

Section 21 Request – Foster Care Case Study – Part A

	Question	Response	Supporting documentation
Part A	Background		
1	Characteristics		
1.1	History of the Local Authority		

	Question	Response	Supporting documentation
a)	Over the period from 1930 to date, please provide details of the predecessor authorities for the local authority area for which the authority is now responsible, and the time periods during which these authorities were the responsible authority for the area, or any part thereof.	<p>The current local authority area governed by East Lothian Council has been subject to a number of changes to local governance and structure over the period in scope. Prior to 1930, the administration of poor law, public health and education was conducted by Parish Councils, Town (or Burgh) Councils and Education Authorities. Education Authorities and Parish Councils were abolished by the Local Government (Scotland) Act 1929, and their functions were transferred to County and District Councils, along with the social care and public health responsibilities previously held by Town Councils. East Lothian County Council held overall responsibility for the provision of care to children and young persons under the relevant legislation until the re-organisation of Scottish Local Government in 1975. Following the enactment of the Children Act 1948, a Joint Committee was formed between East Lothian, Midlothian and Peeblesshire County Councils, which held responsibility for appointing the Children's Officer under the 1948 Act and provided governance and oversight of the care of children on behalf of the three County Councils. This was to be known as the Midlothian, East Lothian and Peebles Joint Committee. East Lothian Council holds the minutes for the first meeting of the Committee, but no subsequent records, although it is believed that City of Edinburgh Council may hold a number of records which relate to this Committee. County Council minutes from 1970 note the membership of a Joint Social Work Committee between Midlothian, East Lothian and Peebles, however it is unclear whether this was a separate body to the previous Joint Committee. County Councils were abolished in 1975 in line with the Local Government (Scotland) Act 1973.</p> <p>The former East Lothian, Midlothian, and West Lothian Councils, including the City of Edinburgh, were amalgamated into Lothian Regional Council, which assumed social care functions including the care of children via its Social Work department. Lothian Regional Council was eventually abolished in 1995, when Scotland's 32 local authorities were established, including the current East Lothian Council.</p>	
b)	When and how did the local authority become involved in the provision of foster care for children in Scotland?	The provision of foster care in the local authority area currently known as East Lothian Council ("the Council") has been governed by the Council since its inception in 1996. Prior to this date, predecessor authorities also held responsibility for foster care.	

	Question	Response	Supporting documentation
c)	How has the involvement of the local authority in the provision of foster care changed/developed over time?	<p>From 1930 to 1948, responsibility for fostering lay with the Parish Council. There is very limited information available due to the lack of documentation that remains. There are very few mentions of boarded out/fostered children in the Parish Council minutes prior to 1945. From 1945 to 1975, fostering was the responsibility of the Midlothian, East Lothian and Peeblesshire Joint Committee and latterly Social Work committee. During this period, other than an initial minute, no further minutes from meetings still exist, therefore we have no information during this time.</p> <p>From 1975 to 1996 fostering came under the responsibility of the amalgamated Lothian Regional Council. Relevant records for this time period may be held by the City of Edinburgh Council.</p> <p>Since 1996, and the formation of East Lothian Council, East Lothian has always been a fertile local authority for the recruitment of foster carers. The East Lothian Fostering Service was almost self-sufficient, almost all children and young people in need of this form of care, were being placed with foster carers within East Lothian and there was little need to seek placements external to East Lothian. The Council were then also able to offer placements to other neighbouring authorities, particularly City of Edinburgh.</p> <p>Since 1996, the core of the East Lothian Fostering Service was a group of experienced foster carers recruited specifically to care for teenagers, under the Lothian Region Community Carer Scheme. We had a professional scheme for foster carers (levels 1-3 carers). Our foster caring households stayed at a fairly steady 75 households. This reduced in approx. 2012-13. The reason for this is not recorded however increased spending against looked after children budgets resulted. In 2014 fostering recruitment was less buoyant in East Lothian and although the ratio of foster carers retiring to foster carers being recruited was fairly evenly matched, the depth of experience was not. The number of foster placements to the City of Edinburgh and Midlothian gradually reduced. East Lothian would spot-purchase individual placements from these neighbouring local authorities.</p>	Report to CMT Foster Care Capacity and Payments Feb 2018

	Question	Response	Supporting documentation
1.2	Funding of foster care		
	PAST		
a)	How were the local authority's operations and activities, so far as relating to the provision of foster care, funded?	<p>From 1930 to 1945 these operations and activities were funded by the Parish Council. From 1945 to 1975, fostering was funded by the Midlothian, East Lothian and Peeblesshire Joint Committee and latterly Social Work Committee. In 1975 the responsibility for funding was centralised to Lothian Regional Council.</p> <p>In 1996, the formation of East Lothian Council, resulted in fostering being funded through Council funds. At this time, there was also a very small income from charging a small management fee to other local authorities when they placed their children in East Lothian Council foster placements.</p>	Service Plan 2004-2007
b)	To what extent, if any, did the local authority provide funding to other organisations for the purposes of provision of foster care?	<p>Prior to 1975 records are limited and we have no reference of payments made to other organisations. As noted above, records relating to 1975 - 1995 are held by the City of Edinburgh Council.</p> <p>Since 1996, East Lothian Council has not funded other organisations by way of block purchase, rather has occasionally spot-purchased individual placements as and when needed from other local authorities and latterly from independent fostering agencies.</p>	
c)	If funding was provided by the local authority to other organisations for the provision of foster care, to whom was it provided, when was it provided and what criteria were applicable to its provision?	<p>Not applicable. Prior to 1975, no records exist providing this information. From 1975 to 1996 fostering came under the responsibility of the amalgamated Lothian Regional Council. Relevant records for this time period may be held by the City of Edinburgh Council. From 1996 this was on a needs led basis and there is no evidence of a criteria.</p>	

	Question	Response	Supporting documentation
d)	To what extent was financial state support available to foster carers? How were foster carers made aware of that state support? How was that state support accessed by foster carers (e.g. directly or via the local authority)?	During the period in question 1996 to 2014, if not employed, carers might qualify for Income Support (if child in placement) or Job Seekers' Allowance (if no placement). Discussion about income would take place at the first screening visit, and at preparation groups. Carers would apply themselves. We pointed them to HMRC's leaflet for foster carers.	
e)	To what extent was financial support from the local authority available to foster carers?	<p>From 1930 - 1975, there are no records detailing payments, methods or amounts. From 1975 to 1996 that information may be held by the City of Edinburgh Council. Records from 1997 detail foster carers receiving foster carers fees and expenses.</p> <p>From 2001 this had changed to foster carer allowances and fees which were reviewed and increased periodically. From 2001 until 2018, East Lothian Council operated a three-level scheme for fees, based on experience, ability, training and length of time fostering. Since 2018, this tiered scheme continued for existing members. However for new foster carers, a new scale of allowances and fees was introduced. New foster carers were placed on a different scale but still using the allowances and fees breakdown.</p>	Report to CMT Foster Care Capacity and Payments Feb 2018
f)	If financial support was available, what was the source of those funds (i.e. from local or central government)? What criteria did the local authority apply to the distribution of such funds?	<p>Source: Prior to 1975 no records exist to give that information. From 1975 to 1995, that information may be held by City of Edinburgh Council. From 1996 financial support was provided by the local government.</p> <p>Criteria: From 1996 the criteria for allowances would be the number of children and ages. For fees, level of carer experience - we have had 3 carer levels since at least 2001. Registration on this 3 carer levels scheme stopped in 2018.</p>	Review of level 3 Carers 2004

