedures from the East Ayrshire Council period. Despite this, employment references have been a feature of fostering assessments for most, if not all of the EAC period. An administrative procedure dated 2008 lists as an appendix an employer's reference, and we have examples of fostering assessment prior to this date where employers references are referred to. Fostering agencies are unable to compel an

	employer to reveal information regarding concerns about applicants, but where there is doubt about the information provided, a decision would be taken to either not proceed with the assessment, or to seek the advice of the Fostering Panel re whether to proceed.
d) If the local authority was aware of such, did they give effect to that policy/guidance?	Yes – see below.
e) If so, how was effect given to such policy/guidance?	There is an evidence base of the Council not only being aware of up to date developments in terms of policy and guidance at the national level, but also of these developments being incorporated into policy, procedure and practice at the local level. This can be demonstrated by reference to the Minutes of Council Committees, Reports submitted to Committees, and through updated policy and procedures which reference the national legislation and guidance, examples provided above at 4.1 (c).
f) If not, why not?	Not applicable.
Present	No- information regarding the entire period of East Ayrshire Council's existence is provided above, no change.
g) With reference to the present position, are the answers to any of the above questions different?	Developments in national legislation and policy since 2014 have been incorporated into policy and procedures, the most up to date being the Fostering Procedures and Practice 2017.
h) If so, please give details.	Not applicable.
4.2 <u>Local Authority</u>	All of the information below applies to the East Ayrshire Council period, 1996 to date, unless otherwise specified. Limited information about the policy, procedures from predecessor authorities (ACC and SRC) have been located by East Ayrshire Council during this exercise.
(i) Policy	

<p>Past</p> <p>a) Was there local authority policy/guidance in relation to the provision of foster care?</p>	<p>Yes - various. Please see further detail below.</p>
<p>b) Was there a particular policy and/or procedural aim/intention?</p>	<p>As there are various policy/guidance documents relating to differing subject matters in relation to the provision of foster care, there is no overall statement of procedural aim/intention in the different iterations of fostering policy and guidance which can be referenced here. Some explicit or implied aims or intentions can be found in some documents. Please find some examples at (d) below.</p>
<p>c) Where were such policies and/or procedures recorded?</p>	<p>Policies and procedures were either recorded in standalone policy and procedure documents, or laid out in documents such as the 'Foster Carer Pilot Contract' 1998 (doc12). Policy and practice positions can also be found espoused in the minutes of the Fostering Panel, particularly Business Meetings of the Panel, and in Council Committees and Reports from 1995 to the present.</p>
<p>d) What did the policies and/or procedures set out in terms of the following:</p>	<p>Between 1996 and 2006, East Ayrshire Council did not have its own procedures for Looked After and Accommodated children, instead continuing to use the procedures developed by Strathclyde Regional Council, as referenced in the Minutes of Meeting of the Social Work Committee on 7th December 1995. Unfortunately these policies have not been retained and are not available to us to review for the purpose of this report. Pre 2006 information has been ascertained from other sources (Committee Reports, Fostering and Adoption Panel minutes for example).</p> <p>Between 2006 and 2008 East Ayrshire Council operated with a draft document Procedures for Looked After and Accommodated Children and Young People, these were formally approved for use in 2008.</p> <p>i. <u>Child welfare (physical and emotional)</u></p> <p><u>Strathclyde Regional Council:</u></p> <p>An undated Foster Carer's Handbook (circa 1977) published by Strathclyde Regional Council emphasises the importance of relationships as a tool, stating: "The most positive way of dealing with any problem is to develop a</p>

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" (doc 68).

East Ayrshire Council:

A report to the Special Social Work Committee; 'Social Work Service Development Plan', by the Executive Director of Social Work (doc13), dated 14 March 1997 set out in broad strokes the approach of the Council in this area; "Overall aim: To support families to care appropriately for their children or, where this is not possible, to ensure quality care is offered to each child appropriate to their needs" (p5).

"To provide a wide range of support, advice and assistance to children and their families to try to ensure that young people can live safely in their own communities" (p5).

"Where a child requires to be accommodated and looked after by the local authority the department will ensure that an appropriate placement which meets the child's needs is made available" (p5)

Procedures for Looked After and Accommodated Children and Young People (2008, doc14)

"The Children (Scotland) Act 1995 Regulations and Guidance (Volume 2) states that 'Local authorities should act as good parents would in relation to the health care of children who are looked after by them and placed away from their own home. Care Plans should fully reflect health care needs and should include health promotion, general surveillance and assessment of developmental progress, as well as treatment for illness and accidents, in order to promote the physical, social and emotional health development of the children'. The Care Plan should indicate the health responsibilities of the carers when the child is physically in their care" (p24).

"The establishment of the Care Plan should ensure that the child is provided with appropriate health care, including any necessary medical, psychiatric, psychological, dental or ophthalmic attention and any necessary immunisations. The child must be registered with a general medical practitioner and general dental practitioner. Consideration should be given to continuity of health care" (p24).

ii. **The child's views**

Procedures for Looked After and Accommodated Children and Young People (2008)

"Children and young people becoming accommodated should be provided with information on and assistance to access children's rights and advocacy services, and other projects which provide information advice and helplines for children and young people"(p22).

"The way in which we treat children and young people and the level of involvement that they experience in the Reviewing process is integral to improving their experiences of being looked after away from home" (p35). "The review chair must take into account the views of the child or young person when making decisions about the Care Plan" (p35).

Procedure- 'Extraordinary Financial Support to Foster Carers, Kinship Carers and Adopters' (01/06/2012, doc15)

Document refers to the principles of the 'National Kinship and Foster Care Strategy', including "the needs of the child must be paramount and the child's preferences should be taken into account" (p5).

01/05/2015

West of Scotland Consortium, Child Protection Procedures (doc16)

"The reactions, perceptions, wishes and feelings of the child must also be considered, with account taken of their age and level of understanding. This will depend on effective communication, including with those children and young people who find communication difficult because of their age, impairment or particular psychological or social situation. It is important to observe what children do as well as what they say, and to bear in mind that children may experience a strong desire to be loyal to their parents/carers (who may also hold some power over the child). Steps should be taken to ensure that any accounts of adverse experiences given by children are accurate and complete, and that they are recorded fully" (p12).

"Children have a right to express their views and have them taken into account when decisions are made about what should happen to them" (p15).

iii. Placement of siblings

Little specific mention is made of the placement of siblings within any of the versions of policy, procedures and guidance.

The extract below however outlines that placement of siblings together, where possible is a priority, and that if necessary extraordinary financial support can be accessed to facilitate this:

01/06/2012 **Procedure- 'Extraordinary Financial Support to Foster Carers, Kinship Carers and Adopters'(doc17)**

Document refers to the principles of the 'National Kinship and Foster Care Strategy', including "the needs of the child must be paramount and the child's preferences should be taken into account" (p5). "In some situations, foster carers...may be willing and assessed as being able to care for a large group of siblings or additional children and young people for whom they may already be caring. Where they do not have the physical space to provide this are within their existing property two options may be available to the family: To move to a larger home or; to modify the existing home" (p12).

iv. The placement of a child in foster care

Procedures for Looked After and Accommodated Children and Young People (2008)

"When a child or young person is to be accommodated away from home it is the responsibility of the placing social worker to ensure that the child or young person is as well prepared as possible and that the reasons why they are to be accommodated have been fully explained in accordance with their age and level of understanding. This presents an additional challenge for practitioners when accommodating children affected by disability. The issue of good communication needs to be uppermost when explaining the reasons for accommodation.

The importance of this professional task cannot be over-emphasised as children often continue to believe that they were accommodated because they are bad or because they did something wrong.

The placing social worker should travel with the child or young person and their parent(s), where appropriate, to the placement, brief the foster carer or receiving residential worker providing them with a copy of the Essential Core Record and Placement Agreement and, if possible, remain with the child until they are settled. Siblings being placed in different placements will require more detailed planning in this respect" (p22).

01/01/2008 **East Ayrshire Council, The Caring Contract for Carers (doc18)**

"For 'unplanned placements' your family placement supervisor will obtain as much information as possible about an unplanned or emergency placement and share this with you. You are encouraged to ask questions about the child's background and situation leading to their need for accommodation, before agreeing to the child being placed. Equally, you have the right to say no to a placement, supported by clear reasoning as to why this placement would not be in the child or your family's best interests".

"Verbal information should be followed by written details as follows; * Medical record at point of placement * Essential Core Record Placement Agreement- at point of placement * Essential background report- at point of placement or within 14 days in the case of an emergency placement * Day to day placement agreement at point of placement or within 14 days in the case of emergency placement";

v. The particular placement of a child with foster carers

28/08/2013

Foster Care Placement Approval Procedure (doc19)

"Given that the placement of a child or young person away from their family in a stranger's home is one of the most important interventions that can be made in a child's life the decisions we make regarding where a child or young person is placed must be based on the best available evidence, both about the child or young person and the new carer" (p3). "This Procedure highlights the importance of matching the strengths and resources of foster families with the assessed needs of children within the context of a robust system for ensuring information sharing on the changing needs of children and the most appropriate use of valuable Council resources" (p3). Form includes 'Placement Information Form' outlining key information required for the placement of a child in foster care- this includes: information on whether the child has siblings and their placement status, plans for sibling contact; education and health contacts and needs; plans for contact with family, including parents; a risk assessment, which includes, violence and aggression; health and substance misuse; issues of offending; sexuality/ sexual activity; risk in the community; self-harm.

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

	<p>01/01/2006 Procedures for Looked After and Accommodated Children and Young People (2008)</p> <p>Foster carers will be responsible for "facilitating contact arrangements between children and young people and their family members in accordance with the care plan" (p13).</p> <p>"Contact has two particularly important purposes. Firstly, to enhance the psychological and developmental progress and well-being of children who are away from their families, and secondly, to increase the likelihood, and smooth the way, for a child to return to live with his or her family where that is consistent with his or her welfare" (p24).</p> <p>01/01/2014 Foster Carers Agreement (doc25)</p> <p>Contact- "It is expected that carers work in partnership with parents to promote and facilitate contact" (p6).</p> <p>01/02/2017 Procedures: Looked After and Accommodated Children and Young People (doc14)</p> <p>"This is one of the key considerations of the PAM [Post Admissions Meeting]. The purpose, frequency, who should attend, should this be supervised etc all need to be discussed, taking into account the views of the child/ young person" (p11).</p> <p>"The local authority has a duty to promote direct contact between children looked after by them and their parents or people with parental responsibilities. There is a responsibility not just to enable contact but to actively encourage and facilitate it" (p40).</p> <p>"Contact has a broad meaning which includes face-to-face meetings, letters, telephone calls, exchange of photographs and sending of gifts and cards. Contact should include not only parental but also sibling contact and possibly contact with members of their extended family and friends" (p40).</p> <p>vii. <u>Contact between a child in foster care and other siblings in foster care</u></p>
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- The creation of an Adoption and Fostering Panel for East Ayrshire
- The membership and functions of the Panel
- A mechanism for reviewing the decisions of the Panel.
- To establish one Panel covering the Council's adoption and fostering responsibilities, to be known as the East Ayrshire Adoption and Fostering Panel
- to maintain separate Minutes for the purposes of recording adoption and fostering decisions;
- That the composition of the Adoption and Fostering Panel be: two elected Members of the Social Work Committee; the Principal Officer (Children and Families); a Service Officer (Children and Families); an appropriately qualified member of staff nominated by the Education Department; a childcare designated member of staff of the Social Work
- To review the composition of the Panel after the first year of operation;
- Seek a nomination from Ayrshire and Arran Health Board of an appropriate Medical Advisor;
- To establish a Review Group to review decisions of the Adoption and

Fostering Panel, the composition of the Review Group to be as follows:

- (a) an elected Member serving on the Social Work Committee, who is not also a member of the Adoption and Fostering Panel, this Member to serve as Chair; a Divisional Manager of the Social Work Department; a designated Child Care Manager; a member of the British Agency for Adoption and Fostering

11/11/1998 Children, Families and Criminal Justice Sub-committee Minute (doc24)

Committee considered the contents of a report, '**Establishment of Adoption and Fostering Panels to Meet New Requirements**' (**doc23**)

Discussion took place regarding the need to replace the current Adoption and Fostering Panel with two separately constituted Panels, The Fostering and Resources Panel and the Adoption and Permanence Panel. Functions of the fostering panel are; to consider applications from carers; to consider linking and matching of placements which have exceeded 9 months, where no rehabilitation or permanency plan is in progress; to consider disruption reports (long term placements only); to consider requests for change of status or registration; to consider annual reviews; to consider the training plan for carers.

"Members of the Panel will be appointed by the Director of Social Work". "the Chairperson (of the fostering panel) should have considerable child care knowledge and be experienced and skilled in chairing meetings". Panel members will sign an agreement form indicating their acceptance of the terms of the appointment; "Panel members will have an annual interview with the Chairperson and the Depute Director, Children, Families and Criminal Justice to allow an opportunity to discuss panel membership and any relevant issues". "The panel will reflect a wide range of knowledge and experience in relation to children looked after by the local authority".

"The Panel will have nine members. Scottish Office guidance recommends that the quorum is three, however to ensure a full discussion the local authority's quorum will be four. The medical and legal advisers may not be included in the quorum". "The composition of the...panel membership will be as follows: Chairperson- officer of the Council; three members of staff of the Social Work Department; An appropriately qualified member of staff nominated by the Education Department; An independent person with expertise in the developmental needs of children and young people; legal adviser; medical adviser; carer. Information required for fostering assessments- Application form; Assessment Report BAAF Form F; Two written references supporting the application; a written account of two interviews of the referees who are not close relatives; second opinion report; applicants birth certificates, marriage certificates, or any other relevant documentation, e.g. divorce certificates; Police checks on all family members aged 16+; medical reports; all information required 14 days prior to the Panel. "It is the responsibility of the Service Officer (Adoption and Fostering) to check that reports meet the appropriate standard for presentation to the Panel".

31/01/2002

Annual Report of the Adoption and Fostering Panels (doc26).

Committee were asked to approve amended procedures for the fostering and adoption panels 'to take account of changes to the management structure brought about by the merger of the Educational and Social Services Department'. It was noted that from 1996 to date the Agency Decision Maker was, under the Scheme of Delegation, the Depute Director of Social Work (Children, Families and Criminal Justice). Revised procedure would have the Agency Decision Maker as Principal Officer, Children, Families and Criminal Justice as ADM. 'The Head of Social Work retains responsibility for the professional overview of the operation of the Adoption and Fostering Panels and its decision making'.

'The regulations require that there be a separate set of procedures for and minutes for each Panel. However, although each Panel will have a distinct role and function, in practice the membership may be common to both

panels'. Composition of the Panel- Chairperson (Service Unit Manager (Children and Families), Service Officer (Adoption and Fostering), Children's Unit Manager, Educational Psychologist, Legal Advisor, Medical Advisor, A Children's Carer, An Adoptive Parent, An Independent Representative from Scottish Adoption Advice Society. Functions of fostering panel include- 'to consider linking and matching of placements which have exceeded 9 months, where no rehabilitation or permanency plan is in progress (usually children over 12, subject to a supervision requirement). Placements longer than 9 months will be known as 'long term placements'.

01/01/2016

Role Description and Person Specification for Panel Members (doc27)

"Experience, either professionally or personally or both, of the placement of children and young people in adoptive and/or fostering families or children being cared for away from their birth family" (p1). "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 the child's best interests" (p2).

x. Recruitment and training of foster carers

Recruitment:

Within East Ayrshire Council, fostering procedures were initially carried over from Strathclyde Regional Council- unfortunately, as stated above, we do not have access to copies of these procedures and it is not known what they outlined as regards recruitment of foster carers.

From 1998 onwards East Ayrshire Council began to put in place its own fostering procedures, these being outlined, at least initially in the Foster Carer Pilot Contract (1998), and within later iterations of the carer agreement. By definition, by the time carers were signing a carer agreement they were already approved foster carers and there was therefore no need to outlined procedures relating to recruitment in that context, as the carers had already been recruited. Nevertheless the agencies position on recruitment is outlined in other documents such as Committee Minutes, Fostering Panel Minutes and reports to Committees. Relevant content is outlined below:

Minutes of East Ayrshire Council's Social Work Committee show that from an early stage, expansion of the fostering service was a high priority for the Council, e.g. 'Report on Foster Care Services', dated 14-09-2000 (doc28). This was due to an increasing recognition that family based care was often associated with better outcomes for children. Initially within East Ayrshire Council there does not seem to have been a dedicated fostering and adoption service,

	<p>although this changed from 1997 onwards when an initial two workers were recruited to a new fostering team, under a dedicated fostering manager.</p> <p>Initially, (circa 1996-98) fostering assessments were completed by non-dedicated fostering social workers from the children and family service primarily. Training was provided to them to help them undertake this task.</p> <p>Specific information regarding the Council's approach to recruiting foster carers is limited due to it not being outlined within the procedures and guidance prior to 2017.</p> <p>Fostering Procedures and Guidance (2017) "Recruitment of Foster Carers"</p> <p>"The Fostering and Adoption team will be actively involved in recruitment activities aimed at increasing our pool of Foster Carers each year. A Recruitment Action Plan will be in place based on analysis of recruitment needs and in consultation with the team and Foster Carers.</p> <p>All Team Members will be familiar with the agency 'Assessment and Approval Criteria' (Sept 2015) Appendix 1.</p> <p>This provides guidance on agency policy on age, health and weight, and smoking criteria.</p> <p>3.1.2 Those enquires deemed to be suitable and meeting the agency 'Assessment and Approval Criteria' (see appendix 1) will be completed on the initial enquiry form with permission noted to undertake initial local authority checks and passed to SW Admin for checks to be completed and then passed to adoption and fostering Team Manager" (p5).</p> <p>Training:</p> <p>The following information relates to the training of foster carers, and has been gathered from policy and procedure documents, Fostering and Resources Panel Minutes, Committee Minutes and Reports.</p> <p>11/05/1999 Fostering and Resources Panel minute</p> <p>It was noted that East Ayrshire Council inherited foster carers from Strathclyde Regional Council. At this time East Ayrshire Council categorised carers as either 'foster carers' or 'children's carers'. Criteria for new children's carers was outlined for Panel Members. These carers were intended to care for children with 'behavioural difficulties' which</p>
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differentiates them from standard foster carers- Children's Carers were expected to provide an emotionally nurturing environment for two young people aged between 5+16. Children's Carers were also expected to be able to manage, grief, loss, attachment issues associated with behaviour and be able to 'work objectively with birth parents'. In order to help carers achieve this they were required to attend mandatory training and to 'provide adequate childcare arrangements' (presumably to allow attendance). It is not specified what the mandatory training was.

14/09/2000 Social Work Committee, 'Report on Foster Care Services'

Report by Director of Education and Social Services- "The recruitment of a fourth Family Placement Supervisors post would ensure that the council is equipped to recruit, assess and supervise new caring families to the appropriate standard, as required by the Children (Scotland) Act, Regulations and Guidance 1995 and the UK National Standards in Foster Care" (p2)

"All of these families have been prepared and trained within the criteria set by the UK National Standards in Foster Care, the COSLA Foster Care Guidelines 2000 and the Council's Foster Care Procedures" (p1).

This indicates that the Council was aware of, and was planning for implementation of the relevant National Standards of training for foster carers. It has not been possible to locate copies of the UK National Standards in Foster Care or the COSLA Foster Care Guidelines 2000

The East Ayrshire Council 'Caring Contract for Carers', 2008, notes that the fostering service operates under the aegis of the 'National Care Standards, Foster Care and Family Placement Services', 2005. These care standards set out an expectation that fostering services will provide foster carers "the agency provides opportunities for prospective foster carers to improve their understanding of fostering through training and contact with experienced carers" (p16). The 2005 National Care Standards do not specify what the content or form of this training should be.

Fostering Procedures and Practice Guidance (2017)

This document stipulates that 'Skills to Foster' is the training to be used for prospective Foster Carers.

The Induction for new foster carers includes; finance; supervision; child protection; confidentiality and record keeping; key legislation (p8). In terms of mandatory or core training it is stated that "all foster carers providing foster care for children over 7 years of age will be trained in behaviour management currently using the TCI (Therapeutic Crisis Intervention) Model" (p9). "All foster carers will also undertake 4 day Nurture Training at the earliest opportunity and engage in the development of nurture practice via supervision" (p9). "Every foster carer will

have a 'Personal Development Plan' initiated at assessment stage and presented to the Approval [Fostering and Resources Panel] and to each Foster Carer Annual Review" (p9).

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

As noted above, early versions of the fostering service Policy and Procedure during the East Ayrshire Council period were either, that developed by Strathclyde Regional Council (and unavailable for review), or contained within documents such as the Foster Carers Pilot Contract 1998. The effect of putting the procedure and practice into the form of a carer agreement is that this excludes the parts of the process prior to approval. Nothing has been found within any versions of policy and procedure which speaks directly to this topic.

The **Fostering Policy, Procedure and Guidance** document (2017) states "References will be requested from current employer, recent employer if employment has changed within the last 2 years and all previous employers where the employment was in health, social care or education setting"(p28). There is no reference to requiring employers to divulge complaints in respect of prospective carers.

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

The review of a child's continued residence in a foster care placement, or in foster care generally, would take place at a Looked After and Accommodated Child Review.

01/01/2006 Procedures for Looked After and Accommodated Children and Young People (2008)

"The Service Manager (Children and Families) is responsible for establishing local systems for the Assessment, Care Management and Review of children who are looked after and accommodated" (p10). "She/he will delegate appropriate responsibility to the independent Reviewing Officer and Team Managers to ensure that: All looked after and accommodated children have a social worker; the appropriate records and reports are properly maintained and regularly updated for children" (p10); that children are regularly reviewed; that reviews take place within statutory timescales; review decisions are endorsed as appropriate, monitored and implemented; participants are made aware of the review appeals procedure.

"Each review should consider whether the episode of accommodation and any supervision requirement continue to be necessary" (p33).

