

BASIS OF SUBMISSION

This submission is based on a review of 191 children's records held by East Renfrewshire and Glasgow City Archives and an additional review of 24 records related to a concern regarding a specific foster carer.

This includes all existing records currently 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 1935/36 and County of Renfrew Children's Committee minutes 1948 – 1963 held by Glasgow City Archives.

All information relating to policies, procedures and strategic direction prior to 1996 has been sourced from Glasgow City Archives and the report produced by Professor Andrew Kendrick in 2014 "Protecting and Safeguarding Children in Care".

Please note that the COVID-19 pandemic has significantly affected our ability to source information and interrogate records. Whilst we had undertaken significant review in the period October 2019 – March 2020, the lockdown restrictions have meant that we have been unable to review further records or (where applicable) return to previous reviews to complete a more detailed analysis.

PART C – PREVENTION AND IDENTIFICATION

4. Policy and Practice

4.1 National Past

a) Was there national policy / guidance relevant to the provision of foster care for children?

Yes.

Within the current constraints, we have only been able to locate national policy / guidance relevant to the provision of foster care for children from the late 1990s onwards.

"Protecting Children a Shared Responsibility" (1998) focused on child protection more generally and was subsequently replaced by the "National Guidance for Child Protection in Scotland" (2010 and refreshed in 2014). Alongside these documents, a Children's Charter (2004) was produced following consultation with children and young people which was accompanied by the Framework for Standards for Child Protection which set out as standards what children and young people should expect from services.

Specific guidance for "Managing Allegations against Foster Carers and Approved Kinship Carers: How Agencies Should Respond" was published in 2013 to complement national child protection guidance.

There were specific "National Care Standards: Foster Placement and Family Care Services" (2005). This focussed on the assessment and approval of foster carers and their ability to promote the health, education and development of children and young people. These have subsequently been replaced with national Health and Social Care Standards.

Getting it Right for Every Child: Guidance on Overnight Stays for Looked After and Accommodated Children was produced in 2008 to ensure that children and young people were safe but also had the opportunity to form lasting friendships. This addressed the previous issues where procedural police checks often stigmatised and barred children from staying with their friends.

Additionally, there was national guidance more generally in relation to safer recruitment practice "Safer Recruitment through Better Recruitment: Guidance in Relation to Staff Working in Social Care and Other Social Work Settings" (2007). Whilst not specific to foster care, this was published in the same year as The Protection of Vulnerable Groups (Scotland) Act 2007 and is likely to have influenced recruitment practice.

b) If so, to what extent was the local authority aware of such?

We have been unable to locate historic children's records which specifically identifies any particular national policy or guidance.

However, as illustrated in our responses to section A, records reviewed indicated a clear shift from the late 1970s onwards with respect to the start of formal review processes and clearer recording from the 1980s.

Local child protection procedures have been based on legislation and guidance as well as lessons learned from national enquiries into child deaths.

Since 2005, local foster care arrangements and inspection have been based on the national care standards.

Recruitment practice has been significantly strengthened over the years in line with legislation and guidance.

c) If there was national policy / guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?

- i. Child welfare (physical and emotional)**
- ii. The child's views**
- iii. Reviewing a child's continued residence in a foster care placement**
- iv. Child protection**
- v. Discipline**
- vi. Complaints handling**
- vii. Whistleblowing**
- viii. Record retention**
- ix. Recruitment and training of foster carers**
- x. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority**

Some later records (mainly from 1980s but a mention as early as late 1970s) evidence changes in recruitment, assessment, review of placements and social worker visits to placements and discussions about the care of children.

As illustrated in our responses in section A and above, we have been able to locate some local procedures and guidance which reflects child welfare and protection.

The earliest information we have located is boarded out information from the 60s / 70s which states clearly with respect to discipline that a child should not be punished harshly or indiscriminately and that threat of removal from the foster home should never be used.

Information held by Glasgow City Archives indicates that there were child protection procedures from at least the 1980s. Chapter 11 from the 1989 version specifically refers to allegations against foster carers.

A Strathclyde Regional Council Foster Carer Handbook discusses supporting children's behaviours, building trust, helping children settle in, supporting children in school and comforting children if distressed. This also states that there is a system for reviewing the placement of a child with a foster family and details this, including the purpose of the meeting, where these are held, who attends etc.

d) If the local authority was aware of such, did they give effect to that policy / guidance?

Yes.

e) If so, how was effect given to such policy / guidance?

Guidance and procedures were produced locally and as noted there were marked changes in practice noted in the records, particularly from the 1980s.

f) If not, why not?

N/A

Present

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

h) If so, please give details.

Current policy, procedure and practice is governed by current national guidance for child protection, the current legislation / regulations and the revised Health and Social Care Standards.

4.2 Local Authority

(i) Policy

Past

a) Was there local authority policy/guidance in relation to the provision of foster care?

Yes, although we have been limited in what in we have been able to locate.

b) Was there a particular policy and / or procedural aim / intention?

From what we have been able to locate and information held within Glasgow City Archives, there was an increasing focus on child welfare and protection. Our response in section A sets out what we are aware of from review of available records.

c) Where were such policies and / or procedures recorded?

Information from Glasgow City Archives indicates that specific policy and procedures documents were produced. Policy intentions were also set in reports from the Director of Strathclyde Regional Council between 1975 and 1996.

East Renfrewshire subsequently produced its own policies and procedures. Existing documents include child protection, missing children, good practice, case recording and access to records.

d) What did the policies and/or procedures set out in terms of the following:

i. Child welfare (physical and emotional)

Glasgow City Archives boarded out information possibly dating to 60s/70s indicates that foster carers are responsible for safeguarding the health of children under their care to the best of their ability. In addition to comments regarding physical health, it is noted that children may be anxious and require comfort and affection rather than scolding or punishment.

Information indicates that the fostering guidelines of this time period have a section on health and medical issues. The 1986 guidelines comments on the fact that awareness that foster children are more likely to suffer from ill health and medical problems than other children and requiring the social worker to pay particular attention to the identification and amelioration of those health related disadvantages. Reviews were to consider the physical intellectual and emotional development of the child.

Child abuse procedures are evident within this timeframe, giving specific focus on allegations in foster care. The 1989 version highlights the need to safeguard the child remains paramount, but also notes that foster carers can be particularly vulnerable to allegations of abuse.

A Strathclyde Regional Council Foster Carers Handbook during this period also set out policy for foster care about a number of subjects including child welfare, discipline, placement review processes.

An East Renfrewshire 2009 document set out a health pathway for health assessments for looked after and accommodated children. A 2009 looked after children booklet states that children and young people will be offered a health assessment and stipulates their right to

- *Any treatment and health information you need*
- *A choice of healthy foods and have any special diet provided for*
- *Play and leisure activities*
- *Have someone who you can talk to about how you are feeling.*

It highlights an expectation that children's health needs will form part of their care plan.

The East Renfrewshire 2013 Child Protection procedures states that "all children and young people have the right to be cared for and protected from abuse and neglect, and to grow up in a safe environment in which their rights are respected and their needs met". It moves away from any particular consideration of any vulnerability of foster carers and focusses on the protection and wellbeing of children.

ii. The child's views

Information from Glasgow City Archives highlights evidence from the 1990s of consideration of children's rights. A Charter of Right Responsibilities for Young People in Care (1991) was followed in 1994 by a 'Children's Rights Service'.

In 1980s the Strathclyde Regional Council introduced a charter of rights for children. The Social Work Department developed these proposals, with particular attention being paid to the need to complement such rights with clear procedural and practice guidelines and training for staff on their implication. Each child was given a copy of the guidelines on their admission to care.

From mid 2000s, East Renfrewshire had established independent advocacy support for children and young people through "Who Cares" Scotland. This supported children and young people to make their views heard, particularly in relation to looked after children's reviews and children hearings. The assessment reports for these meetings since the 90s all have to give consideration to the child's views

A 2009 looked after children's booklet stipulates that children have the right to be involved in all decisions made about them and their future; be listened to and have their feelings and wishes considered when plans are being made about them and complain if they are not happy about something that is happening.

iii. Placement of siblings

We have been unable to locate historic records regarding any specific policy. More recent children's records (2000s) highlight consideration of placing siblings together in line with looked after regulations. This is a particular consideration for children where permanent substitute care is being considered. A 2009 looked after children's booklet stipulates that the local authority would always try and keep siblings together.

iv. The placement of a child in foster care

Information from Glasgow City Archives highlights that Strathclyde Regional Council's child care strategy put an emphasis on the need to place children in a family setting. The assessment was, as far as possible, a collaborative effort, actively involving the social worker, family, child, carers if appropriate and any other staff requiring to be involved in the process.

v. The particular placement of a child with foster carers

Information from Glasgow City Archives indicates that fostering guidelines in the 1980s laid down the following:

- Preparatory discussion to establish information about the information about child's background, which should be shared timeously with foster family
- Where possible, child to meet foster parents
- Details of previous schooling and discussions about which school child should attend (foster carer to meet Social Worker)
- Discussion about contact with natural parents
- Medical examination, preferably with own doctor and prior to going to foster home
- Arrives with sufficient clothing
- Check with foster parent what equipment is required
- Ensure have all the necessary information about child and share with foster parents
- Foster parents as well as the parents are aware of arrangements for next contact with the child, as prescribed in formal access agreement

In the late 90s a suite of "Looked After Children" materials were developed to support the process of a child being placed, including a day to day placement agreement. A 2009 looked after children booklet noted practice including the opportunity for the child to visit and / or having access to information about their placement prior to moving in.

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

Boarded out information from 60s / 70s states that foster parents should be guided by the Children's Officer in deciding whether the child's parents or relatives should be allowed to correspond with the child or visit them.

Information from Glasgow City Archives indicates that policies, handbooks and manuals in the 1970s and 1980s all emphasise the importance of the continued involvement with natural parents and other members of their families. The foster carer's handbook during this period provides guidance / advice for foster carers and discusses contact between the child and their natural family.

A 2009 looked after children booklet states that children have a right to have contact with their family and friends if it was safe for them to do so.

vii. Contact between a child in foster care and other siblings in foster care

We have been unable to locate any historic policy information specific to siblings.

viii. Information sharing with the child's family

Information from Glasgow City Archives highlights that 1986 Fostering Guidelines made the point that the shared-caring nature of fostering demanded clarity of roles, good communication and information-sharing and explicit goals for placement if children.

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

Information from Glasgow City Archives indicates that the 1986 fostering guidelines includes details of decision-making process, its membership, role in assessment and review processes. The guidelines also included details of records to be created.

In the 1980s each Panel consisted of 4 Elected Members of the Social Work Committee, one of whom to be the Chair, a Medical Adviser, an Educational Psychologist, and the Divisional Organiser (Community and Field Work) or the Divisional Adoption and Fostering Adviser.