	Question	Response	Supporting documentation
g)	How were foster carers made aware of any financial support available from the local authority? How was that financial support accessed by foster carers?	<p>Prior to 1975, no records have been held regarding this. From 1975 - 1995, records may be held by City of Edinburgh Council.</p> <p>From 1996, publicity material available in a range of mediums (written and digital) was available and would inform prospective carers that there would be fees and allowances. This would be provided by East Lothian Council's fostering service. The details have been more recently publicised on our website and in information sent out to prospective foster carers. Since 1996 foster carers would receive payment after they were formally registered as carers and a child was placed with them. Foster Carers were aware of this which was stipulated in the foster carer agreement signed by each foster carer prior to commencing fostering.</p>	1997 Foster Carer Agreement
h)	What other sources of funding were available to foster carers in relation to the provision of care for children?	<p>Prior to 1975, no records have been held regarding this. From 1975 - 1995, records were held by City of Edinburgh Council</p> <p>From 1996, equipment would be provided by the Local Authority e.g. cots, stairgates. Funding was available from time to time for specific items such as computers. Voluntary organisations might make funds available from time to time for issues like holidays and there were other one-off sources of funding, such as in 2006 a Scottish Executive grant of £43,000 for capital items for foster carers and kinship carers which was distributed among a total of 63 foster carers and kinship carers.</p>	
i)	Was the funding adequate to properly care for the children?	Yes. We followed COSLA's annual recommendations.	
j)	If not, why not?	N/A	
	Present		
a)	With reference to the present position, are the answers to any of the above questions different?	Yes	

	Question	Response	Supporting documentation
b)	If so, please give details.	<p>With reference to 1.2 g) a new age-related scheme was introduced in 2018 alongside the current Levels 1, 2 and 3. All existing carers were written to individually to give them the option to stay on the existing scheme or to transfer to the new scheme. All new carers approved after the introduction of the scheme were automatically entered into the new scheme.</p> <p>Universal credit replaced income support and job-seekers' allowance in East Lothian in March 2016.</p>	
1.3	<u>Legal Status</u>		
(i)	Local authority		
	Past		
a)	What was the legal basis which authorised or enabled the local authority to become responsible for the provision of foster care for children in Scotland?	<p>Throughout this section, please refer to Norrie, K (1998) 'The Legislative and Regulatory Framework' produced for the Scottish Child Abuse Inquiry.</p> <p>Children Act (1908) Children & Young Persons Act (1933). This Act doesn't specifically refer to boarded out children, but does mention 'provision' needing to be made if approved schools are insufficient. Children and Young Persons (Scotland) Act 1937 Children Act 1948 Foster children (Scotland) Act 1984 Social Work (Scotland) Act 1968 (Sections 15, 20, 37 and 44) Foster Children (Scotland) Act 1984 Boarding-out and Fostering of Children (Scotland) Regulations 1985; then the Children (Scotland) Act 1995 with its relevant regulations - firstly The Arrangements to Look After Children (Scotland) Regulations 1996 then Looked After Children (Scotland) Regulations 2009. The Fostering of Children (Scotland) Regulations 1996 Children's Hearing (Scotland) act 2011.</p> <p>To a lesser extent, the Matrimonial Proceedings (Children) Act 1958 (Section 10); Guardianship Act 1973 (Section 11).</p>	

	Question	Response	Supporting documentation
b)	Did that legal basis require the local authority to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.	<p>Children Act 1908 – sections 2, 4, 74 and 132. Children and Young Persons (Scotland) Act 1937 – section 87 Children Act 1948 – sections 12 and 15 Children and Young Persons Act 1963 – sections 1 – 15 (all repealed) Social Work (Scotland) Act 1968 – section 20-20A Children and Young Persons Act 1969 – Part II – section 35 – 59 (all repealed) Foster Children (Scotland) Act 1984 – section 3 Children Act 1989 - section 22 Children (Scotland) Act 1995 – sections 16 and 17 The Arrangements to Look After Children (Scotland) Regulations 1996 – Regulations 3, 4 and 5. Fostering of Children(Scotland) Regulations 1996 Children and Young Persons Act 2008 – section 7 Looked After Children (Scotland) Regulations 2009 – Regulations 3, Schedule 2 – Part I and II.</p> <p>The Local Authority had a duty to ensure that the best interests of the child were met and as the legislation progressed, this was to be included in what the plan was for the child whilst they were in care.</p>	
c)	Did the local authority have a legal duty of care to each child in its care?	Yes, as per the legislation cited above.	
	Present		
d)	With reference to the present position, are the answers to any of the above questions different?	No	
e)	If so, please give details.	N/A	
(ii)	Foster carers		
	Past		

	Question	Response	Supporting documentation
a)	Did foster carers have a special legal, statutory or other status?	Yes. Approval as a foster carer was made at a Fostering Panel, Governed by schedule 2 of the Foster Children (Scotland) Act 1984 – schedule 2, Part II of the Children (Scotland) Act 1995 and the Part VII and Part VI of the Looked After Children (Scotland) Regulations 2009. There appears to be no legislation governing this prior to 1984.	
b)	If not, how did the local authority classify a foster carer?	Unknown, unable to locate any documentary evidence of the classification of foster carers.	
c)	What was the legal basis which authorised, or enabled, a foster carer to become responsible for caring for children?	Children Act 1948 - sections 1 and 3. Social Work (S) Act 1968 – Section 21 (1) (a) Fostering Children (Scotland) Act 1984 -Schedule 2. Children Act 1989 - section 10. Children (Scotland) Act 1995 - sections 12 and 26.	
d)	Did that legal basis require a foster carer to meet, or fulfil, any legal and/or regulatory requirements in respect of children in his or her care? If so, please give details.	Children Act 1908 - foster carers had responsibility to keep local authority updated on where they resided and if the child died. The Arrangements to Look After Children (Scotland) Regulations 1996 - schedule 2. The Looked After Children (Scotland) regulations - schedule 6.	
e)	Did the foster carer have a legal duty of care to each child in his or her care?	Under the United Nations Convention on the Rights of the Child, decisions must be made in the best interests of the child. If the Child was placed there under a warrant or court order (whether or not the foster carer had parental responsibilities and rights), then the Foster Carer must make decisions in the best interests of the child. Prior to the signing of this convention in 1989, the duty of care that foster carers had to a child in their care is not clear - their duty appears to be towards the local authority in how they cared for the children.	
	Present		

