

Falkirk Council – response to Part A, foster care case study

The information contained within this report is based on:

- Legal research, drawing heavily on the Norrie report – work carried out primarily by Information Governance Manager
- Archival research on the history of the local authority – work carried out by former Archivist
- Archives material where available – work carried out by former Graduate Researcher
- Organisational knowledge of staff within the Council's fostering team – work carried out primarily by Service Manager, Children's Services
- A search of the local authority's corporate records (Finance, HR, policies and committee papers between 1996 and present day) – work lead on by Service Manager, Children's Services and Information Governance Manager

Individual case records of service users (held since 1996) have not yet been fully examined. Pre-1996 records are held by Stirling Council.

If any additional records of relevance come to light, this report will be re-submitted along with the other parts by 30th April 2020.

QUESTION	RESPONSE
1. CHARACTERISTICS	
1.1 History of the Local Authority	
<p>a) Over the period from 1930 to date, please provide details of the predecessor authorities for the local authority area for which the authority is now responsible, and the time periods during which these authorities were the responsible authority for the area, or any part thereof.</p>	<p>By way of context, the Local Government (Scotland) Act 1929 built on the existing framework of burghs and county councils by strengthening them as multi-purpose authorities and conferring on them a wide range of functions previously shared between them a number of mainly single-purpose bodies (such as separate education authorities). The framework was:</p> <ul style="list-style-type: none"> • The 4 counties of cities (Aberdeen, Dundee, Edinburgh and Glasgow) • 19 large burghs (roughly over 20,000 population) • 178 small burghs with more limited powers • The county councils <p>The burghs were not listed by name until the Local Government (Scotland) Act 1947.</p> <p>Falkirk Burgh From 1929, Falkirk was a large burgh and under the Local Government (Scotland) Act 1947, Falkirk was listed as a Large Burgh.</p>

		<p>Falkirk Town Council was abolished in 1975 under the terms of the Local Government (Scotland) Act, 1973. Its powers were assumed by Central Regional Council and Falkirk District Council. These in turn were replaced by Falkirk Council in 1996 under the terms of the Local Government (Scotland) Act, 1994.</p> <p>Bo'ness Burgh From 1929, Bo'ness was a small burgh and under the Local Government (Scotland) Act 1947, Bo'ness was listed as a Small Burgh. This meant that Bo'ness was responsible for some functions but was required to accept other functions from the County of West Lothian. In 1975 Bo'ness and the surrounding area became part of Falkirk District. Previously the surrounding area had been part of the County of West Lothian</p> <p>Grangemouth Burgh From 1929, Grangemouth was a small burgh and under the Local Government (Scotland) Act 1947, Grangemouth was listed as a Small Burgh. This meant that Grangemouth was responsible for some functions but was required to accept other functions from the County of Stirling. In 1975 Grangemouth became part of Falkirk District.</p> <p>Denny & Dunipace Burgh From 1929 Denny & Dunipace was a small burgh and under the Local Government (Scotland) Act 1947, it was listed as a Small Burgh. This meant that Denny & Dunipace was responsible for some functions but was required to accept other functions from the County of Stirling. In 1975 Denny & Dunipace became part of Falkirk District.</p>
	<p>b) When and how did the local authority become involved in the provision of foster care for children in Scotland?</p>	<p>1. Summary of historical position</p> <p>Between 1930 and 1975 responsibility for looked after children lay with the County Councils and the Town Councils of large burghs. In the geographical area of the current Falkirk Council, there were three local authorities with this responsibility: Falkirk Town Council (the only large burgh), Stirling County Council and West Lothian County Council.</p>

Between 1975 and 1996 responsibility for looked after children lay with Regional Councils and in this geographical area that was Central Regional Council. These responsibilities were transferred to Falkirk Council on 1 April 1996.

The extent of the local authority's involvement in the provision of foster care has changed over time as (a) the legislation relevant to foster care has evolved and (b) the local authority's responsibilities have changed as a result of local government re-organisations (see response to 1.1(a)).

2. Relevant legislation

This is set out in detail in Professor Kenneth Norrie's research report on the *Legislative background to the Treatment of Children and Young People Living Apart from their Parents* dated November 2017 (referred to throughout this report as "the Norrie Report") – see in particular Part One, Sections B-G and Part Two, Section A:

Introduction

Pre-1930, the Children Act 1908 was the relevant legislation in the UK. It was substantially amended by the Children and Young Persons (Scotland) Act 1932 though it remained the principal Act until its repeal in large part by the Children and Young Persons (Scotland) Act 1937.

The Children and Young Persons (Scotland) Acts 1932 and 1937

The 1932 Act established proper juvenile courts, covering children and young people accused of an offence, as well as 3 categories of child identified as being in need of care or protection. The possible outcomes were that the child or young person could be (i) sent to an approved school, (ii) committed to the care of any fit person, whether a relative or not or (iii) made subject to the provision of a probation officer. The court had to have regard to the welfare of the child or young person.

One of the potential outcomes of the court was committal to the care of a fit person, known as "boarding out". The Norrie report states "*The 1932 Act transformed committal to the care of a fit*

person from a form of kinship care, as it had been under the 1908 Act ... into fostering as a major component of state care. It allowed the juvenile court to commit a far wider group of children and young persons than had been possible previously to the care of an Education Authority; instead of only the victims of an offence under the 1908 Act, committal to a fit person was possible for any child or young person who was in need to care of protection or who had committed an offence. Every Education Authority was deemed a "fit person" for the purpose with the Treasury bearing the cost, but Education Authorities could not exercise their powers of caring for children or young persons by accommodating them in either approved schools or voluntary homes: rather, the only mechanism they had to fulfil their obligations towards children committed to their care was to board them out with private families – in other words, fostering."

Children and Young Persons (Scotland) Care and Training Regulations 1933

Part C of the Regulations contained the rules on the boarding-out of children committed to the care of the Education Authority. This included keeping a list of foster parents who were willing and fitted to undertake the care of children. No mechanism was provided to assess "fitness" although there were rules around the types of person with whom Education Authorities could not board out children and the geographical location of homes. Every child had to be examined by one of the Education Authority's medical officers before being boarded-out and given medical attention if required. Visiting by officials of boarded out children was mandated.

Children (Boarding-out, etc) (Scotland) Rules and Regulations 1947

These revoked the 1933 Regulations. They included a presumption in favour of boarding-out in preference to institutional care. The local authority had to satisfy itself by all necessary enquiries that the foster parent was suitable and ensure that the child did not remain boarded-out unless certain conditions were met. As noted by the Norrie report, this suggests "*an on-going monitoring obligation on the part of the local authority*".

Where a local authority boarded-out a child, they had to send details to the education authority and also each year give a list of the full name, age and religion of each child and the name and address of the foster parent.