More recent practice has been guided by the BAAF guidance "Effective Adoption and Fostering Panels" which provides guidance on regulations, process and good practice in adoption, permanence and fostering panels.

x. Recruitment and training of foster carers

We have been unable to locate any specific policy information although historic records do show emphasis being placed on recruitment of carers and campaigns.

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 in relation to safe recruitment:

- 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 requirement to checks being carried out today.

More recent practice is guided by the National Care Standards, the "Skills to Foster" materials and training through the Fostering Network and safe recruitment practice in line with the 2007 Protection of Vulnerable Groups (Scotland) Act.

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

We have been unable to locate specific historic policies. Practice is likely to have been guided by legislation.

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

We have been unable to locate earlier specific policy or guidance.

Information from Glasgow City Archives indicates that fostering guidelines in the 70s and 80s laid down the processes for review.

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

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

It was Strathclyde policy to invite everyone interested in the care of the child to a review. Foster children and natural parents were also encouraged to attend. The social worker and senior social worker attended. Sometimes a school teacher, doctor or child psychologist would attend.

The timetable for a review was:

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

The 1986 guidelines detail the main function is to review the child, their circumstances and needs, and 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 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 the review team would vary depending on needs of the child, but the following were always to be invited;

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

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

There were some limited changes to review processes in the 90s and 2000s in line with changes in legislation and regulations. More recent practice focussed on ensuring that the child and their family were at the centre of the review, which could mean in some instances limiting the amount of people attending.

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

Boarded out information from the 60s/70s stated that foster parents may expect to receive visits from time to time from officers of the children's department or other persons authorised by the local authority or Secretary of State. These visitors were to be given an opportunity of interviewing the child and examining their clothing and sleeping accommodation.

In later years, legislation stipulated the minimum requirements for the local authority's contact with a child and visits to placement.

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

The Strathclyde Regional Council Foster Carers Handbook for foster carers gave guidance to foster carers about the placement of a child with foster carers from residential care and from their family and how this could be supported.

Information from Glasgow City Archives indicates that the 1986 fostering guideline, includes details on processes on transfer of child. The guidelines highlight the social worker's responsibility to ensure that the child's transition from the foster home to his own home, or to another placement, is carried out as easily as possible. The Social Worker is required to prepare all parties for the change and ensure that they understand the sequence of events and the reasons for the move. The following steps are required:

- Medical examination by the family or foster parent's GP, not earlier than the day prior to the child leaving the foster home.
- The medical card, copies of any Place of Safety Orders, Warrants, Panel Supervision Orders and any other relevant documents to be collected from foster home when child leaves. Documents which came from home, i.e. the medical card, will be retained on child's file for reference in the event of future placement. If the child is moving to another placement, all these items will be transferred with the child.
- All clothing brought from the home should be returned. Social workers to advise about other items to be taken when the child leaves. Any special new toy, along with any photographs, should also go with the child.

A 2009 looked after children booklet noted practice including the opportunity for the child to visit and / or having access to information about their placement prior to moving in. The emphasis by the late 90s / 2000s had changed to minimising placement moves for children, with the 2009 booklet noting that "it doesn't help young people who cannot live at home to be moved about too much".

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

Please see response above.

xvi. Child protection

Information from Glasgow City Archives indicates that a number of manuals and procedures were produced to support the appropriate management of activities, including child protection in the 70s, 80s and 90s. West of Scotland procedures were also produced in 2000s.

The most recent iteration of East Renfrewshire child protection procedures were produced in 2013.

xvii. Complaints handling

Information from Glasgow City Archives indicates that the 1986 fostering guidelines outlined processes for dealing with foster parent complaints.

It stipulated that any complaint was to be immediately brought to the attention of the Area Officer responsible for the child and in to be acted on immediately and noted the need to follow child abuse procedures where necessary.

A 2009 looked after children booklet gave advice to children and young people about how to complain and that their independent advocacy worker could help them to do this.

xviii. Whistleblowing

We were unable to locate any policy specific to foster care. However, East Renfrewshire has for some time had general policy in place regarding whistleblowing.

xix. Record retention

See 4.9. Many records were created before the policies and retention schedules described in 4.9 and were retained in line with statutory requirements.

e) Who compiled the policies and/or procedures?

UK Government, Scottish Government and Local Authority officers. In respect of adoption and fostering panel guidance, this was produced by BAAF Scotland.

g) When were the policies and/or procedures put in place?

It is difficult to ascertain with certainty due to the limited amount of documents which have been sourced. Where the document being referred to is dated this has been stated.

h) Were such policies and/or practices reviewed?

There have been replacement policies and practices over the years which would indicate that reviews have taken place. This is most clearly seen in relation to child protection procedures.

h) If so, what was the reason for review?

For most part this is likely to have been to bring policies etc. into line with legislation/regulatory changes as well as new national guidance.

However, the 1989 child abuse procedures clearly states in its introduction that revisions were influenced by learning from national enquiries into child abuse deaths.

i) What substantive changes, if any, were made to the policies and/or procedures over time?

Information from Glasgow City Archives indicates that the 1986 guidelines brought together existing policies and procedures and introduced new ones. These include all fostering assessments being presented to Adoption and Fostering Panels; the role of the link worker; a written report on every placement; Foster Homes Reviews and the further right of Appeal.

Substantive changes are documented in the Strathclyde Regional Council Child Abuse Procedures for Staff of the Social Work Department March 1989. Procedure states that; "There is a greater clarity to what constitutes child abuse and what does not. Allegations of abuse by foster carers are to be dealt with under Child Abuse procedures and concerns for unborn children are now being considered."

j) Why were changes made?

It is likely that this was to reflect the learning of the day and to meet any changes in legislation / regulation or national guidance

k) Were changes documented?

Yes, in some instances changes are reflected in the revised document. The 1989 child abuse procedures includes a section titled "Major Difference in the New Procedures".

l) Was there an audit trail?

We have been unable to determine this due to the limited amount of information we have been able to source.

Present

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

n) If so, please give details.

As has been noted, more modern practice is reflective of tighter legislation / regulations and national guidance / standards and subject to independent inspection scrutiny.

Child protection- there is a robust child protection procedure in place for any child where it is suspected that they may have been or are at risk of significant harm. This is now multi-agency in nature and subject to quality assurance and inspection processes.

Looked after children – there are procedures in place regarding the support and review of children who are looked after and accommodated. This is subject to quality assurance and inspection processes.

Foster carers – foster carer activity is governed through independent fostering panels arrangements and subject to a specific and separate inspection process.

(ii) Practice

Past

a) Did the local authority adhere in practice to its policy/procedures in relation to the provision of foster care?

It is difficult to ascertain with certainty as we have only been able to source limited information within children's records with regards to procedures. However, from 2006, the fostering service was subject to independent inspection and since this time, has only received one requirement (in 2006, to ensure that panel members received a copy of their terms of appointment). East Renfrewshire have also been subject to wider independent inspections since 2006 which have included the care and protection of children and have received positive evaluations.

However, we have highlighted an incidence in our responses in section 5 which caused us to seek independent review of our practice and which produced learning.

On this basis, we would conclude that for most part, the local authority has adhered in practice to its policy and procedures.

b) Did the local authority adhere in practice to its policy/procedures on the following:

- i. Child welfare (physical and emotional)**
- ii. The child's views**
- iii. Placement of siblings**
- iv. The placement of a child in foster care**
- v. The particular placement of a child with foster carers**
- vi. Contact between a child in foster care with his or her family**
- vii. Contact between a child in foster care and other siblings in foster care**
- viii. Information sharing with the child's family**
- ix. Fostering panels (including constitution, remit, frequency and record keeping)**
- x. Recruitment and training of foster carers**
- xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority**
- xii. Reviewing a child's continued residence in foster care or in a particular foster care placement**
- xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)**
- xiv. Transfer of a child from one foster placement to another (including preparation and support)**
- xv. Transfer of a child between foster care and residential care (including preparation and support)**
- xvi. Child protection**
- xvii. Complaints handling**
- xviii. Whistleblowing**
- xix. Record retention**

It is difficult to ascertain with certainty as we have only been able to source limited information within children's records with regards to procedures. However, from 2006, the fostering service was subject to independent inspection and since this time, has only received one requirement (in 2006, to ensure that panel members received a copy of their terms of appointment). East Renfrewshire have also been subject to wider independent inspections since 2006 which have included the care and protection of children and have received positive evaluations.

We would additionally note that some historic records did offer examples of positive assessment and review activity and only a limited amount of records highlighted child protection concerns.

On this basis, we would conclude that for most part, the local authority has adhered in practice to its policy and procedures at least from 2006 and likely earlier. We are unable to make any significant determinations prior to this period due to the limitations of the records we have been able to source/ review.

However, the fact that we have been limited in what historic children's records we have been able to source could be indicative of issues regarding earlier records retention or management.

c) How was adherence demonstrated?

Our assessment is based on the period from 2006 when the service became subject to independent inspection and the information provided within inspection reports. There is also some limited evidence in children's records, although whilst indicative of positive practice they do not necessarily reference specific policy / procedures.

We are unable to confirm with any certainty the level of adherence prior to 2006 due to the limited amount of records we have either been able to source or review. It is possible that Glasgow City Archives hold additional information with regards to historic audit and review.

d) How can such adherence be demonstrated to the Inquiry?

The outcomes of independent inspection activity from 2006 is publicly available from the Care Inspectorate.

e) Were relevant records kept demonstrating adherence?

We have been unable to determine this.

f) Have such records been retained?

We have been unable to locate records.

g) If policy/procedure was not adhered to in practice, why not?

We are unable to determine with certainty whether policy / procedure was adhered to across the relevant period. Independent inspection activity however provides a public record of practice in line with the expectations of that time. Where substantive children's records have been located, these for most part evidence adherence with the standards of the time period.

h) If policy/procedure was not adhered to in practice, what was the practice?

It is difficult to determine with certainty with regards due to incomplete historic records. For the period when independent inspection activity was in place, the picture is much clearer.

For the initial inspection of the fostering service in 2006, there were a number of recommendations regarding the service needing to better align practice with the new National Standards. From this period, we are able to see service progression up to the present day where the last inspection in 2019 yielded no requirements or recommendations.

Similarly, from 2006, wider inspection has shown the progress of child care and protection activity.

Present

- i) **With reference to the present position, are the answers to any of the above questions different?**
- j) **If so, please give details.**

As has been noted, more modern practice is reflective of tighter legislation / regulations and national guidance / standards and subject to independent inspection scrutiny.

Child protection - there is a robust child protection procedure in place for any child where it is suspected that they may have been or are at risk of significant harm. This is now multi-agency in nature and subject to quality assurance and inspection processes.

Looked after children – there are procedures in place regarding the support and review of children who are looked after and accommodated. This is subject to quality assurance and inspection processes.