	Question	Response	Supporting documentation
f)	With reference to the present position, are the answers to any of the above questions different?	No	
g)	If so, please give details.	N/A	
1.4	<u>Legal Responsibility</u>		
(i)	Local authority		
	Past		
a)	Did the local authority have any legal responsibility for the children in its care?	Yes	
b)	If so, what was the nature and extent of that legal responsibility?	<p>The nature and extent of legal responsibility has changed over time. Under the Children Act 1908, the local authority had a responsibility to the children to remove them if they were not cared for properly. They also had a duty to inform the coroner if the child died.</p> <p>Under Part II of the Children Act 1948 the local authority had a duty to provide homes to children. This was echoed in the Children and Young Persons Act 1969 (although this is now mostly repealed).</p> <p>Under the Children Act 1989, there was a legal responsibility to make sure children went to voluntarily accommodation to suit their interests.</p> <p>Under the Children (Scotland) Act 1995, the local authority had a duty to safeguard, support and promote a child's wellbeing. They also had a legal responsibility to take into account the child's views if they were sufficiently mature enough.</p> <p>Under the Arrangements to Look After Children (Scotland) Regulations 1996, Regulation 3 made it a legal responsibility to make a care plan for the children. Under section 4, there was a responsibility to keep records of the child in care.</p>	

	Question	Response	Supporting documentation
		The Looked After Children (Scotland) Regulations 2009 put a responsibility on the local authority of making an assessment of the child's needs. They also were to make recommendations about how and where the child should be cared for.	
c)	Did any other person or organisation have any legal responsibility for the children while they were in the local authority's care?	Yes	
d)	If so, what was the nature and extent of that responsibility?	<p>Prior to 1975, no records have been held regarding this. From 1975 - 1995, records were held by City of Edinburgh Council.</p> <p>Since 1996,</p> <ol style="list-style-type: none"> 1. Child's parents still had parental rights and responsibilities including the responsibility to maintain personal relations and direct contact with the child on a regular basis (unless restricted by a Children's Hearing re removed by a Court Order). 2. Foster carers occasionally had parental rights and responsibilities as specified in a permanence order where granted by the court. 3. Other placing authorities would have a duty of care for their children placed with us. 	
e)	If the local authority had no legal responsibility for children in its care, where or with whom did legal responsibility lie?	If the Local Authority had a child in its care, it had legal responsibility for the child, not to be confused with parental rights and responsibilities.	
	Present		
f)	With reference to the present position, are the answers to any of the above questions different?	No	

	Question	Response	Supporting documentation
g)	If so, please give details.	N/A	
(ii)	Foster carers		
	Past		
a)	Did the foster carer have any separate legal responsibility (separate from the local authority) for children in his or her care?	Prior to the parental rights and responsibilities under the Children (Scotland) Act 1995, Foster Carers did not have any separate legal responsibility. Under the Adoption and Children (Scotland) Act 2007, foster carers could have some responsibilities and rights vested in them which would allow them to make decisions without consulting the local authority.	
b)	If so, what was the nature of that responsibility?	See above	
	Present		
c)	With reference to the present position, are the answers to either of the above questions different?	Not different from 2009 position	
d)	If so, please give details.	N/A	
1.5	<u>Ethos</u>		
	Past		

	Question	Response	Supporting documentation
a)	What did the local authority see as its function, ethos and/or objective in terms of the foster care service it provided for children?	We have not traced any records where function, ethos and/or objective were specifically evidenced. East Lothian Council's Foster Carer Handbook from 2001 states that the aim of the Fostering service was " <i>To provide the security and stability that comes from living as part of a foster family to those children in East Lothian who needed to be cared for away from their own families.</i> "	Foster Carer Handbook 2001
b)	What did the local authority see as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?	East Lothian Council's Foster Carer Handbook from 2001 states, " <i>Foster carers need to understand the issues children have faced and work patiently with children to help them grow and develop and come to terms with themselves, their families and their past history. Foster carers also need to work with children's own families, and with social workers, teachers, health workers and others, to ensure that the needs of children in their care are met as fully as possible.</i> " The expectations were set out in Foster Care Agreements.	Foster Carer Handbook 2001
c)	Were there changes over time in terms of what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided for children?	Prior to 2001, we have no evidence of the Council's function, ethos and/or objectives in providing a fostering service. Since 2001, the overall function remained the same, but there was an increasing emphasis on the training of foster carers and ensuring they were more informed.	Carer Training Programme 2004 and Training Events Calendars 2012
d)	If so, what were the changes and when and why did they come into effect?	By 2004, completion of the Support/ Training programme for one year following approval, was a pre-requisite for applicants to apply for Level 2 caring. There is no documentation to show the exact start date, however it was following the formation of East Lothian Council in 1996. Prior to that date we have no documentary evidence.	

	Question	Response	Supporting documentation
e)	Were there changes over time in terms of what the local authority saw as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?	Prior to 2001, we have no evidence of the foster carer's function, ethos and/or objectives. Since 2001, the overall function remained the same, but there was an increasing emphasis on attending training.	
f)	If so, what were the changes and when and why did they come into effect?	Documentation show that by 2004, completion of the Support/ Training programme for one year following approval, was a pre-requisite for applicants to apply for Level 2 caring. There is no documentation to show the exact start date, however it was following the formation of East Lothian Council in 1996.	
	Present		
g)	With reference to the present position, are the answers to any of the above questions different?	Yes	
h)	If so, please give details.	<p>Prior to 1996 there is no documentation to inform this answer. Since 1996, there has been an additional emphasis on providing additional support for children's educational needs. The Level 1-3 Scheme began to be phased out in 2018, and was replaced by an age-related scheme to try to enhance the pool of carers for over 12s.</p> <p>The Children and Young People (Scotland) Act 2014 has also led to a shift in focus and objective in relation to older children as foster carers are now encouraged to offer continuing care to young people over 18, rather than purely focusing on preparing a young person for independent living. Some foster carers are dual registered to provide foster care and continuing care.</p>	
1.6	<u>Numbers</u>		

	Question	Response	Supporting documentation
(i)	Local authority		
	Past		
a)	How many children did the local authority accommodate at a time in foster care and in how many placements?	Prior to 1975, there is no documentation relating to numbers of children fostered. We cannot provide statistics regarding numbers of children fostered for the years 1975 - 1995, as at this time the governing authority was Lothian Regional Council. It is possible that City of Edinburgh Council holds the relevant records for this time period. Appendix 1 details the numbers since 1996.	Monthly digest April 2014; Best Value Review Looked After Children 2002 Appendix 1
b)	How many foster carers were approved/registered by the local authority at any given time? How many placements for children did this represent? How many placements were in use at any given time?	There is no documentation held for the period 1930 - 1975. The City of Edinburgh Council may hold records for the period 1975 - 1995, where East Lothian was part of Lothian Regional Council. Since 1996, East Lothian Council has consistently had around 75 caring households and took in external children as not all placements were needed. Between 1996 and 2011/2, we had up to 15 households with external placements at any one time.	Draft Report to Council Management Team on Foster Care Capacity Dec 2017 (this is in draft form).
c)	If foster carers were approved/registered by the local authority as providing only specific types of care – e.g. respite care, short-term foster care, and long-term foster care – please provide details of the categories and the numbers of placements in each.	Prior to 2006, there is no documentation to give us this information. From 2006, figures were provided to the Care Inspectorate as part of the Annual Returns. As a guide East Lothian Council would limit foster carers to 3 children per placement. Reporting requirements varied over the years. See appendix 2 for details of numbers.	Care Inspectorate Annual Returns Appendix 2

