

BASIS OF SUBMISSION

This submission is based on a review of 191 children's records held by East Renfrewshire and Glasgow City Archives. This includes all existing records attributed to East Renfrewshire regarding children who had been in foster care prior to 2000 and over half of the children's records from 2000 to date. The earliest period of care identified for review was 1964. Many of the identified records from the 60s, 70s and 80s were incomplete.

Any information earlier than 1964 has been drawn from sampling of the County of Renfrew Public Assistance Committee minutes 1935/6 and County of Renfrew Children's Committee minutes 1948 – 63 held by Glasgow City Archives.

All information relating to policies, procedures and strategic direction prior to 1996 has been sourced from Glasgow City Archives.

Part A - Background

1. Characteristics

1.1 History of the Local Authority

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

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

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

The following note delineates the institutional history of the area now defined as East Renfrewshire, with particular regard to the definition of the body with responsibility for foster care.

1930 – 1974 Renfrew County

Before local government re-organisation in 1974 present-day East Renfrewshire was part of the County of Renfrew, established in 1889. The County had a wide range of statutory responsibilities, somewhat parallel to the modern unitary authorities.

In 1930 a new system of administration was developed with a second tier of "Districts" established in the County. The First District Council covered Eastwood, Eaglesham, Mearns and into part of what is now Glasgow; the 2nd District covered the area around Barrhead, Neilston, etc.

The only other significant local authority within the area in this period was the Burgh of Barrhead. Larger Burghs had powers similar to the Counties but Barrhead, being a “Small Burgh”, was more limited in its range of responsibilities.

1975 – 1995 Strathclyde Region

The Local Government (Scotland) Act 1973 unframed the patchwork of prior local authorities, and mainland Scotland was divided into a two tier arrangement of Regions and Districts. Barrhead, Neilston, Uplawmoor and surrounding areas were part of Renfrew District, while the remainder of present-day East Renfrewshire formed Eastwood District.

The entire area, along with greater Glasgow, was part of Strathclyde Region. For certain functions, the Region was divided into “sub-regions”; the area of East Renfrewshire was then part of the Renfrew sub-region.

1996 – Date East Renfrewshire Council

The most recent reorganisation established the present system of local authorities under the Local Government (Scotland) Act 1994.

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

The responsibility for the provision of foster care throughout the period under consideration reflects the changing nature of local government.

1930 - 1974: County of Renfrew
1974 - 1996: Strathclyde Region
1996 - date: East Renfrewshire Council

We have no East Renfrewshire records which can accurately confirm during the relevant period when and how the local authority became responsible for the provision of foster care. We note that the 1908 Act as referred to in Norrie 2017 (page 10)¹ enabled the state to commit a child to “the care of a fit person” where a specified offence had been committed against them by their parent.

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

1930 – 1974 Renfrew County

Information held within Glasgow City Archives indicates that during this period, the local authority was involved both in the provision of foster care for children who could not be cared for within their family and in the provision of support (including financial) to those family members who had taken on care of children. During this period the term “foster care” was not referred to, children in foster care were considered as being boarded out by virtue of the legislation.

¹ Norrie, K (2017) Legislative Background to the Treatment of Children and Young People Living Apart from their Parents

1975 – 1995 Strathclyde Region

Strathclyde Region continued to be involved both in the provision of foster care for children who could not be cared for within their family and in the provision of support (including financial) to those family members who had taken on care of children. During this period there was a move away from the terminology of boarding out and children were more routinely referred to as being placed in foster care.

Information from Glasgow City Archives indicates that Strathclyde Region's stated prime objective in 1975 was to tackle the problems of multiple deprivation and central to this was child-care. A key priority was foster care.

In 1975 the Director of Social Work set out his report on Fostering Care and laid down priorities for achieving a good fostering service which included:

- Providing adequate support for foster care including supervision by social workers; group support; provision of factual information for foster-parents; back-up services; financial support
- Encouraging recruitment of all types of foster- parent
- Identify the needs for foster care
- Dealing with limitations, including inadequacy of social work staff resources; recruiting sufficient numbers of suitable foster-parents

A regional Child Care Resources Team was established, with a main focus on children in residential care or boarded-out. A 'Member/Officer' report on Child Care (1978) considered the methods by which children in care were assessed as eligible for substitute family care and examined arrangements for the recruitment, assessment, support and deployment of foster parents.

A new strategy 'Home or Away': Residential Child Care for the Eighties' emphasised the rights of children 'to the best possible quality of care. This included a 'Homefinding' strategy which was based on the right of all children to family life – if not in their own family then with another.

It also included the concept of an individual care plan.

The Home and Away strategy was followed by supporting and implementation plans.

These included:

- Guidelines for the long-term planning of children in care, 1986
- Young People in Trouble: Report by the Directors of Education, Social Work and Reporter to the Children's Panel, April 1988
- Charter of Rights for Children, 1988s, with clear procedural and practice guidelines and training for staff on their implication
- Current Issues in Child Protection – report by the Director of Social Work, 1 April 1993
- Child Care Strategies and Priorities – report by the Director of Social Work, 3 March 1993
- Inspection of Social Work Services – Joint report by Chief Executive and Director of Social Work, June 1993

1996 – Date East Renfrewshire Council

East Renfrewshire has continued to provide foster care for children who are unable to remain within their families.

During this period the provision of foster care became a regulated care service, separate from the care provided to children by family members. Whilst there remained provision of support (where appropriate) to enable children to remain within their families, unrelated care provision became subject to higher levels of assessment and scrutiny.

East Renfrewshire became a registered foster care provider in December 2005. At this time the stated aim of the service was to recruit, assess, prepare and support a range of foster carers to meet the needs of children who require such a resource. At the time of the first inspection by the Care Commission in 2006, the service had 15 foster carers and four external providers were commissioned to provide additional placements.

Competency based assessments continue to be used to assess the suitability of prospective foster carers.

Where the need for a foster placement cannot be met within the internal service provision, a placement is sought and purchased from an external registered care service.

1.2 Funding of Foster Care

Past

a) How were the local authority's operations and activities, so far as relating to the provision of foster care, funded?

Foster care was and continues to be funded by the local authority from the local government settlement, currently known as the Scottish Government Revenue Support Grant. Renfrew County Council Children's Committee minutes dated 19/07/49 highlighted the approval of a scale of allowances being provided to foster carers for children in their care.

Committee minutes and review of historic children's records (earliest 1964) has identified that, historically, parents were expected at times to make a financial contribution for their child's care. It is not clear from available records how this was determined.

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

1930 – 1974 Renfrew County

We have been unable to locate any records to determine whether funding was provided to other organisations for the purpose of foster care during this period.

1975-1995 Strathclyde Region

Information provided by Glasgow City Archives indicates that in April 1976 the Social Work Committee of Strathclyde Region approved recommendations of the Convention of Scottish Local Authorities (COSLA) regarding supervision of children placed in other regions. Due to the lack of staff resources, it is noted that many authorities were unable at that time to

accept responsibility for supervision of Strathclyde Region children in their area. The Western Isles Council offered to do it for a fee of £100 a year and similar arrangements were to be made with other receiving authorities when they were in a position to accept responsibilities.

A 1985 report on the Emergency Foster Care Scheme records that Strathclyde Region spent £360,000 of the Fostering Budget on Special Fostering Placements with voluntary bodies.

1996 – Date East Renfrewshire Council

For most part, East Renfrewshire has sought to place children with their own carers rather than external providers. Where external provision has been commissioned with corresponding service level agreements with providers, this has been on the basis of individual purchased placements and based on the needs of the child. A 2006 Care Commission inspection report highlighted that the East Renfrewshire service struggled with capacity for adolescents and sibling groups.

c) If funding was provided by the local authority to other organisations for the provision of foster care, to whom was it provided, when was it provided and what criteria were applicable to its provision?

1930 – 1974 Renfrew County

No records have been located.