Foster carers – foster carer activity is governed through independent fostering panels arrangements and subject to a specific and separate inspection process.

4.3 Children

- (i) **Policy**

Past

- a) **What policies and/or procedures did the local authority have in place in relation to the care of children in foster care?**

As has been noted, prior to 1975, any evidence of policies and/or procedures comes from decisions by the various governing committees, the records of which are retained by Glasgow City Archives. We have one (possibly partial) document which refers to boarded out information possible from the 60s/70s. This gives a number of directions to foster carers about children's health and care; medical attention; death accident or serious illness; education; religion; recreation; training (*of children*); absconding; parents and relatives; visits; employment; thrift; removal of foster children (*from the foster placement*); change of address and communications.

Other documents which have been sourced are from the period 1975 onwards and include a foster care handbook and child abuse and child protection procedures.

- b) **Was there a particular policy and/or procedural aim/intention?**

Yes – whilst earlier documents focus more on practical care and provisions for children, later policy and procedures focussed more on care and protection needs, with a stronger emphasis on children's rights and what children could expect, in line with national developments. By the mid-2000s, the need for access to independent advocacy for looked after and accommodated children was being recognised.

- c) **Where were such policies and/or procedures recorded?**

This has been variable over the period- some have been referenced in committee minutes and others have been in the form of documents. Anecdotal evidence suggests that for the period 1975 – 1996, there were policy and procedure folders available.

In more recent practice, electronic central storage has been used for staff to access local policy / procedure, with email / training used to communicate when there is a change or new policy / procedure.

d) What did the policies and/or procedures set out in terms of the following?

- i. Safeguarding**
- ii. Child Protection**
- iii. Medical care**
- iv. Children's physical wellbeing**
- v. Children's emotional and mental wellbeing**
- vi. Schooling/education**
- vii. Discipline**
- viii. Activities and holidays for children**
- ix. Sharing a bedroom**
- x. Contact with family members**
- xi. Contact with siblings**
- xii. Celebration of birthdays and other special occasions**
- xiii. Information sharing by the foster carer with family members**

As far as we have been able to ascertain contents, this has for most part been represented in our responses in section A, 4.2 and 4.3. In more recent practice, foster carer handbooks have provided guidance and foster carer agreements have set out expectations of what foster carers should provide and adhere to.

e) Who compiled the policies and/or procedures?

Officers of the various local authority departments (Public Assistance, Education, Health and latterly of the Children's Department) and Social Work and Education from 1968.

f) When were the policies and/or procedures put in place?

We are unable to respond with certainty. Where we have a date on a document we have referred to this in previous responses in section A, 4.2 and 4.3.

i) Were such policies and/or practices reviewed?

Updated procedures, most notably in relation to child abuse / protection would indicate that reviews have taken place.

h) If so, what was the reason for review?

From what we have been able to ascertain reviews have been prompted by changes in legislation, regulations, national guidance and learning from child death enquiries.

j) What substantive changes, if any, were made to the policies and/or procedures over time?

As we have previously noted in our response to section A, 4.2 and 4.3, there were changes over time in how children were viewed and a greater focus on their protection. The 1986 child abuse procedures highlights a section in which it notes key changes included greater clarity about what constituted child abuse and a separate section for allegations of abuse by foster carers.

Another key change was the focus on children's rights and the adoption of independent advocacy for looked after and accommodated children.

k) Why were changes made?

From what we have been able to ascertain, changes have been prompted by legislation, regulations, national guidance and learning from child death enquiries. With reference to the specific change to include a section on abuse in foster care in the 1986 child abuse procedures, the document states that this was done after consultation with amongst others, the Strathclyde Foster Carer Consultative Group.

l) Were changes documented?

We are unable to determine with certainty although note the example of the 1986 child abuse procedures which documented the changes in its introduction.

l) Was there an audit trail?

We are unable to confirm with certainty due to incomplete records.

Present

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

n) If so, please give details.

As has been noted, more modern practice is reflective of tighter legislation / regulations and national guidance / standards and subject to independent inspection scrutiny.

Child protection- there is a robust child protection procedure in place for any child where it is suspected that they may have been or are at risk of significant harm. This is now multi-agency in nature and subject to quality assurance and inspection processes.

Looked after children – there are procedures in place regarding the support and review of children who are looked after and accommodated. This is subject to quality assurance and inspection processes.

Foster carers – foster carer activity is governed through independent fostering panels arrangements and subject to a specific and separate inspection process.

(ii) Practice

Past

a) Did the local authority adhere in practice to its policy/procedures relating to the care of children in foster care?

As we have previously noted, it is difficult to ascertain with certainty as we have only been able to source limited information within children's records with regards to procedures. However, from 2006, the fostering service was subject to independent inspection and since this time, has only received one requirement (in 2006, to ensure that panel members received a copy of their terms of appointment). East Renfrewshire have also been subject to wider independent inspections since 2006 which have included the care and protection of children and have received positive evaluations.

We would additionally note that some historic records did offer examples of positive assessment and review activity and only a limited amount of records highlighted child protection concerns.

On this basis, we would conclude that for most part, the local authority has adhered in practice to its policy and procedures at least from 2006 and possibly earlier. We are unable to make any significant determinations prior to this period due to the limitations of the records we have been able to source/ review.

b) Did the local authority adhere in practice to its policy/procedures in terms of the following?

- i. Safeguarding**
- ii. Child Protection**
- iii. Medical care**
- iv. Children's physical wellbeing**
- v. Children's emotional and mental wellbeing**
- vi. Schooling/education**
- vii. Discipline**
- viii. Activities and holidays for children**
- ix. Sharing a bedroom**
- x. Contact with family members**
- xi. Contact with siblings**
- xii. Celebration of birthdays and other special occasions**
- xiii. Information sharing by the foster carer with family members**

Please see previous response. We are unable to determine with certainty due to the limitations of our review, although note positive inspection evaluations and only limited concerns in available records.

c) How was adherence demonstrated?

Inspection reports from 2006 and documents held within children records, including minutes of children's reviews.

d) How can such adherence be demonstrated to the Inquiry?

Inspection reports are a matter of public record and available from the Care Inspectorate; extracts of children's records.

e) Were relevant records kept demonstrating adherence?

We are unable to confirm with certainty due to incomplete records. However, evidence within inspection reports from 2006 and documents held within children records, including minutes of children's reviews appear to demonstrate adherence.

f) Have such records been retained?

We have located partial records. Inspection reports are retained and are a matter of public record.

g) If policy / procedure was not adhered to in practice, why not?

We are unable to determine with certainty whether policy / procedure was adhered to across the relevant period. Independent inspection activity however provides a public record of practice in line with the expectations of that time. Where substantive children's records have been located, these for most part evidence adherence with the standards of the time period.

h) If policy/procedure was not adhered to in practice, what was the practice?

It is difficult to determine with certainty with regards due to incomplete historic records. For the period when independent inspection activity was in place, the picture is much clearer.

For the initial inspection of the fostering service in 2006, there were a number of recommendations regarding the service needing to better align practice with the new National Standards. From this period, we are able to see service progression up to the present day where the last inspection in 2019 yielded no requirements or recommendations.

Similarly, from 2006, wider inspection has shown the progress of child care and protection activity.

Present

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

j) If so, please give details.

As has been noted, more modern practice is reflective of tighter legislation/ regulations and national guidance / standards and subject to independent inspection scrutiny.

Child protection- there is a robust child protection procedure in place for any child where it is suspected that they may have been or are at risk of significant harm. This is now multi-agency in nature and subject to quality assurance and inspection processes.

Looked after children – there are procedures in place regarding the support and review of children who are looked after and accommodated. This is subject to quality assurance and inspection processes.

Foster carers – foster carer activity is governed through independent fostering panels arrangements and subject to a specific and separate inspection process.

4.4 Foster carers

(i) Policy

Past

a) What policies and/or procedures did the local authority have in relation to foster carers?

We have one (possibly partial) document which refers to boarded out information possible from the 60s/70s. This gives a number of directions to foster carers about children's health and care; medical attention; death accident or serious illness; education; religion; recreation; training (*of children*); absconding; parents and relatives; visits; employment; thrift; removal of foster children (*from the foster placement*); change of address and communications.

Information from Glasgow City Archives highlights fostering guidelines, a foster care handbook and child abuse and child protection procedures.

In more recent practice, foster carer handbooks and working agreements between the local authority and foster carer have set out the policy/ procedures for foster carers.

b) Was there a particular policy and/or procedural aim/intention?

Over the period, there was an increasing focus on the safe care of children.

c) Where were such policies and/or procedures recorded?

It is difficult to determine with certainty from partial records. In more recent practice, policies and procedures have been stored on a central electronic system for local authority staff to access, with foster carers being given hard copies of relevant documents such as safer care policy.

d) What did the policies and/or procedures set out in terms of the following?

- i. Recruitment**
- ii. Standard and size of accommodation**
- iii. Number, age and gender of children accommodated/in the household**
- iv. Pre-approval/registration checks**
- v. References**
- vi. Foster care agreements**
- vii. Induction**
- viii. Transfer of foster carers to or from other organisations or local authorities**
- ix. Review/supervision**
- x. Training**
- xi. Personal development**
- xii. Disciplinary actions**
- xiii. Removal of approval/registration**

Information from Glasgow City Archives indicates that fostering guidelines were in place during the 1970s and 1980s. We do not hold these documents.

In more recent practice, the following applies:

i. Recruitment

Physical information / application pack sent to enquirers. There is an information and application process in place including relevant eligibility checks

ii. Standard and size of accommodation

As part of eligibility, foster carers must have a bedroom for a fostered child - each child should have their own bedroom unless part of sibling group (but this still remains age/ sex dependent). Health and Safety assessment carried out on each property

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

This is governed by the assessment and subsequent fostering panel approval process. Legislation is also in place to limit numbers.

iv. Pre-approval/registration checks

As part of the application process, the following checks are undertaken:

- Local Authority records (both LA applying to and where the applicant resides)
- Disclosure Scotland
- Health

v. References

As part of the application process, multiple personal references are requested and visits undertaken to referees. Employer references are also undertaken.

vi. Foster care agreements

Post approval at a fostering panel, individual foster carer agreements are put in place.

vii. Induction

Prior to undertaking a full fostering assessment, prospective carers undertake group training using the skills to foster materials. This provides an introduction to fostering with the local authority as well as understanding the role and task of the foster carer. The assessment process continues learning on a one to one basis with a supervising social worker. Post approval at a fostering panel, training needs are identified and planned for, including any outstanding induction needs.

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

In more recent practice there has not been the facility to transfer foster carers to or from other organisations. Any existing foster carer who wished to come to East Renfrewshire to foster would be subject to a full assessment process and fostering panel.

ix. Review/supervision

Foster carers are subject to annual review, with return to panel every other year or more if necessary. Only a fostering panel can make substantive decisions (e.g. changes to registration).