		<p>The local authority had to appoint an officer with experience and knowledge of social service for the purpose of assisting them in the performance of their functions under the Rules and Regulations, including the selection of foster-parents and the visitation of children boarded out by the authority.</p> <p>The Children Act 1948</p> <p>The 1948 Act did not replace the 1937 Act. It amended in minor respects only. But in relation to fostering it represented a substantially increased involvement by the state in the oversight of placements. Section 39 obliged all local authorities to establish a children's committee for the purposes of certain statutory functions. A children's officer was also to be appointed by each local authority. (The Children's Committees operated for 20 years, before being subsumed into wider social work departments which were set up in 1968 and the children's officer role was at the same time taken over by the new Directors of Social Work).</p> <p>Section 239 of the 1948 Act provided that <i>"a local authority shall discharge their duty to provide accommodation and maintenance for a child in their care (a) by boarding him out and (b) where it is not practicable or desirable for the time being to make arrangements for boarding-out, by maintaining the child in a home..."</i></p> <p>The Secretary of State was given the power to make regulations "for the welfare of children boarded out by local authorities", and these were permitted to include provisions for ensuring that the household into which a child was boarded was approved. As the Norrie report highlights <i>"The earlier Care and Training Regulations of 1933 had merely listed types of persons with whom a child could not be boarded out; now all foster households were to be positively vetted. Vetting had been introduced very shortly before the 1948 Act was passed, when Part C of the Care and Training Regulations 1933 was replaced by the Children (Boarding-out, etc) (Scotland) Regulations 1947."</i></p> <p>The Boarding-out of Children (Scotland) Regulations 1959</p> <p>These replaced the 1947 Regulations and applied to boarding-out by a local authority in respect of children in their care under section 1 of The Children Act 1948, and other legislation. They</p>
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		<p>required children boarded out by the local authority to be visited and for prospective foster carers to undergo checks as to their suitability, and to be visited by a member of the children's department. A report on suitability was compiled by the 'visitor.' The emphasis is placed on medical examination, and religious persuasion.</p> <p>The focus of the 1959 Regulations is far less than the 1947 Regulations on such matters as the child's sleeping arrangements and clothes, and more on the duties that the local authorities had to ensure the suitability of foster parents and supervision of children.</p> <p><i>Social Work (Scotland) Act 1968</i></p> <p>This included a duty on the local authority in section 20 to further the best interests of a child in their care and to afford opportunity for his proper development.</p> <p>The "boarding-out" preference in section 239 of the 1948 Act was removed but is listed as one of a list of ways in which the local authority can discharge its duties to provide accommodation and maintenance for children in its care.</p> <p>The Children's Committees established under the 1948 Act were replaced by new social work committees, which had far wider responsibilities than children alone. Children's Officers were replaced with Directors of Social Work. The role of the juvenile courts was transferred to newly created Children's Panels.</p> <p><i>Boarding-out and Fostering of Children (Scotland) Regulations 1985</i></p> <p>These revoked and replaced the 1959 Regulations. One of the changes was the requirement on care authorities to establish fostering panels whose functions were to "consider every person referred to it by the care authorities as a prospective foster parent" and to make recommendations to the care authority as to the suitability of such a person to act as a foster parent either for any child, any category of child, or any particular child.</p> <p>Another change was the requirement for the care authority to enter into an agreement with approved foster parents regarding the care to be provided for any children who might be placed with them, including details of the financial arrangements, the care authority's policies and</p>
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		<p>practice regarding the welfare of the children for whom it had responsibility, the ways foster parents would be expected to follow these and the assistance to be provided by the care authority to that effect, and the review arrangements.</p> <p><i>Local Government etc (Scotland) Act 1994</i></p> <p>This effected local government re-organisation. It removed the requirement for local authorities to have social work committees and required every local authority to have an officer known as the Chief Social Work Officer.</p> <p><i>Children (Scotland) Act 1995</i></p> <p>Part Two of the Act sees a much-increased focus on listening to children. It also changed the language from "child in care" to "looked after child", gives a definition of what that means and sets out the duties that local authorities have towards children looked after by them (in particular section 17 – duty to safeguard and promote welfare). All these duties are fleshed out by the Arrangements to Look After Children (Scotland) Regulations 1996 and subsequently the Looked After Children (Scotland) Regulations 2009.</p> <p>After-care is an important duty and under the 1995 Act, local authorities must continue to advise, guide and assist young people who were looked after by a local authority at the time they ceased to be of school age (or, later, reached the age of 16) until the age of 19; and they are empowered to do so until the young person reaches the age of 21 (or, later, 26). Also, since 1st April 2015, there is a duty to provide "continuing care" for all young people over 16 who have ceased to be looked after, where they request this, and a mandatory duty to provide aftercare to previously looked after young people to the age of 26.</p> <p><i>Fostering of Children (Scotland) Regulations 1996</i></p> <p>The 1996 Regulations revoked and replaced the 1985 Regulations. Responsibility for both approving foster carers and for placing children with them, as well as the duty to establish fostering panels, was now to rest exclusively with local authorities, rather than, as before, "care</p>
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		<p>authorities" which included both local authorities and voluntary organisations. Fostering panels remained in place, as did Foster Care Agreements.</p> <p>Arrangements to Look After Children (Scotland) Regulations 1996</p> <p>These required local authorities to have in place a care plan for each child looked after by them.</p> <p>Looked After Children (Scotland) Regulations 2009</p> <p>The 2009 Regulations revoked and replaced 1996 Regulations and have governed public fostering arrangements until the present time. They make provision for fostering panels. As a fostering agency the local authority is responsible for the approval of foster carers, as well as reviews and termination of that approval. There must be a written agreement with the foster carer covering the matters set out in schedule 6. Case records must be kept of each foster carer.</p> <p>Children and Young People (Scotland) Act 2014</p> <p>This aims to give statutory enhancement of the Getting it Right for every Child (GIRFEC) approach of early intervention, by requiring local authorities to provide services in relation to parenting to children and families in their area, if these services would reduce the risk of the children becoming looked after children. In determining whether a child is at risk of becoming a looked after child, the local authority must consider whether the child's wellbeing is being, or is at risk of being, adversely affected by any matter.</p> <p>Part 9 of the Act gives statutory force to the concept of "corporate parenting", which is relevant only to looked after, and previously looked after, children, and sets out the duties on every corporate parent, including a duty to co-operate with other corporate parents.</p> <p>3. Note on Education Authorities</p> <p>The Education (Scotland) Act 1918 established education authorities in every county to administer education on a county wide basis.</p>
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	<p>c) How has the involvement of the local authority in the provision of foster care changed/developed over time?</p>	<p>Over time, the local authority's role in relation to children's welfare generally, and not just foster care in particular, has become more proactive and preventative. The Norrie report notes <i>"...right at the start of the Children Act 1948, there is just such a sea change, because the effect of Part 1 of the Act was to impose on local authorities a wholly unprecedented duty to be proactive and not simply reactive in respect of vulnerable children. This duty was significantly enhanced 15 years later when the Children and Young Persons Act 1963 imposed on local authorities for the first time the duty to take preventative action; local authorities were required "to make available such advice, guidance and assistance as may promote the welfare of children by diminishing the need to receive children into, and keep them, in care"</i></p> <p><i>...local authorities, since the 1948 Act came into force, have been obliged to seek to further the child's best interests in all the decisions they make in respect of the child."</i></p> <p>In relation specifically to foster care, as noted in the Norrie report, this proactive role has developed over time. Please see response to question 1.1(b) for more detail on this.</p>

		<p>By way of example, since 1947 there had been checks on the suitability of prospective foster carers and the monitoring of children boarded out with these carers. Prior to the Boarding-out and Fostering of Children (Scotland) Regulations 1985, local authorities were introducing more stringent checks on prospective foster carers and the placing of children with foster carers. From historical memory, allowances for foster carers were an increasing factor and COSLA recommended allowances were implemented in many areas.</p> <p>From organisational memory, in the late 1970s and early 1980s specialist fostering schemes began to be developed to provide for 'harder to place' children e.g. Central Regional Council had a teenage fostering scheme from the mid 1980's. These schemes first introduced the concept of fees ie payment to the carer for the work being undertaken.</p> <p>The 1985 Regulations also introduced greater checks on prospective foster carers, including the introduction of approval panels. Since 1985, this aspect has continued to be acknowledged, with the Children (Scotland) Act 1995 and related 1996 Regulations, and the Adoption and Children (Scotland) Act 2007 and related 2009 Regulations formalising these processes and checks and bringing in approval, support and monitoring of foster carers.</p> <p>The 1996 Regulations also introduced the prohibition of corporal punishment by foster carers in recognition of increasing societal and practice knowledge in this area.</p>
<p>1.2 Funding of Foster Care</p>		
<p>Past</p>	<p>a) How were the local authority's operations and activities, so far as relating to the provision of foster care, funded?</p>	<p>1930-1975</p> <p>Limited details of how the local authority was funded is available in our records. Our understanding is that funding of foster care appears always to have been provided from burgh/council budgets.</p> <p>There is reference in the 1937 and 1948 Acts to "<i>grants paid to local authorities</i>" and to "<i>monies provided by parliament to local authorities</i>" to support the carrying out of their duties.</p> <p>This is supported by archival research which notes a report in the Falkirk Herald from 9th May 1953. This records an address to Falkirk Rotary by Miss Minnie McIntosh, Falkirk Children's Officer in which it was said the children's officer was the responsible official and 50 per cent of the expenditure involved in the work was received from an Exchequer Grant.</p>

		<p>1975-1996 We do not hold any records covering this period. These may be with Stirling Council.</p> <p>1996-2014 Scottish local council funding is currently provided from central government via the Grant Aided Expenditure (GAE). The GAE is an agreed needs-based methodology designed to allocate funds to cover the duties of each council. It does not stipulate how much should be allocated to each area. Such decisions are delegated to the local authority, which must ensure that it fulfils its statutory duties- which include duties and provision for looked after children - and agreed local and national priorities.</p> <p>Additional funding is on occasion provided by central government for specific purposes. An example of this is that in the financial year 2015/16, the Scottish Government provided additional funding to ensure parity of allowances between foster carers and kinship carers. Falkirk Council received £159,029 for this purpose for the period October 2015 to March 2016.</p>
	<p>b) To what extent, if any, did the local authority provide funding to other organisations for the purposes of provision of foster care?</p>	<p>1930-1975 This information is not available in our records.</p> <p>1975-1996 We do not hold any records covering this period. These may be with Stirling Council.</p> <p>1996-2014 Organisational memory is that Falkirk Council and predecessors occasionally purchased foster care from voluntary agencies e.g. Barnardos Special Families Scheme. Finance records are only kept for six years. File reading may provide additional information.</p>
	<p>c) If funding was provided by the local authority to other organisations for the provision of foster care, to whom was it provided, when was it provided and</p>	<p>1930-1975 This information is not available in our records.</p> <p>1975-1996 We do not hold any records covering this period. These may be with Stirling Council.</p>