1975-1995 Strathclyde Region

Information from Glasgow City Archives indicates that in April 1976 the Social Work Committee of Strathclyde Region approved recommendations of COSLA regarding supervision of children placed mainly with other regional authorities. It was agreed that Strathclyde Region would continue to be responsible for fostering allowances for children placed outwith their area, paying it either directly or on an agency basis per the receiving authority.

The arrangements for supervision were that:

- the receiving authority should accept responsibility for the effective supervision of children received within their area
- social workers from both care and receiving authorities should meet at least annually to review the progress of the child and continually plan for his/her long-term future; and should exchange quarterly reports to cover the development and wellbeing of the child and the changing circumstance of his/her own home situation

1996 – Date East Renfrewshire Council

Only partial financial records exist for this period, the earliest being 2005. A review of records from this time indicates that, where it was necessary to provide a child with a foster placement and that need could not be met within the existing service provision, individual placements were and continue to be commissioned from external registered foster care providers. This has included purchases at various times from the following registered services:

- Swiss
- Fostercare Associates
- Fosterplus

- National Fostering Agency
- NCH
- Fostering Relations
- Barnardos
- TACT
- Care Visions
- Action for Children
- Kibble

In order to commission a placement, the service has to be a registered foster care service, subject to the same level of monitoring, scrutiny and inspection as the internal provision. In the last decade, a fostering framework has been created in Scotland. Facilitated by Scotland Excel, this framework enables local authorities to purchase fostering placements from independent and voluntary providers where necessary. This aims to support consistency of standards, compliance with 2009 regulations and increased financial transparency.

- d) To what extent was financial state support available to foster carers? How were foster carers made aware of that state support? How was that state support accessed by foster carers (e.g. directly or via the local authority)?**

We are not aware of any specific state support provided to foster carers.

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

1930 – 1974 Renfrew County

Records from the Renfrew County Public Assistance Committee and later Children's Committee appear to indicate that allowances were paid by the County to foster carers for children in their care. A review of available children's records (earliest 1964) highlighted financial records indicating payment of allowances for children.

Renfrew County Children's Committee minutes dated 19/07/49 highlighted the approval of a scale of allowances being provided to foster carers for children in their care. The allowance was for the children's maintenance, clothing and pocket money. It was agreed that special cases would continue to be remitted to the Committee for consideration. Other records indicate agreement for particular purchases including music lessons and additional clothing.

1975-1995 Strathclyde Region

Allowances continued to be paid to foster carers for children in their care. Information from Glasgow City Archives indicates that a 1976 foster care handbook stated that foster parents have the right to a weekly maintenance allowance for children in their care, and other financial help to minimise out of pocket expenses. The child's social worker explained the procedure for receiving extra help where appropriate. There was also provision for enhanced allowance for special circumstances and discretionary payments. Allowances to which foster parents have a right included payment for school uniforms, extraordinary travelling expenses for attending a hospital and allowances which help the child develop any special interests or talent.

Other grants included Christmas; birthdays, holiday grant, also other costs; travel to hospital;

provision of tools for work; playgroup fees, sports or youth club.

Foster guidelines 1985/6 confirmed details of allowances:

- standard fostering allowances are all inclusive, and as well as maintenance, they include a sum for clothing, holidays, birthdays and Christmas expenditure
- enhanced allowances, Director of Social Work has authority to pay up to double the weekly fostering allowance for children with special needs
- discretionary allowances for special purchases, e.g. music lessons or instruments, dancing lessons, horse riding club uniforms (e.g. Girl guides)

1996 – Date East Renfrewshire Council

East Renfrewshire have continued to provide allowances to foster carers for children in their care. Additional payments are made including for travel reimbursement, Christmas, holidays and birthdays. There remains the facility for discretionary payments based on assessed need.

For foster carers looking after children unrelated to them and subject to the conditions of a regulated care service, a skills fee is provided to the carer as well as an allowance for the child's care.

For children cared for within their birth families (now known as kinship care), the financial support remains focused on the allowances for the child's care. This continues to attract additional payments where applicable.

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

Foster care was and continues to be funded by the local authority from the local government settlement, currently known as the Scottish Government Revenue Support Grant. Renfrew County Council Children's Committee minutes dated 19/07/49 highlighted the approval of a scale of allowances being provided to foster carers for children in their care. Later records appear to indicate the continuing existence of an allowance scheme to date. Earliest records appear to show this being agreed at Committee. However, in later decades the application of criteria appears to have been held by the social worker, senior social worker and senior manager within the management structure.

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

Minutes from the Public Assistance Committee and the later Children's Committee both show examples of individual cases for assistance being discussed. Our review of children's records highlights situations where family members caring for children, dependent on their own knowledge and having an awareness of availability, approached the local authority for financial assistance. Some records also showed discussion between officers (later social workers) and foster carers.

In Strathclyde Region, information from Glasgow City Archives indicates that foster carers were made aware of financial support through: application/recruitment processes; publicity campaigns; foster care handbook. A leaflet on fostering allowances scheme was sent out

at every change.

Within East Renfrewshire, foster carers are made aware of financial support at recruitment stage. Foster carers also regularly meet with their supervising social worker and the wider service and managers where they are made aware of any current issues. The foster carer automatically receives payments when a child is placed and their placement is recorded on the social work information system. The supervising social worker is responsible for making the professional argument for any additional discretionary payments, which is then authorised by the appropriate manager.

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

Records indicate that throughout the period, foster carers have been able to access discretionary funding, including for music lessons and additional clothing.

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

Records indicate that throughout the period, there has been in place an allowance scheme, which although subject to change over the decades, has appeared to have always allowed for additional discretionary support based on need.

Within Strathclyde Region, the trend was to support recommended COSLA funding levels. In recent years, local authorities have made individual decisions regarding foster care allowances and fees, mainly as a consequence of demand and supply within a “market” that has attracted independent sector providers who have paid more attractive fees. The Scottish Government has made some attempt to discuss the possibility of a national fostering allowance.

Within East Renfrewshire, fostering allowances are benchmarked against the Fostering Network recommendations and have consistently adhered to this.

j) If not, why not?

Not applicable.

Present

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

l) If so, please give details.

Up to date information has been reflected in responses a) to i) where appropriate.

1.3 Legal Status

(i) Local authority

Past

a) **What was the legal basis which authorised or enabled the local authority to become responsible for the provision of foster care for children in Scotland?**

Whilst the terms of the Children and Young Persons (Scotland) Act 1932 (as reinforced by the Children and Young Persons (Scotland) Act 1937) established that children could be committed to the care of education authorities (as a "fit person") from the juvenile Court and it in turn required to board out children with private families, the initial consolidated control of fostering by local authorities came with the Children Act 1948. This transferred the functions then exercisable in this area by the poor law authorities, education authorities and health authorities to the Children's Care Committee of the relevant local authority.

From that time to present date the legal basis was as follows:-

- The Children Act 1948 created a statutory requirement that boarding out with foster carers should be considered for a child before residential care. The 1948 Act contained a power for the Secretary of State to make Regulations relating to the boarding out of children. This was done with the Children (Boarding Out) Etc. (Scotland) Regulations 1947 and then the Boarding Out of Children (Scotland) Regulations 1959.
- The 1948 Act was replaced by the Social Work (Scotland) Act 1968. Section 21 of the Act empowered the local authority to board out children in care. The Boarding Out of Children (Scotland) Regulations 1959 were replaced by the Boarding Out and Fostering of Children (Scotland) Regulations 1985. These were repealed on 31 March 1997.
- In relation to child care social work functions, the Social Work (Scotland) Act 1968 was replaced by the Children (Scotland) Act 1995 which came into force on 1 April 1997. Section 26 of the 1995 Act sets out the manner in which a local authority can provide accommodation for a looked after child. This was supplemented by a range of secondary legislation (the Arrangements to Look After Children (Scotland) Regulations 1996 and the Fostering of Children (Scotland) Regulations 1996) which set out the legal requirements which a local authority had to comply with in relation to ensuring the welfare of looked after children, the boarding out of children and the approval of foster carers. These regulations have since been repealed and replaced with the Looked After Children (Scotland) Regulations 2009

b) **Did that legal basis require the local authority to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.**

The 1948 Act obliged local authorities to receive certain children into their care (lost or abandoned or whose parents were prevented from caring for them) if it was considered necessary in the interests of the child's welfare. Once the child was in its care, the authority

required to keep the child in care so long as his/her welfare required it or until child turned 18 or until the parent requested the child's return (assuming return was consistent with that welfare). The Council also had a duty to further the child's best interests and afford an opportunity for the proper development of character and abilities (1948 Act, s12). As noted above, in terms of s13(1) of the 1948 Act, boarding out with carers was the statutory preference unless it was not practicable or desirable. Regulation making power to ensure the welfare of children boarded out was given to the Secretary of State in terms of s14.