Supervision – policy to have contact every fortnight, physical visit day after new placement start.

x. Training

An annual training calendar is produced. Training expectations are noted in the foster carer agreement.

xi. Personal development

Carers are encouraged to attend any training events which meet their training needs / personal interests where they relate to foster care, paid for by local authority.

xii. Disciplinary actions

All action in respect of foster carers must be subject to scrutiny at a fostering panel.

xiii. Removal of approval/registration

Whilst local authority officers continue to be responsible for decision making as to whether a child should be removed from a placement (in line with relevant legislation), only a fostering panel can revoke a foster carer's registration.

d) Who compiled the policies and/or procedures?

Local authority officers.

e) When were the policies and/or procedures put in place?

It is unclear from the partial records. Where a date is known we have stated this.

f) Were such policies and/or practices reviewed?

Yes based on changes in more recent policy / procedures

h) If so, what was the reason for review?

As has been previously noted, it is likely that this was as a result of changes in legislation / regulations, national guidance and learning from national enquiries into child deaths.

i) What substantive changes, if any, were made to the policies and/or procedures over time?

The significant changes are primarily in relation to safer care practices - the additional checks and extended assessment of foster carers, the strengthening of child protection procedures and the oversight of fostering panels.

l) Why were changes made?

Whilst we can't be certain due to having only partial records, as has been previously noted, it is likely that this was as a result of changes in legislation/ regulations, national guidance and learning from national enquiries into child deaths

m) Were changes documented?

We have been unable to locate records to confirm.

l) Was there an audit trail?

We have been unable to locate records to confirm.

Present

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

n) If so, please give details.

As has been noted, more modern practice is reflective of tighter legislation/ regulations and national guidance/ standards and subject to independent inspection scrutiny.

Foster carers – foster carer activity is governed through independent fostering panels arrangements and subject to a specific and separate inspection process.

(ii) Practice

Past

a) Did the local authority adhere in practice to its policy/procedures in relation to foster care?

From what records we have been able to review, it would appear that in more recent times, policy and procedures were followed. Inspection reports from 2006 would appear to confirm this

position. We are unable to confirm earlier adherence as we do not hold these records. It is possible that Glasgow City Archives holds this information.

b) Did the local authority adhere in practice to its policy/procedures in terms of the following?

- i. Recruitment**
- ii. Standard and size of accommodation**
- iii. Number, age and gender of children accommodated/in the household**
- iv. Pre-approval/registration checks**
- v. References**
- vi. Foster care agreements**
- vii. Induction**
- viii. Transfer of foster carers to or from other organisations or local authorities**
- ix. Review/supervision**
- x. Training**
- xi. Personal development**
- xii. Disciplinary actions**
- xiii. Removal of approval/registration**

From what records we have been able to review, it would appear that in more recent times, policy and procedures were followed. Inspection reports from 2006 would appear to confirm this position. We are unable to confirm earlier adherence with certainty as we do not hold these records. It is possible that Glasgow City Archives holds this information. However, some information held within children's and foster carer records can confirm adherence in individual circumstances where applications, minutes of panels etc. can be accessed. We have not located any records or information which would suggest that there was any significant non-compliance.

c) How was adherence demonstrated?

Independent inspection; children's and foster carer records.

d) How can such adherence be demonstrated to the Inquiry?

Independent inspection reports are a matter of public record and can be accessed from the Care Inspectorate. Extracts from children's/ foster carers records may also provide evidence.

e) Were relevant records kept demonstrating adherence?

It is difficult to ascertain with certainty due to only being able to access partial records.

f) Have such records been retained?

We have only been able to access partial records. It may be that Glasgow City Archives hold other documents.

g) If policy/procedure was not adhered to in practice, why not?

N/A

Present

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

i) If so, please give details.

As has been noted, more modern practice is reflective of tighter legislation / regulations and national guidance / standards and subject to independent inspection scrutiny.

Foster carers – foster carer activity is governed through independent fostering panels arrangements and subject to a specific and separate inspection process.

4.5 Other members of the foster carer's household

(i) Policy

Past

a) What policies and/or procedures did the local authority have in place in relation to other members of the foster carer's household?

We are unable to confirm earlier policy / procedures due to being unable to locate records. Post 2000, 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

b) Was there a particular policy and/or procedural aim/intention?

Yes- the focus in later years has been on strengthening the protection of children in foster care.

c) Where were such policies and/or procedures recorded?

Recorded in the application process (foster carer records).

d) Who compiled the policies and/or procedures?

Local authority officers.

e) When were the policies and/or procedures put in place?

It is difficult to determine with certainty due to only being able to access partial records, however likely to be post 2000.

f) Were such policies and/or practices reviewed?

The practice illustrated in 4.5 a) remains broadly the current practice although this has been strengthened over the years.

g) If so, what was the reason for review?

N/A

h) What substantive changes, if any, were made to the policies and/or procedures over time?

It is likely that the practice outlined in section 4.5 a) was only developed in more modern practice.

i) **Why were changes made?**

N/A

j) **Were changes documented?**

N/A

k) **Was there an audit trail?**

N/A

Present

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

The practice outlined in section 4.5a) is the same practice in place today, although this has been strengthened over the years.

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

N/A

(ii) **Practice**

Past

a) **Did the local authority adhere in practice to its policy/procedures in relation to other members of the foster carer's household?**

In more modern times, from case files read, it would appear that all necessary checks and policies regarding the checks on members of foster carers' household as required at the time were followed.

b) **How was adherence demonstrated?**

Case notes in foster carer records and Fostering Panel minutes.

c) **How can such adherence be demonstrated to the Inquiry?**

Excerpts from case records/minutes.

d) **Were relevant records kept demonstrating adherence?**

Yes – in accordance with retention schedules applicable at the time.

e) **Have such records been retained?**

Yes – in accordance with retention schedules applicable at the time.

f) **If policy/procedure was not adhered to in practice, why not?**

N/A

Present

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

N/A

- i) **If so, please give details.**

N/A

4.6 Placement of children by the local authority with foster carers approved/registered by other local authorities or organisations

- (i) **Policy**

Past

- a) **What policies and / or procedures did the local authority have in place in relation to placement of children with foster carers approved / registered by other local authorities or organisations?**

We are unable to determine with certainty. Information from Glasgow City Archives indicates that in April 1976, the Social Work Committee of Strathclyde Regional Council (SRC) 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 SRC children.

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.

In more modern practice, children can be placed with an independent fostering agency where this best meets the child's needs and provided the fostering agency is a registered care provider with the Care Inspectorate.

- b) **Was there a particular policy and/or procedural aim/intention?**

Yes, the care and protection of children.

- c) **Where were such policies and/or procedures recorded?**

It is our understanding that Glasgow City Archives hold a record of the Social Work Committee of Strathclyde Regional Council.

- d) **Who compiled the policies and/or procedures?**

The local authority agreed to implement the COSLA recommendation.

e) **When were the policies and/or procedures put in place?**

1976

f) **Were such policies and/or practices reviewed?**

Yes on the basis that practice has changed.

g) **If so, what was the reason for review?**

Unclear although regulation of care services would likely have changed practice.

h) **What substantive changes, if any, were made to the policies and/or procedures over time?**

We are unable to ascertain with certainty as we do not hold these records.

i) **Why were changes made?**

We are unable to determine with certainty.

j) **Were changes documented?**

We are unable to determine with certainty.

k) **Was there an audit trail?**

We are unable to determine with certainty.

Present

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

Yes

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

In more modern practice, children can be placed with an independent fostering agency where this best meets the child's needs and provided the fostering agency is a registered care provider with the Care Inspectorate.

(ii) **Practice**

Past

a) **Did the local authority adhere in practice to its policy/procedures in relation to placement of children with foster carers approved/registered by other local authorities or organisations?**

We are unable to determine with certainty due to having been able to locate only partial records. However, in more modern practice where children have been placed with independent care providers, information in children's records would indicate that in the majority of cases, practice has been in line with the expected standards of that time.

b) How was adherence demonstrated?

Case notes in both children and foster carers' records; Fostering Panel Minutes; Placement Agreements, Review minutes.

c) How can such adherence be demonstrated to the Inquiry?

Excerpts from case records.

d) Were relevant records kept demonstrating adherence?

Yes – in accordance with retention schedules applicable at the time.

e) Have such records been retained?

Yes – in accordance with retention schedules applicable at the time.

f) If policy/procedure was not adhered to in practice, why not?

N/A

Present

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

No, as stated, in more modern practice children can be placed with an independent fostering agency where this best meets the child's needs and provided the fostering agency is a registered care provider with the Care Inspectorate.

h) If so, please give details.

N/A

4.7 Complaints and Reporting

(i) Policy

Past

a) What policies and/or procedures did the local authority have in place in relation to complaints and reporting about foster care?

Information held by Glasgow City Archives indicates that there were complaints processes in place during the period 1976 – 1995. We are unable to confirm the detail of these.

In more modern practice, all local authorities must have in place a robust complaints procedure.

A 2009 looked after children booklet gives children information about how to make a complaint and further highlights the role that an independent advocacy worker can have in supporting them.

All complaints against carers are investigated and recorded.

b) Was there a particular policy and/or procedural aim/intention?

Yes, the care and protection of children.

c) Where were such policies and/or procedures recorded?

Specific documents were produced and evidence of use is held within children's and foster carer records.

d) What did the policies and/or procedures set out on the following:

- i. Complaints by children**
- ii. Complaints by foster carers**
- iii. Complaints by family members of children**
- iv. Complaints by third persons**
- v. Whistleblowing**
- vi. Support, including external support, for those who made the complaint or those who were the subject of complaint**
- vii. Response to complaints (including response by the local authority)**
- viii. External reporting of complaints**

The local authority complaints process is across the whole function of social work services.

There is a local authority whistleblowing process.

e) Who compiled the policies and/or procedures?

Local authority officers.

f) When were the policies and/or procedures put in place?

Processes were in place at least from the 70s/80s.

g) Were such policies and/or practices reviewed?

Yes as practice has changed over the years.

h) If so, what was the reason for review?

We are unable to confirm due to being able to locate only partial records. It is likely that this will have been prompted by changes in legislation.

i) What substantive changes, if any, were made to the policies and/or procedures over time?

We are unable to confirm due to being able to locate only partial records.

j) Why were changes made?

We are unable to confirm due to being able to locate only partial records. It is likely that this will have been prompted by changes in legislation.

k) Were changes documented?

We are unable to confirm due to being able to locate only partial records.

l) Was there an audit trail?

We are unable to confirm due to being able to locate only partial records.

Present

- m) With reference to the present position, are the answers to any of the above questions different?**
- n) If so, please give details.**

As noted, the local authority complaints process is across the whole function of social work services.