	<p>what criteria were applicable to its provision?</p>	<p>1996-2014</p> <p>Organisational memory indicates that some placements were made with Barnardos and that such placements were primarily to secure permanent family care for children or families for hard to place children</p> <p>From 1996, Falkirk, Stirling and Clackmannanshire Councils provided placements for each other where their own resources were unable to meet the identified need.</p> <p>File reading may provide additional information.</p>
	<p>d) To what extent was financial state support available to foster carers? How were foster carers made aware of that state support? How was that state support accessed by foster carers (e.g. directly or via the local authority)?</p>	<p>No records have been found to date to indicate that in the past a local authority had a duty to pay a fee or allowance to foster carers.</p> <p>Organisational memory indicates that since 1975 and the introduction of Regional Councils, local authorities followed the COSLA recommended fostering rate as an allowance to foster carers. This was age related.</p> <p>State support primarily came from the local authority by way of a fostering allowance. Historical memory within the Council indicates that for many years now, a fee has also been paid in recognition of the work being undertaken by the foster carers. Fees were initially paid from the mid 1980's to attract carers for 'difficult to place' children e.g. teenagers. This moved toward a payment for skills model introduced by Falkirk Council in 1999 for all foster carers.</p> <p>National support to foster carers was provided from 2003 by tax allowances for 'income' from fostering which continues to the current day.</p>
	<p>e) To what extent was financial support from the local authority available to foster carers?</p>	<p>1930-1975</p> <p>The 1937 Act provided that "<i>An Education Authority may board out children and young persons committed to their care for such periods and on such terms as to payment and otherwise as they think fit.</i>"</p> <p>We have limited information available in our records.</p>

		<p>We have a minute of a Town Council committee meeting from 10th May 1948 which reports that <i>“clothing for boarded-out children is at present supplied to foster parents by the Social Welfare Officer. Requests had been made that foster parents be allowed to purchase the clothing themselves and have the cost refunded by the Department. It was agreed that the Officer obtain information on the price of children’s clothing for the various age groups in the care of the Town Council in order that a reasonable clothing allowance might be considered.”</i></p> <p>We have a minute of a Town Council committee meeting from 17th July 1950 which records a particular case where the Children’s Committee agreed to meet the travelling expenses for foster carers to take children on holiday as in former years.</p> <p>Archival research notes a report in the Falkirk Herald from 9th May 1953. This records a summary of an address to Falkirk Rotary by Miss Minnie McIntosh, Falkirk Children’s Officer in which it was said that Falkirk Town Council paid 22 shillings per week plus pocket money and clothing to foster carers.</p> <p>1975-1996 We do not hold any records covering this period. These may be with Stirling Council.</p> <p>1996-2014 Allowances were paid directly to foster carers based on the children in their care. Our records from 1999 indicate that such allowances were age related. Fees, paid from 1999 when Payment for Skills was introduced, were based on the skill level of the foster carer. Three skill levels were applied. Additional ‘one off’ support was and continues to be available to foster carers in specific circumstances.</p> <p>By way of example the following Committee Reports are relevant:</p> <p><i>13/11/1997 Social Work Services Committee – financial assistance to foster carers for home extensions</i></p> <p><i>01/09/2009 Housing and Social Care committee – report on Future Provision of Fostering Services. Proposal to increase pool of carers by 12 on a phased basis over 3 years; necessary</i></p>
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		<i>to increase staff in fostering team; proposal to increase foster carers allowance over a phased period.</i>
f) If financial support was available, what was the source of those funds (i.e. from local or central government)? What criteria did the local authority apply to the distribution of such funds?	<p>Financial support, whether allowances or fees, was provided from the funds given to local authorities by central government. As noted in the Norrie report, early regulations did not allow foster carers to benefit financially from the role, and it was a requirement that the foster carer was able to provide for the child. Prior to 1975, allowances appear to be set to cover the expenses of foster carers. Following 1975, as noted above, local authorities tended to follow the COSLA recommended allowance rates which were age related.</p> <p>Organisational memory indicates that Central Regional Council had some provision to provide additional funding to foster carers e.g. for furniture and equipment.</p> <p>From 1999 and the introduction of Falkirk Council's Payment for Skills Scheme, additional funding was provided in some specific circumstances e.g. setting up costs, legal fees where a carer adopted a child fostered with them or took out a Section 11 Order, and assistance with house extensions where a child's additional needs required this and they were in a long term/permanent placement with the foster carer. Such provision continues to date.</p> <p>The Fostering Network agency for many years published recommended allowance rates but ceased to do this around 2017. Falkirk Council have set their own allowance rates since COSLA ceased to provide recommended rates.</p> <p>Fees Organisational memory indicates that fees were paid to carers of the teenage fostering scheme as noted above in response to 1.2(d). In 1999, Falkirk Council approved a payment for skills scheme in recognition of the skill and work of foster carers, which introduced fees for all foster carers related to their skill level.</p>	
g) How were foster carers made aware of any financial support available from the local authority? How was that financial	<p>1930-1975 This information is not available in our records.</p> <p>1975-1996 We do not hold any records covering this period. These may be with Stirling Council.</p>	

	support accessed by foster carers?	<p>1996-2014</p> <ul style="list-style-type: none"> • Prior to 1999, organisational memory is that Falkirk Council foster carers were paid by Daily Payment Voucher • Carers were paid electronically via BACS system from 1999 • Foster carers since 1996, are made aware of the payments available as part of their assessment process and since the 1996 Regulations also in the agreement signed between the carer and the Council once approved.
	h) What other sources of funding were available to foster carers in relation to the provision of care for children?	<p>1930-1975 This information is not available in our records.</p> <p>1975-1996 We do not hold any records covering this period. These may be with Stirling Council. Based on our historical memory, following the Social Work (Scotland) Act 1968, section 12 monies were available and, following the Children (Scotland) Act 1995, section 22 monies, where a need related to an individual child.</p> <p>Organisational memory indicates that good practice has since at least the 1970s made provision for equipment such as beds, bedding, and other equipment and clothing for a child.</p> <p>1996-2014 Since the introduction of DLA, foster carers looking after a child with a disability have been able to access DLA for that child in addition to any allowance paid by the local authority</p>
	i) Was the funding adequate to properly care for the children?	This is a subjective opinion, and as, at this stage, we have no documentary evidence from files to determine if the funds provided historically were adequate.
	j) If not, why not?	n/a
Present	k) With reference to the present position, are the answers to any of the above questions different?	Yes, in relation to funding
	l) If so, please give details.	<ul style="list-style-type: none"> • Carers continue to be paid electronically via the BACS system

		<ul style="list-style-type: none"> • Foster carers are now, and have been since 1996, been made aware of the payments available as part of their assessment process and since the 1996 Regulations also in the agreement signed between the carer and the Council once approved. • Work has been done nationally in relation to allowances, benchmarking allowances against available research. Current allowances are sufficient to cover the costs of caring for a child. Allowances paid to carers are in excess of what is determined by national agencies such as DWP and Loughborough University research as to the cost of caring for a child. • Carers continue to be able to access disability benefits where a child has a disability • Carers continue to be able to access tax relief for their fostering work.
1.3 Legal Status –		
(i) Local authority		
Past	a) What was the legal basis which authorised or enabled the local authority to become responsible for the provision of foster care for children in Scotland?	See response to question 1.1 (b)
	b) Did that legal basis require the local authority to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.	See response to question 1.1 (b), and the Norrie report, particularly Part Two, Section A (iv), noting the requirements of the 1959 Regulations: <ul style="list-style-type: none"> • Requirement to ensure the suitability of a foster parent and home - a and b • Sibling placement - c • Requirement to visit - h • Medical treatment - g • Supervision requirements - i • Record keeping requirements - l
	c) Did the local authority have a legal duty of care to each child in its care?	We take this question to be referring to a common law duty of care. In Scotland, the concept of a "duty of care" stems from the case of <i>Donoghue v Stevenson</i> (1932). Over the years, case law has expanded the concept.

		<p>The Norrie Report has a section on Remedies at Appendix 4. In relation to Civil Liability in Delict, the report states that:</p> <p><i>Unlike the legislative provisions with which much of this Report deals, it is generally not possible to identify precise dates when the rules of civil liability changed, for that depends to a large extent on whether judicial decisions recognising or expanding liability are regarded as declaratory of the existing position or as creating new law...</i></p> <p><i>.... it was accepted by the early 1970s that local authorities could be held liable, on normal principles derived from Donoghue v Stevenson, for injuries caused by their failure to fulfil duties of care, for example to keep buildings reasonably safe and to carry out their statutory duties in accordance with accepted standards. Those responsible for the management and running of children's homes, or schools, and those with care and control of children with whom they reside (such as foster carers) will nearly always owe a duty of care to take reasonable steps to avoid such injuries to their charges as may reasonably be foreseen. It made no difference whether the injuries were caused through neglect or deliberate act. However, it was held in 1992 that local authorities acting as education authorities would not owe a common law duty of care towards children they placed in special schools since the duty to inspect rested with the Secretary of State and not the education authorities...</i></p> <p><i>Local authorities placing children with foster carers might similarly be liable for injuries caused by their own negligence (as in their failure properly to vet potential carers or to monitor their performance) or for actions of the carers for which they are vicariously liable.</i></p> <p>The Norrie report goes on to examine direct liability of local authorities. In <i>Barratt v Enfield London Borough Council (2001)</i>, the House of Lords accepted that in some circumstances a claim can arise against local authorities for the decision they make in child care processes. In that case, a child had sued the local authority which had placed in a variety of foster care placements alleged to be unsuitable and to be the cause of various psychological hurts.</p>
Present	d) With reference to the present position, are the	Yes

