

Scottish Child Abuse Inquiry
PO Box 24085
EDINBURGH
EH7 9EA

Dear Rt Hon Lady Smith

Re.: S21 requests – foster care case study – Part B, C and D – dated 27 August 2017

Please find enclosed the submission for the above section 21 notice. We have completed all sections as requested, however due to the historical nature, there may be gaps and limitations to the information provided. We have endeavoured to keep these to a minimum and have answered all questions to the best of our ability.

If you require any further information, please do not hesitate to contact myself.

Yours sincerely



Judith Tait
Chief Operating Officer/ Chief Social Work Officer
Children's Services – East Lothian Council

East Lothian Council

Section 21 Request – Foster Care Case Study – Part B

	Question	Response	Supporting Documentation
Part B	Current Statement		
3	Retrospective Acknowledgement/ Admission		
3.1	Acknowledgement of Abuse		
a)	Does the local authority accept that between 1930 and 17 December 2014 any children cared for in foster care were abused?	<p>Prior to 1996 There is almost no documentation to answer the above question. There are a very few references to boarded out children contained in County Council Minutes from 1945 to 1948. The Minute of the Social Welfare Committee of 28th May 1945 refers to the prosecution of an Aberdeenshire farmer for an alleged assault on a named child, boarded out to him by the County Council. No further details about this are available, other than a reference in the Social Welfare Committee Minute of 23rd July 1945 that the child “had been visited and seemed in the best of health and spirits”. Given no further details are available, the Council is unable to comment further.</p> <p>After that, in 1948 the Midlothian, East Lothian and Peebles Children’s Committee was formed and fostering was dealt with by them. Unfortunately the minutes for this committee are missing. 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>Since 1996 Based on the documents reviewed, there were three reports of children abused whilst within foster care within the East Lothian Council area. “Abuse” for the purpose of this Inquiry is to be taken to mean primarily physical abuse and sexual abuse, with associated psychological and emotional abuse.</p>	1945-1948 Extracts from County Council Minutes

b)	If so, what is the local authority's assessment of the extent and scale of such abuse?	<p>Case A</p> <p>Three children of the same family made disclosures that they were abused within one foster care setting. There were reports of both sexual and physical abuse, as well as reports of rigid parenting strategies. These disclosures came over a period of many months and were handled by the police who conducted joint interviews of the children. The police traced and interviewed all other children previously placed with them, leading to further allegations of sexual abuse by two more children. This resulted in two persons being charged. The female foster care was charged with two offences under section 12 of the Children and Young Persons (Scotland) Act 1937. The son of the foster carer, who did not reside with the foster care parents at the time of the disclosure as he had left the family home in April 2003, was charged with sodomy and lewd and libidinous acts.</p> <p>The female foster carer was not convicted of any offences.</p> <p>The son of the Foster Carer pled guilty to offences and was sentenced to a period of 6 years imprisonment.</p> <p>Case B</p> <p>In the second report of child abuse within a foster care setting, two foster children from separate families made an allegation of excessive chastisement in one foster care setting. The parenting style of the female foster carer was perceived as rigid, with a focus on discipline and sanctions. The foster carers demonstrated a lack of knowledge or reasonable understanding of normal child development.</p> <p>The female foster carer was initially charged with assault but the charges were not pursued any further. The foster carers were later de-registered.</p> <p>However, there had been two earlier allegations, one from 18 months before and one from 6 months before, which did not result in any further action. Firstly, the subsequent carer of Child A had earlier reported that the carers had been cruel and unfair to Child A. This behaviour was denied or explained away by the carers. Secondly, the grandparent of Child C made a complaint on behalf of the Child C reluctantly, stating the child was prone to exaggerate. It was investigated but no further action was deemed necessary.</p>	
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		<p>At the time of the allegations by Child A and Child B, Child D's social worker reported that Child D had said they had been shouted at a lot and thrown onto the sofa, during two periods of respite around three to four years earlier. It took over a year before Child D was interviewed by the Police in relation to this. Child D's sibling, Child E, was then interviewed by the Police and alleged that the carer had yelled, grabbed and yanked them by the arm during those same periods of respite. No charges were brought by the Police in relation to any of these other incidents.</p> <p>Case C In the third report of child abuse within a foster care setting, a foster carer reported that following a visit by her nephew and his family to her house, a child in her care made an allegation of sexual abuse by her nephew, who had kissed him on the neck and touched his penis.</p> <p>The teenager was charged by the police in connection with this. Due to his age, he was dealt with through the Children's Hearing system. The abuse was fully discussed within a month of the incident at an internal fostering review of the carers, further work with them was recommended in relation to Safe Caring, followed up four months later at a Fostering Panel Review and three months later with another internal carer review.</p>	
c)	What is the basis of that assessment?	<p>Case A The local authority conducted an Initial Case Review and thereafter, a Significant Case Review into the report of abuse.</p> <p>Case B The local authority wrote a Special Circumstances Carer Review report in this of abuse. They also instructed an Independent Consultant, Mary McKenna to write a Confidential Report for East Lothian Council Fostering and Adoption Panel.</p> <p>Case C The local authority ensured the carers were reviewed informally within one month of the incident, where recommendations were made about further work/training to be done with them.</p>	<p>Case A 2007 Initial Case Review – final document – 16-11-07; 2008 Final Significant Case Review Report with attachments 05-09-08; Case B 2011 Special Circumstances Review plus Appendices 1-6; 2011 April Special Circumstances Review Minute; 2011 Nov Independent Report by Mary McKenna CQSW MSc for</p>

			East Lothian Council Fostering and Adoption Panel; Case C 2006 April Internal Foster Carer Review Minute; 2006 Aug Interim Fostering Panel Carer Review Minute; 2006 November Interim Internal Foster Carer Review
3.2	Acknowledgement of Systemic Failures		
a)	Does the local authority accept that its systems failed to protect children in foster care between 1930 and 17 December 2014 from abuse?	<p>Prior to 1975, there is no documentation to answer the above question. 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>Post 1996, in the three instances of abuse being reported, the local authority acknowledges that children were abused within a foster care setting. The local authority accepts that in Case A, improvements could be made through recommendations from the Significant Case Review. These have been implemented by the local authority.</p> <p>On the basis of files reviewed, the local authority is not aware of any other cases where children were abused within a foster care setting.</p>	
b)	What is the local authority's assessment of the extent of any such systemic failures?	<p>Case A The local authority assessed the disclosure of abuse within the first foster care setting and formally reviewed this with using both internal and external officers. Internally, these included Education and Children Services. Externally, Health, Police and Child Protection Committees were involved. This resulted in a number of recommendations.</p> <p>Case B</p>	<p>Case A 2007 Initial Case Review – final document – 16-11-07; 2008 Final Significant Case Review Report with attachments 05-09-08; Case B 2011 Special Circumstances Review plus Appendices 1-6;</p>

		<p>The local authority investigated and wrote a Special Circumstances Carer Review Report. This was conducted by East Lothian social workers. They also instructed an Independent Consultant, Mary McKenna CQSW MSc who conducted a confidential report. This recommended that the East Lothian Council Fostering and Adoption Panel accept the resignation of the foster carers.</p> <p>Case C The foster carer reported the allegations of a young relative visiting and abusing a child within a foster care setting. These allegations were then investigated.</p>	<p>2011 April Special Circumstances Review Minute; 2011 Independent Report by Mary McKenna CQSW MSc for East Lothian Council Fostering and Adoption Panel; Case C 2006 April Internal Foster Carer Review Minute; 2006 Aug Interim Fostering Panel Carer Review Minute; 2006 November Interim Internal Foster Carer Review</p>
c)	What is the basis of that assessment?	<p>Case A The basis of this assessment was within the Initial Case Review and the Significant Case Review.</p> <p>Case B The local authority investigated and wrote a Special Circumstances Carer Review Report. This was conducted by internal social workers. There was also a Confidential Report from an Independent Consultant.</p> <p>Case C The local authority investigated and carried out an internal carer review, followed up by a formal Fostering Panel Review four months later.</p>	<p>Case A 2007 Initial Case Review – final document – 16-11-07; 2008 Final Significant Case Review Report with attachments 05-09-08; Case B 2011 Special Circumstances Review plus Appendices 1-6; 2011 April Special Circumstances Review Minute; 2011 Nov Independent Report by Mary McKenna CQSW MSc for East Lothian Council Fostering and Adoption Panel; Case C 2006 April Internal Foster Carer Review Minute; 2006 Aug Interim Fostering Panel Carer Review Minute; 2006 November Interim Internal Foster Carer Review</p>

d)	What is the local authority's explanation for any such failures?	<p>Case A The local authority acknowledged that improvements could be made and these changes were implemented through recommendations from the Significant Case Review. This included more robust assessments of foster carers' adult children who were residing within the family home.</p> <p>Case B Training had been offered to the foster carer but the foster carer did not implement alternative strategies when disciplining the foster children.</p> <p>Case C The abuse was carried out by external family member of the carer.</p> <p>The local authority cannot provide an explanation for the failures. However, it was reactive to the disclosures of abuse and conducted reviews which made recommendations that are still implemented today to ensure that children within foster care are safe and their needs are met.</p>	<p>Case A 2008 Final Significant Case Review Report with attachments 05-09-08; Case B 2011 April Special Circumstances Review Minute;</p>
3.3	Acknowledgment of Failures/ Deficiencies in Response		
a)	Does the local authority accept that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of children in foster care between 1930 and 17 December 2014?	<p>Prior to 1975, there is no documentation to answer the above question. 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>Case A The children disclosed that the foster carers implemented rigid parenting strategies such as being kept in the dark, not being allowed in certain areas of the house and being given food they did not like. From the first disclosure of this, it took around two years to remove the children from the foster care placement.</p> <p>Two of the children were removed from the foster carers by the time the foster carer was charged with section 12 offences. The third was removed on the foster carer being charged along with a fourth child who was part of the same family but did not disclose any abuse. (The other unrelated children, who were subsequently</p>	

		<p>traced and interviewed during the course of which they made allegations of sexual abuse, had been previous placements for those foster carers, and had already moved placements before these four siblings were placed there.) The disclosures of sexual offences came around 5 months later when the children were all in new placements.</p> <p>Case B Two allegations by two children were made within a fortnight of each other. The first was made by Child A who had already left the care of these foster carers, while the second was made by Child B still living with them. Child B was moved immediately.</p> <p>Case C This was a one-off incident with no previous allegations of abuse having been made in relation to children on placement with these carers. The nephew who committed the offence was not allowed back into the house following the allegation.</p> <p>In Case A, it is acknowledged that it took around two years to remove the children from the foster care placement after there were reports of physical abuse. However, this was on the basis that it was deemed more important to keep the children together as a sibling group rather than removing them to different foster care placements.</p> <p>In Case B, it took time to process the complaints of abuse. These should have been dealt more quickly.</p> <p>In Case C, the local authority acted robustly and quickly to deal with allegations of abuse.</p>	
b)	What is the local authority's assessment of the extent of any such failures in its response?	<p>Case A When concerns were first reported regarding the parenting strategies of the foster carers, Sally Wassell, an independent consultant and trainer in childcare, reviewed the way the foster carers were coping. At this time, she assessed that the social workers twice weekly visits were undermining the children's security.</p>	<p>Case B 2011 Special Circumstances Review plus Appendices 1-6; 2011 April Special Circumstances Review Minute;</p>

		<p>The importance of keeping the children as a sibling group was promoted. Her report itself has not yet been traced but reference is made to it in case notes.</p> <p>Case B The local authority conducted a Special Circumstance Carer Review Report to assess the extent of any such failings and to review any concerns. There was also an Independent Report by Mary McKenna CQSW MSc. The recommendation was from the resignation of the foster carers. This was implemented.</p> <p>Case C An internal review of the foster carers was carried out. There were no failures detected in the local authorities' response to the abuse.</p>	<p>2011 Nov Independent Report by Mary McKenna CQSW MSc; Case C 2006 April Internal Foster Carer Review Minute; 2006 Aug Interim Fostering Panel Carer Review Minute; 2006 November Interim Internal Foster Carer Review</p>
c)	What is the basis of that assessment?	<p>Case A A subsequent Significant Case Review</p> <p>Case B A Special Circumstance Carer Review Report and Confidential Report by an Independent Consultant.</p> <p>Case C A fostering review report.</p>	<p>Case A 2008 Final Significant Case Review Report (with attachments)05-09-08 Case B 2011 Special Circumstances Review plus Appendices 1-6; 2011 April Special Circumstances Review Minute; 2011 Nov Independent Report by Mary McKenna CQSW MSc; Case C 2006 April Internal Foster Carer Review Minute; 2006 Aug Interim Fostering Panel Carer Review Minute; 2006 November Interim Internal Foster Carer Review</p>
d)	What is the local authority's explanation for any such failures/deficiencies?	<p>Case A When the reports first came to light about rigid parenting strategies, the focus was to keep the children together as a sibling group rather than to end the placement. This is why the children were not removed from the foster care setting on the first disclosure of the reports of abuse of rigid parenting strategies. The</p>	

		disclosure of sexual abuse came round five months after the children had left the foster care placement.	
		<p>Case B</p> <p>When the two prior complaints / allegations were made (by Child A's subsequent carer and Child C's grandparent on behalf of Child C) an explanation was provided by the carers. Further to this, an explanation was also provided by the referrer. However, when the allegations were made by Child B, there was bruising as tangible proof of the event. Steps were taken to interview other children who had been placed with these carers although it seems the process took some considerable time.</p>	
3.4	Changes		
a)	To what extent has the local authority implemented changes to its policies, procedures and practices as a result of any acknowledgment in relation to 3.1 – 3.3 above?	<p>Case A</p> <p>The Significant Case Review made a number of recommendations and changes were implemented on the basis of these. An update on how the local authority implements these recommendations is underneath in italics. They were:</p> <ul style="list-style-type: none"> • LAAC reviews are now chaired by an independent reviewing officer. <i>This is still being adhered to.</i> • All carers now have unannounced visits. <i>This is now written policy.</i> • Children and young people are present during their reviews and informed of decisions taken. They are also encouraged and supported to complete their own report for reviews. <i>This is still the case, although some children choose not to attend their review, or come in for part of it.</i> • The new Children's Rights Officer about to be recruited will be involved with children in foster care. <i>The worker was recruited and became involved with children in foster care as well as children in residential care. Their involvement more recently has however</i> 	

	<p><i>tended to be more with young people in residential placements, due to pressure on the service.</i></p> <ul style="list-style-type: none"> • When child welfare concerns are raised within a placement, independent assessment is required and joint work between the Family Placement and Practice Team, thereby meeting the needs of both carers and children placed. <i>This is still the case. There is written guidance. Managers are involved, there is a process to follow and both the Fostering Team, previously known as the Family Placement Team, and the Practice Team are involved.</i> • There is a tension created when there is only one worker involved from the Family Placement Team in trying to support both the carer and child / children. 2 separate workers require to be involved, one to support the children and one to support the carers. <i>This is still being adhered to.</i> • When carers become long-term foster parents and permanency decisions are taken in relation to children, the expectations and complexities of this situation need to be clear. This is a partnership in parenting between the Department and carers. It is not adoption. <i>This continues to be the case. There is an expectation that foster carers converting to permanent carers attend the adoption preparation group whilst at the same time work is done with them to understand the difference between permanent fostering and adoption.</i> • Assessments are now competence based for Foster Carers and full re-assessment of the whole foster family after 10 years in practice. <i>Assessments continue to be competence based. However, it has not been the practice of late for full re-assessments of the whole foster family to be carried out after ten years. We are re-starting this practice.</i> • Young people now have exit interviews when they leave care. The new Consumer Involvement Officer has been involved in developing a strategy for seeking the views of all children including those who are accommodated. Viewpoint being used and staff undergoing training. 	
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	<p><i>This use of Viewpoint continues and all new staff still receive training in this. Due to pressure on the service, we are aware that exit interviews are not always taking place.</i></p> <ul style="list-style-type: none"> • After assessment and approval of carers, the worker undertaking the re-assessment should change and should not be undertaken by the current support worker, to ensure objectivity. <i>This will be re-introduced. However, it should be noted that the very long-term working relationships that used to develop are much less evident these days.</i> • Alongside the enhanced disclosures undertaken for all adults when families are being assessed or re-assessed as carers, intelligence information should also be sought from the police. <i>We continue to seek disclosures for all adults living within the fostering household. However, seeking intelligence is not part of our guidance.</i> • The new Children's Rights Officer will have an advocacy role with children and young people who are accommodated. <i>This continues to be the case.</i> • The assessment and views of carer's own children needs to become more robust. It is the adults who choose to become carers and their children possibly feel they have no choice or say in this decision. <i>This continues to be the case and their views are also taken into account in relation to reviews, when evidence of discussion with the foster carer's own children is required.</i> • Professionals need to listen to the views of carers. Other foster carers who had had direct experience of parenting these children individually said that placing all 4 together with Mr and Mrs [REDACTED] was likely to fail. <i>We continue to try to seek as much information about children and young people and where possible, this would include consulting with other foster carers.</i> • Safe-caring strategies and training for carers with children and young people who are displaying sexualised behaviour needs to also involve the carers children within a placement, particularly if they are teenagers. 	
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		<p><i>We adhere to this. Safer caring is part of the post-approval group syllabus. We put together individual safer caring policies for individual children and their foster carers. This includes discussion about the foster carer's own children as it is a policy for the whole household.</i></p> <ul style="list-style-type: none"> • The Family Placement Team need to be aware and address any issues in relation to the financial circumstances of carers. Exploring whether or not carers are taking on too much financially. <i>This is still part of our regular practice.</i> <p>The external review of the internal Significant Case Review made two further recommendations:</p> <ul style="list-style-type: none"> • When children are displaying distressed behaviour within placement for example, running away, consideration should always be given to directly asking the child/(ren) the reasons for this including questioning whether anything is going wrong within the placement. <i>This is still our practice</i> • When children are displaying sexualized behaviour it is important to undertake "safe touch" work at the earliest appropriate opportunity. <i>We still support carers with this, discussions take place with foster carers as required and we make use of specific resources to use with carers.</i> <p>Case B No recommendations were made that would implement changes to the local authority's policies, procedures and practices.</p> <p>Case C No recommendations were made that would implement changes to the local authority's policies, procedures and practices.</p>	
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East Lothian Council

Section 21 Request – Foster Care Case Study – Part C

	Question	Response	Supporting Documentation
Part C	Prevention and Identification		
4	Policy and Practice		
4.1	National		
	PAST		
a)	Was there national policy/guidance relevant to the provision of foster care for children?	<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> <ul style="list-style-type: none"> - From 1996, there was national guidance in The Children (Scotland) Act 1995 Regulations and Guidance Volume 2 Chapter 3 (1997). - The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002. - Then there was Guidance on Looked after Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007 (in March 2011). Also the National Foster Care Association's 1999 National Standards for Fostering and Family Placement Services (incorporated into standards issued by Scottish Ministers in 2002 which were revised 2005 and 2011); Getting it Right for Every Child: - Guidance on Overnight Stays for Looked After and Accommodated Children (Jan 2008); - Best Practice Guidance: Responding to Allegations Against Foster Carers - Interim guidance 2010; - Managing Allegations Against Foster Carers and Approved Kinship Carers: How Agencies Should Respond (May 2013); 	

		- National Guidance for Child Protection in Scotland (2014).	
b)	If so, to what extent was the local authority aware of such?	<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>The local authority was aware of the above policies and guidance. Foster Carer Agreements and panel minutes, carers' handbooks and policies were all based on and referred to the relevant legislation, regulations and guidance, and were regularly updated when new national policies and guidance were produced.</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?		
i)	Child welfare (physical and emotional)	<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>Since 1996, records show that we were aware of national policy/ guidance: the foster carer's responsibilities outlined in the various fostering agreements make this clear and it was also reflected in our assessments, preparation groups, training and supervision.</p>	Foster Carer Agreements 1996, 2000, 2007, 2009, 2012
ii)	The child's views	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.	1998 Children and Families Procedure - Children Placed; 2008 and 2010 Guidance on Assessment and Planning Format

		<p>Records are available from 1996 onwards, which show awareness of the national policy/ guidance on a child's views. Section 17 of Children (Scotland) Act 1995 said local authorities were to ascertain and have regard to the views of children who are looked after. This is reflected in our own report and review formats and guidance. From 1998, our procedures stated - "Find out and have regard to the views of the child". At that stage they said nothing specifically about the age of a child, although comment that "It is not possible to identify a particular age which is appropriate to ensure understanding [of grounds for a children's hearing] e.g. a child of 6 or 7 may understand truancy, a complex lack of parental care grounds might not be fully understood by a 12 year old".</p> <p>From June 2008 to 2010, the child was presumed to be able to give a view once they had started school. Our 2008 Guidance on Assessment and Planning document states: 'Please ask the child or young person for his or her views. This should be possible with children from around the time they start school. We want to hear their views on what has been going on at home; how they feel things have affected them; their views on what would make a difference; and depending on their age, their views on possible options for the future. We also want to learn their perception of whether our intervention has made a positive difference to them e.g. "Are things different now that Mummy doesn't work at night anymore? How are they different?" or "Do you feel safer now you are staying with...?"</p> <p>From 2010 onwards, the expectation was from four years old or older. Our 2010 Guidance on Assessment and Planning states: 'Please ask the child or young person for their views. They should be seen on their own. There is an expectation that this will happen with all four year olds and older. (Accessible methods such as using "talking mats" or pictures may be more appropriate for children and young people with communication difficulties). We want to hear their views on what has been going on at home; how they feel things have affected them; their views on what would make a difference; and depending on their age, their views on possible options for the future. We also want to learn their perception of whether our intervention has made a positive difference to them e.g. "Are things different now that Mummy doesn't work at night anymore...how are they</p>	
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		different?" or "Do you feel safer now you are staying with...?" If it has not been possible to see the child on their own, please state this. We encourage the use of Viewpoint to gain the views of young people who are LAAC or involved in the Child Protection process. Young people's views gathered through conversations, Viewpoint etc. need to be evidenced in case notes, assessment, planning and review documents. Where significant issues arise, you may also want to consider whether the child or young person requires the advocacy service from Who Cares? to help express their views at any subsequent meeting. On a few occasions, for example in Child Protection cases, the responsibility for gathering a younger child's views may not belong to the case co-ordinator but may fall to another member of the core group who is a key worker for the child'.	
iii)	Reviewing a child's continued residence in a foster care placement	<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>Since 1996, East Lothian Council was aware - this was reflected in our reviewing timetable and procedures, which matched and later exceeded the legal timetable for reviewing children's placements. From 1996 our requirements were to hold a Placement Arrangement Meeting within three working days of the placement, then to hold reviews, the first one six weeks later, then three months after that, then at six monthly intervals after that. From 2008, reviews were held within three days of placement (where the placement was made in an emergency), within six weeks of placement, an extra review just for under 10's within a further six weeks (i.e. three months from placement), and at six monthly intervals after that.</p>	<p>Children and Families Procedures Children Placed January 1998; Procedure for Looked after and accommodated children 2003; Reviews - LAAC Timescales Oct 2008</p>
iv)	Child Protection	<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>2001 Feb Policy and Guidance on Dealing with Allegations of Child Abuse by Substitute Carers; 2002 Child Protection Guidelines Parts 1- 9; 2014 EMPPC - Response to Historical Abuse Guidance</p>

		<p>Since 1996, East Lothian Council was aware - reflected in both our local child protection procedures and our separate guidance from 2001 onwards on Allegations against foster carers.</p> <p>In 2014 in response to the 2014 National Guidance for Child Protection in Scotland we adopted the East and Midlothian Public Protection Committee - Response to Historical Abuse Guidance, 2014</p>	
v)	Discipline	<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>Regulation 8 and paragraph 6 of Schedule 2 of the Fostering of Children (Scotland) Regulations 1996, (SI 1996/3263) specify that foster carers must sign a foster carer agreement that includes 'an obligation not to administer corporal punishment to any child placed with him'. East Lothian Council complied with this. Our foster carer agreements, foster carer handbooks and a document <i>East Lothian Council - Standards for Foster Care</i> reflected this.</p>	Foster Carer Agreements 1996, 1997, 2000, 2007, 2009, 2012
vi)	Complaints handling	<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>Regulation 8 and paragraph 3 of Schedule 2 of the Fostering of Children (Scotland) Regulations 1996, (SI 1996/3263) specify that foster carer agreements must include details on the procedure for handling of complaints against foster carers. East Lothian Council was aware of this - reflected in our foster carer agreements from 1997.</p>	Foster Carer Agreements 1997, 2000, 2007, 2009, 2012
vii)	Whistleblowing	<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>	2001 Policy and guidance on dealing with allegations of child abuse by substitute carers;

		<p>We are not aware of any distinct national guidance on whistleblowing in relation to fostering or looked after children. In our 2001 policy and guidance on dealing with allegations of child abuse by substitute carers although we did not use the term whistleblowing, we stated that employees and carers had a duty to raise concerns appropriately about abusive conduct by other employees (including employees 'abusing or appearing to behave harmfully to a child in their care') and advised them of how to do this. However the Council has had a whistleblowing policy since 2009 and a specific guidance paper for foster carers on Whistleblowing since 2012. This was circulated to foster carers and included in the revised Foster Carer's Handbook in 2013.</p>	<p>2012 Whistleblowing Practice Guidance for Foster Carers.</p>
viii)	Record retention	<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, we were aware and this is reflected within our Retention policy.</p>	<p>Retention and archiving of children and carer files policy 2001; Procedure for Retention and Archiving of Records Oct 2008, and Aug 2010.</p>
ix)	Recruitment and training of foster carers	<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>When East Lothian Council established in 1996, it followed Children and Families Policies, Procedures and Practice 1996, specifically Procedure 56 that outlines our process for recruiting foster carers. Our policies make clear that we were complying with Fostering Children Scotland Regulations 1996 and the 1999 National Standards for Foster Care (that were subsequently incorporated into the 2002 National Standards for Foster Care and Family Placement Services). The duty of the local authority to make carers aware of support and training available to them was included in Fostering Agreements (in line with Schedule 2 of the 1996 Fostering regulations and Schedule 6 of the 2009 LAAC regulations).</p>	<p>Foster Care Agreements 1996, 1997, 2000, 2007, 2009, 2012; Carer Recruitment and Preparation – Guideline (2003); Children and Families Policies Procedures and Practice 1996. Procedure 56</p>

x)	Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority	<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>East Lothian Council was established in 1996. Although the 1996 Fostering regulations do not specifically request that a report be obtained from an employer (they just specify details of employment and references from 'third parties' as to the applicants character and suitability to be a foster carer"), it has been practice to seek employer references at least as far back as 2002 (although unless there were concerns, we asked for any relevant information).</p> <p>The 2005 Fostering and Adoption Service Annual report and 2006 panel pack reveal that this was standard practice. The earliest letter located, which asked employer's to divulge incidents and events that have caused concern and disciplinary issues, is from 2010. We are not aware that national guidance stated anything about this until Guidance on the Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007 in 2011 that stated "Best practice also requires that contact should be made with applicants' employers, including, where appropriate former employees." It had not been included in Schedule 3 to 2009 Regulations. This mirrored what we already did.</p>	Letter seeking Employer Reference 2002; Panel Pack 2006; Fostering and Adoption Worker's Handbook 2006; Employer Reference Letter and Form 2010
d)	If the local authority was aware of such, did they give effect to that policy/guidance?	Yes – see above comments (i-x).	
e)	If so, how was effect given to such policy/guidance?	See above comments (i-x).	
f)	If not, why not?	N/A	
	PRESENT		

g)	With reference to the present position, are the answers to any of the above questions different?	Yes	
h)	If so, please give details	<p>We have a newer version of our own Looked After Children guidance 2019. The introduction of Continuing Care (section 67 of the Children and Young People Scotland Act 2014) has implications for how we review children's continued residence in a foster placement, particularly for older children.</p> <p>We added an additional review of children after two weeks of placement in Autumn 2019 to try to avoid drift in planning.</p>	LAAC Guidance October 2019; Continuing Care for East Lothian Young People – Briefing December 2018
4.2	Local Authority		
i)	Policy		
	PAST		
a)	Was there local authority policy/guidance in relation to the provision of 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>When East Lothian Council was established in 1996, it adopted the existing Lothian Regional Council Children and Families Policies, Procedures and Practice, February 1996. This was superseded by East Lothian Council Volume 1 Children and Families Procedures, Guidance and Forms, Looked After Children and Children in Need in January 1998. In 1997 we have a Complaints procedure for children and young people. In 2001 we have an 'Information and Guidance for Staff' document and also we published Guidance on Dealing with Allegations of Child Abuse by Substitute Carers. The Foster Carer handbook was updated in 2003, 2004, 2005, 2006, 2013, 2018 and 2019). Within the appendices in this earliest copy of the handbook contains East Lothian Council - Standards for Foster Care (although they may have been in circulation earlier than 2001). This includes a flowchart on how to deal with Complaints made by accommodated children and young people</p>	<p>Lothian Regional Council Children and Families Policies Procedures and Practice (specifically 16 and 56) 1996; Looked after Children Case Records Guidance (1997); Children & Families procedure Children placed Jan 1998 volume 1 C & F procedures, guidance and forms looked after children; Services to Children and Families – Information and Guidance for Staff (2001 November); 2001 Guidance on Dealing with Allegations of Child Abuse by Substitute Carers; Foster Carer Handbook (2001 and regular updates in 2003, 2004, 2005, 2006, 2013, 2018 and 2019);</p>

		<p>In 2001; In 2003 we have Procedures for Looked-after and Accommodated Children and a Carer recruitment and preparation guideline.</p> <p>In 2004 we have a Foster Carers Guide to Recording Information and Current recruitment policy [priorities] (2004). In 2005 we have Guidelines for care and control in foster care - Information for Carers October. In 2006 we produced the Fostering and Adoption Worker's Handbook 2006; We also produced packs for panel members and the earliest of these we can find dates back to 2006 (although this document is an 'update' and therefore it can be assumed that the panel pack was in existence before 2006). In 2007 we updated our Standards for Foster Care. In 2007 we also produced a protocol for reviewing all carers' files. In 2010 we produced the document 'Serious allegations made against foster carers - Information for carers and social workers' and Caring for Other People's Children, Guidelines for applicants. In 2012 we produced guidance for foster carers on whistleblowing.</p>	<p>Procedure for Looked after and Accommodated Children (2003); Carer Recruitment and Preparation guideline (2003 Nov); 2004 Foster Carers Guide to Recording Information; 2004 Current recruitment policy [priorities] Fostering and Adoption Worker's Handbook (2006); Panel Pack 2006; East Lothian Standards for Foster Care (2007); 2007 Protocol for reviewing all carers' files; 2008 June Department of Education and Children's Services Eligibility Criteria; 2010 Serious allegations made against foster carers - Information for carers and social workers; 2010 Caring for Other People's Children, Guidelines for applicants; 2012 Guidance for foster carers on whistleblowing</p>
b)	<p>Was there a particular policy and/or procedural aim/intention?</p>	<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>Documents from 1996, state that the aim was to provide local guidance as to how to meet our statutory obligations under the relevant pieces of legislation relevant to fostering.</p> <p>A 2001 document sets out the following principles:</p>	<p>Services to Children and Families – Information and Guidance for Staff (2001 Nov)</p>

		<ul style="list-style-type: none"> - Formal intervention in the lives of children and families should be at the minimum level needed to protect children and safeguard their welfare. - Wherever possible Social Work must work in partnership with parents. - Attempts must always be made to maintain children in their families (including extended families) and communities (for example with friends) unless it is clear that this is not in the child's best interests. - The views of the child should always be listened to and, where possible, acted upon. - Social work services must be prioritised for the most vulnerable children and families. Other referrals where appropriate should be re-directed to mainstream and other services. - Social Work should take a lead in ensuring that the Council as a whole discharges its responsibility as a good corporate parent towards all children who are Looked After or subject to After Care'. <p>This document also stated 'Resources are finite and should be used appropriately. Only those children assessed as requiring residential care should receive it. Looked After Reviews should regularly review whether children in residential care can move to a community resource. Children should not drift in care placements. There should be purposeful, direct work. Care Plans should be set down'.</p>	
c)	Where were such policies and/or procedures recorded?	<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>East Lothian Council was established in 1996. Initially, volumes of paper documents were bound. Over time these became electronic documents saved on the shared drive of computers. Carer's Handbooks were issued in hard copy to foster carers. These are now issued in electronic copy (but a hard copy is available on request). Panel Packs were issued in hard copy to panel members. These are now issued in electronic copy (but a hard copy is available on request).</p>	

d)	What did the policies and/or procedures set out in terms of the following:		
i)	Child welfare (physical and emotional)	<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>East Lothian Council was established in 1996. The 1996 Foster Carer Partnership agreement (and subsequent revisions) states that Foster Carers are responsible for providing 'a good standard of physical care' and includes in the foster carer's responsibilities 'instruction and good example in health and hygiene habits' and to 'supervise the child's medical and dental care'.</p> <p>The Foster Carer Partnership agreement 1996 (and subsequent revisions) specifies that we expect foster carers to provide a good standard of emotional care. Foster carers are encouraged to do this by 'giving attention and affection, building self-esteem and developing any special interests.' They are also asked to set 'consistent limits to manage behaviour without resort to physical punishment'.</p> <p>East Lothian Council booklet 'Information for Young People who are Looked after' 1998, that specifies that children are entitled to expect a high standard of physical care and to feel safe.</p> <p>The 2001 East Lothian Council - Standards for Foster Care state 'a child or young person who is adopted or fostered should have his/her emotional, physical, developmental needs and rights as an individual recognised and effectively addressed'. The standards provide detailed guidance for carers on several aspects related to physical wellbeing, including safety, health, hygiene, food and smoking.</p> <p>The 2001 East Lothian Council - Standards for Foster Care state 'a child or young person who is adopted or fostered should have his/her emotional,</p>	<p>Foster Carer Agreements 1996, 2000, 2007, 2009, 2012 1998 Information for Young People who are Looked after; 2001 East Lothian Council - Standards for Foster Care</p>

		physical, developmental needs and rights as an individual recognised and effectively addressed'. The standards provide detailed guidance for carers on several aspects related to emotional and mental wellbeing, including clothing, individuality of each child, racism, ethnicity, child's individual heritage, sexuality, religious observation, children's rights and responsibilities, dignity, choice, fulfilment, privacy, links with family and community.	
ii)	The child's views	<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>East Lothian Council was established in 1996. Section 17 of Children (Scotland) Act 1995 said local authorities were to ascertain and have regard to view of children who are looked after. This is reflected in our own report and review formats and guidance. From 1998, our procedures said - "Find out and have regard to the views of the child" although at that stage they said nothing specifically about the age of a child, although it commented that "It is not possible to identify a particular age which is appropriate to ensure understanding [of grounds for a children's hearing] e.g. a child of 6 or 7 may understand truancy, a complex lack of parental care grounds might not be fully understood by a 12 year old.</p> <p>From June 2008 to 2010, the child was presumed to be able to give a view once they had started school. Our 2008 Guidance on Assessment and Planning document states: 'Please ask the child or young person for his or her views. This should be possible with children from around the time they start school. We want to hear their views on what has been going on at home; how they feel things have affected them; their views on what would make a difference; and depending on their age, their views on possible options for the future. We also want to learn their perception of whether our intervention has made a positive difference to them e.g. "Are things different now that Mummy doesn't work at night anymore? How are they different?" or "Do you feel safer now you are staying with...?"</p>	Children and Families Procedure - Children Placed 1998; Guidance on Assessment and Planning Format 2008 June and 2010 (4 th Edition)