01/02/2017 Procedures: Looked After and Accommodated Children and Young People

Post Admissions Meeting (PAM): "The PAM should be held within 3 working days of the child/ young person being placed...The agenda for the PAM is extensive however the main objective of the meeting is to immediately discuss the circumstances leading to the admission and to explore the possibilities for a return home" (p10). "The PAM will be chaired by the Independent Reviewing Officer (IRO) unless the child/young person is on the child protection register. If this is the case the PAM will be chaired by the Service Manager (Locality)" (p11). "The plans drawn up at the PAM form the basis of the interim care plan. The meeting should specify any assessment work to be undertaken and who will make the practical arrangements" (p11).

"The arrangements for the Initial LAAC Review will also be agreed at the meeting but should take place within 6 weeks of the PAM" (p12). "The child/ young person and his/her family must be notified of the appeal/ complaints procedure should they disagree with the decisions from the PAM" (p12).

Frequency and timing of LAAC Reviews- "Where a child is looked after by the local authority, and is placed away from his or her home, the initial review should be held within 6 weeks of the Placement Admission Meeting (PAM) with a second review within three months. The third review should be held no longer than 6 months after this. Subsequent reviews must be held no less than every six months unless the child/ yp is in a settled permanent placement and this has previously been agreed by the team around the child/yp but must be within the year" (p18). "While every review is important, the three month review is crucial as research indicates that children who have been looked after and accommodated for six months are less likely return home on a permanent basis. The three month review should, as its main task, decide from the information shared, whether the rehabilitation plan is meeting its objectives" (p18).

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

Visits by supervising social workers:

'East Ayrshire Children and Young People's Services Plan: Annual Review 2006/07', (doc30)

This document outlines the agencies expectations in relation to visits by the supervising social worker to support the placement. The same minute also outlines the frequency of visits expected by the child's social worker; two weekly

visits by placing SW, six weekly placement management meeting (placing social worker and supervising social worker meet with the foster carer(s)

Visits by children's social workers:

Procedures for Looked After and Accommodated and Looked After Children and Young People (2008) note that amongst the responsibilities for the child's social worker is "Maintaining contact as directed by the Care Plan review with children and young people within their placement" (p12).

There is very little reference to visits to a child in placement within the formal procedures and guidance in East Ayrshire Council. There are references to this in other documents, which set out the agencies views on this:

07/11/2007 **Report to Cabinet- 'East Ayrshire Children and Young People's Services Plan: Annual Review 2006/07**

Targets- "Key Workers require to visit children placed away from home within one week of placement thereafter at intervals of not more than 3 weeks

A report to the Social Work Committee, dated 30 September 2009, "Children's Safeguards Review" - Key issues from the Report by Roger Kent for the Scottish Office notes that, "The field social worker can be one of the most important figures in the life of a child living away from home. As the person who should be most closely involved in helping children set out their lives he/she should be the main safeguard" (p13). It was also stated "When visits do take place, there is a need for the social worker to take time to engage with the child and be open to listening. Social workers have a statutory role in safeguarding the welfare of children living away from home and this needs to be confirmed and emphasised" (p13).

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

Procedures for Looked After and Accommodated Children and Young People (2008)

These procedures outline the process for both planned and unplanned changes of placement, however it is not differentiated on the basis of the placement type (i.e. between fostering placements or between fostering and residential care), see extracts below:

"Where children are already looked after and accommodated away from home (i.e. children's unit or foster carer), any recommendation to change their placement, should be considered within a Care Plan Review meeting and be subject to a review request to Children's Hearing for all children subject to Supervision".

"Changing the placement of a child or young person is a significant event and it is crucial that the health professionals are notified of this event. The area team social worker should notify:

- Head Teacher
- LAC Team Leader.
- The child's or young person's registered GP.
- The child's health visitor.
- Local Authority Medical advisor as soon as confirmation of placement change is ratified".

"When planning the move of a child or young person, the Care Plan Review should consider whether a health assessment, including a medical, is appropriate prior to transfer. The child's or young person's Health Record booklet should be updated and accompany them to their new placement".

Unplanned Placement Move

"Any proposal to change a child's placement on an emergency or unplanned basis must be based upon careful consideration. Within office hours, Service Manager (Children & Families) must be included in the discussion, (at the discussion stage), and in identifying the new placement. It is envisaged that any request for a transfer will be made to the Service Manager (Children & Families) by the Team manager responsible for the management of the child's case. However there will be occasions when others appropriately make this initial contact. In such instances it is essential that the Area Team responsible for the management of the child's case have been involved in the discussion about the transfer request".

"The key principles in dealing with requests for placement changes are as follows:

- Any change of a child's placement should be made on a planned basis wherever possible.
- The decision to change a child's placement should be made in consultation, ideally in a meeting which includes the key professionals involved with the child.
- Proposed placement changes made in terms of section 72 of the 1995 Act must demonstrate "urgent necessity" and that the change cannot be deferred for a Children's Hearing to take place.

- Section 72 placement changes must be authorised by the Head of Service (Children and Families) or Senior Manager (Children and Families and Criminal Justice) in her absence”.

“The unplanned change in a child or young person’s placement is a significant event and it is essential that the health professionals are notified of this event. The area team social worker should, as soon as practicable, notify:

- Education
- Reporter to Children’s Hearing
- The child’s or young person’s registered GP.
- The child’s health visitor.
- Local Authority Medical Advisor”

“If the change in placement involves a move of school, it is most important that a planning meeting takes place involving both the receiving and sending school. This meeting should focus on the production of a clear transition plan with the strategies that will be used to support the child being clearly identified”.

“The Care Plan Review, following the unplanned move should consider whether a health assessment, including a medical, is required. The child’s or young person’s Health Record booklet should be updated and accompany them to their new placement”.

“The placement details, including placement type, details and legislation should be amended on SWIFT at the point of transfer”(Doc 14, p44-46).

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

See information above.

xvi. Child protection

This questions has been interpreted as relating to child protection primarily in the context of fostering:

Between 1996 and 2000, East Ayrshire Council continued to use Strathclyde Region Child Protection Procedures. A copy of the procedures dated 1989 is available although it is possible that more recent versions were produced. Within this book, colloquially known as ‘the Blue Book’ there is a chapter dedicated to allegations of abuse by foster carers.

The 'Blue Book' (1989)

"It is noted that "in investigating any referrals in 11.1 [against foster carers] the need to safeguard the welfare of the child, and any other children in the household, as in all referrals, remains paramount"(para 11.2).

The document further states that "although any referral alleging abuse by a foster parent should be investigated with the same thoroughness as other referrals, it is recognised that foster parents who are caring for other people's children can be particularly vulnerable to allegations of abuse" (para 11.3). " An effective balance must be achieved between safeguarding the foster child, and allowing the foster parents the opportunity to hear the allegations, and formally respond to them by giving their version of events" (para 11.3).

An important aspect of the process, as outlined in the 1989 procedures is the separation of the 'Link Worker' or supervising social worker from the investigation, this was done for two reasons- "(a) It is recognised that foster parents will require support during the investigation. The Link Worker is the most appropriate person to provide this support.

(b) Given that foster parents are colleagues rather than clients of the Social Work Department and in view of the supportive role of the Link Worker, it is recognised that it could prove difficult for the Link Worker to be actively involved in the investigation at the same time as acting as a source of support for the foster parents" (para 11.4).

Process:

In the event of an allegation of abuse against a foster carer, "the District Manager responsible for the supervision of the foster parents, and the District Manager responsible for the child should be informed immediately. The Depute Director (Child Care) should also be informed immediately" (para 11.5).

"The investigation should be undertaken by the Social Worker for the child and another Social Worker from the same Area Team" (para 11.6).

"In the event of a Case Conference being held...the Area Manager for the child will be responsible for convening and chairing the Case Conference" (para 11.7).

"Although foster parents do not have an automatic right to attend the Case Conference their presence and participation could be very helpful, ensuring that full and accurate information is available. Foster parents should not be invited to the fact finding session of the Initial Case Conference" (para 11.8).

"Consideration should also be given to the attendance of the child, depending on his/her level of maturity and understanding" (para 11.8).

"Foster parents should be advised of the outcome of the investigation whether or not the allegations of abuse have been substantiated" (para 11.9).

"If as a result of the investigation, the foster child has been removed from the placement, a Disruption meeting should be held as soon as possible but within two weeks at the latest" (para 11.10).

"Included in the objectives of this meeting are:

- (a) To give the foster parents an opportunity to explain further their point of view, and to ventilate their feelings;
- (b) To make a further examination of the event leading to the removal;
- (c) To decide if possible at this stage whether or not the child should be returned to the placement" (para 11.10).

Review of carers; "whether or not the allegations of abuse are substantiated, a Foster Home Review must be held as soon as possible and at least within 6 weeks of the investigation" (para 11.11).

Abuse of foster children by 'natural children' of foster carers, or vice-versa; "If the referral alleges that the natural children of the foster parents have been abused by a foster child or that a foster child has been abused by the natural children of the foster parents, both the District Manager responsible for the foster parents and the District Manager responsible for the child must be informed immediately. Although such referrals do not fall within the definition of child abuse, any such alleged incidents must be investigated thoroughly" (para 11.12).

Foster Care Pilot Contact (1998)

The Foster Carer Pilot Contract (1998) states that as a principle the welfare of the child is paramount, and that investigations will follow the Child Protection Procedures then in use. Much of the language used is identical to that of the 'Blue Book' and the overall approach is essentially the same, particularly significant being the separation of the Family Placement Social Worker from the investigation process.

East Ayrshire Council Child Protection Procedures (2000, doc32)

East Ayrshire Council approved its own set of Child Protection Procedures on 21 March 2000.

These procedures had a specific section relating to allegations against foster carers, which is reproduced in large part below:

3.14 Investigation of Allegations against Foster Carers

"When an allegation is made against a carer, or when the carer is suspected of abuse, specific procedures apply that ensure that the investigation is undertaken by a senior officer from Social Work, who is independent of the case" (p96).

"Any such concerns should be reported immediately to a Team Leader/ Service Officer (Fostering and Adoption) who will inform the Principal Officer (Children and Families and Criminal Justice)"(p96).

"It is important to emphasise that the expectations of staff or substitute carers are different from those of natural parents and that while the process of investigation may be similar the range of outcomes is very different"(p96).

"It must be acknowledged that the term 'foster care' covers a wide range of circumstances and it is important that consideration is given to the specific circumstances of the placement being investigated" (p96).

"As in all considerations of alleged or suspected child abuse, the interests of the child are paramount" (p96).

"It is recognised that foster carers who are caring for other people's children can be particularly vulnerable to allegations of abuse. The nature of foster care is often inherently stressful for all concerned and children from troubled backgrounds often have difficulty in adjusting to family life" (p96).

"An effective balance must be achieved between safeguarding the foster child, while recognising the complexity of the task and the potential vulnerability of carers" (p96).

"When a child makes an allegation a decision has to be made whether it is in fact an allegation of abuse. If it appears that the child has suffered significant harm at the hands of a foster carer then it should be dealt with as an allegation of abuse" (p96).

3.14.4.1 Initial response to the child

“The following must be borne in mind by the person in whom the child has confided:

- The allegation must be taken seriously
- The allegation must be acknowledged with the child and he/she must be advised that it will be investigated
- The allegation must be recorded as soon as possible after the child has spoken” (p97).

Immediate action

“Consideration should be given at an early stage to the appropriateness of continuing with the placement. As part of the ongoing investigation the following factors should be considered:

- The nature of the alleged abuse
- The length of the placement
- Whether the placement is permanent or temporary
- The implications of the allegation for other foster children in the placement
- The implication for birth children in the family” (p97).

“As with any other child protection investigation the appropriateness of removing the alleged perpetrator rather than the child should be considered” (p97)”.

Inter-authority issues

“Where an investigation involves children from more than one local authority or agency the authority receiving the complaint must notify the Head of Social Work of any other authority or agency which may be involved” (p97).

Deciding on how the matter should be investigated and by whom

“The decision to investigate using child protection procedures should be made by the Service Unit Manager responsible for the child and the Principal Officer (Children and Families and Criminal Justice) should be advised of this” (p97).

	<p>"The investigation should ordinarily be undertaken by the social worker for the child and another appropriately experienced member of staff. The practice in terms of undertaking the investigation should follow the procedures and guidance for investigations outlined in Section 2" (p97).</p> <p>"Social Workers undertaking investigations must have access to all information available to the social work department in respect of:</p> <ul style="list-style-type: none">• The child• The foster carer• Other children in the household" (p98). <p>"Where a medical examination is deemed appropriate this should be carried out in accordance with the procedures in Section 2" (p98).</p> <p>"Where a foster placement is terminated in the context of a child protection investigation the child must be medically examined before commencing a new placement. This applies irrespective of whether the circumstances of the investigation would in themselves merit a medical examination. (NB the child's right to consent or withhold consent)" (p98).</p> <p>Advising relevant others</p> <p>"The decision to invoke child protection procedures should be conveyed to the foster carer unless it would jeopardise the child's safety or hamper enquiries".</p> <p>"They should be advised of the procedures to be used and the likely time scale".</p> <p>"They should be advised of the availability of support from social work. This will normally be provided by their Link Worker/ Family Placement Supervisor who should not be involved in the process of investigating the allegation" (p98).</p> <p>"Foster Carers should be advised of the availability of support from independent sources e.g. the National Foster Carers Association" (p98).</p> <p>Child Protection Procedures</p>
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	<p>“Where an investigation is to be undertaken in terms of child protection procedures the Team Leader responsible for the investigation must:</p> <ul style="list-style-type: none"> • Ensure that the child’s birth parents or those holding parental responsibility are advised, or record in writing the reasons why this is not appropriate. • Liaise with the Police in respect of the appropriate level of police involvement. • Notify the Authority Reporter” (p98). <p>Support to the Young Person Throughout the Investigation Process “The child’s Social Worker should offer specific support to the child throughout this period. At an appropriate stage the child should be advised of independent support systems which are available to him/ her e.g. Who Cares? Scotland” (p98).</p> <p>Child’s Views</p> <p>“The child’s consent for interviews must be obtained and he/she must be informed and consulted about the process. In particular the child should be given the opportunity of having a support person present during interviews”</p> <p>“The child’s consent and views must be taken into account, as appropriate regarding the investigation process and the outcome” (p99).</p> <p>Role of the Supervising Social Worker</p> <p>“The Link Worker/ Family Placement Supervisor should not normally be directly involved in the investigation of any alleged abuse”.</p> <p>“The Link Worker/ Family Placement Supervisor should ensure that the carers are fully aware of the procedures to be followed and that they fully understand and are supported in contributing to the process and in how to represent their views” (p99).</p> <p>“The Link Worker/ Family Placement Supervisor should assist the carers to express their views. They should encourage carers to:</p> <ul style="list-style-type: none"> • Seek independent advice • Seek independent support e.g. the NFCA
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- Prepare for any interviews
- Commit their views in writing” (p99).

Other children in foster care

“Where an investigation of concerns in respect of foster children leads to concerns regarding other children in the household there should be:

- Separate recording of concerns
- Clear and separate decisions for each child
- Separate child protection planning and action” (p99).

Keeping Relevant Parties informed

“Efforts must be made by the Service Unit Manager/ Team Leader to keep all relevant parties informed of progress where possible throughout the course of investigation”.

“Any actions decided upon as a result of the investigation must be communicated by the Service Unit Manager/ Team Leader, at the earliest opportunity, to the child, his/her family and the foster carers” (p99).

Maintaining Records

“Any investigation which is undertaken must use the appropriate forms (e.g. CP1) and the process for recording the interview process and the decision making should be as outlined in 3.18” (p99).

Child Protection Conferences

“Under the circumstances covered within this section, foster carers do not have an automatic right to attend child protection case conferences although their presence can be helpful in ensuring full and accurate information is available” (p100).

“In instances where an allegation against a foster carer is being investigated or discussed then many of the considerations regarding parents, will apply. The test will be the extent to which their presence will either aid, or alternatively inhibit or preclude, a full and proper consideration of the child’s interests” (p100).

"The only way in which the function of the child protection conference differs when dealing with a child/ young person in foster care is that there is no provision for registration of a child/ young person in foster care" (p100).

Medical Examinations

"In cases of suspected abuse, there are two parallel considerations:

- (a) The need to ensure that the child's welfare is paramount and that he/she receives any necessary treatment.
- (b) The need to secure the best possible forensic evidence necessary to both protect the child in the future and to prosecute the perpetrator.

If these two principles are not to conflict it is essential that there is clear and effective liaison between medical services, Social Work and the Police, in particular to ensure that medical examinations are kept to an absolute minimum" (p90).

Consent to treatment

"In cases of urgent necessity, a doctor may carry out emergency treatment without the consent of the parent. Otherwise parental consent is required for treatment and for any forensic examination. However the Age of Legal Capacity (Scotland) Act 1991 allows that a child under the age of 16 can give consent to any medical procedure or practice if in the opinion of the attending medical practitioner he/ she is capable of understanding the possible consequences. By implication a child may withhold consent and no child should be examined for evidential purposes against his or her will or if it causes him/her undue distress" (p90)

"If a parent withholds consent, and the child, in the view of the medical practitioner cannot give informed consent, every effort should be made to engage with parents in order to attempt to resolve the conflict. Where this cannot be resolved the police may apply to the Sheriff for a warrant authorising examination if there is an overriding public interest. Furthermore

- The Local Authority can apply for a Child Assessment Order
- The Local Authority can apply for a Child Protection Order" (p90).

Children as Abusers

"When physical or sexual assault is perpetrated by one child upon another, consideration should be given as to whether or not these Procedures should be applied in respect of both children.

This will depend on a number of factors:- the nature and severity of the abuse; the nature of the relationship between the 'victim' and the 'abuser'; the difference in age between the two; whether any degree of force or coercion is used; whether it is a 'one-off' incident, or persistent over time; the appropriateness of response by the parents; whether abusive behaviour is age-appropriate, e.g. is it sexual exploration that might normally be expected between children of the same age; any known history in either child's family that should arouse increased concern" (p89).

"Where the 'abuser' is over the age of legal responsibility (i.e. eight years) the Police will wish to establish whether an offence has been committed. If an independent criminal investigation is conducted, it is particularly important that Social Work is kept informed through the Team Leader (Children and Families) so that the needs of the child can be addressed. The alleged abuser would be reported by the Police to the Children's Reporter. In the case of serious sexual offences he or she would also be reported to the Procurator Fiscal" (p89).

Record Keeping

"Good record keeping is an important part of the accountability of professionals to those who use their services...Clear and accurate records ensure that there is a documented account of an agency's or professional's involvement with a child and/or family" (p114).

"Records are an essential source of evidence for investigations and inquiries, and may also be required to be disclosed in court proceedings. In cases where enquiries do not result in the substantiation of referral, records should be retained in accordance with agency record retention policies. These policies should ensure that records are stored safely and can be retrieved promptly and efficiently" (p114).

"To serve these purposes, records should use clear, straightforward language, should be concise, and should be accurate, not only in fact, but also in differentiating between opinion, judgements and hypothesis" (p114).

"Records should readily tell the 'story' of a case" (p115).

Information Sharing with the child's family

"Where parents do not attend a Case Conference the Chairperson will have responsibility for deciding who should inform the parents verbally of the outcome of the Case Conference. The parents should be informed verbally within 1 working day of the Case Conference having taken place" (p123).

"Written information should also be provided by the Chairperson within one working day of the Case Conference. It should outline the reasons for professional concern, the decisions taken, the category of abuse and protection plan, which agencies consider necessary or desirable in order to help safeguard the welfare of the child; the review process and what to do if they wish to have a decision reconsidered" (p123).

Information sharing/ views of children and young people

"The Council has a duty to promote the welfare of the child, and, in relation to any decisions taken, to ascertain as far as is practicable his or her wishes and feelings and give due consideration to them, having regard to his or her age and understanding" (p123).

"Consideration should always be given to whether it is appropriate for children and young people to attend Case Conferences and Review Case Conferences. The Chairperson should discuss the appropriateness of their attendance either at all or part of the Case Conference" (p124).

"If the child/young person does not wish to participate in the Case Conference they key worker where appropriate should ascertain the views and wishes of the child/young person and represent these at the Case Conference. If the child/young person does participate in the Case Conference a copy of the minute should be given to the child/young person unless it is considered not to be in their best interests. Where the child does not participate the Chairperson will decide who should meet with the child/young person to explain the outcome (p124).

East Ayrshire Council, The Caring Contract for Carers (2008)

This document contains some information on how allegations against carers will be dealt with, as well as the possible consequences if established.

It should be noted that there is a continuity of language, even precise phrases between the 'Blue Book' and this document- "Although any allegations of abuse by a carer or a member of their family will be investigated with the same thoroughness as other allegations, it is recognised that carers who are accommodating other people's children can be particularly vulnerable to allegations of abuse. It is therefore vital that a balance is achieved between ensuring the protection of the child, and allowing the carers the opportunity to hear the allegations, and formally respond to them by giving their version of events".

"Carers should be aware that their Family Placement Supervisor will only be able to offer limited support during the investigation. Additional support should be sought from the Fostering Network who have knowledge and experience in this area".

De-registration- "Should a situation arise that results in a recommendation that the carer(s) is de-registered, all relevant information will be presented to the fostering and resources panel, who will decide if de-registration is appropriate".

Carers so affected have the right to read relevant reports, to attend Panel and to have someone accompany them explained- right to receive the decision in writing and to appeal this within 28 days by writing.

East Ayrshire Child Protection Procedures, (2008, doc33)

This document, in the section relevant to the investigation of allegations against foster carers largely repeats verbatim the process outlined in the 2000 Child Protection Procedures with no noticeable changes made.

East Ayrshire Child Protection Procedures (2015)

These single agency child protection procedures are up to date in terms of current legislation, guidance and practice and are developed from the West of Scotland Child Protection Procedures. There is no specific mention of foster care, or of allegations against foster carers being handled in any other way than in accordance with the child protection procedures more generally. The term 'carer' is used in the document, interchangeably with that of parent so there is no significant distinction drawn.

West of Scotland Child Protection Consortium, Inter-agency Child Protection Procedures (2015)

These interagency procedures outline the following which is relevant to consideration of allegations against foster carers;

Significant Harm

"Child protection is closely linked to the risk of 'significant harm'. 'Significant harm' is a complex matter and subject to professional judgement based on a multi-agency assessment of the circumstances of the child and their family.