Prior to the Act, the Children and Young Persons (Scotland) Care and Training Regulations 1933 had prescribed a list of those with whom a child could not be boarded out and further regulation had been introduced by the Children (Boarding-out etc) (Scotland) Regulations 1947 which required proactive vetting and oversight of placements. The Care and Training Regulations required a visit to a boarded out child every 3 months – the 1948 Act reduced this frequency to every 6 months.

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

Pre 1948, maintenance liabilities lay with the carer as did parental rights and powers and there was no explicit statutory reference to continuing local authority care responsibilities or duties. Authorities had duties to comply with rules in the boarding out process in terms of the 1933 Care and Training regulations. The 1948 Act introduced an ongoing duty of care on the Council to any child kept in their care.

Present

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

The statutory framework has changed significantly since 1930. The detail of the regulatory requirements on the authority differ significantly from that in place in 1948 but authorities remain obliged to further the child's best interests in any decision they make relative to him/her (i.e. safeguard and promote their welfare).

e) If so, please give details.

The Children (Scotland) Act 1995 came into force on 1 April 1997. This essentially replaced the statutory provisions of the 1968 Act in so far as they related to children. The participation of the child in any decisions relative to them and the duty to have regard to their views (taking account of age and maturity) is a fundamental change from the original legal backdrop to fostering and indeed other childcare processes.

The Act also imposed general duties on local authorities in respect of looked after children (which encompasses fostered children) which remain in force today. – these general duties are supplemented by more detailed regulation regarding fostering placements specifically in terms of the Looked After Children (Sc) Regulations 2009.

Although the provisions of the 1995 Act relating to Children's Hearings and emergency protection have been replaced by the Children's Hearings (Scotland) Act 2011, section 26

of the 1995 Act still provides the legal basis for a local authority to provide accommodation in foster care for children who are looked after. There is no longer a boarding out preference as there was in the 1948 Act, rather options to be assessed as appropriate (or not) in any particular case by the Panel.

For all looked after children, there is a legislative framework which sets out the local authority's duties and the steps which a local authority must take to safeguard their welfare. The Looked After Children (Scotland) Regulations 2009 set out the framework for care planning for looked after children. There is also a statutory framework for the review of plans for looked after children. This includes fostered children subject to Compulsory Supervision Orders under the Children's Hearings (Scotland) Act 2011. In those cases, the Children's Hearing has an ongoing role in reviewing the plans and making decisions about the need for ongoing compulsory supervision and associated conditions (which may include conditions relating to the residence of the child).

The Adoption and Children (Scotland) Act 2007 came into force on 28 September 2009. Under this Act, new Regulations were passed in relation to the legal framework to support looked after children and address the assessment and approval of both foster carers and kinship carers. The Arrangements to Look After Children (Scotland) Regulations 1996 and the Fostering of Children (Scotland) Regulations 1996 were repealed and replaced with the Looked After Children (Scotland) Regulations 2009 as of 28 September 2009.

Fostering Services now also require to be registered with the Care Inspectorate and are subject to the regulatory regime set out in the Public Service Reform (Scotland) Act 2010.

(ii) Foster carers

Past

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

Those who effectively fulfilled a comparable role to what is today known as foster carer were originally defined in legislation as "fit persons" under the Children Act 1908 with whom children could be placed by the Juvenile Court. The first statutory reference to foster carers appears in the Children and Young Persons (Scotland) Care and Training Regulations, 1933. Foster parents and foster carers were thereafter variously defined in regulations as outlined below.

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

Initially, it was the Education Authority in terms of the 1932 and 1937 Acts who would classify carers as fit persons to undertake care of children. What constituted a fit person was not however defined and it was left to the education authority to make this decision. The relevant regulations, The Children and Young Persons (Scotland) Care and Training Regulations, 1933, defined foster parents as "persons...willing and fitted to undertake the care of boys and girls" and it was this definition which formed the basis for identification of carers as foster parents by the authority. Certain categories of people were excluded from those allowed to foster e.g. those convicted of offences rendering them unfit to be foster carers, those in receipt of poor relief and those living in licensed premises amongst others. It is understood that provided a prospective carer did not fall

within one of the exclusions they were considered to be fit to undertake the task as per the definition in the regulations. There were also limits on the number of foster children in any one placement.

The Children (Boarding-out etc) (Scotland) Rules and Regulations, revoked part of the 1933 regulations and redefined "foster parent" as meaning "a husband and wife, or a woman, with whom a child is boarded-out by a local authority." The regulations also required the authority to satisfy themselves that any proposed carer was of good character and was in all respects fit to look after the health, education and general well-being of children.

Subsequent Acts and regulations in this field have further developed and amended the definition of fostering, foster parent and foster carer:-

- Boarding out and Fostering of Children (Scotland) Regulations 1985
- The Fostering of Children (Scotland) Regulations 1996
- The Looked after Children (Scotland) Regulations 2009

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

The statutory framework has changed significantly since 1930. Foster care was at various times throughout this period enabled under the following primary legislation

- 1930 – 48 Children Act 1908 and thereafter the Children and Young Persons (Sc) Acts 1932 and 37
- 1948 – 68 – Children Act 1948
- 1968 – 95 – Social Work (Sc) Act 1968
- 1995 – present – Children (Sc) Act 1995

d) Did that legal basis require a foster carer to meet, or fulfil, any legal and/or regulatory requirements in respect of children in his or her care? If so, please give details.

Various regulations made under the above parent Acts set particular requirements on foster carers during the period 1930 to present.

The Children and Young Persons (Scotland) Care and Training Regulations, 1933 stated:-
"The foster carers shall be required to:

give boys and girls the care and attention necessary for their proper training in habits of punctuality and thrift, of good manners and language, of cleanliness and neatness, of cheerful obedience to duty, of consideration and respect for others, and of honour and truthfulness to word and act, notify the Education Authority of any material facts regarding the boys and girls (e.g. illness, accident) and endeavour, in conjunction with the Education Authority, to find employment for the boys and girls when they leave school".

The *Children (Boarding-out etc) (Scotland) Regulations 1947* required foster carers to bring up a child as one of their own and devote the care which good parents gave to their own children. Principles were outlined (in the schedule to the regulations) in respect of a number of aspects of care (including food, clothing, sleeping arrangements, discipline etc) to support this requirement.

The Fostering of Children (Sc) Regulations 1996 imposed obligations on carers not to administer corporal punishment, to maintain confidentiality, to care for a placed child in a safe and appropriate manner and as if a child of their own family and to promote his or her welfare with regard to the authority's immediate and long term arrangements for the child.

The Looked After Children (Scotland) Regulations 2009 restate these obligations as constituent parts of the foster carer agreement.

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

Yes

Present

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

No

g) If so, please give details.

1.4 Legal Responsibility

(i) Local authority Past

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

Yes

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

This varied throughout the legislative history of foster care although from 1948 onwards it could generally be said to reflect the responsibility to ensure and promote the child's welfare. Legal responsibility extended in more recent times to ensuring suitability of both foster carers (in respect of particular placement) and environment and to matters associated with record keeping, visiting, assessment and approval of carers .