		<p>From 2010 onwards, the expectation was from four years old or older. Our 2010 Guidance on Assessment and Planning states: 'Please ask the child or young person for their views. They should be seen on their own. There is an expectation that this will happen with all four year olds and older. (Accessible methods such as using "talking mats" or pictures may be more appropriate for children and young people with communication difficulties). We want to hear their views on what has been going on at home; how they feel things have affected them; their views on what would make a difference; and depending on their age, their views on possible options for the future. We also want to learn their perception of whether our intervention has made a positive difference to them e.g. "Are things different now that Mummy doesn't work at night anymore...how are they different?" or "Do you feel safer now you are staying with...?" If it has not been possible to see the child on their own, please state this. We encourage the use of Viewpoint to gain the views of young people who are LAAC or involved in the Child Protection process. Young people's views gathered through conversations, Viewpoint etc. need to be evidenced in case notes, assessment, planning and review documents. Where significant issues arise, you may also want to consider whether the child or young person requires the advocacy service from Who Cares? to help express their views at any subsequent meeting. On a few occasions, for example in Child Protection cases, the responsibility for gathering a younger child's views may not belong to the case co-ordinator but may fall to another member of the core group who is a key worker for the child'.</p>	
iii)	Placement of siblings	<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>East Lothian Council was established in 1996. The Lothian Regional Council 1996 procedure 16 makes clear that it was department policy to keep families together where possible." 3.1 (a) <i>It is the Departmental Policy to place all under 12s at time of RIC with foster parents (unless in exceptional circumstances) where residential accommodation is indicated because of special needs, keeping families together where possible.</i>"</p>	<p>1996 Lothian Regional Council Children and Families Policies Procedures and Practice. Procedure 16. Children - Placement at reception into care (RIC). 3. Notes for Guidance - 3.1 - Departmental Policy.</p>

iv)	The placement of a child 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>East Lothian Council was established in 1996. At that time, it used Lothian Regional Council Procedure 16 Children - Reception into Care. A range of options were available, including specialist 'Community Carers' and projects such as Barnardos Special Families project. Reception into Care required approval from senior managers and if relatives were offering short-term substitute care, they had to be considered first. If using the 'Community Carer' project, the young person needed to agree to the contract.</p> <p>The 1998 'Children and Families Procedure Children placed' reiterates the need to 'find out and have regard to the view of the child, the parents and any other relevant person when making decisions about a child whom they look after, and should take account of the child's religious persuasion, racial origin and cultural and linguistic background'. This procedure also states 'for each child consideration needs to be given to the type of placement and services which will meet their assessed need'.</p> <p>The 2001 Foster Carer Handbook makes it clear that when discussing possible placements with carers we were looking for carers who could meet the needs of the child and that as much information as possible would be shared with the carer before the placement, in order to aid the decision about deciding whether this was the right match.</p> <p>The East Lothian Council – Standards for Foster Care (the earliest copy of which we have available from the 2001 Foster Carer Handbook) state that 'children are placed with carers of the same or similar religious persuasion as their families of origin, unless this is strongly contra-indicated' and 'where possible, children are placed with carers who reflect their own ethnicity and culture'.</p> <p>Services to Children and Families in East Lothian - Information and Guidance for Social Work Staff (2001) states that 'Family and community networks</p>	<p>1996 Lothian Regional Council Children and Families Policies Procedures and Practice. Procedure 16. Children - Placement at reception into care (RIC). 3. Notes for Guidance - 3.1 - Departmental Policy;</p> <p>1998 Children and Families Procedure Children placed;</p> <p>2001 Foster Carer Handbook;</p> <p>2001 Services to Children and Families in East Lothian - Information and Guidance for Social Work Staff ;</p> <p>2001 East Lothian Council - Standards for Foster Care</p>
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		<p>must always be explored before a decision is made to accommodate a child' and that 'Wherever possible placements should be planned. Planned placements have better outcomes than random emergency ones'.</p>	
v)	The particular placement of a child with foster carers	<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>When East Lothian Council was established in 1996, Lothian Regional Council Procedure 16 Children - Reception into Care was used. This document makes clear that for each child consideration needs to be given to the type of placement and services which will meet their assessed need. A range of options were available, including specialist 'Community Carers' and projects such as Barnardos Special Families project.</p> <p>1998 'Children and Families Procedure Children placed' reiterates the need to 'find out and have regard to the view of the child, the parents and any other relevant person when making decisions about a child whom they look after, and should take account of the child's religious persuasion, racial origin and cultural and linguistic background'. This procedure also states 'for each child consideration needs to be given to the type of placement and services which will meet their assessed need'.</p> <p>The 2001 Foster Carer Handbook makes it clear that when discussing possible placements with carers we were looking for carers who could meet the needs of the child and that as much information as possible would be shared with the carer before the placement, in order to aid the decision about deciding whether this was the right match.</p> <p>The East Lothian Council – Standards for Foster Care (the earliest copy of which we have available from the 2001 Foster Carer Handbook) state that 'children are placed with carers of the same or similar religious persuasion as their families of origin, unless this is strongly contra-indicated' and 'where possible, children are placed with carers who reflect their own ethnicity and culture'.</p>	<p>1996 Lothian Regional Council Children and Families Policies Procedures and Practice. Procedure 16. Children - Placement at reception into care (RIC). 3. Notes for Guidance - 3.1 - Departmental Policy;</p> <p>1998 'Children and Families Procedure Children placed';</p> <p>2001 Foster Carer Handbook</p>

vi)	Contact between a child in foster care with his or her family	<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>The Foster Carer Partnership Agreement 1996 lists as foster carer's responsibilities 'to promote contact between the child and his/her own family unless this is agreed not to be in his/her interest'. This is reiterated in East Lothian Council's 'Information for Young People who are looked after' booklet 1998.</p> <p>The first procedures developed by East Lothian Council in 1998 (Children and Families Procedures, Children Placed) state 'Local authorities must also take steps to promote regular and direct contact between a looked after child and any person with parental responsibilities, as far as is possible and consistent with the duty to safeguard the child's welfare'.</p> <p>Our 2001 Standards state 'Relationships with the child's own family, and with significant persons in their community are developed and maintained where this is in the best interests of the child'.</p>	<p>1996 Lothian Regional Council Children and Families Policies Procedures and Practice. Procedure 16. Children - Placement at reception into care (RIC). 3. Notes for Guidance - 3.1 - Departmental Policy; Foster Carer Partnership Agreement 1996; 1998 Children and Families Procedures, Children Placed; 2001 East Lothian Council - Standards for Foster Care</p>
vii)	Contact between a child in foster care and other siblings 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>The Lothian Regional Council 1996 procedure 16 makes clear that it was department policy to keep families together where possible. Other documents make clear that where it has not been possible to keep siblings together, or where not all siblings are accommodated, that contact between siblings should be promoted. For instance the responsibility of foster carers to promote contact between the child and his/her family outlined in the 1996 foster carer partnership agreement (and subsequent revisions of this), and the 1998 leaflet 'Information for Young People who are looked after' that states on p5 that a child's social worker should help them to keep in touch with, and visit, siblings.</p>	<p>1996 Lothian Regional Council Children and Families Policies Procedures and Practice. Procedure 16. Children - Placement at reception into care (RIC). 3. Notes for Guidance - 3.1 - Departmental Policy; 2001 East Lothian Council - Standards for Foster Care</p>

		Our 2001 Standards state 'Relationships with the child's own family, and with significant persons in their community are developed and maintained where this is in the best interests of the child'.	
viii)	Information sharing with the child's family	<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>East Lothian Council's 1998 Children and Families Assessment and Care Plan Guidance and Procedures makes clear that Information sharing would happen informally on an ongoing basis, as well as being formally shared in writing by way of reports for and minutes of Looked After Reviews being sent to parents, as well as parents' attendance at their child's reviews.</p> <p>Our 2001 East Lothian Council - Standards for Foster Care look for 'cooperation between care family and birth parents with regard to issues of the child's care and development' and that 'the child experiences partnership between carers and birth parents'.</p>	<p>1998 Children and Families Assessment and Care Plan Guidance and Procedures;</p> <p>2001 East Lothian Council - Standards for Foster Care</p>
ix)	Fostering panels (including constitution, remit, frequency and record keeping)	<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>When East Lothian Council was established in 1996 Procedure 56 for approving carers was used. This procedure refers to guidance notes relating to Approval and Matching panels (including a guidance note relating to panel membership). However we do not have a hard copy of these guidance notes, they do not appear to have been stored anywhere and we did not have a standard practice of keeping older documents, and are therefore unable to confirm their contents.</p> <p>The 2001 Foster Carer Handbook outlines the role and workings of the panel in more detail. It states that 'East Lothian Council is a fostering and adoption</p>	<p>1996 Children and Families Policies Procedures and Practice Procedure 56 - Approving Carers administrative procedure;</p> <p>2001 Foster Carer Handbook;</p> <p>East Lothian Council Adoption and Fostering Panel Pack - 2006, 2007 June, 2012 March, 2017 Nov</p>

		<p>agency. As such, we are required to have a Fostering Panel and Adoption Panel. Under the Fostering (Scotland) Regulations 1996, the Fostering Panel must consider all foster care applications, once they have been assessed by a family placement social worker'. The Foster Carer Handbook further states that the Panel meets weekly, that it is desirable for at least 4 members to be present for each agenda item (although the quorum is 3). The handbook outlines that membership of the panel is made up of practitioners from the practice team, Family Placement Team, Service provision Units, Voluntary Sector, Health, Education, Adopters, Adopted people and Foster Carers. The Carer Handbook makes it clear that Panel discussions are minuted and that carers have the right to request a review of decisions. The Agency Decision Maker would make a decision after considering the recommendation of the Panel. The operation of the Fostering panel is managed through the Adoption & Fostering Panel Management meeting and the Adoption and Fostering Panels' Business and Development Meetings. We have always had a mixture of men and women on the panel, a medical adviser and although not mandatory, a legal adviser. A Panel Information Pack is given to panel members. The earliest copy of this that we can locate dates back to July 2006 but this was an update and therefore it is assumed that the document was already in existence. The Panel Information Pack is regularly updated. Panel member's responsibilities are covered in a Job Specification and Job Description.</p>	
x)	Recruitment and training of foster carers	<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>When East Lothian Council was established in 1996, we were initially using Children and Families Policies Procedures and Practice 1996, Procedure 56 - Approving Carers administrative procedure. This procedure sets out the main stages in the identification and approval of substitute family carers for children and young people and the administrative support arrangements related thereto.</p>	<p>1996 Children and Families Policies Procedures and Practice Procedure 56 - Approving Carers administrative procedure; Carer recruitment and preparation guideline Nov 2003; Current carer recruitment policy Sep 2004; 2006 Handbook for Fostering and Adoption workers; Fostering Application procedure 2011</p>

		<p>A 2003 Recruitment and preparation guideline explained the preparation, assessment and approval process we were using in more detail - this process has been followed since the Authority was established in 1996. This process included the requirement for prospective foster carers to attend preparation training, and the requirement that each enquiry was dealt with in a timely manner and decisions recorded.</p> <p>The 2003 guideline makes clear that East Lothian Council was seeking to adhere to good practice guidance introduced in the 1999 "National Standards for Foster Care" namely that 'Each applicant receives clear information on the process of assessment, the criteria against which she and her partner will be assessed, and the appeal procedure should she or he wish to challenge a decision not to approve him or her as a carer' and that 'Information to prospective carers includes a list of the competencies she or he will be expected to demonstrate the support allowances and rewards available and explanation of the commitment to equal opportunities and anti-discriminatory and anti-sectarian practice required' (at the time the BAAF assessment Form F that was being used included details of competencies to be assessed against - this was later replaced by the Fostering Network's competency based assessment, before the team reverted back to using the Form F again).</p> <p>It was clear from a document in 2004 that our recruitment priorities changed dependent on the need at the time. The 2006 handbook for Fostering and Adoption workers builds on the 2003 guidelines and goes into much more detail on how to take an initial enquiry, issues to be covered during initial screening visit and the assessment process thereafter, including the applicants' rights to complain. In terms of training it appears that apart from a requirement for newly approved foster carers to attend a post approval group, there is no explicit requirement for carers to attend a certain amount of training until in 2006 the Fostering and Adoption Worker's Handbook stated 'There is an expectation on carers to attend a minimum of 3 training sessions per year organised by the Family Placement Team. There is also an annual update on drugs information training'. However there has always been an expectation that carers attend training - From 1996 the foster carer agreement includes the Foster carer responsibility to participate in the</p>	
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		<p>training and support opportunities provided by the social work department and the Responsibility of East Lothian Council to provide foster carers with general preparation and training for foster care tasks and an ongoing programme of training and support. In 2001, the Carer Handbook said: "The Social Work Division considers that it is essential that all foster carers are properly prepared and supported for the task of fostering. For this reason it is our policy that anyone wishing to become a foster carer should attend a Fostering Training course. All foster carers have their own link social worker who is responsible for future support and training. All foster carers are expected to attend a Support/Training programme for one year following approval. They are also strongly encouraged to attend support groups and training events and to help us identify their training needs."</p> <p>By 2004, the Carer Handbook also stated (in relation to the requirement to attend a Support/Training programme for one year following approval): "Completion of this training is a prerequisite for applicants to Level II caring'. The handbook further stated 'It is also expected that carers attend regular training events in order to promote their professional development. Their progress in relation to this will be addressed in their annual review. Support Groups are also offered on a regular basis and carers are encouraged to attend these."</p> <p>The 2006 Fostering Panel Pack asks panel members to look for evidence of the following</p> <ul style="list-style-type: none"> - Understanding of need for and purpose of support - Commitment to support groups - Commitment to continuous personal development through training - Evidence of positive partnership with Children's Services. <p>The Fostering and Adoption Social Workers Guidance also states that social workers must assess prospective carers' willingness to participate in training and support groups. In 2013 the Foster Carer Handbook stated: "All foster carers must attend a Support/Training programme for one year following approval. Completion of this training is one of the prerequisites for applicants to Level 2 caring. We also expect carers to commit to regular ongoing training in order to promote their professional development. We</p>	
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		will address your progress in this area in your annual review. Support Groups are also provided on a regular basis, which we would encourage you to attend."	
xi)	Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority	<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>East Lothian Council was established in 1996. Although the 1996 Fostering regulations do not specifically request that a report be obtained from an employer (they just specify details of employment and references from 'third parties' as to the applicants character and suitability to be a foster carer"), it has been practice to seek employer references at least as far back as 2002 (although unless we had concerns we did not explicitly ask about complaints asking merely for any other relevant information).</p> <p>The 2005 Fostering and Adoption Service Annual report and 2006 panel pack reveal that this was standard practice. The earliest letter we can find asking employer's to divulge incidents and events that have caused concern and disciplinary issues is from 2010. We are not aware that national guidance stated anything about this this until Guidance on the Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007 in 2011 that stated "Best practice also requires that contact should be made with applicants' employers, including, where appropriate former employees." It had not been included in Schedule 3 to 2009 Regulations.</p>	2005 East Lothian Council Fostering and Adoption Service Annual Report; Panel Pack 2006; Fostering and Adoption Worker's Handbook 2006; Employer Reference Letter and Form 2010
xii)	Reviewing a child's continued residence in foster care or in a particular foster care placement	<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>East Lothian Council was established in 1996.</p> <p>Under the Children (Scotland) Act 1995 and East Lothian policy all children (except those in respite care) who are being looked after and</p>	Children and Families Procedures Children Placed January 1998; Reviews - LAAC Timescales Oct 2008; Procedure for Looked after and accommodated children 2003

		accommodated will be reviewed within 72 hours of placement and 6 weeks after placement and 3 months thereafter and thereafter every 6 months. This was later amended from 72 hours to 3 days following the Looked After Regulations in 2009. East Lothian Council also amended the time limits, increasing their frequency.	
xiii)	Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)	<p>Prior to 1975 there is very little documentation to provide that information. Minutes of the Social Welfare Committee of the County Council from 26th March 1945 show that following a recent English case where a couple had been prosecuted for cruelty, a decision was taken to visit the five children then boarded with strangers and the visits took place by the next committee meeting on 23rd July 1945. Similar visits were agreed in April 1946, 1947 and 1948. From 1948, the Midlothian, East Lothian and Peebles Children's Committee took over responsibility for fostering. Unfortunately the minutes for this committee are missing. 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>East Lothian Council was established in 1996. Prior to 1997 we have limited written information on the policies in place regarding visits. The 1996 Foster Carer Partnership Agreement specifies that there will be 'regular visiting by the child's social worker'. East Lothian Council's Looked After Children Guidance 26 May 1997 states that reports should be made on required visits to the child, i.e. those which must be made within one week of placement and thereafter at intervals of not more than 3 months from the date of the last visit or when requested to do so by the child or foster carer. Our guidance stated that reports on visits should be kept within a child's case record and should include any contribution the child may wish to make as well as written material, photographs etc. There should be a separate module for each child in the family. Separate modules on each child were kept and recorded visits to them appropriately.</p> <p>The 1999 National Standards for Foster Care introduced best practice guidance for annual unannounced visits that became a legal requirement through the 2002 National Standards for Foster Care and Family Placement Services. The Foster Carer Handbook was updated in 2003 to reflect our</p>	<p>1945-1948 Extracts from County Council Minutes; 1996 Foster Carer Partnership Agreement ; Looked After Children Guidance 26 May 1997; 2006 Fostering and Adoption Worker handbook; 2003 Foster Carer Handbook</p>

		policy that there be at least one unannounced visit per year. Our 2006 Fostering and Adoption Worker handbook stipulated minimum of monthly visits to foster carers who have children in placement and a quarterly visit when the child is at home to assess the relationship between the child and carer.	
xiv)	Transfer of a child from one foster placement to another (including preparation and support)	<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>East Lothian Council was established in 1996. There was no specific written guidance for children's workers on transfers of children between placements except for the legal requirements to adhere to in respect of urgent necessity transfers where a child is on supervision. However in relation to carers, from 2003, expectations were written down for foster carers: use life story; help talk about past, have confidence in the plan. As stated in the 2003 Foster Carer Handbook.</p>	2003 Foster Carer Handbook; 1997 s72(1) Transfers of children in case of urgent necessity; 2011 Notification of Urgent Necessity transfer of child under 2011 Act
xv)	Transfer of a child between foster care and residential care (including preparation and support)	<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>East Lothian Council was established in 1996. There was no specific written guidance for children's workers on transfers of children between placements except for the legal requirements to adhere to in respect of urgent necessity transfers where a child is on supervision. However in relation to carers, from 2003, expectations were written down for foster carers: use life story; help talk about past, have confidence in the plan.</p>	2003 Foster Carer Handbook; 1997 s72(1) Transfers of children in case of urgent necessity; 2011 Notification of Urgent Necessity transfer of child under 2011 Act
xvi)	Child Protection	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.	1997 Child Protection – Urgent Compulsory Measures Policy, Practice Guidance and Procedures;

		<p>East Lothian Council was established in 1996. At this stage we were following the 1994 Lothian Regional Council Interagency Child Protection Guidelines. We were using a Lothian Regional Council Carer Handbook, however, we do not have a copy of this. This was prior to digital copy and no hard copy has been retained. The earliest copy we have date from 2001.</p> <ul style="list-style-type: none"> • 1997 East Lothian Council compiled 'Child Protection – Urgent Compulsory Measures Policy, Practice Guidance and Procedures'. • 2001 Foster Carer Handbook (and subsequent revisions) states that 'All suspicions of abuse and allegations of abuse must be considered in accordance with the Department's Child Protection Guidelines'. Child Protection in Edinburgh and the Lothians – Information for Carers was an appendix in the handbook • 2001 Policy and Guidance on Dealing with Allegations of Child Abuse by Substitute Carers states that the paper attempts to provide 'Guidance for staff and managers involved in handling these situations to ensure that the relevant strands are addressed effectively, without unnecessary duplication of information gathering and assessment. The paper should be read in conjunction with the Department's complaints procedure which deals with complaints of a more general nature'. In relation to investigations, the paper states 'The statutory agencies of Social Work and Police, together with Health Service staff will have a central role, as described in the Inter-Agency Child Protection Guidelines (1994), to investigate and assess any allegations of child abuse'. The same considerations that apply to an allegation of a child living with their family will also apply to children being cared for by or on behalf of East Lothian Council. In situations where there is concern about possible abusive behaviour by a carer towards a series of children in their care, the Service Manager will notify the Head of Children and Families in order to discuss the best way to manage the process, including consideration of other children/past children cared for, and carer's status. In all circumstances, the primary investigators should notify in writing the Service Manager of Resources, of any circumstances which would suggest the need for improvement of standards in the provision of safe care. This should occur whether or not an allegation or expression of concern has been 	<p>2001 Feb Policy and Guidance on Dealing with Allegations of Child Abuse by Substitute Carers; 2001 Foster Carer Handbook (and subsequent revisions); 2002 Child Protection Guidelines Parts 1- 9; 2004 Foster Carer Handbook; 2007 Child Protection Interagency Procedures; 2010 Serious allegations against foster carers</p>
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		<p>substantiated, e.g. whether a carer placed themselves in a compromising position by being unaware of or ignoring good safe care practice.</p> <p>Child - It is important that the overall context is looked at carefully, avoiding stereotypical assumptions, e.g. that a child who has previously sexually abused will make false allegations against others.</p> <p>Alleged Abuser - Decision needed whether carer continues to perform all or part of existing duties, given different duties or precautionary suspended from all duties, whether foster children should be moved elsewhere, current supervision arrangements for carer should be changed or enhanced, whether a carer's approved status may continue, and ensuring carer (while having regard to police views during the investigation stage) is counselled about the process and is aware of his or her rights and, in particular, the right to seek independent support and advice, such as through NFCA (that subsequently became The Fostering Network). For other policy documents, changes and updates to these Guidelines, Policy and Guidance please see fuller answer to 4.8 (i)</p> <ul style="list-style-type: none"> • 2002 Child Protection Guidelines was applicable to every child protection referral notwithstanding who the alleged abuser was (Section 8.1 deals with allegations of abuse specifically against carers or agency employees). Those involved in liaison with the carer concerned should not conduct any part of the investigation – this will ensure that the investigation is impartial. Consideration should be given to the need to have the investigation undertaken by a different team from the one that supported the alleged perpetrator. Regardless of whether an offence is assessed to have been committed, a report should be provided to senior management team of circumstances leading to the allegation. <p>Child - The welfare and safety of the child is the paramount consideration. Response should be sensitive, sympathetic and child-centred. The child should be consulted and kept informed throughout where appropriate. Consideration whether child should be moved elsewhere.</p>	
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		<p>Alleged Abuser - The question whether to inform the alleged abuser immediately would be considered on a multi-agency basis.</p> <ul style="list-style-type: none"> •2004 Foster Carer Handbook - the Handbook now said the Child Protection Co-ordinator alongside the relevant Practice Team Leader has to decide whether an investigation is required. This is usually done in consultation with the police and the community paediatrician. •Child Protection Interagency guidelines were updated in 2007 and Section 15 refers to allegations against carers • Since 2004 workers should complete an allegations/complaints record which is saved in the Record of Allegations, Complaints, Incidents database and includes details of the investigation and outcome •2010 Serious allegations against foster carers states that a separate meeting will also be arranged for staff involved to reflect on their experience of the process and explore implications and learning for future practice. The learning from these Evaluation Meetings will be recorded, should critically review and inform future practice and will be reported to the Midlothian and East Lothian Child Protection Committee, Quality Assurance Sub-Group. 	
xvii)	Complaints Handling	<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>East Lothian Council was established in 1996. In 1997 East Lothian Council had a Complaints procedure for children and young people that explained how to make a complaint and how their complaint would be handled.</p> <p>In 1997 we also produced a leaflet 'What you need to know if you are going to be living in Foster Care and looked after by East Lothian Council' that included details of how to make a complaint. More detail on the process was contained in a booklet produced in 1998: 'Information for young people who are looked after by East Lothian Council'.</p>	<p>Complaints made by accommodated children and young people 2001; Complaints procedure for children and young people 1997; 1998: 'Information for young people who are looked after by East Lothian Council'</p>

		In 2001 we produced a flowchart showing the different pathways for complaints that related to allegations of child abuse and those that did not. The latter should follow the usual complaints procedure for the department.	
xviii)	Whistleblowing	<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>East Lothian Council was established in 1996. We do not think there was distinct guidance on whistleblowing in the national guidance related to fostering or looked after children. East Lothian Council has had a whistleblowing policy since 2009 and a specific guidance paper for foster carers on it since 2012. Every carer since then has been made aware of the policy on whistleblowing, as it was reproduced at the end of the Foster Carer Handbook.</p> <p>Although the term "whistle-blowing" was not used as such, we have had a section in our 2001 Allegations of Child Abuse by Substitute Carers which said: "Employees of the Social Work Department or others contracted to work with the department have a duty to raise concerns appropriately about abusive conduct by other employees. Should employees or carers become aware of or witness circumstances in which another employee or abusing or appears to be behaving harmfully to a child in their care, they must share this information with their line manager or link social worker, in the first instance. It is recognised that there are circumstances which make it very difficult for employees to share this kind of information, for example, where a person who may be abusing a child is in a position of seniority. In such situations, the employee must approach either a more senior manager or Personnel Officer."</p>	<p>2012 Whistleblowing Practice Guidance for Foster Carers;</p> <p>2001 Allegations of Child Abuse by Substitute Carers</p>
xix)	Record Retention	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>2001 Retention and archiving of children and carer files policy;</p> <p>2008 Procedure for retention and archiving of records;</p>

		<p>East Lothian Council was established in 1996. Records show the following retention schedules.</p> <ul style="list-style-type: none"> • 2001 - Foster Carer files - retain for 25 years after ceasing to foster. Records should be passed to Practice Team for the area where the carer lived at the point of closure. • 2008 – Foster Carer files – 75 years after ceasing to foster. • 2010 – Foster Carer files – 75 years after ceasing to foster. If files include an allegation – files retained without any limitation of time. 	2010 Aug Procedure for retention and archiving of records;
e)	Who compiled the policies and/or procedures?	<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>Following East Lothian council being established in 1996, Policies and Procedures were mostly compiled by the Service Manager (Resources) who was later called the Service Manager (Long-term Care and Support) and sometimes the Team Manager (Resources). This would then be communicated to team members to ensure that they were aware of expected changes in practice/ expectations. This would be through training sessions and team meetings.</p> <p>Additional procedures, addressed to the child's worker were compiled by the Service Manager or Group Service Manager (Protection and Family Support).</p> <p>The Child Protection Guidelines and Procedures were written, reviewed and updated on a pan-Lothian basis by the relevant local Child Protection Committees.</p>	
f)	When were the policies and/or procedures put in place?	<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>	Foster Carer Handbook (2001 and regular updates)

		<p>In 1996 when East Lothian Council was established, we initially adopted the Lothian Regional Council procedures. As noted above, they may be held by City of Edinburgh Council and will form part of their submission. We have not retained hard copies of all the documents and this was prior to digital copies being held.</p> <p>Several East Lothian Council specific procedures were then developed in 1997 and 1998. The earliest copy of the East Lothian Council's Foster Carer's Handbook that we can locate dates back to 2001 (although there may have been an earlier version).</p>	
g)	Were such policies and/or practices reviewed?	Yes	
h)	If so, what was the reason for review?	To consider whether they still reflected latest legislation and good practice.	
i)	What substantive changes, if any, were made to the policies and/or procedures over time?	<p>There were changes to file retention times. In 2014 ELC produced a corporate retention schedule, this was a requirement of the Public Records (Scotland) Act 2011. Fostering records are included in the Children and Family Services Section. Records for fostered children are now retained for 100 years from date of birth and approved carers files for adopters are retained for 100 years from when the order was granted.</p> <p>There was a change to expectations about sharing bedrooms. In 1996 it was evident that on very rare occasions (approved by panel) a fostered child might share a bedroom with a birth child. This is no longer East Lothian Council policy although it is unclear when this policy changed.</p>	
j)	Why were changes made?	In response to changes in legislation and practice, such as the Public Records (Scotland) Act 2011; Looked After (Scotland) Regulations 2009; the Adoption and Children (Scotland) Act 2007; the Children's Hearing (Scotland) Act 2011; the National Standards for Foster Care and Family Placement Services 2002	

k)	Were changes documented?	<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>Following the establishment of East Lothian Council in 1996, changes were documented.</p>	
l)	Was there an audit trail?	As there was no legal requirement to keep policies prior to the Public Records (Scotland) Act 2011, we do not have an official audit trail of policies/policy changes and are therefore only able to respond in relation to what we have been able to locate. Since then Policies and Procedures have been kept electronically, with versions which have been superseded being retained electronically.	
	PRESENT		
m)	With reference to the present position, are the answers to any of the above questions different?	Yes	
n)	If so, please give details	<p>With reference to 4.2 xiii) since 2015 we use a Carer Supervision Form to record supervision with carers. Guidance for recording unannounced visits was updated in June 2019.</p> <p>With reference to 4.2 xiv) and xv) we now have Looked After Guidance 2019 which states: "For all placements, you need to make sure you have made it as easy as possible for the child or young person to move, and for their parents to support them in this, even if it is being done with compulsion. Information about the placement is key, so please share the written profiles and photo of our East Lothian carers when relevant, obtainable from our fostering service. Except in an emergency, you should arrange for the child or young person and their family to meet the people at the proposed placement, perhaps with a preliminary visit first on neutral ground, followed by a visit to the carer's home or Lothian Villa [our residential unit] for tea." It further states: "Except in an emergency, you should have arranged a</p>	<p>2015 Carer Supervision Form; 2019 June Unannounced visit guidance; 2019 Looked After Guidance</p>

		meeting with parents, new carers /residential unit, the child/young person if/where relevant and your team leader if required, before the child or young person moves in, to iron out day-to-day practicalities. These include arrangements for getting to school, any transport required, initial contact arrangements, and parameters around things like phone calls from family and so on."	
ii)	Practice		
	PAST		
a)	Did the Local Authority adhere in practice to its policy/ procedures in relation to the provision of foster care?	The local authority, for the most part, has adhered in practice to its policy and procedures in relation to the provision of foster care. There is good evidence to suggest that policies and procedures were adhered to as much as possible.	
b)	Did the Local Authority adhere in practice to its policy/ procedures on the following:		
i)	Child welfare (physical and emotional)	<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>In 1996 East Lothian Council was established:</p> <p>Past Practice (1996 onwards): Yes - all the files we reviewed (with the exception of one for a four week old baby) had really clear evidence of this, demonstrated in: pre-placement medicals; visits to opticians; registrations with GPs and dentists; the involvement of CAMHS and the Looked After Nurses as well as the Throughcare and Aftercare TAC Nurse; reports and minutes of both looked after reviews and carer's reviews; mental health assessments; supervision notes for both the child's worker and the carer's worker and the carers themselves; carers diaries; play therapy and life story work; case notes; court judgments; and hearing the voice of the child or</p>	

		<p>young person stating they were happy in their placement. (We should note however, that there was a small missing file from early 2004, covering the last couple of months of a year-long placement which we could not trace.) The one exception to this, the four week old baby, contained little about how the needs of the baby were being met, because the worker was concentrating on recording evidence about the parents and their ability or inability to meet the baby's needs. We got no sense that the baby's needs were not being met by the foster carer, it was just that the meeting of those needs was not made explicit in the recording.</p> <p>Present Practice: We have found little difference in the files we reviewed. Again all the files we reviewed, except for one file, had clear evidence of adherence with very similar evidence. The one outlier was a young person who was placed with carers for about four months before being moved to residential care. Both the professional and the young person themselves identified that the carers were not meeting his needs - the young person was unhappy and wanted to move. After a brief period at a relatives the young person was placed in residential care.</p>	
ii)	The child's views	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice (1996 onwards): Yes - in the files that we read, where the child was old enough to communicate, we saw only one exception to well documented evidence that the child's views had been sought regularly and were then used to help make decisions about their plans and care. This was demonstrated in Viewpoint reports; Having Your Say reports; Life Story work; in workers' reports for LAAC Reviews and Carers Reviews; in the minutes of reviews, showing how these views were taken into account; in minutes of school meetings. We saw evidence of children and young people being consulted about the type of placement they would like, evidence their request to end a placement was taken and acted upon, and their views on</p>	

		<p>respite arrangements were sought. They were involved in decisions to move placement or to end a placement, or where rehabilitation plans were being discussed. We saw evidence of trusting relationships with workers where the child could speak their views easily. (The one exception to this was for a child in placement for 7 months. We could see good evidence of their views being sought before the placement i.e. at their Children's Hearing, but no evidence of it for the 7 months of this placement. This was an omission by the worker.)</p> <p>Present Practice: We found a similar picture with no major differences in the files we reviewed. There was only one exception where the child was six years old and their worker gave a summary of their emotional state rather than specifically asking the child for their views. Again, we would put this down to the individual worker.</p>	
iii)	Placement of siblings	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice (1996 onwards): Where this was applicable in the files we reviewed, we found that siblings were placed all together in just over 48% of cases we looked at. Then 11% were placed with at least one other sibling but not them all, 11% had a sibling already in placement with a family member who was unable to take more than one child, 10% were deliberately placed separately due to turbulent relationships between them, 5% had to be placed briefly for emergency respite where no larger placements were available, 5% were placed together at the start but one sibling later needed a residential placement, and only 10% were not placed with siblings because of lack of longer term placements.</p> <p>Present Practice: In the very recent cases we looked at, where this was applicable, we found that siblings were placed together in 50% of cases. 20% of cases were unable to join siblings who were already in settled placements,</p>	

		and for the remaining 30%, whilst placed in foster care, we have been able to place them together with their siblings.	
iv)	The placement of a child 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>In 1996 East Lothian Council was established.</p> <p>Past Practice (1996 onwards): It was always our practice to first ask if there were any family members who might be able to look after a child before considering foster carers. A manager always reviewed and ultimately authorised the decision to place a child in foster care. Sometimes where compulsion was required, the decision would be made by the Children's Hearing.</p> <p>Current Practice: We have got much better at exploring other options, by helping families prepare a genogram for us at the start of our involvement, by re-invigorating Family Group Meetings to explore family support, by including wider family members more in the plans for looking after a child at a child protection case conference. Children are still occasionally placed out with the registered approval of carers, however, there is a requirement for a timeous review at panel to request amendment to registration.</p>	
v)	The particular placement of a child with foster carers	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice: Even though we did not have a policy of recording this until October 2013, we have clear recorded evidence in 63% of the cases before 2013 that we looked at, that the placement was carefully considered and explored. The evidence is available from a variety of sources: case notes for both children and carers' files; Looked After Reviews where children were</p>	

		<p>moving to join sibling; Children's Hearing reports; internal panel discussions; matching panels for longer-term placements; and pre-placement meetings.</p> <p>Current Practice: No major differences in the current files we reviewed. Over half show good evidence of discussions around the placement - in supervision notes, case notes and minutes of Internal Panels or planning meetings. However there is room for improvement particularly where children are placed in an emergency.</p>	
vi)	Contact between a child in foster care with his or her family.	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice: In all the files we read we found clear evidence of planned, regular, well-facilitated contact between willing children and parents, complying with Children's Hearings measures where these existed. Sometimes the contact was irregular because of the parents, but contact was always kept under review and discussed regularly. Very unusually, contact did not take place, but this was due to unwilling participants - once where a father did not want contact and the mother had died; the second was where a child chose to have very little contact with their parents.</p> <p>Current Practice: We had identical findings in the current files we read - contact was regular and planned and in line with any Children's Hearings measures, unless, and very unusually, the very occasional parent chose not to have contact with their child.</p>	
vii)	Contact between a child in foster care and other siblings 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>In 1996 East Lothian Council was established.</p>	