There is a local authority whistleblowing process.

(ii) Practice

Past

- a) Did the local authority adhere in practice to its policy/procedures in relation to complaints and reporting about foster care?**

We are unable to confirm the historic position due to only holding partial records. However, in more modern practice there is a governance process in place to ensure that complaints are responded to appropriately.

- b) Did the local authority adhere in practice to its policy/procedures on the following:**

- i. Complaints by children**
- ii. Complaints by staff**
- iii. Complaints by family members of children**
- iv. Complaints by third persons**
- v. Whistleblowing**
- vi. Support, including external support, for those who made the complaint or those who were the subject of complaint**
- vii. Response to complaints (including response by the local authority)**
- viii. External reporting of complaints**

We are unable to confirm the historic position due to only holding partial records. However, in more modern practice there is a governance process in place to ensure that complaints are responded to appropriately.

- c) How was adherence demonstrated?**

A complaints system is in place which records complaints and responses.

- d) How can such adherence be demonstrated to the Inquiry?**

Extract from the complaints system records.

- e) Were relevant records kept demonstrating adherence?**

Yes for more modern practice.

- f) Have such records been retained?**

Yes for more modern practice.

g) If policy/procedure was not adhered to in practice, why not?

N/A

Present

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

j) If so, please give details.

As noted, for more modern practice a complaints process and recording system is in place.

4.8 Internal Investigations

(i) Policy

Past

a) What policies and/or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?

Information from Glasgow City Archives indicates that a 1989 Strathclyde Regional Council Child Abuse Procedure for Staff of the Social Work Department set out the procedure for the investigation of abuse by foster carers.

b) Was there a particular policy and/or procedural aim/intention?

Yes, the protection of children.

c) Where were such policies and/or procedures recorded?

A specific document was created.

d) What did the policies and/or procedures set out on the following:

- i. Approach to/process of internal investigations**
- ii. Identifying lessons/changes following internal investigations**
- iii. Implementation of lessons/changes following internal investigations**
- iv. Compliance**
- v. Response (to child and abuser)**
- vi. Response to complaints (including response by local authority)**
- vii. External reporting following internal investigations**

We do not hold the full detail of the procedure.

e) Who compiled the policies and/or procedures?

Local authority officers

h) When were the policies and/or procedures put in place?

1989

i) Were such policies and/or practices reviewed?

Child protection procedures have since been updated.

h) If so, what was the reason for review?

Changes in legislation and guidance as well as learning from national enquiries into child deaths.

i) What substantive changes, if any, were made to the policies and/or procedures over time?

Over time practice has changed significantly in relation to child protection procedures more generally. Key to this has been the strengthening of multi-agency practice in sharing information, co-ordinating and sharing decision making for investigations.

j) Why were changes made?

Changes in legislation and guidance as well as learning from national enquiries into child deaths.

k) Were changes documented?

It is unclear due to only being able to access partial records. However, changes can be seen between documents.

l) Was there an audit trail?

It is unclear due to only being able to access partial records.

Present

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

o) If so, please give details.

Over time practice has changed significantly in relation to child protection procedures more generally. Key to this has been the strengthening of multi-agency practice in sharing information, co-ordinating and sharing decision making for investigations.

(ii) Practice

Past

a) Did the local authority adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?

We are unable to confirm the historic position due to only being able to access partial records. In more modern practice, information from existing records confirm that in the majority of cases, the local authority adhered to its policy/ procedures.

b) Did the local authority adhere in practice to its policy/procedures on the following:

- i. Approach to/process of internal investigations**
- ii. Identifying lessons/changes following internal investigations**
- iii. Implementation of lessons/changes following internal investigations**
- iv. Compliance**
- v. Response (to child and abuser)**
- vi. Response to complaints (including response by local authority)**
- vii. External reporting following internal investigations**

We are unable to confirm the historic position due to only being able to access partial records. In more modern practice, information from existing records confirm that in the majority of cases, the local authority adhered to its policy/ procedures.

c) How was adherence demonstrated?

Information contained within children's records; evidence from independent inspection.

l) How can such adherence be demonstrated to the Inquiry?

Inspection records are a matter of public record and can be accessed from the Care Inspectorate; extracts of children's records.

m) Were relevant records kept demonstrating adherence?

Yes- in children's records

n) Have such records been retained?

Yes in line with retention schedules of the time.

o) If policy/procedure was not adhered to in practice, why not?

We have one instance of a concern reported circa 2006 (noted in section D). This was addressed when circumstances were brought to the attention of the local authority in 2016 and subsequent investigation and action undertaken in 2017/2018. An independent review was undertaken to determine learning from this.

Present

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

No.

q) If so, please give details.

N/A

4.9 Record keeping

(i) Policy

Past

- a) What policies and/or procedures did the local authority have on record keeping in relation to foster care?**

Information from Glasgow City Archives indicates that manuals in the 1970s provided instruction on record keeping which was subsequently updated in the 1980s.

In more modern times, record keeping/ retention has been governed by tighter legislative requirements.

- b) What policies and/or procedures did the local authority have on record keeping by foster carers?**

We are unable to confirm the detail of historic documents as we do not hold these. In more modern practice, record keeping and retention is a feature of the foster carer agreement and guidance given to foster carers by their supervising social workers.

- c) In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?**

Yes, this has primarily been in relation to protection of children.

- d) What did the policies and/or procedures set out in relation to record keeping on the following:**

- i. Children in foster care**
- ii. Foster carers**
- iii. Visits to children and foster carers**
- iv. Complaints**
- v. Investigations (both internal and external)**
- vi. Discipline**
- vii. Responding to requests from former children in foster care for information/records**
- viii. Other issues relevant to foster care**

We are unable to confirm the detail of historic documents as we do not hold these. In more modern practice, record keeping and retention is a feature of the foster carer agreement and guidance given to foster carers by their supervising social workers.

- e) Who compiled the policies and/or procedures?**

Local authority officers.

- f) When were the policies and/or procedures put in place?**

It is unclear due to only being able to access partial records. Foster carer agreements are likely to have been in place at least since the mid-2000s.

- g) Do such policies and/or procedures remain in place?**

Yes

h) Were such policies and/or practices reviewed?

Yes

i) If so, what was the reason for review?

Likely due to changes in legislation/ learning from national enquiries.

j) What substantive changes, if any, were made to the policies and/or procedures over time?

Retention schedules have changed over time.

k) Why were changes made?

Likely due to changes in legislation/ learning from national enquiries.

l) Were changes documented?

We are unable to confirm the historic position.

m) Was there an audit trail?

We are unable to confirm the historic position.

Present

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

o) If so, please give details.

As noted, foster carer agreements and guidance, whilst likely to have been subject to changes over time, are a feature of modern practice.

(ii) Practice

Past

a) Did the local authority adhere in practice to its policy/procedures in relation to record keeping?

We are unable to confirm the historic position. In more modern practice, records and independent inspection reports indicates that in the majority of cases, policies and procedures have been adhered to.

b) Did the local authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?

We are unable to confirm the historic position. In more modern practice, foster carers are subject to supervision arrangements which includes oversight of records.

- c) **Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following:**
- i. **Children in foster care**
 - ii. **Foster carers**
 - iii. **Visits to children and foster carers**
 - iv. **Complaints**
 - v. **Investigations (both internal and external)**
 - vi. **Discipline**
 - vii. **Responding to requests from former children in foster care for information/records**
 - viii. **Other issues relevant to foster care**

We are unable to confirm the historic position. However, in more modern practice, foster carers are subject to supervision arrangements which includes oversight of records. There are also specific recording systems for complaints and significant incidents.

There is a separate process in place to support access to records for children previously looked after and accommodated. Additionally, the local authority commission support from Barnardo's SAAS.

- d) **How was adherence demonstrated?**

Children's and foster carer records; complaints, significant incidents and SARs recording systems.

- e) **Were relevant records kept demonstrating adherence?**

Yes for more modern practice.

- f) **Have such records been retained?**

Yes for more modern practice.

- g) **If policy/procedure was not adhered to in practice, why not?**

N/A

- h) **Did the local authority undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for in foster care may have taken place?**

For the purposes of this response, the local authority has undertaken a review of 191 records. Additionally, in relation to a specific carer following concerns in 2006 and 2016/17, a further 24 children records were reviewed for any indication of abuse.

- i) **If so, when did the reviews take place, what documentation is available, and what were the findings?**

October 2019 – March 2020 for the purposes of this review. Our findings are noted in section D.

- j) **How have the outcomes of investigations been used to improve systems, learn lessons?**

With respect to the independent learning review in 2018 as outlined in section D, learning has been discussed with existing council officers and taken forward into the improvements of the service.

k) What changes have been made?

The learning has been incorporated into an overall improvement plan for the service. Changes have included the adoption of an independent chair for panels and refresher child protection training for regulated care services staff.

l) How are these monitored?

In more modern practice, supervision and quality assurance processes are in place for the purposes of child protection.

m) Did the local authority afford former children in care access to records relating to their time in foster care?

Yes in more modern practice.

n) If so, how was that facilitated?

A council officer is allocated for the purpose of locating records on behalf of the individual and supporting them in this process.

o) If not, why not?

N/A

Present

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

No.

q) If so, please give details.

r) Please provide details of the types of any records currently held relating to the children in foster care in respect of the following:

i. Children in foster care

Children's case records.

ii. Staff with responsibilities for foster care

Recorded in the annual return to the Care Inspectorate; supervision records (NB all professional social work staff also registered and regulated by the Scottish Social Services Council).

iii. Foster carers

Foster carer case records including application, assessment, supervision and review.

iv. Complaints

Local authority complaints process records.

v. Investigations (both internal and external)

Child protection investigations held within children's records

Foster carers – review minutes

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

Subject access request records

PART D - ABUSE AND RESPONSE

The questions in Part D should be answered in respect of abuse or alleged abuse relating to the time frame 1930 to 17 December 2014 only.

5. Abuse

5.1 Nature

a) What was the nature of abuse and/or alleged abuse of children in foster care, for example, sexual abuse, physical abuse, emotional abuse?

A review of available records indicates that the nature of the concerns relate to physical assault, emotional and sexual abuse and neglect.

5.2 Extent

a) What is the local authority's assessment of the scale and extent of abuse of children in foster care?

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

We have set out our findings in response to section 5.9. This additionally includes concerns that were not necessarily specific, proven, nor necessarily considered under child protection at that time, but have been included here as the detail of what had been recorded could have been indicative of abuse. This continues to amount to a small percentage of the available records reviewed. However, it is acknowledged that this does not lessen the impact for those individual children who experienced abuse.

b) 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. This includes a review of 191 complete records and a further 24 reviews specific to a joint investigation with the police in 2017. Examination of case records has identified only a few instances where children have been subject to abuse whilst in foster care.