	answers to any of the above questions different?	
	e) If so, please give details.	With reference to (c), the Norrie report also looks at vicarious liability of local authorities and concludes that the statutory regulation of foster care in Scotland has long been sufficiently similar to that in England that <i>Armes v Nottingham County Council (2017)</i> can be said to represent the law of Scotland. <i>Armes</i> considered the vicarious liability of the local authority for the actions of foster carers who had physically and sexually abused a child in their care in the 1980s. The Supreme Court held the local authority vicariously liable.
(ii) Foster carers		
Past	a) Did foster carers have a special legal, statutory or other status?	Yes - see response to 1.1.(b). Foster care/boarding out with a "fit person" was recognised under law for the period covered by this report. From 1947, that involved an element of "positive vetting" by the local authority. The Boarding out and Fostering of Children (Scotland) Act Regulations 1985 defined 'to foster' and 'foster parent' in regulation 2. <i>A foster parent is a person approved by a care authority in accordance with regulation 7.</i> Regulation 7 outlined the process of assessment and approval of a foster carer.
	b) If not, how did the local authority classify a foster carer?	n/a
	c) What was the legal basis which authorised, or enabled, a foster carer to become responsible for caring for children?	Refer to our response to 1.1(b) The 1959 Regulations required monitoring and supervision of children and aspects of assessment of foster carers as noted above. This pre-dated social work as a profession and was carried out by 'visitors' employed by the welfare/children's department. The Regulations required the visitor to undertake checks in relation to the health of the child. They also reported on whether the carer was deemed 'fit to foster', including undertaking checks and references in relation to religious persuasion of the carer, any convictions. The 1985 Regulations required local authorities to establish fostering panels for the approval of foster carers. Historical memory indicates that Central Regional Council had such a panel in

		<p>place prior to the Regulations coming into force. Additionally, there were obligations placed on the local authority to '<i>satisfy itself as to the suitability of the placement</i>' but did not prescribe expectations of the foster carer. Historical memory is that these were covered in the Central Regional Council Handbook.</p> <p>The 1996 Regulations introduced the detail of what should be covered in assessing a prospective foster carer, approval processes, and statutory reviews of foster carers registration.</p> <p>The Looked After Regulations 2009 were more prescriptive (schedule 2 matters and obligations in foster carer agreement) such as not administering corporal punishment. These were expanded upon in the 2009 Regulations and with the introduction of national standards produced by the Care Inspectorate.</p> <p>Please note that we have not covered Private Fostering in this section. Children in private fostering arrangements were, and are not currently, in the care of the local authority.</p>
	<p>d) Did that legal basis require a foster carer to meet, or fulfil, any legal and/or regulatory requirements in respect of children in his or her care? If so, please give details.</p>	<p>Yes</p> <p><i>Children and Young Persons (Scotland) Care and Training Regulations 1933</i></p> <p>The foster parents shall be required:</p> <ul style="list-style-type: none"> (a) to give boys and girls the care and attention necessary for their proper training in habits of punctuality and thrift, of good manners and language, or cleanliness and neatness, or cheerful obedience to duty, of consideration and respect for others, and of honour and truthfulness to work and act, (b) to notify the Education Authority of any material facts regarding the boys and the girls (e.g. illness, accident) and (c) to endeavour, in conjunction with the Education Authority, to find employment for the boys and girls when they leave school. <p><i>Children (Boarding-out, etc) (Scotland) Rules and Regulations 1947</i></p>

		<p>The Schedule to these Rules and Regulations set out principles to be followed by foster-parents, based on the over-riding principle that the child was to be treated as one of their own children and brought up in the atmosphere of a good and secure home. The principles covered such matters as food, clothing, sleeping arrangements, discipline, medical and communication with relatives.</p> <p><i>Boarding-out and Fostering of Children (Scotland) Regulations 1985</i></p> <p>The 1985 Regulations required a foster carer to enter in to a written agreement with the local authority, including any financial provision.</p> <p><i>The Fostering of Children (Scotland) Regulations 1996</i></p> <p>The 1996 Regulations continued the requirement for a written agreement and brought in additional obligations on the foster care (outlined in schedule 2), including the requirement not to administer corporal punishment on any child placed with them. Reviews of foster carers (regulation 10) were also placed in statute and regulation 18 required for the first time, foster carers to have a file separate from the child placed with them.</p> <p>The foster carer had an obligation to care for the child placed with the foster carer as if he or she was a member of that person's family and in a safe and appropriate manner and to promote his or her welfare having regard to the local authority's immediate and longer-term arrangements for the child.</p> <p><i>Looked After Children (Scotland) Regulations 2009</i></p> <p>The 2009 Regulations continued the requirement for a written agreement.</p>
	<p>e) Did the foster carer have a legal duty of care to each child in his or her care?</p>	<p>See response to 1.3(i)(c)</p> <p>Foster Carers over the period of the inquiry have not held parental rights and responsibilities unless formally transferred as part of a Permanence Order from 2007 onwards when ancillary provisions were introduced allowing foster carers to share certain parental rights.</p>

		The foster carer agreement outlines the expectations on the foster carer and the Council.
Present	f) With reference to the present position, are the answers to any of the above questions different?	Yes
	g) If so, please give details.	<p>While the 2009 Regulations remain the primary regulating framework for fostering, the Children and Young People (Scotland) Act 2014 introduced a legislative framework for GIRFEC and the wellbeing indicators, and additionally introduced the concept of corporate parenting alongside the authority's duties in this area, including planning and working together with other corporate parents. As part of this foster carers are viewed as partners in the team around the child approach for those children placed in foster care.</p> <p>The 2014 Act also introduced provision for young people to remain with their previous foster carers until the age of 21, where the young person and carer wish this – continuing care. Falkirk Council had already facilitated young people remaining with their foster care where this was in their best interests in our supported carer scheme with foster carers being dual registered as foster carers and adult support providers.</p>
1.4 Legal Responsibility		
(i) Local authority		
Past	a) Did the local authority have any legal responsibility for the children in its care?	Yes.
	b) If so, what was the nature and extent of that legal responsibility?	<p>This was prescribed in legislation for the period covered by the Inquiry – see response to section 1.1(b). The local authority duty to receive children into care and the assumption of parental rights is covered in Part 1, Section D (iv) (d) and (e) of the Norrie Report.</p> <p>From the 1948 Act, additionally the local authority could assume parental rights in relation to a child by passing a resolution to this effect. This process was re-enacted in the Social Work (Scotland) Act 1968 before being abolished by the Children (Scotland) Act 1995.</p>

		<p>The local authority was from 1948 also for the first time under a statutory obligation to receive into its care any child who appeared to have no parents or guardians or who had been lost or abandoned, or whose parents or guardians were “prevented” for any reason from providing for the child’s accommodation, maintenance and upbringing.</p> <p>This was further developed in the 1963 Act, by a duty to take preventative action by virtue of a requirement to “<i>make available such advice, guidance and assistance as may promote the welfare of children by diminishing the need to receive children and keep them in care</i>”.</p> <p>The local authority also had legal responsibilities in relation to monitoring:</p> <ul style="list-style-type: none"> • From 1959, the Regulations required visits to placements to ensure that the care of the child was adequate • From 1986, when the 1985 Regulations came in to force, the local authority was required to monitor such placements to ensure their duties were being appropriately carried out. • This monitoring and review process has been enhanced since then as a result of the 1996 and 2009 Regulations.
	<p>c) Did any other person or organisation have any legal responsibility for the children while they were in the local authority’s care?</p>	<p>Yes, those holding parental responsibilities and rights continued to have some legal responsibility for their children while they were in the care of the local authority.</p>
	<p>d) If so, what was the nature and extent of that responsibility?</p>	<p>The Norrie report outlines these responsibilities, including those outlined in (b) above.</p> <p>The 2007 Act introduced the concept of ancillary provisions where some parental rights could be shared e.g. with a foster carer.</p> <p>We would in addition note that:</p>

		<ul style="list-style-type: none"> • Parents and any other persons with parental rights in relation to a child retained parental rights even where a child was placed in care. • The Children’s Reporter, from the 1968 Act onwards, where a child was subject to a supervision requirement/order, has responsibilities. • The 1996 Regulations, as noted in the Norrie report, allowed a local authority to place a child with a voluntary agency but the local authority retained monitoring responsibility. • From 2001, the Care Commission and subsequently the Care Inspectorate introduced registration and inspection of fostering agencies, and in 2011, national standards for care were introduced and applied as part of the inspection process. <p>Falkirk Council only placed children with registered agencies who had complied with the national standards.</p> <p>In certain circumstances, aspects of the day to day care of children was delegated to others including foster carers. As an example, Falkirk Council has also followed national guidance on overnight stays.</p>
	e) If the local authority had no legal responsibility for children in its care, where or with whom did legal responsibility lie?	n/a
Present	f) With reference to the present position, are the answers to any of the above questions different?	Yes
	g) If so, please give details.	<p>The 2014 Act introduced a number of additional duties on local authorities and in particular:</p> <ul style="list-style-type: none"> • Corporate parenting duties in relation to all looked after and care experienced young people, and applied these duties to a wide range of agencies and bodies - Part 9 • Extended aftercare duties - Part 10 • Continuing care for eligible children in care – Part 11 • Extended duties in relation to Kinship Care – Part 13