		<p>Past Practice: Yes - In the files we read, where this was applicable, we found that all siblings had regular, planned contact with other siblings in foster care. Very occasionally the arrangements moved over time to more flexible and informal arrangements to be more responsive to when a child was keen for contact with their sibling.</p> <p>Current Practice: We found no difference in current practice. In the current files we read, we only found that contact did not take place regularly between siblings in the case of a mother would not allow it - this was actually not with accommodated siblings but where the other siblings remained at home.</p>	
viii)	Information sharing with the child's family.	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice: Yes - we found good evidence of information sharing both at an informal level, in the case notes we read of visits and telephone conversations with parents, as well as more formal information-sharing in reports for reviews sent to parents, by parental attendance at those meetings and minutes sent to parents afterwards. Where the foster care was for regular respite, more information was shared directly by the foster carer with the family but this was intentional. On reviewing files to help prepare this response, our file readers commented: "Well managed despite complexities"; "Well documented". The only cases where information was not shared were all appropriate - where 16 year olds did not want their information shared with their parents, and where contact was not happening due to the young person's choice.</p> <p>Current Practice: We found little difference in the files we reviewed - only 2 cases where information was not timeously shared, but in one case it was</p>	

		attempted frequently and in the other, the information slowed down once the child was 16.	
ix)	Fostering panels (including constitution, remit, frequency and record keeping).	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice: Yes - with the exception of only one case out of the files we looked at, where there were only 2 members on one fostering panel in 1998. It was an additional or informal panel to note the couple were taking time out. They subsequently separated and the female carer was re-approved as a single carer in March 2001 at a properly constituted panel.</p> <p>Current Practice: We found no issues with current fostering panels in the current files we reviewed.</p>	
x)	Recruitment and training of foster carers.	See responses to question 4.4(ii) (b) (i) on recruitment and question 4.4(ii) (b) (x) on training.	
xi)	Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority.	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice: We found no evidence of us failing to adhere to our policies of the time on this point in the files we looked at, where the foster carer was employed.</p> <p>Current Practice: In the files we reviewed, we found a similar picture of adherence in our current practice when we were assessing prospective carers.</p>	

xii)	Reviewing a child's continued residence in foster care or in a particular foster care placement.	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice: In all the files we read, reviews were taking place. In 89% of the files we read, we saw clear evidence of all reviews taking place regularly within prescribed timescales. In another 3% a few of the minutes were missing, although it could be seen from the report and case notes that the reviews had taken place. For the remaining 8%, the first 72 hour review did not take place or for respite cases the first review at 6 months stretched to 10 months; or in one instance the 72 hour review and the six week reviews took place in time, but the three month review was cancelled twice due to the worker being sick and then an administrative error, after which time the child went home in any event.</p> <p>Current Practice: We saw an improved picture - there were no missing minutes, or missing reviews in the current files we reviewed. In 88% of the files we looked at, we saw clear evidence of all reviews taking place regularly within prescribed timescales. In the remaining cases, there was never more than one review per case which was out of step with the timescales.</p>	
xiii)	Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping).	<p>Prior to 1975 there is almost no documentation to provide that information. Minutes of the Social Welfare Committee of the County Council on 23rd July 1945 show that the five boarded out children then boarded with strangers had been visited by that date, following agreement to do so in April 1945. No details are available in relation to the visits agreed in April 1946, but Minutes of 23rd June 1947 indicate that the visits agreed in April 1947 had taken place by then and Minutes of 28th June 1948 indicate that the visits agreed in April 1948 had taken place by then. 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>In 1996 East Lothian Council was established.</p>	1945-1948 Extracts from County Council Minutes

		<p>Past Practice: In 72% of the files we read where the child was accommodated on a full-time basis, we could see that the child's worker visited at least monthly in line with our procedures. In another 6% in the absence of a worker for the child, the carer's supervising social worker visited monthly and saw the child. A further 3% had one missing monthly visit. In another 3%, the child requested that they did not see their worker so frequently but the worker still visited the carer monthly. We found no evidence of at least monthly visits recorded in 16% of the files we read - these were all pre-2013.</p> <p>Current Practice: We found an improved picture - 88% of children whose files we looked at were being visited in their placement on at least a monthly basis. In the remaining 12%, the placement was very settled or there was a long-term hospital admission. (We have since addressed the issue with workers.)</p>	
xiv)	Transfer of a child from one foster placement to another (including preparation and support).	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice: In the children's files we read, when children or young people moved foster placements, they were all seen as well managed, carefully planned and coordinated. By reading carers' files and seeing the progress through a succession of placements, practice could be seen to be improving: earlier moves of placements sometimes produced frustrations for carers when plans changed suddenly without sufficient communication. But we saw evidence of preparation for moves even for holiday respite.</p> <p>Current Practice: We found the same good practice evident in the current files we read (except for one case where a young child had three placement moves, one of which was a return to previous carers, with little evidence of what was done by way of transition planning and support. These moves</p>	

		<p>were all at very short notice.) Carers had training in life story work to support children and young people, and we saw evidenced of this being put into practice, and photos and memory boxes being used well. . We also saw evidence of ongoing practical and emotional support by carers after the child had moved on.</p>	
xv)	<p>Transfer of a child between foster care and residential care (including preparation and support).</p>	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice: In the children’s files we reviewed, where the move could be anticipated it, we found records of positive transitions - unless the move was in an emergency, in which case the lack of ability to plan beforehand was made up for by the thorough planning meeting held immediately afterwards. In one instance our own residential unit, where a young person had been for a while between carers, kept in touch throughout their next placement, facilitated by the foster carers, making the transition back to them in time much easier. By reading carers' files and seeing the progress through a succession of placements, practice could be seen to be improving. Earlier placements sometimes produced frustrations for carers when plans changed suddenly.</p> <p>Current Practice: Unfortunately, in the current files we reviewed, we found a couple of cases where there was little or no evidence of supportive transitions, although we did liaise appropriately with the Reporter and obtained Chief Social Work Officer approval for the move where appropriate. IN one of those instances, the placement broke down completely and the young person went to stay with a relative before moving to a residential school. This contrasted with cases where there was a very detailed plan for the transfer even though it was an emergency move.</p>	
xvi)	<p>Child Protection.</p>	<p>Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council</p>	

		<p>and records may be held by City of Edinburgh Council in respect of that time period.</p> <p>In 1996 East Lothian Council was established.</p> <p>Past Practice: We found adherence to our policies and procedures in respect of child protection in all the files we reviewed. In the files we read, we found that 11% contained allegations or disclosures of abuse while the child was in placement, which were all appropriately dealt with. It did not matter who had made the allegation - whether the child, carer or a relative of the carers, or who the alleged perpetrator was - family member or child in placement - all followed our Child Protection Procedures. Protecting and safeguarding the child is always paramount.</p> <p>Current Practice: We found no major differences in the current files we reviewed - 12% of cases contained allegations – all were dealt with in line with procedures.</p>	
xvii)	Complaints Handling	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice: Yes - We found that any complaints in the files we read were handled in accordance with our procedures, and were resolved informally in the first instance, without requiring escalation through the different stages of our formal complaints procedure, nor requiring to be heard ultimately by our Complaints Review Committee.</p> <p>Current practice: In the current files we reviewed, we found one instance when a complaint was not acknowledged formally, but the overall result was however appropriate: a child complained about their carers and was moved to other carers.</p>	

xviii)	Whistleblowing	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice: We found no evidence of whistleblowing in any of the files we reviewed.</p> <p>Current practice: We found no difference in our current practice.</p>	
xix)	Record retention	<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>In 1996 East Lothian Council was established.</p> <p>Past Practice: Unfortunately, we did not see proper adherence to our policy on record retention in the files we reviewed. Before 2009, when our files became electronic, we found a few paper files had one volume missing and found that some had no retention date marked on them nor in our electronic recording system. This is being rectified.</p> <p>Current Practice: Not applicable as all files are being retained indefinitely at present, at the request of the inquiry.</p>	
c)	How was adherence demonstrated?	We reviewed a proportion of our files across the time period of the review i.e. from East Lothian's inception in 1996 until 2014.	
d)	How can such adherence be demonstrated to the Inquiry?	We can make the physical copies of our completed reviewing tool available to the Inquiry	
e)	Were relevant records kept demonstrating adherence?	Yes	

f)	Have such records been retained?	Yes - with the exception of a couple of missing files (part only of a child's record) which we could not trace.	
g)	If policy/ procedure was not adhered to in practice, why not?	We have already explained the reasons, where they were evidenced above e.g. for placement of siblings, this was due to a lack of placements; for a particular placement with carers, this would have been due to the placement having been made in an emergency; in relation to contact with parents, the child or the parent did not want it; in relation to contact with other siblings, the mother did not allow it; in relation to one instance of a lack of a panel member at an informal panel in 1998 to note that the carers were taking time out, we do not have a recorded reason; in relation to timeous reviews, worker sickness; in relation to preparation for placement moves this happened in an emergency.	
h)	If policy/procedure was not adhered to in practice, what was the practice?	The actual practice was merely the absence of the practice.	
	PRESENT		
i)	With references to the present position, are the answers to any of the above questions different?	Yes	
j)	If so, please give details.	We have already compared past and current practices in each response above. There was a very slight improvement in siblings able to be placed together; there has been an improvement in exploring other family members before foster care; there has been an improvement in the holding of timeous reviews and there has been an improvement in the regularity and number of visits by workers. See responses to b) above.	
4.3	Children		
i)	Policy		

	PAST		
a)	<p>What policies and/or procedures did the local authority have in place in relation to the care of children in foster care?</p>	<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>In 1996 when East Lothian Council was set up we adopted the existing Lothian Regional Council Children and Families Policies, Procedures and Practice, February 1996. This was superseded by East Lothian Council Volume 1 Children and Families Procedures, Guidance and Forms, Looked After Children and Children in Need in January 1998. In 1997 we have a Complaints procedure for children and young people.</p> <p>In 2001 we have an 'Information and Guidance for Staff' document and also in 2001 we published Guidance on Dealing with Allegations of Child Abuse by Substitute Carers. We also have the earliest copy of the Foster Carer Handbook that we have been able to locate dating back to 2001 (although we know there were earlier versions). The Foster Carer handbook was updated in 2003, 2004, 2005, 2006, 2013 and 2018). One of the appendices in this earliest copy of the handbook contains East Lothian Council - Standards for Foster Care (although they may have been in circulation earlier than 2001). We have a flowchart on how to deal with Complaints made by accommodated children and young people in 2001.</p> <p>In 2003 we have Procedures for Looked-after and Accommodated Children and a Carer recruitment and preparation guideline. In 2004 we have a Foster Carers Guide to Recording Information and Current recruitment policy [priorities] (2004). In 2005 we have Guidelines for care and control in foster care - Information for Carers October.</p> <p>In 2006 we produced the Fostering and Adoption Worker's Handbook 2006; We also produced packs for panel members and the earliest of these we can find dates back to 2006 (although this document is an 'update' and therefore it can be assumed that the panel pack was in existence before 2006).</p>	<p>1996 Lothian Regional Council Children and Families Policies Procedures and Practice (specifically 16 and 56); Looked after Children Guidance (1997); Children & Families procedure Children placed Jan 1998 volume 1 C & F procedures, guidance and forms looked after children;</p> <p>2001 Services to Children and Families – Information and Guidance for Staff; Foster Carer Handbook (2001 and regular updates in 2003, 2004, 2005, 2006, 2013 and 2018); Procedure for Looked after and Accommodated Children (2003); Carer Recruitment and Prep guidelines (2003); 2004 Foster Carers Guide to Recording Information;</p> <p>2004 Current recruitment policy [priorities] (2004); 2005 Guidelines for care and control in foster care - Information for Carers October;</p> <p>Fostering and Adoption Team Worker's Handbook (2006); East Lothian Standards for Foster Care (2007); Department of Education and Children's Services Eligibility Criteria 2008; 2010 Serious allegations made against foster carers - Information for carers and social worker'; 2010 Caring for Other People's Children, Guidelines for applicants;</p>

		In 2007 we updated our Standards for Foster Care. In 2007 we also produced a protocol for reviewing all carers' files. In 2010 we produced the document 'Serious allegations made against foster carers - Information for carers and social workers' and Caring for Other People's Children, Guidelines for applicants. In 2012 we produced guidance for foster carers on whistleblowing.	2012 Guidance for foster carers on whistleblowing
b)	Was there a particular policy and/or procedural aim/intention?	<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>In 1996 when East Lothian Council was set up, the aim was to provide local guidance as to how to meet our statutory obligations under the relevant pieces of legislation relevant to fostering. A 2001 document sets out the following principles:</p> <ul style="list-style-type: none"> - Formal intervention in the lives of children and families should be at the minimum level needed to protect children and safeguard their welfare - Wherever possible Social Work must work in partnership with parents. - Attempts must always be made to maintain children in their families (including extended families) and communities (for example with friends) unless it is clear that this is not in the child's best interests - The views of the child should always be listened to and, where possible, acted upon - Social work services must be prioritised for the most vulnerable children and families. Other referrals where appropriate should be re-directed to mainstream and other services - Social Work should take a lead in ensuring that the Council as a whole discharges its responsibility as a good corporate parent towards all children who are Looked After or subject to After Care'. <p>This document also stated 'Resources are finite and should be used appropriately. Only those children assessed as requiring residential care should receive it. Looked After Reviews should regularly review whether children in residential care can move to a community resource. Children</p>	2011 Services to Children and Families – Information and Guidance for Staff

		should not drift in care placements. There should be purposeful, direct work. Care Plans should be set down'.	
c)	Where were such policies and/or procedures recorded?	<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>East Lothian Council was established in 1996. Initially, volumes of paper documents were bound. Over time these became electronic documents saved on the shared drive of computers. Carer's Handbooks were issued in hard copy to foster carers. These are now issued in electronic copy (but a hard copy is available on request). Panel Packs were issued in hard copy to panel members. These are now issued in electronic copy (but a hard copy is available on request).</p>	
d)	What did the policies and/or procedures set out in terms of the following?		
i)	Safeguarding	<p>Our understanding is that safeguarding as a term is not something that was used historically in Scotland as a noun. References to it in National Guidance are as a verb, for example in Volume 1 of the 1995 National Guidance, "safeguarding and promoting the welfare of children" under s22 of Children (Scotland) Act 1995. Accommodation could be provided as part of that, as could the provision of a refuge for a child, or the taking of an assessment order or a child protection order. Given that the questions asks about the care of children in foster care, we have ignored those references in this response.</p> <p>Once the child was accommodated, the relevant National Guidance was Volume 2 of the 1995 National Guidance. This refers to visits to the child (which were to be at a minimum of three-monthly while our own policies and procedures have always stated they should be monthly); not keeping a child on supervision for longer than necessary; and a reference to it in the Statement of Functions and Objectives for residential units. We do not think these last two are directly relevant to this response about foster care.</p>	<p>Guidance and Policy on Assessment Format 2008, 2010, 2014; Overnight Stays for Looked After and Accommodated Children 2008 and 2017; Foster Carer Handbook 2001; Foster Carer handbook 2005; 2002 Child Protection Guidelines; 2007 Child Protection Procedures</p>

		<p>Later guidance in 2009 talks about the assessment of a child covering the proposals for "Safeguarding and promoting the child's welfare" This is extensively covered by the GIRFEC model of assessment and reflected in our Guidance and Policy on Assessment Format. The only other reference in this 2009 guidance is again to the frequency of visits to children. Finally the Getting it Right for Every Child: Guidance on Overnight Stays for Looked After and Accommodated Children (Jan 2008) while not directly talking about safeguarding, is clearly concerned with keeping a child safe in placement while staying elsewhere with friends for an overnight. Our own policy on overnight stays was written in Feb 2008 to mirror this document. (Our 2017 policy is just an updated version with no substantive changes.)</p> <p>If "safeguarding" is considered to mean wider issues like child sexual exploitation, our 2002 Child Protection Guidelines stated that this required early intervention through a proactive, strategic response with a multi-disciplinary approach; not to assume a narrow view of what constitutes sexual exploitation (i.e. not to see it as prostitution); to see young people as victims of abuse and not offenders; to maintain a clear focus on the protection of the child and to apply Child Protection Guidelines. There was no specific mention of children in foster care.</p> <p>Our 2007 Child Protection Procedures acknowledges that abuse can take place with a "carer" not just a parent, sibling or other family member. Allegations against carers are dealt with elsewhere in this response. There is no specific mention of child sexual exploitation in these 2007 guidelines although "sexual promiscuity" is mentioned as a sign of possible sexual abuse. We also had 2013 Child Sexual Exploitation Information issued by the East and Mid Lothian Child Protection Committee, which made reference to the fact that those in and leaving foster care could be at risk of sexual exploitation.</p>	
ii)	Child Protection	<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>	1994 Interagency Child Protection Guidelines;

		<p>East Lothian Council was established in 1996. At this stage we were following the 1994 Interagency Child Protection Guidelines. We were using a Lothian Regional Council Carer Handbook, however, we do not have a copy of this. The earliest copy we have date from 2001.</p> <ul style="list-style-type: none"> • 1997 East Lothian Council compiled 'Child Protection – Urgent Compulsory Measures Policy, Practice Guidance and Procedures'. • 2001 Foster Carer Handbook (and subsequent revisions) states that 'All suspicions of abuse and allegations of abuse must be considered in accordance with the Department's Child Protection Guidelines'. Child Protection in Edinburgh and the Lothians – Information for Carers was an appendix in the handbook • 2001 Policy and Guidance on Dealing with Allegations of Child Abuse by Substitute Carers states that the paper attempts to provide 'Guidance for staff and managers involved in handling these situations to ensure that the relevant strands are addressed effectively, without unnecessary duplication of information gathering and assessment. The paper should be read in conjunction with the Department's complaints procedure which deals with complaints of a more general nature'. In relation to investigations, the paper states 'The statutory agencies of Social Work and Police, together with Health Service staff will have a central role, as described in the Inter-Agency Child Protection Guidelines (1994), to investigate and assess any allegations of child abuse'. The same considerations that apply to an allegation of a child living with their family will also apply to children being cared for by or on behalf of East Lothian Council. In situations where there is concern about possible abusive behaviour by a carer towards a series of children in their care, the Service Manager will notify the Head of Children and Families in order to discuss the best way to manage the process, including consideration of other children/past children cared for., and carer's status. In all circumstances, the primary investigators should notify in writing the Service Manager of Resources, of any circumstances which would suggest the need for improvement of standards in the provision of safe care. This should occur whether or not an allegation or expression of concern has been 	<p>1997 'Child Protection – Urgent Compulsory Measures Policy, Practice Guidance and Procedures'; 2001 Feb Policy and Guidance on Dealing with Allegations of Child Abuse by Substitute Carers; 2001 Foster Carer Handbook (and subsequent revisions); 2002 Child Protection Guidelines Parts 1- 9; 2007 Child Protection Interagency; 2010 Serious allegations against foster carers</p>
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		<p>substantiated, e.g. whether a carer placed themselves in a compromising position by being unaware of or ignoring good safe care practice.</p> <p>Child - It is important that the overall context is looked at carefully, avoiding stereotypical assumptions, e.g. that a child who has previously sexually abused will make false allegations against others.</p> <p>Alleged Abuser - Decision needed whether carer continues to perform all or part of existing duties, given different duties or precautionary suspended from all duties, whether foster children should be moved elsewhere, current supervision arrangements for carer should be changed or enhanced, whether a carer's approved status may continue, and ensuring carer (while having regard to police views during the investigation stage) is counselled about the process and is aware of his or her rights and, in particular, the right to seek independent support and advice, such as through NFCA (that subsequently became The Fostering Network). For other policy documents, changes and updates to these Guidelines, Policy and Guidance please see fuller answer to 4.8 (i)</p> <ul style="list-style-type: none"> • 2002 Child Protection Guidelines was applicable to every child protection referral notwithstanding who the alleged abuser was (Section 8.1 deals with allegations of abuse specifically against carers or agency employees). Those involved in liaison with the carer concerned should not conduct any part of the investigation. Consideration should be given to the need to locate the investigation out with the area in which the alleged perpetrator is supported. Regardless of whether an offence is assessed to have been committed, a report should be provided to senior management team of circumstances leading to the allegation. <p>Child - The welfare and safety of the child is the paramount consideration. Response should be sensitive, sympathetic and child-centred. The child should be consulted and kept informed throughout where appropriate. Consideration whether child should be moved elsewhere.</p> <p>Alleged Abuser - The question whether to inform the alleged abuser immediately would be considered on a multi-agency basis.</p>	
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iii)	Medical 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>East Lothian Council was established in 1996. The Foster Carer Partnership agreement 1996 specifies that all foster carers are responsible for supervising the child's medical and dental care, and that they must keep a record of this. Subsequent revisions of this agreement (1997 and onwards) remove this requirement and introduce requirements that carers 'should give instruction and good example in health and hygiene'. Carers were also to ensure that all medical appointments were attended/medical issues followed up in a timely manner.</p>	<p>Foster Carer Partnership Agreement 1996 and subsequent Foster Care Agreements; Information for Young People Who are Looked After 1998; 2001 East Lothian Standards for Foster Care</p>

		<p>The East Lothian Council booklet 'Information for Young People who are Looked after' 1998 that stipulates that children in care would be asked to see a doctor before going to any new placement and annually thereafter.</p> <p>By 2003 the expectation of arranging an Initial Health Assessment for every child was already being moved away from, and it was indicated this should happen only if needed. The earliest standards for foster care that we can find date back to 2001. These state 'Carers ensure that the medical needs of children are met' and they include a requirement for safe storage of medicines, recording of medication given.</p>	
iv)	Children's physical wellbeing	<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>East Lothian Council was established in 1996. The 1996 Foster Carer Partnership agreement (and subsequent revisions) states that all Foster Carers are responsible for providing 'a good standard of physical care' and includes in the foster carer's responsibilities 'instruction and good example in health and hygiene habits' and to 'supervise the child's medical and dental care'.</p> <p>The East Lothian Council booklet 'Information for Young People who are Looked after' 1998 that specifies that children are entitled to expect a high standard of physical care and to feel safe.</p> <p>The East Lothian Council - Standards for Foster Care (the earliest copy of which we have were an appendix to the 2001 Foster Carer's handbook) state 'a child or young person who is adopted or fostered should have his/her emotional, physical, developmental needs and rights as an individual recognised and effectively addressed'. The standards provide detailed guidance for carers on several aspects related to physical wellbeing, including safety, health, hygiene, food and smoking.</p>	<p>Foster Carer Partnership Agreement 1996; Information for Young People Who are Looked After 1998; 2001 East Lothian Council - Standards for Foster Care</p>

v)	Children's emotional and mental wellbeing	<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>East Lothian Council was established in 1996. The Foster Carer Partnership agreement 1996 (and subsequent revisions) specifies that we expect foster carers to provide a good standard of emotional care. Foster carers are encouraged to do this by 'giving attention and affection, building self-esteem and developing any special interests.' They are also asked to set 'consistent limits to manage behaviour without resort to physical punishment'. The East Lothian Council - Standards for Foster Care (the earliest copy of which we have were an appendix to the 2001 Foster Carer's handbook) state 'a child or young person who is adopted or fostered should have his/her emotional, physical, developmental needs and rights as an individual recognised and effectively addressed'. The standards provide detailed guidance for carers on several aspects related to emotional and mental wellbeing, including clothing, individuality of each child, racism, ethnicity, child's individual heritage, sexuality, religious observation, children's rights and responsibilities, dignity, choice, fulfilment, privacy, links with family and community.</p>	<p>Foster Carer Partnership Agreement 1996; Information for Young People Who are Looked After 1998; 2001 East Lothian Council - Standards for Foster Care</p>
vi)	Schooling/ Education	<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>East Lothian Council was established in 1996. The 1996 Foster Carer Partnership agreement (and subsequent revisions) includes in carer's responsibilities that they are responsible on a day to day basis for encouraging the child's attendance at school and for regular contact with the school staff regarding educational progress. The East Lothian Council booklet 'Information for Young People who are Looked after' 1998 outlines what children and young people can expect regarding their education.</p>	<p>Foster Carer Partnership Agreement 1996; Information for Young People Who are Looked After 1998; 2001 East Lothian Council - Standards for Foster Care</p>

		<p>The East Lothian Council - Standards for Foster Care (the earliest copy of which we have were an appendix to the 2001 Foster Carer's handbook) state that the 'care placement promotes and supports the education experience of the child or young person'. This is elaborated on in the 2001 Foster Carer's handbook: 'We all need to help children to become equipped for adult life by ensuring good attendance at school, a positive attitude and support through difficulties. We try to ensure that children cared for by foster carers stay at the same school if possible. This can sometimes mean quite lengthy journeys to school but this is usually less disruptive for a child than a change of school. The question of which school a child should attend should be addressed before the placement starts, and the educational needs of the child will be reviewed on a regular basis as part of the Care Plan Reviews. If a child needs to be enrolled at the local school the foster carer will normally do this, but this should be confirmed with the social worker. Foster carers should keep in close contact with the school and act as a good parent would in terms of attending parents' evenings, supervising homework, giving praise and encouragement and taking up any issues or worries the child has about school. The child's social worker should be kept informed of the child's progress and consulted if there are any problems. If the child is truanting from school, the foster carer should contact the social worker and the school immediately to look at ways of tackling this. Foster carers can usually give consent for children to attend school trips and outings but the social worker should be approached if overnight stays are involved. Young children should be read to frequently and encouraged to draw, paint and write. Older children should be encouraged to read and use the local library'. The Foster Carer Handbook further states: 'To ensure that we encourage young people in care to develop their full potential we should be encouraging the use of special tuition where this is seen as appropriate in helping a young person to catch up or maintain progress in education or music or art. It is important that carers discuss these activities with the child's social worker before agreeing to the child participating in extra tuition.'</p>	
vii)	Discipline	<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>Foster Carer Partnership Agreement 1996; Information for Young People Who are Looked After 1998;</p>

		<p>East Lothian Council was established in 1996. The Foster Carer Partnership agreement 1996 (and subsequent revisions) stipulates that foster carers must not 'resort to physical punishment'; and the East Lothian Council booklet 'Information for Young People who are Looked after' 1998 contain details on what sanctions are acceptable and what aren't.</p> <p>2001 Foster Carer Handbook (and subsequent revisions) has a section on Managing Behaviour stating 'Carers in East Lothian are expected to discipline children and young people without resorting to physical punishment. Any form of smacking or hitting is not acceptable, and methods of discipline should not result in the child's humiliation'. The Guidelines for the care and control of children in foster care - Information for Carers 2005 includes additional guidance on acceptable and unacceptable sanctions and the use of restraint. This been mislaid but we are endeavouring to trace it. In addition the Fostering Networks' booklet on Managing Challenging Behaviour is routinely distributed to carers (and included on our induction checklist).</p>	<p>Foster Carer Handbook 2013; 2014 Induction for new carers checklist</p>
viii)	Activities and holidays for children	<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>East Lothian Council was established in 1996. Foster Carer agreements dating back to the Inception of East Lothian Council reference the foster carer's responsibility to encourage 'the child's participation in community activities'. The East Lothian Council - Standards for foster care (the earliest copy of which we have were an appendix to the 2001 Foster Carer's handbook) state 'The needs of children to develop through play and leisure activities are recognised, given importance and met, having due regard to issues of age appropriateness, choice and plans for each child' and detailed guidance is given to carers.</p> <p>The 2001 Foster Carer Handbook references additional payments made to cover holiday periods. There was also the facility for the foster carer to request additional payments if undertaking a particularly costly holiday that</p>	<p>Foster Carer Agreement 1996, 1997 and subsequent revisions; 2001 Foster Carer Handbook and subsequent revisions; 2001 East Lothian Council - Standards for Foster Care</p>

		would exceed the holiday allowance. The Foster Carer Handbook similarly outlines the arrangements for covering the cost of activities and any special tuition that a child may benefit from.	
ix)	Sharing a bedroom	<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>East Lothian Council was established in 1996. East Lothian Council - Standards for Foster Care (the earliest copy of which we have were an appendix to the 2001 Foster Carer's handbook) state that 'The child, wherever possible, has a bedroom for her/his own use. Where children share a bedroom, the other child or children are of appropriate age and gender' and further detailed guidance is given. Our 2007 standards also have detailed guidance on room-sharing (i.e. as with the 2001 standards that generally it was not the practice, but there were some acceptable exceptions such as for siblings, for infants to be in their foster carer's room, or for those children who would be anxious about being in their own room, to share). Our 2010 guidance for fostering applicants makes it clear we would expect fostered children to have their own room.</p>	<p>2001 East Lothian Council - Standards for Foster Care; 2007 Standards for Foster Care; 2010 Aug Caring for Other People's Children - Guidelines for applicants</p>
x)	Contact with family members	<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>East Lothian Council was established in 1996. The Foster Carer Partnership Agreement 1996 lists as foster carer's responsibilities 'to promote contact between the child and his/her own family unless this is agreed not to be in his/her interest'. Our booklet from 1998 'Information for Young People who are looked after' states "You have the right to visit your family. Your parents should continue to be involved with you and be an important part of your life....If you have brothers or sisters who are also being looked after but stay in a different place, your social worker should help you keep in touch and</p>	<p>Partnership Agreement 1996; ELC 'Information for Young People who are looked after' booklet 1998. ELC Children and Families procedures, Children Placed (1998); 2001 East Lothian Council - Standards for Foster Care</p>

		<p>visit one another.” It sets out circumstances when these rights might be limited for example by a children’s hearing.</p> <p>The first procedures developed by East Lothian Council in 1998 (Children and Families procedures, Children Placed) state 'Local authorities must also take steps to promote regular and direct contact between a looked after child and any person with parental responsibilities, as far as is possible and consistent with the duty to safeguard the child's welfare'. Our 2001 Standards state 'Relationships with the child's own family, and with significant persons in their community are developed and maintained where this is in the best interests of the child'.</p>	
xi)	Contact with siblings	<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>East Lothian Council was established in 1996. The Lothian Regional Council 1996 procedure 16 makes clear that it was department policy to keep families together where possible. Other documents make clear that where it has not been possible to keep siblings together, or where not all siblings are accommodated, that contact between siblings should be promoted. For instance the responsibility of foster carers to promote contact between the child and his/her family outlined in the 1996 foster carer partnership agreement (and subsequent revisions of this), and the 1998 leaflet 'Information for Young People who are looked after' that states that a child's social worker should help them to keep in touch with, and visit, siblings.</p> <p>Our East Lothian Council - Standards for Foster Care (the earliest copy of which we have were an appendix to the 2001 Foster Carer's handbook) state 'Relationships with the child's own family, and with significant persons in their community are developed and maintained where this is in the best interests of the child'.</p>	<p>LRC 1996 Procedure 16; Partnership Agreement 1996; ELC 'Information for Young People who are looked after' booklet 1998</p>
xii)	Celebration of birthdays and other special occasions	<p>Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council</p>	<p>1997 Foster Carer agreement; 2001 Foster Carer Handbook</p>

		<p>and records may be held by City of Edinburgh Council in respect of that time period.</p> <p>East Lothian Council was established in 1996.</p> <p>We have always had a culture that recognised the importance of celebrating these events with children, and gave carers extra money at birthday and Christmas for this purpose. It was an unwritten expectation until the earliest reference we could find in the 2001 Foster Carer Handbook that refers to additional payments to foster carers for children's birthdays, Christmas and holidays. These issues would be addressed in Form F when recruiting prospective carers.</p>	
xiii)	Information sharing by the foster carer with family members	<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>East Lothian Council was established in 1996. The 1997 Foster Carer Agreement (and subsequent revisions of this) includes as a foster carer's responsibilities 'To ensure that any information relating to the child in placement, or the child's family or any other person given in confidence in connection with a placement will be kept confidential and not disclosed except with the consent of the local authority'.</p> <p>The 2001 Foster Carer Handbook elaborates on this stating 'Decisions will be made with your social worker and the child's social worker about what to tell your family, friends and neighbours, and the school. Details about the child's health and family relationships must always be handled discreetly.....It is acknowledged that it may be difficult for carers to be unable to share information with close family but it is possible to link in with other foster carers and also support groups, which are bound by the same requirements of confidentiality'.</p>	1997 Foster Carer agreement; 2001 Foster Carer Handbook
e)	Who compiled the policies and/or procedures?	The original Foster Carer Partnership agreement and the Lothian Regional Council policies used when ELC came into being in 1996 were presumably	

		compiled by Lothian Regional Council staff. The East Lothian Council 1997 Procedures and the 1997 Foster Carer Agreement were compiled by Children and Families managers at the time, as were subsequent procedures in 1998 and 2003 and the Foster Carer's Handbook (the earliest version of which we have dates back to 2001).	
f)	When were the policies and/or procedures put in place?	East Lothian Council used the Lothian Regional Council policies until it developed its own policies from 1997. These policies were revised and added to as practice developed, and as legislation and national guidance and policy changed.	
g)	Were such policies and/or practices reviewed?	Yes	
h)	If so, what was the reason for review?	Usually this was due to ongoing developments of practice both locally and nationally, but there were other reasons, for instance to check if any responses were required following legislative change such as the Children's Hearing (Scotland) Act 1995, the Adoption and Children (Scotland) Act 2007 or the Looked After (Scotland) Regulations 2009. Review would also be prompted when national guidance or reviews were published by Scottish Executive or Government such as the publication in 2002 of the Review of Child Protection: It's Everyone's Job to Make Sure I'm Alright, or the introduction of National Standards for Foster Care.	
i)	What substantive changes, if any, were made to the policies and/or procedures over time?	1994 Interagency Child Protection Guidelines were re-written and became the 2007 Child Protection Guidelines partly in response to the 2002 Report to Scottish Executive: It's Everyone's Job to Make Sure I'm Alright. Updates to the Foster Care Handbook took into account changes to other policy documents such as new guidance on overnight stays, or in response to the new Child Protection Guidelines in 2007 and subsequent new procedures, and to the new National Standards in Foster Care.	
j)	Why were changes made?	Changes were made following a review of the documents which took place, as described at k) above, due to ongoing developments of practice both locally and nationally, but there were other reasons, for instance in response	

		to the legislative changes and national guidance or reviews being published by Scottish Executive or Government.	
k)	Were changes documented?	<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>Following the establishment of East Lothian Council in 1996, changes were documented.</p>	
l)	Was there an audit trail?	As there was no legal requirement to keep policies prior to the Public Records (Scotland) Act 2011, we do not have an official audit trail of policies/policy changes and are therefore only able to respond in relation to what we have been able to locate. Since then Policies and Procedures have been kept electronically, with versions which have been superseded being retained electronically.	
	PRESENT		
m)	With reference to the present position, are the answers to any of the above questions different?	There have been no significant changes between 2014 and the present day.	
n)	If so, please give details.	No details required.	

ii)	Practice		
	PAST		
a)	Did the Local Authority adhere in practice to its policy/procedures	Yes – in the majority of cases, the Local Authority adhered to its policy/procedures relating to the care of children in foster care.	

	relating to the care of children in foster care?		
b)	Did the Local Authority adhere in practice to its policy/procedures in terms of the following?		
i)	Safeguarding	<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>East Lothian Council was established in 1996. Files relate to after this date.</p> <p>Past Practice: We found evidence of adherence to our policies in all the files we reviewed - the 8% which did not have safe caring documents specific to children placed were all pre-2005 and therefore before our policy was introduced. Auditors' comments: "Well-documented from 2005." "Safe caring documents seen for each child and reviewed" "Discussions re sexualised behaviour".</p> <p>Current practice: In the current files we reviewed, we found one file where a child had been placed without a safe caring policy. That placement has since ended, and all children currently placed with those carers do now have one in place.</p>	
ii)	Child Protection	<p>We refer you to our response at 4.2 (ii) b) xvi) where we stated :</p> <p><i>"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.</i></p> <p><i>East Lothian Council was established in 1996.</i></p>	

		<p>Past Practice: We found adherence to our policies and procedures in respect of child protection in all the files we reviewed. In the files we read, we found that 11% contained allegations or disclosures of abuse while the child was in placement, which were all appropriately dealt with. It did not matter who had made the allegation - whether the child, carer or a relative of the carers, or who the alleged perpetrator was - family member or child in placement - all followed our Child Protection Procedures. Protecting and safeguarding the child is always paramount.</p> <p>Current Practice: No major differences - 12% of cases contained allegations – all were dealt with in line with procedures.”</p>	
iii)	Medical 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>East Lothian Council was established in 1996. Files relate to after this date.</p> <p>Past Practice: We found evidence of adherence to our medical care policies in 85% of cases we looked at. The remainder still looked as if health needs were being well considered e.g. no evidence of the pre-placement medical while this was required, but evidence of subsequent follow-up medicals; no LAAC Nurse report but letters from a Paediatrician. Statements by file auditors: "Medical needs were considered at all reviews"; "Well recorded"; "Health visitor visited every two weeks".</p> <p>Current practice: No major difference in adherence to medical care policies in the current files we reviewed.</p>	
iv)	Children’s physical wellbeing	<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>East Lothian Council was established in 1996. Files relate to after this date.</p>	