Where there are concerns about harm, abuse or neglect, these must be shared with the relevant agencies so that they can decide together whether the harm is, or is likely to be, significant.

Significant harm can result from a specific incident, a series of incidents or an accumulation of concerns over a period of time. It is essential that when considering the presence or likelihood of significant harm that the impact (or potential impact) on the child takes priority and not simply the alleged abusive behaviour” (p12).

Children’s Views and accounts

“The reactions, perceptions, wishes and feelings of the child must also be considered, with account taken of their age and level of understanding. This will depend on effective communication, including with those children and young people who find communication difficult because of their age, impairment or particular psychological or social situation. It is important to observe what children do as well as what they say, and to bear in mind that children may experience a strong desire to be loyal to their parents/carers (who may also hold some power over the child). Steps should be taken to ensure that any accounts of adverse experiences given by children are accurate and complete, and that they are recorded fully” (p12).

“Children have a right to express their views and have them taken into account when decisions are made about what should happen to them” (p15).

Familial Responsibility- Definition

“This might include a parent/s, extended family member or any other adult known to the child i.e. babysitter etc. The term also extends to adults who work with the child and young people who are accommodated by the local authority i.e. foster parent, children’s unit, residential school etc” (p13).

Sharing Information

“An exchange of relevant information between professionals is essential in order to protect children.

Although those providing services to adults and children may be concerned about the need to balance their duties to protect children from harm and their general duties of confidentiality towards their patient or service user, the overriding concern must always be the safety of the child. Wherever possible, consent should be obtained before sharing personal information with third parties but when dealing with Child Protection concerns these must always

override the need to maintain confidentiality or obtaining consent from families. The safety of the child is always the paramount consideration" (p14)".

xvii. Complaints handling

At the inception of East Ayrshire Council in 1996 the local authority used Strathclyde Regional Council's complaints procedure- this was a decision of the Social Work Committee on 07 December 1995. We have been unable to locate a copy of the policy as this has not been retained.

**Social Work Department- Comments and Complaints Procedure (1998)
Summary**

This procedure outlines a 3 stage complaints procedure:

Stage 1: Informal problem solving stage

"Every attempt should be made to mediate and resolve the complaint at this stage".

Stage 2: Formal recording and investigation of complaints unresolved at stage 1:

"If informal attempts to resolve and mediate are unsuccessful the complaint is formally and then investigated by specially designated staff. If the complaint is upheld the Authority should attempt to resolve the issue amicably".

Stage 3: Complaints Review Committee:

"When all avenues of redress have been explored and the complaint is unresolved it should be referred to a Complaints Review Committee who will give the complaint objective and independent consideration".

"All staff have a duty to ensure that anyone who expresses dissatisfaction with services is aware of their right to make comments or complaints" (p2).

"The Department wishes to actively encourage comments on its services as a means of improving quality. People may sometimes express satisfaction or dissatisfaction with a service, suggest improvements or otherwise wish to draw the attention of managers to service issues but they may not wish this to be seen as a complaint" (p3). System of 'informal' and 'formal' complaints- both bound by timeframes, recorded for data. Head of Complaints to compile complaints log by department, annual report to Director of Social Work.

There is no specific mention of foster carers within the policy.

	<p>Complaints Handling (Children-Families) The handling of complaints in this area of work is not specifically referenced in the policy.</p> <p>Complaints by family members of children The handling of complaints by family members of children in foster care, or any other care setting is not referenced in the policy. This would be handled in accordance with the terms of the wider policy.</p> <p><i>Complaints Handling (by and against foster carers)</i></p> <p>The handling of complaints by and against foster carers is not referenced in the policy.</p> <p>Complaints by children</p> <p>The handling of complaints by children in foster care, or any other care setting is not referenced in the policy.</p> <p>Response to complaints</p> <p>Level one Under this iteration of policy, people making informal complaints were to receive an acknowledgment within 5 days, and a full response within 28 days in writing. These complaints would usually be investigated by the immediate line manager involved in the matter.</p> <p>Level two These more formal complaints were to be reported to the Senior Officer of the relevant section of the Department. Like the informal complaints, the timescale for acknowledgement of the matter in writing is 5 working days. Again a written response to the complaint was required in 28 days, this time with the option of the matter being referred to the Complaint Review Committee if the complainant was not satisfied with the outcome.</p> <p>Support (internal and external) for those who made the complaint or were subject to complaint No reference to this in this version of the policy.</p> <p>External reporting of complaints</p>
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	<p>Under this iteration of the policy, no external reporting of complaints is referred to, although an annual report on complaints was to be completed and submitted to the Council's Social Work Committee, and this provided a level of oversight.</p> <p>Foster Care Pilot Contract (1998) Whilst this document is not a part of the Council's complaints policy, there is reference to the handling of complaints relating to foster carers –see below:</p> <p>Complaints Handling (by and against foster carers) The Foster Carer Pilot Contract (1998) advises that complaints against foster carers will be dealt with in accordance with the corporate complaints process (outlined above).</p> <p>According to the same document, complaints by foster carers should be made in writing to the Principal Officer, Children and Families, with written acknowledgement of the complaint to be issued within 7 days. Such complaints will be investigated by a Senior Officer of the Department. The Carer will receive a written decision on the complaint within 28 days.</p> <p>01/01/2008 East Ayrshire Council, The Caring Contract for Carers "Where issues/ disagreements arise, the carer's should in the first instance endeavour to resolve these with the personnel concerned, with the support of the family placement supervisor if required. If the person you have been dealing with has not been able to provide a response that you consider to be satisfactory, or if you would to register a formal complaint, information is contained within the leaflet 'It's Better to Listen', unfortunately it was not possible to locate a copy of this document.</p> <p>Interim Social Work Complaints Procedure (2011, doc35) This document is described as an update to the Comments and Complaints procedure which is outlined above. The document was found as part of an electronic search for relevant procedures and policies:</p> <p>The policy sets out the following in terms of procedural intentions: "It is an aim of East Ayrshire Council to provide high quality Social Work services. Where an issue or complaint about services is received, this procedure provides the person and employees dealing with complaints a process for making and dealing with complaints effectively.</p> <p>The complaints procedure needs to ensure that:</p>
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- we have the opportunity if things go wrong to put them right
- we try to resolve complaints at a local level where possible
- wherever possible, we prevent issues developing into more serious disputes
- people and staff are clear about how we will deal with complaints and in what timescales
- feedback on issues arising from complaints is used to identify service improvements
- there is a culture within the service that is committed to learning and improving services as a result of feedback and complaints
- any discrimination on the grounds of race, age, gender, disability, ethnic origin is identified and dealt with”(p3).

The policy document outlines that complaints can be made in a variety of ways, verbally, by letter, by email for example. Where complainants are unhappy with a decision or recommendation made by the social work department, and they have an appeal avenue open to them, for example via the Children’s Hearing, or appeal to the Sheriff, then their complaint would not be dealt with under the policy, rather they should appeal to the relevant body.

Complaints Handling (Children-Families)

The handling of complaints in this area of work is not specifically referenced in the policy.

Complaints by family members of children

The handling of complaints by family members of children in foster care, or any other care setting is not referenced in the policy.

Complaints Handling (by and against foster carers)

The handling of complaints by and against foster carers is specifically referenced in the policy; “This procedure also includes the Council’s foster carers and any complaints made against them would be dealt with using this procedure” (p3).

Complaints by children

The handling of complaints by children in foster care, or any other care setting is not referenced in the policy.

Response to complaints

Level one

Informal complaints or expressions of dissatisfaction, should be responded to within 10 days. Feedback can be given verbally to complainants, and MUST be followed up in writing.

Support (internal and external) for those who made the complaint or were subject to complaint

	<p>No reference to this in this version of the policy.</p> <p>External reporting of complaints Under this iteration of the policy, no external reporting of complaints is referred to, although there is provision for internal reporting to Council committees.</p> <p>East Ayrshire Health and Social Care Partnership Social Work Complaints Handling Procedure (2018, doc36) This policy, which is currently in use by the Health and Social Care Partnership was launched in 2018.</p> <p>The complaints procedure outlines who can complain, what they can complain about, and how to complain. A two stage process is outlined.</p> <p>An extract from the policy is outlined below, this also contains response times: “Stage one – frontline resolution We aim to resolve complaints quickly and close to where we provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem.</p> <p>We will give you our decision at Stage 1 in five working days or less, unless there are exceptional circumstances. Sometimes it may be necessary to extend the time for stage one by up to an additional 10 days. if we need to extend the timeline to help us to resolve the complaint at stage 1 then we will tell you that we are going to do so.</p> <p>If we can’t resolve your complaint at this stage, we will explain why and tell you what you can do next. We might suggest that you take your complaint to Stage 2. You may choose to do this immediately or sometime after you get our initial decision.</p> <p>Stage two – investigation Stage 2 deals with two types of complaint: those that have not been resolved at Stage 1 and those that are complex and require detailed investigation.</p> <p>When using Stage 2 we will: acknowledge receipt of your complaint within three working days where appropriate, discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for give you a full response to the complaint as soon as possible and within 20 working days.</p> <p>If our investigation will take longer than 20 working days, we will tell you. We will agree revised time limits with you and keep you updated on progress”.</p>
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Complainants who remain unsatisfied following this process have the opportunity to complain to the Scottish Public Service Ombudsman who will adjudicate on the matter.

xviii. Whistleblowing

Broadly the different iterations of the policy dating from 2000, 2009 and 2019 set out the types of concern which would constitute 'protected disclosures' and the process by which employees would raise such matters. Protection from unfair treatment or harassment as a result of such disclosure is outlined, as well as the process for such concerns to be investigated. Copies of the policies can be provided if required.

There is no specific reference to the treatment of foster carers under the policy, either as persons 'blowing the whistle' or as the subject of Whistleblowing. Foster carers are not technically employees of the Council so it is not clear that the policy would apply to them.

In the broader sense of Whistleblowing, there are a number of scenarios which may have relevance for fostering-

1. Foster Carers 'raising concerns' about Social Work practices – this would fall under internal complaints processes/Scottish Public Services Ombudsman
2. Council employees, particularly social workers and social care workers registered with the Scottish Social Services Council have a particular responsibility to raise any concerns they may have about poor practice or any form of wrongdoing and this would apply to concerns about foster carers- this responsibility is outlined in the SSSC publication 'Raising Concerns in the Workplace'. The Code of Practice for Social Workers also outlines responsibilities in this regard.
3. Social Work or other council employees may have concerns about practices within the foster care services and they would be subject to the protections of the Whistleblowing policy
4. Third parties, i.e. external to the Council may raise concerns about either Social Work practices in relation to foster care or about foster carers themselves – these concerns would be dealt with initially under the complaints procedures.

The Whistleblowing Policy was originally introduced in East Ayrshire Council in 2000, and was reviewed in 2009 and 2019.

xix. Record retention

	<p>East Ayrshire Council does not have specific policy, procedure or guidance in relation to record keeping regarding children in foster care but this would be covered by the Corporate Retention Schedule relating to LAAC records. The Council has a Records Management Policy (doc 37) which cover at a high level the requirements regarding records management of all of the Council's activities, and this would include all aspects of social work. The Records Management Policy is regularly reviewed and requires there to be a Corporate Retention Schedule outlining how long records of every type should be held in the archive before destruction.</p> <p>Children's case records, and foster carer records are stored in accordance with the Corporate Retention Schedule, which states such records must be retained for 75 years from the date of the person's 18th birthday.</p>
e) Who compiled the policies and/or procedures?	<p>Individual authors of policy and procedures have not been recorded in the vast majority of instances. Generally, within East Ayrshire Council such policies and procedures would be developed by a group of managers, workers and stakeholders, utilising legal advice to ensure compliance with relevant legislation.</p> <p>The exceptions to this would be Fostering Procedures and Guidance (2017), which was compiled by Angela Gillies, Fostering Manager.</p>
f) When were the policies and/or procedures put in place?	See dates beside each document which has been referred to above.
g) Were such policies and/or practices reviewed?	There is evidence of review of most areas of policy and practice, with the most frequent, and best recorded examples being Child Protection Procedures, complaints procedures and records management procedures.
h) If so, what was the reason for review?	Typically procedures were changed in response to legislative changes and national guidance.
i) What substantive changes, if any, were made to the policies and/or procedures over time?	Changes have been outlined above, where they are pertinent to the questions raised by the Inquiry.

j) Why were changes made?	See above- changes typically made in response to legislative change and renewed national guidance.
k) Were changes documented?	<p>Having reviewed the policy and procedures in relation to the areas outlined above it is apparent that there is a degree of variability in terms of the documentation of changes. Some areas, e.g. Child Protection are very robustly recorded, with most, if not all of the different versions of procedures being available for review, Whistleblowing Policy was also clearly available in its different versions, with clear explanation of what had changed between versions and why.</p> <p>In some instances past versions of policy and procedures were not able to be recovered as these have not been systematically stored for future reference.</p>
l) Was there an audit trail?	See above this varied significantly between policy areas, child protection, complaint and records management seem to have been the best document areas.
Present a) With reference to the present position, are the answers to any of the above questions different? If so, please give details.	<p>Information provided above pertains also to the period 2014 to 2020.</p> <p>East Ayrshire Council foster carers are now required to undertake core training, which includes, dependent on the age of children being cared for;</p> <ul style="list-style-type: none"> • Nurture training (all carers) • Therapeutic Crisis Intervention (Carers of children aged 7+) • Safer Care Training (All Carers) • Child Protection Training (All Carers) • Confidentiality and Record Keeping (All Carers) • Equality and Diversity • First Aid <p>All foster carers are required to have an individual Learning and Development Plan. Primary carers must participate in a minimum of 30 hours of learning and development activity, agreed with their Supervising</p>

Social Worker, per year. Secondary carers must undertake a minimum of 10 hours of such activity annually. Carers are also required to maintain a reflective log regarding the training they have undertaken.

Placement Limits and Placement Descriptors

East Ayrshire Council foster service operates to the revised placement descriptors introduced by the Scottish Government following the National Foster Care Review which concluded in 2013. This also introduced an upper limit of 3 unrelated children in a fostering placement- limits which are strictly adhered to within the fostering service.

External Reporting of Allegations

Any allegations of abuse of children in foster care are reported to the Care Inspectorate via the E-forms section of their website, as is required. Although complaints and allegations have been logged internally since 2013, the requirement to notify all allegations of abuse in foster care was not consistently implemented between 2013 and 2018- the service is now implementing this requirement fully.

Placement of a child in foster care:

A Serious Case Review, completed by Glasgow City Council's Child Protection Committee and published in September 2013, into the death of a foster carer produced findings which have since been incorporated into practice and procedure in East Ayrshire Council's fostering service. Central to this has been the need for foster carers to receive full reports about children to be placed with them, a risk assessment, and for workers to make sure not only that carers have been provided with this information, but that they understand it, and any gaps in knowledge about the child where they exist. The report of the Review also emphasises the importance of chronologies of significant events and these are in use by both children and families social work, and also within the fostering service, where there is a chronology of events on all current foster carers.

	<p>The report further emphasised the importance of reflective supervision, and this is something that is an ongoing area of development within all areas of social work in East Ayrshire, foster carers in particular are encouraged to think reflectively about the children they care for, and how they care for them, with supervision sessions having a reflective focus.</p> <p>25/08/2017 Fostering Procedures and Practice Guidance</p> <p>"It is essential that Foster Carers receive full information about the child, including: Their history; information about the child's needs; Family background and contact arrangements; Health and education issues; Any issues relating to the child's ethnicity, religion, language and culture; any behavioural challenges; issues relating to sexuality or gender; issues relation to sexualised behaviours and safer caring; information about the reasons why the child is 'looked after'; the plan for the child and what the child and birth family know about this; the child's legal status, any planned changes in legal status and who has parental responsibilities; a copy of any legal order and consent to medical treatment MUST be given to the Foster Carer at the point of placement; arrangements for contact up to the post admissions meeting , held within 72 hours" (p19). "All potential matches should be agreed with the Team Manager, Adoption and Fostering and the reasons for the match being recorded on the Foster Carer's SWIFT record" (p20).</p>
<p>(ii) Practice</p> <p>Past</p> <p>a) Did the local authority adhere in practice to its policy/procedures in relation to the provision of foster care?</p>	<p>Due to the breadth of policy, procedure and guidance in respect of the fostering service and the period of time covered it is difficult to be confident that all aspects of policy and procedure have been followed at all times.- There will inevitably be situations where policy was not followed as precisely as it may have been. Prior to the inception of East Ayrshire Council we have only been able to source fragments or references to policy and procedure against which to measure practice. The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systemic failings.</p> <p>Extracts from inspection reports available from 2010 provide an independent source of information regarding this- the quoted areas are not necessarily representative of the entire period of East Ayrshire Council's operation, but do provide some evidence relevant to this matter:</p> <p>12/12/2012 Inspection Report- East Ayrshire Council Fostering Service (doc38)</p>

Placement of particular children- "The family placement team used their knowledge of foster carers to discuss and agree new placements. However written risk assessment was not routinely completed before children and young people were placed with foster carers. In some cases we found that due regard had not been given to the impact a new placement might have on the children and young people already placed". "A significant number of foster carers had been asked to provide placements outwith their conditions of approval. The procedures used to authorise these placements did not include a review of foster carer's conditions of approval by the Panel".

10/10/2013

Inspection Report- East Ayrshire Council Fostering Service (doc39)

Supervision- "A recommendation in the last report outlined the need for foster carers to receive regular supervision. We found staff had clearly worked hard to maintain regular contact with foster carers despite staff shortages...However, foster carers were not receiving regular supervision which involved full discussion about their practice and development. The recommendation from the last report will therefore be repeated".

12/12/2012

Inspection Report- East Ayrshire Council Fostering Service

Health- "The experienced staff team were clearly vigilant in their approach to making sure children's health and well-being needs were being met".

Reviews- "Children's care plans reflect the 'Getting It Right For Every Child' (GIRFEC) vision of the Scottish Government and the associated well-being indicators". "Children's files we sampled all demonstrated that their care plans were being reviewed regularly with agreed action and timescales".

Fostering panel- We found that the adoption and fostering panel effectively monitored the quality of support children received and their carer's ability to meet the demands of their role".

	<p>"The fostering and adoption panel clearly had a valuable role in monitoring the quality of foster carers' performance. It also provided feedback on the quality of written reports and care planning decisions".</p> <p>Risk assessments- "The last inspection report recommended that written risk assessments should be completed for children and young people placed with foster carers. Although some risk assessments were in place we found these were not being regularly reviewed".</p> <p>Reviews of carers- "The new fostering team manager had quickly addressed the need for a number of foster carers to have their review meetings, many of which were overdue. All foster carers had attended reviews, some returning to the approval panel in line with the regulatory framework".</p>
<p>b) Did the local authority adhere in practice to its policy/procedures on the following:</p>	<p>Children's services within East Ayrshire Council are subject to a range of mechanisms to ensure adherence both to policy and procedure, but also to national legislation and guidance, these include external inspection; internal audit; use of Reviewing Officer; access to advocacy services for children; internal quality assurance mechanisms, e.g. team manager quality assurance). These mechanisms exist to provide a degree of assurance that policy, procedure and guidance are adhered to in practice.</p> <p>i. <u>Child welfare (physical and emotional)</u></p> <p>12/02/2015 Inspection Report- East Ayrshire Council Fostering Service (doc40)</p> <p>"We found many examples of children recovering from trauma, such as, improvements to physical wellbeing, increased confidence and being more settled in school" (p12).</p> <p>ii. <u>The child's views</u></p> <p>There is evidence from a range of sources that the local authority has placed great importance on hearing the voice of children in the care system. Sources of evidence would include external inspection reports by</p>

a range of agencies, internal audit, case file audits completed for the purpose of this report, and Council Committee Reports and Minutes.

Two examples of evidence from inspection of the fostering service are shown below:

16/09/2009 Report of a Joint Inspection- Services for Children and Young People in East Ayrshire (doc42)

Inspectors noted the "development of the "continuous opportunities for gathering and sharing (COGS)" system for gathering the views of the children and young people who are supported"

12/02/2015 Inspection Report- East Ayrshire Council Fostering Service

"When appropriate, children met with independent advocates to give their view of the care they were receiving and gather their wishes for the future. We found that children's views were fully explored and reflected in the written record of the meeting" (p12).

01/03/2018 Report of a Joint Inspection- Services for Children and Young People in East Ayrshire (doc41)

Child/ Family Views- "Positively, staff involved children, young people and families in key processes, including seeking and recording their views in almost all of the cases we read" (p26).

iii. Placement of siblings

As indicated above, the policy and procedures within East Ayrshire Council do not refer to the placement of siblings, or guidance around that in any extensive depth, other than to state that placement of siblings together, where this is possible, should be the priority. Whilst there are many examples of siblings in foster care in East Ayrshire being placed together and the importance of this has been recognised it is acknowledged that this is not always achieved. Reasons for this include the children's complex needs, wide age range, or of a lack of suitable placement resources for them. This is particularly the case for larger sibling groups which have been and are frequently placed separately.

East Ayrshire Council has been regularly subject to external inspection, with the fostering service being inspected on 7 occasions between 2010 and 2018. In the course of these inspections there has been the opportunity for external inspectors to raise concerns if they found evidence that insufficient priority was being given the placement of siblings in the same family. From the inspection reports located and reviewed for this report, no external concerns of this nature have been noted.

iv. The placement of a child in foster care

It is a requirement that when a child is placed with foster carers, that a risk assessment be completed regarding the child, in order to ensure, as far as possible, that the placement is safe for the child, the carers and anyone else in the fostering household. There was some evidence from inspection that this requirement was not consistently fulfilled:

10/10/2013

Inspection Report- East Ayrshire Council Fostering Service

"The last inspection report recommended that written risk assessments should be completed for children and young people placed with foster carers. Although some risk assessments were in place we found these were not being regularly reviewed".

v. The particular placement of a child with foster carers

12/12/2012

Inspection Report- East Ayrshire Council Fostering Service

"The family placement team used their knowledge of foster carers to discuss and agree new placements. However written risk assessment was not routinely completed before children and young people were placed with foster carers. In some cases we found that due regard had not been given to the impact a new placement might have on the children and young people already placed". "A significant number of foster carers had been asked to provide placements outwith their conditions of approval. The procedures used to authorise these placements did not include a review of foster carer's conditions of approval by the Panel".