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

Yes

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

Whilst overarching responsibility lay with the authority in terms of its obligations under the various statutes outlined above, other bodies, such as the Children's Hearing, also had responsibilities in connection with those fostered children whose circumstances took them into the panel system – these responsibilities reflected the duties incumbent on them in terms of the Children (Scotland) Act and more latterly the Children's Hearings (Scotland) Act 2011.

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

Not applicable.

Present

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

No

g) If so, please give details.

(ii) Foster carers Past

a) Did the foster carer have any separate legal responsibility (separate from the local authority) for children in his or her care?

Yes

b) If so, what was the nature of that responsibility?

The nature and extent of the responsibility has developed throughout the legislative history in this area but from the 1947 Boarding Out regulations onwards there can be said to be a general responsibility to treat the foster child as one of the carer's own and to provide them with comparable care. In its most recent statutory iteration the carer has statutory responsibility to care for a placed child in a safe and appropriate manner and as if a child of their own family and to promote his or her welfare.

Present

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

No, these requirements are still current as per the terms of the foster care agreement set out in the 2009 Regulations.

d) **If so, please give details.**

1.5 Ethos

Past

a) **What did the local authority see as its function, ethos and/or objective in terms of the foster care service it provided for children?**

We have been unable to identify any records prior to East Renfrewshire being established in 1996 which could provide any indication as to the intended ethos.

From review of identified historic children's records and the reasons for them continuing in care, it can be inferred that the primary objective has always been to provide children with substitute care where their parent or carer is unable to care for them. As a concept, foster care has developed its own brand and is a separate entity to the care being provided by a child's extended family. The primary objective being to provide family based substitute care where the child's parent and wider family are unable to do so.

In 2006, the East Renfrewshire Care Commission inspection report highlighted that the aim of the East Renfrewshire fostering services was to recruit, assess, prepare and support a range of foster carers to meet the needs of children who require such a resource.

A 2008 national reference group highlights the vision for kinship and foster care as being the same as for all children in the community: to become responsible citizens, effective contributors, successful learners and confident individuals. To overcome the difficulties that result from the trauma that the children present through neglect, poor early care and/or abuse, the services required to ensure that the children will be safe, nurtured, healthy, achieving, active and respected are more specialised and require highly skilled carers who can provide safe and nurturing homes.

b) **What did the local authority see as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?**

We have been unable to identify any records prior to East Renfrewshire being established in 1996 which could provide any accurate account of the foster carer's function, ethos and objective. However, A Strathclyde Region Foster Carer Handbook (possibly circa 1975), whilst focusing on practical information, did give advice to carers indicating that children in their care may have missed out on "good experiences". The handbook further suggested that the foster carer make it their business to find out what "bad experiences" the child may have had and then "deliberately set out to provide compensation". This does appear to go beyond the practical aspects of care, moving towards a basic understanding of trauma and support for recovery that modern foster care would now enhance.

c) **Were there changes over time in terms of what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided**

for children?

Yes

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

Historically, significantly lower numbers of children were placed in foster care. Although review of records has shown incidences of children being supported to remain with their parents with support or given support to return home, this was not consistent. As the numbers of children in substitute care has increased, there has been a growing focus on both preventing children coming in to foster and residential care and if they do, there is a focus on preventing drift and for better support and planning for permanence for children either within their own families or in alternative permanent care. This focus has grown significantly over the last decade, in line with the Scottish Government Permanence and Care Excellence programme established in 2014. This has seen a strengthening focus on providing children with stability, including secure and nurturing relationships, in a setting that continues to adulthood.

Changes have been gradual. Wider societal changes and the recognition of children's rights have impacted on this as well as national learning from inquiries and significant case reviews.

Within East Renfrewshire, there is greater understanding of the complexity for children. Modern practice aims include:

- to provide children and young people with a safe and nurturing living environment;
- to help rehabilitate children back to their families where it was safe to do so; and
- to provide children with permanent homes

In modern practice, support is provided which:

- best safeguards, supports and promotes the wellbeing of children
- ensures that any action to meet needs is taken at the earliest appropriate time and that, where appropriate, action is taken to prevent needs arising,
- is most integrated from the point of view of recipients, and
- constitutes the best use of available resources,

e) Were there changes over time in terms of what the local authority saw as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?

Yes

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

In the last decade, foster carers have been increasingly viewed as partners in children's care, and this included their role in supporting children to return home to birth parents where it is safe to do so. They have a wider role in contributing to and supporting planning for children and young people, including preparing young people for adulthood.

Expectations of foster carers have increased, with guidance and training over the last two decades focusing far more on safe care and understanding children's behaviour in addition to the more traditional practical aspects of care. Our standards in relation to child protection have changed significantly over this timeframe too, with physical punishment not accepted and a much more skilled approach to managing challenging behaviour.

Within East Renfrewshire, foster carers are currently expected to:

- Provide an environment which values and supports children/young people and assists them to develop their full potential.
- Provide an environment where children/young people are helped to understand and value their racial, ethnic, cultural, religious and sexual identity.
- Actively promote contact between children/young people and their birth family, as well as existing relationships where this is in their best interests.
- Actively be involved in stimulating children's/young people's play and learning, including involvement in community activities, the development of any special talents, and liaison with schools.
- Provide an appropriate and adequate diet taking into account personal preferences and cultural/religious background.
- Ensure children/young people have sufficient clothing, which is maintained in a clean and good condition.
- Promote a healthy lifestyle and ensure attendance at regular medical, dental and optician check-ups.

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.

Up to date information has been reflected in responses a) to f) where appropriate.

1.6 Numbers

(i) Local authority Past

a) How many children did the local authority accommodate at a time in foster care and in how many placements?

Due to the lack of availability of records, we have only been able to identify partial information.

1930 – 1974 Renfrew County

We have been unable to locate numbers of children in foster care. Review of the Children's Committee records indicates that from 1952, the total number of children in residential and

foster care was recorded within the meeting minute. This ranges from 96 children recorded in the minute of the Committee meeting dated 23/04/52, to 183 children recorded in the minute of the meeting dated 15/01/63. We have no way of discerning how many of these children were living with foster carers and how many would now be considered as East Renfrewshire children.

1975 – 1995 Strathclyde Region

Information from Glasgow City Archives highlights the following records between 1986 and 1990. Again, we are unable to determine how many of these children would now be considered as East Renfrewshire children.

Strathclyde Region			
	With relatives	Temporary Fostering	Permanent Fostering
1986	374	788	912
1988	461	736	585
1989	474	687	496
1990	356	506	436

1996 – Date East Renfrewshire Council

Information from Scottish Government returns indicates the following:

In the community							
	At home with parents	With friends / relatives	With foster carers provided by LA	With foster carers purchased by LA	With prospective adopters	In other community	Community Total
1997-1998	71	7	13		0	0	91
1998-1999	52	11	12		0	8	83
1999-2000							
2000-2001	34	22					56
2001-2002	36	27					63
2002-2003	39	6	11		2	2	60
2003-2004	60	7	13		2	2	84
2004-2005	44	9	13		0	0	66
2005-2006	55	13	13		0	0	81
2006-2007	56	17	8		13	0	94

2007-2008	74	22	14	17	0	0	127
2008-2009	88	29	21	12	2	0	152
2009-2010	80	34	12	16	5	0	147
2010-2011	90	32	11	13	1	0	147
2011-2012	103	33	14	10	0	0	160
2012-2013	111	35	22	9	0	0	177
2013-2014	106	25	25	5	0	1	162
2014-2015	73	36	27	0	0	0	136
2015-2016	65	33	25	0	0	0	123

More recent records from our annual Care Inspectorate return indicates a reduction in the number of children placed with East Renfrewshire carers:

- At 31.12.2017: 18 children
- At 31.12.2018: 17 children

b) How many foster carers were approved/registered by the local authority at any given time? How many placements for children did this represent? How many placements were in use at any given time?