		<p>Past Practice: For what was recorded in children's files please see our response to:</p> <p>1. Question 4.2. (ii) b) i) (in relation to physical health) where we stated: <i>"all the files we reviewed (with the exception of one for a four week old baby) had really clear evidence of this, demonstrated in: pre-placement medicals; visits to opticians; registrations with GPs and dentists; the involvement...the Looked After Nurses as well as the Throughcare and Aftercare TAC Nurse; reports and minutes of both looked after reviews and carer's reviews;supervision notes for both the child's worker and the carer's worker and the carers themselves; carers diaries; play therapy and life story work; case notes; court judgments; and hearing the voice of the child or young person stating they were happy in their placement. (We should note however, that there was a small missing file from early 2004, covering the last couple of months of a year-long placement which we could not trace.) The one exception to this, the four week old baby, contained little about how the needs of the baby were being met, because the worker was concentrating on recording evidence about the parents and their ability or inability to meet the baby's needs. We got no sense that the baby's needs were not being met by the foster carer, it was just that the meeting of those needs was not made explicit in the recording."</i></p> <p>2. Question 4.3 (ii) b) iii) in relation to medical care where we wrote: <i>"We found evidence of adherence to our medical care policies in 85% of the children's files we looked at. The remainder still looked as if health needs were being well considered e.g. no evidence of the pre-placement medical while this was required, but evidence of subsequent follow-up medicals; no LAAC Nurse report but letters from a Paediatrician. Statements by file auditors: "Medical needs were considered at all reviews"; "Well recorded"; "Health visitor visited every two weeks"."</i></p> <p>In relation to what was recorded in carers' files, we also saw clear evidence of adherence in 88% of the files we reviewed, through social worker's reports, reviews and case notes. The file reviewers for this exercise commented: "Appointments arranged and attended by child and carer";</p>	
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		<p>"proactive approach to health concerns". The remaining carer files had little evidence of adherence, rather than a lack of it.</p> <p>Current Practice: For what was recorded in children's files in relation to our current practice, please see our responses to:</p> <ol style="list-style-type: none"> 1. Question 4.2. (ii) b) i) (in relation to physical health) where we stated: <i>"We have found little difference. Again all the files we read, except for one file, had clear evidence of adherence with very similar evidence. The one outlier was a young person who was placed with carers for about four months before being moved to residential care. Both the professional and the young person themselves identified that the carers were not meeting his needs - the young person was unhappy and wanted to move. After a brief period at a relatives the young person was placed in residential care."</i> 2. Question 4.3 (ii) b) iii) in relation to medical care where we wrote that we had found <i>"No major difference in adherence to medical care policies."</i> <p>In relation to what was recorded in carers' files we found fairly similar findings to our previous practice: 80% of the files we reviewed showed adherence - the remainder of files had little or no evidence written in the files on this subject (rather than showing an actual lack of adherence).</p>	
v)	Children's emotional and mental wellbeing	<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>East Lothian Council was established in 1996. Files relate to after this date.</p> <p>Past Practice: Within carers' files that we looked at, apart from one misplaced volume of a carer's file, we found 100% adherence. On reviewing files to help prepare this response, our file readers commented: "Evidenced in child reviews"; "Encourages child to follow interests"; Child is "Building a trusting relationship with carers"; "Throughcare and Aftercare Nurse is involved"; "Clear structures and strong on managing behaviour".</p>	

		<p>Current Practice: Regarding the current carers' files we reviewed, we found 90% adherence - in the remainder we found evidence of a teenager feeling isolated, and carers stated not to be engaging with a teenager. Steps were taken to address these issues.</p>	
vi)	Schooling/ Education	<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>East Lothian Council was established in 1996. Files relate to after this date.</p> <p>Past Practice: With one small exception, we found very good adherence in all the files we looked at. Carers were encouraging school attendance and homework, and supporting it, liaising with schools and schools were attending meetings and contributing reports. The small exception we found was a comment about one set of carers who were not writing in the school/home link book as requested by the school.</p> <p>Current Practice: Very similar results. We only found one problematic file, where the school said carers were not engaging with them. Due to that and other issues, the child moved placement, to a residential school.</p>	
vii)	Discipline	<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>East Lothian Council was established in 1996. Files relate to after this date.</p> <p>Past Practice: In the files we read, we found only one case where there was not adherence to our policies on discipline. In that case, the carers' registration was suspended while the allegations were investigated.</p>	

		<p>Current Practice: In the current files we reviewed, we found only one case where there was an incident when a carer threw water over a young person to "calm them down". That was the same case referred to in previous answers at question 4.2 ii) b) xv) and 4.3 ii) b) vi) where the young person moved placement away from them as a result of a variety of issues.</p>	
viii)	Activities and holidays for children	<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>East Lothian Council was established in 1996. Files relate to after this date.</p> <p>Past Practice: In the files we reviewed, where children had full-time placements we found evidence of 100% adherence. We saw evidence of football trips to Blackpool, trips abroad, applications for school trips, trips to Benidorm, caravan holidays, horse riding, golf, guitar, skateboarding, karate, painting, cycling, guides, Boys Brigade and so on. Where carers did not take children away themselves we saw evidence of them making contact with the child while they were away.</p> <p>Current Practice: We found very similar findings in the current files we reviewed- the only case we found where carers were not involving a young person in activities and holidays was the same case we have referred to several times already, at 4.2 ii) b) xv), 4.3 ii) b) vi and at vi) of this question. This was the 15 year-old young person whose carers were not meeting his needs – in this instance he felt very bored and frustrated in the summer holidays. He ended up moving placement due to this and other issues with the carers.</p>	
ix)	Sharing a bedroom	<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>East Lothian Council was established in 1996. Files relate to after this date.</p>	

		<p>Past Practice: Children had their own bedroom in 69% of the files we read. In the 31% of children sharing, they were babies sharing with the carers (3%) or sharing with their own sibling (11%) or in 21% where they were sharing with a non-related child for some or all of their placement, this was frequently discussed at fostering panels. So this adhered with our policies current at the time.</p> <p>Current Practice: In the current files we reviewed, the only cases of children sharing were a few where they shared with a sibling.</p>	
x)	Contact with family members	<p>Please see our response to question 4.2 (ii) b) vi where we stated: <i>"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.</i></p> <p><i>In 1996 East Lothian Council was established.</i></p> <p>Past Practice: <i>In all the files we read we found clear evidence of planned, regular, well-facilitated contact between willing children and parents, complying with Children's Hearings measures where these existed. Sometimes the contact was irregular because of the parents, but contact was always kept under review and discussed regularly. Very unusually, contact did not take place, but this was due to unwilling participants – once where a father did not want contact and the mother had died; the second was where a child chose to have very little contact with their parents.</i></p> <p>Current Practice: <i>We had identical findings in the current files we reviewed - contact was regular and planned and in line with any Children's Hearings measures, unless, and very unusually, the very occasional parent chose not to have contact with their child."</i></p>	
xi)	Contact with siblings	<p>Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council</p>	

		<p>and records may be held by City of Edinburgh Council in respect of that time period.</p> <p>East Lothian Council was established in 1996. Files relate to after this date.</p> <p>Past Practice: Yes - For contact with siblings who were also in foster care, please see our response to question 4.2 (ii) b) vii, where we stated <i>"In the files we read, where this was applicable, we found that all siblings had regular, planned contact with other siblings in foster care. Very occasionally the arrangements moved over time to more flexible and informal arrangements to be more responsive to when a child was keen for contact with their sibling."</i> For the fewer instances where siblings remained in the family home, contact would take place in the family home so siblings usually had contact as frequently as their parents.</p> <p>Current Practice: We found no real difference in the current files we read. For contact with siblings who were also in foster care, please see our response to question 4.2 (ii) b) vii, where we stated: <i>"We found no difference in current practice."</i> The only exception we found to this was one instance where contact did not take place with the other siblings who remained at home because the mother did not allow it. In that instance, the mother herself refused to have contact with her accommodated child.</p>	
xii)	Celebration of birthdays and other special occasions	<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>East Lothian Council was established in 1996. Files relate to after this date.</p> <p>Past Practice: Aside from children who always spent their birthdays at home we found clear evidence of this in 61% of the files we looked at. "Lots of evidence of lovely birthdays and Christmases". Carers even chased up cards and gifts from extended family. The fact that evidence was not noted in the remaining 39% of files does not mean that birthdays and other special occasions were not celebrated, just that it was not recorded.</p>	

		Current Practice: We found a slightly higher proportion of files evidencing the celebration of these special occasions - 69% of the current files we reviewed.	
xiii)	Information sharing by the foster carer with family members.	<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>East Lothian Council was established in 1996. Files relate to after this date.</p> <p>Past Practice: In the files we reviewed, we found no actual evidence that policies were not being adhered to. We found active evidence of adherence in 55% of cases, the remainder had no evidence either way. On reviewing files to help us prepare this response, our file readers commented recently: "[Information] shared with mother because she was respite carer for child"; "Well-planned and relevant information-sharing as appropriate".</p> <p>Current Practice: In the current files we reviewed, we found only one instance when some information was discussed with carers' children without discussion with the department first. We found active evidence of adherence in 40% of files we read. The remainder had no evidence either way.</p>	
c)	How was adherence demonstrated?	We reviewed a proportion of our files across the time period of the review i.e. from East Lothian's inception in 1996 until 2014.	
d)	How can such adherence be demonstrated to the Inquiry?	We can make the physical copies of our completed reviewing tool available to the Inquiry	
e)	Were relevant records kept demonstrating adherence?	Yes	
f)	Have such records been retained?	Yes - with the exception of a couple of missing volume of carer files which we could not trace.	

g)	If policy/procedure was not adhered to in practice, why not?	It was not recorded why a few pre-placement medicals did not take place. In relation to information-sharing, it was not recorded why in one instance one set of carers did not write in the home/school link booked as requested by the school. In relation to a breach in relation to discipline, we do not know the carers' reasons but they were suspended pending investigation.	
h)	If policy/ procedure was not adhered to in practice, what was the practice?	There were no regular alternative practices – the cases we have just referred to immediately above at g) were a few individual cases of one-off instances.	
	PRESENT		
i)	With reference to the present position, are the answers to any of the above questions different?	Yes	
j)	If so, please give details.	We have already provided a comparison between past and current practice in our responses at b) above where we noted that: <ol style="list-style-type: none"> 1. There was one case of the absence of a safe caring policy. 2. There were a couple of instances of teenagers feeling isolated and disengaged, but steps were taken to address these issues. 3. There was an improvement in relation to the sharing of bedrooms. 4. There was slightly more evidence <i>recorded</i> for carers celebrating children's birthdays, although again we re-iterate that there is no evidence that birthdays were not being celebrated. 	
4.4	Foster Carers		
i)	Policy		
	PAST		
a)	What policies and/or procedures did the local authority have in relation to foster carers?	Prior to 1975 there is virtually 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.	Lothian Regional Council Children and Families Policies Procedures and Practice (specifically 56); Foster Carer Partnership Agreement (1996 and subsequent updates);

		<p>East Lothian Council was established in 1996. The following are policies/procedures in relation to foster carers from 1996.</p> <ul style="list-style-type: none"> - Lothian Regional Council Children and Families Policies Procedures and Practice (specifically 56). - Foster Carer Partnership Agreement (1996 and subsequent updates). - Services to Children and Families in East Lothian, Information and Guidance for Social Work Staff - Principles, Policies, Priorities (2001) - Foster Carer Handbook (2001 and regular updates) - East Lothian Council - Standards for Foster Care (the earliest copy of which we have were an appendix to the 2001 Foster Carer's handbook) - Policy and Guidance on dealing with allegations of child abuse by substitute carers (2001) - Carer Recruitment and Preparation guideline (2003) - Fostering and Adoption Worker's Handbook (2006) - Panel Pack (2006 and subsequent updates) - East Lothian Standards for Foster Care (2007) - Procedure and Guidance for recording of complaints and allegations against foster carers - Allegations made against Foster Carers (2010) - Whistleblowing practices for foster carers (2012) - The Management of Medication For Young People who are Looked After and Accommodated (2012) 	<p>Services to Children and Families in East Lothian, Information and Guidance for Social Work Staff - Principles, Policies, Priorities (2001); Foster Carer Handbook (2001 and regular updates); East Lothian Council - Standards for Foster Care (the earliest copy of which we have were an appendix to the 2001 Foster Carer's handbook); Policy and Guidance on dealing with allegations of child abuse by substitute carers (2001); Carer Recruitment and Preparation guideline (2003); Fostering and Adoption Worker's Handbook (2006); Panel Pack (2006 and subsequent updates); East Lothian Standards for Foster Care (2007); 2007 (updated 2012) Procedure and Guidance for recording of complaints and allegations against foster carers; Allegations made against Foster Carers (2010); Whistleblowing practices for foster carers (2012); 2012 The Management of Medication Guidance</p>
b)	Was there a particular policy and/or procedural aim/intention?	Policy was to provide guidance and clarity on specific issues. In the case of the Foster Carer Partnership Agreement and the Foster Carer Handbook and Standards for Foster Care to set out the expectations of foster carers and their responsibilities in addition to the support they can expect to receive.	

		In relation to the Standards for Foster Care to provide more detailed guidance on expectations relating to standards of care.	
c)	Where were such policies and/or procedures recorded?	<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>East Lothian Council was established in 1996. Initially hard copies were kept in the office and then migrated to a shared drive. The foster carer handbook was available in hard copy for foster carers to have in their home and panel packs were available in hard copy to panel members to store in their home. Both the Foster Carer Handbook and Panel Packs are now emailed to new foster carers and panel members respectively but they can have a hard copy if they request one.</p>	
d)	What did the policies and/or procedures set out in terms of the following?		
i)	Recruitment	<p>Prior to 1975 there is virtually no documentation to provide that information. A minute of the Social Welfare Committee of the County Council states that the Committee of 28th October 1946 "approved the recommendations of the Clyde report. The following points were noted. 1. The Clyde Committee recommended that a good foster parent system should be encouraged and greater care in the selection and inspection of foster carers would be vital." 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>In 1996 when East Lothian Council was established, we were initially using Children and Families Policies Procedures and Practice 1996 Procedure 56 - Approving Carers administrative procedure. The procedure sets out the main stages in the identification and approval of substitute family carers for children and young people and the administrative support arrangements related thereto. Although we cannot find explicit reference in the few policy</p>	<p>1945-1948 Extracts from County Council Minutes; Children and Families Policies Procedures and Practice 1996. Procedure 56 - Approving Carers administrative procedure; Carer recruitment and preparation guideline Nov 03; Current carer recruitment policy (2004 Sept); Fostering and Adoption Team Worker's Handbook (2006); Panel Pack (2006) (and subsequent updates); Caring for Other People's Children, Guidelines for applicants (2010)</p>

		<p>documents we have from this time, it has been practice for all assessments to be carried out by qualified Social Workers.</p> <p>A 2003 Recruitment and preparation guideline explained the preparation, assessment and approval process we were using in more detail – reviewing of case files suggests the core aspects of this process were being followed since the Authority was established in 1996. This process included the requirement for prospective foster carers to attend preparation training, and the requirement that each enquiry was dealt with in a timely manner and decisions recorded. The 2003 guideline makes clear that East Lothian Council was seeking to adhere to good practice guidance introduced in the 1999 “National Standards for Foster Care” namely that ‘Each applicant receives clear information on the process of assessment, the criteria against which she and her partner will be assessed, and the appeal procedure should she or he wish to challenge a decision not to approve him or her as a carer’ and that ‘Information to prospective carers includes a list of the competencies she or he will be expected to demonstrate the support allowances and rewards available and explanation of the commitment to equal opportunities and anti-discriminatory and anti-sectarian practice required’ (at the time the BAAF assessment Form F that was being used included details of competencies to be assessed against - this was later replaced by the Fostering Network’s competency based assessment, before the team reverted back to using the Form F again).</p> <p>It was clear from a document in 2004 that our recruitment priorities changed dependent on the need at the time. The 2006 handbook for Fostering and Adoption workers builds on the 2003 guidelines and goes into much more detail on how to take an initial enquiry, issues to be covered during initial screening visit and the assessment process thereafter, including the applicants’ rights to complain.</p>	Foster Care Agreements 1996, 1997, 2000, 2007, 2009, 2012;
ii)	Standard and size of accommodation	<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>2001 East Lothian Council Standards for Foster Care; 2005 Health and Safety Checklist; 2006 Fostering and Adoption Worker’s Handbook;</p>

		<p>The earliest version of the foster carer handbook located dates back to 2001. This contained in an appendix the standards we expected foster carers to adhere to and included our expectations that 'the family home is comfortable, well maintained, decorated to an adequate standard' and be of 'an adequate size to ensure the needs of a child in placement can be met in terms of both the activities undertaken within the home and privacy'. The standards also state that, when possible, a foster child needs to have her/his own bedroom and if foster children are sharing they should be an appropriate age and gender. The standards were updated in 2007. In 2005 a Health and Safety Checklist was introduced to assure that a foster carer's home was able to keep foster children safe from foreseeable harm to their health and safety. The 2006 Fostering and Adoption Worker's Handbook states that the foster carer home must provide the foster child with space, cleanliness, safety, and adequate sleeping arrangements.</p>	<p>East Lothian Council Standards for Foster Care 2007</p>
iii)	<p>Number, age and gender of children accommodated/in the household</p>	<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>The 2001 Foster Carer Handbook states that foster carers can be approved for a maximum of three placements for children under 12, or a maximum of two placements if at least one child is over 12. However, it states that larger sibling groups and named placements will require a particular consideration and could be exceptions to this general rule. It further states that the Fostering Panel are responsible for making recommendations to the Service Manager; Children's Services Resources regarding the specific number, ages and gender of children that foster carers can look after. The 2004 Foster Carer Handbook removed the age guidance in relation to three placements (i.e. it could be three placements for over 12 year olds) but still limited the maximum number of placement to three (although exceptions such as large sibling groups still applied).</p> <p>East Lothian Council Standards for Foster Care 2001 and 2007 emphasize the desirability that each child have their own room, and lay out guidelines for room-sharing. The 2007 standards state that a foster carer will normally</p>	<p>East Lothian Council Standards for Foster Care 2007; The 2001, 2003, 2004, 2006 and 2013 Foster Carer Handbook; The 2005 East Lothian Council Fostering and Adoption Service annual report; East Lothian Council Standards for Foster Care 2001 and 2007</p>

		only be approved for one placement per available room. If further states that when placing a foster child the foster carer must be considered to have the emotional capacity to continue meeting the emotional needs of the already existing members of the household and the foster child being placed in the home.	
iv)	Pre-approval/registration checks	<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>East Lothian Council was established in 1996, and their policies have changed slightly over time, particularly in terms of timescales for obtaining updated police and health checks, but also in relation to checks required for babysitters who do not reside in the adult's home.</p> <p>Lothian Regional Council procedure 56 makes clear that in 1996 at point of assessment police checks, local authority checks, personal references and health checks were required on the main applicants and Disclosure Scotland checks and medical checks on those over 16 years who may be involved in the care of a looked after child. From at least 2002 we started obtaining employer's references. From 2004 there was to be an Initial check by worker to assure that carers who own cars have Insurance Certificates for vehicles, M.O.T, driving licence. Although it had always been a requirement to assess the accommodation provided (see 2001 East Lothian Council - Standards for Foster Care), from 2005 a formal health and safety checklist was required to be completed. A pet assessment was also introduced (we think this was in 2005 as well but may have been earlier). The Fostering and Adoption Workers Handbook 2006 specified that a minimum of two unrelated referees who will have known the applicants over time and preferably know them as a family would be visited by the assessing worker. In relation to ex-partner referees the earliest reference we can find is from the 2006 handbook that states 'this is more contentious and a degree of discretion makes sense, This is an issue for Line Manager consultation' (the 2006 Panel Pack indicates that ex-partner references would be expected, and this suggests that it would only be in exceptional circumstances that one would</p>	<p>Children and Families Policies Procedures and Practice 1996. Procedure 56 - Approving Carers administrative procedure; 2001 East Lothian Council - Standards for Foster Care ; Fostering and Adoption Workers Handbook 2006; 2006 Panel Pack;</p>

		not be sought). The 2006 handbook also refers to obtaining Health Visitor reference if relevant and School reference if relevant. It is no longer current practice to obtain medical and disclosure checks on those who are doing day-time babysitting or visiting the foster carers household, however, we would still do both for anyone over the age of 16 residing in the foster carers household.	
v)	The particular placement of a child with foster carers [i.e. matching]	<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>When East Lothian Council was established in 1996, we were using Lothian Regional Council Procedure 16 Children - Reception into Care. This document makes clear that for each child consideration needs to be given to the type of placement and services which will meet their assessed need. A range of options were available, including specialist 'Community Carers' and projects such as Barnardos Special Families project. 1998 'Children and Families Procedure Children placed' reiterates the need to 'find out and have regard to the view of the child, the parents and any other relevant person when making decisions about a child whom they look after, and should take account of the child's religious persuasion, racial origin and cultural and linguistic background'. This procedure also states 'for each child consideration needs to be given to the type of placement and services which will meet their assessed need'.</p> <p>The 2001 Foster Carer Handbook makes it clear that when discussing possible placements with carers we were looking for carers who could meet the needs of the child and that as much information as possible would be shared with the carer before the placement, in order to aid the decision about deciding whether this was the right match. The East Lothian Council – Standards for Foster Care (the earliest copy of which we have available from the 2001 Foster Carer Handbook) state that '<i>children are placed with carers of the same or similar religious persuasion as their families of origin, unless this is strongly contra-indicated</i>' and '<i>where possible, children are placed with carers who reflect their own ethnicity and culture</i>'.</p>	<p>Children and Families Policies Procedures and Practice 1996. Procedure 56 - Approving Carers administrative procedure; 1998 Children and Families Procedure Children placed; 2001 Foster Carer Handbook; Fostering and Adoption Workers Handbook 2006</p>

vi)	Foster care agreements	<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>Since the inception of East Lothian Council in 1996, it has been policy that all foster carers sign a Foster Carer Agreement (the version in 1996 was a Foster Carer Partnership Agreement) informing them of their responsibilities and East Lothian Council's responsibilities - a copy is kept on file and copy kept with carers.</p> <p>The 1996 Lothian Regional Council Procedure 56 refers to a PNG (guidance note) on Partnership agreements, but we do not have a copy of this. The 2001 Foster Carer Handbook (and subsequent revisions) state that all foster carers are required to sign a foster carer agreement and that they should read it carefully and discuss this with their link worker. The Foster Carer Agreement has been regularly reviewed and updated in line with legislative changes to ensure all the relevant information from the relevant guidance (Schedule 2 of the 1996 Fostering regulations and Schedule 6 of the 2009 LAAC regulations) was included in the agreement.</p>	Foster Carer Agreements - 1997, 2000, 2007, 2009, 2012; Foster Carer Handbook 2001
vii)	Induction	<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>East Lothian Council was established in 1996. The Lothian Regional Council Children and Families Policies and Procedures and Practice (56) 1996 states that once a carer is approved, information/ guidance will be supplied as appropriate e.g. Partnership agreement, letter stating exact approval and review details, foster carer handbook, copies from HQ Principle Officer C&F and updates. Foster Carers were required to sign a Foster Carer Agreement - they could not get paid until they had signed one, so this was an effective way of ensuring that every carer was informed of their responsibilities, East Lothian Council's responsibilities and the support, supervision, training and financial compensation they would be entitled to.</p>	Lothian Regional Council Children and Families Policies and Procedures and Practice (56) 1996; 2014 Induction for new carers checklist

		<p>The East Lothian Foster Carer Handbook (2001 and subsequent revisions) states that as part of their induction, foster carers should be provided with a Foster Carer Handbook, which will be an effective induction document that guides prospective carers through the process and explains expectations and policies (there were previous editions of the handbook and as stated above it was policy to give them to foster carers at induction, however we do not have a copy of a foster carer handbook dating before 2001). The Foster Carer Handbook also states that all foster carers should have their own social worker who is responsible for assuring that the foster carers access future support and training. It also states that all foster carers are expected to attend a Support/Training programme for one year following approval and encouraged to attend support groups and training events and to help us identify their training needs. From 2014 we have a specific induction checklist that lists issues to be covered by workers with new carers such as taking them through the keeping of a recording log that had been introduced in the mid-2000s.</p>	
viii)	Transfer of foster carers to or from other organisations or local authorities	<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>East Lothian council was established in 1996. Since then, there is no written policy or procedures on this, however, managers advise that we would have expected to use a Transfer agreement based on The Fostering Network's (and predecessor organisation 'National Foster Care Association') version.</p>	
ix)	Review/supervision	<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>The Lothian Regional Council Children and Families Policies and Procedures and Practice (56) 1996 states that carers will be reviewed by collation and distribution of reports and updated information as requested to Panel</p>	<p>Lothian Regional Council Children and Families Policies and Procedures and Practice (56) 1996; Foster Carer Handbook (2001 and subsequent reviews); 2006 Fostering and Adoption worker's handbook</p>

		<p>members as appropriate. This procedure note does not specify the frequency of reviews, although it makes reference to other guidance notes that we do not have. Although we cannot find anything in writing before 2001 specifying the timescales for reviews, evidence from files suggests these were being carried out on an annual basis (and sometimes more frequently if needed). The Foster Carer Handbook (2001 and subsequent reviews) states that all carers require an annual review to ensure that carers are providing childcare of the quality and standard expected by the Council, and to check that carers are receiving appropriate support and help. It further states that the first review should take place at the panel. It further states that the review should include reports from the social worker, placing worker, carers and when appropriate the birth parents.</p> <p>The Foster Carer Handbook (2001 and subsequent revisions) further states that the panel must approve any changes to the foster carer's registration including the numbers, ages, and gender that the carers can care for. It also states that the panel must approve any changes to the circumstances of the carers that may affect their ability or suitability to continue to offer care must be considered by the panel including marital separation, significant ill-health, someone in the household being found guilty of committing an offence, allegations against carers that have been upheld, another adult moving into the household etc. It also states that any carers who reach the age of 60 must be reviewed by the panel. The review should recommend whether the next review should be dealt with by the panel or on an internal basis. It also states that the carer review should include a check on any health issues and should discuss these with the carer. In terms of supervision the first reference we can find to something approaching supervision is in the Foster Carer Partnership agreement 1996 that states that there should be 'consultation and regular support' provided to the foster carer's by their liaison worker, as well as out of hours consultation and support. In the 1997 Foster Carer Agreement this concept was developed further to list amongst East Lothian Council's responsibilities the obligation 'To provide regular professional support, consultation and guidance by: regular visits by a social worker from the Children and Families Resource Team specifically'. The 2001 Foster Carer Handbook states 'The link worker is responsible for monitoring the standards of care provided and helping the carer to develop</p>	
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		<p>the skills necessary to care for the child..... If the link worker is not available the senior social worker or the duty worker at the Resource Team can be contacted. The link worker will visit on a regular basis'.</p> <p>The 2006 Fostering and Adoption worker's handbook contains a supervision policy and states 'All carers will be allocated a Social Worker whose role is to provide supervision and consultation support to the carers and their families. It is essential that respective roles and responsibilities are clearly defined and that it is understood 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 supervision policy specifies the minimum level of visiting to the household when a child is in placement as monthly. A carer's supervision record was used from 2007 for a period of time, but this was no longer in wide use by 2012.</p>	
x)	Training	<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>It appears that apart from a requirement for newly approved foster carers to attend a post approval group, there is no explicit requirement for carers to attend a certain amount of training until in 2006 the Fostering and Adoption Worker's Handbook stated 'There is an expectation on carers to attend a minimum of 3 training sessions per year organised by the Family Placement Team. There is also an annual update on drugs information training'. There has always been an expectation that carers attend training - From 1996 the foster carer agreement includes the Foster carer responsibility to participate in the training and support opportunities provided by the social work department and the Responsibility of East Lothian Council to provide foster carers with general preparation and training for foster care tasks and an ongoing programme of training and support. In 2001, the Carer Handbook said: "The Social Work Division considers that it is essential that all foster carers are properly prepared and</p>	<p>1996 foster carer agreement; 1997 foster carer agreement ; 2000 BAAF fostering competencies; Carer Handbook 2001; 2004 Dec carer handbook; 2004 Level 3 carer review; 2006 Panel pack; 2006 fostering and adoption SW screening guidance (which is contained within 2006 Fostering and Adoption Workers Handbook); 2013 foster carer handbook</p>

		<p>supported for the task of fostering. For this reason it is our policy that anyone wishing to become a foster carer should attend a Fostering Training course. All foster carers have their own link social worker who is responsible for future support and training. All foster carers are expected to attend a Support/Training programme for one year following approval. They are also strongly encouraged to attend support groups and training events and to help us identify their training needs."</p> <p>By 2004, the Carer Handbook also stated (in relation to the requirement to attend a Support/Training programme for one year following approval): "Completion of this training is a prerequisite for applicants to Level II caring'. The handbook further stated 'It is also expected that carers attend regular training events in order to promote their professional development. Their progress in relation to this will be addressed in their annual review. Support Groups are also offered on a regular basis and carers are encouraged to attend these."</p> <p>The 2006 Fostering Panel Pack asks panel members to look for evidence of the following</p> <ul style="list-style-type: none"> - Understanding of need for and purpose of support - Commitment to support groups - Commitment to continuous personal development through training - Evidence of positive partnership with Children's Services. <p>The Fostering and Adoption Social Workers Guidance also states that social workers must assess prospective carers' willingness to participate in training and support groups. In 2013 the Foster Carer Handbook stated: "All foster carers must attend a Support/Training programme for one year following approval. Completion of this training is one of the prerequisites for applicants to Level 2 caring. We also expect carers to commit to regular ongoing training in order to promote their professional development. We will address your progress in this area in your annual review. Support Groups are also provided on a regular basis, which we would encourage you to attend."</p>	
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xi)	Personal development	<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>East Lothian Council was established in 1996. The earliest reference we can to personal/professional development find in the documents we have been able to locate is in the 2004 Foster Carer Handbook that stated 'It is also expected that carers attend regular training events in order to promote their professional development. Their progress in relation to this will be addressed in their annual review. Support Groups are also offered on a regular basis and carers are encouraged to attend these.' The 2006 Fostering Panel Pack asks panel members to look for evidence of 'Commitment to continuous personal development through training'. One of the Objectives of our Service Plan 2004 - 2007 was to help foster carers develop a range of skills necessary to look after challenging children. Our Best Value Review for Looked After Children 2002 mentions an SVQ qualification programme introduced for foster carers. In 2013 the Foster Carer Handbook stated: "We also expect carers to commit to regular ongoing training in order to promote their professional development. We will address your progress in this area in your annual review. Support Groups are also provided on a regular basis, which we would encourage you to attend."</p>	<p>Service Plan 2004 - 2007; 2002 Best Value Review for Looked After Children; 2013 the Foster Carer Handbook</p>
xii)	Disciplinary actions	<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>East Lothian Council was established in 1996. Our 2001 Policy and Guidance on Dealing with Allegations of Child Abuse by Substitute Carers says: "When allegations of child abuse are made, the primary concerns are the welfare and needs of the child. The position of the carer will also need immediate attention and, probably, some interim measures. Any full or formal disciplinary and complaints matters will be dealt with after child protection measures have been considered." The policy specifies that there must be</p>	<p>2001 Policy and Guidance on Dealing with Allegations of Child Abuse by Substitute Carers; 2001 Foster Carer Handbook August 2006 Panel Pack; 2010 Serious allegations against carers – information for foster carers and social workers</p>

		<p>Immediate consideration of the carer's present duties, including whether they require to be suspended as a precautionary measure. If the carer is suspended, children will be removed from their care. The policy states that the carer is to be counselled about the process and should be made aware of his or her rights and, in particular, the right to seek independent support and advice, such as through NFCA. If the decision is made not to suspend the carer, the need to remove children from their immediate care must also be considered. The policy recognises that often different accounts of an event will lead to an unresolved allegation. The policy states that in ambiguous circumstances or allegations of a serious nature, the Head of Children and Families may wish to ask the Fostering Panel to further consider all the circumstances and make a recommendation or even to seek a further more independent assessment from another professional not linked to the local management.</p> <p>Although the 2001 Foster Carer Handbook does not make any reference to disciplinary actions against carers, it is clear from guidance given about Carer Reviews that there was an expectation that carer reviews would consider changes in carer's circumstances that may affect their ability or suitability to continue to care. The earliest copy of the panel pack we have (August 2006) reiterates this policy that changes in carer's circumstances including upheld allegations must be considered by the fostering panel. Our 2010 'Serious allegations against carers – information for foster carers and social workers' document states that 'Where precautionary suspension is assessed as necessary, this decision is taken by at least the Head of Children and Families and some decisions may require consultation with the Director.</p> <p>A carer would be precautionary suspended where:</p> <ul style="list-style-type: none"> a) there are reasonable grounds to believe that children may be at risk should the carer continue their duties in the interim and/or b) the allegations are so serious that de-registration is a possibility'. 	
xiii)	Removal of approval/registration	<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>Foster Carer Handbook 2001, 2005 Adoption and Fostering Panel Pack; 2010 Serious Allegations against carers; Feb 2001 Policy and guidance on</p>

		<p>East Lothian Council was established in 1996. Our 2001 Policy and Guidance on Dealing with Allegations of Child Abuse by Substitute Carers makes provision for the suspension of carers whilst allegations are investigated. The policy recognises that often different accounts of an event will lead to an unresolved allegation. The policy states that in ambiguous circumstances or allegations of a serious nature, the Head of Children and Families may wish to ask the Fostering Panel to further consider all the circumstances and make a recommendation or even to seek a further more independent assessment from another professional not linked to the local management.</p> <p>The earliest version of the Foster Carer Handbook that we have dates back to 2001 and this gives guidance about Carer Reviews that there was an expectation that carer reviews would consider changes in carer's circumstances that may affect their ability or suitability to continue to care. The handbook also states 'if a new partner moves in to the household, it may be necessary to suspend approval of the carer until the partner's suitability to care for children has been properly assessed'.</p> <p>The earliest copy of the panel pack we have (August 2006) reiterates this policy that changes in carer's circumstances including upheld allegations must be considered by the fostering panel.</p> <p>Our 2010 'Serious allegations against carers – information for foster carers and social workers' document reminds carers that if they are not satisfied with the decision of a panel they can appeal to the Agency Decision Maker. This document states that 'if a carer is convicted of an offence against a child they will not be allowed to continue fostering and will automatically be referred to the Disqualified from Working with Children List held by the Scottish Social Services Council. The Care Commission will also be notified of the outcome. A carer (s) in this position will be deregistered as a foster carer(s).' This document also covers the circumstances in which a Special Circumstance Review may be held, and the possible options that might be included in the Recommendation and Action Plan in the report for such a panel to include:</p>	<p>dealing with allegations of child abuse by substitute carers</p>
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		<ul style="list-style-type: none"> • The fostering panel terminates the foster carer's approval (there will be no action plan in this circumstance) • Carer undertakes further training e.g. child protection or requires additional supports • Change in carer(s) approval i.e. changing number, age, gender of children placed • The appropriateness of specific children's placements being reviewed with the child's social worker and their manager 	
e)	Who compiled the policies and/or procedures?	UK Government, Scottish Executive, Scottish Government, Resources Service Manager, East Lothian Council	
f)	When were the policies and/or procedures put in place?	Over the last 25 years, since East Lothian Council was established.	
g)	Were such policies and/or practices reviewed?	Yes	
h)	If so, what was the reason for review?	In response to changes in legislation (such as the ban on smoking in the workplace in 2006), the Looked After Children (Scotland) Regulations 2009, the introduction of National Care Standards and practice changes, both locally and nationally.	
i)	What substantive changes, if any, were made to the policies and/or procedures over time?	The method of assessing foster carers moved to being competency-based, and these shifted over time following recommendations from British Association for Adoption and Fostering and later the Fostering Network. Methods of recruitment changed too, following developments in good practice to get swifter "buy-in" and "rule-out" of potential carers. Expectations about children having their own bedroom changed too. Additional checks were introduced for potential foster carers. Expectations of training to be undertaken by carers increased.	
j)	Why were changes made?	In response to changes in legislation (such as the ban on smoking in the workplace in 2006), the Looked After Children (Scotland) Regulations 2009, the introduction of National Care Standards and practice changes, both locally and nationally.	