	Question	Response	Supporting documentation
d)	Please provide details of any material changes in numbers of children, placements or foster carers, and the reasons for those changes?	<p>1. Children: numbers have increased. National statistics and studies would suggest an increased need and greater complexities of difficulties for the children.</p> <p>2. Placements: These fluctuated and was dictated by the numbers of carers available. This has been evidenced within Appendix 1.</p> <p>3. Foster Carers: Numbers would increase after specific recruitment drives. We have struggled to recruit as many foster carers since Independent Fostering Agencies started increasing in number.</p>	Appendix 1
e)	How many children in total were accommodated by the local authority (whether in foster care or otherwise)?	Prior to 2001, there is no documentation evidencing these figures. Please see appendix 3 for the numbers.	Appendix 3
f)	In general terms, was the main service provided by the local authority the provision of residential care for children in establishments, or was it the provision of foster care?	<p>There is no documentation held for the period 1930 - 1975. The City of Edinburgh Council may hold records for the period 1975 - 1995, where East Lothian was part of Lothian Regional Council.</p> <p>From 1996, the main service was foster care. The figures within Appendix 1 shows higher numbers for foster care than for residential during the same time period.</p>	
	Present		
g)	With reference to the present position, are the answers to any of the above questions different?	Yes	
h)	If so, please give details.	Numbers of children accommodated with foster carers vary year on year - currently 92 children - but no other main differences. See appendix 4 for numbers.	
1.7	<u>Children's Background/Experience</u>		

	Question	Response	Supporting documentation
	Past		
a)	Did the children placed in foster care generally have a shared background and/or shared experiences?	The reasons for accommodation could include illness suffered by parents, child abuse and neglect, and the inability of parents to manage certain behaviour. Many had parents with problem substance misuse. By around 2001, many foster carers had begun looking after children who would formerly have been accommodated in residential care.	Foster Carer Handbook 2001; Report for Social Work and Housing Committee May 2001
b)	Were children admitted into the care of the local authority, or were they admitted into the care of particular foster carers?	From 1930 - 1975 there is no documentation providing that information. Evidence for the period 1975 - 1995 relates to the Lothian regional Council and these records are not held by the Council. Relevant records may be held by the City of Edinburgh Council. From 1996, all admissions were into the care of the local authority.	
c)	Who placed children with the local authority?	The Children and Young Persons Act 1933 and the Children Act 1948 allowed courts to make an order committing the child to the care of the local authority. There is no specific reference to it being a sheriff but the Social Work (Scotland) Act 1968 states that any court referred to as "summary jurisdiction" or a "juvenile court" should be construed as a sheriff sitting summarily (section 2, Part 1). Presently, the sheriff can place a child with a foster carer if a permanence order is granted. Children's Hearings can place children, following a child protection order being sought. Further to this, children can be sent to foster carers if the parent voluntarily offers to do this via section 23 of the Children (Scotland) Act 1995.	
d)	From 15 April 1971 (the date on which the Children's Hearing system was introduced), did the local authority receive children mainly through the Children's Hearing system?	Yes	

	Question	Response	Supporting documentation
e)	If not, generally how did children come to be admitted into the care of the local authority?	N/A	
f)	How long did children typically remain in the care of the local authority?	We only started keeping records in April 2014 of the length of time children currently in care have been in care: for Foster care it was 196 weeks at that point. This is a proxy measure for length of time children remained in the care of the authority.	Monthly digest April 2014
g)	In respect of children who were admitted into the care of the local authority, who made the decision as to whether they should be placed in foster care?	<p>Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council and records may be held by City of Edinburgh Council in respect of that time period.</p> <p>From 1996, the determination of whether to place with foster carers rather than residential care or being placed with relatives, would be dependent on the assessment of the child, carried out by the social worker in conjunction with their senior social worker or team leader and in conjunction with the fostering team. East Lothian Council used a gate-keeping Panel / Internal Panel to scrutinise decisions and determine the appropriate resource in advance, where it was not an emergency. The ultimate decision would be for a Children's Hearing, if they were going through that system. Parents may have also decided to voluntarily place their child into foster care.</p>	Services to Children and Families 9 Nov 2001; 2009 Gatekeeping Process

	Question	Response	Supporting documentation
h)	If the decision was made by the local authority, what criteria were applied?	<p>Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council and records may be held by City of Edinburgh Council in respect of that time period.</p> <p>From 1996, residential care was reserved for those assessed as needing it. For example, young people who have attachment difficulties which would result in one caregiver or caring household being able to meet the needs of the child. The starting point, after seeking kinship care, would generally be foster care, but would be dependent on the assessment of the child, carried out by the social work in conjunction with their senior social worker or team leader and in conjunction with the fostering team. Children under 12 were always placed in foster care, unless there were extenuating circumstances.</p>	2009 Gatekeeping Process 2001 Services to Children & Families
i)	Were children moved between different foster care placements?	<p>Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council and records may be held by City of Edinburgh Council in respect of that time period. From 1996, at times children could be moved between different foster placements. East Lothian Council tried to minimise moves for children but sometimes this was out with our control.</p>	
j)	If so, in what circumstances?	Foster carer developing serious illness or other serious family problem; child may be better matched with a second carer who was not immediately available; to join up siblings (or separate them when their needs are conflicting and cannot be provided in a single placement); because older siblings asked to be placed nearer their peer group.	
k)	Generally did children typically stay in one, or more than one, foster care placement?	We only started recording numbers of moves for all our looked after children in 2008-2009. 88% had three or fewer placements then (over all placement types). By April 2014, the average number of placement moves for just foster care was 1.8.	Monthly digest March 2009; Monthly New Digest April 2014.