		<ul style="list-style-type: none"> • Outlined the duties of public authorities in relation to the UNCRC • Enshrined GIRFEC in statute
(ii) Foster carers		
Past	a) Did the foster carer have any separate legal responsibility (separate from the local authority) for children in his or her care?	Yes, in certain circumstances
	b) If so, what was the nature of that responsibility?	<p>See response to 1.3 (1)(ii)(d) above. In addition:</p> <ul style="list-style-type: none"> • Children and Young Persons (Scotland) Act 1932 and the Children and Young Persons (Scotland) Act 1937 – when a child or young person was committed to the care of a “fit person” by order at a juvenile court hearing, then that person had the same rights and powers and was subject to the same liabilities in respect of his maintenance as if he were his parent. This was repealed by the 1968 Act. • Section 5 of the Children (Scotland) Act 1995 provides that: <ul style="list-style-type: none"> <i>“...it shall be the responsibility of a person who has ...the care or control of a child under [the age of 16]...to do what is reasonable in all the circumstances to safeguard the child’s health, development and welfare;and in particular...give consent to any surgical, medical or dental treatment or procedure where -</i> <ul style="list-style-type: none"> <i>(a) the child is not able to give such consent on his own behalf; and</i> <i>(b) it is not within the knowledge of the person that a parent of the child would refuse to give the consent in question</i> • Also, in certain specific circumstances foster carers have separate legal responsibilities: <ul style="list-style-type: none"> ○ Following the Children’s Hearing Scotland Act 2011, foster carers could be deemed relevant persons in the Children’s Hearing system relative to a child in their care. ○ As noted above, ancillary provisions in the 2007 Act allow some parental right to be shared.

		The Norrie report, page 140 notes that <i>"From 1968, decision making powers relating to children in care rested with the local authority and foster carers' powers have been traced to and constrained by the applicable regulations"</i> .
Present	c) With reference to the present position, are the answers to either of the above questions different?	Yes
	d) If so, please give details.	There are now general duties on everyone working with children, including carers, to promote the wellbeing and ensure the protection of children. This is enshrined in GIRFEC and the Children and Young People (Scotland) Act 2014. Additionally, foster carers carry out a statutory duty on behalf of the council placing the child in their care. Where a child is placed with non local authority carers, this is done via a contract and written agreement, with the agency.
1.5 Ethos		
Past	a) What did the local authority see as its function, ethos and/or objective in terms of the foster care service it provided for children?	The statutory function of the local authority is outlined in legislation. Please see response at 1.1(b). Examination of the legislation indicates that as far back as the Children Act 1948, a presumption in favour of placement in a family where possible was embedded in legislation. Legislation such as the 1968 Act, based on the Kilbrandon Report, followed emerging practice and research. Since 1996, Falkirk Council policies have favoured placement of children with families wherever possible, and council records indicate a specific focus on the recruitment of foster carers and development of family focused policies to ensure that alternative family care was available to meet local need e.g. funding was provided for additional foster carers in 2009 and for development of a kinship care policy in 2010
	b) What did the local authority see as the foster carer's function, ethos and/or	The statutory function of foster carers is outlined in legislation. Please see response at 1.1(b).

	<p>objective in terms of the service that the foster carer provided to children placed with him or her?</p>	<p>From the records available to us, we are unable to answer this question in relation to ethos/objective as seen by the local authority for the period from 1930-1973. Records held by Stirling Council may provide information in relation to this question for the period to 1996.</p> <p>The ethos of the service from 1996 onwards is reflected in procedures and policy as to provide alternative family care wherever possible. By way of example, none of Falkirk Council residential houses are registered for children under the age of 12 years, as the presumption is that younger children should be placed within a family setting; our kinship care procedures state that family members should be considered as a placement for a child before a foster care placement is considered.</p>
	<p>c) Were there changes over time in terms of what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided for children?</p>	<p>The statutory function of the local authority is outlined in legislation, as set out in the Norrie report.</p> <p>See 1.5(b)</p> <p>Particularly since the 1995 Act, there has been an increasing emphasis on promoting the participation and inclusion of children, families and foster carers in care planning e.g. the 'no order' principle, which is one of the foundation principles of this Act.</p> <p>This aspect of children's rights and participation has been enhanced since then with the appointment of a Children's Commissioner for Scotland in 2004.</p> <p>Since the establishment of Falkirk Council fostering service, participation of carers in training recruitment, service development and feedback has increasingly been a feature of the service. The Foster Carers Consultative Committee remit was reviewed and increased the role of the group in working groups.</p> <p>Views of children looked after also became a core feature of the service, with children and young people not only contributing to their own reviews, but also those of their foster carers.</p>
	<p>d) If so, what were the changes and when and</p>	<p>See above</p>

	why did they come into effect?	
	e) Were there changes over time in terms of what the local authority saw as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?	<p>The statutory function of foster carers is outlined in legislation, as set out in the Norrie report.</p> <p>The function of the foster carer since 1996 has become clearer with the inclusion of carer agreements which outline the role of foster carer and council, and also placement agreements for each child placed. This outlines the specific needs of the child placed and the foster carers role in meeting those needs.</p> <p>By way of example, the impact of social media has come in to more focus, and agreements have changed over time to reflect this. Foster carers are now trained in managing social media and its impact on young people</p> <p>The Children's Hearing (Scotland) Act 2011 also allows for the foster carer to be a relevant person for a child in their care, underlining the importance of the carer role in a child's wellbeing.</p>
	f) If so, what were the changes and when and why did they come into effect?	<p>We would note from our organisational memory:</p> <ul style="list-style-type: none"> • Legislative changes already outlined, and particularly the 'no order' principle and inclusion of the views of the child and family. • An increased knowledge base from 1960's (Bowlby) in relation to what was required for good children's development, and the impact of negative experiences on a child's development. • Increased inclusion of foster carers and children in decision making forums which related to them or the children in their care. • The ethos of foster care became more inclusive over time, reflecting changes in wider society e.g. two people of the same sex and single people regardless of gender could foster following the 1985 Regulations.
Present	g) With reference to the present position, are the answers to any of the above questions different?	Yes

	h) If so, please give details.	<p>Participation and inclusion of children and young people has been expanded with the Children and Young People (Scotland) Act 2014 and the drive to include the principles of UNCRC in legislation and practice. This also allows for the foster carer to be an integral member of the team around the child.</p> <p>The professional and research knowledge base has continued to increase, and particularly now also includes information on brain development and the impact of trauma on development, both of which support that family-based care is a better environment for children.</p> <p>The role of foster carers as skilled care providers means they are now considered as core members of the Team Around the Child and contribute actively to assessment and care planning for children. They additionally maintain and develop their skills through training and development, which is also now required within the National Care Standards</p> <p>In 2016, Falkirk Council agreed its Closer to Home Strategy which has at its core the principle of relationship-based practice and maintaining children in a family within their local area. As such, a key strand of the Strategy is the development of more family-based support and increasing the number of local authority foster placements available</p> <p>Falkirk Council's Foster Carers Consultative Committee established in 1996 continues to be active and a core part of the fostering service. Carers are consulted, included and often raise and lead practice developments. As an example, carers were involved in a working group to develop clothing standards for children in foster care, and payments where a carer provides a day care service.</p>
1.6 Numbers		
(i) Local authority		
Past	a) How many children did the local authority accommodate at a time in foster care and in how many placements?	<p>1930-1975 We hold information in Archives of the number of children boarded out 1964-1972 (in and outwith the area). We have summarised the figures given in committee reports – see appendix A</p> <p>1975-1996</p>

		<p>We do not hold any records covering this period. These may be with Stirling Council.</p> <p>1996 to 2019 The Scottish Government CLAS return provides number of children placed and type of accommodation – Children looked after and accommodated document 2002/03 to 2018/19 – see appendix B</p> <p>Records available for the period 1996 to present day show 1645 placements of children in foster care. As examples of annual figures, we have the following information in our committee reports</p> <p><i>31/08/2004 Housing and Social Services Committee: Residential Child Care Resource. The Council is corporate parent for 165 children and young people, 100 young people are cared for by foster carers</i></p> <p><i>02/09/2008 Housing and Social Services Committee: 232 children were looked after and accommodated in June 2008</i></p> <p><i>01/09/2009 Housing and Social Services Committee: The Council has 49 active foster carers looking after 84 children and young people</i></p>
	<p>b) How many foster carers were approved/registered by the local authority at any given time? How many placements for children did this represent? How many placements were in use at any given time?</p>	<p>1930-1975 We do not hold any recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 The number of new foster carers approved per year and their registration category since 1996 is shown in the table attached in Appendix C</p> <p>Records do not indicate how many placements were in use at any one time.</p>

Foster Carer numbers at December of each year from 2005 are as follows:

2005 = 47
2006 = 49
2007 = 50
2008 = 49
2009 = 48
2010 = 53
2011 = 48
2012 = 55
2013 = 51
2014 = 53
2015 = 55
2016 = 61
2017 = 60
2018 = 64
2019 = 68

Current numbers (Jan 2020) 68

We do not record numbers of foster carers at any particular point in time.