k)	Were changes documented?	<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>Following the establishment of East Lothian Council in 1996, changes were documented.</p>	
l)	Was there an audit trail?	As there was no legal requirement to keep policies prior to the Public Records (Scotland) Act 2011, we do not have an official audit trail of policies/policy changes and are therefore only able to respond in relation to what we have been able to locate. Since then Policies and Procedures have been kept electronically, with versions which have been superseded being retained electronically.	
	PRESENT		
m)	With reference to the present position, are any of the answers to any of the above questions different?	Yes	
n)	If so, please give details	A Senior Practitioner was appointed in 2018 who has specific responsibility for recruitment and retention of carers. In relation to training, a Foster Carer Learning Passport was introduced in 2015 and requires that foster carers complete a minimum of 15 hours training every 2 years (5 of which can be self-directed learning). Guidance on the Learning passport (contained within it) states that Foster Carers will record what they have learned from their development and learning in regards to their current or future placement and discuss this with their link worker on a quarterly basis. This will be recorded by their Supervising Social Worker and shared at their Foster Care Review as evidence of their completed 15 hours.	2015 Foster Carer Development and Learning Passport
ii)	Practice		
	PAST		

a)	Did the Local Authority adhere in practice to its policy/procedures in relation to foster care?	Yes – in the vast majority of cases, the local authority adhered in practice to its policy/procedures in relation to foster care.	
b)	Did the Local Authority adhere in practice to its policy/procedures in terms of the following?		
i)	Recruitment	<p>Prior to 1975 there is no documentation to provide that evidence. In relation to the recommendation of 28th October 1946 to take greater care in the selection and inspection of children, there is no documentation to provide evidence of adherence, other than a comment on that date that “for some years past it had been virtually impossible to find suitable foster homes far less to make a selection from such homes.” 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>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Past Practice: We found clear evidence of adherence in 83% of the files we reviewed. The recruitment process was very clear in the carers' files. For the remainder, we had no evidence- 7% of the carers had been recruited by Lothian Regional Council before local government re-organisation so recruitment files were retained in Edinburgh. We were unable to trace the paperwork for the remaining 10% who were recruited before 2005.</p> <p>Current Practice: Yes - we found 100% adherence in the current files we reviewed.</p>	
ii)	Standard and size of accommodation	<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>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Past Practice: In the files we reviewed, we found adherence to this in every case except for one where we could find no evidence on this point because the carers were recruited by the former Lothian Regional Council who retained that file.</p> <p>Current Practice: We found 100% adherence in the files we reviewed.</p>	
iii)	Number, age and gender of children accommodated/ in the household	<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>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Past Practice: In the files we reviewed we found 100% adherence to our policies and practices in relation to the number, age and gender of children accommodated. In the course of reviewing files, it was clear that limits on registration numbers and actual placements were thoughtfully considered – our file readers saw these issues being carefully discussed and considered in practice: “[This was] well documented in carers’ review report”; “Carers are very clear on their ability and thoughtfulness about what they have the physical and emotional capacity to take on”; “[There was an] Occasional [placement] outwith approval where [a]manager approved [the] placement - Carer returned to panel within 3 months” [as required].</p> <p>Current Practice: We found no difference in relation to adherence in relation to the number, age and gender of children accommodated in the current files that we reviewed.</p>	
iv)	Pre-approval/registration checks	<p>Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council</p>	

		<p>and records may be held by City of Edinburgh Council in respect of that time period.</p> <p>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Past Practice: We found evidence of adherence to our policies and procedures in relation to carrying out pre-approval/registration checks in 90% of the files we reviewed ("All appropriate, relative to time frame") - the remaining 10% were all recruited before 2003.</p> <p>Current Practice: Yes there was an improvement in our adherence to our policies and procedures in relation to carrying out pre-approval/registration checks in the current files we reviewed. We found 100 % adherence.</p>	
v)	References	<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>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Past Practice: We found evidence of adherence to our policies and procedures on this in 89% of the files we reviewed. We found 4% with apparently only one reference (from the early 1990's) and 7% where we could find no paper evidence of references.</p> <p>Current Practice: Yes - we found 100% adherence in the files we reviewed.</p>	
vi)	Foster care agreements	<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>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Past Practice: We know that the foster carer payment system was set up in such a way as to require a signed foster carer agreement before foster carers' details were put on the system and therefore Foster Carers could not get paid until they had signed one. We can therefore be completely confident of 100% compliance in this area. In order to demonstrate this to the enquiry we nevertheless carried out a review - from the old files we read, we found proof that of the carers still currently caring, 100% had signed our latest version of the Foster Care Agreement. We could verify that 87% had signed not only a Foster Care Agreement just after approval, but every subsequent updated version. We found patchy evidence in 6.5% of the files we looked at and no evidence in the remaining 6.5 %.</p> <p>Current Practice: Yes - we found 100% adherence in the files we reviewed.</p>	
vii)	Induction	<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>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Past Practice: We found evidence of adherence in 75% of the historical files we looked at. In the remainder there was a lack of adherence, or limited evidence of actual adherence - such as evidence of training, but no evidence of carers actually receiving the Foster Care Handbook. Those files were all before 2003.</p> <p>Current Practice: Yes: we found improved practice – in the current files we reviewed, we found written evidence of adhering except in one case where all aspects were fine apart from there was no mention of the handbook being delivered to the Foster Carer, it is likely that they received this.</p>	

viii)	Transfer of foster carers to and from other organisations or Local Authorities	<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>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Past Practice: We found 100% adherence in the files we reviewed. Auditors noted positively that in one instance where carers moved to Edinburgh Council, East Lothian continued working co-operatively to support this placement for four years.</p> <p>Current Practice: In the files we reviewed we found none that fell into this category.</p>	
ix)	Review/ Supervision	<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>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Review - Past Practice: We found full adherence to our policies and procedures in relation to reviewing foster carers in 93% of files we reviewed. The remaining 7% had gaps in reviews e.g. there was no informal review between two reviews at panel.</p> <p>Review - Current Practice: We found improved practice in the files we reviewed, with 100% adherence to our policies and procedures in relation to reviewing foster carers.</p> <p>Supervision - Past Practice: We found adherence to our policies and procedures in relation to supervision of foster carers in 93% of the files we reviewed: "Evidence of frequent and regular supervision - two-weekly at key</p>	

		<p>times"; "Roughly monthly, or more frequently, other than during the holiday period". For the rest, the case notes were sporadic - "A bit patchy pre-2009"; or there was evidence of regular phone calls and many home visits but not always for the purpose of supervision.</p> <p>Supervision – Current Practice: In the files we reviewed, there was almost 100% adherence to our policies and procedures in relation to supervision of foster carers: a few gaps were noted longer than a month but on the whole it was regular.</p>	
x)	Training	<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>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Past Practice: We only found two files among those we reviewed where there was no evidence of training: one was a respite carer and one was only a carer for a year with us. In the remainder, we found good evidence, such as completed training listed in carers' review reports completed by their supervising social worker. We did find evidence of two caring households where one or both carers were reluctant to engage with formal training. One carer found it difficult to engage with group training. But his worker creatively sent him articles to read on relevant topics and discussed these with him. (His wife attended training.) The other set of carers had been fostering since 1981 and became reluctant to engage in any kind formal training over time, feeling that it would be merely "presentee-ism". They were warm and compassionate carers, with whom many formerly-fostered children stayed in touch. Again their worker worked creatively to use opportunities for informal training with them. She never gave up, resulting in their attendance at some group training in their final years before retirement.</p>	

		<p>Current Practice: In the current files we reviewed, we found 100% adherence. On reviewing files to help us prepare for this response one of our file readers commented: "[There is a] commitment to training even if they are currently unable to do so due to the demands of caring for an unwell parent."</p>	
xi)	Personal development	<p>Please see our response at question 4.4(ii) b) x (above) in relation to training as we do not make a distinction between training and personal development, where we stated:</p> <p><i>"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.</i></p> <p><i>This information relates to after the establishment of East Lothian Council in 1996.</i></p> <p>Past Practice: <i>We only found two files among those we reviewed where there was no evidence of training: one was a respite carer and one was only a carer for a year with us, In the remainder, we found good evidence, such as completed training listed in carers' review reports completed by their supervising social worker. We did find evidence of two caring households where one or both carers were reluctant to engage with formal training. One carer found it difficult to engage with group training. But his worker creatively sent him articles to read on relevant topics and discussed these with him. (His wife attended training.) The other set of carers had been fostering since 1981 and became reluctant to engage in any kind formal training over time, feeling that it would be merely "presentee-ism". They were warm and compassionate carers, with whom many formerly-fostered children stayed in touch. Again their worker worked creatively to use opportunities for informal training with them. She never gave up, resulting in their attendance at some group training in their final years before retirement.</i></p> <p>Current Practice: <i>We found 100% adherence. On reviewing files to help us prepare for this response one of our file readers commented: "[There is a]</i></p>	

		<i>commitment to training even if they are currently unable to do so due to the demands of caring for an unwell parent."</i>	
xii)	Disciplinary actions	<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>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Past Practice: We found allegations which could potentially have led to disciplinary action (had those allegations been found to be true) in 30% of the carers' files we reviewed. Within those, the vast majority were dealt with appropriately, with decisions being taken whether to suspend carers and move children and young people to other placements while the matter was investigated. In the few cases where allegations were held to be true, carers were taken to panel and dealt with appropriately. We did however find one case where a mother of a fostered child made an allegation about the child's room having no carpet or decoration and there was no evidence of what was done with this allegation.</p> <p>Current Practice: We found no current issues requiring disciplinary action in the current files we read.</p>	
xiii)	Removal of approval/registration	<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>This information relates to after the establishment of East Lothian Council in 1996.</p> <p>Past Practice: Apart from foster carers who were considered to have abused children in their care, where we de-registered them, the practice within the team has been to work together with carers to address concerns, and where</p>	

		<p>this has not been possible, to give carers the option to tender their resignation. We found several cases where carers were helped through discussion in supervision to recognise that it was time to retire, and their registration was then terminated at panel. On at least one occasion the carers disagreed with the recommendation of the Supervising Social Worker, but when it became apparent that the panel were going to recommend they be deregistered, the carers stated they would resign, and the letter terminating their approval stated that their resignation had been accepted.</p> <p>Current Practice: It is still the case that carers are allowed to tender their resignation. In 2019 a carer was allowed to retire, however, the Supervising Social Worker's report records that were she not to have offered her resignation, it would have been recommended that her approval be terminated in any case.</p>	
c)	How was adherence demonstrated?	We reviewed a proportion of our files across the time period of the review i.e. from East Lothian's inception in 1996 until 2014.	
d)	How can such adherence be demonstrated to the Inquiry?	We can make the physical copies of our completed reviewing tool available to the Inquiry	
e)	Were relevant records kept demonstrating adherence?	Yes.	
f)	Have such records been retained?	Yes - with the exception of a missing early volume for a few carers' paper files which we could not trace.	
g)	If policy/ procedure was not adhered to in practice, why not?	We do not know why policy or procedures were not adhered to in the few cases we found, as case files did not give explanations.	
	PRESENT		
h)	With reference to the present position, are the answers to any of the above questions different?	Yes – improved practice.	

i)	If so, please give details.	We have already compared past and current practice in our responses at b) above where we commented that: We found improved adherence to: recruitment practices (100% adherence); standard and size of accommodation (100% adherence); pre-approval/ registration checks (100% adherence); references (100% adherence); foster care agreements (100% adherence); induction – almost 100% adherence , up from 75%); reviews (100% adherence); supervision; training (100% adherence).	
4.5	Other members of the foster carer's household		
i)	Policy		
	PAST		
a)	What policies and/or procedures did the local authority have in place in relation to other members of the foster carer's household?	<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>Following the establishment of East Lothian Council in 1996, the following documents were relevant.</p> <ul style="list-style-type: none"> • 1996 Procedure 56 Approving Carers (Foster Carers, Day Carers, Adoption) Administrative Procedure Resource Teams • 1996 Foster carer partnership agreement (and subsequent revisions) • 1997 Respite Care – Procedures and Guidance • Foster Carer handbook (2001 and subsequent revisions) • East Lothian Council - Foster Carer Standards (earliest version located as appendix to 2001 Foster Carer Handbook) • 2006 Fostering Action plan • 2006 Fostering Panel Pack (and subsequent revisions) • Fostering and Adoption team handbook 2006 • 2007 Standards of foster care • 2008 Changes Implemented and Recommendations from Significant Case Review (August 2008) 	<p>1996 Procedure 56 Approving Carers (Foster Carers, Day Carers, Adoption) Administrative Procedure Resource Teams;</p> <p>1996 Foster carer partnership; agreement (and subsequent revisions);</p> <p>1997 Respite Care – Procedures and Guidance;</p> <p>Foster Carer handbook (2001 and subsequent revisions);</p> <p>East Lothian Council - Foster Carer Standards (earliest version located as appendix to 2001 Foster Carer Handbook);</p> <p>2006 Action plan - Fostering;</p> <p>2006 Fostering Panel Pack (and subsequent revisions);</p> <p>Fostering and Adoption team handbook 2006;</p> <p>2007 Standards of foster care;</p> <p>2008 Changes Implemented and</p>

		<ul style="list-style-type: none"> • 2010 Caring for other people's children-Guidelines for applicants • 2010 Serious allegations made against foster carers: Information for carers and social workers. 	<p>Recommendations from Significant Case Review (August 2008;)</p> <p>2010 Caring for other people's children-Guidelines for applicants;</p> <p>2010 Serious allegations made against foster carers: Information for carers and social workers</p>
b)	Was there a particular policy and/or procedural aim/intention?	<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>Following the establishment of East Lothian Council in 1996, the following documents were relevant:</p> <ul style="list-style-type: none"> • The 1996 Procedure 56 Approving Carers (Foster Carers, Day Carers, Adoption) Administrative Procedure Resource Teams highlights how to obtain medical information on anyone living within the household. • Our 1996 Foster Care Partnership agreement (and subsequent revisions) state that it is the carers' responsibility to notify the Local Authority if there is a change in the composition in the household (which would include the carers' own family coming and goings although not explicitly mentioned), and any other change in personal circumstances or any other event affecting the capacity to care for a child in placement including the suitability of the household to care for the child). • Our 1997 Respite Care – Procedures and Guidance respite care asks "Have there been any significant events either in the child's family or the carer's family which have an impact on the placement?" • Our Foster Carer Handbooks (the earliest copy of which we have dates back to 2001) highlight the need for "Any change in the circumstances of carers that may affect their ability or suitability to continue to offer care' to be 'considered by the panel'. The handbook goes on to give examples which 	<p>1996 Procedure 56 Approving Carers (Foster Carers, Day Carers, Adoption) Administrative Procedure Resource Teams;</p> <p>1996 Foster Care Partnership agreement (and subsequent revisions);</p> <p>1997 Respite Care – Procedures and Guidance respite care;</p> <p>2001 Foster Carer Handbook (and subsequent updates);</p> <p>2001 East Lothian Council - Foster Carer Standards;</p> <p>2006 Fostering Action plan;</p> <p>2006 Fostering and Adoption team handbook;</p> <p>2006 Fostering Panel Pack (and subsequent revisions);</p> <p>2007 Standards of foster care;</p> <p>2008 Changes Implemented and Recommendations from Significant Case Review;</p> <p>2010 Caring for other people's children - Guidelines for applicants;</p> <p>2010 Serious allegations made against foster carers: Information for carers and social workers</p>

		<p>include 'someone in the household being found guilty of committing an offence....another adult moving into the household etc.'. The handbook further states 'If a new partner moves in to the household, it may be necessary to suspend approval of the carer until the partner's suitability to care for children has been properly assessed'. The 2001 Handbook stated that carer and other adults living in the household must undergo a Scottish Criminal Records check (by 2004 the carer handbook was updated to reflect this was now a Disclosure Scotland Check).</p> <ul style="list-style-type: none"> • East Lothian Council - Foster Carer Standards (earliest version located as appendix to 2001 Foster Carer Handbook) makes clear that when making placements it was important to take into account the needs and composition of the whole household; smoking guidelines applied to every member of the household (and visitors); members of the household and visitors to the household never in an intoxicated state when children present; members of the household not to be involved in illegal activities; any person convicted of a Schedule 1 Offence not to be present in the household without prior knowledge/discussion with department); Vulnerable children and young people are reassured that abusive behaviour is not possible or tolerated within the carers' household; The development and wellbeing of children and young people is not placed in jeopardy by the life styles of people with whom they live. • The 2006 Fostering Action plan included guidance for where foster carer's extended family cared for fostered children, including checks required and that the relatives should be visited by the relevant Family Placement Worker and support arrangements be in place for the duration of the child's stay with the relatives. • The 2006 Fostering and Adoption team handbook further reiterates the need for Disclosure Scotland checks and Medical checks on those over 16 and others who may be involved in the care of a looked after child. • 2006 Fostering Panel Pack (and subsequent revisions) reiterate checks required on adults in the household and the requirement as per 2001 Foster Carer Handbook) that any changes in the Foster Carer household be 	
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		<p>considered at Panel. Smoking guidance is given in relation to household members. The guidance for panel members advises they will need to consider and take in to account a number of factors, including the importance of preparing other children in the family and evaluating parent's capacity to respond to all the needs involved.</p> <ul style="list-style-type: none"> • Our 2007 Standards of foster care repeat the points listed above from the 2001 standards in relation to household members. • 2008 Changes Implemented and Recommendations from Significant Case Review identify a number of procedural changes: (1) Alongside the enhanced disclosures undertaken for all adults when families are being assessed or re-assessed as carers, intelligence information should also be sought from the police. 2) The assessment and views of carer's own children needs to become more robust. It is the adults who choose to become carers and their children possibly feel they have no choice or say in this decision. 3) Safeguarding strategies and training for carers with children and young people who are displaying sexualised behaviour, needs to also involve the carers children within a placement, particularly if they are teenagers.) • Our 2010 Caring for other people's children - Guidelines for applicants reiterate checks required on family members and emphasise that the view of all family members will be sought during the assessment • Our 2010 Serious allegations made against foster carers: Information for carers and social workers - states that the guidance also applies if a serious allegation is made against a member of a foster carer household; the guidance states that If a carer faces a serious allegation about the care of a child they are fostering or have previously cared for, we might have to make enquiries about the care of any other children in the household, including the carer's own children; if reports are required for fostering panel or a special circumstances review the view of all members of the household will be sought when the report is being compiled. 	
c)	Where were such policies and/or procedures recorded?	Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council	

		<p>and records may be held by City of Edinburgh Council in respect of that time period.</p> <p>Following the establishment of East Lothian Council in 1996, the documents were kept in an electronic folder for the Family Placement Team.</p>	
d)	Who compiled the policies and/or procedures?	<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>Following the establishment of East Lothian Council in 1996, the Resources Service Manager and Team Leader compiled these policies and procedures.</p>	
e)	When were the policies and/or procedures put in place?	<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>Following the establishment of East Lothian Council in 1996, the policies and procedures listed above were put into place. The title of each document which we have listed in this response contains within it the year when the document was put into force in East Lothian.</p>	
f)	Were such policies and/or practices reviewed?	<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>Following the establishment of East Lothian Council in 1996, the policies and procedures put in place were reviewed.</p>	
g)	If so, what was the reason for review?	<p>Review was undertaken in response to changes in legislation (such as the ban on smoking in the workplace in 2006) and practice changes and also following a significant case review.</p>	

h)	What substantive changes, if any, were made to the policies and/or procedures over time?	<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>Following the establishment of East Lothian Council in 1996, there was no substantive changes. There were minor changes only in relation to frequency of checks and the extent of involvement of all family members following a significant case review in 2008.</p>	
i)	Why were changes made?	Review was undertaken in response to changes in legislation (such as the ban on smoking in the workplace in 2006) and practice changes and also following a significant case review.	
j)	Were changes documented?	<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>Following the establishment of East Lothian Council in 1996, changes were documented.</p>	
k)	Was there an audit trail?	As there was no legal requirement to keep policies prior to the Public Records (Scotland) Act 2011, we do not have an official audit trail of policies/policy changes and are therefore only able to respond in relation to what we have been able to locate. Since then Policies and Procedures have been kept electronically, with versions which have been superseded being retained electronically.	
	PRESENT		
l)	With reference to the present position, are the answers to any of the above questions different?	Yes.	

m)	If so, please give details.	While we regularly seek disclosures for other family members at the time of recruitment, we do not routinely seek intelligence information from the police on these other family members.	
ii)	Practice		
	PAST		
a)	Did the Local Authority adhere in practice to its policy/procedures in relation to other members of the foster carer's household?	<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>East Lothian Council was established in 1996.</p> <p>Past Practice: Yes - in 82% of the files we reviewed we found evidence that other members of the household were taken into account on assessment and reviewing of foster carers (for instance carers were deregistered if they separated from the main carer and ceased caring) and that the views of children of carers were sought. In the remaining 18% of files we found no evidence either way.</p> <p>Current Practice: Yes we found evidence that other members of the household were taken into account on assessment and reviewing of foster carers in 100% of the files we reviewed.</p>	
b)	How was adherence demonstrated?	We reviewed a proportion of our files across the time period of the review i.e. from East Lothian's inception in 1996 until 2014.	
c)	How can such adherence be demonstrated to the Inquiry?	We can make the physical copies of our completed reviewing tool available to the Inquiry	
d)	Were relevant records kept demonstrating adherence?	Yes.	

e)	Have such records been retained?	Yes (with the exception of a missing volume from a couple of old carers' paper files which we could not trace.)	
f)	If policy/ procedure was not adhered to in practice, why not?	We do not know why there was a lack of adherence but there has since been improved practice.	
	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.	We have already compared our past and current practice in our answer to question 4.5 (ii) a) where we stated that we found improved evidence of adherence in the files we reviewed (100% adherence).	
4.6	Placement of children by the local authority with foster carers approved/ registered by other local authorities or organisations		
i)	Policy		
	PAST		
a)	What policies and/or procedures did the local authority have in place in relation to placement of children with foster carers approved/registered by other local authorities or organisations?	<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>When East Lothian Council was established in 1996, we were using Lothian Regional Council Children and Families Procedure 16 Children - Placement</p>	<p>Lothian Regional Council Children and Families Procedure 16 Children - Placement at Reception into Care; 1997 Section 72(1) Transfers of children in cases of urgent necessity; 2003 Oct Procedure for Looked After and Accommodated Children;</p>

		<p>at Reception into Care. We produced a guidance note in 1997 Transfers of Children in Cases of urgent necessity.</p> <p>In 2003 we produced a Procedure for Looked After and Accommodated Children. These three documents represent the only ones that we have been able to locate from this time period. There is no direct reference to placements with foster carers approved by other agencies or local authority areas, only wider references to notification forms required for children placed out with the local authority area. We know that there were other procedures at the time, and these may have made explicit reference to placing with other agencies, however, we can only answer this question based on the documents that we have.</p> <p>Later, in 2013 we produced a Template for Agency calls and also a duty protocol in 2014 that refers to approaching other fostering agencies.</p>	<p>2013 Template for Agency calls; 2014 Duty Protocol</p>
b)	<p>Was there a particular policy and/or procedural aim/intention?</p>	<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>When East Lothian Council was established in 1996, the following policies were relevant.</p> <ul style="list-style-type: none"> • 1996 Lothian Regional Council Children and Families Procedure 16 Children - Placement at Reception into Care: Part A refers generally to types of placements, criteria and how to obtain these placements and includes external provisions. • 1997 Transfers of Children in Cases of urgent necessity - specifies the procedure to be followed should it become necessary to move a child in a case of urgent necessity (i.e. without being able to return to a Children's Hearing). Although not explicitly mentioned, this could include a foster placement out with the local authority area. • 2003 Procedure for Looked After and Accommodated Children covers 	<p>1996 Lothian Regional Council Children and Families Procedure 16 Children - Placement at Reception into Care; 1997 Transfers of Children in Cases of urgent necessity; 2003 Procedure for Looked After and Accommodated Children; 2003 Procedure for Looked After and Accommodated Children; 2013 Template for Agency calls; 2014 Duty Protocol;</p>

		<p>notifications required when children are moving placement (including to the local authority social work department if a child is placed out with East Lothian).</p> <ul style="list-style-type: none"> • 2013 Template for Agency calls - a form designed to collate responses from external fostering agencies in one place, in order to assist with matching process. • 2014 Duty Protocol - a step by step guide to how to approach external fostering agencies (including other local authorities) for placements (including the authorisation required). 	
c)	Where were such policies and/or procedures recorded?	<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>When East Lothian Council was established in 1996, they were stored initially in hard copy folder, and subsequently on the organisation's shared drive.</p>	
d)	Who compiled the policies and/or procedures?	<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>When East Lothian Council was established in 1996, the Service Manager compiled documents in relation to development. The Team Leader Fostering and Adoption Team, and the Senior Practitioner (Duty Lead) Fostering and Adoption Team also compiled policies and procedures.</p>	
e)	When were the policies and/or procedures put in place?	<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>	

		Following the establishment of East Lothian Council in 1996, the policies and procedures listed at a) and b) above were put into place.	
f)	Were such policies and/or practices reviewed?	<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>Following the establishment of East Lothian Council in 1996, the policies and procedures put in place were reviewed.</p>	
g)	If so, what was the reason for review?	In response to changes in legislation and practice and other initiatives such as in March 2013 the introduction of the framework agreement for foster care placements.	
h)	What substantive changes, if any, were made to the policies and/or procedures over time?	<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>East Lothian Council was established in 1996.</p> <p>Although earlier procedures were updated, there is no direct reference to placements with foster carers approved by other agencies or local authority areas, only wider references to notification forms required for placements out with the local authority area. As such we cannot say that there were substantive changes to procedures until the introduction of the National Framework in 2013, where our procedures became more explicit about the purchase of placements from external agencies and the paperwork required at enquiry stage and contract stage.</p>	
i)	Why were changes made?	Any changes that were made, were In response to changes in legislation and practice, and other initiatives such as in March 2013 the introduction of the framework agreement for foster care placements.	

j)	Were changes documented?	<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>Following the establishment of East Lothian Council in 1996, changes were documented.</p>	
k)	Was there an audit trail?	As there was no legal requirement to keep policies prior to the Public Records (Scotland) Act 2011, we do not have an official audit trail of policies/policy changes and are therefore only able to respond in relation to what we have been able to locate. Since then Policies and Procedures have been kept electronically, with versions which have been superseded being retained electronically.	
	PRESENT		
l)	With reference to the present position, are the answers to any of the above questions different?	Yes	
m)	If so, please give details.	<p>Paperwork required for external placements has been updated to reflect the second national framework. We revised our duty procedures in 2017 and updated our Table of External Fostering Enquiries.</p> <p>We also now track our children who are in interim (i.e. not permanent) external placements at our weekly resources meeting. Our LAAC guidance was updated in 2019 and states 'If no internal fostering resources are available, the Fostering and Adoption Service will try to source foster carers from neighbouring authorities or independent agencies.) Please ensure any decisions are clearly recorded on Mosaic'. This guidance also refers to the paperwork that requires to be completed in order to purchase an external placement, and the payment mechanism.</p>	<p>2017 Duty Procedure; 2019 Blank Table of External Fostering Enquiries; 2019 Oct LAAC guidance</p>
ii)	Practice		

	PAST		
a)	Did the Local Authority adhere in practice to its policy/ procedures in relation to placement of children with foster carers approved/registered by other Local Authorities or organisations?	<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>East Lothian Council was established in 1996, files relate to after that date.</p> <p>Past Practice: Yes - all the files we looked at that contained a placement with another agency adhered to the policy at the time.</p> <p>Current Practice: We found no difference in the current files we reviewed. Placements were authorised by senior managers.</p>	
b)	How was adherence demonstrated?	We reviewed a proportion of our files across the time period of the review i.e. from East Lothian's inception in 1996 until 2014.	
c)	How can such adherence be demonstrated to the Inquiry?	We can make the physical copies of our completed reviewing tool available to the Inquiry	
d)	Were relevant records kept demonstrating adherence?	Yes.	
e)	Have such records been retained?	Yes.	
f)	If policy/ procedure was not adhered to in practice, why not?	Policy and procedure was adhered to in practice.	
	PRESENT		
g)	With reference to the present position, are the answers to any of the above questions different?	In the files we looked at we found no difference to past practice - i.e. placements were authorised by senior managers.	

h)	If so, please give details.	In the files we looked at we found no difference to past practice - i.e. placements were authorised by senior managers.	
4.7	Complaints and Reporting		
i)	Policy		
	PAST		
a)	What policies and/or procedures did the local authority have in place in relation to complaints and reporting about foster care?	<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>Following the establishment of East Lothian Council in 1996, complaints would be made using the Council's standard complaints procedure: 1997 Complaints Procedure: How To Make A Comment Or Complaint About Social Work Services: East Lothian Council social work complaints procedure. There were some additional documents specifically relating to Foster Care.</p> <ul style="list-style-type: none"> - 1997 Complaints Procedures For Children And Young People; East Lothian Council procedures for what a child should do if they have a complaint and what should then happen. - 2001 Complaints made by accommodated children and young people: flow chart of what should happen when a child/young person makes a complaint. - 2001 Feb Policy And Guidance On Dealing With Allegations Of Child Abuse By Substitute Carers. - 2001 Foster Carers Handbook: sets out what happens if there are complaints by carers or about carers. - 2003 Foster carer handbook: sets out what happens if there are complaints by carers or about carers. - 2004 Foster carer handbook: sets out what happens if there are complaints by carers or about carers. - 2005 Foster Carers Handbook: sets out what happens if there are complaints by carers or about carers. 	<p>1997 Complaints Procedures For Children And Young People; 1997 Complaints Procedure: How To Make A Comment Or Complaint About Social Work Services; 2001 Complaints made by accommodated children and young people; 2001 Feb Policy And Guidance On Dealing With Allegations Of Child Abuse By Substitute Carers; 2001 Foster Carers Handbook; 2003 Foster carer handbook; 2004 Foster carer handbook; 2005 Foster Carers Handbook; 2007 Complaints Made By Accommodated Children And Young People; 2012 Procedures for Handling Carers concerns; 2012 Update of 2007 Procedure and Guidance allegation or complaint about a foster carer; 2011 July Chief Social Work Officer Reporting Arrangements; 2012 Whistleblowing Practice Guidance; 2013 Foster Care Handbook</p>

		<ul style="list-style-type: none"> - 2007 Complaints Made By Accommodated Children And Young People: flow chart of what should happen when a child/young person makes a complaint. - 2011 July Chief Social Work Officer Reporting Arrangements: The Head of Children's Services will sign off all Children's Services complaints and will copy these to the CSWO. This provides the opportunity to have an overview of the complaints process as it unfolds, from the receipt of a formal complaint to the final outcome. A summary of formal complaints will be provided in the Customer Feedback Manager's report to the Council. - 2012 Procedures for Handling Carers concerns - 2012 Update of 2007 Procedure and Guidance allegation or complaint about a foster carer: Procedure and guidance for recording of complaints and allegations against foster carers. - 2012 Whistleblowing Practice Guidance; - 2013 Foster Carer Handbook 	
b)	Was there a particular policy and/or procedural aim/intention?	<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>East Lothian Council was established in 1996. In 1997, our complaint leaflet said: "ELC is committed to providing quality services for the people of East Lothian. To achieve this we need your views to help us plan and improve our services. If you have a comment, suggestion or a complaint about social work services please tell us about it." "</p> <p>The 2001 policy and guidance referenced above states that it attempts 'to provide guidance for staff and managers involved in handling these situations to ensure that the relevant strands are addressed effectively, without unnecessary duplication of information gathering and assessment'. The procedure makes clear that 'the primary concerns are the welfare and needs of the child'. The Foster Carer handbooks were produced "to outline some of the basic principles of good childcare and to set down the main policies and procedures, which will affect your work with children." The</p>	<p>1997 Complaints procedure: How to make a comment or complaint about social work services; 2001 Feb Policy And Guidance On Dealing With Allegations Of Child Abuse By Substitute Carers; 2001 Foster Carer handbook and updates; 2001 Complaints made by accommodated children and young people: flow chart of what should happen when a child/young person makes a complaint</p>

		flowchart made it clear that staff should consider whether a complaint was actually a child protection allegation and should therefore be handled under our child protection procedures.	
c)	Where were such policies and/or procedures recorded?	<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>East Lothian Council was established in 1996. Following 1996, our complaints leaflets were available from all our public offices. Other procedures were kept in a physical folder: Volume One Children in need and look after children procedures, guidance and forms file. Subsequently they were kept electronically in our shared Policies and Procedures Folder. Information for foster carers was available in the paper copy Foster Carer Handbook given to them following their approval.</p>	
d)	What did the policies and/or procedures set out on the following:		
i)	Complaints by children	<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. East Lothian Council was established in 1996.</p> <p>1997 Complaints Procedures For Children And Young People: Children should be able to speak to their social worker/carer/emergency social worker as they feel able/appropriate. Alternatively they could speak to the social work complaints officer if the complaint is about a social worker or carer. When the complaint is received, someone should try to sort out the problem immediately. If not, East Lothian Council should confirm in writing within 5 days that they have received the complaint, and respond fully within 28 days. The complaint should be looked into by a senior officer nominated by the head of social work.</p>	<p>1997 Complaints Procedures For Children And Young People; 2001 Complaints made by accommodated children and young people; 2001 Foster Carers Handbook (and 2003, 2004,2005); 2007 Complaints Made By Accommodated Children And Young People; 2012 Update of 2007 Procedure and Guidance allegation or complaint about a foster carer</p>

		<p>2001 COMPLAINTS MADE BY ACCOMMODATED CHILDREN AND YOUNG PEOPLE: flow chart of what should happen when a child/young person makes a complaint: If the complaint raises a Child Protection (CP) concern, CP procedures should be followed. If it is not CP, then the complaints procedure should be followed. The Service Manager (Resources) or above and/or the appropriate Registration and Inspection Service should be advised.</p> <p>2001 Foster Carers Handbook (and 2003, 2004, 2005): If a complaint is made about the service provided by foster carers, the Department has a responsibility to investigate it. This might involve the carers' link worker and a senior member of staff from the Resource Team. Sometimes an independent investigator is appointed, because of the need for the process to be objective. We recognise that complaints are stressful for carers. When an investigation is undertaken we try to adhere to clear timescales for dealing with it. This is usually within 28 days. At the end of the investigation we give you feedback wherever possible. Sometimes we have to protect the confidentiality of third parties, so cannot always share all information with you. During the investigation process we try to provide or arrange for support for you and keep you informed about the progress of the investigation. However, when we are investigating serious complaints it is usually more appropriate for carers to seek support from out with the Department, such as through (national Foster Carers Association (NFCA). All suspicions of abuse and allegations of abuse must be considered in accordance with the Department's Child Protection Guidelines. The Practice Team Manager has to decide whether an investigation is required. This is usually done in consultation with the police and the community paediatrician.</p> <p>2007 Complaints Made By Accommodated Children And Young People: sets out a flowchart of the above processes.</p> <p>2012 Update of 2007 Procedure and Guidance allegation or complaint about a foster carer: sets out procedure and guidance for the recording of complaints and allegations against foster carers by anyone including service</p>	
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		users. It was always made clear that children or young people had the right to make a complaint directly to the Care Commission or Care Inspectorate.	
ii)	Complaints by foster carers	<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. East Lothian Council was established in 1996.</p> <p>From 1996, there is information in all the Foster Carer Handbooks about how carers raise issues which cause serious concern about East Lothian Council Children's Services. Carers were given copies of a standard complaints process (as well as guidance on whistleblowing once this was available- see section v below) at the time of their approval.</p>	<p>2012 Carer Handbook; 2012 Whistleblowing Practice guidance for foster carers</p>
iii)	Complaints by family members of children	<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. East Lothian Council was established in 1996.</p> <p>Since 1996, only one leaflet can be traced that is specifically aimed at parents - this is a Leaflet for parents of children accommodated under s25 2013 (August). This details how parents can complain (using ELC complaints procedure). We have not traced any other separate procedure for complaints by family members, rather the usual complaints procedure would be followed, unless it amounted to a child protection allegation, in which case the relevant child protection procedures would be followed.</p> <p>1997 Complaints Procedure: How To Make A Comment Or Complaint About Social Work Services: East Lothian Council social work complaints procedure. An acknowledgement that we had received their complaint should be received by complainant within 5 working days & a full response within 28 days.</p> <p>2001 Feb Policy and Guidance on Dealing with Allegations Of Child Abuse By Substitute Carers: Guidance for staff and managers involved in handling these situations to ensure that the relevant strands are addressed</p>	<p>2013 s25 leaflet for parents; 1997 Complaints Procedure: How To Make A Comment Or Complaint About Social Work Services: East Lothian Council social work complaints procedure; 2001 Feb Policy and Guidance on Dealing with Allegations Of Child Abuse By Substitute Carers; 2001 Foster Carers Handbook (and 2002); 2011 July Chief Social Work Officer (CSWO) Reporting Arrangements; 2012 Update of 2007 Procedure and Guidance allegation or complaint about a foster carer: Procedure and guidance for recording of complaints and allegations against foster carers;</p>