	Question	Response	Supporting documentation
l)	What was the process for review of children's continued residence in foster care, in terms of whether they continued to require to be (a) in foster care and/or (b) in that particular placement?	Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council and records may be held by City of Edinburgh Council in respect of that time period. From 1996, Reviews were to be held in line with statutory requirements about frequency, at three days, six weeks later, three months after that and six months after that. For children under 10, we reviewed them more often, more recently (see p10 of East Lothian Council booklet 'Information for Young People who are Looked after' 1998). We then moved to holding the initial few reviews more frequently, at six weeks, at three months from placement, at six months from placement.	ELC booklet 'Information for Young People who are Looked after' 1998; Reviews - LAAC - Timescales 2008
m)	When children left foster care, what was the process for discharge?	Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council and records may be held by City of Edinburgh Council in respect of that time period. From 1996, they might return home or go on to a residential placement or become adopted. It would differ for each. Generally the transition would be made in a planned and gradual way unless there was an emergency move to residential because of placement breakdown. The decision would be made in a formal meeting, and planned accordingly. An after care plan would be completed once decision made that a young person should cease to be looked after. Plan then to be reviewed & revised at least every six months until the young person's 19th birthday.	
n)	What support was offered to children when they left foster care?	Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995 East Lothian was part of Lothian Regional Council and records may be held by City of Edinburgh Council in respect of that time period. From 1996, statutory aftercare provision was given to those over school-leaving age / 16. We would remain involved with the child and their family if they returned home for as long as it was assessed than ongoing support was required.	ELC booklet 'Information for Young People who are Looked after' 1998

	Question	Response	Supporting documentation
o)	What information was sought by the local authority about what children leaving foster care planned to go on to do?	The Statutory Pathway Planning process covered future plans (from its introduction on 1st April 2004). We tracked whether they were in employment/training or not and started reporting on it in March 2009. At that point in 2009, 57% were receiving aftercare services of which 30% were in employment or training. By April 2014, 95 % of eligible care leavers were receiving aftercare and of those, 39% were in employment or training.	Monthly Digest March 2009; Monthly New Digest April 2014.
p)	Was such information retained and updated?	Yes. Information was gathered from 2004. Prior to this date, no data was collected.	
q)	What was provided in terms of after-care for children/young people once they left foster care?	Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council and records may be held by City of Edinburgh Council in respect of that time period. There is no documentation to cover 1996 - 2004. From 2004, support was offered in line with the responsibilities and duties placed on the Local Authority through Section 29 and 30 of Children (Scotland) Act 1995, Supporting young people leaving care in Scotland: regulations and guidance (2004) and latterly the Children and Young People (Scotland) Act 2014. This included financial provision, support with accommodation costs and living expense where under 18; support with training/education.	
	Present		
r)	With reference to the present position, are the answers to any of the above questions different?	Yes	
s)	If so, please give details.	Children who are accommodated have more been shown to have poorer mental and wellbeing, and educational outcomes than their peers. Fewer go home than in the past. In relation to l), m) and n) The local authority duties to young people have been enhanced under the Children and Young People (Scotland) Act 2014 - placing corporate parenting on a legal footing, introducing continuing care and extension of support to the age of 26.	

	Question	Response	Supporting documentation
1.8	<u>Local authority staff and foster carers</u>		
(i)	Local authority		
	Past		
a)	How many people were employed by the local authority who had some responsibility for foster care services for children?	This is unknown. Prior to 1975 no records have been held detailing this information. Between 1975 and 1996, East Lothian was part of City of Edinburgh Council. Records may be held by them. After 1996, new systems have been implemented which have reduced the amount of information retained and do not allow figures to be obtained.	
b)	How many people were employed by the local authority at any one time who had some responsibility for foster care services for children?	The exact number of workers and the management structure of the team have varied considerably between 1996 and 2014. We have annual reports dating back to 2005 that contain details of the exact structure of the team. See Appendix 5 for staff structures.	Best Value Review Looked After Children April 2002; Level 3 Business Plan 2006-2009, Annual reports 2005 - 2014

	Question	Response	Supporting documentation
c)	What roles and responsibilities did such staff have? Please specify in which roles staff met with children and foster carers.	<p>There are no records detailing this information for the period 1930 to 1995.</p> <p>In 2002: the team also had responsibility for the Council's Adoption service, its respite care service (including for children with disabilities), and its Day Care service and step-parent adoptions. The Department's Youth Strategy Service was also part of the Resource Team. In addition to supporting carers the Team also did a limited amount of direct 1:1 work with children including those in permanent care with foster carers. The team also undertook some assessments for relative carers and all reports relating to adoptions by relatives, including step-parents.</p> <p>In 2005 in addition to supervising the Family Placement Team as it was then called, the Area Resources Manager took on management responsibility for the Family Support Service, and this continued until this team was disbanded in 2014 following a service review in 2013. In terms of detailed roles and responsibilities, these are contained in Job Outlines but primarily involved direct support to carers. Social workers in the team were also the allocated workers for a small minority of children who were in permanent placements, although this practice ceased entirely following a Significant Case Review in 2008. A handbook for team members developed in 2006 states that 'the Supervising Social Worker's responsibility is firstly to the child in placement even although they do not manage the care of the child. Supervising Social Workers are Managers of the fostering resources and, as such, ensure that good practice and standards are being maintained.' The 2006 handbook also makes clear that a major part of the Supervising Social Worker's role is to offer support to carers and their families.</p>	Best Value Review Looked After Children April 2002. Fostering and Adoption Team Workers Handbook 2006; Job Outlines

	Question	Response	Supporting documentation
d)	In relation to each role, what experience/qualifications did such staff have?	<p>Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council and records may be held by City of Edinburgh Council in respect of that time period.</p> <p>From 1996, carers were supervised by qualified social workers, some of whom had 'senior practitioner' status. In addition to a social work qualification it was desirable that Team Leaders and Senior Practitioners had a post-qualifying award such as the Certificate in Child Protection or Practice Learning. Following a service review in 2013, two family support workers joined the team in 2014. Their role involved direct work with children, particularly in those placements under pressure. They also undertook carer supervision, under the supervision of a Senior Practitioner, who ultimately was the allocated 'qualified' worker for the carers in question. Family Support Workers had to have a minimum of an HNC, as well as an SVQ level 3 in either social care, promoting independence, or working with children and young people (or equivalent).</p>	Best Value Review Looked After Children April 2002; Job Outlines and Person Specifications
e)	When were fostering panels set up? What was their purpose and remit?	<p>Fostering Panels were well established by Lothian Regional Council under Boarding-out and Fostering of Children (Scotland) Regulations (Scotland) Act 1985 by the time East Lothian came into being as a separate entity.</p> <p>They fulfilled their statutory purpose and remit under those Regulations, and subsequent changes in regulations in 2009.</p>	Panel Packs 2007 and 2012. See also annual reports from 2005 onwards
f)	How were fostering panels constituted? What skills and experience were the members required to have?	Fostering panels were comprised of multiple agencies from a variety of backgrounds, including a mix of professionals and those with experience of caring for children.	Panel Packs 2007 and 2012
	Present		
g)	With reference to the present position, are the answers to any	Yes	