	<p>Practice in the fostering service since at least 2013 was for a referral form, with risk assessment to be completed when a placement was required for a child. This continues to be the practice to date.</p> <p>vi. <u>Contact between a child in foster care with his or her family</u></p> <p>Case File Audit Data completed for the purposes of this inquiry:</p> <p>Evidence from case file audits shows that for the East Ayrshire Council period, from the files sampled, 82.3% of children had some form of family contact take place (37% with parents only, 40% with parents and siblings, 1.3% with other family members.</p> <p>During the Strathclyde Regional Council period, based on the audit sample, 70% of children had some form of family contact; 36% with parents only, 25% with parents and siblings, 4.5% with siblings only, and 4.5% with other family members.</p> <p>In the early period, before Strathclyde Regional Council was formed, 46.8% of children have evidence of family contact recorded in their case record; 12% with parents only, 11.1% with parents and siblings, 19% with siblings only, and 4.7% with other family members.</p> <p>vii. <u>Contact between a child in foster care and other siblings in foster care</u></p> <p>See above for an example of evidence that contact between a child and their family, which would include siblings, were promoted and maintained by services in East Ayrshire.</p> <p>viii. <u>Information sharing with the child's family</u></p> <p>As noted above there are no specific policies or procedures in East Ayrshire Council with regard to this matter- there is however a clear expectation that there should be transparency of decision making, and sharing of information such as reports and copies of meeting minutes with the child's birth family. In the absence of detailed policy and procedure it is difficult to comment on or measure adherence.</p>
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External inspection of services would be an opportunity to identify any systemic issues in relation to sharing information and from the inspection reports reviewed for the purpose of this report, no such concerns have been found.

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

See below for representative feedback from an external inspection regarding the performance of East Ayrshire Council's Fostering Panel:

10/10/2013 Inspection Report- East Ayrshire Council Fostering Service

Reviews- "We found that the adoption and fostering panel effectively monitored the quality of support children received and their carers ability to meet the demands of their role".

"The fostering and adoption panel clearly had a valuable role in monitoring the quality of foster carers' performance. It also provided feedback on the quality of written reports and care planning decisions".

Fostering Panel Developments:

Over time since its formation the membership of the Fostering and Resources Panel in East Ayrshire Council has evolved, and an Independent Panel Chair has been in place since circa 2011 in order to allow a greater degree of independence as well as bringing expert knowledge to the role.

Review of the minutes of all Fostering and Resources Panels since East Ayrshire Council was formed in 1996 by a family placement team manager shows evidence of development in the role of the panel in quality assurance and scrutiny of fostering applications, this is more particularly evident from circa 2008 onwards. The Fostering Panel operates in accordance with the relevant national regulations and guidance, informed by a representative of East Ayrshire Council's Legal Services section, who participate in almost all panel meetings.

x. Recruitment and training of foster carers

The Fostering and Resources Panel has responsibility for independent oversight of fostering applications to East Ayrshire Council and they scrutinise each application, making a recommendation to the Agency Decision Maker regarding whether to approve the application or not. Early in East Ayrshire Council's history fostering assessments were undertaken by social workers who did not have specific knowledge or training in family placement work before the Family Placement/ Corporate Parenting Team was formed, and subsequently expanded.

Further safeguards exist in the form of the external inspection of the fostering service- the service has been inspected regularly throughout its existence and from the inspection reports reviewed for the purpose of this report no systemic failures to adhere to policy and procedure with regard to recruitment and training of carers.

Oversight of the standards of assessment lies with the Fostering Panel, as well as the management of the fostering service. Carer's reviews at Panel are a further opportunity for scrutiny, and the Fostering Panel are able to view evidence of each carers record of learning and development activity- this has a twofold benefit, it ensures that carers are taking part in such activity, but also that the service is offering the required opportunities to carers.

A review of all minutes of the Fostering and Resources Panel for the period 1996 to 2014 found very little reference to ongoing learning and development of foster carers, in the sense that an explicit framework is not evident. There is much greater emphasis evident in Panel minutes from 2013 onwards, with evidence of annual reviews of foster carers, with an explicit focus on learning and development.

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

As indicated above, policies and procedures in East Ayrshire Council's fostering service have not specifically addressed this matter- the policies and procedures produced in 2017 and outlined above do specify some requirements with regards to information from the employers of prospective carers. The Fostering Panel scrutinise each assessment put before them, and this, along with quality assurance mechanisms put in place by the manager of the fostering service ensures that full information is sought from employers, although there is no mechanism to compel them to provide this, of which the service is aware.

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

01/01/2009 SWIA Performance Inspection 'East Ayrshire Council 2009'(doc44)

"Most care plans were reviewed at regular intervals and this reflected the level of identified need and/or risk. Almost all files (94%) had a record of all decision making or review meetings. This was the highest result to date and demonstrated a commitment to performance improvement" (p49). Visits- "Social workers visited children on supervision every week. These visits were mainly checking and monitoring, rather than focussed work on specified goals and outcomes" (p51).

"Due to workload pressures on administration staff, only the decisions of reviews for looked after children were recorded. There was no record on file showing how the decisions had been reached. Regulations and guidance from the Scottish Government highlight the need to record the facts and judgements that inform these decisions" (p52).

10/10/2013 Inspection Report- East Ayrshire Council Fostering Service

Reviews- "Children's care plans reflect the 'Getting It Right For Every Child' (GIRFEC) vision of the Scottish Government and the associated well-being indicators". "Children's files we sampled all demonstrated that their care plans were being reviewed regularly with agreed action and timescales".

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

Case filed audits undertaken for the purposes of the Inquiry response show that there was evidence within case records that children who were accommodated in foster care between 1996 and 2019 were visited, and had their views sought, in 78% of cases. This shows evidence of adherence to the requirement to visit children and seek their views although not in all cases. - It is possible that in some the 22% of cases where there was no such recording, that this was a failure to record visits undertaken, rather than there being no visits at all or not regular visits. During the Strathclyde Regional Council era 54% of children were visited to gain their views, with no recording or documentary evidence of visits in the remaining 46% of the sample.

	<p>Prior to 1975, only 35% of children's case records show evidence of the child being visited to seek their views on the care they were receiving.</p> <p>Further evidence comes from the following inspection report extract;</p> <p>01/01/2009 SWIA Performance Inspection 'East Ayrshire Council 2009'</p> <p>"Social workers visited children on supervision every week. These visits were mainly checking and monitoring, rather than focussed work on specified goals and outcomes" (p51).</p> <p>xiv. <u>Transfer of a child from one foster placement to another (including preparation and support)</u></p> <p>As is the case in some of the other areas above- there were no detailed policies and procedures in this area from which to deviate or against which performance could readily be measured.</p> <p>Children move between fostering placements for a variety of reasons- Information obtained from case file audits showed the following reasons for children's moves during the following periods:</p> <p>East Ayrshire Council: Rehabilitation to care of parent/s: 23.8% Planned move to other placement type: 17.4% Breakdown/ unplanned ending: 20.6% Adoption: 20.6% Move to kinship care: 4.7% Move to independent living arrangement: 12.6%</p> <p>Strathclyde Regional Council: Rehabilitation to care of parent/s: 57% Planned move to other placement type: 3.8% Breakdown/ unplanned ending: 15.3% Move to independent living arrangement: 19.2%</p>
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	<p>Miscellaneous: 3.8%</p> <p>Predecessor Authorities: Rehabilitation to care of parent/s: 57% Planned move to other placement type: 7.4% Breakdown/ unplanned ending: 5.9% Adoption: 5.9% (all adopted by foster carers) Move to kinship care: 7.4% Move to independent living arrangement: 25.3% Miscellaneous: 1.4%</p> <p>xv. <u>Transfer of a child between foster care and residential care (including preparation and support)</u></p> <p>See xiv above.</p> <p>xvi. <u>Child protection</u></p> <p>Due to the number of children cared for by East Ayrshire Council since 1996 it is difficult to be confident that all aspects of policy and procedure have been followed at all times- there will inevitably be situations where policy was not followed as precisely as it may have been. During the case file audits we did find examples of allegations of abuse for which child protection procedures do not appear to have been followed, e.g. no interagency discussion, no discussion with Police colleagues re how to proceed. These are all detailed in the Part D submission.</p> <p>Prior to the inception of East Ayrshire Council we have only been able to source fragments or references to policy and procedure against which to measure practice. The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systemic failings.</p>
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	<p>Particularly within the area of child protection there has been extensive auditing and reporting on adherence to child protection procedures, with the Child Protection Committee taking responsibility for this and reporting variously to the Social Work Committee, Cabinet and latterly the Integrated Joint Board.</p> <p>xvii. <u>Complaints handling</u></p> <p>The Council is subject to various forms of monitoring and scrutiny, both internally and externally in the form of inspection agencies, the Scottish Public Service Ombudsman, and internal audit and self-assessment. During the gathering of information for this report, no information has come to light suggesting that the Local Authority has not adhered to its policies and procedures in this area. Inevitably when dealing with a long time period, and a large volume of incidents it is likely to be case that some examples would show deviation from policy and procedure but on the available information there is no evidence of a systematic problem in this area.</p> <p>Under the 1998 Comments and Complaints Procedures an annual report analysing complaints was to be completed and submitted to the Director for consideration by the Social Work Committee.</p> <p>xviii. <u>Whistleblowing</u></p> <p>In accordance with policy and procedure, a record of all Whistleblowing incidents is maintained by the Council's Human Resources department and records of this can be made available to the Inquiry if required.</p> <p>xix. <u>Record retention</u></p> <p>Whilst all children and foster carers files are stored in accordance with Corporate Retention Schedules there have been difficulties locating historical procedures and guidance.</p>
<p>c) How was adherence demonstrated?</p>	<p>Adherence to Policy and Procedure in the areas above is and was monitored via a range of mechanisms, both internal and external which include but are not limited to:</p> <ul style="list-style-type: none"> • Quality Assurance by managers and Service Managers • Internal auditing

	<ul style="list-style-type: none"> • Self assessment • External inspection • Scrutiny by Fostering and Resources Panel • Agency Decision Maker scrutiny • Reporting to Council Committees such as Social Work Committee, Cabinet, Integrated Joint Board
d) How can such adherence be demonstrated to the Inquiry?	In each particular area there is evidence which can be presented if required to the Inquiry from the sources described above.
e) Were relevant records kept demonstrating adherence?	All Council and departmental records relating to children and foster carers which have been sent for archiving have been stored in accordance with Corporate Retention Schedules. There has been some difficulty in tracing policy and procedure documents as although there is an archiving policy for these, they have not consistently been sent to the records centre for storage.
f) Have such records been retained?	See above, records are stored in accordance with retention schedules, in many cases it would not be appropriate or practical to store records beyond the timeframe laid out in the schedules which are designed to be in accordance with legislation and national guidance.
g) If policy/procedure was not adhered to in practice, why not?	As noted above, evidence of systemic failure to adhere to Policy or procedure has not been uncovered as part of this exercise. There will undoubtedly have been individual situations over the years where there have been incidents of policy and practice not being adhered to and each situation would have its own unique circumstances so it not possible to provide a comprehensive answer to this.
h) If policy/procedure was not adhered to in practice, what was the practice?	See g) above.
Present	Information regarding the present position with regard to each to the topics above has been provided in the context of the information provided above.

<p>a) With reference to the present position, are the answers to any of the above questions different? If so, please give details.</p>	
<p>4.3 Children</p> <p>(i) Policy</p> <p>Past</p> <p>a) What policies and/or procedures did the local authority have in place in relation to the care of children in foster care?</p>	<p>All of the information below applies to the East Ayrshire Council period, 1996 to date, unless otherwise specified.</p> <p>Limited information about the policy, procedures from predecessor authorities (ACC and SRC) have been located by East Ayrshire Council during this exercise.</p> <p>Differentiating from the previous question at 4.2 (i) (a) – Local Authority guidance on the provision of foster care during the period of East Ayrshire Council are contained in two broad sets of policies which would be relevant; the Fostering Service Policy and Procedures and the Looked After and Accommodated Children Procedures. Relevant sections of both types of policy, and their development over the years has been outlined above. Within the procedure and guidance for the fostering service is a carer’s handbook [doc 46] which contains information on the expectations of carers in relation to children they are looking after:</p> <ul style="list-style-type: none"> • “Care for the child as if he/she were a member of your own family in a safe and caring manner. • Provide the child with food, clothing and warmth and their own bedroom unless they are sharing with a sibling/siblings. • Promote the child’s welfare, in accordance with the child’s care plan. • Be aware of the child’s emotional, social, educational, religious and physical needs. • Ensure that under no circumstances will physical chastisement be used against the child. • Ensure that any sanction in dealing with challenging behaviour will avoid humiliation of the child. • Encourage the child’s self-esteem and positive self-image. • Encourage and promote contact between the child and his/her family, where this is in the interests of the child and is part of the care plan. • Work with the child’s family, where this is in the care plan. • Help prepare the child to return to his/her parents or be placed with alternative carers. • Recognise, understand and encourage a child’s cultural and religious heritage and behave in a way which values difference and does not discriminate.

	<ul style="list-style-type: none"> • Arrange for routine and emergency medical, dental and optical care, to promote a healthy life style. • Provide educational support to the child and encourage the development of special talents and interests. • Attend training meetings organised by the department to keep abreast of practice issues and new developments. • Work in partnership with the department and any other agencies. This will include sharing information with the Social Work Department. It will also include attending planning and assessment meetings, looked after reviews, case conferences, children’s hearings and other meetings in relation to the child, contributing both verbally and where appropriate, in writing. • Ensure that the information you receive about the child is CONFIDENTIAL and should not be discussed with anyone inappropriately. • Give notice to the department of any change of address; any change in the composition of your household; any other event affecting either of the carers capacity to care for any child placed or the suitability of the household and any criminal convictions arising between approval and subsequent care reviews; the outcome of any request or application made by the carer or any other member of the household to foster or adopt children or for registration under Section 71 of the Children (Scotland) Act 1995 or any subsequent amendment of that Section. • Co-operate with any arrangement made by East Ayrshire Council” [Doc 46].
<p>b) Was there a particular policy and/or procedural aim/intention?</p>	<p>See above. Whilst there is no explicit statement regarding the aim or intention of that policy, procedure or guidance in the area of foster care, the nature of the information outlined within shows an intention to outline expectations of foster carers as regards care standards, values and treatment of the children carers were looking after.</p>
<p>c) Where were such policies and/or procedures recorded?</p>	<p>See above policy, procedure and guidance has been captured in a range of documents over the years of East Ayrshire Council’s operation, including:</p> <ul style="list-style-type: none"> • Standalone policy/ procedure documents • Foster Carer Agreements/ Contracts • Foster Carer Handbooks • Looked After and Accommodated Child Procedures

<p>d) What did the policies and/or procedures set out in terms of the following?</p>	<p>Information regarding the topics below has been culled from the Fostering Service Procedures and from Looked After and Accommodated Child Procedures and Child Protection Procedures.</p> <p>i. <u>Safeguarding</u></p> <p>A report to the Social Work Committee, dated 30 September 2009, "Children's Safeguards Review"(doc45) - Key issues from the Report by Roger Kent for the Scottish Office notes that, "The field social worker can be one of the most important figures in the life of a child living away from home. As the person who should be most closely involved in helping children set out their lives he/she should be the main safeguard" (p13). It was also stated "When visits do take place, there is a need for the social worker to take time to engage with the child and be open to listening. Social workers have a statutory role in safeguarding the welfare of children living away from home and this needs to be confirmed and emphasised" (p13).</p> <p>2007/08 Foster Carer's Handbook (doc46)</p> <p>"The child's social worker will regularly visit the child, and see the child alone".</p> <p>ii. <u>Child Protection</u></p> <p>Child protection procedures in relation to children in foster care are outlined in section 4.2 (i) b) xvi, above.</p> <p>Child protection procedures in relation to children in foster care are outlined in a previous section of this report, above.</p> <p>iii. <u>Medical care</u></p> <p>01/01/2006 Procedures for Looked After and Accommodated Children and Young People (Draft2008)</p> <p>"There is clear research and practice evidence that children and young people who are looked after away from home have greater levels of health needs than their peers, yet are less likely to receive adequate health care" (p17). "The placement of a child or young person is a significant event and it is crucial that the</p>
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health professionals are notified of, and involved in, this process. At the point of admission the area team social worker should notify: the child or young person's registered GP; The child's health visitor; Community paediatrician with responsibility for Looked After and Accommodated Children" (p17). "All children being accommodated away from home require to be examined by a registered general practitioner or a Community Paediatrician and have a written assessment of their health and their need for health care" (p17).

01/11/2007 Draft Service Specification- Fostering

Outlines care standards, including but not limited to: "Foster Carers will be active in promoting the health care of each child and ensure regular medical and dental checks take place"(P3).

iv. Children's physical wellbeing

Procedures for Looked After and Accommodated Children and Young People (20068)

"The Children (Scotland) Act 1995 Regulations and Guidance (Volume 2) states that 'Local authorities should act as good parents would in relation to the health care of children who are looked after by them and placed away from their own home. Care Plans should fully reflect health care needs and should include health promotion, general surveillance and assessment of developmental progress, as well as treatment for illness and accidents, in order to promote the physical, social and emotional health development of the children'. The Care Plan should indicate the health responsibilities of the carers when the child is physically in their care" (p24).

"The establishment of the Care Plan should ensure that the child is provided with appropriate health care, including any necessary medical, psychiatric, psychological, dental or ophthalmic attention and any necessary immunisations. The child must be registered with a general medical practitioner and general dental practitioner. Consideration should be given to continuity of health care" (p24).

v. Children's emotional and mental wellbeing

Procedures for Looked After and Accommodated Children and Young People (20062008)

"Care Plans should fully reflect health care needs and should include health promotion, general surveillance and assessment of developmental progress, as well as treatment for illness and accidents, in order to promote the physical, social and emotional health development of the children'. The Care Plan should indicate the health responsibilities of the carers when the child is physically in their care" (p24).

vi. Schooling/education

01/01/2006 Procedures for Looked After and Accommodated Children and Young People (2008)(Draft)

"Children looked after away from home should have the same opportunities as all other children for education, including further and higher education, and access for opportunities for development. They should also, where necessary, receive additional help, encouragement and support to address special needs or compensate for previous deprivation or disadvantage" (p19). "Each school in East Ayrshire has a designated Teacher with specific responsibility for looked after children" (p20).

vii. Discipline

None of the different versions of procedures for Looked After Children speak directly to this issue- local authority policy in this area has tended to be laid out within the fostering procedures rather than LAAC procedures.

All versions of East Ayrshire Council's foster carer agreements make explicit that corporal punishment of foster children by carers is not acceptable. A Draft Service Specification completed by the fostering manager in November 2007 stated "Children whose conduct is unacceptable are dealt with in accordance with positive disciplinary measures as approved by the Council i.e. Therapeutic Crisis Intervention Principles. There is an understanding that there will be no corporal punishment of children at any time. The foster carer will neither be verbally abusive nor use demeaning language towards any child placed".

viii. Activities and holidays for children

The **Foster Carer's Handbook**, (circa 2007), states "Fostering allowances are paid for 56 weeks per year. This allows for four extra weeks payment each year at basic rate. One additional week's allowance is made for the child's birthday, one at Christmas and two for the summer holiday period. In recognition of the extra expenses at these times. It is expected that full time carers will take the child in placement on an appropriate summer holiday to promote happy childhood memories for the future" (p14).

A Service Specification for the fostering service put together in 2007, included the following statement which outlines expectations of carers stated; "Carers are expected to identify suitable activity programmes for children and young people to participate in. These should help develop individual talents, interests and hobbies, (National Care Standard 3). This may include residential programmes during weekends and holiday periods and financial support may be provided. Carers should be actively involved in stimulating children's/young people's play and learning, including involvement in community activities and the development of any special talents" (p6).

Looked After and Accommodated Children and Young People Procedures (2017) discuss the matter of holidays for children in foster care, but only with regard to arrangements for agency and parental consent to such trips, no expectation is set out regarding carers providing children with a holiday.

ix. Sharing a bedroom

None of the different versions of procedures for Looked After Children speak directly to this issue- local authority policy in this area has tended to be laid out within the fostering procedures rather than LAAC procedures. Expectations regarding room sharing have changed during the period of East Ayrshire Council's existence.

An external inspection of the fostering service, conducted by the Care Inspectorate and published in December 2012, found that "the service was in the process of implementing a 'one child to one room policy' whereby children and young people in foster care would not be asked to share a room".

Since 2013 onwards practice within the fostering service has been that no unrelated children should share a bedroom, the criteria for assessment as a foster carer, or adopter reflect this, requiring applicants to have a spare room.

The homes of prospective, and current carers are subject to health and safety checks, fire safety checks, and there is an expectation that the home is well appointed, and family friendly.

01/01/2014

EAH&SCP Foster Carers Agreement

"Foster carers are expected to provide a safe and positive environment for the children and young people placed with them and the agency will continually assess the standard of care provided" (p5). Foster carer's house hold must be "able to allow each child/young person their own bed and accommodation arrangements, which reflect their assessed need for privacy and space" (p5)

The 2017 Fostering Policy and Procedure notes that "where unrelated children over 8 years old are sharing rooms, this shall be done in agreement with the carers and young people concerned based upon compatibility of their overall care needs, the general quality of care they are receiving and the physical space within the carer's home" (p31). Whilst the preceding passage may seem to contradict the 'one room one child' policy espoused above, in practice room sharing does not currently take place within East Ayrshire Council's fostering service, there is scope for children to share a room *if they wish to do so* and this is the purpose of the quoted extract from the 2017 procedures, rather than being a way to increase the number of children a carer can look after.

x. Contact with family members

As with several of the other topic areas above the Looked After and Accommodated Children policies and procedures during the East Ayrshire Council period do not say much about the issues of contact in any significant depth.