Examples reported in Committee Papers:

13/11/1997 Social Work Services Committee: At 1996, there were 99 carers and 3 'fostering schemes' temporary/short term foster care (43 carers) teenage foster care (24 carers) related (kinship) foster care (32 carers)

31/08/2004 Housing and Social Work Committee: Chief Social Work Inspector's Annual Report – Falkirk has 56 foster carers

01/09/2009 Housing and Social Care Committee: Falkirk Council has 49 active foster carers looking after 84 children and young people

c)	If foster carers were approved/registered by the local authority as providing only specific types of care – e.g. respite care, short-term foster care, long-term foster care – please provide details of the categories and the numbers of placements in each.	<p>1930-1975 We do not hold any recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 The categories were not defined in legislation but in practice were – short term, long term and respite.</p> <p>Number of placements in each category can only be provided by a manual examination of carer files.</p>
d)	Please provide details of any material changes in numbers of children, placements or foster carers, and the reasons for those changes?	<p>Please see the Norrie report – over time the use of foster care for children requiring alternative care was understood as more beneficial to children than residential care.</p> <p>In 2009 Falkirk Council committed additional funding to recruitment of foster carers, with a target of an additional 12 carers over three years. This focus increased the number of foster carers from 48 to 60</p>
e)	How many children in total were accommodated by the local authority (whether in foster care or otherwise)?	<p>1930-1975 We do not hold any recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-Present Falkirk Council 'balance of care' figures are available from 2002 to 2019 and attached in Appendix D</p>
f)	In general terms, was the main service provided by the local authority the provision of residential care	Historically in Scotland fostering has been a core means of providing care to children, as noted by the Norrie report (page 57). Over time, the balance of children placed in residential care to foster care has increasingly moved to favouring family care, particularly following the 1948 Act.

	for children in establishments, or was it the provision of foster care?	Falkirk Council records since 1996 indicate that the most children looked after away from home have been placed in foster care. Additionally, since local government re-organisation in 1996, Falkirk Council have closed residential units such as Weedingshall Centre and Dock Street Childrens Home
Present	g) With reference to the present position, are the answers to any of the above questions different?	Yes
	h) If so, please give details.	<p>From 2014, types of foster care were placed in legislation and there are now five categories:</p> <ul style="list-style-type: none"> • Emergency • Interim • Long Term • Permanent • Short Breaks <p>Falkirk Council now run two five bed children's houses, and contract with two external agencies for additional local provision.</p>
1.7 Children's Background/Experience		
Past	a) Did the children placed in foster care generally have a shared background and/or shared experiences?	<p>1930-1975 We do not hold any recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 National records show that children from areas of deprivation are more likely to be in care than more affluent areas. This was highlighted in for example a committee report on leaving care services in 2002.</p> <p>Children in care through the years are all separated from their families, and as such have this shared trauma.</p>

b) Were children admitted into the care of the local authority, or were they admitted into the care of particular foster carers?	As noted by Norrie, in earlier years, children were admitted to the care of a 'fit person'. From 1996, children were admitted to the care of the local authority.	
c) Who placed children with the local authority?	This varied. Children would be boarded out with foster carers either at the request of their parents, because they were abandoned or by state intervention, in line with the legislation relevant at a point in time. See details of the relevant legislation at 1.1(b).	
d) From 15 April 1971 (the date on which the Children's Hearing system was introduced), did the local authority receive children mainly through the Children's Hearing system?	From April 1971, children were received into care via section 15 of the Social Work (Scotland) Act 1968, or via a Place of Safety Order, or the Children's Hearing System. Occasionally a child could be placed via a court order. We have not sourced records with specific numbers at this point.	
e) If not, generally how did children come to be admitted into the care of the local authority?	See (d) above	
f) How long did children typically remain in the care of the local authority?	Information on length of stay in local authority care was not routinely gathered.	
g) In respect of children who were admitted in to the care of the local authority, who made the decision as to whether they should be placed in foster care?	<p>1930-1975 We do not hold recorded information on this. However, pre-1968 legislation would suggest this was done by a welfare or children's officer. Post-1968 practice knowledge indicates that a social work manager could make this decision, unless it was an emergency measure such as a Place of Safety Order which was agreed by a magistrate, or an order made by the Children's Hearing System.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p>	

		<p>1996-2014 From 1996, decisions on receiving a child in to care have been taken either by a Children's Hearing, court or, if a section 25, with the approval of a social work manager.</p>
	h) If the decision was made by the local authority, what criteria were applied?	From historical memory, we can say that with the establishment of the social work profession, the importance of assessment of need was brought into practice. This would look at all factors in a child's life, assess the risks and make a judgement based on practice, knowledge and research on the best interests of the child.
	i) Were children moved between different foster care placements?	<p>1930-1975 We do not hold any recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 Information on placement moves is available from 1998. There is no typical reason for moves, but the most common reason recorded is a decision by the Children's Hearing</p>
	j) If so, in what circumstances?	<p>From practice knowledge, children move for a variety of reasons e.g.:</p> <ul style="list-style-type: none"> • The child moves to an adoptive or long-term placement • The foster carer is unsuitable • A move from an emergency to short term placement • A move back to live with their parents <p>Falkirk Council statistics record reasons for leaving a placement from 1998. As an example, these show numbers who:</p> <ul style="list-style-type: none"> • Moved from one foster placement to another foster placement • Moved to another situation such as home or an adoptive placement • Where care was taken over by another authority

k)	Generally did children typically stay in one, or more than one, foster care placement?	<p>1930-1975 We do not hold any recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 Since its inception, the Scottish Government CLAS returns show the number of placements a child has experienced</p>
l)	What was the process for review of children's continued residence in foster care, in terms of whether they continued to require to be (a) in foster care and/or (b) in that particular placement?	<p>The Norrie report outlines the visiting pattern and checks undertaken for children boarded out, and when a placement could continue.</p> <p>The 1968 Act introduced Children's Panels and an annual review of a child's order and any placement conditions.</p> <p>An amendment to section 20 of the Act on 1st February 1991 introduced statutory six-monthly reviews of children in care.</p> <p>In situations where a child was remaining with a foster care on a long-term basis, or moving to another carer for long term care, the specific suitability of this placement would be considered by a Fostering Panel as laid down in the 1985 Regulations (as subsequently updated by the 1996 Regulations and 2009 Regulations).</p>
m)	When children left foster care, what was the process for discharge?	<p>Discharge of a child from care would vary depending on the specific circumstances of the child and the legislation in force at the time, e.g.:</p> <ul style="list-style-type: none"> • The 1959 Regulations allowed termination of a placement where it was no longer in the child's best interests. • The Children's Hearing (Scotland) Act 2011 and predecessor legislation related to the Children's Hearing system allow a placement to be terminated if the children's hearing considers this not be in the interest of the child.

		<ul style="list-style-type: none"> • Where a child was placed in terms of section 15 of the 1968 Act the parent could remove the child at any point unless the local authority considered it not to be consistent with their welfare. • The 1995 Act continued this presumption giving greater emphasis to children and parental rights in relation to intervention of the state.
n) What support was offered to children when they left foster care?	<p>There was a duty in section 26 of 1968 Act to provide aftercare for those over school age who had left care, to provide aftercare between the age of 16 and 18. This was extended by section 29 of the 1995 Act and Section 6 of the Children (Leaving Care) Act 2000</p> <p>Local authority duties, e.g. in terms of section 12 of the 1968 Act, gave them the power to provide assistance in cash or in kind to individuals including care leavers.</p> <p>In 2002 Falkirk Council set up a dedicated Leaving Care Team which provided support to care leavers ranging from assistance related to accommodation, skills development, health and emotional and practical assistance. From 1996 to 2002, both residential units and foster carer maintained contact with many children who had been placed with them</p>	
o) What information was sought by the local authority about what children leaving foster care planned to go on to do?	<p>Pathway Planning for children in care was formally brought in with the 1995 Act. Records to date have not provided information on practice before this point.</p> <p>As noted, Falkirk Council set up a dedicated Leaving Care Team in 2002 specifically to support care leavers in all aspects of the pathway planning, including training and employment.</p>	
p) Was such information retained and updated?	<p>From 2001, information is contained in pathway plans, and in records kept by Skills Development Scotland (previously Careers Service).</p> <p>Prior to this, records reviewed to date do not show retention of such information.</p>	
q) What was provided in terms of after-care for children/young people once they left foster care?	<p>Please see (o) in relation to Falkirk's Leaving Care Service</p> <p>Prior to this, records reviewed to date do not show formal recording of such information.</p>	