	Question	Response	Supporting documentation
	of the above questions different?		
h)	If so, please give details.	Between 1996 and 2016, carers could have a link worker who was a Family Support Worker, and an 'arms-length' supervising social worker who supervised the Family Support Worker. It was felt in 2016 that this was unsatisfactory. This was addressed when two Family Support Workers left the team and was replaced by a Social Worker. The second Family Support Worker's role has been changed to remove direct carer supervision and to incorporate post adoption support work, involving support to adopters and adoptees.	Panel Pack 2017
(ii)	Foster carers		
	Past		
a)	How were foster carers identified and approved/registered?	<p>Prior to 1975 no documents are held providing this information. From 1975 - 1995, records were held by City of Edinburgh Council.</p> <p>When East Lothian Council was set up in 1996 the Boarding Out and Fostering of Children (Scotland) Regulations 1985 governed the approval of foster carers. The local authority advertised in local papers and were contacted by people in response. East Lothian Council initially adopted procedure 56 of the Lothian Regional Council, Department of Social Work Children and Families Policies, Procedure and Practice which set out how such enquiries (whether by telephone or letter) were responded to, and enquirers assessed. An assessment was carried out (including the checks specified at (c) below) and a report was presented to a fostering panel in accordance with Regulation 7 of the 1985 regulations. Fostering Panel made a recommendation to the Agency Decision Maker who made the decision to approve carers. The 1985 regulations were superseded by the Fostering of Children (Scotland) Regulations 1996 and then the Looked After Children (Scotland) Regulations 2009.</p>	Minutes of panel 14/06/1996 LRC Procedure 56

	Question	Response	Supporting documentation
b)	What experience and/or qualifications, if any, did a foster carer require to have?	Prior to 1975 no documents are held providing this information. From 1975 - 1995, records were held by City of Edinburgh Council. From 1996, it is not clear that any specific experience or qualifications were required. However, within assessments the local authority covered the areas specified in Schedule 1 of The Fostering of Children (Scotland) Regulations 1996.	
c)	What checks were carried out in relation to a prospective foster carer, including criminal record checks, references and interviews?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant records might be held by City of Edinburgh Council.</p> <p>Medical report, personal references (2), police checks and local authority checks have all been carried out since the Local Authorities inception in 1996. Prospective foster carers were interviewed and the matters specified in Schedule 1 of the Fostering of Children (Scotland) Regulations 1996 were covered. It is unclear when exactly a requirement was introduced to seek employer's references but they were in place by 2006 as the 2006 Fostering and Adoption Workers handbook includes a requirement for employer's references to be sought. It is also unclear when it was first a requirement to obtain ex-partner references but there was likely to be increased emphasis on these in the wake of the Brighton and Hove Enquiry in 2001 into the death of a boy in care in 1999. Certainly this was embedded in practice by 2006 (as indicated in the Fostering and Adoption Workers handbook). As the years progressed the number of personal references required increased, and it is now practice to seek between three to six personal references.</p>	1996 LRC procedure 56; Minutes of panel 14/06/1996, reference letters dated 1996, police check request dated 1996, medical examination forms dated 1996; Fostering and Adoption Worker's Handbook 2006; Action Plan Fostering
d)	What checks were carried out in relation to other persons residing with the prospective foster carer, including criminal record checks, references and interviews?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>Since 1996, disclosure of criminal convictions for adults over 18 was sought. Health checks for children of foster carers living in the home over 16 were sought. All members of the household were spoken to as part of the assessment but there is no evidence that separate references were sought</p>	LRC 1996 Procedure 56; Appendix 1.2.3; Letter dated May 1996 Police check of child in carer household

	Question	Response	Supporting documentation
		for other people in the household who were not applying to be registered as Foster Carers.	
e)	What checks were carried out in relation to other family members and friends of a prospective foster carer including criminal record checks, references and interviews?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>When East Lothian Council was established in 1996 medical checks were carried out for regular visitors to the home and babysitters. By 2014 it was no longer the practice of this authority to routinely obtain these unless there are specific reasons to do so. Where any friends of family were seeking to provide occasional overnight care a local authority check and a police check would also be undertaken as well as a visit from a supervising social worker. In the case of regular overnight visitors to the Foster Carers home, a police check is sought.</p>	Appendix 1.2.4 of LRC 1996 procedures.
f)	To what extent, if any, were the checks referred to at paras (c) to (e) above reviewed? If so, how frequently and what checks were done? If not, why not?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record might be held by City of Edinburgh Council. From 1996, evidence from case files and the 2001 Carer Handbook suggests that up to 2001 medical and police checks were renewed every 5 years. Practice changed when National Care Standards for Foster Care and Family Placement Services were introduced in 2001/02 as they stipulated the frequency of checks should be at least every two years.</p>	letter dated July 2001
g)	What checks were carried out by the local authority of the available accommodation? How frequently were these carried out? Were they repeated? If so, how frequently? If not, why not?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>Under the 1985 regulations (Schedule 1) the local authority had a duty to consider the living standards of the household. It is unclear exactly when a formal health and safety assessment was introduced, but we have a health and safety checklist dating back to 2005 and the 2006 Fostering and Adoption Worker's handbook states that a health and safety assessment will be completed. The 2007 Panel Pack for panel members includes in its</p>	2006 Fostering and Adoption Workers' Handbook. Health and Safety Checklist 2005, 2010, 2012. Panel Pack 2007

	Question	Response	Supporting documentation
		checklist for review 'Health and Safety Risk Assessment' and this suggests that the risk assessment checklists were being routinely updated at this point and certainly the 2006 handbook includes a requirement that the review report contain an action plan of any issues requiring, including any health and safety concerns.	
h)	Was the gender of the foster carer of any relevance to approval as a foster carer or in relation to the placement of a child with a particular carer? If so, why?	There is no evidence that the gender of the foster carer was relevant for approval but it may have been relevant for the assessed needs of the child when considering a placement. We do not have a written procedure on this.	
i)	Was the gender of other persons (including children) residing in the same house of any relevance to the approval of a foster carer or to the placement of a child with a carer? If so, why?	Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council. In 1996, East Lothian Council was formed and the Council complied with Regulation 14 of the 1996 Regulations until the 2009 regulations came into force in terms of approval of foster carers.	
j)	Were foster carers required to provide any services for children in their care beyond accommodating them? If so, what were they?	Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council. From 1996, yes, several in relation to their wellbeing in compliance with the 1985 regulations and subsequently the 1996 regulations then the Looked after Children (Scotland) 2009 regulations. Carers signed up to these in the partnership agreement and fostering agreements. Further information was provided to foster carers in the Foster Carer Handbook (the earliest edition of this we have been able to locate dates back to 2001).	Foster Carer Handbook 2001; Partnership agreement 1996; Foster Carer Agreement 1997 (and subsequent versions)

	Question	Response	Supporting documentation
k)	Did children work manually in the placement or externally (e.g. farming work or other labour), or both? If so, did that change at any point? If so, why?	Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council. There is no evidence of this from 1996 when East Lothian Council began.	
l)	Were fostering agreements entered into? If so, were these in a prescribed form or created on an ad hoc basis?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>Since the establishment of East Lothian Council in 1996, fostering agreements have been used in a prescribed form. There was initially a prescribed partnership agreement; then in 1997 a new general foster carer agreement was signed by all foster carers covering the points in Schedule 2 of The Fostering of Children (Scotland) Regulations 1996. In addition to the provisions within this agreement, a foster placement agreement covering the specific information stipulated in Schedule 3 of the 1996 regulations was signed within 72 hours for all new foster placements. The foster carer agreements and the foster placement agreements have been amended periodically to keep in pace with changes in regulations, most latterly the 2009 regulations.</p>	Partnership Agreement 1996 Foster Carer Agreement 1997; Foster Placement Agreement
	Present		
m)	With reference to the present position, are the answers to any of the above questions different?	Yes	
n)	If so, please give details.	We introduced a Nominated Carer Scheme in 2017 where friends and family members of a foster carer can be approved to be nominated respite carers only for the children in the care of the Foster Carer they are linked to	Nominated Carer Scheme Guidance November 2017