	<p>01/01/2006 Procedures for Looked After and Accommodated Children and Young People (2008Draft)</p> <p>Foster carers will be responsible for "facilitating contact arrangements between children and young people and their family members in accordance with the care plan" (p13).</p> <p>"Contact has two particularly important purposes. Firstly, to enhance the psychological and developmental progress and well-being of children who are away from their families, and secondly, to increase the likelihood, and smooth the way, for a child to return to live with his or her family where that is consistent with his or her welfare" (p24).</p> <p>01/01/2014 EAH&SCP Foster Carers Agreement</p> <p>"It is expected that carers work in partnership with parents to promote and facilitate contact" (p6).</p> <p>xi. <u>Contact with siblings</u></p> <p>Contact with siblings is not explicitly addressed in any version of the policy, procedure or guidance which has been found prior to 2017, which is outlined below.</p> <p>xii. <u>Celebration of birthdays and other special occasions</u></p> <p>No specific references have been found within East Ayrshire Council policy and procedure for either fostering or Looked After and Accommodated Children which details policy or guidance in this area, other than in relation to the use of allowances. The 2017 Fostering Policy and Procedure document notes that the child allowance includes a component for birthday and Christmas presents.</p> <p>See also viii, above.</p> <p>xiii. <u>Information sharing by the foster carer with family members</u></p>
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	<p>The first mention of this topic which appears within East Ayrshire Council's Policy and Procedures for Looked After and Accommodated Children is from the draft LAAC Procedures dated 2006/2008, which state, "Generally, copies of the information, planning and review documents should be given to the young person, parents and carers" (p58).</p> <p>A later, draft iteration of the Looked After and Accommodated Children Procedures, dated 2015 speaks of information sharing in the context of ensuring parents and family members know their rights and responsibilities, and also how to access advocacy and/or make a complaint. There is reference to informing parents of changes of developments with their child during a period of accommodation, "Children's views, habits, routines and interests can change during a period of accommodation and this information can be important for parents as their child gradually returns home" (p22).</p>
<p>xiv. Who compiled the policies and/or procedures?</p>	<p>No individual author is noted in relation to the Procedures for Looked After and Accommodated Children and Young People 2006 Looked After and Accommodated Children Procedures which were formally approved in 2008. It was the practice in this time period, as now for significant areas of policy, procedure or guidance to be developed by a group of stakeholders, and for the resulting procedures/ guidance to be reviewed based on feedback with a view to developing a final version which would be approved, by the Social Work Committee, Cabinet, relevant sub-committee, or in some cases by the Head of Service.</p> <p>Updated Looked After and Accommodated Procedures were produced in 2017 and later approved for use by the Head of Service. This document does name an individual who took lead responsibility for the co-ordination of the update to the procedures. Shelagh Halliday, Independent Reviewing Officer oversaw this task and is named in that role in the final document.</p>
<p>xv. When were the policies and/or procedures put in place?</p>	<p>Looked After and Accommodated Procedures were formally approved in 2008 by East Ayrshire Council. Draft versions of new procedures were produced in 2015 and updated procedures dated 2017 were approved by the Head of Service.</p>
<p>xvi. Were such policies and/or practices reviewed?</p>	<p>See above- updated procedures which outlines when the LAAC procedures were reviewed</p>

xvii. If so, what was the reason for review?	No reason given in the procedures, though the updated draft procedures reflect updated legislation and national guidance so this is likely to have been a driver for the changes.
xviii. What substantive changes, if any, were made to the policies and/or procedures over time?	<p>The main changes over time appear to have been to update references to legislation and regulations as these changed over time- the core practice outlined in documents in most areas has not changed substantively.</p> <p>One of the changes identified was that the 2006 Procedures for Looked After Children and Young People did not specifically refer to contact with siblings, whereas the 2017 version does refer to a duty in respect of this form of contact.</p>
a) Why were changes made?	Where information is available about the reasons for any changes this is outlined above.
b) Were changes documented? c)	LAAC Procedures were in draft form in 2006 and formally approved in 2008. An updated procedure document Looked After and Accommodated Children and Young People was produced in 2017 and approved for use by the Head of Service. Changes made when procedures were updated were not explicitly recorded via any version control mechanism.
d) Was there an audit trail?	No.
Present a) With reference to the present position, are the answers to any of the above questions different? If so, please give details.	<p>There is a more explicit reference in the 2017 draft procedures to the role of the Post Admissions Meeting-</p> <p>Procedures: Looked After and Accommodated Children and Young People (2017)</p> <p>Family time/ contact- "This is one of the key considerations of the PAM [Post Admissions Meeting]. The purpose, frequency, who should attend, should this be supervised etc all need to be discussed, taking into account the views of the child/ young person" (p11).</p> <p>Contact with siblings:</p>

	<p>Procedures: Looked After and Accommodated Children and Young People (2017)</p> <p>"The local authority has a duty to promote direct contact between children looked after by them and their parents or people with parental responsibilities. There is a responsibility not just to enable contact but to actively encourage and facilitate it" (p40). "Contact has a broad meaning which includes face-to-face meetings, letters, telephone calls, exchange of photographs and sending of gifts and cards. Contact should be include not only parental but also sibling contact and possibly contact with members of their extended family and friends" (p40).</p>
<p>(ii) Practice</p> <p>Past</p> <p>a) Did the local authority adhere in practice to its policy/procedures relating to the care of children in foster care?</p>	<p>Due to the number of Looked After and Accommodated Children over the period since East Ayrshire Council was formed it is difficult to be confident that all aspects of policy and procedure have been followed at all times- there will inevitably be situations where policy was not followed as precisely as it may have been. Prior to the inception of East Ayrshire Council we have only been able to source fragments or references to policy and procedure against which to measure practice. The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systemic failings.</p>
<p>b) Did the local authority adhere in practice to its policy/procedures in terms of the following?</p>	<p>i. <u>Safeguarding</u></p> <p>East Ayrshire Council’s knowledge of the importance of the safeguarding of children in foster care is evident in varying documents mentioned throughout this report (Transfer of Foster Carers Protocol, 2015 - "Safeguarding the needs of any child in placement is paramount", Social Work Committee ‘Children’s Safeguards Review’ 2009 – “Social workers have a statutory role in safeguarding the welfare of children living away from home”, The Blue Book 1989 and the East Ayrshire Child Protection Procedure 2000). Evidence of adherence in practice will be located within individual children’s case files, of which there are too many to document. There is no specific single piece of documentary evidence which can be provided to the Inquiry which details that the local authority adhered in practice to policy/procedure on safeguarding of children in foster care, The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systemic failings..</p>

ii. Child Protection

Compliance with child protection procedures has been audited, monitored and reported on in a variety of ways during the East Ayrshire Council period, this includes, planned multi-agency file auditing and reporting by the Child Protection Committee; internal self-assessment and auditing activity; external inspection of services to children, and of the fostering service.

iii. Medical care

East Ayrshire Council's knowledge of the importance of medical care for children in foster care is evident in documents mentioned throughout this report (Procedures for LAACC children 2006 and Services Specification – Fostering 2007). Evidence of adherence in practice will be located within individual children's case files, of which there are too many to document. However, whilst there is no specific single piece of documentary evidence which can be provided to the Inquiry which details that the local authority adhered in practice to policy/procedure on the medical care of children in foster care, As noted above, there is very little specifically on the subject of medical care within the Council's Policy and Procedures and it is therefore difficult to measure adherence. The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systematic failings

iv. Children's physical wellbeing

East Ayrshire Council's knowledge of the importance of the physical wellbeing of children in foster care is evident in documents mentioned throughout this report (Special Social Work Committee 'Social Work Service Development Plan' 1997, the Procedures for LAACC children 2006 – references to Care Plans). Evidence of adherence in practice will be located within individual children's case files, of which there are too many to document. However, whilst there is no specific single piece of documentary evidence which can be provided to the Inquiry which details that the local authority adhered in practice to policy/procedure on the physical wellbeing of children in foster care. As noted above, there is very little specifically on the subject of children's physical wellbeing with the Council's in policy and procedures

and it is therefore difficult to measure adherence. The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systematic failings.

v. Children's emotional and mental wellbeing

East Ayrshire Council's knowledge of the importance of the emotional and mental wellbeing of children in foster care is evident in documents mentioned throughout this report (Special Social Work Committee 'Social Work Service Development Plan' 1997, the Procedures for LAACC children 2006 – references to Care Plans and Fostering and Resources Panel Minutes). Evidence of adherence in practice will be located within individual children's case files. However, whilst there is no specific single piece of documentary evidence which can be provided to the Inquiry which details that the local authority adhered in practice to policy/procedure on the emotional and mental wellbeing of children in foster care the file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systematic failings.

vi. Schooling/education

East Ayrshire Council's knowledge of the importance of the education of children in foster care is evident in documents mentioned throughout this report (the Procedures for LAACC children 2006, the inclusion of educational needs in the Foster Care Approval provisions and the inclusion of Education colleagues within the Fostering Panel). Colleagues from education services also participate in the LAAC Review process for children in foster care.

Evidence of adherence in practice will be located within individual children's case files, of which there are too many to document. However, whilst there is no specific single piece of documentary evidence which can be provided to the Inquiry which details that the local authority adhered in practice to policy/procedure on the educational needs of children in foster care.

As noted above, there is very little specifically on the subject of schooling/ education with the Council's Policy and Procedures and it is therefore difficult to measure adherence. The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systematic failings.

vii. Discipline

As detailed above, although Looked After and Accommodated Children Procedures do not specifically refer to this matter, within fostering procedures and guidance and Foster Carer Agreements there it is made clear that corporal punishment of children in foster care is forbidden. We have uncovered very limited information of concern, based on the file audits, review of Fostering Panel minutes, inspection reports and reports to Council Committees suggesting use of inappropriate methods of chastisement. Those that have been found are detailed in Part D

viii. Activities and holidays for children

East Ayrshire Council's view of the importance of activities and holidays for children in foster care is evident in documents mentioned throughout this report (the Foster Care Handbook). Evidence of adherence in practice is located within individual children's case files. However, whilst there is no specific single piece of documentary evidence which can be provided to the Inquiry which details that the local authority adhered in practice to policy/procedure on activities/holidays for children in foster care, no evidence of systematic lack of adherence to policy and procedure has been uncovered during case file audits, review of Fostering Panel minutes, inspection reports and reports to Council Committees.

As noted above, there is very little specifically on the subject of activities and holidays for children care within the Council's Policy and Procedures and it is therefore difficult to measure adherence.

The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systematic failings.

ix. Sharing a bedroom

As noted above, there is very little specifically on the subject of bedroom sharing in foster care within the Council's Policy and Procedures and it is therefore difficult to measure adherence. The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systematic failings.

Practice in this area has changed in East Ayrshire's time as detailed above. In terms of compliance with procedures,

Case file auditors were specifically asked whether accommodated children shared a bedroom, and if this was with a related or unrelated child. Room sharing for foster children has essentially not been a feature within East Ayrshire Council's fostering provision since the one room one child policy was introduced in 2012, with rare exceptions, usually based on children who wished to share a room.

Overall, based on the available evidence, compliance in this area has been high, with evidence from case file audit showing the following figures:

Of the sample of files checked from the East Ayrshire Council period, 10.6% of children shared a bedroom with another foster child, all of these children were accommodated before 2006. It was also found that 6.6% of children in the sample shared a bedroom with a member of the foster family- (this refers to babies sleeping in the same room as their foster carer, or very young children sharing a room, all bar one of these children were accommodated prior to 2011, and the remaining child whose file was reviewed was a baby who shared a room with another unrelated baby who was also in foster care.

x. Contact with family members

As noted above, there is very little specifically on the subject of contact with family members within the Council's Policy and Procedures. The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systematic failings.

East Ayrshire Council's knowledge of the requirement of/importance of contact with family for children in foster care is evident in documents mentioned throughout this report (LAAC Procedures 2008). Evidence of adherence in practice will be located within individual children's case files, of which there are too many to document. However, whilst there is no specific single piece of documentary evidence which can be provided to the Inquiry which details that the local authority adhered in practice to policy/procedure on contact with family for children in foster care, no evidence of systematic lack of adherence to policy and procedure has been uncovered during case file audits, review of Fostering Panel minutes, inspection reports and reports to Council Committees.

Case file audits undertaken for the purpose of this report found that the vast majority of children have had some level of contact with key family members, though this will have varied according to each child's individual needs and family circumstances.

Evidence of compliance from a 2018 Inspection report is noted below:

01/03/2018 **Report of a Joint Inspection- Services for Children and Young People in East Ayrshire (Care Inspectorate, doc49)**

"Children looked after away from home were maintaining appropriate contact with their family, extended networks and community in a variety of ways. This included staff facilitating personal contact, supervised sessions and, on occasions, letterbox contact" (p16).

xi. Contact with siblings

See ix.
See above.

xii. Celebration of birthdays and other special occasions

East Ayrshire Council's recognition of the importance of celebration of birthdays and other special occasions for children in foster care is evident in documents mentioned throughout this report (The Foster Carers Handbook). Evidence of adherence in practice will be located within individual child case records. However, whilst there is no specific single piece of documentary evidence which can be provided to the Inquiry which details that the local authority adhered in practice to policy/procedure.

There is very little specifically on the subject of celebration of special occasions such as birthdays and Christmas within the Council's Policy and Procedures other than the payment of additional allowances for these events and it is therefore difficult to measure adherence. The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systematic failure to celebrate special occasions.

xiii. Information sharing by the foster carer with family members

As noted above, there is very little specifically on the subject of information sharing with family members within the Council's Policy and Procedures and it is therefore difficult to measure adherence. The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systematic failings.

Evidence of information being shared by foster carers and children's social workers could be made available readily based on an audit of a selection of children's case records. East Ayrshire Council has operated children's service and fostering services since 1996 and has always been cognizant of the importance of openness and a trusting working relationship with the families of accommodated

	children, despite the lack of formal policy in this area, it would be possible to demonstrate in this manner a positive culture in this regard.
c) How was adherence demonstrated?	See above.
d) How can such adherence be demonstrated to the Inquiry?	See above.
e) Were relevant records kept demonstrating adherence?	<p>Children's case records are stored in accordance with corporate retention schedules which are compliant with national guidance and legislation.</p> <p>Regular audits of case files and self-assessment activity has been undertaken over the years- improvements could perhaps be made to making the records of such activity accessible and available over longer timeframes in order that compliance in such areas can more effectively be demonstrated.</p>
f) Have such records been retained?	See above in relation to children and carer's records. File audits and self-assessment records have not been systematically retained across the service.
g) If policy/procedure was not adhered to in practice, why not?	As noted above, we have not uncovered evidence of systemic or widespread deviation from policy and procedure where this has been available, and therefore it is difficult to provide an answer- there will undeniably have been individual circumstances where policy and procedure was not adhered to, this could for example be due to exceptional circumstances, or lack of awareness of the particular policy/procedure, but each of these instances would require their own unique explanation.
h) If policy/procedure was not adhered to in practice, what was the practice?	See g) above.

<p>Present</p> <p>i) With reference to the present position, are the answers to any of the above questions different?</p>	<p>Information regarding the present position has been provided above under each subheading, where this information is available. Additionally there have been a range of developments in the approach to working with children and particularly placing the voice of the child centrally in decision making which are relevant to the care and experience of children in foster care.</p> <p>Starting a conversation is a tool based on the Angus Wellbeing Web which has been used with children and young people to gather their views and inform their plans. Currently (2020) East Ayrshire is introducing Mind of My Own which is a web based app that children including those in foster care can share their views in preparation for LAAC reviews to inform their plan and as an additional tool to communicate with their social worker.</p> <p>East Ayrshire has also established Connected Voices a group of care experienced young people to ensure young people's views are central to the planning and development of services. In 2019 as a result of their work and East Ayrshire Promise was signed by the Chief Executive of the council and Chair of the Community Planning Partnership Board in relation to the key asks they had of their corporate parents.</p> <p>In relation to safeguarding and child protection East Ayrshire now has a robust Initial Referral Discussion (IRD) process with Police and Health to consider potential child protection risks ensure there is well considered multi-agency decision making on action required. This process is quality assured on a monthly basis by a multi-agency group of managers</p> <p>The Child Protection Committee has strengthened quality assurance for services to all children including those in foster care through the establishment of quarterly multi-agency file audits which identify both strengths and good practice as well as areas for improvement.</p> <p>East Ayrshire has initiated work to develop what it needs to do to deliver the vision and promise set out by the Care Review in the reports published in February 2020.</p>

	<p>The Care Inspectorate Joint inspection of services for children and young people in East Ayrshire published in March 2018 provided a range of evidence of the practice strengths in East Ayrshire. Comments from the report include;</p> <p>“Vulnerable children and young people’s views were routinely sought by staff working with them. They engaged well with them, using the Wellbeing Web tool, Having Your Say forms and attending meetings where decisions about their own individual plans were being made”</p> <p>“Children looked after away from home were maintaining appropriate contact with their family, extended networks and community in a variety of ways. This included staff facilitating personal contact, supervised sessions and, on occasions, letterbox contact.”</p> <p>“Child’s plans were increasingly outcome-focused, helpfully supported by the Starting a Conversation toolkit.”</p> <p>“The extent of participation by children, young people, families and other stakeholders in policy, planning and service development was excellent. Partners truly strived to ensure children and young people were empowered to have a voice and enthusiastically sought their views on a wide range of priorities to shape and improve children’s services”</p>
<p>If so, please give details.</p>	<p>As detailed above</p>
<p>4.4 Foster carers</p> <p>(i) Policy</p> <p>Past</p> <p>a) What policies and/or procedures did the local authority have in relation to foster carers?</p>	<p>All of the information below applies to the East Ayrshire Council period, 1996 to date, unless otherwise specified.</p> <p>Limited information about the policy, procedures from predecessor authorities (ACC and SRC) have been located by East Ayrshire Council during this exercise.</p> <p>In 1996 when East Ayrshire Council was formed, there were no locally produced procedures, guidance or policy in this area. A decision was taken at a meeting of the Social Work Committee on 7 December 1995. It was agreed at this meeting to use the following Strathclyde Regional Council’s policies; Fostering Guidelines; Foster Carer’s Handbook 1995; Child Protection Procedures; Guidelines for Long-term</p>

Planning for Children in Care; Parental Access to Children in Care or Under Supervision; Access to Personal Files; Medical Examinations of Children in Care, amongst others applicable to other areas of social work.

It was recognised that local policies and procedures would require to be developed, but that this was a satisfactory interim position.

There are multiple iterations of policy and procedure which have been in use during the East Ayrshire Council period- initially this was in the form of the Strathclyde Region policies and procedures described above- we have been unable to locate copies of these however they are referred to by name in the relevant Committee Report dated 7 December 1995 and referenced elsewhere in this report.

During the period of East Ayrshire Council fostering procedures and guidance have been captured in different documents- there are procedures explicitly described as 'Fostering Procedures' and other documents such as carer agreements, and a Foster Care Pilot Contract (1998) which also outlines important procedures and guidance.

The main timeline of policy and procedure in relation to fostering is described below:

1996-1998	Strathclyde Regional Council policy and guidance
1998-2007	'Foster Care Pilot Contract'
2008-2017	'East Ayrshire Council, The Caring Contract for Carers'
2017-2020	'Fostering Procedures and Practice Guidance'

The procedures and guidance related to fostering is too lengthy to copy in their entirety within the submission, although the full documents are available to view if required.

Many of the elements of the policy and guidance relate to specific questions raised by the enquiry and these will be outlined in separate sections of this document.

The most relevant sections of the above documents outlined the following:

Strathclyde era Policy and Guidance:

As indicated above, we have been unable to locate copies of the policies and procedures as they have not been stored for reference.

Foster Carer Pilot Contract (1998):

The Pilot Contract was created in order to adhere to the requirements of the Children (Scotland) Act 1995, The Fostering of Children (Scotland) Regulations and Guidance, (regulation 8) which required a written agreement to be in place between a local authority and foster carers outlining certain matters specified in the regulations.

It is further noted, in a report to the Social Work Committee, dated 1 April 1998, that "within the contract a variety of procedures are detailed: Matching and introduction arrangements, Placement Arrangements, Carers Reviews, Complaints, Child Protection, Disruption, and Emergency Transfer"(p2).

East Ayrshire Council, The Caring Contract for Carers (2008)

Within this document there is reference to the statutory context as being; National Care Standards, Foster Care and Family Placement Services; Fostering of Children (Scotland) Regulations and Guidance 1996. Arrangements to Look After Children (Scotland) Regulations and Guidance 1996. Children (Scotland) Act 1995, East Ayrshire Policies and Procedures.

The contract outlined 4 registration categories of carers, Level 1 (registered pre-1996), Level 2 (Some restrictions on placement availability), Level 3 (more challenging/ long term placements; wider registration) Level 4 (Respite Carers). It was stated that "Carers are registered depending on their level of knowledge; experience; availability and ability to care for a wide range of children, both in terms of age and needs". Core skills required for carers were broadly similar to the previous iteration, with the

	<p>addition of "ability to commit to regular formal and recorded supervision", "An understanding that there will be <u>no</u> 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".</p> <p>Guidance was given in relation to carers smoking or using alcohol; "carers homes should be a smoke free environment" and in respect of alcohol "at least one carer shall remain sober when the child/ren are in his/her care and the second carer shall maintain an appropriate standard of behaviour whilst drinking alcohol".</p>
<p>b) Was there a particular policy and/or procedural aim/intention?</p>	<p>Earlier versions of the fostering policy and procedures, including Carer Agreements do not set out any procedural aim or intention. The 2017 Fostering Policy and Procedures however include the following, brief reference, "The purpose of this procedure and practice guidance is to set out the duties and responsibilities of the Adoption and Fostering Team with regard to the Foster Care Service" (p4).</p>
<p>c) Where were such policies and/or procedures recorded?</p>	<p>Policies and procedures were recorded either in standalone policy and procedure documents, or within Foster Carer Agreements and Foster Carer Handbooks. These documents were either issued in print form to those required to use them or were stored electronically for use by those professionals required to implement them. Signed copies of Foster Carer Agreements are also stored in foster carer's files.</p>
<p>d) What did the policies and/or procedures set out in terms of the following?</p>	<p>i. <u>Recruitment</u></p> <p>See 4.2 (i) d) X. above.</p> <p>ii. <u>Standard and size of accommodation</u></p> <p>A Draft Service Specification for the fostering service, completed by the fostering manager in November 2007 outlined concisely the expectations in this regard- "The Foster Carer's Home is maintained in good order throughout. Foster carers are expected to provide a safe and positive environment for children placed with them and the Council will continually assess the standard of care provided. This includes the</p>

foster home being able to adequately accommodate all who live there, each child to have their own cot/bed. Warm adequately furnished and decorated, with good standards of cleanliness and hygiene being maintained" (p4).