Due to the lack of availability of records, we have only been able to identify partial information.

Year	Total number of carers	Short term/permanent	Respite	Total number of children	Children short term/permanent	Children respite	Children supported care	Children placed external
Information from Care Commission/ Inspectorate reports, annual returns and internal records								
2007	19	9	10	35	25	10	0	
2008	19	11	8	43	32	11		
2009	19	11	8	26	16	10		17
2010	21	11	10	34	27	7		13
2011	21	11	10	33	24	9		13
2014	18	16	2	32	23	6	3	10
2015	13	10	4	26	18	4	2	13
2016	16	15	1	17	15	0	2	5
2017	15	15	1	18	14	4	2	4
2018	16	15	1	17	12	5	3	4

- c) **If foster carers were approved/registered by the local authority as providing only specific types of care - e.g. respite care, short-term foster care, long-term foster care - please provide details of the categories and the numbers of placements in each.**

Please see response to b) above.

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

There has been a particular focus in the last five years of ensuring that, where possible, children are supported to remain within their own families where it is safe to do so. This has resulted in an overall reduction in the number of children becoming looked after and accommodated.

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

A table of available information 1997 – 2016 has been provided in Appendix A.

More recent information highlights the following numbers of children:

Year to 31 July	Foster Care	Residential	Secure	Kinship	Prospective Adopters	TOTAL
2016/2017	28	9	0	43	2	82
2017/2018	33	9	0	37	4	83
2018/2019	34	6	0	32	3	75

- f) **In general terms, was the main service provided by the local authority the provision of residential care for children in establishments, or was it the provision of foster care?**

Since the establishment of East Renfrewshire Council, the main service has been the provision of foster care. East Renfrewshire does not have internal residential provision.

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.**

Up to date information has been reflected in responses a) to f) where appropriate.

1.7 Children's Background/Experience Past

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

We have been unable to identify any documents which could provide accurate information. Review of the Public Assistance and Children's Committee minutes alongside review of children records identified that children were placed in foster care where the parents could not or would not care for them. Circumstances included:

- Children relinquished at birth
- Children whose parents had died
- Children where there were concerns regarding possible neglect or abuse in their parent's care
- Children whose parents were struggling with their own mental or physical health

In some earlier records, housing has been included in the reasons for children being placed in foster care.

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

Our understanding is that legally, children were received into the care of the local authority. With respect to family and friends arrangements, reviews of records (earliest 1964) highlighted that some families made their own arrangements initially and then contacted the local authority for assistance. Existing records highlight the County/Region in many situations arranging for fostering allowance for birth families.

c) Who placed children with the local authority?

From the limited records available, it appears as though decision making was held either by the local authority in agreement with the family or by legal decision making (e.g. Sheriff, Children's Hearing).

d) From 15 April 1971 (the date on which the Children's Hearing system was introduced), did the local authority receive children mainly through the Children's Hearing system?

In the review of available children's records, just under half of those in foster care appeared to have had some involvement with the Children's Hearing system. However, voluntary arrangements for care continued to be made with families and or directly placed with foster carers, some later ratified through legal processes.

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

Please see previous response.

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

A review by Glasgow City Archives indicated that this information is not generally available. However, the Social Work Committee Officer/Member Group on Child Care (1978) estimated that one half of Strathclyde Region children had been in care for more than 3 years. Our review of children's records pre and post 2000 indicated that the shortest period for those reviewed was one day and the longest was 7066 days.

g) In respect of children who were admitted into the care of the local authority, who made the decision as to whether they should be placed in foster care?

A review of children's records indicated that often, social workers, team managers and senior managers were responsible for the decision making. Many of these decisions were ratified by the Children's Hearing or Sheriffs.

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

We have been unable to identify any documents which could provide accurate information. Generally, what remains in records appears to suggest a commitment to providing children with a substitute family experience. Some records comment on the child's desire to live in a foster family and whether their needs could be met in this environment.

i) Were children moved between different foster care placements?

Yes

j) If so, in what circumstances?

A review of children's records highlights that children on occasion experienced more than one foster placement in situations such as

- Children moved placements for purposes of adoption/ permanent care
- Concerns about the health of the foster carer
- The initial placement was only an emergency/ temporary situation
- There were concerns about the child's care and/or protection
- There were concerns about the child's behaviour
- There were issues regarding the foster carer's birth children or grandchildren and/or social networks

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

Of the children's records we have been able to review, approximately half remained with one carer.

l) What was the process for review of children's continued residence in foster care, in terms of whether they continued to require to be (a) in foster care and/or (b) in that particular placement?

Of the children's records we have been able to review, formal review processes were evident in existing records from the late 1970s.

Information from Glasgow City Archives indicates that both the 1976 and 1986 Foster guidelines laid down processes for review.

The guidelines outline the areas of consideration for review, including:

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

It was Strathclyde Region policy to invite everyone involved in the care of the child to a review. Children and birth parents were also encouraged to attend. The social worker and senior social worker attended and sometimes a school teacher, doctor or child psychologist.

The timetable for reviews was:

- First full review no later than 4 weeks after date of admission into care
- Subsequent reviews to be held as appropriate but not less than at six-monthly intervals

Foster parents may also be invited to attend case conferences on a foster child in their care.

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

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

- Formal recording of decisions regarding child's future care, which would become an integral part of the child's case file

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

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

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

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

Subsequent legislation and regulations in the 90s and 2000s further strengthened review processes for looked after children.

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

From the children's records we have been able to review, the process for discharge varied considerably, depending on the child's circumstances and historical timeframe. Prior to the late 1970s, existing records did not appear to identify formal review processes. There were however examples of discussion between social workers and managers as well as visits to the child in placement and discussion about moving on. Some young people remained with their carers into adulthood and so the only discernable change was the cessation of fostering allowances once the young person had reached 18. From the late 1970s onwards, records showed more formal review and acknowledgment of placements endings. For others subject to legal measures, the process for discharge was determined by the legal process, led either by a Children's Hearing or Sheriff. In one instance a young person who was cared for by his brother and his family was formally discharged from foster care so that he would be able to emigrate alongside his brother and his family.

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

From the children's records we have been able to review, support depended on the individual child's circumstances. Some children returned home to the care of their parents and social work continued to be involved in providing support. Some children moved on to alternative permanent care including adoption and received continued support on this basis. Other young people were supported to move on to live independently and were given help to secure supported lodgings and other accommodation. In these circumstances support was also given in terms of finances, employment and education as well as other practical/ emotional support.

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

From the historic records we have been able to review, we cannot make a judgement, the recording of this is variable.

From the 1980s, formal review processes begin to record more clearly plans for children and young people leaving foster care. Through care and aftercare services were offered to eligible young people.

p) Was such information retained and updated?

From the historic records we have been able to review, the recording of this is variable. Records show social workers remaining in contact with young people in some instances. Records also reflect young people refusing further contact in some instances, which was not necessarily an unusual decision.

From 2003 we were guided by legislation that required us to report the destination of the young person when leaving foster care. Education were also directed to address this. This improved over time with more of a whole council approach to ensuring positive destinations for care experienced young people.

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

Please see responses to n) and o) above.

Present

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

Yes

s) If so, please give details.

Modern day East Renfrewshire has a slightly unusual demographic in comparison to neighbouring authorities in that part of the authority is very affluent and the other part is subject to high levels of poverty. Children accommodated in foster care come from a very mixed source of economical backgrounds.

The starting point is to place children with siblings. It is not always possible to do so at times. Children may also be placed on their own or with other children/young people unrelated. Whilst in foster care all children/young people will enjoy a similar standard of care and have in place individual care plans.

Determining where to place a child is based on the child or young persons' needs and the matching of these to the skills and availability of carers. Placement decision making

includes the fostering and adoption team manager and supervising social worker, foster carer, social worker and team manager for the child and where applicable the child and their family.