Following the submission of Parts A & B on 31 January 2020, whilst we were able in the period available between beginning of February and mid-March to interrogate some records further, for most part the COVID-19 pandemic has prevented us from gathering any additional information or returning to review records in more detail. On this basis, it is possible that the detail we provide in this section is incomplete.

c) How many complaints have been made in relation to alleged abuse of children in foster care?

- There were four complaints relating to five children in relation to specific abuse.
- There was a further complaint relating to historic abuse of two siblings which was investigated by the police in 2017. It is however included here as the concerns were first disclosed in 2006 and relate to the period 2004 / 2005.
- There was a further indication of an allegation made by a young person about the possible abuse of another young person which was subsequently denied by the alleged victim.
- There were two further instances recorded where no specific abuse allegation or disclosure was made but professional opinion on review suggests it was possible that a fostered child may have been at risk of abuse.
- Review of records also highlighted three situations of possible physical assault which were addressed as a complaint rather than child protection concern.

d) Against how many foster carers have the complaints referred to at (c) above been made?

The complaints reflected above relate to 10 foster carers (including 1 instance where a birth child is also referred to) and 1 person associated with the household (fiancé of the foster carer's birth daughter).

e) How many foster carers have been convicted of, or admitted to, abuse of children?

None that we are aware of.

f) How many foster carers have been found by the local authority to have abused children?

It is difficult to ascertain from historic records any absolute determination. We have set out the available detail in response to section 5.9.

Some records have shown that children were moved placement which is indicative at least that the local authority were concerned about the care and protection of the child.

g) Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?

One person associated with the household (fiancé of the foster carer's birth daughter).

h) How many family members of foster carers have been convicted of, or admitted to abuse of children?

None that we are aware of.

i) How many family members of foster carers have been found by the local authority to have abused children?

None recorded, although the detail set out in response to section 5.9 highlights two instances where concerns were highlighted in relation to a family member or associate of the household.

j) Against how many other children placed in foster care in the same placement have complaints been made in relation to the alleged abuse of children?

None that we are aware of.

- k) **How many other children placed in foster care in the same placement have been convicted of, or admitted to abuse of children?**

None that we are aware of.

- l) **How many other children placed in foster care in the same placement have been found by the local authority to have abused children?**

None that we are aware of.

5.3 Timing of Disclosure/Complaint

- a) **When were disclosures and complaints of abuse and/or alleged abuse of children in foster care made to the local authority?**

Some disclosures were made whilst the child(ren) were still in placement and others were made shortly after the child was moved for other reasons. In one instance a disclosure was made over a decade after the abuse was alleged to have occurred (although this related to earlier disclosure shortly after the young person had moved placement).

- b) **To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?**

Most complaints and disclosures were made whilst the child remained in placement or just after they moved placement.

- c) **To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?**

There was one disclosure made over a decade after the alleged abuse took place. However, this related to an earlier disclosure made shortly after they moved from the placement.

- d) **Are there any patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse?**

It is of note that most complaints were made during or shortly after the placement ceased, although the number recorded and scope would make it unlikely that we could draw any reliable conclusions from our data on its own.

5.4. External Inspections

- a) **What external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children?**

We have no record of any inspection which exclusively focussed on abuse or alleged abuse of children in foster care. East Renfrewshire has been subject to wider inspection which would have included this as a consideration since 2006. All reports are public and available from the Care Inspectorate.

For each such external inspection please answer the following:

- b) **Who conducted the inspection?**

- c) **Why was the inspection conducted?**
- d) **When was the inspection conducted?**
- e) **What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?**
- f) **What was the local authority's response to the inspection and its outcome?**
- g) **Were recommendations made following the inspection?**
- h) **If so, what were the recommendations and were they implemented?**
- i) **If recommendations were not implemented, why not?**

5.5 External Investigations

- a) **What external investigations have been conducted relating to children in foster care which have considered issues relating to abuse and/or alleged abuse of children?**

We have no record of any external investigation relating to the abuse or alleged abuse of children in foster care during this period. However, the local authority commissioned a retrospective learning review following the conclusion of a joint criminal investigation in 2016 - 2018 into alleged sexual abuse of two siblings.

For each such external investigation please answer the following:

- b) **Who conducted the investigation?**
- c) **Why was the investigation conducted?**
- d) **When was the investigation conducted?**
- e) **What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?**
- f) **What was the local authority's response to the investigation and its outcome?**
- g) **Were recommendations made following the investigation?**
- h) **If so, what were the recommendations and were they implemented?**
- i) **If recommendations were not implemented, why not?**

5.6 Response to External Inspections/Investigations

- a) **What was the local authority's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?**
- b) **What was the local authority's procedure/process for responding to the outcomes of such external inspections and/or investigations?**
- c) **What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?**

5.7 Impact

- a) **What is known about the impact of abuse on those children in foster care who were abused, or alleged to have been abused?**

We have no specific record of the impact of abuse noted in historic case files. However, behaviours and concerns about children later recorded in some circumstances may be consistent with the impact of abuse.

In more modern practice, there is a greater awareness of the impact of trauma and abuse. For those children subject to abuse in placements, the negative impact is likely significant.

- b) **Where does the local authority's knowledge/assessment of that impact come from?**

Review of records and practice experience and knowledge.

- c) **What is known about the impact of abuse on the families of those children in foster care who were abused, or alleged to have been abused?**

We have located no specific information contained within historic records.

However, in more modern practice, there is a greater understanding of the fact that abuse can affect the whole family.

- d) **Where does the local authority's knowledge/assessment of that impact come from?**

Review of records and practice experience and knowledge.

5.8 Known Abusers and Alleged Abusers

- a) **Does the local authority know of specific abusers, or alleged abusers, of children in foster care?**

Specific detail of what is known is provided in response to section 5.9 below. Based on what review has been able to be undertaken, we know of no convictions or admissions of guilt. The detail in section 5.9 illustrates concerns to the level that children were at times removed or not returned to placements. Whilst records are not always explicit, this is likely to be indicative of a level of concern about the care and protection of the child or young person in that environment.

However, there were two situations recorded where the concern was such that criminal charges were brought.

- b) **If so, what are the names of the abusers, and/or alleged abusers?**

The names of the alleged abusers where criminal charges were brought are:

- EDH [REDACTED]
- EDD [REDACTED]

The names of others where allegations were made but not criminal charges are:

- Mrs EDA [REDACTED]
- EDB-EDC [REDACTED]
- EDF-EDG [REDACTED]
- EJY [REDACTED] – fiancé of the foster carer's daughter [REDACTED]
- EDK [REDACTED]

- EDM [REDACTED]
- EDN-EDP [REDACTED]
- EDQ [REDACTED]
- EDR [REDACTED]

c) For each of these persons, please provide as much as possible of the following information:

EDH [REDACTED]

- the period (dates) during which they are known or alleged to have abused children in foster care

Approximately between 2004 and 2005

- if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse

Foster carer

- the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter

A fostering assessment was undertaken commensurate with the time period.

- any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made

None

EDD [REDACTED]

- the period (dates) during which they are known or alleged to have abused children in foster care

Circa 1970

- if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse

Foster carer

- the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter

Not known

- any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made

Not known

Mrs EDA

- **the period (dates) during which they are known or alleged to have abused children in foster care**

Circa 1979

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

Foster carer

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

Not known

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

Not known

EDB-EDC

- **the period (dates) during which they are known or alleged to have abused children in foster care**

Circa 1978

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

Foster carer

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

Not known

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

Not known

EDF-EDG

- **the period (dates) during which they are known or alleged to have abused children in foster care**

Not known – child in placement 2006 - 2011

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

Foster carer

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

Not known – carers were registered with an independent fostering agency (Foster Care Associates).

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

Not known

EJY

– fiancé of the foster carer's daughter

- **the period (dates) during which they are known or alleged to have abused children in foster care**

Unclear although complaint made in 2003

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

Fiancé to the carer's birth daughter

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

A fostering assessment was undertaken commensurate with the time period.

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

Not known.

EDK

- **the period (dates) during which they are known or alleged to have abused children in foster care**

Not known although the complaints were made in 2013

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

Foster carer

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

A fostering assessment was undertaken commensurate with the time period.

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

Not known.

EDM

- **the period (dates) during which they are known or alleged to have abused children in foster care**

Unclear although the placement commenced in 1964

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

Foster carer

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

Not known

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

Not known

EDN-EDP

- **the period (dates) during which they are known or alleged to have abused children in foster care**

Specific incident in 2002

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

Foster carer and his son

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

A fostering assessment was undertaken commensurate with the time period.

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

Not known

EDQ

- **the period (dates) during which they are known or alleged to have abused children in foster care**

A specific incident in 2014

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

Foster carer

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

Not known – carers were registered with an independent fostering agency (Fostering Solutions).

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

Not known

EDR

- **the period (dates) during which they are known or alleged to have abused children in foster care**

A specific incident circa 1977

- **if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse**

Foster carer

- **the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter**

Not known

- **any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made**

Not known

k) Were known abusers, or alleged abusers, of children permitted to continue as foster carers?

EDH

- In 2006, following an inconclusive investigation, EDH continued as a foster carer. By 2016, EDH was no longer a foster carer.

EDD

- Records are limited although the media report appeared to suggest that she had continued to be a foster carer.

Mrs EDA

- Not known

EDB-EDC

- Not known

EDF-EDG

- Not known- concerns were raised with the foster care agency

EJY [REDACTED] – fiancé of the foster carer's daughter [REDACTED]

- N/A – not a carer

EDK [REDACTED]

- Carer was deregistered

EDM [REDACTED]

- Not known

EDN-EDP [REDACTED]

- Not known

EDQ [REDACTED]

- Not known- carers were with an independent fostering agency

EDR [REDACTED]

- Yes- child was subsequently returned to their care

l) If so, why was this considered to be appropriate?

EDH [REDACTED]

- In 2006 he continued as a foster carer as the investigation did not determine that he had abused a child.

EDD [REDACTED]

- Not known

Mrs EDA [REDACTED]

- Not known

EDB-EDC [REDACTED]

- Not known

EDF-EDG [REDACTED]

- Not known- concerns were raised with the foster care agency

EJY [REDACTED] – fiancé of the foster carer's daughter [REDACTED]

- N/A – not a carer

EDK [REDACTED]

- Carer was deregistered

EDM [REDACTED]

- Not known

EDN-EDP [REDACTED]

- Not known

EDQ [REDACTED]

- Not known- carers were based in Edinburgh

EDR [REDACTED]

- Not known

f) If so, what process of monitoring/supervision followed?

Carers would have been subject to the monitoring and supervision standards of the time.

5.9 Specific Complaints

a) How many specific complaints of abuse of children in foster care have been made to the local authority?