Present	r) With reference to the present position, are the answers to any of the above questions different?	Yes, in some areas.
	s) If so, please give details.	<p>Placement move information is provided in the annual CLAS return, but the detailed circumstances behind moves is not recorded. Placement moves can be positive such as a return to a stable home, or adoption; neutral such as a move from an emergency placement to an interim placement or traumatic such as a move due to placement breakdown or an emergency in a carer's situation.</p> <p>Falkirk Council continues to have a dedicated aftercare service and independent aftercare review process, and takes seriously and has progressed, its corporate parenting duties e.g. development of our Champions Board. A care experienced young person sits on our Education, Children and Young Person's Executive. Housing Services are active participants with young people in developing services.</p>
1.8 Local authority staff and foster carers		
(i) Local authority		
Past	a) How many people were employed by the local authority who had some responsibility for foster care services for children?	<p>1930-1975 We do not hold any recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-to date Falkirk Council personnel records hold information from 2006, as at 1st January each year. Staff dedicated to fostering and adoption were as follows (shown as full-time equivalent):</p> <p>2006 7.69 2007 7.97 2008 7.97 2009 7.97 2010 7.97 2011 9.21</p>

		<p>2012 10.86 2013 11.39 2014 9.89 2015 11.99 2016 10.99 2017 10.44 2018 9.62 2019 10.62 2020 11.62</p> <p>Additionally, all front-line social workers within the Council had a role in supporting children placed and as such working alongside the foster carers. The senior management team in Social Work Services and subsequently Children's Services, including the Chief Social Work Officer/Director of Social Work, hold management responsibility in this area.</p>
	<p>b) How many people were employed by the local authority at any one time who had some responsibility for foster care services for children?</p>	<p>1930-1975 We do not hold any recorded information but in terms of the relevant legislation Falkirk Town Council employed a Children's Officer.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-to date All staff working with children and families from 1996 would have a role in the fostering service, placing children and working with children in placement. Specialist Senior Practitioner (Fostering and Adoption) were inherited from Central Regional Council and had a role with each local team in relation to assessment and support of foster carers.</p> <p>A dedicated fostering and adoption service was set up by Falkirk Council in 1999 with a remit to assess and support foster carers and assist with matching carers and children. This team continues to the present date with the additional duties related to training, kinship care and post adoption support. Dedicated staffing figures are noted in 1.8(i)(a).</p>

<p>c) What roles and responsibilities did such staff have? Please specify in which roles staff met with children and foster carers.</p>	<p>1930-1975 We hold limited recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-to date Legislation as noted in 1.1(b) and the Norrie report requires checks on foster carers and children, patterns of visiting, and certain approval processes which were enhanced by additional legislation over the years.</p> <p>From the creation of the dedicated fostering and adoption team, there was a team manager with overall responsibility for managing the team and the work of team. A senior worker carried some cases and provided supervision and support to staff. Fostering and adoption social workers had a remit to recruit, assess and support foster carers and adoptive carers, and increasingly were involved in training and development.</p> <p>A dedicated training post was created in 2011 covering training and development of foster carers.</p> <p>Social Workers in local teams carried responsibility for the children in foster care.</p>
<p>d) In relation to each role, what experience/qualifications did such staff have?</p>	<p>Our historical memory is that from the time of the 1968 legislation, foster carers were assessed by generic social workers in area teams, latterly supported by Senior Practitioners until 1999 when a dedicated Fostering and Adoption Team was set up in Falkirk Council.</p> <p>The title "social worker" became a protected title in September 2005, along with duties related to this such as assessment. Those working with a registered fostering service, must also be notified to Care Inspectorate as part of the registration and inspection process</p> <p>In the early years, records have not indicated what qualifications social workers or their predecessors, welfare officers, required or held. From 1968 onwards, social workers were qualified firstly with a certificate, a post-graduate qualification (CQSW), progressing to a diploma and ultimately a degree in social work.</p>

	e) When were fostering panels set up? What was their purpose and remit?	The 1985 Regulations established Fostering Panels. Their role and remit was to consider assessment of foster carers and decide if a carer should be approved and the terms of this approval.
	f) How were fostering panels constituted? What skills and experience were the members required to have?	Fostering Panels were constituted as Fostering Panels as outlined in the 1985 Regulations. Panels were, and continue under the 2009 Regulations to be, made up of people with suitable experience, and understanding of the task they are undertaking. Panels should have a gender balance and be reflective of the diversity of the community where the service is delivered. The local authority must satisfy themselves that this is the case. This is also detailed in the care standards. Falkirk's Fostering Panel is set up and run in line with the regulations and guidance.
Present	g) With reference to the present position, are the answers to any of the above questions different?	No
	h) If so, please give details.	
(ii) Foster carers		
Past	a) How were foster carers identified and approved/registered?	Please refer to our response to 1.1.(b). 1930-1975 We do not hold any recorded information. 1975-1996 We do not hold records covering this period. These may be with Stirling Council. 1996-to date Based on organisational memory of social work practice, recruitment of foster carers has been a focus for local authorities since the 1980s with regular campaigns to attract people to foster.

		<p>Following enquiries, an assessment process was carried out by a social worker resulting in the presentation of an assessment at a Fostering Panel and ultimate approval by Agency Decision Maker – see outline of the legislative process above. This continues to be the process followed in Falkirk.</p> <p>The details of the checks undertaken, and the nature of the assessment process, for foster carers has become more detailed over time, and is now a process which takes around six months and involves disclosure checks, references, medicals, discussion with family and household members and a detailed examination and assessment of the carer's history, experience and capacity.</p>
b) What experience and/or qualifications, if any, did a foster carer require to have?	<p>1930-1975 We do not hold any recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-to date We do not hold any records showing foster carers requiring to have qualifications.</p> <p>Based on our organisational memory of social work practice recruitment information from the 1980s onwards indicates that foster carers could be from all walks of life and required to be interested in and have experience of children. Approach, experience and personal qualities were considered more important than qualification.</p> <p>Training and development of foster carers was encouraged from the early 1990s and is now written in to the care standards.</p>	
c) What checks were carried out in relation to a prospective foster carer, including criminal record	<p>The Norrie report outlines the checks required in the early stages of the time period covered by the Inquiry.</p> <p>1930-1975 We do not hold any recorded information.</p>	

	checks, references and interviews?	<p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-to date. Based on organisational memory of social work practice, from the time of the 1985 Regulations, statutory police/disclosure check and more recently PVG membership, health and records checks were and continue to be carried on prospective foster carers. As part of assessments, references are taken up.</p>
	d) What checks were carried out in relation to other persons residing with the prospective foster carer, including criminal record checks, references and interviews?	<p>1930-1975 We do not hold any recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-to date. At the current time, members of a prospective carer's household will undergo disclosure checks, and individual interviews, and if taking an active role in the child's life, references.</p> <p>Based on organisational memory of social work practice, as part of an assessment, police checks were undertaken on member of the household over the age of 16 years. It is thought that this is the case from as early as the 1940s.</p>
	e) What checks were carried out in relation to other family members and friends of a prospective foster carer including criminal record checks, references and interviews?	<p>1930-1975 We do not hold any recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-to present date Checks undertaken in relation to prospective foster carers and approved foster carers have changed significantly over the years, in response to practice and regulations e.g. the Leslie Report resulted in Falkirk Council extending checks on carers to previous partners.</p>

		For anyone having significant contact with a foster child or carer household police checks were undertaken along with interviews and reference. This remains the process followed.
f)	To what extent, if any, were the checks referred to at paras (c) to (e) above reviewed? If so, how frequently and what checks were done? If not, why not?	<p>1930-1975 We do not hold any recorded information.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-to present date Carer checks are now updated every: 2 years for health 3 years for police/disclosure</p> <p>They are also reviewed at their annual foster care reviews introduced in the 1996 Regulations.</p>
g)	What checks were carried out by the local authority of the available accommodation? How frequently were these carried out? Were they repeated? If so, how frequently? If not, why not?	<p>1930-1975 We do not hold any recorded information, other than Falkirk Town Council minutes from 1946 to 1953 which show that there was a roster of visits to boarded-out children, in locations all over Scotland.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-to 2014 Unannounced visits were introduced by the Care Inspectorate around 2010.</p> <p>All checks, including health and safety checks, and first aid are updated and presented to an annual review.</p>
h)	Was the gender of the foster carer of any relevance to approval	Early Regulations indicate that a married couple were the preferred foster carers. Single carers may have been more likely to have a child of the same sex placed with them where a child was older (1959 Regulations).