	Question	Response	Supporting documentation
2	<u>Organisational Structure and Oversight</u>		
2.1	<u>Culture</u>		
	Past		
a)	What was the nature of the culture within the local authority in relation to the provision of foster care?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>We can only comment on what is evidenced by our policies and guidelines. The role of foster carer was taken very seriously in 2002 - "The Local Authority acts as a corporate parent for Looked After and Accommodated children, and this is arguably the most important responsibility it has to discharge." Foster carers have always been seen as a valuable resource with care taken to try to recruit, assess and support people who had the necessary skills and the right outlook. We tried to recruit local carers for local children. By 2002 we said: "The expectations of foster carers have increased over the years. Many of the children currently cared for by foster carers would have been in residential care 20 years ago, and many of the children who would have been in foster care then are no longer accommodated by Local Authorities at all. Accompanying these increased expectations, there has been a drive for improved training for carers. "</p>	Best Value Review Looked After Children April 2002; Updated Panel Pack 080806; Current Recruitment Policy 2004
b)	Was that culture reflected in the local authority's policies, procedures and/or practice in relation the provision of foster care?	Yes – see documents referenced above	

	Question	Response	Supporting documentation
c)	How can that be demonstrated?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>From 1996, evidence was sought from the beginning of the assessment period about carers experience & skills in caring for children & working as part of a caring team. For attitudes etc. sought by fostering panel see pages 27-28 of panel pack. We produced guidelines for foster carers in relation to care and control.</p>	Carer Recruitment and Preparation Guidelines 181103; Updated Panel Pack 080806; Guidelines for care and control in foster care Oct 2005 *within Panel Pack March 2012.
d)	Did the provision of care by foster carers reflect the local authority's culture, policies and procedures?	Overall we believe that the provision of care by foster carers did reflect the local authority's culture, policies and procedures, however, there are instances where it clearly did not. Occasional complaints and allegations of abuse were taken seriously and dealt with in accordance with the relevant policies.	
e)	If not, please provide a representative range of examples and explain, by reference to those examples, why particular foster carers did not, in material ways, work in accordance with the local authority's then culture, policies and procedures and what, if anything, was done to change that?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>From time to time, issues would arise when complaints were made about individual carers. These issues would be addressed in supervision or through additional training. Where required, special circumstances reviews were held to look at a carer's registration. Please see Appendix 6 for examples of complaints made regarding carers.</p>	Panel Packs Appendix 6

	Question	Response	Supporting documentation
f)	When and why did any changes in the culture of the local authority in relation to the provision of foster care come about?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>Since the inception of East Lothian Council in 1996 and up to 2014 it is clear that there has been a gradual change in the culture of the local authority in relation to the provision of foster care, however, it is difficult to say with any degree of certainty when changes occurred and why. The significant case review carried out in 2008 had an impact on practice that carries on to the present day (see section 2.1 m). Anecdotally carers report that they are visited more regularly, there is a greater focus on unannounced visits and on seeing children's bedrooms and that safety issues are taken more seriously and that they feel better supported. Some carers, however, perceive the same changes negatively and feel there is an increase in bureaucracy. The other event that has potentially contributed to culture shift was the de-registration of the Chair of the Foster Carer Forum in 2010 following concerns about the standard of her care. This indirectly led to the disbanding of the Foster Carer Forum. Whilst there has always been amongst a minority of foster carers a 'them (carers) and us (social workers)' mentality, this was potentially exacerbated by the de-registration of a foster carer who remained friends with a key group of foster carers. A number of foster carers no longer attend foster carer support groups as they feel the support group had become dominated by an already established group.</p>	2001 Services to Children and Families
g)	Were any changes in culture driven by internal influences, incidents, experiences or events within the local authority, or any of the foster care placements?	Yes. As stated above in 2.1(f), the de-registration of the Chair of the Foster Care Forum in 2010 was driven by internal concerns about the standard of her care. The significant case review of 2008 involved both internal and external agencies.	
h)	Were there any changes in culture that were driven by abuse, or alleged abuse, of children in foster care?	Yes, a result of the significant case review of 2008.	

	Question	Response	Supporting documentation
i)	If so, when did they occur and how did they manifest themselves?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>As stated above in 2.1 (f), carers report that they are visited more regularly, there is a greater focus on announced visits and on seeing children's bedrooms and that safety issues are taken more seriously and that they feel better supported.</p>	
j)	Were any changes in culture driven by any external influences or factors and if so what were those influences or factors?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>There were increasing attempts to professionalise the service: In 2002: "It is difficult to gauge the relative calibre of East Lothian's foster care pool compared to other providers. Research undertaken by Professor John Trisiliotis in 1997 suggests that East Lothian carers were under qualified academically compared to other Local Authorities. Some of East Lothian's carers can be difficult to motivate in terms of attending training sessions, but this is a common problem among fostering agencies, it is hoped this will improve with the new payments structure. Like all Authorities, we have many excellent carers and some who provide more basic levels of care. It is important that we try to carefully match children with carers to ensure that the arrangements are the best available. Unfortunately it is difficult to achieve choice in matching children because of the demands on the service."</p>	Best Value Review Looked After Children April 2002
	Present		
k)	With reference to the present position, are the answers to any of the above questions different?	No	

	Question	Response	Supporting documentation
l)	If so, please give details.	Not applicable	
m)	To what extent, if any, has abuse or alleged abuse of children cared for in foster care caused, or contributed to, the adoption of the current policies, procedures and/or practices of the local authority, in relation to the provision of foster care services for children including the safeguarding and child protection arrangements applying to its current foster care placements?	<p>Where carers have been convicted of abuse, the surrounding investigation led to the following changes to policies, procedures and practices:</p> <ol style="list-style-type: none"> 1. LAAC reviews started being chaired by an independent reviewing officer (someone out with the fostering and practice teams). 2. All carers started having unannounced visits. 3. Children and young people are always encouraged to be present during their reviews and informed of decisions taken. They are also encouraged and supported to complete their own report for reviews. 4. The Children's Rights Officer started becoming involved with children in foster care not just residential care. 5. When child welfare concerns are raised within a placement, independent assessment is now required involving joint work between the Family Placement and Practice Team, thereby meeting the needs of both carers and children placed. 6. There used to be a tension created when there was only one worker involved from the Family Placement Team in trying to support both the carer and child / children in some longer-term placements perceived as stable. Two separate workers are always involved now, one to support the children and one to support the carers. 7. When carers become long-term foster parents and permanency decisions are taken in relation to children, the expectations and complexities of this situation are now made much more explicit. There is an expectation that foster carers converting to permanence attend the adoption prep group whilst work is done to try to ensure carers understand the difference between permanent fostering and adoption. 8. Assessments became competence based for Foster Carers 9. Young people now use Viewpoint to ensure their views are obtained and there is an opportunity for exit interviews. 10. The assessment and views of carer's own children became much more robust. Foster Carer Reviews started to require evidence of a discussion with foster carers' own children. 11. Where decisions are being taken about placing children together or separately for permanence, other foster carers with direct prior experience of parenting these children began to be consulted, where this was possible. 	