- There were four incidents relating to five children in relation to specific abuse.
- There was a further complaint relating to historic abuse of two siblings which was investigated by the police in 2017. It is however included here as the concerns were first disclosed in 2006 and relate to the period 2004/2005.
- There was a further indication of an allegation made by a young person about the possible abuse of another young person which was subsequently denied by the alleged victim.
- There were two further instances recorded where no specific abuse allegation or disclosure was made but it was possible that a fostered child may have been at risk of abuse.
- Review of records also highlighted two situations of possible physical assault which were addressed as addressed as a complaint rather than child protection concern.

For each specific complaint, please answer the following:

Concern 1

a) Who made the complaint?

The young person

b) When was the complaint made?

1979

c) Against whom was the complaint made?

Foster carer – female Mrs EDA

d) What was the nature of the complaint?

Alcohol abuse by foster carer. After the child had been moved from the placement to a residential placement he stated that he had been physically assaulted by the foster carer. During questioning from the staff in the residential placement it was recorded that he admitted exaggerating concerns about being injured. However, concerns were maintained regarding carer alcohol use, having thrown things at the child and the carer being aggressive.

e) When/over what period was the abuse alleged to have taken place?

Unclear although records appear to indicate that there were a number of occasions.

f) What was the local authority's process and approach in dealing with the complaint?

Discussions with foster carer regarding alcohol misuse and behaviour. A Case Conference was held. The child was removed from the placement following the investigation regarding the alcohol misuse.

The allegation of physical assault was discussed with the foster carer and case records indicate that she denied this. No further action recorded on the matter.

g) What was the local authority's process and approach for investigating the complaint?

Discussions with foster carer, Case Conference, child removed permanently from placement.

h) What was the outcome of the complaint following that investigation?

The child did not return to the placement

- i) **Did the local authority provide a specific response to the complaint?**
None recorded
- j) **If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
N/A
- k) **If there was no response, why not?**
Not recorded
- l) **Was the information/content of the complaint passed to police?**
Not recorded
- m) **If not, why not?**
N/A

Concern 2

- a) **Who made the complaint?**
Anonymous caller and neighbour
- b) **When was the complaint made?**
1978
- c) **Against whom was the complaint made?**
Foster carer – EDB-EDC
- d) **What was the nature of the complaint?**
Child had enuresis and stated that he had to sleep in urine soaked beds for weeks resulting in him going to school "smelly". Case notes also indicate the child vomiting up a cup full of blood. Children also disclosed to respite foster carer that they were being 'belted'

Anonymous caller claiming maltreatment of both children, stating that they were left unattended, being belted as a form of behaviour management.

Further allegations made by a neighbour that they were being badly treated and that the foster home was not safe for them.

Children noted to being made to stand and eat their dinner from "baby plates" punishment for dropping food.
- e) **When/over what period was the abuse alleged to have taken place?**
Unclear
- f) **What was the local authority's process and approach in dealing with the complaint?**
It appears to have been viewed as a child protection concern.
- g) **What was the local authority's process and approach for investigating the complaint?**
Three case conferences held
- h) **What was the outcome of the complaint following that investigation?**
Unclear
- i) **Did the local authority provide a specific response to the complaint?**

Not recorded

- j) **If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
N/A
- k) **If there was no response, why not?**
Not recorded
- l) **Was the information/content of the complaint passed to police?**
Not recorded
- m) **If not, why not?**
Not recorded

Concern 3

- a) **Who made the complaint?**
Unclear although it was reported to the police
- b) **When was the complaint made?**
1970
- c) **Against whom was the complaint made?**
Foster carer – female EDD [REDACTED]
- d) **What was the nature of the complaint?**
The complaint was with respect to a sibling group of two. Foster carer in court on several counts of striking a child to her severe injury and did attempt to murder her and four counts of assaulting the younger children including her own birth child by striking him repeatedly to the head, face and body with her fists and an instrument by throwing him against furniture. Punching child who was six months old at the time in her own home, striking him with an unknown instrument and throwing him against furniture to his severe injury. 6th charge alleges she made false statements about the disappearance of a child at Rouken Glen Park claiming that the child had been taken away by a stranger.
- e) **When/over what period was the abuse alleged to have taken place?**
Unclear
- f) **What was the local authority's process and approach in dealing with the complaint?**
Unclear – police investigation and court case is all that is recorded.
- g) **What was the local authority's process and approach for investigating the complaint?**
Unclear – police investigation and court case is all that is recorded – information has been taken from media report within the children's record.
- h) **What was the outcome of the complaint following that investigation?**
Children were eventually removed.
- i) **Did the local authority provide a specific response to the complaint?**
Unclear
- j) **If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
N/A

- k) **If there was no response, why not?**
Not recorded
- l) **Was the information/content of the complaint passed to police?**
Yes – although unclear if police were involved as a result of local authority passing on concerns or due to complaint made directly to them.
- m) **If not, why not?**
N/A

Concern 4

- a) **Who made the complaint?**
Child
- b) **When was the complaint made?**
2011
- c) **Against whom was the complaint made?**
Foster carers – EDF-EDG (Foster Care Associates)
- d) **What was the nature of the complaint?**
The child made disclosure about historical abuse he experienced while with foster carers he had previously resided with. This included name calling of child and his family, physical assault, complaints about food, cheap clothing purchased and clothes too small, alcohol misuse by carers.
- e) **When/over what period was the abuse alleged to have taken place?**
/06 - /11
- f) **What was the local authority's process and approach in dealing with the complaint?**
Decision taken not to instigate child protection procedures as there was no risk of future harm. However, the information was passed to the independent fostering agency who were responsible for supervising the foster carers.
- g) **What was the local authority's process and approach for investigating the complaint?**
Complaint passed to the independent fostering agency who were responsible for supervising the foster carers.
- h) **What was the outcome of the complaint following that investigation?**
Child had already moved from placement at the time of making the allegation. Complaint was passed to independent fostering agency to investigate – no recording on file regarding outcome of investigation.
- i) **Did the local authority provide a specific response to the complaint?**
The local authority alerted the independent fostering agency and continued to provide support to the child.
- j) **If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
N/A
- k) **If there was no response, why not?**
N/A

l) Was the information/content of the complaint passed to police?

Not recorded

m) If not, why not?

N/A

There was a further complaint relating to historic abuse of two siblings which was investigated by the police in 2017. It is however included here as the concerns were first disclosed in 2006 and relate to the period 2004/2005.

Concern 5

a) Who made the complaint?

Child

b) When was the complaint made?

A disclosure was initially made in 2006 after the young person had moved placement. Subsequent disclosure made in 2016 led to police investigation in 2017.

c) Against whom was the complaint made?

Foster carer – male EDH [REDACTED]

d) What was the nature of the complaint?

The children alleged sexual abuse / inappropriate sexual contact from the male foster carer.

e) When/over what period was the abuse alleged to have taken place?

During the period the siblings were in the placement [REDACTED] / 2004 - [REDACTED] / 2005

f) What was the local authority's process and approach in dealing with the complaint?

In 2006 a child protection and police investigation took place. The outcome was inconclusive.

In late 2016, one of the children (now an adult) again repeated the allegation and was supported by the local authority to report the matter to the police. A subsequent police investigation led to criminal charges and court in 2018. An independent learning review was undertaken in 2018.

g) What was the local authority's process and approach for investigating the complaint?

In December 2016, a joint enquiry was established between Police Scotland K Division and East Renfrewshire Council in respect of any children placed with the foster carer. No further victims of sexual abuse were uncovered. However investigation was taken forward in respect of the sibling's original complaints.

h) What was the outcome of the complaint following that investigation?

In 2006, no further action was taken.

In 2016 the foster carer was arrested in May 2017 and subsequently charged with two counts of indecent assault as well as contraventions of the Criminal Law Consolidation (Scotland) Act 1995 section 6. The case went to trial however did not progress to conviction.

i) Did the local authority provide a specific response to the complaint?

In 2006, following investigation the local authority continued to support the young person.

By December 2016 when the concerns were again brought to the attention of the local authority, the siblings were no longer in the care of the local authority. The local authority worked jointly with the police to support investigation and later commissioned an independent learning review.

- j) **If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
As above.
- k) **If there was no response, why not?**
- l) **Was the information/content of the complaint passed to police?**
Yes – in 2006 & 2016
- m) **If not, why not?**
N/A

There was a further indication of an allegation made by a young person about the possible abuse of another young person which was subsequently denied by the alleged victim.

Concern 6

- a) **Who made the complaint?**
Young person
- b) **When was the complaint made?**
2003
- c) **Against whom was the complaint made?**
Fiancé of foster carers' birth daughter [REDACTED] – EJV [REDACTED]
- d) **What was the nature of the complaint?**
Young person alleged that another young person had inappropriate sexual contact from fiancé of foster carers' birth daughter
- e) **When/over what period was the abuse alleged to have taken place?**
At some point during placement from [REDACTED] 2002 to [REDACTED] 2003
- f) **What was the local authority's process and approach in dealing with the complaint?**
A child protection investigation was initiated.
- g) **What was the local authority's process and approach for investigating the complaint?**
The young people were interviewed as part of the child protection investigation. However, the alleged victim refused to give a statement. They in turn stated that they were concerned about inappropriate sexual contact between the young person who made the allegation and the alleged abuser. This was also denied by the young person who made the allegation.
- h) **What was the outcome of the complaint following that investigation?**
No further action in relation to the complaint, however the young person was moved from the placement.
- i) **Did the local authority provide a specific response to the complaint?**
The young people continued to be supported by the local authority
- j) **If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
No other response recorded
- k) **If there was no response, why not?**
N/A

l) Was the information/content of the complaint passed to police?

Yes

m) If not, why not?

N/A

There were two further instances recorded where no specific abuse allegation or disclosure was made but it was possible that a fostered child may have been at risk of abuse.

Concern 7

a) Who made the complaint?

The foster carers' adult son

b) When was the complaint made?

On three occasions in 2013

c) Against whom was the complaint made?

Foster carer – male ^{EDK} [REDACTED]

d) What was the nature of the complaint?

The birth son detailed his own childhood experiences relating to domestic abuse, substance/alcohol abuse and an incident in which he had inappropriate sexual contact from his father.

He also alleged that the fostered child was sleeping in the same bedroom as the male foster carer.

e) When/over what period was the abuse alleged to have taken place?

Carers' son alleging that above took place when he was a child. However, concerns that the child in placement shared a bedroom with the male foster carer, whilst in placement ([REDACTED]-06 until [REDACTED]-14)

f) What was the local authority's process and approach in dealing with the complaint?

The police informed although did not progress with a criminal investigation as the foster carer's son had withdrawn his allegation. A child protection investigation was initiated.

g) What was the local authority's process and approach for investigating the complaint?

A child protection investigation took place. A child protection case discussion and subsequent conference took place. As the carers had been in the process of applying to adopt the child, the court was made aware of the concerns and the child protection investigation.

h) What was the outcome of the complaint following that investigation?