Expectations in this regard have changed during the period of East Ayrshire Council's existence. Between 1996 and around 2013 there are numerous examples of foster children sharing bedrooms with other foster children, and sometimes even with birth children.

An external inspection of the fostering service, conducted by the Care Inspectorate and published in December 2012, found that "the service was in the process of implementing a 'one child to one room policy' where by children and young people in foster care would not be asked to share a room".

Since 2013 onwards practice within the fostering service has been that no unrelated children should share a bedroom, the criteria for assessment as a foster carer, or adopter reflect this, requiring applicants to have a spare room.

The homes of prospective, and current carers are subject to health and safety checks, fire safety checks, and there is an expectation that the home is well appointed, and family friendly.

01/01/2014

EAH&SCP Foster Carers Agreement

"Foster carers are expected to provide a safe and positive environment for the children and young people placed with them and the agency will continually assess the standard of care provided" (p5). Foster carer's house hold must be "able to allow each child/young person their own bed and accommodation arrangements, which reflect their assessed need for privacy and space" (p5)

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

Assessment of the number, age and gender of children that foster carers can care for has been based on a combination their assessed parenting capacity and the physical space in their home. In the early years of East Ayrshire Council, circa 1996 to 2005 some applicants approved at Panel did not have very specific decisions made, or recorded about the number, age and gender of children they could care for. It may be that at the approval panel, this information was discussed, but recommendations were not always recorded clearly enough. When reviewing the Panel Minutes of all foster carers approved since 1996 there is a clear trend of greater specificity of recommendations at Panel, this increasingly being linked explicitly to the assessed capacity of the prospective foster carers.

National guidance in terms of placement limits is adhered to, with a maximum of 3 unrelated children able to be placed with one family at one time.

Prior to this upper limit coming into place there were examples of foster carers having too many children placed with them, with, on rare occasions up to seven children in one household (this appears to have been rare, for short periods and linked to acute placement pressure).

12/12/2012 Inspection Report- East Ayrshire Council Fostering Service

Room sharing- "The service was in the process of implementing a 'one child to one room policy' where by children and young people in foster care would not be asked to share a room".

iv. Pre-approval/registration checks

During the East Ayrshire Council period certain checks have consistently been required for prospective foster carers as part of the assessment-

- Police checks/ PVG checks from 2010
- Medical checks (with applicants GP, report by Agency Medical Advisor)
- Personal references

- Employer references
- School/nursery references

Developments in practice and learning from serious case reviews have led, over time, to further references and checks being required:

- References from all significant ex-partners
- References from all care sector employment
- 2 personal references
- A family reference
- Where a couple is applying, a referee who knows the applicants as a couple
- References and interviews with all birth children of the applicants, and any child parented by the applicants (e.g. step-children)

References

07/02/2008 Adoption and Permanency Panel Business Meeting minute (doc 53)

Discussion regarding how the agency conducts ex-partner checks for prospective carers and adopters-informed by findings of Brighton and Hove serious case review. Agreed draft guidance to be drawn up-"it was felt that all applicants required to be made aware from the onset of their application, that ex-partners could be approached for further information" (p2).

01/06/2008 Administration Procedure Note "Adoption and Fostering Assessments using form F1" (doc54)

List of checks/ reference templates for use in assessment- General Practitioner, Chief Nursery Officer, Local Authority Check, Head Teacher, School reference, employee reference.

01/04/2012 Procedure and Practice Guidance for Protection of Vulnerable Groups & Enhanced Disclosure Applications'

"For the purposes of PVG, being a foster carer is considered to be regulated work and resultantly foster carers will be subject of the PVG scheme. Those who are living in the household of the child, but are not named on any order, are not doing regulated work in that regard" (p5).

"This would include adults over 16 living in a household where there is a registered care service, for example relatives of childminders, foster carers, prospective adopters or lodgers" (p5). The policy notes that adults who are "named on the Children's List or Adult's List debar them from undertaking the work for which they have applied" (p8). "With regards to work with children, there may be an exception to this from a legal perspective by virtue of a provision contained within a supervision requirement...the reason being that in terms of section 34 to 37 of the 2007 Act do not apply to work as a foster carer...where the work is done in pursuance of a supervision requirement. Where such circumstances have occurred, social workers or lead professionals should discuss it immediately with their line manager and the senior manager should be alerted" (p8).

Review arrangements "the Corporate Management Team, at its meeting on 1 November 2010 considered a report on 1 November 2010 on the introduction of the PVG Scheme and agreed that all employees in regulated work and in posts which meet the enhanced disclosure criteria be subject to re-checking every 3 years" (p10). "The procedure identified...above, will apply to volunteers and carers" (p10). Procedure stipulates that Foster carers require to be PVG Scheme members, whilst adult members of a carer's household require to complete Enhanced Disclosure Checks (p10). "Children and protected adults who are cared for or supported by volunteers, personal assistants, foster carers, adopters or kinship carers are often very vulnerable, related to their circumstances which give rise to their need for such care, and require appropriate care and support by members of the social work service as well as the people who care for them. It is crucial, therefore, that careful attention is given to these procedures when undertaking Enhanced Disclosure Checks or applying for PVG membership to help ensure the safety and wellbeing of these vulnerable groups in their care placements" (p11).

Procedures state specifically for foster care applications "it is important to carefully go over the requirements of the service and make it explicitly clear that no previous offences are considered spent-

all previous offences must be declared and they will all be considered as part of the assessment process" (p13). "It should be made absolutely clear that where an applicant does not disclose an offence, regardless of the nature or seriousness of the offence, which is later revealed in the Enhanced Disclosure Check then they will be automatically discontinued from the assessment process" (p13).

01/07/2012 Fostering and Adoption Services: Assessment/ Approval Criteria (doc56)

"All adult family members who will be in regular contact with the children placed shall have disclosure checks completed on them as part of the assessment process" (p1). Previous partners- "taking account of findings from national enquiries regarding the importance of obtaining information from applicant's previous partners, particularly where there have been children involved in the relationship, every attempt will be made to check information from previous partners and their children" (p2).

v. References

See iv above.

vi. Foster care agreements

Foster carer agreements have been in place within East Ayrshire Council since 1998, beginning with the Foster Carer Pilot Contract. This document, and subsequent iterations outline the core expectations of foster carers, and what they can expect from East Ayrshire fostering service in terms of support, training and remuneration. The Foster Carer agreement has been updated several times, 2007, 2014 and most recently in 2018.

All of these documents lay out aspects of policies and procedure and expectations of foster carers- where these touch upon the sub-topics requested by the Inquiry, detailed information has been included within the relevant sections of this report.

vii. Induction

Current foster carers with East Ayrshire Council go through an induction process following their approval as carers and prior to taking a child into their home. The process and content of the induction pack has been broadly similar between 2013-20. Earlier versions of the induction pack and process are no longer available.

Induction of carers is usually done by the Supervising Social Worker, working with the carer/s in their home. Key topics covered include:

- Data Protection
- Confidentiality and Record Keeping
- Supervision
- Learning and development
- Respite/ short breaks
- Safer Care
- Legislation
- Foster Carer's Agreement
- Care Standards
- Looked After and Accommodated Children

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

Since 2015 transfer of foster carers has been handled in accordance with the Transfer of Foster Carers Protocol (2015) which was developed by The Fostering Network and agreed for implementation by Social Work Scotland. Prior to this a similar document, the West of Scotland Transfer Protocol outlined best practice in this area, including the need for close liaison between the agencies involved, sharing of information, references, and for the needs of any children in placement to be paramount.

The 2015 Protocol document states; "Safeguarding the needs of any child in placement is paramount". (p1). "Consideration must be given to the views of the child" (p1). "Where it has been agreed that a child

is to remain with their existing foster carer the best interests of the child should be paramount. Foster carers should not be required to transfer agency solely to secure agreement to a plan for a child" (p3).

"For the purposes of informing a new assessment of a person's suitability to foster, the sharing of information held in existing records is permitted providing that the explicit and informed consent of all parties has been given. This includes information relating to foster carers and adult members of their household" (p3).

"Information that is shared can include: a comprehensive reference from originating authority, record of foster carer learning and development, minutes of most recent foster carer review, supervision notes, foster carer assessment form, e.g. Form F or Skills to Foster assessment, references from third parties (with consents). This information should detail current skills, abilities, areas for development and identify any issues or concerns around an individual's suitability to foster" (p3). "Due to the protective nature of the fostering task, if consents are withheld the receiving agency should give consideration as to whether they should proceed with the transfer" (p4).

ix. Review/supervision

Supervision

From early on in the development of East Ayrshire Council's fostering service, the importance of regular and supportive supervision of foster carers was recognised, with increases in staffing explicitly linked to this motivation. A minute of the Fostering and Adoption Panel on 11 May 1999 (doc59) noted that foster carers receive fortnightly supervision.

East Ayrshire Council, 'The Caring Contract for Carers' (2008)

The expectations in this area appear to have changed by 2008 as the 'Caring Contract for Carers' stated; "The family placement supervisor will arrange to meet with you on a regular basis for formal supervision sessions and family visits. Supervision will take place at a minimum four times per year (post approval year 1) and a minimum of three times per year thereafter" (p11).

This document included the statement that are core skill of foster carers is the "ability to commit to regular formal and recorded supervision" (p5).

01/01/2014 EAH&SCP Foster Carers Agreement

"The Corporate Parenting social worker will meet with the carer not less than four weekly, unless agreed otherwise at the annual foster carer review, for formal supervision sessions and family visits" (p8).

Review

01/04/1998 Children, Families and Criminal Justice Sub-committee Children's Carer and Foster Carer's Pilot Contract (doc61)

Annual review- 'The social work department is required by law to review the approval of Foster Carers. An annual review will be appropriate in most cases, although changes of circumstances...or a complaint or allegation made by or against a Carer, would merit an additional review'.

"The purpose of the carer's home review is to review the service offered, identify strengths and weaknesses, review personal development over the past 12 months, identify training needs, review the quality of support and supervision provided by the Social Work Department, and discuss any changes in the Carers circumstances and how they impact the fostering task".

01/01/2008 East Ayrshire Council, The Caring Contract for Carers

"Reports will be submitted by the family placement supervisors, the carers and their birth children. In addition, social workers whose children have resided in the family up to 12 months prior to the review or who currently reside there will be asked to submit a report. The 'Young Person's Worker, Who Cares' will report the views of children/ young people in placement".

In terms of review the service standard has consistently been that reviews of all foster carers should take place annually, this was also highlighted in the Service Specification, November 2007, "carers should be reviewed on an annual basis. At this time all relevant checks should be updated. In addition reports should be requested on the level of care given to children who are placed with the carer" (p5).

The 'Caring Contract for Carers' (2008) stated that "Reports will be submitted by the family placement supervisors, the carers and their birth children. In addition, social workers whose children have resided in the family up to 12 months prior to the review or who currently reside there will be asked to submit a report. The 'Young Person's Worker, Who Cares?' will report the views of children/ young people in placement".

2007/08 Foster Carer Handbook

The carer handbook notes that a review will be held annually or in the event of significant circumstance change; carers required to notify SSW of any changes to household composition, criminal charges, health issues, employment changes

01/01/2014

EAH&SCP Foster Carers Agreement

"The foster carer(s) circumstances and registration is reviewed annually in accordance with the Looked After Children (Scotland) Regulations 2009" (p3). Core skills and tasks outlined- very similar if not identical to previous version of the agreement. Providing a positive environment "Foster carers are expected to provide a safe and positive environment for the children and young people placed with them and the agency will continually assess the standard of care provided" (p5).

x. Training

No specific policies and procedure documents have been found dating prior to 2017 which outline the training foster carers were required to undertake, or which was available to foster carers. Information on training can be gleaned from other sources, such as the minutes of Fostering Panels, inspection

reports and review of carer's training records. Some of this information is referred to later in this report in relation to adherence to policies and procedure in this area.

xi. Personal development

See above- training.

xii. Disciplinary actions

See 3(i) d) vii, above.

xiii. Removal of approval/registration

The **Foster Carer Pilot Contract (1998)** outlines the procedure to be followed where carers require to be de-registered, this applies whether carers wish to be de-registered, i.e. resignation, or are being de-registered by the service due to concerns. It is stated, "should a situation arise that results in a recommendation by the Social Work Department that the Carer(s) is de-registered, all relevant information will be presented to the Fostering and Resources Panel, who will decide if de-registration is appropriate. If the Fostering and Resources Panel recommend de-registration, this recommendation will be passed to the Director, Children, Families and Criminal Justice, who will advise carers of her decision in writing"(p12).

Children's Carers have the following rights:

1. To have a copy of the report which was submitted to the Fostering and Resources Panel, and to provide their own if they wish
2. To attend the Fostering and Resources Panel that will consider their case; to be accompanied by a friend or adviser to be able to put their view to the meeting, and to be able to have included on file their written reports if they wish.
3. To receive the decision in writing" (p12).

	<p>The Foster Carer's Handbook, circa 2007/08 states the following in terms of this matter; where there are complaints or serious allegations, there is a duty of the social work department to investigate. Support will be offered by the Supervising Social Worker but Fostering Network are available for independent support. Where necessary a Foster Carer Review may be scheduled to look at training needs, or 'if particularly serious, it could recommend de-registration of foster carers'.</p> <p>01/01/2008 East Ayrshire Council, The Caring Contract for Carers "Should a situation arise that results in a recommendation that the carer(s) is de-registered, all relevant information will be presented to the fostering and resources panel, who will decide if de-registration is appropriate".</p> <p>Carers have the right to view reports submitted to panel, to attend Panel and to have someone accompany them explained. Following the Panel carers have the right to receive the decision in writing and to appeal this within 28 days in writing.</p>
<p>e) Who compiled the policies and/or procedures?</p>	<p>No author is noted on most iterations of fostering policies and procedure during the East Ayrshire Council period, with the exception of the 2017 Fostering Procedures and Guidance, which is known to have been compiled by Angela Gillies, the registered manager of the fostering service at that time.</p>
<p>f) When were the policies and/or procedures put in place?</p>	<p>Dates are given above.</p>
<p>g) Were such policies and/or practices reviewed?</p>	<p>Yes- policies and procedures were reviewed from time to time and details are provided above.</p>
<p>h) If so, what was the reason for review?</p>	<p>No reasons for review are explicitly recorded, though there have been changes to national legislation and guidance and there have also been findings from serious case reviews which have necessitated changes to policy and procedures.</p>

<p>i) What substantive changes, if any, were made to the policies and/or procedures over time?</p>	<p>In the areas above the most significant changes have been in relation to supervision of foster carers which now takes place a minimum of 4 weekly, with a focus on reflective practice.</p> <p>Foster carers are also required to undertake a minimum of 30 hours per year of agreed learning and development activity which is tailored to suit their individual needs. Foster carers are required to undertake nurture training which includes attachment and trauma, as well as behaviour management training, currently Therapeutic Crisis Intervention.</p> <p>In relation to the review of foster carers, all foster carers now require an annual review, which either be a review by the Fostering and Resources Panel, or an internal review chaired by a manager within the fostering and adoption service. The primary purpose of the review is to review the continued suitability of the foster carer/s, and is informed by reports completed by the views of the foster carer, children in placement, social workers of children in placement, birth parents of children in placement, the views of foster carer's children and the assessment of the supervising social worker.</p>
<p>j) Why were changes made?</p>	<p>See h) above.</p>
<p>k) Were changes documented?</p>	<p>Changes between versions of policies and procedure has not been consistently documented.</p>
<p>l) Was there an audit trail?</p>	<p>No</p>
<p>Present</p> <p>m) With reference to the present position, are the answers to any of the above questions different?</p>	<p>Checks and references</p> <p>The 2017 Fostering Procedures and Guidance formalised and captured much of the practice which was in place in East Ayrshire Council and built upon this with up to date guidance and legislation and practice across Scotland.</p> <p>The following checks and references are now required as standard for all fostering and adoption assessments. All addresses since birth, all ex-partners "where a relationship has existed for 2 years and/or co-habitation should be asked to provide a reference" (p6). "All children should be interviewed as part of the assessment process whether living at home or not" (p6). "For each applicant a reference</p>

should be taken from 2 individuals and one family member. For couples, a further reference is required from someone who knows them as a couple" (p7).

25/08/2017 Fostering Procedures and Practice Guidance

PVG checks to be done and where applicants do not disclose offences which show on PVG "they will automatically be discontinued from the assessment process" (p6). Checks and references- All addresses since birth/ all ex-partners "where a relationship has existed for 2 years and/or co-habitation should be asked to provide a reference" (p6). "All children should be interviewed as part of the assessment process whether living at home or not" (p6). "For each applicant a reference should be taken from 2 individuals and one family member. For couples, a further reference is required from someone who knows them as a couple" (p7).

Supervision

Current Position- currently the service standard for fostering is that all carers must receive formal, recorded supervision at minimum of 4 weekly, unless a different frequency has been agreed in the context of an annual review.

Supervision sessions currently focus on the following matters (doc60):

- Update on child/ren placed
- Reflection on practice
- Record Keeping
- Support/Learning Needs of carer/s
- Changes in Carer's Circumstances
- Carer Support/ Respite Arrangements

25/08/2017 Fostering Procedures and Practice Guidance

These procedures stipulate that 'Skills to Foster' is the training to be used for prospective foster carers.

	<p>Foster Carer Induction includes; finance; supervision; child protection; confidentiality and record keeping; key legislation (p8). In terms of core training "all foster carers providing foster care for children over 7 years of age will be trained in behaviour management currently using the TCI (Therapeutic Crisis Intervention) Model" (p9). "All foster carers will also undertake 4 day Nurture Training at the earliest opportunity and engage in the development of nurture practice via supervision" (p9). "Every foster carer will have a 'Personal Development Plan' initiated at assessment stage and presented to the Approval [Fostering and Resources Panel] and to each Foster Carer Annual Review" (p9).</p>
n) If so, please give details.	Not applicable- information provided above.
ii) Practice Past a) Did the local authority adhere in practice to its policy/procedures in relation to foster care?	<p>No evidence has been gathered as part of the response to the Inquiry which suggests a systematic, or widespread lack of adherence to policy and procedures in the fostering service- as indicated above the service is regularly externally inspected, and there are internal quality assurance mechanisms which operate to promote high service standards.</p>
b) Did the local authority adhere in practice to its policy/procedures in terms of the following?	<p>i. <u>Recruitment</u></p> <p>No evidence has emerged during the compilation of this report to suggest that the fostering service deviated from policy and procedure on a systemic level during the period of East Ayrshire Council's existence, there will inevitably have been individual circumstances over the years where there has been some form of deviation from the formal policy. The fostering agency has been subject to regular external inspection and this would have helped to highlight any issues.</p> <p>ii. <u>Standard and size of accommodation</u></p>

Case file audit activity, as well as a review of all of the minutes of the Fostering and Resources Panel from 1996 to 2014 have highlighted some individual situations where there has been concern about the standard of a foster carer's accommodation and occasionally also foster carers who had been caring for too many children for the size of their home, or who were operating outwith their approval (i.e. caring for more children than they were approved for).

Overall however it appears that these situation have been unusual occurrences and that there has been broad adherence to policies and procedure in this area.

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

See ii) above.

iv. Pre-approval/registration checks

Case file audit activity, as well as a review of all of the minutes of the Fostering and Resources Panel from 1996 to 2014 suggests that there has been broad adherence to policy and procedure in this area and that the Fostering and Resources Panel, particularly from circa 2008 onwards became more effective in its role of scrutinising quality and providing an additional safeguard in the process to ensure key policies and procedures were adhered to in respect of the completion of pre-approval checks.

v. References

See iv) above.

vi. Foster care agreements

Case file audit activity, as well as a review of all of the minutes of the Fostering and Resources Panel from 1996 to 2014 suggests that there has been broad adherence to policy and procedure in this area; no evidence has been located suggesting a significant lack of adherence to policy in this area.

vii. Induction

See vi) above.

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

See vi) above.

ix. Review/supervision

10/10/2013 Inspection Report- East Ayrshire Council Fostering Service

Reviews of carers- "The new fostering team manager had quickly addressed the need for a number of foster carers to have their review meetings, many of which were overdue. All foster carers had attended reviews, some returning to the approval panel in line with the regulatory framework".

10/10/2013 Inspection Report- East Ayrshire Council Fostering Service

Supervision- "A recommendation in the last report outlined the need for foster carers to receive regular supervision. We found staff had clearly worked hard to maintain regular contact with foster carers despite staff shortages...However, foster carers were not receiving regular supervision which involved full discussion about their practice and development. The recommendation from the last report will therefore be repeated".

x. Training

14/09/2000 Social Work Committee, 'Report on Foster Care Services' Report by Director of Education and Social Services-

"All of these [fostering] families have been prepared and trained within the criteria set by the UK National Standards in Foster Care, the COSLA Foster Care Guidelines 2000 and the Council's Foster Care Procedures" (p1). We have a record that the above documents existed but have been unable to locate copies in order confirm the contents of these.

12/02/2015 Inspection Report- East Ayrshire Council Fostering Service

"Training was provided to foster carers which had included; attachment and brain development, managing challenging behaviour and safer caring. We also found that staff members supplemented carers training with discussion on child development and the impact of childhood trauma" (p12). "A training and development record has been put in place for each foster carer with dates agreed for an expanded range of training to be attended by all foster carers" (p12).