Another factor is trying to ensure that children remain in education at their own school, access the same activities and have the same friends. East Renfrewshire schools have the best academic results for children in Scotland, which includes children in our care.

The LAC Regulation Amendments 2014 set a maximum foster care placement limit of three children, with exemptions for sibling groups and emergency placements. Any new care placements made since then cannot have more than three unrelated children.

Children admitted to the care of the local authority will usually remain in the care of one particular foster carer. Careful matching takes place to limit placement breakdown.

Children and young people continue to become looked after on a mixed basis of voluntary arrangements and formal legal processes. The Permanence and Care Excellence agenda has helped us ensure that we are better able to plan for children's permanent futures.

All local authorities are required by legislation to review the Child's Plan to ensure it is appropriate and meets the needs of the child, to consult formally with parents and children to see how the current plans are working, and to make sure they meet the best interests of the child. It also confirms the work of those involved with the child/ young person and agrees future plans with the child. Reviews must be held at 72hrs, six weeks following the child's placement, three months subsequently and then every six months thereafter. These are the minimum requirements and reviews may be held more frequently if:

- there is a major change in circumstances
- the plan is no longer appropriate
- rehabilitation to parents or wider family has failed and it is appropriate to achieve a permanent placement for the child as soon as possible
- the child no longer needs to be looked after by the Council.

If a young person is no longer looked after but has chosen to remain in their placement on the basis of continuing care, reviews continue on a 6 monthly basis.

Placements are subject to a review meeting prior to ending and if a placement ends unexpectedly then a disruption meeting would take place to determine the issues and contributions for learning for the child's future plans and wider practice.

Enhanced support following a period of foster care would be dependent on the child's needs and circumstances. However, there are clear entitlements for young people leaving care with support provided where applicable up to the age of 26. In East Renfrewshire, the redesign of services 5 years ago has focused on ensuring that young people leaving care are able to receive support from the same social worker and manager who were involved when they were a child in care. We value maintaining meaningful relationships and this assists young people to have more successful transitions and improved positive destinations.

1.8 Local authority staff and foster carers

(i) Local authority Past

a) How many people were employed by the local authority who had some responsibility for foster care services for children?

We have been unable to identify any earlier records which could provide accurate information. At the time of the initial inspection in 2006 by the Care Commission, the East Renfrewshire fostering service had three social workers, one team manager and a senior manager.

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

We have been unable to identify any earlier records which could provide accurate information. At the time of the initial inspection in 2006 by the Care Commission, the East Renfrewshire fostering service had three social workers, one team manager and a senior manager.

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

We have been unable to identify any earlier records which could provide accurate information. At the time of the initial inspection in 2006 by the Care Commission, the East Renfrewshire fostering service had three social workers, one team manager and a senior manager. It is likely that all would have had some involvement with children and foster carers, although the senior manager to a lesser extent. As it is today, the social workers were responsible for the recruitment, assessment, training, monitoring and support of carers, with the team manager and senior manager providing oversight and governance.

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

As it is today, all were required to be qualified social workers.

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

Information from Glasgow City Archives indicates that in 1986/7 Strathclyde Region established Foster Panels in response to the Boarding-out and Fostering of Children (Scotland) Regulations 1985.

f) How were fostering panels constituted? What skills and experience were the members required to have?

Information from Glasgow City Archives indicate that each Panel consisted of 4 Elected

Members of the Social Work Committee, one of whom must be Chairman, a Medical Adviser, an Educational Psychologist, and the Divisional Organiser (Community and Field Work) or the Divisional Adoption and Fostering Adviser.

Present

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

Yes

h) If so, please give details.

The staffing has broadly remained static, although in recent years the service has become part of the East Renfrewshire intensive support services and an additional social worker works across the fostering and intensive family support type service. The managerial structure continues to be a team manager and senior manager, with the Chief Social Work Officer in place as the agency decision maker. All staff are registered social workers with the Scottish Social Services Council.

East Renfrewshire Fostering and Adoption Panel is set up under Regulation 17 of the Looked After Children (Scotland) Regulations 2009 and in line with BAAF guidance. The panel makes decisions regarding the approval and specifications of prospective foster carers (specifying details, age, gender and number of children, or approval to care for an individual child). It also undertakes foster carer reviews and termination of approval of foster carers.

Since 2018 the panel has had in place an independent chair who is a qualified independent social worker with previous senior management experience in fostering and adoption. In recent years the make-up of the panel has moved away from elected members to focus more on those with relevant experience. Membership includes a foster carer, adoptive parent, retired social work manager and 3rd sector member from specialist service provision. There continue to be representation from legal and medical officers as well as educational psychology and a social work panel advisor.

Appointments were made subject to the terms of the Adoption Agencies (Scotland) Regulations 2009 and the Looked After Children (Scotland) Regulations 2009. Members require to undergo Enhanced Disclosure Scotland Enquiry check(s) and PVG check(s) (if required), Local Authority enquiries and two personal referees who are sufficiently experienced to comment upon suitability for Panel membership. A formal agreement sets out the expectations of the panel member and local authority.

(ii) Foster carers Past

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

1930 – 1974 Renfrew County

A Renfrew County Children's Committee minute dated 18/02/52 authorised further advertising in the people's journal for a campaign for recruitment of foster parents. The

meeting noted issues in persuading families to take more than one child and issue of splitting families.

Partial records from a 1967 application to foster included questions regarding

- Religion
- Occupation
- Marriage
- Number of apartments, beds and sleeping arrangements
- Distance from church, school and particulars of church connection
- Names of two responsible persons to whom reference can be made (Ministry of Labour Officer and Clergyman)
- Observations of child care officer
- Subsequent dealings.

1975 – 1995 Strathclyde Region

Information from Glasgow City Archives indicated that Strathclyde Region ran concerted publicity campaigns and outreach activities in the 1970s.

During this period, prospective carers became subject to more robust assessment than had previously existed. The process of assessment and preparation of applicants included:

- Group meetings
- Individual interviews
- Undertake contact with existing foster carers
- Formal enquiries of applicants: departmental records; police enquiry; Area health Board enquiry ; personal references ; medical reports and x-rays
- Enquiries regarding other residents
- Outwith the Region enquiry
- Presentation of assessment report
- Approval by Divisional Adoption and Fostering Panel, passed to Divisional Director who makes final decision

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

As is the case today, foster carers did not require to have any particular qualifications. Enquiries focused on carers being able to care for children and need to have the right skills, attitude and motivation to do so.

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

Whilst earlier children's records indicate references, information from Glasgow City Archives highlights that Strathclyde Region policies, handbooks and guidelines etc., 1975-1996, show the following:

- Checked: departmental records; police; Area Health Board enquiry
- Initial interview, plus at least 2 others, with both partners present. All members of household to be seen at some time.

- Personal references
- Medical reports and x-rays

These are similar requirements to checks being carried out today.

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

It isn't clear from historic records. However, adult members of the household have since the establishment of East Renfrewshire have been subject to criminal record checks. Later records indicate checks of the school/ nursery in relation to birth children.

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

Please see response to d) above.

- f) To what extent, if any, were the checks referred to at paras (c) to (e) above reviewed? If so, how frequently and what checks were done? If not, why not?**

We have been unable to identify any earlier records which could provide accurate information.

- g) What checks were carried out by the local authority of the available accommodation? How frequently were these carried out? Were they repeated? If so, how frequently? If not, why not?**

We have been unable to identify any earlier records which could provide accurate information.

- h) Was the gender of the foster carer of any relevance to approval as a foster carer or in relation to the placement of a child with a particular carer? If so, why?**

Yes, earlier records indicated that single males were not able to be considered as foster carers. Same sex couples (males) were also not able to be considered as foster carers.

- i) Was the gender of other persons (including children) residing in the same house of any relevance to the approval of a foster carer or to the placement of a child with a carer? If so, why?**

We have been unable to identify any earlier records which could provide accurate information.