		<p>effectively, without unnecessary duplication of information gathering and assessment. The paper should be read in conjunction with the Department's complaints procedure which deals with complaints of a more general nature. When an allegation has been made or cause for concern has arisen, the Head of Children and Families will be notified. Subject to the more detailed guidance given in 3.2 (above) and 3.4 (below), it is the responsibility of the Children and Families Practice Team (or ESWS) to hold inter agency initial referral discussion in the usual way to consider whether Child Protection Investigation is appropriate, giving careful consideration to the information received and the need to gather further information. In situations where there is concern about possible abusive behaviour by a carer towards a series of children in their care, the Service Manager will notify the Head of Children and Families in order to discuss the best way to manage the process. Following consideration of the initial information concerning an allegation immediate decisions will be made by the Service Manager, Resources, in consultation with the Head of Children and Families about the current duties and the management and/or support of the carer. Where precautionary suspension is assessed as necessary, this decision is taken by at least the Head of Children and Families and some decisions may require consultation with the Director. In any investigation a person appointed as an investigator will carry the direct authority of the Director of Social Work and Housing. In these circumstances, to avoid a conflict of roles and responsibilities, the investigator appointed should not have any link with the line management of the work base concerned or in the counselling of the carer.</p> <p>2001 Foster Carers Handbook (and 2002): sets out what happens if there are complaints by carers or about carers.</p> <ul style="list-style-type: none"> • Following ELC complaints procedure complaints about carers will be dealt with within 28 days. • All suspicions of abuse and allegations of abuse (against carers) must be considered in accordance with the Department's Child Protection Guidelines. The Practice Team Manager has to decide whether an investigation is required. This is usually done in consultation with the police and the community paediatrician. The procedure then followed is similar to the one used for the investigation of any allegation of child abuse. By 2004, 	
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		<p>the Handbook now said the Child Protection Co-ordinator alongside the relevant Practice Team Leader has to decide whether an investigation is required. This is usually done in consultation with the police and the community paediatrician. The procedure then followed is similar to the one used for the investigation of any allegation of child abuse and can include the following: interview of the child by police and social workers, interview of other children in the household, immediate removal of the child to a place of safety, consideration of the safety of other children in the household, case conference involving social workers, police, teacher, doctor, parents, etc., which will decide whether the child(ren) should be placed on the Child Protection Register, referral of the child to Children's Hearing, possible referral of other children in the household and Children's Hearing, possible prosecution of alleged perpetrator.</p> <p>2011 July Chief Social Work Officer (CSWO) Reporting Arrangements;</p> <ul style="list-style-type: none"> • The Head of Children's Services will sign off all Children's Services complaints and will copy these to the CSWO. • This provides the opportunity to have an overview of the complaints process as it unfolds, from the receipt of a formal complaint to the final outcome. • A summary of formal complaints will be provided in the Customer Feedback Manager's report to the Council. <p>2012 Update of 2007 Procedure and Guidance allegation or complaint about a foster carer: Procedure and guidance for recording of complaints and allegations against foster carers.</p> <ul style="list-style-type: none"> • Timescale to complete the investigation (within 21 days) and a written report including signed witness statements if appropriate. • The person investigating the complaint as part of the investigation process will meet with the carer who has had the complaint made against them to discuss the complaint or allegation and give the carer the opportunity to respond. • The investigation of the complaint or allegation will be located separately on the carer's file under Section 14 - Restricted - complaints and allegations. This record will be kept up to date. 	
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		<ul style="list-style-type: none"> • The electronic record of the investigation will be located under restricted information • The actions taken and outcome of the complaint or allegation will be recorded and signed off in the Complaints and Allegations Folder and will include a written response to the complainant from the Area Manager Resources or Service Manager Resources within 28 days of the complaint being received. 	
iv)	Complaints by third persons	<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. East Lothian Council was established in 1996.</p> <p>Following 1996, the same policies and procedures would apply to complaints by third parties as for those by family members (with the exception of the s25 Leaflet for parents from 2013) :</p> <p>1997 Complaints Procedure: How To Make A Comment Or Complaint About Social Work Services: East Lothian Council social work complaints procedure. An acknowledgement that we had received their complaint should be received by complainant within 5 working days & a full response within 28 days.</p> <p>2001 Feb Policy and Guidance on Dealing with Allegations Of Child Abuse By Substitute Carers: Guidance for staff and managers involved in handling these situations to ensure that the relevant strands are addressed effectively, without unnecessary duplication of information gathering and assessment. The paper should be read in conjunction with the Department's complaints procedure which deals with complaints of a more general nature. When an allegation has been made or cause for concern has arisen, the Head of Children and Families will be notified. Subject to the more detailed guidance given in 3.2 (above) and 3.4 (below), it is the responsibility of the Children and Families Practice Team (or ESWS) to hold inter agency initial referral discussion in the usual way to consider whether Child Protection Investigation is appropriate, giving careful consideration to the information received and the need to gather further information. In situations where</p>	<p>1997 Complaints Procedure: How To Make A Comment Or Complaint About Social Work Services: East Lothian Council social work complaints procedure;</p> <p>2001 Feb Policy and Guidance on Dealing with Allegations Of Child Abuse By Substitute Carers; 2001 Foster Carers Handbook (and 2002);</p> <p>2011 July Chief Social Work Officer (CSWO) Reporting Arrangements;</p> <p>2012 Update of 2007 Procedure and Guidance allegation or complaint about a foster carer: Procedure and guidance for recording of complaints and allegations against foster carers</p>

		<p>there is concern about possible abusive behaviour by a carer towards a series of children in their care, the Service Manager will notify the Head of Children and Families in order to discuss the best way to manage the process. Following consideration of the initial information concerning an allegation immediate decisions will be made by the Service Manager, Resources, in consultation with the Head of Children and Families about the current duties and the management and/or support of the carer. Where precautionary suspension is assessed as necessary, this decision is taken by at least the Head of Children and Families and some decisions may require consultation with the Director. In any investigation a person appointed as an investigator will carry the direct authority of the Director of Social Work and Housing. In these circumstances, to avoid a conflict of roles and responsibilities, the investigator appointed should not have any link with the line management of the work base concerned or in the counselling of the carer.</p> <p>2001 Foster Carers Handbook (and 2002): sets out what happens if there are complaints by carers or about carers.</p> <ul style="list-style-type: none"> • Following ELC complaints procedure complaints about carers will be dealt with within 28 days. • All suspicions of abuse and allegations of abuse (against carers) must be considered in accordance with the Department's Child Protection Guidelines. The Practice Team Manager has to decide whether an investigation is required. This is usually done in consultation with the police and the community paediatrician. The procedure then followed is similar to the one used for the investigation of any allegation of child abuse. By 2004, the Handbook now said the Child Protection Co-ordinator alongside the relevant Practice Team Leader has to decide whether an investigation is required. This is usually done in consultation with the police and the community paediatrician. The procedure then followed is similar to the one used for the investigation of any allegation of child abuse and can include the following: interview of the child by police and social workers, interview of other children in the household, immediate removal of the child to a place of safety, consideration of the safety of other children in the household, case conference involving social workers, police, teacher, doctor, parents, etc., which will decide whether the child(ren) should be placed on the Child 	
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v)	Whistleblowing	<p>Prior to 1975 there is no documentation to provide that information. Between 1975 and 1995, East Lothian was part of Lothian Regional Council</p>	2012 Procedures for Handling Carers Concerns;

		<p>and records may be held by City of Edinburgh Council in respect of that time period. East Lothian Council was established in 1996.</p> <p>The first document located was in 2012. In our 2012 Procedures for Handling Carers concerns, the Carer identifies concerns & gathers evidence. The Carer reads the Whistleblowing Practice Guidance, contacts the relevant internal manager (or external agency) for a discussion. The manager considers the details of concerns and takes a decision whether to investigate, nominating an investigating manager. The investigating manager considers the evidence and produces a report using signed witness statements. Their report gives consideration to the need to make changes to policies and practice, or improved management practices, whether disciplinary process is required or a referral to the police.</p> <p>The 2012 Whistleblowing Practice Guidance: sets out those same steps for how carers raise issues which cause serious concern about East Lothian Council Children's Wellbeing. This Policy is referred to within our Foster Carer Handbooks from 2013 onwards.</p> <p>The 2012 Whistleblowing Record Form includes the steps taken to investigate the complaint; Outcome of concern raised; Record of feedback to concerned individual.</p>	<p>2012 Whistleblowing Practice Guidance for foster carers; 2012 Whistleblowing record form</p>
vi)	Support, including external support, for those who made the complaint or those who were the subject of complaint	<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. East Lothian Council was established in 1996.</p> <p>Since 1996, the following was relevant.</p> <p>1.Support for person making complaint about a carer includes (for the complainer) talking to the complaints officer in confidence if you find it hard to talk to the person you want to make a complaint against, or their team leader.</p> <p>The support also includes attempting to sort out the complaint immediately so it does not drag on.</p>	<p>1997 Complaints how to make a comment or complaint about social work services (including service users who are in receipt of care arranged by Social Services); 1997 complaints procedure for children and young people (leaflet); Carer Handbook and 2012 Whistleblowing Practice guidance for foster carers; 2010 Serious allegations against carers ; 1998 information for young people who are looked after East Lothian Council;'</p>

		<p>If you are required to be interviewed about your complaint you are entitled to have the support of a representative - someone of your choice. This could be a councillor or a carer or a friend or relative or your local MP failing that the local government ombudsman.</p> <p>One leaflet suggests taking forward the complaint with the support of your social worker by speaking to them. The procedure also sets out in section B and C who else you can speak to if your complaints are about your social worker or your carer. It then signposts the service user to charities and organisations such as Who Cares? ; the Scottish Child Law Centre; Child Line. In our Flowchart on complaints, there is one part of the chart that highlights our service user being supported by Children First or Who Cares?</p> <p>2. Support for Carers Handbook -"During the investigation process we try to provide or arrange support for you and keep you informed about the process of the investigation. However when we are investigating serious complaints it is usually appropriate for carers to seek support from outside the department such as NFCA (National Foster Carers Association)".</p> <p>There is also a section on feedback and support in the Foster Carer Handbooks, which lists and details charities that provide support for foster carers in the more general sense. There is a section called "How can the children's services department help me?" and this highlights support in the form of a visit from a supervising social worker at least once a week and entitlement to calls in between. Failing that if the supervising social worker is not available, their senior worker is available. Then it also advises that the Fostering Network can provide support and East Lothian will make other foster carers available to the carer in order to support them. (This same support is listed is 2010 Serious allegations against carers, information). If a complaint is raised against the foster carer, the person investigating the complaint will meet with the carer and the carer is entitled to have the support of a partner, or someone else at this interview.</p>	<p>2001 February policy and guidance on dealing with allegations of child abuse by substitute carers; 2001, 2007 complaints made by accommodated children and young people Flowchart; 2001, 2003, 2004, 2005, 2013, 2017 foster carer handbook section complaints about carers; 2010 allegations procedure update, allegations against foster carers; 2010 serious allegations against carers information for carers and social workers document; 2012 Feb Allegations procedure and guidance allegation or complaint about foster carer document; 2012 Serious allegations against carers (information for carers and social workers)</p>
vii)	Response to complaints (including response by the local authority)	<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. East Lothian Council was established in 1996.</p>	<p>2007 Procedure and guidance allegation or complaint about a foster carer; 2010 Information for foster carers Allegations procedure update;</p>

		<p>Since 1996, the following was relevant:</p> <p>Complaints: The actions taken and outcome of the complaint or allegation had to be recorded and signed off in the Complaints and Allegations Folder, with a written response to the complainant from the Area Manager Resources or Service Manager Resources within 28 days of the complaint being received. If a complaint or allegation against a foster carer was upheld, depending on gravity of the complaint, one of the outcomes could be to refer to a Special Circumstance Review Fostering Panel or to the Fostering Panel for review. The complaint and outcome should be referred to in the supervising social worker's annual report for that year.</p> <p>Whistleblowing: the Investigating Officer might arrange to speak directly to the complainant to discuss the issue and try to resolve it and a letter stating the Council's findings having investigated the complaint would be sent indicating what action if any the Department would take in the light of the complaint. "We recognise that complaints are stressful for carers. When an investigation is undertaken we try to adhere to clear timescales for dealing with it. This is usually within 28 days. At the end of the investigation we give you feedback wherever possible." "When a complaint or allegation is made against a foster carer the foster carer's supervising social worker, their line manager or Duty Senior, Family Placement Team will alert the Area Manager Resources and agree on an action plan to investigate the complaint, identifying who will undertake the investigation, the timescale to complete the investigation (within 21 days) and a written report including signed witness statements if appropriate."</p>	<p>1997 Leaflet how to make a comment or complaint about SW services; 1997 Leaflet for children and young people making a complaint; 2001, 2003, 2004, 2005 Foster Carer Handbook (section on complaints); 2012 Feb Allegations - Procedure and Guidance on Allegation or Complaint about a Foster Carer</p>
viii)	External reporting of complaints	<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. East Lothian Council was established in 1996.</p> <p>Since 1996, the following was relevant:</p>	<p>2001 Policy and guidance on dealing with allegations of child abuse by substitute carers</p>

		2001 allegations policy: 'The outcome of any investigations of an allegation or complaint should be notified to significant parties, which may include the original referrer, the parents or guardians of any children involved, the Registration & Inspection service if relevant, the Child Protection Co-ordinator and the Complaints Officer, Edinburgh and Lothians'. For our formal complaints policy, The Head of Children's Services signed off all Children's Services complaints and copied these to the Chief Social Work Officer. Complaints were logged by the Council's centralised team who analysed complaints and fed back to both Councillors and ourselves in an Annual Report. Complaints were also shared with our Inspectors at the Care Inspectorate.	
e)	Who compiled the policies and/or procedures?	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. East Lothian Council was established in 1996. Since 1996, the Service Manager and Resources Manager for policies and/or procedures specifically relating to children's social work.	
f)	When were the policies and/or procedures put in place?	Each policy or procedure, to which we have referred above, includes within its title the year the document came into force.	
g)	Were such policies and/or practices reviewed?	Yes	
h)	If so, what was the reason for review?	Policies and /or practices were reviewed in response to changes in legislation and practice or reviewed on a regular basis to ensure they did not require updating. For example our documents on allegations against foster carers were reviewed following the publication in May 2010 of the Scottish Government's Best Practice Guidance on Allegations against Carers in May 2010. The Foster Carer Handbook was revised following the issuing of National Care Standards.	

i)	What substantive changes, if any, were made to the policies and/or procedures over time?	There were no major changes apart from the addition of a Whistleblowing Policy in 2009.	
j)	Why were changes made?	The Council produced its Council-wide Whistle-blowing Policy at this time.	
k)	Were changes documented?	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. Following the establishment of East Lothian Council in 1996, changes were documented.	
l)	Was there an audit trail?	As there was no legal requirement to keep policies prior to the Public Records (Scotland) Act 2011, we do not have an official audit trail of policies/policy changes and are therefore only able to respond in relation to what we have been able to locate. Since then Policies and Procedures have been kept electronically, with versions which have been superseded being retained electronically.	
	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.	- In relation to question (i), (iii) and (iv), the 2018 Foster Care Guidebook added in "concerns raised" to the issues needing investigated detailed in previous Foster Carer Handbooks. It added the option of a meeting including a Children's Rights Worker to the possible ways of resolving these issues. It also added: "Whenever a potentially serious complaint is made about a foster carer, the findings of the investigation are recorded and the Care Inspectorate are informed of the outcome, including when the complaint is assessed as 'unfounded'." It was	2018 Oct Foster Care Guidebook; 2017 ELC Social Work Complaints Handling Procedure

		<p>always our policy to report to the Care Inspectorate, but this makes it more explicit to carers.</p> <ul style="list-style-type: none"> - In relation to the timeframe for responding to complaints, for straightforward and easily resolvable issues these should be resolved in five working days or less unless there are exceptional circumstances. The timeframe for unresolved or more complex issues is now 20 working days (with initial acknowledgements to be sent within 3 working days rather than 5). These changes were included in a new Social Work Complaints Handling Procedure issued in 2017. - The Chief Social Work Officer's role to take appropriate account of complaints information in fulfilling their obligations to promote continuous improvement and best practice has been made more explicit since 2017. 	
ii)	Practice		
	PAST		
a)	Did the Local Authority adhere in practice to its policy/procedures in relation to complaints and reporting about 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. East Lothian Council was established in 1996.</p> <p>From our analysis of the files of children where allegations of abuse were made, it would seem reasonable to conclude that the local authority did adhere in practice to its policy in relation to complaints and reporting about foster care - that is that complaints were treated seriously, investigated, and Child Protection procedures were followed where appropriate and incidents reported to the Care Inspectorate where appropriate. There is evidence that carers were suspended or deregistered where appropriate. However, our analysis of the files and our centrally held record of complaints, allegations and incidents (2004 - 2020) has identified improvements that could be made in terms of our central recording of these. For instance from this centrally held list, it is not possible to distinguish between formally reported and</p>	

		informally reported complaints (the majority seem to have been informal rather than formal).	
b)	Did the Local Authority adhere in practice to its policy/procedures on the following:		
i)	Complaints by children	<p>Past Practice: In the files we looked at for general adherence to our policies, we found no complaints by children, however, we then conducted a separate analysis of files where an allegation of abuse had occurred as detailed in our centrally held list (2004 - 2014). From this separate analysis evidence would suggest that we were adhering to our policy on complaints by children, and also in relation to serious allegations of abuse, although improvements can be made in our central recording of the details and outcome of investigations. (It is difficult to identify from our centrally held list, those complaints that were made formally and those that were made 'informally'.) However, we identified some difficulties with 'lower level' allegations where sometimes it was not clear that abuse had taken place (for instance one-off incidents of a carer raising their voice to a child, or accused of treating a child too roughly), or where an allegation was deemed to be malicious. Usually these 'allegations' were informally raised, and sometimes the nature of the complaint was vague. Evidence from files suggests that whilst all complaints were logged and investigated, these 'lower level' allegations were not always reported to the complaints officer or to the Head of Children and Families (as per our 2001 'allegations' policy) as they were likely not seen as allegations of abuse and were therefore dealt with following our complaints policy but not our allegations policy.</p> <p>Current Practice: In the files we looked at for general adherence to our policies, we found one file where a young person had said they did not like one of their foster carers and wanted to move. The worker did not treat this as a formal complaint, or ask if the young person wanted this to be treated as a formal complaint because the professionals were also forming the opinion that the foster carers were not meeting the young person's needs and started looking for another placement. This finding is consistent with what we have identified in the files where allegations of abuse were made and that is that although complaints were consistently investigated, with</p>	

		'lower level' allegations of abuse (involving for instance allegations of shouting, swearing, disagreements between carers and young people) it is not always recorded that the young person was given the opportunity to make a formal complaint and declined to do this. Whilst this is not in contravention of our policies, we believe that it would be prudent to review this, as well as being clearer in our recording as to whether an incident is being seen as a formal or informal complaint and whether it is being considered as an allegation of abuse.	
ii)	Complaints by staff	<p>Past Practice: From the files we reviewed, our evidence suggests that complaints by staff were dealt with in the same way as complaints by children or parents, and in a manner consistent with our policies. Complaints by staff were not generally made using the 'external' complaints procedure, but rather internally, and involving senior managers if there was not a satisfactory outcome from informal discussions between workers.</p> <p>Current Practice: We found no difference in the current files we reviewed.</p>	
iii)	Complaints by family members of children	<p>Past Practice: Our analysis of the files we reviewed suggests that of all complaints (children, staff, and family members) these are the complaints that are most often made in writing and follow the formal complaints procedure.</p> <p>Current Practice: We found no difference in the current files we reviewed.</p>	
iv)	Complaints by third persons	<p>Past Practice: In the files we reviewed, the response to complaints made by third persons was variable. Some complaints made by workers from other agencies (for instance children's rights workers) were raised as informal issues, and were investigated informally and could involve senior managers if there was not a satisfactory outcome from informal discussions between workers. Those few complaints that were made by anonymous members of the public were the most difficult to deal with. Whilst these complaints were always investigated, the issues raised were sometimes vague, and callers usually did not leave contact details so it was not possible to feedback to them, or to check out facts that had been clarified with carers.</p>	

		Current Practice: We found no difference in the current files we reviewed.	
v)	Whistleblowing	Past Practice: We found no evidence of any whistleblowing in the files we reviewed. Current Practice: We found no difference in the current files we reviewed.	
vi)	Support, including external support, for those who made the complaint or those who were the subject of complaint	Past Practice: In the files we reviewed, we have not found clear evidence of children being offered other supports after making a complaint. However, in practice, where a child was expressing dissatisfaction, they would often be offered a Children's Rights Worker, in order that they could help the child or young person to make a formal complaint, and provide support through the process. In relation to parents, our procedures did not offer support to them but rather said they could have their own support with them in any meeting, which we would always honour. In relation to carers, we would as normal practice offer them the supports outlined in our procedures. Current Practice: We found no difference in the current files we reviewed.	
vii)	Response to complaints (including response by the Local Authority)	We have included this point in our responses above at 4.7(ii)(b); 4.7(ii)(b)ii; 4.7(ii)(b)iii; and 4.7(ii)(b)iv where we stated: <i>In relation to complaints by children - "...we were adhering to our policy on complaints by children, and also in relation to serious allegations of abuse, although improvements can be made in our central recording of the details and outcome of investigations....However, we identified some difficulties with 'lower level' allegations where sometimes it was not clear that abuse had taken place (for instance one-off incidents of a carer raising their voice to a child, or accused of treating a child too roughly), or where an allegation was deemed to be malicious. Usually these 'allegations' were informally raised, and sometimes the nature of the complaint was vague. Evidence from files suggests that whilst all complaints were logged and investigated, these 'lower level' allegations were not always reported to the complaints officer or to the Head of Children and Families (as per our 2001 'allegations' policy) as they were likely not seen as allegations of abuse and were</i>	

		<p><i>therefore dealt with following our complaints policy but not our allegations policy.</i></p> <p><i>In relation to complaints by staff: -"our evidence suggests that complaints by staff were dealt with in the same way as complaints by children or parents, and in a manner consistent with our policies. Complaints by staff were not generally made using the 'external' complaints procedure, but rather internally, and involving senior managers if there was not a satisfactory outcome from informal discussions between workers."</i></p> <p><i>In relation to complaints by family members of children: "Our analysis of the files we reviewed suggests that of all complaints (children, staff, and family members) these are the complaints that are most often made in writing and follow the formal complaints procedure."</i></p> <p><i>In relation to complaints made by third persons: "The response to complaints made by third persons was variable. Some complaints made by workers from other agencies (for instance children's rights workers) were raised as informal issues, and were investigated informally and could involve senior managers if there was not a satisfactory outcome from informal discussions between workers. Those few complaints that were made by anonymous members of the public were the most difficult to deal with. Whilst these complaints were always investigated, the issues raised were sometimes vague, and callers usually did not leave contact details so it was not possible to feedback to them, or to check out facts that had been clarified with carers."</i></p>	
viii)	External reporting of complaints	<p>Past Practice: From our Annual Returns to the Care Inspectorate (which began in early 2009, covering the year 2008), we can see that we reported 4 complaints against foster carers for 2008, 6 for 2009, 5 for 2010, 5 for 2011, 13 for 2012, 5 for 2013, and 4 for 2014. Before then we had no centralised system of logging our reporting and so cannot comment on adherence. We have no reason to believe we would not have reported complaints to the Care Commission and/or Care Inspectorate before 2008.</p>	

		Current Practice: We continue to report formal complaints to the Care Inspectorate regularly.	
c)	How was adherence demonstrated?	We reviewed a proportion of our files across the time period of the review, from East Lothian's inception in 1996 until 2014. We can make the physical copies of our completed reviewing tool available to the Inquiry.	
d)	How can such adherence be demonstrated to the Inquiry?	File records can be made available to the Inquiry.	
e)	Were relevant records kept demonstrating adherence?	Before 2004, there is no centrally kept log of complaints and outcomes. From 2004, Children's Services has kept a Complaints Log of complaints involving foster carers, their families or visitors to the house. Any formal complaints handled by our central Complaints Officer would be recorded separately by them.	
f)	Have such records been retained?	Yes.	
g)	If policy/procedure was not adhered to in practice, why not?	In relation to our Complaints Log, we consider that our failings relate to failings of internal recording rather than failings of response.	
	PRESENT		
h)	With reference to the present position, are the answers to any of the above questions different?	We found no significant differences.	
i)	If so, please give details.	Not applicable given our response to question h) above.	
4.8	Internal Investigations		
i)	Policy		

	PAST		
a)	<p>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?</p>	<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. East Lothian Council was established in 1996.</p> <p>While the phrase "internal investigations" could refer to child protection investigations, given that these have been covered under the various child protection questions already, we have taken it to cover Initial Case Reviews or Significant Case Reviews instigated by the East Lothian Child Protection Committee (CPC) or Public Protection Committee (PPC) and carried out by a combination of agencies already sitting on the CPC or PPC.</p> <p>These reviews would not strictly speaking be reviews internal only to East Lothian Council, to whom this s21 request is addressed, as the reviews would always be carried out on a multi-agency basis including representatives from our local Health and Police agencies. But we have interpreted "internal" in this way to distinguish these reviews from any review commissioned by those Committees from any person(s) or agencies external to those Committees.</p> <p>We have also chosen to include any external review of an internal investigation as still forming part of that internal investigation, given that the external bodies did not carry out their own direct investigations. So in relation to Initial Case Reviews/Significant Case Reviews and any external review thereof, we followed the Scottish Executive's Interim National Guidance: "Protecting Children and Young People: Interim Guidance for Child Protection Committees for Conducting a Significant Case Review" from its publication in 2007, until it was replaced by the National Guidance for Child Protection Committees for Conducting a Significant Case Review 2015. We are not aware of any written policy or procedure local to East Lothian in respect of these Initial or Significant Case Reviews.</p> <p>The other policy which is relevant here is the 2001 Policy on dealing with allegations of abuse by substitute carers.</p>	<p>2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs 2001 Policy on dealing with allegations of abuse by substitute carers</p>

b)	Was there a particular policy and/or procedural aim/intention?	In relation to Initial Case Reviews/Significant Case Reviews, the national guidance we followed was written to provide more clarity and consistency on what should be done and how best to act on lessons learned. In relation to the 2001 Policy on dealing with allegations of abuse by substitute carers, one of the policy intentions was to provide for wider independent or external scrutiny in relation to allegations of an ambiguous or serious nature.	2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2001 Policy on dealing with allegations of abuse by substitute carers
c)	Where were such policies and/or procedures recorded?	The 2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs was National Guidance available on the Scottish Executive (subsequently Scottish Government) website. The 2001 Policy on dealing with allegations of abuse by substitute carers was available in hard copy and subsequently electronically in a shared electronic fodder.	
d)	What did the policies and/or procedures set out on the following:		
i)	Approach to/process of internal investigations	The 2007 Scottish Executive Interim Guidance on Significant Case Reviews supported those undertaking the review to do so at the level which is necessary, reasonable and proportionate; to adopt a consistent, transparent and structured approach; to identify the skills, experience and knowledge that are needed and consider how these might be obtained; address the needs of the many different people and agencies who may have a legitimate interest in the process and outcome; and to take account of evidence bases. The 2001 Policy on dealing with allegations of abuse by substitute carers states "In ambiguous circumstances or allegations of a serious nature, the Head of Children and Families may wish to ask the Fostering Panel to further consider all the circumstances and make a recommendation or even to seek a further more independent assessment from another professional not linked to the local management. As with disciplinary investigations, any further assessors should not re-interview children who have already been interviewed as part of the child protection investigation process."	2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2001 Policy on dealing with allegations of abuse by substitute carers

ii)	Identifying lessons/changes following internal investigations	<p>The Interim National Guidance on SCRs had a section on Significant Case Reviews in relation to the learning cycle, stating that a summary of cases should be sent to the Child Protection Committee annually; that it should reviewing its guidance and procedures in the light of findings; that it should consider developing and implementing training.</p> <p>The 2001 Policy on dealing with allegations of abuse by substitute carers states: "In all circumstances, the primary investigators should notify in writing the Service Manager, Resources, of any circumstances which would suggest the need for improvement of standards in the provision of safe care. This should occur whether or not an allegation or expression of concern has been substantiated, e.g. whether a carer placed themselves in a compromising position by being unaware of or ignoring good safe care practice."</p>	2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2001 Policy on dealing with allegations of abuse by substitute carers
iii)	Implementation of lessons/changes following internal investigations	<p>As stated previously, we have interpreted this section about internal investigations to include Significant Case Reviews. The 2007 Interim National Guidance on these stated that Child Protection Committees should produce long and short-term action plans in relation to learning from Significant Case Reviews.</p> <p>The 2001 Policy on dealing with allegations of abuse by substitute carers is silent on the question of implementing lessons / changes.</p>	2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2001 Policy on dealing with allegations of abuse by substitute carers
iv)	Compliance	<p>The Interim National Guidance on SCRs stated that Child Protection Committees should monitor and evaluate progress in relation to learning from Significant Case Reviews.</p> <p>The 2001 Policy on dealing with allegations of abuse by substitute carers is silent on the question of compliance.</p>	2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2001 Policy on dealing with allegations of abuse by substitute carers
v)	Response (to child and abuser)	The Interim National Guidance on SCRs stated that "the family/carers of the child involved should be kept informed of the various stages of the review and the outcomes of these where this is appropriate. Clearly, there will be occasions where the family could be subject to investigation or part of the problem relating to the significant case which triggered the Significant Case	2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2001 Policy on dealing with allegations of abuse by substitute carers

		<p>Review. In these cases information may require to be limited. Close collaboration with the Police and the Procurator Fiscal will be vital."</p> <p>The 2001 Policy on dealing with allegations of abuse by substitute carers states that the outcome of any investigations of an allegation or complaint should be notified to significant parties, which may include the original referrer, the parents or guardians of any children involved..."</p>	
vi)	Response to complaints (including response by local authority)	<p>This question is taken to mean the response to complaints made in relation to the carrying out (or not) of a Significant Case Review, or the decision (or not) to ask a Fostering Panel to further consider all the circumstances and make a recommendation, or seek a further more independent assessment from another professional not linked to the local management.</p> <p>In the section on criteria for carrying out a Significant Case Review, the Interim National Guidance states: "It would also be expected that any concerns raised by families and similar interested parties would be addressed through the normal complaints procedures for each agency involved." (The Child Protection Committee, and its successor the Public Protection Committee, did not have its own Complaints Procedure until 2017.)</p> <p>The 2001 Policy on dealing with allegations of abuse by substitute carers is silent on the question of how to handle complaints made in relation to decision taken about whether or not any more independent review of allegations would be required. Therefore, Council's usual complaints procedure would cover this.</p>	<p>2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2001 Policy on dealing with allegations of abuse by substitute carers</p>
vii)	External reporting following internal investigations	<p>The Interim National Guidance on SCRs suggested a list of possible recipients of the report - as well as local chief officers this included the Crown Office and Procurator Fiscal Office; the Children's Reporter / SCRA; the Inspectorates and voluntary and independent organisations involved in the case.</p> <p>The 2001 Policy on dealing with allegations of abuse by substitute carers states: The outcome of any investigations of an allegation or complaint</p>	<p>2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2001 Policy on dealing with allegations of abuse by substitute carers</p>

		should be notified to significant parties, which may include the original referrer, the parents or guardians of any children involved, the Registration & Inspection service if relevant, the Child Protection Co-ordinator and the Complaints Officer, Edinburgh and Lothians.	
e)	Who compiled the policies and/or procedures?	The Interim National Guidance on SCRs was Scottish Government national guidance. The 2001 Policy on dealing with allegations of abuse by substitute carers was compiled by the Service Manager for Resources, Children and Families.	2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2001 Policy on dealing with allegations of abuse by substitute carers
f)	When were the policies and/or procedures put in place?	The Interim National Guidance on SCRs was produced in 2007 and was put in place locally then. The 2001 Policy on dealing with allegations of abuse by substitute carers was put in place in 2001.	
g)	Were such policies and/or practices reviewed?	The Interim National Guidance on SCRs was not reviewed nationally until 2015, which is outwith the scope of this question. The 2001 Policy on dealing with allegations of abuse by substitute carers was reviewed and updated in 2010. It was reviewed in 2012 but no substantial changes were made.	2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2010 Allegations Procedures update
h)	If so, what was the reason for review?	The Interim National Guidance on SCRs was not reviewed nationally until 2015, which is outwith the scope of this question. The 2001 Policy on dealing with allegations of abuse by substitute carers was updated in 2010 to take into account of the publication of the Scottish Government's Best Practice Guidance on handling allegations against foster carers in April 2010.	2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2010 Allegations Procedures update
i)	What substantive changes, if any, were made to the policies and/or procedures over time?	The Interim National Guidance on SCRs was not reviewed nationally until 2015, which is outwith the scope of this question. The 2010 Allegations Procedures update contained much more detail, such	2007 Scottish Executive: Interim National Guidance for Child Protection Committees on SCRs; 2010 Allegations Procedures update

		as the fact that if a carer is suspended, the letter from the Head of Children's Wellbeing or another senior manager, would explain the terms of the suspension; that Carers who are suspended will not be able to attend any council activities relating to foster care, such as meetings about children previously in placement with them, training or support groups; attempts would be made to complete any investigation within 6 weeks; the details of any police investigation were more made explicit for foster carers; the circumstances when carers fees could continue to be paid and for how long; the details of what would be involved in a Special Circumstances Review; and more details of the support available for carers going through any of these processes.	
j)	Why were changes made?	Changes were made to the 2001 Policy on dealing with allegations of abuse by substitute carers to take into account of the publication of the Scottish Government's Best Practice Guidance on handling allegations against foster carers in April 2010 which had in turn been influenced by work from the Fostering Network.	
k)	Were changes documented?	A copy of the superseded document (2001 Policy on dealing with allegations of abuse by substitute carers) was retained.	
l)	Was there an audit trail?	As there was no legal requirement to keep policies prior to the Public Records (Scotland) Act 2011, we do not have an official audit trail of policies/policy changes and are therefore only able to respond in relation to what we have been able to locate. Since then Policies and Procedures have been kept electronically, with versions which have been superseded being retained electronically.	
	PRESENT		
m)	With reference to the present position, are the answers to any of the above questions different?	Yes	

n)	If so, please give details.	<p>In 2015, the National Guidance for Child Protection Committees for Conducting a Significant Case Review 2015 replaced the Interim Guidance from 2007, to embed lessons learned in recent years and to ensure the guidance was as robust as possible.</p> <p>In 2017, the East and Midlothian Public Protection Committee (EMPPC) issued a Compliments and Complaints Protocol which included how to make a complaint to the EMPPC in respect of an Initial Case Review, a Significant Case Review or a large scale investigation.</p>	2015 National Guidance for Child Protection Committees for Conducting a Significant Case Review; 2017 EMPPC Compliments and Complaints Protocol
ii)	Practice		
	PAST		
a)	Did the Local Authority adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?	Mostly yes - in the few cases where internal investigations were initiated, the local authority adhered to its policies and procedures except in the areas noted below.	
b)	Did the Local Authority adhere in practice to its policy/procedures on the following:		
i)	Approach to/process of internal investigations	<p>During the time frame for this response, there was only one Initial Case Review (in 2007) after which it was determined to hold an internal Significant Case Review (in 2008). The Child Protection Committee took the decision to have the review externally reviewed, to give some external oversight particularly to the recommendations of the review. The external reviewers were the Nurse Consultant for Vulnerable Children for NHS Lothian and the Lead Child Protection Officer for a neighbouring authority Scottish Borders Council. The responses which follow (from i. to vii.) relate to those three related pieces of work, in connection with the family of one set of foster carers.</p> <p>The approach to/process of this internal investigation does appear to largely follow the Interim National Guidance requirements. The initial case review</p>	<p>2007 Initial Case Review – final document – 16-11-07; 2008 Final Significant Case Review Report with attachments 05-09-08; 2011 Special Circumstances Review plus Appendices 1-6; 2011 Nov Independent Report by Mary McKenna CQSW MSc</p>