	Question	Response	Supporting documentation
		<p>12. Since 2008, safe-caring strategies and training for carers with children and young people who are displaying sexualised behaviour now involve the carer's children within a placement, particularly if they are teenagers. Safer Caring training became part of the post approval group syllabus. Individual safer caring policies for individual children and their carers began to be completed. . This includes discussion about foster carers' own children; it is a policy for the whole household.</p> <p>13. The Family Placement Team were alerted of the need to be aware and address any issues in relation to the financial circumstances of carers, exploring whether or not carers were taking on a heavy financial commitment with a high level of stress attached.</p> <p>14. There is much more of an expectation that carers participate in 15 hours' training over 2 years. Carers have a 'Development and Learning Passport' and foster carer reviews address the issue of carer training.</p> <p>15. When children are displaying distressed behaviour within placement for example, running away, it became the expectation that the child should be directly asked the reasons for this including questioning whether anything is going wrong within the placement.</p>	
2.2	<u>Structure, leadership and accountability</u>		
	Past		
a)	What was the structure of responsibility within the local authority in relation to foster care?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>From 1996, social workers would report to the team leader(s). The Team Leader(s) (there were 2 Team Leaders until a service review in 2014) reported to the Area Resources Manager, who in turn was supervised by a Service Manager who was also the Agency Decision Maker. This Manager reported to the Head of Service who reported to an executive director who</p>	See team structures within annual reports from 2005 onwards

	Question	Response	Supporting documentation
		in turn reported to the Chief Executive. In January 2014, the management structure was realigned with the Area Resources Manager post being removed and the Head of Service reported directly to the Chief Executive.	
b)	What were the oversight and supervision arrangements by senior management?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>From 1996, Social Workers would receive formal supervision every 3 weeks from Team Leaders. Supervision serves five functions - administrative (management), educative (developmental), enabling (supportive), advocacy (mediation) and outcomes. Team Leaders would also receive supervision from a Service Manager every 3 weeks.</p>	East Lothian Council Children's Wellbeing Supervision Policy with Guidance 2015
c)	What were the lines of accountability?	See 2.2 (b).	
d)	Within the local authority, who had senior management/corporate/organisational responsibility for the managers/management teams/leadership teams who had responsibilities in relation to children in foster care?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record might be held by City of Edinburgh Council.</p> <p>From 1996, The Director or Head of Service depending on configuration had senior management/ corporate/ organisational responsibility.</p>	
e)	Who, within the local authority, took decisions on matters of policy, procedure and/or practice in relation to foster care?	Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record might be held by City of Edinburgh Council. From 1996, matters of Policy would be put to the Council members. For procedure and / or practice it would be the Service Manager, then from 2014 the Group Service Manager.	
f)	To whom were foster carers accountable?	Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.	Panel Pack 2007 and 2012

	Question	Response	Supporting documentation
		From 1996, each had a Supervising Social worker who would monitor the placement and offer regular support sessions both through 1:1 meetings and telephone contact. Additionally carers were accountable through regular reviews of their registration to the Fostering Panel who would make a recommendation on this to the Agency Decision-Maker, for the ultimate decision about their registration.	
g)	Who, within the local authority, was responsible for the implementation of, and compliance with, the local authority's policies, procedures and/or practices in foster care both by local authority staff and by foster carers?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>From 1996, Fostering Panels Management meetings were held quarterly looking at monitoring of standards. These meetings involved Service Managers, Team Leaders and Chairs of the Fostering Panel.</p>	
h)	To whom were fostering panels accountable?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>Since 1996, the Fostering Panel members were appointed by and accountable to the local authority, as required by statutory regulations, notably the Boarding Out and Fostering of Children (Scotland) Regulations 1985.</p>	
i)	What were the oversight and supervision arrangements in respect of fostering panels?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.</p> <p>Since 1996, decisions by the Fostering Panel have been overseen by the Agency Decision Maker. Regular Fostering Panel Management meetings and Business meetings were held.</p>	Panel Pack 2007 and 2012

	Question	Response	Supporting documentation
	Present		
j)	With reference to the present position, are the answers to any of the above questions different?	Yes	Panel Pack 2017
k)	If so, please give details.	In reference to 2.2 b) the Service Manager is no longer the Agency Decision Maker. This role transferred to the Chief Social Work Officer in July 2014. A new post of Service Manager was created later and filled around 2017. The division merged with Education in 2019, under a combined Head of Service. A new post of Chief Operating Officer for Children's Services was created immediately under that.	
2.3	<u>External Oversight</u>		
	Past		
a)	What were the arrangements for external oversight of the local authority's foster care services?	There was a statutory basis for inspection by the Care Commission and then the Care Inspectorate from the establishment of the Care Commission in 2002. This was adhered to.	
b)	Who visited the local authority's foster care services in an official or statutory capacity and for what purpose?	Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council. No documents have been retained prior to 2008. Since 2008 Link Inspectors from the Care Commission, then the Care Inspectorate visited to inspect the service against the National Care Standards for Fostering and Family Placement Services.	
c)	How often did this occur?	Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council.	Care Inspectorate Inspection Reports 2008, 2009, 2012, 2013, 2015, 2017 and 2019

	Question	Response	Supporting documentation
		There are no records relating to the time period 1996 - 2008. The service was inspected by the Care Commission and then the Care Inspectorate in 2008, 2009, 2012, 2013, 2015, 2017 and 2019.	
d)	What did these visits involve in practice?	<p>Prior to 1975 no documents are held providing this information. Evidence for the period 1975-1995 relates to the Lothian Regional Council and these records are not held by the Council. Relevant record may be held by City of Edinburgh Council. No documents have been retained prior to 2008.</p> <p>Evidence from 2008 detail that evidence from the self-assessment prepared by the local authority was gathered, looked at foster care and children's files, recruitment materials, complaints policy, participation strategies, newsletters, attended fostering panels and team meetings, looked at minutes from Business Meetings and Management Group meetings and held interviews with birth parents, focus groups with foster carers, family placement workers, practice team workers, training officers and obtained written feedback from questionnaires sent to stakeholders.</p>	Care Inspectorate Inspection Reports 2008, 2009, 2012, 2013, 2015, 2017 and 2019
	Present		
e)	With reference to the present position, are the answers to any of the above questions different?	No	
f)	If so, please give details.		