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

Information from Glasgow City Archives indicates that the 1976 foster carer handbook laid down the following services to be provided by the foster carer as to:

- care for the foster child
- This means dealing with the day-to-day caring – food, clothing, warmth; encouraging interests or hobbies. Foster parents will do many other things, including reading bedtime stories (with a goodnight cuddle, changing the sheets after an accident, attending open days at schools, seeing teacher at school etc.
- watch over health and well-being
- Consulting doctor/dentist when necessary. Arranging periodic check-ups and allowing the child to be medically examined
- bring up foster child in his own religion
- let Social Work Department know immediately of any serious incident effecting the child
- permit any person authorised by SRC to see the child
- notify Social Work Department of any change of address, before actual move

k) Did children work manually in the placement or externally (e.g. farming work or other labour), or both? If so, did that change at any point? If so, why?

We have been unable to identify any records which could provide accurate information. None of the children's records reviewed highlighted any manual work.

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

We have been unable to identify any earlier records which could provide accurate information. However, fostering agreements have been the basis of practice post 2000.

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.

Becoming a foster carer is promoted through media campaigns and on the council website Prospective individuals are then assessed over a period of around 6 months and will be presented to the Fostering and Adoption Panel for recommendation to be made to the Agency Decision Maker. Registration is reviewed on an annual basis with alternate years reviewed at the Fostering and Adoption Panel.

No particular qualifications are necessary. Usually foster carers will have had some

experience of looking after and raising children, whether their own, family or friends. Foster carers are expected to attend relevant training, in line with their identified learning needs, throughout their fostering career to ensure their skills are developed and increased.

The home study assessment is competency based and takes around 6 months to complete. PVG, Health and Local Authority checks are carried out. A minimum of 6 referees are required for couples, 4 for single applicants. All referees complete a referee form and will either be telephoned or visited by the assessing social worker. Employers' references are also required. The fostering household is inspected when applicants are in the home study process.

All adults living within a fostering household will undergo PVG, Health and Local Authority checks. They will also be interviewed as part of the home study process. Checks will only be carried out on family and friends if they will have a caring role for the child/young person at any time, i.e. babysitting or are a frequent visitors

Local Authority and Health checks are carried out at each Annual Review. A Health & Safety Checklist is also carried out at each annual review. PVG's are updated every 3 years. An unannounced visit is carried out annually and recorded

In line with legislation and equality legislation and policy, single males and same sex couples can also become foster carers. As with any other prospective carers, careful matching would take place to ensure the needs of the child can be met and minimize placement breakdown.

All foster carers sign and agree to a Foster Carer Agreement at point of approval and re-registration. This sets out the expectation of the carers and local authority.

All children in placement should have an IPA – Individual Placement Agreement.

2. Organisational Structure and Oversight

2.1 Culture

Past

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

We have been unable to identify any earlier records which could provide accurate information. Within East Renfrewshire, there was a decision some years ago not to have residential units and where possible avoid placing children into more formal institutional care. Fostering was considered to be the best alternative care, providing substitute family experience.

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

We have been unable to identify any earlier records which could provide accurate

information. We were unable to find any specific policies or procedures, although ex East Renfrewshire staff confirmed the favouring of foster care over residential provision.

c) How can that be demonstrated?

Not applicable

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

Of the 191 children's records we were able to review, the majority did not highlight any complaints or allegations.

e) If not, please provide a representative range of examples and explain, by reference to those examples, why particular foster carers did not, in material ways, work in accordance with the local authority's then culture, policies and procedures and what, if anything, was done to change that?

In a few individual cases, concerns were raised including standards of care and child protection concerns were recorded. This included foster carers being drunk and allegations of inappropriate touching by the carer. Two situations were highlighted that resulted in criminal investigations and proceedings.

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

We have been unable to identify any earlier records that could provide accurate information. Since the establishment of East Renfrewshire service and systems, change has taken place in response to local learning as well as national legislation, policy and learning from significant case reviews.

g) Were any changes in culture driven by internal influences, incidents, experiences or events within the local authority, or any of the foster care placements?

We have been unable to identify any earlier records which could provide accurate information. However, there has been a more recent allegation of historic abuse which prompted a review of our fostering service and an independent consultant was commissioned for the purpose of transparency.

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

Please see response to g) as above.

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

Please see response to g) as above.

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

Information from Glasgow City Archives identified that Strathclyde Regional Council established groups to look at all the Inquiry Reports regarding abuse across the UK for example, Fife, Orkney; Cleveland. Where the recommendations were relevant to legislative practice in Scotland or not already in place in Strathclyde Regional Council, policies and procedures were altered to reflect this.

Present

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

Yes

l) If so, please give details.

The introduction of Intensive Services for children who are looked after/accommodated and revised service model in 2015 provided a new management structure and enhanced opportunities for joint working between the fostering and wider children's services teams.

The service wide roll out of the Signs of Safety evidenced based practice model for child protection has emphasized the roll of relationships in protecting children

Since the establishment of East Renfrewshire, external inspection has evaluated the service provide to children as good and in more recent years to very good. This is a matter of public record.

m) To what extent, if any, has abuse or alleged abuse of children cared for in foster care caused, or contributed to, the adoption of the current policies, procedures and/or practices of the local authority, in relation to the provision of foster care services for children including the safeguarding and child protection arrangements applying to its current foster care placements?

A historic sexual abuse allegation, brought to the attention of the service in late 2017, prompted the commissioning of an external review of the service in 2018. This has resulted in strengthening of procedures and practice and prompted a revision of the existing foster carer handbook, new safer carer materials including closer scrutiny of safer caring policies. The service was most recently inspected in October 2019 and received "very good" for standards of care.

2.2 Structure, leadership and accountability Past

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

1930-1974 Renfrew County

The Glasgow Corporation was a Local Authority for Social Work purposes. For the discharge of its functions, it established various County of Renfrew Committees, including Public Assistance, Children's and Education.

1975-1995 Strathclyde Region

Strathclyde Regional Council was a Local Authority for Social Work purposes. For the discharge of their functions they established various Committees, including the Social Work Committee. The Regional Council retained the right to take many decisions at full Council level, but there were arrangements for the allocation of duties to Committees and Sub-Committees. For the most part, the decisions were taken by the Social Work Committee, after receiving.

1996 – Date East Renfrewshire Council

East Renfrewshire is a Local Authority for Social Work purposes.

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

We do not hold records for earlier periods.

The current East Renfrewshire arrangements include a Senior Manager for Children and Families (Intensive Services) and Criminal Justice and Registered Manager, reporting to the Head of Public Protection and Children's Services (Chief Social Work Officer and Agency Decision Maker).

c) What were the lines of accountability?

1930 -1974 Renfrew County

The Public Assistance Committee and then subsequent Children's Committee appear to have had the authority for decision making

1975-1995 Strathclyde Region

The Social Work Committee and various sub-committees would agree major proposals re foster care.

1996 – Date east Renfrewshire Council

Within East Renfrewshire, decision making for day to day running of the service is delegated to the Team Manager. Wider operational and strategic decision making remains with senior managers (specifically the Registered Manager as required by the Care Inspectorate). Significant strategic decision making affecting the provision of the service is delegated by the Council to the Integration Joint Board and Council. The Council has statutory responsibilities for the delivery of the foster care service.

- d) **Within the local authority, who had senior management/corporate/organisational responsibility for the managers/management teams/leadership teams who had responsibilities in relation to children in foster care?**

Strathclyde Region 1975-1995

Chief Executive was Chief Officer 1975-1996

1975 -1996 Social Work Department, Director of Social Work

East Renfrewshire Council 1996 - Date

Chief Executive

Chief Social Work Officer and Agency Decision Maker - Head of Public Protection and Children's Services (Health and Social Care Partnership)

Chief Officer (Health and Social Care Partnership)

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

As far as is known, information from Glasgow City Archives indicates that within Glasgow Corporation/Strathclyde Region it would be the Council itself and its committees. Some functions may have been delegated to officials.

Within East Renfrewshire, this responsibility is delegated by the Council to the Integration Joint Board.