The carers and their adult adopted son denied all concerns raised by their birth son, although it was admitted that the child had until shortly before the investigation slept in the male foster carer's bedroom. The child's name was placed on the Child Protection Register at risk of sexual abuse. Child was moved from placement and foster carers were deregistered.

i) Did the local authority provide a specific response to the complaint?

None recorded

j) If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?

The child continued to be supported by the local authority.

- k) **If there was no response, why not?**
Not recorded.
- l) **Was the information/content of the complaint passed to police?**
Yes
- m) **If not, why not?**
N/A

Concern 8

- a) **Who made the complaint?**
Social worker
- b) **When was the complaint made?**
Unclear
- c) **Against whom was the complaint made?**
Foster carer – male EDM [REDACTED]
- d) **What was the nature of the complaint?**
Child sharing a bed with the male foster carer
- e) **When/over what period was the abuse alleged to have taken place?**
Unclear and it isn't clear what the duration of the period in the placement was although appears to have commenced [REDACTED]64.
- f) **What was the local authority's process and approach in dealing with the complaint?**
No formal investigation took place.
- g) **What was the local authority's process and approach for investigating the complaint?**
Social work addressed the concern with the foster carer but concerns were dismissed and no other action taken.
- h) **What was the outcome of the complaint following that investigation?**
No further action was taken.
- i) **Did the local authority provide a specific response to the complaint?**
No
- j) **If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
N/A
- k) **If there was no response, why not?**
Not recorded
- l) **Was the information/content of the complaint passed to police?**
No
- m) **If not, why not?**
Not recorded

Review of records also highlighted three situations of possible physical assault which were addressed as a complaint rather than child protection concern.

Concern 9

- a) **Who made the complaint?**
Young person
- b) **When was the complaint made?**
2002
- c) **Against whom was the complaint made?**
Foster carer and foster carer family member (son) - EDN-EDP
- d) **What was the nature of the complaint?**
The young person alleged that following an argument in the house she had been pulled down the stairs and held down. The foster carer phoned the police which resulted in two young people being held at the police station
- e) **When/over what period was the abuse alleged to have taken place?**
There is one incident recorded
- f) **What was the local authority's process and approach in dealing with the complaint?**
The placement was ended and there was consideration as to whether the concern should be addressed under child protection but the subsequent decision by the senior manager was to address as a complaint.
- g) **What was the local authority's process and approach for investigating the complaint?**
An investigation undertaken by the team responsible for foster care.
- h) **What was the outcome of the complaint following that investigation?**
The young person was moved immediately after the incident. Following the investigation the foster carers resigned and were de-registered at a Fostering and Adoption Panel on 03.09.2002. The recommendation would have been to de-register the foster carers had they not resigned.
- i) **Did the local authority provide a specific response to the complaint?**
The local authority continue to support the young person.
- j) **If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
No other response recorded.
- k) **If there was no response, why not?**
Not recorded
- l) **Was the information/content of the complaint passed to police?**
Police were involved at the time of the incident, however no further detail recorded in case records regarding any further police action.
- m) **If not, why not?**
N/A

Concern 10

- a) **Who made the complaint?**
Advocacy worker
- b) **When was the complaint made?**

2014

- c) **Against whom was the complaint made?**
Foster carer – female ^{EDQ} (Fostering Solutions)
- d) **What was the nature of the complaint?**
Advocacy worker witnessed the female foster carer and child arguing. She witnessed the foster carer pull the child by his legs off the bed and call him an 'asshole'.
- e) **When/over what period was the abuse alleged to have taken place?**
One incident recorded
- f) **What was the local authority's process and approach in dealing with the complaint?**
Decision that no formal investigation required and so treated as a complaint.
- g) **What was the local authority's process and approach for investigating the complaint?**
Child was interviewed by two social workers and decision made to return him home early with support. Edinburgh City Council were asked to discuss the matter with foster carers. Parent informed.
- h) **What was the outcome of the complaint following that investigation?**
Young person was already returning home as part of rehabilitation plan and decision was made to return him home early with support. Records indicate that they had a positive planned ending visit with the foster carers.
- i) **Did the local authority provide a specific response to the complaint?**
None recorded
- j) **If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
N/A
- k) **If there was no response, why not?**
N/A
- l) **Was the information/content of the complaint passed to police?**
No
- m) **If not, why not?**
Not recorded

Concern 11

- a) **Who made the complaint?**
Unclear
- b) **When was the complaint made?**
Circa 1977
- c) **Against whom was the complaint made?**
Foster carer – male ^{EDR}
- d) **What was the nature of the complaint?**
Case record states removed from foster home following a thrashing by Mr ^{EDR}. Was taken into Barrhold Children's Home.

- e) **When/over what period was the abuse alleged to have taken place?**
One incident recorded
- f) **What was the local authority's process and approach in dealing with the complaint?**
There was a conference (no minute but reference to in the file). The file also states that Mr EDR was spoken to about the incident, although offers no details.
- g) **What was the local authority's process and approach for investigating the complaint?**
As above
- h) **What was the outcome of the complaint following that investigation?**
Removed the child - then returned him after speaking to foster carer and requested he be returned. He was returned to his foster placement, at the request of his foster carer rather than any formal investigation or risk assessment
- i) **Did the local authority provide a specific response to the complaint?**
None recorded
- j) **If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?**
N/A
- k) **If there was no response, why not?**
N/A
- l) **Was the information/content of the complaint passed to police?**
No
- m) **If not, why not?**
Not recorded

5.10 Civil Actions

- a) **How many civil actions have been brought against local authority relating to abuse, or alleged abuse, of children in foster care?**

None

For each such civil action, please answer the following:

- b) **Who brought the action?**
- c) **When was the action brought?**
- d) **Against whom was the action brought?**
- e) **What was the nature of the abuse, or alleged abuse, to which the action related?**
- f) **What were the names of the persons said to have, or alleged to have, committed abuse?**
- g) **When/over what period was the abuse said, or alleged, to have taken place?**
- h) **How did the action progress?**
- i) **What was the outcome?**
- j) **Was the action settled on a conditional basis of confidentiality?**
- k) **Who was/were the local authority's legal representative(s) in relation to the civil action?**
- l) **Did the local authority carry insurance for meeting civil claims at the time the action was live?**
- m) **How/where can copies of the court papers relating to the civil action be made available to the inquiry?**

5.11 Criminal Injuries Compensation Awards

- a) **Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?**

None recorded in children's records

- b) **If so, please provide details if known.**

N/A

5.12 Police

- a) **How many complaints of abuse of children in foster care have been made to the police?**

As far as can be determined, there were 5 instances in which the police were contacted.

In relation to each known complaint to the police, please answer the following questions:

Concern 3

- a) **Who was the alleged abuser or abuser?**

Foster carer – EDD [REDACTED]

- b) **Did the police conduct an investigation in relation to the complaint?**

Yes

- c) **If so, who conducted the investigation and when?**

Not recorded

- d) **What was the outcome of the police investigation?**

Court case – outcome unclear

- e) **What was the organisation/establishment's response?**

Children were removed from the placement

Concern 5

- a) **Who was the alleged abuser or abuser?**

Foster carer – EDH [REDACTED]

- b) **Did the police conduct an investigation in relation to the complaint?**

Yes

- c) **If so, who conducted the investigation and when?**

2006 not recorded.

2016 Detective Inspector Louise Harvie

- d) **What was the outcome of the police investigation?**

2006 – no further action

2016/ 2017 – foster carer charged

- e) **What was the organisation/establishment's response?**

2006 - Child had already moved placement and local authority continued to support care.

2016- By this time the foster carers had already resigned and the alleged victims were now adults. The local authority supported the reporting to the police and a joint investigation commenced which included the review of records of any other child who had been placed with the foster carers. An independent review was also commissioned by the local authority and learning taken forward.

Concern 6

- a) **Who was the alleged abuser or abuser?**
Fiancé of the foster carer's birth daughter- EJY
- b) **Did the police conduct an investigation in relation to the complaint?**
Yes
- c) **If so, who conducted the investigation and when?**
Police Female and Child Unit - Paula Miller
- d) **What was the outcome of the police investigation?**
No further action due to other young person not making a formal statement
- e) **What was the organisation/establishment's response?**
No further action – the local authority continued to support the young person

Concern 7

- a) **Who was the alleged abuser or abuser?**
Foster carer male- Mr EDK
- b) **Did the police conduct an investigation in relation to the complaint?**
Yes
- c) **If so, who conducted the investigation and when?**
Not recorded
- d) **What was the outcome of the police investigation?**
The police investigation did not progress as the foster carer's birth son withdrew his complaint
- e) **What was the organisation/establishment's response?**
The child was placed on the child protection register at risk of sexual abuse and removed from placement. The adoption proceedings did not go ahead.

Concern 9

- a) **Who was the alleged abuser or abuser?**
Foster carer male and their birth son- EDN-EDP
- b) **Did the police conduct an investigation in relation to the complaint?**
Yes
- c) **If so, who conducted the investigation and when?**
No names recorded
- d) **What was the outcome of the police investigation?**
Not recorded

- e) **What was the organisation/establishment's response?**
Child was removed from placement

5.13 Crown

To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care?

There have been two instances in which the Crown has raised proceedings in respect of allegations of abuse of children in foster care.

In relation to each time the Crown has raised proceedings, please answer the following questions:

- a) **What is the name of the person(s) against whom the proceedings were raised?**
EDH
- b) **What was the nature of the charges?**
Three contraventions of the Criminal Law Consolidation (Scotland) Act 1995, Section 6 and two charges of Indecent Assault at common law
- c) **What was the outcome of the proceedings, including disposal/sentence if there was a conviction?**
No conviction was made
- d) **What was the local authority's response to the proceedings and outcome?**
Foster carers had already resigned at time of court case and alleged victims were now adults. The local authority had undertaken a joint investigation with the police which include reviewing the records of any children previous placed with the foster carer and had also commissioned an independent review.
- a) **What is the name of the person(s) against whom the proceedings were raised?**
EDD
- b) **What was the nature of the charges?**
Charged with following counts of striking (the child) to her severe injury and did attempt to murder her and four counts of assaulting young children including her own birth child by striking him repeatedly to the head, face and body with her fists and an instrument by throwing him against furniture. Punching (the child) who was six months old at the time in her own home, striking him with an unknown instrument and throwing him against furniture to his severe injury. 6th charge alleges she made false statements about the disappearance of (the child) at Rouken Glen Park claiming that the child had been taken away by a stranger.
- c) **What was the outcome of the proceedings, including disposal/sentence if there was a conviction?**
EDD Not recorded
- d) **What was the local authority's response to the proceedings and outcome?**
According to press clippings foster carer continued to foster however records are unclear.