		<p>was collated using the standardised template set out in the Interim National Guidance. This was sent to the appropriate agencies involved to ensure a consistent and structured approach in the gathering of information. (However, agencies did not respond within 10 days as requested, and as set out in the national guidance).</p> <p>The format for the Initial Case Review followed that set out in national guidance.</p> <p>The approach was proportionate, in that an internal (rather than external) Significant Case Review was considered warranted, but in order to achieve a level of transparency, it would be externally reviewed. Care was taken in determining those external reviewers to ensure they had the necessary experience. There were not many references to research but there were a two in the Significant Case Review report. Recommendations were made in relation to future practice and policy changes, many of which had already been implemented.</p> <p>However, the recommendations focussed solely on social work, without making it explicit whether consideration had been given to making recommendations in respect of any other agency. Neither was there any reference to whether improving multi-agency working was required. The Significant Case Review had no explicit remit other than a request to include a multi-agency chronology, and should have had as one of its core tasks the identifying of whether inter-agency working could be improved to better protect children.</p> <p>In relation to the other investigation which resulted in a Special Circumstances Carer Review and an Independent Report for the Fostering and Adoption Panel Report the first report for the Special Circumstances Carer Review was compiled by two social workers who were independent of the case but not independent of the line management. However the second Independent Report was truly independent, in line with the procedure.</p>	
ii)	Identifying lessons/changes following internal investigations	The Significant Case Review identified the following changes, in line with Scottish Government national guidance:	2010 FINAL SCR sub-group report 28-05-10 (final version 5.0)

		<ol style="list-style-type: none"> 1. LAAC reviews would now be chaired by an independent reviewing officer. 2. All carers would now have unannounced visits. 3. Children and young people would be present during their reviews and informed of decisions taken. They would also be encouraged and supported to complete their own report for reviews. 4. The new Children's Rights Officer about to be recruited would be involved with children in foster care. 5. When child welfare concerns were raised within a placement, independent assessment would be required and joint work between the Family Placement and Practice Team, thereby meeting the needs of both carers and children placed. 6. There is a tension created when there is only one worker involved from the Family Placement Team in trying to support both the carer and child / children. 2 separate workers required to be involved, one to support the children and one to support the carers. 7. When carers became long-term foster parents and permanency decisions were taken in relation to children, the expectations and complexities of this situation needed to be clear. This should be seen a partnership in parenting between the Department and carers. It is not adoption. 8. Assessments would now be competence based for Foster Carers and there would be a full re-assessment of the whole foster family after 10 years in practice. 9. Young people would now have exit interviews when they left care. The new Consumer Involvement Officer would be involved in developing a strategy for seeking the views of all children including those who were accommodated. Viewpoint would be used and staff would be trained to use it. 10. After assessment and approval of carers, the worker undertaking the re-assessment should change and it should not be undertaken by the current support worker, to ensure objectivity. 11. Alongside the enhanced disclosures undertaken for all adults when families were being assessed or re-assessed as carers, intelligence information should also be sought from the police. 12. The new Children's Rights Officer would have an advocacy role with children and young people who were accommodated. 	
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		<p>13. The assessment and views of carer's own children needed to become more robust. It is the adults who choose to become carers and their children possibly feel they have no choice or say in this decision.</p> <p>14. Professionals needed to listen to the views of carers. Other foster carers who had had direct experience of parenting these children individually said that placing all 4 together with Mr and Mrs [REDACTED] was likely to fail.</p> <p>15. Safe-caring strategies and training for carers with children and young people who were displaying sexualised behaviour needed to also involve the carers' children within a placement, particularly if they were teenagers.</p> <p>16. The Family Placement Team needed to be aware and address any issues in relation to the financial circumstances of carers, exploring whether or not carers were taking on too much financially.</p> <p>The external review of the internal Significant Case Review made two further recommendations:</p> <p>17. When children were displaying distressed behaviour within placement for example, running away, consideration should always be given to directly asking the child/(ren) the reasons for this including questioning whether anything was going wrong within the placement.</p> <p>18. When children were displaying sexualized behaviour it would be important to undertake "safe touch" work at the earliest appropriate opportunity.</p>	
iii)	Implementation of lessons/changes following internal investigations	<p>Using the same numbering as in ii) above:</p> <p>1. Independent chairing is still being adhered to.</p> <p>2. It is now written policy for all carers to have unannounced visits.</p> <p>3. Children and young people's presence during their reviews is still the case, although some children choose not to attend their review, or come in for only part of it.</p> <p>4. The new Children's Rights Officer was recruited and became involved with children in foster care as well as children in residential care. Their involvement more recently has however tended to be more with young people in residential placements, due to pressure on the service.</p>	

		<p>5. When child welfare concerns are raised within a placement, independent assessment and joint work between the Family Placement and Practice Team is still required. There is written guidance. Managers are involved, there is a process to follow and both the Fostering Team, previously known as the Family Placement Team, and the Practice Team are involved.</p> <p>6. This is still being adhered to.</p> <p>7. This continues to be the case. There is an expectation that foster carers converting to permanent carers attend the adoption preparation group whilst at the same time work is done with them to understand the difference between permanent fostering and adoption.</p> <p>8. Assessments continue to be competence based for Foster Carers. However, it has not been the practice of late for full re-assessments of the whole foster family to be carried out after ten years. We are re-starting this practice.</p> <p>9. The use of Viewpoint continues and all new staff still receive training in this. Due to pressure on the service, we are aware that exit interviews are not always taking place.</p> <p>10. We had said that after assessment and approval of carers, the worker undertaking the re-assessment (after 10 years) should change and should not be undertaken by the current support worker, to ensure objectivity. See our response at 8, above. We will re-introduce this. However, it should be noted that the very long-term working relationships that used to develop are much less evident these days.</p> <p>11. We continue to seek disclosures for all adults living within the fostering household. However, seeking intelligence is not part of our guidance.</p> <p>12. The Children's Rights Officer continues to have an advocacy role with children and young people who are accommodated.</p> <p>13. This continues to be adhered to. Their views are also taken into account in relation to reviews, when evidence of discussion with the foster carer's own children is required.</p> <p>14. We continue to try to seek as much information about children and young people and where possible, this would include consulting with other foster carers.</p> <p>15. We adhere to this. Safer caring is part of the post-approval group syllabus. We put together individual safer caring policies for individual</p>	
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		<p>children and their foster carers. This includes discussion about the foster carer's own children as it is a policy for the whole household.</p> <p>16. This is still part of our regular practice.</p> <p>In relation to the two further recommendations from the external review of the internal Significant Case Review:</p> <p>17. This is still our practice.</p> <p>18. We still support carers with this, discussions take place with foster carers as required and we make use of specific resources to use with carers.</p>	
iv)	Compliance	<p>A sub-group of the Child Protection Committee was formed to look at compliance in Autumn 2009 and produced a report in April 2020 showing how the recommendations were already being complied with, some from 2007, most since 2008 and a few since 2009. As a result, the Critical Services Oversight Group had felt confident to sign off the Significant Case Review which was confirmed as having already happened by the time of its meeting on 23rd August 2010.</p>	<p>2010 FINAL SCR sub-group report - 28-05-10 (final version 5.0);</p> <p>2010 2-CSOG Minute - 23-08-10</p>
v)	Response (to child and abuser)	<p>We have not found any records in the children's files suggesting that the children or carers were aware of the Significant Case Review. However it was the responsibility of the Child Protection Committee according to the Interim National Guidance which stated that when a decision is taken to proceed to an SCR, it is the responsibility of the Child Protection Committee to advise the child and/or family/carers of the Committee's intentions. They should also be informed of the various stages of the review and the outcomes of these where this is appropriate.</p>	
vi)	Response to complaints (including response by Local Authority)	<p>We have no knowledge of any complaints in respect of the internal investigations.</p>	
vii)	External Reporting following internal investigations.	<p>In relation to the one Significant Case Review carried out in relation to foster carers during the time period of this inquiry, the Children's Reporter sat on the Child Protection Committee and received a copy as a result. We have not come across anything suggesting the report was sent to the Crown Office</p>	

		or Procurator Fiscal. However, the court case ended just before the final report was approved by the Critical Services Oversight Group. The final report was sent to the Critical Services Oversight Group for East Lothian.	
c)	How was adherence demonstrated?	Minutes and reports were drafted and copies retained according to our retention policies.	
d)	How can such adherence be demonstrated to the Inquiry?	Minutes and reports are available on request.	
e)	Were relevant records kept demonstrating adherence?	There was no specific audit demonstrating ongoing adherence, but the Committee made sure the recommendations were being adhered to by setting up a sub-group for this purpose before sending the report for its final sign-off to the Critical Services Oversight Group.	
f)	Have such records been retained?	The final report of the sub-group is available.	2010 FINAL SCR sub-group report - 28-05-10 (final version 5.0)
g)	If policy/ procedure was not adhered to in practice, why not?	We are unable to provide a reason.	
	PRESENT		
h)	With reference to the present position, are the answers to any of the above questions different?	There have not been any internal investigations in relation to foster care since 2014, and so we have nothing to report in response to this question about the present position.	
i)	If so, please give details.	There are no details to report.	
4.9	Record Keeping		
i)	Policy		
	PAST		

a)	What policies and/or procedures did the Local Authority have on record keeping in relation to foster care?	<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. East Lothian Council was established in 1996.</p> <p>Please note that we have understood this question to mean the Fostering Team's recording about foster carers. We are aware that we have not been able to locate all policies and documents and therefore can only comment on those policies we have identified:</p> <ul style="list-style-type: none"> • 1996 LRC Procedure 56 Approval Process for Foster Carers • 1997 Looked After Children Case Records Guidance • 1998 Children & Families Assessment and Care Plan Guidance • 1998 Children & Families Procedures – Children Placed • 2001 Retention & Archiving of children & carer files policy (updated 2008 and 2010) • 2001 Policy & Guidance on dealing with allegations of Child Abuse by substitute carers • 2003 Procedures for Looked After and Accommodated Children • 2004 Confidentiality Policy • 2005 Guidelines for care and control in foster care - Information for Carers • 2006 Fostering & Adoption Workers handbook East Lothian Council Children's Services Policy and Guidance on Children and Young People's Records (updated 2007 and reviewed 2014) • 2007 Aug Protocol for reviewing all Carers files • 2007 Draft policy & guidance case recording in carer files • 2007 Procedure and Guidance Allegation/complaint about a Foster Carer; • 2007 Children and Young People Missing form Local Authority Care – Joint Protocol • 2008 Staying Overnight Away From Carer Or Unit • 2008 Case Recording for Carers files – Policy & Guidance • 2008 Chronology of Significant Events (updated 2009) • 2011 Internal Memorandum regarding Chief Social Work Officer (CSWO) Reporting Arrangements 	<p>1996 LRC Procedure 56 Approval Process for Foster Carers;</p> <p>1997 Looked After Children Case Records Guidance;</p> <p>1998 Children & Families Assessment and Care Plan Guidance;</p> <p>1998 Children & Families Procedures – Children Placed;</p> <p>2001 Retention & Archiving of children & carer files policy (updated 2008 and 2010);</p> <p>2001 Policy & Guidance on dealing with allegations of Child Abuse by substitute carers;</p> <p>2003 Procedures for Looked After and Accommodated Children;</p> <p>2004 Confidentiality Policy;</p> <p>2005 Guidelines for care and control in foster care - Information for Carers;</p> <p>2006 Fostering & Adoption Workers handbook;</p> <p>2007 Aug Protocol for reviewing all Carers files;</p> <p>2007 Draft policy & guidance case recording in carer files;</p> <p>2007 Procedure and Guidance Allegation/complaint about a Foster Carer;</p> <p>2007 Children and Young People Missing form Local Authority Care – Joint Protocol;</p> <p>2008 Overnight Stays for Looked After and Accommodated Children;</p> <p>2008 Jan Case Recording for Carers files – Policy & Guidance;</p>
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b)	<p>What policies and/or procedures did the local authority have on record keeping by foster carers?</p>	<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. East Lothian Council was established in 1996.</p> <ul style="list-style-type: none"> • 1996 Foster Care Agreement (and subsequent revisions) • 2001 Foster Carer Handbook (and subsequent revisions) • 2003 Procedures for Looked After and Accommodated Children • 2004 Foster Carers Guide to Recording Information • 2005 Guidelines for care and control in foster care - Information for Carers • 2006 Fostering & Adoption Workers handbook • 2007 Children and Young People Missing from Local Authority Care – Joint Protocol • 2007 Standards for Foster Care • 2008 Staying Overnight Away From Carer Or Unit • 2012 Contact - Guidance on Contact. 	<p>1996 Foster Care Agreement (and subsequent revisions);</p> <p>2001 Foster Carer Handbook (and subsequent revisions);</p> <p>2003 Procedures for Looked After and Accommodated Children;</p> <p>2004 Foster Carers Guide to Recording Information;</p> <p>2005 Guidelines for care and control in foster care - Information for Carers;</p> <p>2006 Fostering & Adoption Workers handbook;</p> <p>2007 Children and Young People Missing from Local Authority Care – Joint Protocol;</p> <p>2007 Standards for Foster Care;</p> <p>2008 Staying Overnight Away From Carer Or Unit;</p> <p>2012 Contact - Guidance on Contact;</p>
c)	<p>In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?</p>	<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. East Lothian Council was established in 1996.</p>	

		<p>Intention: Compliance with legislation and good practice.</p> <p>Where recorded? We had bound volumes of paper documents at the start. Over time these became electronic documents saved on the shared drive of computers. Carer's Handbooks were issued in hard copy to foster carers. These are now issued in soft copy (but a hard copy is available on request).</p>	
d)	What did the policies and/or procedures set out in relation to record keeping on the following:		
i)	Children 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. East Lothian Council was established in 1996.</p> <ul style="list-style-type: none"> • 1996 Foster Carer Partnership agreement requires foster carers to: 'keep a medical record of the child'; 'contribute in writing to Child Care Review'; 'to keep a record and receipts of clothing purchased, or other items/equipment which require special payments' . The Foster Carer Agreement 1997 no longer required those things (which were still specified in the Foster Carer Handbook from 2001 onwards) , and instead required carers to ensure that all written information is kept securely and returned to the department at the end of the placement. • 1997 Looked After Children Case Records Guidance required us to keep a case record for each child looked after. The case record should describe the process of decision making, be separate from management records and not to be amalgamated even in the case of siblings. This guidance states that reports on visits should be kept within a child's case record and should include any contribution the child may wish to make as well as written material, photographs etc. • 1998 Children & Families Assessment and Care Plan Guidance - include guidance on the assessment, planning and review forms to be used 	<p>1996 Foster Carer Partnership agreement (and subsequent revisions); 1997 Looked After Children Case Records Guidance; 1998 Children & Families Assessment and Care Plan Guidance; 1998 Children & Families Procedures – Children Placed; 2001 Foster Carers Handbook (and subsequent updates); 2001 Retention and Archiving of children and carer files; 2003 Procedures for Looked After and Accommodated Children; 2004 Foster Carers Guide to recording information; 2005 Guidelines for the care and control of children in foster care; 2006 The Fostering & Adoption Workers Handbook; 2007 June Missing from Care – Joint Protocol for children and young people missing from local authority care ; 2007 Standards for Foster Care;</p>

	<ul style="list-style-type: none"> • 1998 Children & Families Procedures – Children Placed - further information on consent forms and assessment/planning for children in care • 2001 Foster Carers Handbook (and subsequent updates) said that: Carers should keep a record of how clothing money is spent; All foster carers are provided with a diary each year. The diary should be used for three important purposes: to note forthcoming appointments, for example; in relation to reviews, visits by parents, social workers etc.; to record information when a significant event occurs, for example, if a parent fails to visit as arranged, or if a child displays a particularly worrying type of behaviour on a particular day, or achieves something noteworthy, such as not wetting the bed for the first time. This sort of information is very important in cases of looked-after children, where there may be a disagreement between the Social Work Division and child’s parents about future planning. The carer can use this information when preparing reports for reviews of care plan etc.; to record other information, such as the amount of money spent on clothing for children in care. The notes section in the front of the diary is useful in this respect, and it is important to keep a full and accurate record of money spent of clothing, along with receipts. • 2001 Retention and Archiving of children and carer files detailed the procedure for ensuring retention and archiving of files relating to children and young people in the care system. This included a section relating to records kept by foster carers and what should happen with these. Also provides definition on what records • 2003 Procedures for Looked After and Accommodated Children - outlines paperwork to be completed at each stage (including responsibility of different professionals such as teachers to contribute), including assessment, planning and review documentation, and paperwork for completion on reception into care (including day-to-day practical arrangements); arrangements and frequency of contacts should be recorded; foster carers should keep a record of all visits to the child (including by social workers); 	<p>2008 Overnight Stays for Looked After and Accommodated Children; 2008 Jan Case Recording for Carers Files - Policy and Guidance; 2010 Serious Allegations Against Carers - Information for Carers and Social Workers; 2012 Procedure and guidance for recording allegations/complaints re foster carers; 2013 Contact – Record of observed contact</p>
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		<ul style="list-style-type: none"> • 2004 Foster Carers Guide to recording information states that It is vital to keep a daily record of the events in the life of your foster child and the rest of your household. You should record any event or circumstance which has, or could have, an effect on the well-being or safety of any member of the foster family, including the foster child. • 2005 Guidelines for the care and control of children in foster care - Information for Carers 2005 includes additional guidance on acceptable and unacceptable sanctions and the use of restraint. The guidelines state 'you should not restrain a child unless you have been properly trained and accredited.....you should discuss behavioural issues at Looked-After Reviews and set down clear plans about how they should be managed. This might involve you undertaking specific training. Your supervising social worker will review those plans with you during each supervision session.' The guidelines further states 'You might find it useful to use your daily record for the child to record which sanctions may or may not be appropriate or effective for each young person.....You should note details of incidents and sanctions and the child's response in your daily record for the child...You should discuss patterns of conduct and how incidents are dealt with at Looked-After Reviews.' In relation to searches of a child's room, the guidelines state 'you must record the reason for and outcome of any searches to a child's room in your daily record for the child'. In relation to physical restraint the guidelines state 'If you have had to use physical intervention, you must record in your daily record for the child: the circumstances of the incident; the method of intervention adopted; any injuries sustained by you or the child.....Following significant incidents of challenging behaviour, including all incidents where restraint has been used, both child and carer are likely to require support. We will hold a placement meeting, involving you, your supervising social worker and the child's worker. This meeting will be recorded.' In relation to challenging and aggressive behaviour, the guidelines state 'You should record all incidents of challenging and aggressive behaviour in your daily record for the child. You should include: the probable cause of the behaviour, the means by which it was managed; the outcome. Young people should have the opportunity to see and make comment on what has been recorded. Your supervising social worker should always complete a significant occurrence form, and the Children and 	
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		<p>Families Resources Team will hold an "Overview of Incidents requiring Restraint".'</p> <ul style="list-style-type: none"> • 2006 The Fostering & Adoption Workers Handbook states that there is an expectation on carers that they keep a daily record on each child in their care. There is a guideline and it is the responsibility of the Supervising Social Worker to check this. Accounts of money spent should also be recorded in the carers' diary and should be checked from time to time. • 2007 Policy and guidance for paper and electronic case file recording - outlines requirements for recording visits. • 2007 Children and Young People Missing from Local Authority Care (Joint Protocol) - covers recording requirements for the absence and decision-making. • 2007 Standards for Foster Care - carers to maintain a record of medication given; children records should indicate that children have been given information and have been informed of their rights. • 2008 Overnight Stays for Looked After and Accommodated Children - the social worker and the carer will agree the process for making decisions about overnight stays and will record all relevant details as part of the care planning process; If permission for an overnight stay has been refused, this should be based on clear, recorded reasons that are necessary to protect the child's welfare in his or her particular circumstances. The child's views should also be recorded; If any problems or concerns arise during or following a child's overnight stay, these should be discussed, recorded and acted on, if necessary. Where the overnight stay has a positive impact, details should also be recorded. • 2008 Policy and Guidance for Carers' files October - all files should contain any details on how the child's needs are being met (or not) and individual work with children, including specific work regarding any child in placement's educational needs. 	
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		<ul style="list-style-type: none"> • 2010 Serious Allegations Against Carers - Information for Carers and Social Workers - states 'In line with recommendations made following Public Inquiries into the abuse of children in foster care, we will keep a record of the allegations, even if the allegations have not been proven'. Timescales specified as retaining files indefinitely where an allegation has been made about them. • 2012 Procedure and guidance for recording allegations/complaints re foster carers - contains further information on the detailed recording of complaints throughout the investigation process • 2012 Guidance on Contact - proforma for recording contact. • 2013 Contact - record of observed contact. Checklist for workers or foster carers who are supervising and observing contact. 	
ii)	Foster carers	<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. East Lothian Council was established in 1996.</p> <ul style="list-style-type: none"> • 1996 LRC Procedure 56 for Approving Carers states that on receipt of a telephone enquiry, full name, address and telephone number were to be recorded and it was to be recorded if prospective foster carer responded to invitations to attend information/open evenings. This procedure refers letters and reference checks and responses to be stored in prospective carers files. The procedure further refers to approval panels and reviews. Although not explicitly stated it is assumed these would be kept in a foster carer's file. • 2001 Foster Carer Handbook (and subsequent revisions) states 'The information that is held on file about you and your family may be shared with other professionals, for example, a profile form is often required by children's hearings. Review reports, written by social workers, are kept in your file and you are at liberty to have access to your file apart from 	<p>1996 LRC Procedure 56 for Approving Carers; 2001 Foster Carer Handbook (and subsequent revisions); 2003 Oct Carer recruitment and preparation guideline; 2006 Fostering and adoption workers handbook changes; 2008 Case recording for carers' files - Policy and Guidance; 2010 Serious Allegations Against Carers - Information for Carers and Social Workers; 2012 Procedure and guidance for recording of complaints and allegations against foster carers (update of 2007 policy); 2012 Whistleblowing Practice Guidance</p>

		<p>information supplied in confidence by a third party, such as a doctor, a referee or the police'.</p> <ul style="list-style-type: none"> • 2003 Recruitment and preparation guideline outlined the requirement that each enquiry was dealt with in a timely manner and decisions recorded. • 2006 Fostering and adoption workers handbook has a section on carer's supervision records and how these should be used in relation to foster carers and information in relation to care of children. The handbook sets out the principles and standards expected of recording for carer's files. • 2008 Case recording for carers' files - Policy and Guidance for paper and electronic case file recording states that it is the aim of this policy to ensure that paper and electronic case recording is important in its own right and consistently achieves auditing standards. 'All files should contain: a Carer Profile which is kept updated; a chronology of significant events sheet; separate sections for personal details; list of placements and case notes; assessments and reports; current placements; equipment; medical legal and financial matters; correspondence; permanency; training and individual work; specific work regarding any child in placement's educational needs; a restricted access section, with a separate section on allegations and complaints' The policy says case recording includes 'information about individual contacts with the carers and their family, and their development as carers. It includes work carried out or still to be done and its objectives. It includes the assessment of the carer, their training needs, the timing, process and outcomes of reviews and the impact of worker supervision sessions'. The record should include the views of foster carers. The records should be immediately accessible by the carers, their supervising social worker and relevant colleagues. Case records are highly confidential documents and the consent of carers should be sought before information sharing. The policy further states: 'Following a contact, the purpose of the contact, all participants, the content of the discussion, an analysis of the contact and resultant action points should be recorded' (NB: contact is taken to refer to contact between the carer and the fostering team, not the child and their family). Areas for supervision discussion are outlined, including how the discussion should be analysed. Action points should be recorded. It 	
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		<p>should be recorded whether children were seen or not. In addition 'The supervising social worker will record discussions and decisions reached in their own supervision' and 'Supervisors should proactively discuss recording in supervision and countersign files at least every six months, using the case monitoring for.' The File Audit tool within this policy document contains a checklist including auditing of last unannounced visit, frequency of supervision visits, up to date list of placements, up to date chronology, signed foster agreement on file, evidence of discussion in supervision, date of last carer review, safe caring policy on file for each child.</p> <ul style="list-style-type: none"> • 2010 Serious Allegations Against Carers - Information for Carers and Social Workers - states 'In line with recommendations made following Public Inquiries into the abuse of children in foster care, we will keep a record of the allegations, even if the allegations have not been proven'. Timescales specified as retaining files indefinitely where an allegation has been made about them. This guidance further states that a separate meeting will also be arranged for staff involved to reflect on their experience of the process and explore implications and learning for future practice. The learning from these Evaluation Meetings will be recorded, should critically review and inform future practice and will be reported to the Midlothian and East Lothian Child Protection Committee, Quality Assurance Sub-Group. • 2012 Procedure and guidance for recording of complaints and allegations against foster carers (update of 2007 policy) - contains further information on the detailed recording of complaints throughout the investigation process. • 2012 Whistleblowing Record Form contained within the Whistleblowing Practice Guidance includes the steps taken to investigate the complaint; Outcome of concern raised; Record of feedback to concerned individual. 	
iii)	Visits to children and foster carers	<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. East Lothian Council was established in 1996.</p>	<p>1997 Looked After Children Case Records guidance; 2003 Procedures for Looked After and Accommodated Children; 2006 Fostering and adoption workers</p>

		<ul style="list-style-type: none"> •1997 Looked After Children Case Records guidance notes requirement on social worker to record reports on 'required' visits to the child. • 2003 Procedures for Looked After and Accommodated Children state carers should keep a record of all visits paid to the child by anyone, including the social worker. • 2006 Fostering and adoption workers handbook has a section on carer's supervision records and how these should be used in relation to foster carers and information in relation to care of children. Sets out the principles and standards expected of recording for carer's files. • 2007 Policy and Guidance for paper and electronic case file recording says case recording includes 'information about individual contacts with the carers and their family, and their development as carers. It includes work carried out or still to be done and its objectives. It includes the assessment of the carer, their training needs, the timing, process and outcomes of reviews and the impact of worker supervision sessions'. The policy further states: 'Following a contact, the purpose of the contact, all participants, the content of the discussion, an analysis of the contact and resultant action points should be recorded' (NB: contact is taken to refer to contact between the carer and the fostering team, not the child and their family). Areas for supervision discussion are outlined, including how the discussion should be analysed. Action points should be recorded. It should be recorded whether children were seen or not. The File Audit tool includes auditing of last unannounced visit and frequency of supervision visits. 	<p>handbook; 2007 Policy and Guidance for paper and electronic case file recording</p>
iv)	Complaints	<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. East Lothian Council was established in 1996.</p> <ul style="list-style-type: none"> • 1997 Complaints Procedure for Children and Young People states that if the complaint could not be resolved immediately, the young person would be written to within 5 days to confirm the details of the complaint, and that we would aim to respond fully within 28 days. The procedure does not 	<p>1997 Complaints Procedure for Children and Young People; 1997 Complaints Procedure: How To Make A Comment Or Complaint About Social Work Services; 2001 Foster Carers Handbook (and subsequent revisions); 2001 Feb Policy and Guidance on Dealing with Allegations Of Child Abuse</p>

		<p>explicitly reference record-keeping, but it is assumed as a minimum details of the complaint, investigation and outcome would be recorded.</p> <ul style="list-style-type: none"> • 1997 Complaints Procedure: How To Make A Comment Or Complaint About Social Work Services: East Lothian Council social work complaints procedure does not outline details of the record-keeping procedure but does state that an acknowledgement that we had received their complaint should be received by complainant within 5 working days & a full response within 28 days. One can assume that these documents would be retained on the file of the child or young person and carer involved. • 2001 Foster Carers Handbook (and subsequent revisions): sets out the process that will be followed if there are complaints by carers or about carers but does not explicitly refer to how these are recorded. Following ELC complaints procedure complaints about carers will be dealt with within 28 days. • 2001 Feb Policy and Guidance on Dealing with Allegations Of Child Abuse By Substitute Carers - describes process to be followed, but does not explicitly outline the recording requirements. • 2004 Foster Carer's Guide to Recording Information asks carers to record 'Any information or complaint that has a serious potential impact on the foster child, yourself, your immediate or wider family or the agency. Any other event, information or circumstance which potentially threatens the well-being of anyone inside or outside the household'. • Since 2004 workers should complete an allegations/complaints record which is saved in the Record of Allegations, Complaints, Incidents database. • 2007 Policy and Guidance for paper and electronic case file recording states that 'All files should contain.... a separate section on allegations and complaints' This section was a restricted section containing allegations and complaints made against carers or their families. 	<p>By Substitute Carers; 2004 Foster Carer's Guide to Recording Information; 2004 Allegations, Complaints, Incidents database; 2008 Case Recording for Carers files – Policy & Guidance; 2010 Serious Allegations Against Carers - Information for Carers and Social Workers; 2011 July Chief Social Work Officer (CSWO) Reporting Arrangements; 2012 Procedure and guidance for recording of complaints and allegations against foster carers (update of 2007 policy); 2012 Whistleblowing Record Form</p>
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		<ul style="list-style-type: none"> • 2008 Case Recording for Carers files – Policy & Guidance - reiterated that all files should contain a restricted access section, with a separate section on allegations and complaints. • 2010 Serious Allegations Against Carers - Information for Carers and Social Workers - states 'In line with recommendations made following Public Inquiries into the abuse of children in foster care, we will keep a record of the allegations, even if the allegations have not been proven'. Timescales specified as retaining files indefinitely where an allegation has been made about them. • 2011 July Internal Memorandum regarding Chief Social Work Officer (CSWO) Reporting Arrangements states that 'The Head of Children's Services will sign off all Children's Services complaints and will copy these to the CSWO. This provides the opportunity to have an overview of the complaints process as it unfolds, from the receipt of a formal complaint to the final outcome. A summary of formal complaints will be provided in the Customer Feedback Manager's report to the Council'. • 2012 Procedure and guidance for recording of complaints and allegations against foster carers (update of 2007 policy) - contains further information on the detailed recording of complaints throughout the investigation process. Timescale to complete the investigation (within 21 days) and a written report including signed witness statements if appropriate. The electronic record of the investigation will be located under restricted information. The actions taken and outcome of the complaint or allegation will be recorded and signed off in the Complaints and Allegations Folder and will include a written response to the complainant from the Area Manager Resources or Service Manager Resources within 28 days of the complaint being received. The guidance further states 'If a complaint or allegation against a foster carer was upheld, depending on gravity of the complaint, an outcome might be to refer to a Special Circumstance Review Fostering Panel or to the Fostering Panel for review. The complaint and outcome should be referred to in the supervising social worker's annual report for that year'. • 2012 Whistleblowing Record Form contained within the Whistleblowing 	
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		Practice Guidance includes the steps taken to investigate the complaint; Outcome of concern raised; Record of feedback to concerned individual.	
v)	Investigations (both internal and external)	<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. East Lothian Council was established in 1996. We do not have all documents or policies relating to that time, however, we have commented on those policies and documents that we have been able to locate:</p> <ul style="list-style-type: none"> • 1997 Complaints Procedure for Children and Young People states that if the complaint could not be resolved immediately, the young person would be written to within 5 days to confirm the details of the complaint, and that we would aim to respond fully within 28 days. The procedure does not explicitly reference record-keeping about investigations, but it is assumed as a minimum details of the complaint, investigation and outcome would be recorded. • 1997 Complaints Procedure: How To Make A Comment Or Complaint About Social Work Services - this procedure does not outline details of the investigation procedure but does state that an acknowledgement that we had received their complaint should be received by complainant within 5 working days & a full response within 28 days. One can assume that these documents would be retained on the file of the child or young person and carer involved. • 2001 Feb Policy and Guidance on Dealing with Allegations Of Child Abuse By Substitute Carers: States that the paper attempts to provide 'Guidance for staff and managers involved in handling these situations to ensure that the relevant strands are addressed effectively, without unnecessary duplication of information gathering and assessment. The paper should be read in conjunction with the Department's complaints procedure which deals with complaints of a more general nature'. Whilst the paper does not explicitly advise on record-keeping, it is assumed that at all stages of the investigation detailed records would be made, in line with Child Protection guidelines. In relation to investigations, the paper states 'The statutory 	<p>1997 Complaints Procedure for Children and Young People; 1997 Complaints Procedure: How To Make A Comment Or Complaint About Social Work Services; 2001 Feb Policy and Guidance on Dealing with Allegations Of Child Abuse By Substitute Carers; 2001 Foster Carers Handbook (and subsequent revisions); 2002 Interagency Child Protection Guidelines; 2004 Allegations, Complaints, Incidents database; 2008 Case Recording for Carers files – Policy & Guidance; 2010 Serious allegations against foster carers; 2011 July Chief Social Work Officer Reporting Arrangements; 2012 Update of 2007 Procedure and Guidance allegation or complaint about a foster carer; 2012 Whistleblowing Practice Guidance</p>