01/10/2015 Report: Key Developments in Adoption and Fostering Services (doc62)

"Carer's learning and development needs are identified through supervision with a focus on learning and development. Under East Ayrshire learning and development framework, foster carers are required to undertake a minimum of 30 hours learning and development activity per year" (P20). From the available documents there is not a clearly laid out programme of core training for foster carers at this point in time, though it is evident that there is a greater focus on learning and development than was the case previously. It is possible that the service operated with a clear understanding of what training carers should undertake, but that this has not been preserved in the documents available when compiling this report.

xi. Personal development

See x) above.

xii. Disciplinary actions

See vi) above.

xiii. Removal of approval/registration

04/10/2012 Adoption and Fostering Panel- business meeting

"Mr Lyon, Senior Manager (Authority Wide Services) had noted that the practice for resignations has not been clear in the resignations brought to panel in the last few years. Resignation always has to be noted

	<p>by panel but the items that have been brought to panel noted a number of issues in the placements, these should have been brought to panel before it got to the point of resignation".</p> <p>The above quote highlight an issue that was evident from the audit of minutes from the Fostering and Resources Panel, whereby foster carers could choose to resign and any concerns which had existed were not consistently evident in the reports and discussion put before Panel.</p>
c) How was adherence demonstrated?	A range of mechanisms have been in place to ensure adherence to policy and procedure- these include, scrutiny and review by; line managers, Service Managers, Senior Managers, Fostering and Resources Panel, Agency Decision Maker, external inspection, internal audit and self-assessment.
How can such adherence be demonstrated to the Inquiry?	Inspection reports from the period can be made available, as can the results of case file audit activity.
d) Were relevant records kept demonstrating adherence? e)	Records of self-assessment and internal audit have not been systematically stored for future reference. The minutes of all Fostering and Resources Panels since 1996 have been retained electronically and are available for sampling or review if required.
f) Have such records been retained?	See e)
g) If policy/procedure was not adhered to in practice, why not?	Due to the breadth of policy, procedure and guidance in respect of the fostering service it is difficult to be confident that all aspects of policy and procedure have been followed at all times- there will inevitably be situations where policy was not followed as precisely as it may have been. Prior to the inception of East Ayrshire Council we have only been able to source fragments or references to policy and procedure against which to measure practice. The file review for the whole period and examination of panel minutes and inspection reports which are available for the East Ayrshire period has not uncovered evidence of systematic failings.
Present h) With reference to the present position, are the	Information regarding the present position with respect to each sub-heading has been included within the information provided above.

<p>answers to any of the above questions different?</p>	
<p>i) If so, please give details.</p>	<p>See above.</p>
<p>4.5 <u>Other members of the foster carer's household</u></p> <p>(i) Policy</p> <p>Past</p> <p>a) What policies and/or procedures did the local authority have in place in relation to other members of the foster carer's household?</p>	<p>All of the information below applies to the East Ayrshire Council period, 1996 to date, unless otherwise specified.</p> <p>Limited information about the policy, procedures from predecessor authorities (ACC and SRC) have been located by East Ayrshire Council during this exercise.</p> <p>There are no standalone policies and procedures in respect of household members of foster carers, though there have been various policy positions laid out in different documents over the years since East Ayrshire Council was formed in 1996:</p> <p>The Foster Carer Pilot Contract (1998) stipulates that "The Children's Carer [Foster Carer] is obligated to give written notice to the authority, with full particulars of: a) any change of address. b) "Any change in the composition of the household, any other change in personal circumstances and any other event affecting either his/her capacity to care for any child placed of the suitability of his/her household and any criminal convictions arising between approval and subsequent reviews" (p10).</p> <p>An East Ayrshire Council Foster Carer's Handbook (circa 2007), states that a core responsibility of foster carers is that they; "Give notice to the department of...any change in the composition of your household; any other event affecting either of the carers capacity to care for any child placed or the suitability of the household and any criminal convictions arising between approval and subsequent care reviews; the outcome of any request or application made by the carer or any other member of the household to foster or adopt children or for registration under Section 71 of the Children (Scotland) Act 1995 or any subsequent amendment of that Section" (p7).</p> <p>The 'Caring Contract for Carers', 2008 states in this regard; "annual enhanced disclosure checks and local authority checks for all members of your household over 16 years of age, as well as family respite carers and approved babysitters will be carried out prior to review" (i.e. annually).</p>

01/04/2012 Procedure and Practice Guidance for Protection of Vulnerable Groups & Enhanced Disclosure Applications'

"For the purposes of PVG, being a foster carer is considered to be regulated work and resultantly foster carers will be subject of the PVG scheme. Those who are living in the household of the child, but are not named on any order, are not doing regulated work in that regard" (p5). Non-regulated work- "This would include adults over 16 living in a household where there is a registered care service, for example relatives of childminders, foster carers, prospective adopters or lodgers" (p5).

This procedure stipulates that Foster carers require to be PVG Scheme members, whilst adult members of a carer's household require to complete Enhanced Disclosure Checks (p10). "Children and protected adults who are cared for or supported by volunteers, personal assistants, foster carers, adopters or kinship carers are often very vulnerable, related to their circumstances which give rise to their need for such care, and require appropriate care and support by members of the social work service as well as the people who care for them. It is crucial, therefore, that careful attention is given to these procedures when undertaking Enhanced Disclosure Checks or applying for PVG membership to help ensure the safety and wellbeing of these vulnerable groups in their care placements" (p11).

01/07/2012 Fostering and Adoption Services: Assessment/ Approval Criteria

"All adult family members who will be in regular contact with the children placed shall have disclosure checks completed on them as part of the assessment process" (p1).

The **Fostering Policy and Procedures (2017)**, refer to the possibility of family members, or friends of foster carers becoming a formal part of the carers support network; "Foster Carers will be encouraged to identify their own short break carers from family or friends, in the first instance. This allows for continuity of care and for the child/ren to remain within the extended caring family. This enables child/ren to be placed with people who are known to them.

	<ul style="list-style-type: none"> • An assessment of the families short break carer may be presented to the Fostering and Resources Panel if there is to be a financial arrangement. This will include full checks and medicals and a brief background assessment. • The foster Carer MUST obtain agreement from the Corporate Parenting Social Worker in advance for the child to live, even temporarily, away from the foster carer's household or for someone else to temporarily to take care of the child" (p11-12).
b) Was there a particular policy and/or procedural aim/intention?	No particular procedural intention is expressed in any of the documents referred to above with regard to other members of the foster carer's family.
c) Where were such policies and/or procedures recorded?	Policies and procedures relating to family members of foster carers were recorded in the documents referred to in a) above.
d) Who compiled the policies and/or procedures?	Most of the documents referred to have no named author- the 2017 Fostering Policy and Procedure, was compiled by Angela Gillies, the registered fostering manager at that time.
e) When were the policies and/or procedures put in place?	Dates for the different documents are provided in a) above.
f) Were such policies and/or practices reviewed?	Policies and procedures were updated from time to time and this is evident over the time period 1996 to 2017 outlined in a) above.
g) If so, what was the reason for review?	No reason is given for any changes, although the introduction of the PVG/ Disclosure Scotland system was a factor in the types of checks relating to criminal records/ Police records from 2012 onwards.

h) What substantive changes, if any, were made to the policies and/or procedures over time?	See a) above.
i) Why were changes made?	See g) above.
j) Were changes documented?	Updated policies did not explicitly record changes from the previous version of the policy. Changes were not explicitly documented.
k) Was there an audit trail?	No.
<p>Present</p> <p>i) With reference to the present position, are the answers to any of the above questions different?</p>	<p>No major changes have been made to policies and procedure in this area since 2017 and this current position is outlined in a) above. Current position re family members/ friends:</p> <p>The Fostering Policy and Procedures (2017), refer to the possibility of family members, or friends of foster carers becoming a formal part of the carers support network; “Foster Carers will be encouraged to identify their own short break carers from family or friends, in the first instance. This allows for continuity of care and for the child/ren to remain within the extended caring family. This enables child/ren to be placed with people who are known to them.</p> <ul style="list-style-type: none"> • An assessment of the families short break carer may be presented to the Fostering and Resources Panel if there is to be a financial arrangement. This will include full checks and medicals and a brief background assessment. • The foster Carer MUST obtain agreement from the Corporate Parenting Social Worker in advance for the child to live, even temporarily, away from the foster carer's household or for someone else to temporarily to take care of the child” (p11-12).

m) If so, please give details	Not applicable.
<p>Practice</p> <p>Past</p> <p>a) Did the local authority adhere in practice to its policy/procedures in relation to other members of the foster carer's household?</p>	<p>4.5 (i) (a) above details procedure relevant to other members of the foster carer's household. Evidence of adherence in practice will be located within individual case files, of which there are too many to document. However, whilst there is no specific single piece of documentary evidence which can be provided to the Inquiry which details that the local authority adhered in practice to policy/procedure, no evidence of systematic lack of adherence to policy and procedure has been uncovered during case file audits, review of Fostering Panel minutes, inspection reports and reports to Council Committees.</p> <p>As indicated above there is very limited formal policy and procedure laid out during the East Ayrshire Council period which relates to the family members of foster carers. Further, aAs with a number of the other areas referred to in this report, there are a range of mechanisms in place to ensure adherence to the relevant policy and procedure, which include checks made prior to annual foster carer review, or review by Fostering Panel, and routine audit activity.</p>
b) How was adherence demonstrated?	<p>Adherence to Policy and Procedure in the fostering service in general is and was monitored via a range of mechanisms, both internal and external which include but are not limited to:</p> <ul style="list-style-type: none"> • Quality Assurance by managers and Service Managers • Internal auditing • Self-assessment • External inspection • Scrutiny by Fostering and Resources Panel • Agency Decision Maker scrutiny • Reporting to Council Committees such as Social Work Committee, Cabinet, Integrated Joint Board
c) How can such adherence be demonstrated to the Inquiry?	Records of checks, e.g. Disclosure Scotland being undertaken for family members are recorded in foster carer's files and are checked at annual review.
d) Were relevant records kept demonstrating adherence?	Foster carer records are retained in accordance with the Council's retention schedules.

e) Have such records been retained?	See d) above.
f) If policy/procedure was not adhered to in practice, why not?	No evidence has been uncovered during the process of compiling this report which suggests that policy and procedure has not been adhered to on a regular basis. As stated elsewhere in this report, there will inevitably have been individual situations over the period of East Ayrshire Council's existence, and such situations would necessarily require individual explanations.
Present g) With reference to the present position, are the answers to any of the above questions different?	All relevant information has been provided above.
h) If so, please give details.	Not applicable.
4.6 Placement of children by the local authority with foster carers approved/registered by other local authorities or organisations (i) Policy Past a) What policies and/or procedures did the local authority have in place in relation to placement of	All of the information below applies to the East Ayrshire Council period, 1996 to date, unless otherwise specified. Limited information about the policy, procedures from predecessor authorities (ACC and SRC) have been located by East Ayrshire Council during this exercise. The closest to a policy or procedure in this area in this area which has been located is a document titled ' Foster Care Placement and Approval Procedure ' (doc64), which was produced in 2012 and approved for use in 2013. This document "sets out the procedure to be followed by social work staff when seeking to use a foster care resource. It includes the steps required and the process of authorisation, and recording" (p3). Some of the factors to be considered when making a fostering placement, whether with internal or external foster carers, are laid out as below:

<p>children with foster carers approved/registered by other local authorities or organisations?</p>	<p>“The Corporate Parenting Team duty Social Worker / Resource Worker shall take the following into consideration when matching the needs of the child or children with in-house foster carers or when considering the use of external foster care agencies:</p> <ul style="list-style-type: none"> • Placement Outcomes • Geography • Contact arrangements • Other children in placement • The needs of the child or young person • The length of time for which the placement is needed • Any additional support needed by the carers, this includes additional resources which may incur additional finance • Availability of extended family & Kinship Care • Support from EAC Intensive and or Family Support Services • East Ayrshire Support Team involvement • Educational provision / Psychological support • Health need” (p4). <p>“If a placement seems likely the Corporate Parenting Team duty Social Worker / Resource Worker will inform the child or young person’s Social Worker of the placement details. If there are no suitable in-house foster placements the Corporate Parenting Team duty Social Worker / Resource Worker will inform the Corporate Parenting Team Manager, who may authorise a “scoping exercise” (the identification of possible placements which may meet the needs of the child to reduce the risk that, in the event that a placement is both required and approved by the Senior Manager, to determine the availability of suitable placements, pending the decision to have the placement authorised by the Senior Manager). To be carried out immediately”(p5).</p> <p>“Social Worker / Resource Worker will contact, in the first instance, the external foster care agency providers with whom the Council has a negotiated contract, and thereafter search other providers. When a match has been found, the Corporate Parenting Team duty Social Worker / Resource Worker is responsible for preparing the foster family/agency for the placement. This includes ensuring that the</p>
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	<p>carer/agency has the right equipment (where needed) and for ensuring that they are told of all the information available to the Corporate Parenting duty Social Worker / Resource Worker”(p5-6).</p> <p>“The child or young person’s Localities Social Worker or Lead Professional will speak to the identified carer/agency to provide additional information and to agree how and when the placement will start. If possible this should include introductory visits. Where family crisis or any other process has hindered or prevented forward planning and the opportunity for introductions the Corporate Parenting Team duty Social Worker / Resource Worker will provide the child or young person’s Social Worker with information about the skills and resources of the foster carers and an up to date family profile produced by the foster carers. This will enable the Social Worker to reduce some of the anxiety experienced by the child or young person prior to meeting the foster carers”(p5).</p> <p>“External foster care placements should only be for short term, emergency situations and plans should be actively pursued to return children to internal East Ayrshire foster carers as soon as this is possible”(p6).</p> <p>As an appendix to this document there is a template for a referral form which contains key information about the child and the reason that the placement is required- a risk assessment framework is also included.</p> <p>No other policy, procedure or guidance documents have been found which speak to the placement of children with carers approved by agencies other than East Ayrshire Council.</p>
<p>b) Was there a particular policy and/or procedural aim/intention?</p>	<p>The introduction to the document referred to above contains the following information which relates to the intentions of the procedure: “The provision of the correct alternative long, medium and short term families for children and young people who cannot live at home with their immediate families or extended families is crucial in helping to ensure their current and future care needs are properly met and outcomes achieved.</p>

	This Procedure highlights the importance of matching the strengths and resources of foster families with the assessed needs of children within the context of a robust system for ensuring information sharing on the changing needs of children and the most appropriate use of valuable Council resources”(p3).
c) Where were such policies and/or procedures recorded?	Electronic and papers copies of the above document were circulated to relevant stakeholders. There is no central store, or library of policy or procedure in which such documents are preserved.
d) Who compiled the policies and/or procedures?	Jim Lyon, Senior Manager, Authority Wide Services.
e) When were the policies and/or procedures put in place?	2013.
f) Were such policies and/or practices reviewed?	No.
g) If so, what was the reason for review?	Not applicable
h) What substantive changes, if any, were made to the policies and/or procedures over time?	Not applicable
i) Why were changes made?	Not applicable
j) Were changes documented?	Not applicable
k) Was there an audit trail?	Not applicable

<p>Present</p> <p>l) With reference to the present position, are the answers to any of the above questions different?</p>	<p>No</p>
<p>If so, please give details.</p>	<p>Not applicable</p>
<p>Practice</p> <p>Past</p> <p>a) Did the local authority adhere in practice to its policy/procedures in relation to placement of children with foster carers approved/registered by other local authorities or organisations?</p>	<p>As indicated above the amount of procedure and guidance relating to the placement of children with external foster carers is relatively limited. Broadly speaking the practice over the period 2013 to 2020 adheres to that outlined above in the vast majority of instances. Exceptions may occur when there is urgency, due to a crisis situation. Overall there have been no significant concerns highlighted as a result of compiling information for this report which suggests that these policies and procedures in this area have not been adhered to.</p> <p>The procedure above includes that external placements are short term and emergency only which is not what has occurred in practice in EAC period although use of external placements has reduced. Where external placements have continued to become long term arrangements this has been a result of it being assessed as being in the best interests of the child not to change placement, or a more suitable placement not being available.</p>
<p>b) How was adherence demonstrated?</p>	<p>As indicated above there is relatively limited policy and procedure in this area, and the bulk of that which is described, e.g. matching the child's needs to the best available resource would constitute best practice.</p> <p>Part of the policy outlined within the Foster Care Placement Approval Procedure involves notifying key personnel of the placement being made- this includes relevant senior managers, finance team and there are opportunities in this process for scrutiny to ensure the policy is being followed.</p>

<p>c) How can such adherence be demonstrated to the Inquiry?</p>	<p>When a fostering placement is needed for a child or young person, and no suitable internal placement is available, the referral form (appendix to the procedure) is completed, a sample of such forms would show that the information required by the policy was compiled and shared with the external fostering agency and carers. If the Inquiry were to require further evidence in this regard a sample of such placements over recent years could quickly be undertaken to quality assure the process which was followed, insofar as it has been recorded on the child's records, and in the recording systems of the Local Authority.</p>
<p>d) Were relevant records kept demonstrating adherence?</p>	<p>Children's files are retained in accordance with relevant retention schedules and would contain information relevant to adherence.</p> <p>The Corporate Parenting Team who have responsibility for finding suitable placements for children retain records of placement search activity going back several years.</p>
<p>e) Have such records been retained?</p>	<p>See d) above.</p>
<p>If policy/procedure was not adhered to in practice, why not?</p>	<p>Not applicable</p>
<p>Present</p> <p>f) With reference to the present position, are the answers to any of the above questions different?</p>	<p>No</p>
<p>g)</p> <p>h) If so, please give details.</p>	<p>Not applicable</p>
<p>4.7 Complaints and Reporting</p>	<p>See relevant section at 4.2 above.</p>

<p>(i) Policy</p> <p>Past</p> <p>a) What policies and/or procedures did the local authority have in place in relation to complaints and reporting about foster care?</p>	<p>All of the information below applies to the East Ayrshire Council period, 1996 to date, unless otherwise specified.</p> <p>Limited information about the policy, procedures from predecessor authorities (ACC and SRC) have been located by East Ayrshire Council during this exercise.</p>
<p>b) Was there a particular policy and/or procedural aim/intention?</p>	<p>None recorded within the policy documents.</p>
<p>c) Where were such policies and/or procedures recorded?</p>	<p>Complaints handling policies and procedures have usually been recorded in standalone documents, which have been approved by a Council Committee, or more recently by the Integrated Joint Board.</p>
<p>d) What did the policies and/or procedures set out on the following:</p>	<p>i. <u>Complaints by children</u></p> <p>See relevant section at 4.2 above.</p> <p>ii. <u>Complaints by foster carers</u></p> <p>See relevant section at 4.2 above.</p> <p>iii. <u>Complaints by family members of children</u></p> <p>See relevant section at 4.2 above.</p> <p>iv. <u>Complaints by third persons</u></p>

	<p>See relevant section at 4.2 above.</p> <p>v. <u>Whistleblowing</u></p> <p>See relevant section at 4.2 above.</p> <p>vi. <u>Support, including external support, for those who made the complaint or those who were the subject of complaint</u></p> <p>See relevant section at 4.2 above.</p> <p>vii. <u>Response to complaints (including response by the local authority)</u></p> <p>See relevant section at 4.2 above.</p> <p>viii. <u>External reporting of complaints</u></p> <p>See relevant section at 4.2 above.</p>
e) Who compiled the policies and/or procedures?	No specific author is named on the policies referred to in relation to complaints- where an author has been named this will be found within the information contained in 4.2 above.
f) When were the policies and/or procedures put in place?	See relevant section at 4.2 above.
g) Were such policies and/or practices reviewed?	See relevant section at 4.2 above.
h) If so, what was the reason for review?	See relevant section at 4.2 above.

i) What substantive changes, if any, were made to the policies and/or procedures over time?	Relevant changes between iterations of the complaints policies and procedures have been outlined elsewhere in this report.
j) Why were changes made?	No explicit reason for changes to the policies is recorded within the policies themselves, though drivers for change would include changes to legislation, regulation and national guidance and ongoing efforts to improve standards in this area.
k) Were changes documented?	Changes in this area have been well documented as new versions of the policies and procedures have always been formally approved and therefore there is a record of this happening, usually with an accompanying report laying out the changes.
Was there an audit trail?	Yes- see K above.
Present l) With reference to the present position, are the answers to any of the above questions different? m)	No- information regarding the present position has already been provided elsewhere in this report.
If so, please give details.	Not applicable
(ii) Practice Past a) Did the local authority adhere in practice to its	The Council is subject to various forms of monitoring and scrutiny, both internally and externally in the form of inspection agencies, the Scottish Public Service Ombudsman, and internal audit and self-assessment. During the gathering of information for this report, no information has come to light suggesting that the Local Authority has not adhered to its policies and procedures in this area. Inevitably when dealing with a long time period, and a large volume of incidents it is likely to be case that some

<p>n) policy/procedures in relation to complaints and reporting about foster care?</p>	<p>examples would show deviation from policy and procedure but on the available information there is no evidence of a systematic problem in this area.</p> <p>Within the work undertaken to complete this report, a large sample of children and foster carer's records have been either formally audited, or otherwise reviewed, as have the minutes of every Fostering Panel between 1996 and 2014- no evidence has been located which specifically summarises the extent to which the agency adhered to policy and practice in respect of the areas below, perhaps because there was no requirement to record complaints under these headings- for the most part the complaints procedures do not differentiate between complaints by children, foster carers or family members so it would be difficult to gather statistical data with which to measure performance against the policies and procedures.</p>
<p>b) Did the local authority adhere in practice to its policy/procedures on the following:</p>	<p>i. <u>Complaints by children</u></p> <p>There is evidence from the case file audit exercise of children raising complaints about aspects of their care, up to and including allegations of abuse, and of these, usually, being followed through and investigated, although not always to the letter of the procedure in place at the time.</p> <p>ii. <u>Complaints by foster carers</u></p> <p>See a) above.</p> <p>iii. <u>Complaints by family members of children</u></p> <p>See a) above.</p> <p>iv. <u>Complaints by third persons</u></p> <p>See a) above.</p> <p>v. <u>Whistleblowing</u></p> <p>See a) above.</p>

	<p>vi. <u>Support, including external support, for those who made the complaint or those who were the subject of complaint</u></p> <p>See a) above.</p> <p>vii. <u>Response to complaints (including response by the local authority)</u></p> <p>See a) above.</p> <p>viii. <u>External reporting of complaints</u></p>
<p>c) How was adherence demonstrated?</p>	<p>Adherence to Policy and Procedure in the areas above is and was monitored via a range of mechanisms, both internal and external which include but are not limited to:</p> <ul style="list-style-type: none"> • Quality Assurance by managers and Service Managers • Internal auditing • Self assessment • External inspection • Scrutiny by Fostering and Resources Panel • Agency Decision Maker scrutiny • Reporting to Council Committees such as Social Work Committee, Cabinet, Integrated Joint Board
<p>d) How can such adherence be demonstrated to the Inquiry?</p>	<p>Any complaints from foster carers, children in foster care, or their families should be stored in the relevant case records and reviewing an specific complaint against the policy, procedure or guidance which existed at that time would allow for adherence to be demonstrated to the inquiry. The Fostering Service maintains a complaints and allegations log, which is comprehensive from 2013 onwards.</p>
<p>e) Were relevant records kept demonstrating adherence?</p>	<p>All Council and departmental records have been stored in accordance with Corporate Retention Schedules.</p>

f) Have such records been retained?	See above, records are stored in accordance with retention schedules, in many cases it would not be appropriate or practical to store records beyond the timeframe laid out in the schedules which are designed to be in accordance with legislation and national guidance.
g) If policy/procedure was not adhered to in practice, why not?	Not applicable
Present h) With reference to the present position, are the answers to any of the above questions different?	No
i) If so, please give details.	Not applicable
4.8 Internal Investigations (i) Policy Past a) What policies and/or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?	All of the information below applies to the East Ayrshire Council period, 1996 to date, unless otherwise specified. Limited information about the policy, procedures from predecessor authorities (ACC and SRC) have been located by East Ayrshire Council during this exercise. See relevant section at 4.2 above. Throughout the period since East Ayrshire Council was formed the broad approach to such allegations has been that they are dealt with under the child protection procedures and investigated independently of the fostering service.