- f) **To whom were foster carers accountable?**

We have been unable to identify any earlier records which could provide accurate information. Within East Renfrewshire, foster carers are accountable to their supervising social worker and associated line management structure for day to day issues. However, they are ultimately accountable to the fostering panel and agency decision maker in terms of their appraisal.

- g) **Who, within the local authority, was responsible for the implementation of, and compliance with, the local authority's policies, procedures and/or practices in foster care both by local authority staff and by foster carers?**

We have been unable to identify any earlier records which could provide accurate information

Information from Glasgow City Archives indicates that during Strathclyde Region the Chief Executive would have been responsible.

- h) **To whom were fostering panels accountable?**

Information from Glasgow City Archives indicates that during Strathclyde Region, the Divisional Director made the final decision on each application, taking into account the

panel's recommendations. Within East Renfrewshire the agency decision maker is the Chief Social Work Officer who is directly accountable to the Chief Executive of the Council.

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

Please see response to h). The panel chair and fostering panel is accountable to the agency decision maker.

Present

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

Yes

k) If so, please give details.

The Chief Social Work Officer continues to act as the Agency Decision Maker

There is closer scrutiny of panel standards. The panel chair is subject to annual appraisals undertaken by the Agency Decision Maker. Regular Business Meetings and Panel Development Sessions take place and panel member appraisal is being developed.

2.3 External Oversight Past

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

Only partial records have been found. A minute of the Public Assistance Committee dated 14/10/35 indicates that the department of health reverted back to having on their staff an Inspector of boarded out children – examination of arrangements for children under care of local authority investigations under part iii of the poor relief regulations 1934.

In 2002, the Care Commission was created and alongside this was the subsequent creation of foster care as a regulated care service. East Renfrewshire registered its foster care service in December 2005 and had its first inspection in 2006.

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

Only partial records have been found. A minute of the Public Assistance Committee date 08/07/35 highlighted members of the Committee visiting boarded out children in Neilston.

Care Commission/ Care Inspectorate Inspectors visit services as part of their inspection process.

c) How often did this occur?

The Inspectors undertake short notice inspection visits 1-3 yearly

d) What did these visits involve in practice?

For Care Commission/ Care Inspectorate this includes

- Inspection of agency records
- Discussions with staff
- Meetings with children and young people in foster care
- Meetings with Foster Carers
- Meetings with staff from Locality Teams
- Questionnaires to partner agencies
- Inspection of groups and activities

Present

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

Up to date information has been reflected in the responses above.

f) If so, please give details.

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?**

It is acknowledged that historically children in foster care were not afforded sufficient opportunity to speak out and to be heard as they would be under the current legislation, system and practice. There are concerns that historical systems/structures both at a local and national level may not have supported SW practitioners to sufficiently address abuse. On this basis we accept that it is probable there were instances where children experienced abuse or ill-treatment whilst in foster care and that this may have went unreported and unnoticed. Additionally, examination of historical case files has identified a small number of complaints regarding abuse amounting to less than 2 % of the files interrogated and on this basis the Council accepts that abuse occurred. Where abuse occurred, this primarily related to deficiencies in the carers' abilities.

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

The evidence available indicates that there are very few recorded allegations of historical abuse of children in foster care administered by East Renfrewshire Council and its predecessor authorities. It is acknowledged that for those individual children who were so abused, being in care did not provide the experience they deserved.

- c) What is the basis of that assessment?**

This assessment is based on examination of available historical documents relating to policy, procedures, and practices in relation to children in foster care throughout the period of the inquiry and a review of 191 records. Examination of case records has identified only a few instances where children have been subject to abuse whilst in foster care.

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?**

In relation to the period prior to East Renfrewshire being established in 1996 it is difficult to give a definitive answer because our current level of knowledge is limited. The evidence available indicates that recorded instances of historical abuse of children in the care of East Renfrewshire Council and its predecessor authorities are very few in number.

Overall, from the evidence available, it is our opinion that the systems in place throughout the period were likely to be sufficient to ensure that the vast majority of children were cared for in a non-abusive environment. It is also considered that these systems appropriately evolved over time with reference to societal expectations as to the care and standing of

children. Our research suggests that there is clear evidence of Strathclyde Regional Council implementing significant policy regarding foster carer review which has become standard legislative practice and which is reflected in practice improvements from that time onwards

In relation to the recent past since 1996, East Renfrewshire Council has placed great emphasis on the protection of children and young people, whether in foster care or otherwise, as a matter of priority. It has exhibited a strong commitment to eradicating abuse and exploitation. There is a focus on the collective responsibility to protect children. The Council works proactively with the Child Protection Committee to continually improve child protection services and to respond to new and emerging risks to children. Since early to mid 2000's the Council has been subject to robust external scrutiny at the hands of the Care inspectorate and the Social Work Inspectorate in the context of Fostering as a registered service and its child protection work more generally and has been scored highly in all aspects of this work.

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

A few instances of abuse have been highlighted from the case review – the scale of these instances as against the number of foster placements does not suggest significant systemic issues although it is recognized that any instance of abuse highlights a weakness in the handling of that particular matter. Particularly in historic cases, it is difficult to identify whether such weakness was one of the organization and its processes/practice at large or deficiencies in the judgements made by particular individuals involved in the matter at the time.

What is the basis of that assessment?

The evidence available indicates that recorded allegations of historical abuse of children in foster care arranged through East Renfrewshire Council and its predecessor bodies are low in number. In those cases where the abuse of children has been reported or recorded, there is no obvious indication that systems or organisational practice was to blame.

Based on review of 191 children's records.

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

The instances where the abuse of children has been reported or recorded relate to the unacceptable behaviours of individuals who abused their position as carers, for the most part prompted by deficiencies in their own understanding and abilities. It is difficult to provide an explanation about the role which past failures may have played in those instances of abuse as outlined above at 3.2.(a).

3.3 Acknowledgement of Failures/Deficiencies in Response

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

Yes

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

It is difficult to assess the quality of response to abuse and abuse allegations in the period prior to East Renfrewshire being established in 1996 given the apparent deficit in some record keeping, particularly pre 1980. East Renfrewshire's fostering service has been subject to robust, positive independent scrutiny by regulatory authorities from 2000 onwards. In recent years one historic allegation has been brought to our attention which prompted joint police/SW investigation and independent review of practice.

- c) **What is the basis of that assessment?**

Based on review of 191 children's records and the small proportion of identified allegations of abuse

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

It is acknowledged that earlier recording practices were not always thorough and some gaps in records exist. It is acknowledged that until the late 1980s there was very limited understanding of child abuse nationally and a lack of reliable methods of detecting and responding to certain forms of abuse.

In reviewing historical documents and children's records we feel that the introduction of explicit policies and procedures by Strathclyde Region to guide an improved response to children at risk of abuse during the 1980s prompted improvements in the way in which the organisation responded to children regardless of their circumstances. This progress has continued to date as a result of the issue of national guidance, reviews and inquiries, increased availability of research and consequential improvement in staff awareness and practice.

Evolving practice places the child at the centre and emphasises the importance of developing trust with children, listening to them and believing what they have to say. From the evidence available to us, it appears that the historical arrangements reflected the legislation, policy and social context of the time. Looking back, it is clear that children in care prior to these developments did not have the same level of access to independent support as they have now. It is acknowledged that children in care were not afforded sufficient opportunity to be heard and it is highly probable that there were instances where children experienced abuse or ill-treatment whilst in care and that this may have went unreported and unnoticed.

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**

A historic sexual abuse allegation brought to the attention of the service in late 2017, prompted the commissioning of an external review of the service in 2018. Some risks were identified and it has resulted in strengthening of procedures and practice and prompted a revision of the existing foster carer handbook, new safer carer materials, including closer scrutiny of safer caring policies. The service was most recently inspected in October 2019 and received “very good” for standards of care. The Council has appropriately responded to the changes in legislation and policy landscape.