		<p>agencies of Social Work and Police, together with Health Service staff will have a central role, as described in the Inter-Agency Child Protection Guidelines (1994), to investigate and assess any allegations of child abuse'. The Head of Children and Families should be notified of an allegation and an Initial Referral Discussion should be held to consider whether Child Protection Investigation is appropriate, giving careful consideration to the information received and the need to gather further information. In situations where there is concern about possible abusive behaviour by a carer towards a series of children in their care, the Service Manager will notify the Head of Children and Families in order to discuss the best way to manage the process. Following consideration of the initial information concerning an allegation immediate decisions will be made by the Service Manager, Resources, in consultation with the Head of Children and Families about the current duties and the management and/or support of the carer. Where precautionary suspension is assessed as necessary, this decision is taken by at least the Head of Children and Families and some decisions may require consultation with the Director. In any investigation a person appointed as an investigator will carry the direct authority of the Director of Social Work and Housing. In these circumstances, to avoid a conflict of roles and responsibilities, the investigator appointed should not have any link with the line management of the work base concerned or in the counselling of the carer.</p> <ul style="list-style-type: none"> • 2001 Foster Carers Handbook (and subsequent revisions): sets out what happens if there are complaints by carers or about carers but does not explicitly state how investigations will be recorded. In relation to allegations, the handbook states: 'All suspicions of abuse and allegations of abuse must be considered in accordance with the Department's Child Protection Guidelines. The Practice Team Manager has to decide whether an investigation is required. This is usually done in consultation with the police and the community paediatrician. The procedure then followed is similar to the one used for the investigation of any allegation of child abuse and can include the following: interview of the child by police and social workers; interview of other children in the household; immediate removal of the child to a place of safety; consideration of the safety of other children in the household; case conference involving social workers, police, teacher, doctor, 	
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		<p>parents, etc., which will decide whether the child(ren) should be placed on the Child Protection Register; referral of the child to Children's Hearing; possible referral of other children in the household and Children's Hearing; possible prosecution of alleged perpetrator. It is assumed all of these steps would be recorded in the usual manner appropriate for Child Protection investigations.</p> <ul style="list-style-type: none"> • 2002 Interagency Child Protection Guidelines make clear that allegations against foster carer will be dealt with using these guidelines, that the investigative team should provide a report to senior management and that the Children's Reporter should normally be notified when it is possible that a child may have been abused. • 2004 Foster Carer Handbook - the Handbook now said the Child Protection Co-ordinator alongside the relevant Practice Team Leader has to decide whether an investigation is required. This is usually done in consultation with the police and the community paediatrician. • Since 2004 workers should complete an allegations/complaints record which is saved in the Record of Allegations, Complaints, Incidents database and includes details of the investigation and outcome. • 2008 Case Recording for Carers files – Policy & Guidance stated that there should be a separate section for recording allegations and complaints within carers' files which would be a restricted section. Although not explicitly stated, one can assume that this would contain details of the investigation. • 2010 Serious allegations against foster carers states that a separate meeting will also be arranged for staff involved to reflect on their experience of the process and explore implications and learning for future practice. The learning from these Evaluation Meetings will be recorded, should critically review and inform future practice and will be reported to the Midlothian and East Lothian Child Protection Committee, Quality Assurance Sub-Group. • 2011 July Internal Memorandum regarding Chief Social Work Officer (CSWO) Reporting Arrangements states that 'The Head of Children's Services 	
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		<p>will sign off all Children's Services complaints and will copy these to the CSWO. This provides the opportunity to have an overview of the complaints process as it unfolds, from the receipt of a formal complaint to the final outcome. A summary of formal complaints will be provided in the Customer Feedback Manager's report to the Council'.</p> <ul style="list-style-type: none"> • 2012 Update of 2007 Procedure and Guidance allegation or complaint about a foster carer: gives Timescale to complete the investigation (within 21 days) and a written report including signed witness statements if appropriate. The Procedure states that the person investigating the complaint as part of the investigation process will meet with the carer who has had the complaint made against them to discuss the complaint or allegation and give the carer the opportunity to respond and that the investigation of the complaint or allegation will be located separately on the carer's file under Section 14 - Restricted - complaints and allegations. This record will be kept up to date. The electronic record of the investigation will be located under restricted information. The actions taken and outcome of the complaint or allegation will be recorded and signed off in the Complaints and Allegations Folder and will include a written response to the complainant from the Area Manager Resources or Service Manager Resources within 28 days of the complaint being received. • 2012 Whistleblowing Record Form contained within the Whistleblowing Practice Guidance includes the steps taken to investigate the complaint; Outcome of concern raised; Record of feedback to concerned individual. 	
vi)	Discipline	<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. East Lothian Council was established in 1996.</p> <ul style="list-style-type: none"> • 1998 Information for Young People who are looked after by ELC has a section on rules and sanctions. Although these did not require to be written down, the Care Plan and Placement Agreement were to contain details of what is expected of the child/young person in that placement. 	<p>1998 Information for Young People who are looked after by ELC; 2001 Foster Carer Handbook (and subsequent revisions); 2005 Guidelines for the care and control of children in foster care - Information for Carers; 2008 Children's Services Prevention and Management of Challenging Behaviour Policy and Procedures;</p>

		<p>• 2001 Foster Carer Handbook (and subsequent revisions) have a section on Managing Behaviour (carers are expected to discipline children without resorting to physical punishment) but there is no explicit reference to recording of discipline - there is only a general section on Keeping Records (each foster carer should get a diary to note forthcoming appointments, records details of a significant event, and record other relevant information). The handbook does, however, refer to 'a shared accountability between carers and the Department in terms of how children in care are disciplined' and this would suggest that discipline was a matter for discussion which would form part of case notes and meeting minutes.</p> <p>•2005 Guidelines for the care and control of children in foster care - Information for Carers 2005 includes additional guidance on acceptable and unacceptable sanctions and the use of restraint. The guidelines state 'you should not restrain a child unless you have been properly trained and accredited.....you should discuss behavioural issues at Looked-After Reviews and set down clear plans about how they should be managed. This might involve you undertaking specific training. Your supervising social worker will review those plans with you during each supervision session.' The guidelines further states 'You might find it useful to use your daily record for the child to record which sanctions may or may not be appropriate or effective for each young person.....You should note details of incidents and sanctions and the child's response in your daily record for the child...You should discuss patterns of conduct and how incidents are dealt with at Looked-After Reviews.' In relation to searches of a child's room, the guidelines state 'you must record the reason for and outcome of any searches to a child's room in your daily record for the child'. In relation to physical restraint the guidelines state 'If you have had to use physical intervention, you must record in your daily record for the child: the circumstances of the incident; the method of intervention adopted; any injuries sustained by you or the child.....Following significant incidents of challenging behaviour, including all incidents where restraint has been used, both child and carer are likely to require support. We will hold a placement meeting, involving you, your supervising social worker and the child's worker. This meeting will be recorded.' In relation to challenging and aggressive behaviour, the guidelines state 'You should record all incidents of challenging and</p>	<p>2010 Serious Allegations Against Carers - Information for Carers and Social Workers; 2012 Procedure and guidance for recording of complaints and allegations against foster carers (update of 2007 policy).</p>
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		<p>aggressive behaviour in your daily record for the child. You should include: the probable cause of the behaviour, the means by which it was managed; the outcome. Young people should have the opportunity to see and make comment on what has been recorded. Your supervising social worker should always complete a significant occurrence form, and the Children and Families Resources Team will hold an "Overview of Incidents requiring Restraint".'</p> <ul style="list-style-type: none"> • 2008 Children's Services Prevention and Management of Challenging Behaviour Policy and Procedures does not explicitly refer to discipline and is more about how to safely manage challenging behaviour. This policy refers to Challenging Behaviour recording forms, detail record, violent incident report forms, and Incident report. This refers to staff having a responsibility under the Regulation of Care (Scotland) Act to record incidents of challenging behaviour. Forms should be completed within 24 hours and incidents should be investigated as a matter of urgency and in a confidential manner. • 2010 Serious Allegations Against Carers - Information for Carers and Social Workers - states 'Occasionally, there are serious allegations about the care of children in foster care, for example, allegations of: actual abuse; neglect; other breaches of the Foster Carer Agreement' (but does not explicitly refer to discipline'. • 2012 Procedure and guidance for recording of complaints and allegations against foster carers (update of 2007 policy) - states 'The allegation will usually be about a specific harmful action but sometimes there may be a cluster of concerns or complaints, which indicate that some aspect of the carer's practice, attitude, discipline or standard of physical care is harmful' (although no explicit reference to record keeping is made). 	
vii)	Responding to requests from former children in foster care for information/records	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. East Lothian Council was established in 1996.	2006 Access to Personal Data - Policy

		<p>Open Access Policy 2006 states that: the Social Work Department has an obligation to respond to a formal request for access to information the Department holds on that person. East Lothian Children's Wellbeing has been committed to a policy of open access to personal data since January 1988. The policy, the principles of which are listed below, aims to develop practice and service by encouraging the sharing of information between service users, their families and Children's Wellbeing staff on a day-to-day basis. Principles</p> <ol style="list-style-type: none"> 1. Access to personal social work records is part of good practice in East Lothian Children's Wellbeing. Sharing information with service users should be normal rather than an exception brought about by service users wishing to exercise their rights. 2. Service users should have access to the same information as Children's Wellbeing staff, thereby understanding better, participating in and where necessary questioning and challenging decisions made on their behalf. 3. Children's Wellbeing and its staff must justify withholding any information recorded about the service user, rather than leaving it up to the service user to make the cases for access. <p>It is expected that most requests for personal information will be dealt with on an informal 'open access' basis. However Children's Wellbeing has an obligation to respond to a formal request ('subject access request') under the Data Protection Act 1998. East Lothian Council's Procedures for Handling Personal Data Requests will apply in such circumstances, processed by the Protection and Freedom of Information Officer in the Licensing, Administration and Democratic Services section. An informal request for information would be recorded in a case note on person's file.</p>	
viii)	Other issues relevant to foster care	There is nothing additional to be noted.	
e)	Who compiled the policies and/or procedures?	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. East Lothian Council was established in 1996 and since that time, the Service Manager and Team Leader Fostering and Adoption Team and Service Development Team developed any policies and procedures.	
f)	When were the policies and/or procedures put in place?	The policies and procedures that have been reviewed have been developed since the creation of East Lothian Council.	
g)	Do such policies and/or procedures remain in place?	Yes (although many have been reviewed and updated).	
h)	Were such policies and/or practices reviewed?	Yes.	
i)	If so, what was the reason for review?	To consider whether they still reflected latest legislation and good practice.	
j)	What substantive changes, if any, were made to the policies and/or procedures over time?	There were few really substantive <i>changes</i> to written policies and/or procedures during this time in relation to record keeping for foster carers. Rather, new procedures and guidance were written in response to developments nationally. For example, the introduction of national standards led to more expectations about written records; the Scottish Government Guidance called Managing Allegations Against Foster Carers and Approved Kinship Carers: How Agencies Should Respond (May 2013) led to the development of our own policy on the subject.	
k)	Why were changes made?	Changes to policies and/or procedures were made (and new policies and procedures were written) in response to changes in legislation practice. Examples of such legislation include: - The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002, which led to National Standards for foster care. - Looked after Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007 (in March 2011), with relevant national guidance.	

		<p>Other changes came about following the publication of national guidance either from Scottish Government or other bodies including:</p> <ul style="list-style-type: none"> - National Foster Care Association's 1999 National Standards for Fostering and Family Placement Services (incorporated into standards issued by Scottish Ministers in 2002 which were revised 2005 and 2011); - Getting it Right for Every Child: Guidance on Overnight Stays for Looked After and Accommodated Children (Jan 2008); - BEST PRACTICE GUIDANCE: RESPONDING TO ALLEGATIONS AGAINST FOSTER CARERS Interim guidance 2010; - Managing Allegations Against Foster Carers and Approved Kinship Carers: How Agencies Should Respond (May 2013); - National Guidance for Child Protection in Scotland (2014). 	
l)	Were changes documented?	<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>Following the establishment of East Lothian Council in 1996, changes were documented.</p>	
m)	Was there an audit trail?	<p>As there was no legal requirement to keep policies prior to the Public Records (Scotland) Act 2011, we do not have an official audit trail of policies/policy changes and are therefore only able to respond in relation to what we have been able to locate. Since then Policies and Procedures have been kept electronically, with versions which have been superseded being retained electronically.</p>	
	PRESENT		
n)	With reference to the present position, are the answers to any of the above questions different?	Yes.	

o)	If so, please give details.	<p>Since 2015 written supervision records of foster carer supervision are used in place of case notes to ensure greater consistency with carer supervision (although this is not written in a formal policy document). In relation to training we introduced a Foster Carer Learning Passport in 2015 and require that foster carers complete a minimum of 15 hours training every 2 years (5 of which can be self-directed learning). Guidance on the Learning passport document, contained within the passport, states that Foster Carers will record what they have learned from their development and learning in regards to their current or future placement and discuss this with their link worker on a quarterly basis. This will be recorded by their Supervising Social Worker and shared at their Foster Care Review as evidence of their completed 15 hours. We produced detailed guidance on Access to Personal Data in January 2015. In 2016 we produced detailed guidance on incidences of restraint (holding safely) including recording required by carers and social workers. In 2019 we produced guidance on how to record unannounced visits. We have also updated a number of our policies and procedures:</p> <ul style="list-style-type: none"> •2014 A practitioners Guide to information sharing, confidentiality & consent to support Children and Young People’s wellbeing (Edinburgh and the Lothians) • 2015 Staff Guidance notes on Social Work complaints procedure • 2015 Access to Personal Data •2017 Whistleblowing policy (2012 policy updated) •2017 Complaints Handling Procedure •2017 ELC Children's Services Policy and Guidance for Children and Young People's Records (2006 policy, updated 2007 and reviewed 2014). • 2019 Looked after & accommodated children who go missing (To ensure that record keeping is professional and is maintained through continuous communication with the service user. Recording must be up to date and present a full explanation of our work with and plans for the children and young people) • 2019 Unannounced visit guidance (including guidance on how to record unannounced visits). 	<p>2015 Agenda for Supervision Meeting; 2017 Carer Supervision Record; 2015 Foster Carer Development and Learning Passport; 2015 March Complaints - Staff Guidance notes on Social Work complaints procedure; 2015 Jan Access to Personal Data - Policy; 2016 Guidance on Reporting and Recording Incident of Restraint or Aggression towards carer; 2014 Oct A Practitioners Guide to information sharing, confidentiality & consent Edinburgh and Lothians; 2017 ELC Whistleblowing policy (2012 policy updated); 2017 Complaints Handling Procedure; 2017 ELC Children's Services Policy and Guidance for Children and Young People's Records (2006 policy, updated 2007 and reviewed 2014); 2019 March Looked after & accommodated children who go missing; 2019 June Unannounced visit guidance</p>
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ii)	Practice		
	PAST		
a)	Did the Local Authority adhere in practice to its policy/ procedures in relation to record keeping?	Whilst there may not be 100% adherence in all areas regarding record keeping, the local authority recognises where improvements can be made	
b)	Did the Local Authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?	<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. East Lothian Council was established in 1996.</p> <p>Past Practice: We only found evidence of checking adherence in 15% of files we reviewed.</p> <p>Current Practice: This had improved slightly to 20% for the current files we reviewed.</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:		
i)	Children 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. East Lothian Council was established in 1996.</p> <p>Past Practice: Our adherence to record keeping requirements can be seen by our answers (above) to previous questions about the level of adherence to policies and procedures in relation to children. All our responses were based on what was recorded in files. There was evidence that checking adherence had gone on in 31% of files, some more thoroughly than others.</p> <p>Current Practice: Checking adherence was done less frequently in the current files we looked at.</p>	

ii)	Foster carers	<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. East Lothian Council was established in 1996.</p> <p>Past Practice: We found adherence to record keeping on foster carers in 85% of cases. There was evidence of at least occasional checking on adherence in 65% of files we reviewed but these were not regular systematic checks.</p> <p>Current Practice: Adherence had risen to 90%. There was evidence of some checking of adherence in 88% files we read.</p>	
iii)	Visits to children and foster carers	<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. East Lothian Council was established in 1996.</p> <p>Past Practice: Our adherence in relation to visits has already been demonstrated in our responses to question 4.2. (ii) b) xiii when we stated: <i>"In 72% of the files we read where the child was accommodated on a full-time basis, we could see that the child's worker visited at least monthly in line with our procedures. In another 6% in the absence of a worker for the child, the carer's supervising social worker visited monthly and saw the child. A further 3% had one missing monthly visit. In another 3%, the child requested that they did not see their worker so frequently but the worker still visited the carer monthly. We found no evidence of at least monthly visits recorded in 16% of the files we read - these were all pre-2013."</i></p> <p>In relation to <i>checking</i> on adherence to visits, we saw evidence of checking adherence in only 17% of the files we read.</p> <p>Current Practice: Our adherence in relation to visits has already been demonstrated in our responses to question 4.2. (ii) b) xiii when we stated: <i>"We found an improved picture - 88% of children whose files we looked at were being visited in their placement on at least a monthly basis. In the</i></p>	

		<p><i>remaining 12%, the placement was very settled or there was a long-term hospital admission. (We have since addressed the issue with workers.)</i></p> <p>In relation to <i>checking</i> on adherence to visits, we saw increased evidence of this in our current practice with 33% adherence.</p>	
iv)	Complaints	<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. East Lothian Council was established in 1996.</p> <p>Past Practice: Whilst we adhered to our policy in the sense that we kept a record of more substantial complaints since 2004, on reviewing this document we realise that we need to improve the quality of the recording, and tighten up on ensuring that every complaint no matter how minor is recorded here.</p> <p>Current Practice: No difference.</p>	
v)	Investigations (both internal and external)	<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. East Lothian Council was established in 1996.</p> <p>Past Practice: Regarding internal investigations, whilst we adhered to our policy in the sense that we kept a record of more substantial complaints and allegations since 2004, on reviewing this document we realise that we need to improve the quality of the recording, as the brief notes on the subsequent investigations and outcomes were not always clear or complete. However, any larger investigations such as Initial or Significant Case Reviews were carried out by the Public Protection Office, who kept all relevant records. There have been no checks on adherence, as far as we are aware, in relation to recording either type of investigation.</p> <p>Current Practice: We found no difference.</p>	

vi)	Discipline	We are unable to respond to this question. We had no firm procedures on record keeping in relation to discipline before 2005, at which point we started asking carers to keep notes of this in their log books. Our practice has always been for these log books to be shredded either by the carers or the department, once a child leaves placement. However, discipline was an issue which would have been discussed in supervision with the carer's supervising social worker, and where relevant at the child and /or carer's reviews. This is still our current practice.	
vii)	Responding to requests from former children in foster care for information/records	<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. East Lothian Council was established in 1996.</p> <p>We are unable to answer this question about adherence or checking adherence, because our procedures contain no reference to how or what we must record in relation to responding to requests from former children in foster care for information / records. Our central Customer Feedback and FOI Team have, in practice, kept a log of requests detailing who has made requests and has registers going back to 2006. This holds details of the subject access requests and basic details such as the applicant's name, address, date request was received, date response due, date of response.</p>	<p>2006 DPA Request Log; 2007 DPA Request Log; 2008 DPA Request Log; 2009 DPA Request Log; 2010 DPA Request Log; 2011 DPA Request Log; 2012 DPA Request Log; 2013 DPA Request Log; 2014 DPA Request Log; 2015 DPA Request Log; 2016 DPA Request Log; 2017 DPA Request Log; 2018 DPA Request Log; 2019 DPA Request Log; 2020 DPA Request Log</p>
viii)	Other issues relevant to foster care	We are not aware of any other record-keeping issue in relation to foster care that we would wish to raise in relation to this response.	
d)	How was adherence demonstrated?	<p>Case file records included details of adherence and checking adherence to some of these issues where they occurred,</p> <p>We are unable to answer this question in relation to adherence or checking adherence in relation to responding to requests from former children in foster care for information / records, because our procedures contain no reference to how or what we must record in relation to this. However in relation to the other issues, case file records included details of adherence and checking adherence where they occurred.</p>	

e)	Were relevant records kept demonstrating adherence?	Yes	
f)	Have such records been retained?	Yes - apart from carers' logs referred to at our response to 4.9 (ii) c) iii above. In addition, any records relating to the processing of subject access requests (separate from the DPA Request Logs) are destroyed after three years in line with our Retention Schedule.	
g)	If policy/procedure was not adhered to in practice, why not?	We are unable to give a reason.	
h)	Did the Local Authority undertake any review or analysis of its records to establish what abuse of children cared for in foster care may have taken place?	Whilst the local authority did not undertake the review or analysis of all records to establish what abuse of children in foster care took place, they did review their records when serious allegations, such as those mentioned in Case A, were reported. This included a large scale investigation which took place in conjunction with the police.	
i)	If so, when did the reviews take place, what documentation is available, and what were the findings?	This review took place in receipt of allegations made in November 2009. The findings were documented in a Significant Case Review.	
j)	How have the outcomes of investigations been used to improve systems, learn lessons?	Following our internal Significant Case Review, there were a number of lessons learned. For example, we learned that we needed to be more systematic about gaining and hearing the views of children in foster care. We learned that our very occasional practice in longer-term placements of allocating the same worker to both the foster carer and the child was not something we should continue. We learned that we needed to start involving the carers' children, particularly if they were teenagers, in the safe-caring strategies developed for children placed with them. We learned that we had not been as aware as we could have been of the financial circumstances of the carer and whether or not carers were taking too much on financially. Our full response has been given in Part B at question 3.4 a) above.	
k)	What changes have been made?	Following our internal Significant Case Review, there were a number of changes made. For example, we started employing a Consumer Involvement	

		Officer to help us get better at gaining the views of the child or young person. We stopped our very occasional practice in longer-term placements of allocating the same worker to both the foster carer and the child. We started involving the carers' children, particularly if they were teenagers, in the safe-caring strategies developed for children placed with them. We are now more aware in our practice of the need to be aware of and address any issues in relation to the financial circumstances of the carer and explore whether or not carers are taking too much on financially.	
l)	How are these monitored?	We are not aware that these have been specifically monitored on an ongoing basis but we have reviewed what is currently happening in relation to the recommended changes and included this in our response to 3.4 a) above.	
m)	Did the Local Authority afford former children in care access to records relating to their time in foster care?	Yes - since at least 1988, we have operated an open access policy on an unwritten basis until there was a formal written policy in November 2006.	2008 Oct Access to Personal Data - Procedures
n)	If so, how was that facilitated?	The department's policy said "Access to personal social work records is part of good practice in East Lothian Children's Wellbeing. Sharing information with service users should be normal rather than an exception brought about by service users wishing to exercise their rights." When young people or adults made requests to see their files, this was dealt with internally by the department until the service was centralised around 2015. It was the practice to offer young people or adults support to read their redacted files, suggesting to them in writing that they could come into the office with a supporter if they wished, and use the help of a social worker on hand, to help explain anything they did not understand in their files. Alternatively, they could come to collect a hard copy of their file from the office, unless it was small enough to easily post out to them.	2008 Oct Access to Personal Data - Procedures
o)	If not, why not?	It would only not be facilitated if a young person or adult who had been formerly accommodated did not want that support.	
	PRESENT		

p)	With reference to the present position, are the answers to any of the above questions different?	Yes.	
q)	If so, please give details.	The Data Subject Access Request service was centralised around 2015. From that time, requests required a Data Subject Access Request form (available on our Council website) to be completed, which had the option to request to collect the data in person and at the same time go through it with the support of a member of East Lothian Council staff. On the implementation of the Data Protection Act 2018, it was no longer possible to ask people to complete a form. An unintended consequence of this was that the offer of support ceased to be made. We have recently take steps to rectify this situation and will be making the offer of support again.	
r)	Please provide details of the types of any records currently held relating to the children in foster care in respect of the following:	Please note that we found this question to be open to different interpretations. We have chosen to answer it on the basis that you are seeking details of the records on foster carers, the records on staff etc. who are currently involved with the children who are currently in foster care (aside from question vi).	
i)	Children in foster care	In relation to the children currently in foster care, Children's Services hold: 1) electronic records on MOSAIC forming the basis of the child's file, for example referrals, case notes, correspondence, chronologies, views of the child, assessments, reports, minutes, plans and so on; 2) there will be some information on the child in their foster carer's electronic file on MOSAIC (and any respite foster care's file), including within case notes, correspondence and review reports for example; 3) we also hold aggregated data about children in foster care, electronically. The relevant foster carer will have their own log book in relation to the child on placement, for as long as that placement continues. Other Council departments, for example Education, and schools will hold electronic records on their own systems (e.g. in the case of Education, SEEMIS system) about those children who are in foster care. They will also hold aggregated data.	

ii)	Staff with responsibilities for foster care	In relation to staff who have responsibility for foster care, our HR department holds staff records centrally on an electronic system, containing applications, references, contract information, PVGs, SSSC registration and disciplinary matters. Our Payroll keeps records of sick leave, maternity leave, special leave and so on. Individual managers keep supervision records and Personal Review and Development records often in paper form but sometimes electronically, which are also held in our Service Development Team.	
iii)	Foster carers	In relation to current foster carers, we hold electronic records (and occasionally paper records as well for carers approved some time ago) forming the foster carer's file, for example relating to their preparation, assessment and approval, and post-approval work such as supervision, training and ongoing review. Details of their PVG scheme membership are kept on an access database. Any complaints against them since 2004 would be logged in our Complaints Log. Records of any formal complaints which were handled by our central corporate team would be held by them too.	
iv)	Complaints	Within Children's Services, we have kept an electronic spreadsheet of complaints against foster carers, forming our Complaints Log, since 2004. The fuller details are held within case notes and documents. These include: details of initial complaint; record of internal discussions regarding this complaint; record of discussions with carers regarding complaint; record of discussions with/correspondence with complainant; details of outcome of investigation (including whether any impact on fostering registration); details of complaint in report for Fostering Panel; outcome from that Fostering Panel. Records of any formal complaints that were handled via our central corporate team would be held by them too.	
v)	Investigations (both internal and external)	Firstly, in relation to child protection investigations , we would expect to find records in both the child and carer's files. In the child's file, these would include a variety of records where relevant, for example case notes and correspondence, a record of the Inter-agency Referral Discussion, an Interim Safety Plan, views of the child, Child Protection Reports, Minutes and Plans. In the carer's file, these would include a variety of records where relevant,	

		<p>for example case notes and correspondence, reports for and minutes of any subsequent fostering panel.</p> <p>Secondly, in relation to Initial or Significant Case Reviews, there are electronic records held by our Public Protection Office including, where relevant: any discussions at the Child Protection Committee (or more recently, the Public Protection Committee) and any correspondence from the Lead Officer in relation to requests for reports from other agencies for the Committee, prior to deciding to carry out an Initial or Significant Case Review; the report of the Review itself and any subsequent review of the report.</p>	
vi)	Responding to requests from former children in foster care for information/ records	<p>Since 2006, we have kept centralised annual logs in electronic form of all requests under Data Protection legislation for information or records, including those from former children in foster care.</p> <p>Before 2006, there was no formal centralised record of any such requests.</p>	<p>2006 DPA Request Log; 2007 DPA Request Log; 2008 DPA Request Log; 2009 DPA Request Log; 2010 DPA Request Log; 2011 DPA Request Log; 2012 DPA Request Log; 2013 DPA Request Log; 2014 DPA Request Log; 2015 DPA Request Log; 2016 DPA Request Log; 2017 DPA Request Log; 2018 DPA Request Log; 2019 DPA Request Log; 2020 DPA Request Log</p>

East Lothian Council

Section 21 Request – Foster Care Case Study – Part D

	Question	Response	Supporting Documentation
Part D	Abuse and Response		
5	Abuse		
5.1	Nature		
a)	What was the nature of abuse and/or alleged abuse of children in foster care, for example, sexual abuse, physical abuse, emotional abuse?	We are aware of physical abuse, sexual abuse, emotional abuse and neglect.	
5.2	Extent		
a)	What is the local authority's assessment of the scale and extent of abuse of children in foster care?	From 2004 onwards, we are aware of one fostering household where there was sexual abuse of siblings by their foster carers' son; the physical abuse of one of those siblings by one of their carers; the further sexual abuse by that son of two other children who had lived with those carers in previous years. In a second fostering household, we are aware of the sexual abuse of a child by the carers' non-resident nephew who was a child with a learning disability. In a third fostering household, we are aware of physical abuse against three children.	2004 – 2018 Record of Allegations, Complaints, Incidents
b)	What is the basis of that assessment?	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. Between 1996 -2004, no records of complaints have been held. We have a log of complaints, held in paper form, in relation to foster care from 2004 to date.	2004 – 2018 Record of Allegations, Complaints, Incidents

c)	How many complaints have been made in relation to alleged abuse of children in foster care?	From our analysis of our Complaints Log starting in 2004, we are aware of 35 complaints in relation to alleged abuse of children in foster care - see response to 5.9.	2004 – 2018 Record of Allegations, Complaints, Incidents
d)	Against how many foster carers have the complaints referred to at (c) above been made?	20 foster carers (in 16 fostering households).	
e)	How many foster carers have been convicted of, or admitted to, abuse of children?	In the period 1996 – 2014, no foster carers were convicted of abuse of children. One foster carer was charged with offences but the case was dropped on the day of the trial. The foster carer was deregistered.	
f)	How many foster carers have been found by the local authority to have abused children?	Three foster carers - two from one household and one from another. One further carer was deemed to have acted in a manner that was considered to be inappropriate and verging on abusive, but without the intent to abuse and we do not therefore consider this foster carer as an abuser of children.	
g)	Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?	Three family members – two from one household and one from another.	
h)	How many family members of foster carers have been convicted of, or admitted to abuse of children?	In the period 1996 - 2014 one family member was convicted of abuse of children. One family member of separate family (who was also a child) admitted to the abuse of a child in foster care.	
i)	How many family members of foster carers have been found by the local authority to have abused children?	We consider that two family members of separate foster carers abused children. These are the same two referred to at h) above.	

j)	Against how many other children placed in foster care in the same placement have complaints been made in relation to the alleged abuse of children?	None.	
k)	How many other children placed in foster care in the same placement have been convicted of, or admitted to abuse of children?	None.	
l)	How many other children placed in foster care in the same placement have been found by the local authority to have abused children?	None.	
5.3	Timing of Disclosure/ Complaint		
a)	When were disclosures and complaints of abuse and/or alleged abuse of children in foster care made to the local authority?	All of the details of the timings of the 35 allegations of abuse can be found in Appendix 1 attached to Part D relating to question 5.9, at answers c) and f) in each of the 35 tables . They consist of: 2002 - one allegation of abuse 2003 - one allegation of abuse 2005 - one allegation of abuse 2006 - eight allegations of abuse 2007 - five allegations of abuse 2008 - one allegation of abuse 2009 - seven allegations of abuse 2010 - two allegations of abuse 2011 - two allegations of abuse 2012 - four allegations of abuse 2013 - one allegation of abuse	

		2014 - two allegations of abuse	
b)	To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?	Of the 35 allegations of abuse, around two thirds were made reasonably recently after the alleged abuse i.e. while the child was still with those carers although some were up to a few months after the alleged events particularly if neglect was alleged.	
c)	To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?	Around one third of complaints were made after a child had left the carers, and tended to be at least a year after the alleged abuse. This figure may be artificially high because of a police investigation which sought out young people who had been accommodated in previous years with a caring household now known to have abused children.	
d)	Are there any patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse?	Our numbers are small so we cannot make too many generalisations. However, we can see that: 1) allegations of one-off incidents of physical abuse were generally reported on the day or within 24 hours; 2) allegations of neglect were generally made in the course of a placement after about two to three months; 3)allegations or disclosures of more prolonged physical abuse, and sexual abuse were generally only made after the child or young person had moved on to another carer, if they grew to trust them, and the disclosures were made to those new carers, after trust had built up. The exceptions to that were a) the disclosures made to Police in the course of an interview by young people traced as part of a larger investigation into possible historical abuse by their previous carers b) the disclosures made by young children to their current foster carer of an incident that had just happened involving people not living within the fostering household.	
5.4	External Inspections		
a)	What external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children?	<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>While the Fostering Service has been regularly inspected by the Care Commission (in 2006, 2007, 2008 and 2009) and by the Care Inspectorate (in</p>	

		2009,2012,2013,2015 2017, 2019) we have not had any specific external inspections which focussed solely on issues relating to abuse and/or alleged abuse of children.	
	For each such external inspection please answer the following:		
b)	Who conducted the inspection?	Not applicable	
c)	Why was the inspection conducted?	Not applicable	
d)	When was the inspection conducted?	Not applicable	
e)	What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?	Not applicable	
f)	What was the local authority's response to the inspection and its outcome?	Not applicable	
g)	Were recommendations made following the inspection?	Not applicable	
h)	If so, what were the recommendations and were they implemented?	Not applicable	
i)	If recommendations were not implemented, why not?	Not applicable	

5.5	External investigations		
a)	What external investigations have been conducted relating to children in foster care which have considered issues relating to abuse and/or alleged abuse of children?	While we have had an internal Significant Case Review which was externally validated by review, we have not had any external investigations.	
	For each such external investigation please answer the following:		
b)	Who conducted the investigation?	Not applicable	
c)	Why was the investigation conducted?	Not applicable	
d)	When was the investigation conducted?	Not applicable	
e)	What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?	Not applicable	
f)	What was the local authority's response to the investigation and its outcome?	Not applicable	
g)	Were recommendations made following the investigation?	Not applicable	

h)	If so, what were the recommendations and were they implemented?	Not applicable	
i)	If recommendations were not implemented, why not?	Not applicable	
5.6	Response to External Inspections/Investigations		
a)	What was the local authority's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?	<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>Following the establishment of East Lothian Council in 1996, there was no local authority-specific procedures or processes but rather we followed the interim National Guidance for Child Protection Committees in relation to undertaking Significant Case Reviews (SCRs) published in 2007 (no longer available on the Scottish Government archived webpages. We have no paper copy.) This was updated in 2015. This 2007 National Guidance did not discriminate between children abused (or alleged to have been abused) at home from those abused in foster care. Where a child had sustained significant harm or risk of significant harm and the incident or accumulation of incidents (a case) gives rise to serious concerns about professional and/or service involvement or lack of involvement, and the relevant Child Protection Committee determines that there may be learning to be gained through conducting a Significant Case Review, this was one criteria for holding an SCR. There was an option to use people completely external to the Child Protection Committee – an external review. The only specific reference to an accommodated child was not specific to foster care: it made reference to requiring an SCR in the event of a child dying while being looked after, receiving after care or continuing care from the local authority and where the incident or accumulation of incidents gives rise to significant/serious concerns about professional and/or service involvement or lack of</p>	2007 Scot Exec Interim Guidance for Child Protection Committees on SCRs

		involvement (with no mention of the possibility of there being learning from an SCR.).	
b)	What was the local authority's procedure/process for responding to the outcomes of such external inspections and/or investigations?	<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>Following the establishment of East Lothian Council in 1996, the responsibility for responding to any recommendations would have rested with the Child Protection Committee but we expected to fully implement any recommendation made by an external inspection or investigation which related to our service.</p>	
c)	What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?	<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>Following the establishment of East Lothian Council in 1996, the responsibility for implementing any recommendations would have rested with the Child Protection Committee but in line with National Guidance, we would have expected not just to implement recommendations including updating any guidance and procedures, but to help disseminate any learning from the SCR.</p>	
5.7	Impact		
a)	What is known about the impact of abuse on those children in foster care who were abused, or alleged to have been abused?	<p>Please note we understand questions a) - d) to refer to those children who, after having investigated the matter, the local authority considered had been abused (irrespective of whether a successful criminal prosecution resulted), and not people who made an allegation that the local authority investigated and deemed to have been unfounded.</p> <p>Please note we understand questions a) - d) to refer to those children who, after having investigated the matter, the local authority considered had been</p>	

		<p>abused (irrespective of whether a successful criminal prosecution resulted), and not people who made an allegation that the local authority investigated and deemed to have been unfounded.</p> <p>In relation to defining the impact of abuse, while there may be a few obvious correlations which can be surmised between specific abuse experienced and subsequent anxieties, fears or difficulties experienced by the young person, it is not a simple task to untangle the impact of abuse from the impact of other life events, given the complex family backgrounds and life experiences of many of these children before they were accommodated. These will continue to have an impact, and indeed are often added to by other difficult or even traumatic events involving family members, during their time of accommodation as well as afterwards as they grow into young adults.</p> <p>Therefore, while we have many perceptions about the impact of this specific abuse, we are limiting our response, as requested, to what is "known" rather than what we perceive or surmise i.e. only what has been told to us in relation to these young people about specific changes directly linked by the young persons themselves to abuse, namely difficulties sleeping or being in the dark.</p>	
b)	Where does the local authority's knowledge/ assessment of that impact come from?	<p>East Lothian Council's Through Care Aftercare (TAC) team, now known as the 15+ team, supported all of these young people, referred to in our response to Question 5.2 a) above, through the transition into adult life and provided support in dealing with the emotional challenges they faced. This support lasted up until the age of 21 in line with legislation at the time, though some cases received support beyond this age. The exception to this is one young person who has a disability, and they were supported by Adult Services.</p> <p>Therefore the response has not just come from our analysis of the case records that we hold (paper files and electronic records) in relation to the specific children who were considered to have been abused in foster care. If they were still being supported by us, or were until a few years ago, we also asked for their workers' direct knowledge of the children and their recent or current circumstances. They told us what they perceived, which was much broader, but we have limited our response at b) above to what was "known".</p>	

c)	What is known about the impact of abuse on the families of those children in foster care who were abused, or alleged to have been abused?	As the files of the children who were abused, or alleged to have been abused, focus on the children and work done with the children, we do not feel we are able to answer this question with any degree of certainty. Where there is an occasional reference to birth family members' situations in the children's files it is not clear to what extent this can be attributed to the impact of abuse, as in many cases, the birth family situations were complex and chaotic prior to the disclosures of abuse.	
d)	Where does the local authority's knowledge/ assessment of that impact come from?	From our analysis of the case records that we hold (paper files and electronic records).	
5.11	Criminal Injuries Compensation Awards		
a)	Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?	Yes	
b)	If so, please provide details if known.	We are aware of two young people successfully claiming Criminal Injuries Compensation. There was one award of £16,500 and one of £5,610.00. We are aware of starting to support another three young people to make a claim but we do not have any evidence they actually managed to make a claim. All five of these young people were abused in the same fostering household.	