<p>b) Was there a particular policy and/or procedural aim/intention?</p>	<p>No explicit procedural intention is stated in any of the iterations of policy, procedure or guidance located as part of this report.</p>
<p>c) Where were such policies and/or procedures recorded?</p>	<p>See relevant section at 4.2 above, policy, procedure and guidance has been recorded in the documents referred to in this section.</p>
<p>d) What did the policies and/or procedures set out on the following:</p>	<p>i. <u>Approach to/process of internal investigations</u></p> <p>See relevant section at 4.2 above.</p> <p>ii. <u>Identifying lessons/changes following internal investigations</u></p> <p>Nothing has been found in any version of policy, procedure or guidance which refers to identifying lessons from internal investigations. There is evidence of course of practice developments over time, some of which are likely to be linked to experiential learning within the fostering service and children’s services however without explicit links being referred to in contemporary documentation it is difficult to be clear about the reasons for a particular change.</p> <p>iii. <u>Implementation of lessons/changes following internal investigations</u></p> <p>See ii above.</p> <p>iv. <u>Compliance</u></p> <p>Compliance with child protection procedures has been audited, monitored and reported on in a variety of ways during the East Ayrshire Council period, this includes, planned auditing and reporting by the Child Protection Committee; internal self-assessment and auditing activity; external inspection of services to children, and of the fostering service</p> <p>v. <u>Response (to child and abuser)</u></p>

	<p>See relevant section at 4.2 above.</p> <p>vi. <u>Response to complaints (including response by local authority)</u></p> <p>See relevant section at 4.2 above.</p> <p>vii. <u>External reporting following internal investigations</u></p> <p>Nothing has been found in any version of policy, procedure or guidance which refers to external reporting following internal investigations.</p>
e) Who compiled the policies and/or procedures?	No author is named on any version of the child protection procedures used by East Ayrshire Council since 1996.
f) When were the policies and/or procedures put in place?	See relevant section at 4.2 above.
g) Were such policies and/or practices reviewed?	See relevant section at 4.2 above.
h) If so, what was the reason for review?	Reasons for review are not explicitly provided in any of the procedures, though reference is made within each to the legislation and guidance then extant, which would suggest that updates were in part driven by a need to reflect such changes.
i) What substantive changes, if any, were made to the policies and/or procedures over time?	See relevant section at 4.2 above.
j) Why were changes made?	See h) above.

k) Were changes documented?	Changes in this area of practice have been well documented as each new policy has had to be approved by either a Council Committee or Integrated Joint Board.
l) Was there an audit trail?	Yes- minutes and reports submitted to Committees and Integrated Joint Board
Present m) With reference to the present position, are the answers to any of the above questions different?	No
If so, please give details.	Not applicable
n) Practice Past a) Did the local authority adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?	Case file audits of children in foster have not found evidence of large numbers of such allegations- for the most part allegations do appear to have been followed up in line with the procedures of the time. There are isolated examples which have been located where, with hindsight, more rigorous investigation could have been made regarding concerns, for example some concerns being dealt with the Supervising Social Worker and/or the child's social worker when a formal child protection investigation would have been indicated. This is a small number of cases, and typically the allegations involved were not serious.
b) Did the local authority adhere in practice to its policy/procedures on the following:	i. <u>Approach to/process of internal investigations</u> Case file audits of a large sample of case files of children who have been cared for by East Ayrshire Council foster carers has shown that broadly where concerns about potential abuse existed these were

followed up robustly. There are a small number of cases of varying alleged severity which on review seem to have warranted further investigation than was given. Examples of this would include an allegation of the adult son of a foster carer hitting a child in foster care- this was not investigated under child protection procedures and the handling of the concern at the time was deficient with this being dealt with by the supervising social worker rather than being independently investigated. Information contained in Part D of this response outlines the individual complaints.

ii. Identifying lessons/changes following internal investigations

No explicit policy, procedure or guidance was found in this area.

iii. Implementation of lessons/changes following internal investigations

We have not found evidence of the findings of internal investigations leading *explicitly* to developments in practice or policy, although some extrapolations can be made from particular incidents to later changes for example changes to the approach to domestic violence in the households of prospective foster carers which seem to be linked to a situation where children in a fostering placement were exposed to domestic violence between the carers.

iv. Compliance

Compliance with child protection policy, procedure or guidance has been perhaps the most vigorously monitored and reviewed area of practice in East Ayrshire Council social work services- there has been a robust plan of work, led by the Child Protection Committee to implement procedures, monitor effectiveness and audit activity, with reporting to senior bodies within the Council.

v. Response (to child and abuser)

Based on the cases identified by case file audit as featuring actual or alleged abuse, there does not seem to have been a consistency of practice with regard to informing those involved of the outcome of an investigation, at least in some of the cases identified. This may however be an failure to record the information, rather than a failure of the practice itself.

	<p>vi. <u>Response to complaints (including response by local authority)</u></p> <p>See v) above.</p> <p>vii. <u>External reporting following internal investigations</u></p> <p>Registered fostering agencies are required to notify the Care Inspectorate where an allegation of abuse is received regarding anyone using the service. A review of electronic records on the Care Inspectorate E-Forms service shows that between 2006 and 2020 only 3 such notifications were made by the fostering service in East Ayrshire Council which indicates that there has not been a consistent approach to external notifications following allegations of abuse in foster care.</p> <p>The current management of the fostering service are very clear that such notifications are required, and all recent concerns have notified to the Inspectorate as required.</p> <p>Part D outlines the investigation which was taken in respect of the individual complaints which were found as part of the file audit.</p>
<p>c) How was adherence demonstrated?</p>	<p>See above.</p>
<p>d) How can such adherence be demonstrated to the Inquiry?</p>	<p>Within the fostering service a log of complaints and outcomes has been maintained since 2013, this shows the subject of the complaint and the outcome- it would be possible to check these complaints and the complaint response against the complaints procedure of the time to ensure that the policy was adhered to.</p>
<p>e) Were relevant records kept demonstrating adherence?</p>	<p>See d) above.</p>
<p>f) Have such records been retained?</p>	<p>See d) above. Prior to 2013 there was not a central system of logging such complaints. and they do not appear to have been retained, other than in the case files of affected children and carers- without a log</p>

	of such complaints it would be difficult to know which case files to review in order to check compliance. Some information is available from the case file audit at Part D.
g) If policy/procedure was not adhered to in practice, why not?	Not known- if complaints procedure was not adhered to, this would be likely to be on an individual basis and each instance would tend to have its own explanation linked to the circumstances and organisational context at that time. Some information is available from the case file audit at Part D. As there was no systematic process for logging of complaints prior to 2013 it is difficult to give an overview of the compliance in respect of complaints procedures. Evidence from the file audit activity demonstrates that complaints were received and responded to by the service.
Present	No. Information re the present position, where different has been provided elsewhere in this report.
h) With reference to the present position, are the answers to any of the above questions different?	
i) If so, please give details.	Not applicable
4.9 Record keeping	All of the information below applies to the East Ayrshire Council period, 1996 to date, unless otherwise specified.
(i) Policy	Limited information about the policy, procedures from predecessor authorities (ACC and SRC) have been located by East Ayrshire Council during this exercise.
Past	East Ayrshire Council does not have specific policy, procedure or guidance in relation to record keeping regarding children in foster care.
a) What policies and/or procedures did the local authority have on record keeping in relation to foster care?	The 2006 2008 Procedures for Looked After and Accommodated Children contain the following section related to record keeping, which covers all LAAC children, not specifically those in foster care: "All original documents relating to the LAC System should be stored within the main case file on the young person retained by the responsible Social Worker.

	<p>Similarly, documents on computer in residential units should be accessed only by the keyworker and the Unit Manager. Young person's files in residential units should be kept in lockfast cabinets with access usually restricted to the young person, keyworker or senior person in charge of the unit at any time.</p> <p>Foster Carers would be expected to retain any documents on a young person in secure, lockfast place within their home with Social services assistance in this matter if necessary.</p> <p>Parents should be advised to retain any documents on their own child in a secure place and respect the confidentiality being kept on behalf of him/her" (p59).</p> <p>The Council has a Records Management Policy which covers at a high level the requirements regarding records management of all of the Council's activities, and this would include all aspects of social work activity. The Records Management Policy is regularly reviewed and requires there to be a Corporate Retention Schedule outlining how long records of every type should be held in the archive before destruction.</p> <p>Children's case records, and foster carer records are stored in accordance with the Corporate Retention Schedule which notes that records should be retained for 75 years beyond the young person's 18th birthday.</p>
<p>b) What policies and/or procedures did the local authority have on record keeping by foster carers?</p>	<p>From the policy, procedure or guidance reviewed when compiling this report, there appears to have been little attention given to record keeping by foster carers. Mention is made from time to time regarding Foster Carers being required to make recordings in their foster carer diaries, but no specific policy or guidance has been found which outlines exactly what type of information should be recorded. The 2006 LAAC Procedures state; "Foster Carers would be expected to retain any documents on a young person in secure, lockfast place within their home with Social services assistance in this matter if necessary" (p59). There is no explanation as to how information should be processed or stored after the child leaves the foster family.</p>
<p>c) In relation to (a) and (b) above, was there a particular policy and/or</p>	<p>The Records Management Policy (February 2004) states "The purpose of this policy is to establish a framework for the creation, management and disposal of records, whatever the format, created or received by the Council" (p2).</p>

<p>procedural aim/intention? Where were such policies and/or procedures recorded?</p>	<p>An updated 2016 Records Management Policy (doc65) states "The purpose of this policy is to define and establish a framework for the effective management of all records created or received, managed and disposed of by the Council in the day to day running of the organisation.</p> <p>This policy applies to all aspects of the Council's work, all records created and received during the conduct of Council business, and all information systems used to create and manage records" (p6).</p>
<p>d) What did the policies and/or procedures set out in relation to record keeping on the following:</p>	<p>i. <u>Children in foster care</u></p> <p>01/01/2006 Procedures for Looked After and Accommodated Children and Young People (Draft2008)</p> <p>"All original documents relating to the LAC system should be stored within the main case file on the young person retained by the responsible social worker" (p59). "Foster carers would be expected to retain any documents on a young person in secure, lockfast place within their home with Social Services assistance in this matter if necessary" (p59).</p> <p>Foster Carer's Contract (2014)</p> <p>This document contains one statement regarding record keeping by foster carers in relation to the children in their care; "Carers will be expected to provide verbal and written updates at a good standard on the child's progress and needs and so forth and also record significant information in the foster carer's diary" (p6).</p> <p>ii. <u>Foster carers</u></p> <p>The Corporate Retention Schedule currently dictates that records of assessing the suitability of potential foster carers, and of foster carers should be held for a period of 25 years from the current year.</p> <p>iii. <u>Visits to children and foster carers</u></p> <p>No policy, procedure or guidance has been found relating to recording of information regarding visits to children and foster carers, although it would be expected that a record of all such activity would be made and stored in the child's case record, whether this is a paper file, or more recently an electronic case</p>

record. All social care workers are required to maintain "clear, accurate and up to date" case records (SSSC Code of Conduct, 6.2)

iv. Complaints

The Corporate Retention Schedule currently in use dictates that records of complaints should be held for a period of 6 years from the current year.

v. Investigations (both internal and external)

The Corporate Retention Schedule currently in use dictates that records of child protection investigations should be held for a period of 35 years from the current year.

vi. Discipline

No policy, procedure or guidance has been found which refers to recording of discipline with respect to fostered children. Foster carers would however be expected to record significant information of this nature in their foster carer diary.

vii. Responding to requests from former children in foster care for information/records

Prior to 2017 East Ayrshire Council had no robust system for recording requests for people who had been in foster care as children to access their records. At that time records may have been kept by individual Council Officers as part of their role, but there was no centrally accessible system for recording this information. As a rule, all requests which come to the Information Governance Officer are now logged and it can be demonstrated from 2017 onwards that these requests were responded to appropriately. There may be occasions where such requests come into the Council through a route other than via the Information Governance Officer (IGO), e.g. directly to a social work office, or a practitioner formerly involved with the child- these *should* be notified to the IGO although it is difficult to be certain that all such instances are in fact notified.

viii. Other issues relevant to foster care

	There is no formal policy, procedure or guidance in this area. Records relating to other issues relevant to foster care would tend to be stored in electronic form by the managers of the service for a timeframe deemed appropriate for that form of information.
e) Who compiled the policies and/or procedures?	Most of these specific areas do not have named authors, or indeed discrete procedures about recording. The Corporate Retention Schedules will have been created to be compliant with relevant legislation and guidance and are reviewed and updated from time to time.
f) When were the policies and/or procedures put in place?	See e)
g) Do such policies and/or procedures remain in place?	Yes
h) Were such policies and/or practices reviewed?	See e)
i) If so, what was the reason for review?	See e)
j) What substantive changes, if any, were made to the policies and/or procedures over time?	See e)
k) Why were changes made?	See e)
l) Were changes documented?	Changes to the Corporate Retention Schedule are document via version control process.
m) Was there an audit trail?	Yes, see l).

Present n) With reference to the present position, are the answers to any of the above questions different?	See vii above.
If so, please give details.	Not applicable
o)	
(ii) Practice Past a) Did the local authority adhere in practice to its policy/procedures in relation to record keeping?	<p>Yes- East Ayrshire Council has an archive system and employs archivists to store and manage all of the records which require to be stored under the retention schedules. Records which are transferred to the archives under the schedules are processed in accordance with the requirements of the retention schedules which exist at that time. Whilst there is a robust system in relation to children and foster carer records, there is a gap in terms of policy and procedure being archived.</p> <p>The 2016 Records Management Policy states “The Records Manager will regularly audit Council records management practices for compliance with the Policy framework. Departments will be expected to audit their own records management practices regularly in light of existing and future legislation and Council requirements.</p> <p>Audits will:</p> <ul style="list-style-type: none"> • Identify areas of operation covered by this framework • Highlight areas which do not meet the requirements of this framework ☐ Provide a mechanism to ensure relevant procedures are implemented in areas highlighted as not meeting requirements “(p8).

<p>b) Did the local authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?</p>	<p>See a)</p>
<p>c) Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following:</p>	<p>i. <u>Children in foster care</u></p> <p>See a)</p> <p>ii. <u>Foster carers</u></p> <p>Foster carers are required to record relevant information about the children in their care in diaries they are provided for this purpose. Checking the content and recording of these diaries is a part of foster carer supervision, and this should be recorded within the minutes of that supervision session, which is then stored in the carer's file.</p> <p>iii. <u>Visits to children and foster carers</u></p> <p>See a). Visits to children and foster carers form part of their case record and are stored either within the paper case record, or more recently stored in electronic form. Case file audits are regularly undertaken as part of the social work service's routine self-assessment processes, and these would consider the quality and appropriateness of case recording of visits. Similar activity is undertaken from time to time within the fostering service. In addition, multi-agency file audits include children in foster care and these provide an ongoing opportunity to monitor adherence in this area.</p> <p>iv. <u>Complaints</u></p> <p>Yes- records of complaints are stored in accordance with the Corporate Retention Schedules.</p> <p>v. <u>Investigations (both internal and external)</u></p>

	<p>Yes- as indicated above, records of child protection investigations are stored for 35 years as standard. The case records of children who have been in foster care are stored for 75 years, and these should contain records of any investigations pertaining to that child or foster carer.</p> <p>vi. <u>Discipline</u></p> <p>Case records for children and foster carers should refer to any significant matters and this would include any significant incidents where significant behaviour management or support was needed- the approach to discipline in the fostering service in East Ayrshire Council has never been one of discipline, but of supporting foster carers to understand the reasons for the child’s behaviour, and to support the child to recover from adverse experiences they may have had prior to coming into care.</p> <p>Any significant incidents should be recorded in both the child’s case record and that of the foster carer/s.</p> <p>vii. <u>Responding to requests from former children in foster care for information/records</u></p> <p>See previous response- prior to 2017 there was no formal system for recording this information, and no written procedures outlining the process of responding. In the absence of formal procedure, the practice which has developed is that requests for access to files are processed by the Information Governance Officer, who identifies which section of the organisation is best placed to respond to the request, and the request is logged and tracked to ensure a timely response which is compliant with the relevant regulations.</p> <p>viii. <u>Other issues relevant to foster care</u></p> <p>There is no formal policy, procedure or guidance in this area to adhere to, though as indicated above relevant information is stored electronically for the most part, by the managers of the service.</p>
<p>d) How was adherence demonstrated?</p>	<p>Adherence is demonstrated via a range of mechanisms, there is an audit process within the records management system and quality assurance and self-assessment activity within children’s services and the fostering service.</p>

<p>e) Were relevant records kept demonstrating adherence?</p>	<p>See information in c) above.</p>
<p>f) Have such records been retained?</p>	<p>See c) above, records in some of the specified areas will be available, whilst others, for example responses to people requesting access to their LAAC records, have only been systematically logged since around 2017, prior to which no records would be available.</p>
<p>g) If policy/procedure was not adhered to in practice, why not?</p>	<p>In some areas, identified above, there is a lack of specific guidance in the form of policy or procedure which has meant information now relevant to the Inquiry, has not been systematically retained.</p>
<p>h) Did the local authority undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for in foster care may have taken place?</p>	<p>In October 2019, as part of the response to the Section 21 request by the National Child Abuse Inquiry, East Ayrshire Council assembled a team comprised of 6 social workers and one team manager to undertake an audit of children’s case files and foster carer records from throughout the period relevant to the Inquiry.</p> <p>A large amount of data was gathered as part of this exercise to inform the response to the Inquiry and to help the local authority to gauge the extent and nature of abuse and alleged abuse of children in foster care.</p>
<p>i) If so, when did the reviews take place, what documentation is available, and what were the findings?</p>	<p>Reviews took place between October 2019 and April 2020.</p> <p>For each case file read by the audit team a template was completed which covers a range of questions related to the matters raised by the Inquiry. These templates are available for review if required.</p> <p>Resulting from these audits a small number of cases were identified where alleged or confirmed abuse of children, of varying severity was identified. For each of these cases a further, more detailed review was undertaken in the form of a self-assessment designed to identify whether the investigation of the concerns had been handled appropriately, extent of harm etc. These forms also are available to the Inquiry if required.</p>

	The information from the self-assessments primarily has been used to provide information to the Inquiry regarding our assessment of the scope and nature of the abuse of children in foster in East Ayrshire Council and its predecessor authorities.
j) How have the outcomes of investigations been used to improve systems, learn lessons?	Information on themes and issues which has arisen as result of the work on the response to the Inquiry has been fed back to senior managers who have themselves been integral to the work of the Inquiry response, in order that we as an agency can make relevant improvements where improvements have been identified as necessary.
k) What changes have been made?	No substantive changes to policy, procedure or guidance have yet been made as a result of the work described above- it is anticipated that the findings of the review team will be shared with the wider management of children and families social work, and the fostering and adoption service with a view to learning lessons and making improvements.
l) How are these monitored?	See k.
m) Did the local authority afford former children in care access to records relating to their time in foster care?	Yes.
n) If so, how was that facilitated?	Requests for access to records are normally received by the Information Governance Officer who will make arrangements for the relevant records to be retrieved, processed and shared.
o) If not, why not?	Not applicable
Present	No

<p>p) With reference to the present position, are the answers to any of the above questions different?</p>	
<p>q) If so, please give details.</p>	<p>Not applicable</p>
<p>r) Please provide details of the types of any records currently held relating to the children in foster care in respect of the following:</p>	<p>i. <u>Children in foster care</u> Children's case files are stored in the Council's archive for 75 years from the date their care episode ended. There are also electronic case records stored in relation to children on the Council's electronic information system known as Liquid Logic.</p> <p>ii. <u>Staff with responsibilities for foster care</u></p> <p>East Ayrshire Council has records relating to staff who have, or had responsibilities for foster care dating back to circa 2006.</p> <p>iii. <u>Foster carers</u></p> <p>All foster carers approved during the period of East Ayrshire Council's existence should have a case record containing all of the key information relating to their fostering career. Once carers resign, retire, or are de-registered their file will be processed for archiving at the records centre. The records are retained in accordance with the retention schedule in use by the Council relating to this type of record (which is 25 years from the end of the current year, or 10 years following termination of approval or death of the carer, whichever is earlier).</p> <p>iv. <u>Complaints</u></p> <p>There is provision within the records Retention Schedule for archiving of formal complaints which is storage for 5 years from the end of the relevant year.</p>

v. **Investigations (both internal and external)**

See above records are stored in accordance with Corporate Retention Schedules.

vi. **Responding to requests from former children in foster care for information/records**

A log of these requests has been maintained since 2017. Prior to that there was no centralised recording system in place.