	as a foster carer or in relation to the placement of a child with a particular carer? If so, why?	Two people of the same gender were prohibited from fostering until the 1996 Regulations.
	i) Was the gender of other persons (including children) residing in the same house of any relevance to the approval of a foster carer or to the placement of a child with a carer? If so, why?	A single woman could foster a child (1959 Regulations), or they could be boarded out with a relative who was single, regardless of the gender of the child.
	j) Were foster carers required to provide any services for children in their care beyond accommodating them? If so, what were they?	Please refer to 1.1(b) and 1.3 (ii)(d) for the relevant legislation.
	k) Did children work manually in the placement or externally (e.g. farming work or other labour), or both? If so, did that change at any point? If so, why?	<p>1930-1975 We do not hold any recorded information on this. We are aware from our general social work knowledge that the 1947 Regulations allowed children to work in a shop/assist on the farm if this was expected of the natural children in the household.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-to 2014 We have no records or practice experience to suggest that children in foster care during this period were required to work manually. Older young people may if appropriate seek work in line with usual age and stage expectations e.g. a Saturday job in a shop.</p>
	l) Were fostering agreements entered into? If so, were these in a prescribed form	From the point of formal registration of fostering agencies, and subsequently the 2009 Regulations, there is an expectation that a formal foster carer agreement with each registered

	or created on an ad hoc basis?	foster carer is in place, and additionally an individual placement agreement for each child placed.
Present	m) With reference to the present position, are the answers to any of the above questions different?	No
	n) If so, please give details.	n/a

	QUESTION	RESPONSE
2. ORGANISATIONAL STRUCTURE AND OVERSIGHT		
2.1 Culture		
Past	a) What was the nature of the culture within the local authority in relation to the provision of foster care?	<p>1930-1975</p> <p>We hold limited recorded information to inform a response to this question. We know that from 1946 to 1953, there were annual visits to boarded out children in line with the legislation applicable at the time, which suggests that the local authority respected the legislative regime in place at the time.</p> <p>The following archival research is also of relevance:</p> <ul style="list-style-type: none"> • <i>Falkirk Town Council minutes of 12/02/1945 record in a report to the Public Health Committee on infant mortality that the present arrangements for child life protection for illegitimate and boarded out children were sufficient.</i> • <i>Falkirk Town Council minutes of 13/10/1947 record that in a report to the Social Welfare Committee it was noted that the 1947 Regulations will become effective from 20th October 1947 and the Council's Social Welfare Officer was appointed to the the duties under regulation 17. Falkirk Town Council minutes of 12/07/1948 record that the Social Welfare Committee was made aware that the Childrens Act 1948 came into force on 05/07/1948. These demonstrate that councillors were being kept up-to-date on relevant statutory changes.</i>

		<ul style="list-style-type: none"> • <i>Falkirk Town Council minutes of 11/04/1949 record that the possibility of acquiring premises for a children's home was being considered but it was thought that fostering provided a better home environment.</i> • <i>Falkirk Town Council minutes of 05/10/1953 record that it was agreed that parents of children who had been committed to care by the Court should not be permitted to visit either children's homes or boarded-out children without the consent of the Children's Committee.</i> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 Committee papers and procedures show that the fostering service was carefully managed and monitored. By way of example:</p> <ul style="list-style-type: none"> • <i>11/04/1996 Social Work Services Committee states "Our aim is to be self-sufficient in foster carers"</i> • <i>09/04/1998 Social Work Services Committee – welcomes improvement in standards for foster care</i> • <i>24/09/1998 Social Work Services Committee – recommends moving to a paid skills-based foster care service</i> • <i>25/05/2004 Housing and Social Services Committee – acknowledges requirement for Council to be registered as an adoption and fostering agency with the Care Commission, and gives approval for recommending guidelines and criteria to Policy & Resources Committee</i>
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		<ul style="list-style-type: none"> • 31/08/2004 Housing and Social Services Committee – requirement for Council to be registered as an adoption and fostering agency with the Care Commission, endorsement of Care Panel procedures • 31/08/2004 Housing and Social Services Committee, Chief Social Work Inspector's Annual Report notes: <ul style="list-style-type: none"> ○ the Council should give priority to recruiting and keeping foster carers and making the number of placement moves for children as few as possible; ○ the Council should ensure it has information on and contact with young people who were looked after. • 04/09/2007 – Housing and Social Services Committee – report on budget provision, overspend of £489,000 on residential childcare and foster care provision • 02/09/2008 Housing and Social Services Committee – acknowledges that fostering placements are a key pressure area and references the statutory duty to Looked After Children referred to as "corporate parenting" responsibilities. • 01/09/2009 Housing and Social Care Committee – proposals for Falkirk Council to strengthen fostering services and achieve best value in fostering placements; refers to the 2008 Corporate Best Value Review of residential child care which included exploration of potential for children to be looked after in local fostering placements; approved a working group to be established to examine improvements to be made.
	<p>b) Was that culture reflected in the local authority's policies, procedures and/or practice in relation the provision of foster care?</p>	<p>See above</p> <p>Additionally, decisions taken by Members were translated in to procedure and practice. Examples would be:</p> <ul style="list-style-type: none"> ○ Foster Carer Recruitment Strategy ○ Foster Care Procedures ○ Process for meeting the Care Standards

	c) How can that be demonstrated?	Foster Carer files, annual reports, and Panel statistics demonstrate that processes and procedures were followed.
	d) Did the provision of care by foster carers reflect the local authority's culture, policies and procedures?	<p>From our records checked to date, from 1996 to the present date, the provision of care by foster carers reflected the local authority's culture, policies and procedures.</p> <p>Some examples:</p> <ul style="list-style-type: none"> o Review of the Payment for Skills Schemes alongside foster carers and implemented in 2019 o Inclusion of foster carers in writing an annual report on foster care o Development of a Foster Carers Newsletter, with carers included in the editorial group and providing material for the publication o Development of a range of practice matters such as standards of clothing in foster care, digital and computer safety and managing 'annual leave'
	e) If not, please provide a representative range of examples and explain, by reference to those examples, why particular foster carers did not, in material ways, work in accordance with the local authority's then culture, policies and procedures and what, if anything, was done to change that?	n/a
	f) When and why did any changes in the culture of the local authority in relation to the provision	<p>The 'operational memory' of the Council does not extend before the late 1970s and as such we are unable to answer this question beyond the legislative changes over time noted above.</p> <p>Processes in Falkirk Council from 1996 (from when we hold records), have been in line with the legislation and recognised good practice e.g. changes to criteria for approval and introduction of a</p>

	of foster care come about?	<p>smoking policy, introduction of carer portfolios, training and development including mandatory training areas, carer reviews, and unannounced visits as part of increased visiting and supervision of foster carers.</p> <p>Additionally, payments for the skills of foster carers was introduced as part of the development of foster carers as a core part of the team supporting a child or young person, and this aspect of dedicated support to foster carers was a significant change in practice from the 1990s onwards.</p>
	g) Were any changes in culture driven by internal influences, incidents, experiences or events within the local authority, or any of the foster care placements?	<p>Closer links with public sector partners since the inception of Falkirk Council have provided opportunity for improved joint working and learning. An example of this would be the Forth Valley Smoking Guidelines which influenced the change to the Councils smoking policy for carers.</p> <p>Knowledge of trauma and its impact on children including the impact of neo-natal substance misuse on babies in foster care, has influenced carer training.</p>
	h) Were there any changes in culture that were driven by abuse, or alleged abuse, of children in foster care?	<p>From the records reviewed to date, we can say that from 1996, any changes came from national policy and legislative changes, rather than being driven by abuse, or alleged abuse, of children in foster care.</p> <p>From its establishment in 1996, Falkirk Council paid attention to national events and incidents such as child abuse inquiries. The development of Child Protection Panels and serious case reviews allowed the Council to respond appropriately e.g. updating child protection procedures, introducing training for staff.</p>
	i) If so, when did they occur and how did they manifest themselves?	n/a
	j) Were any changes in culture driven by any external influences or factors and if so what were those influences or factors?	<p>From the records reviewed to date, we can say that from 1996, any changes came from national policy and legislative changes, rather than from abuse, of alleged abuse, of children in foster care.</p> <p>By way of example, in 2001 the Scottish education minister Jack McConnell ordered a review of child protection in Scotland following an inquiry into the murder of three-year-old Kennedy McFarlane. An audit following this was published in 2002 and identified issues in relation to</p>

		protection of children nationally. Two years later, the Scottish Executive published a children's charter, setting out how carers and professionals should protect and respect children's rights. This influenced how the Council responded to child protection concerns.
Present	k) With reference to the present position, are the answers to any of the above questions different?	Yes, in part.
	l) If so, please give details	Falkirk Council continues to be an active learner. Published serious case reviews are always considered at the Child Protection Committee with a view to learning lessons and informing local practice. Falkirk Child Protection Committee also undertake audits of child protection processes and practice.
	m) To what extent, if any, has abuse or alleged abuse of children cared for in foster care caused, or contributed to, the adoption of the current policies, procedures and/or practices of the local authority, in relation to the provision of foster care services for children including the safeguarding and child protection arrangements applying to its current foster care placements?	From 1996, as noted above, the Council has taken notice and responded to national inquiries into the injury or death of children in care. Records sourced to date show a council responsive to learning and inquiry recommendations. In 2013, the Scottish Government published the Allegations against Foster Carers Protocol and Guidance. This provided a national standard for how local authorities should respond to allegations. Falkirk Council adopted this guidance in conjunction with police and continue to follow this as best practice to date. Since training and support of foster carers, as noted above, was recognised as important to the welfare of children placed, training in safe care, and child protection have been mandatory for all foster carers. Additionally, for male carers, specific training is provided. This is all built in to the training profile for foster care in Falkirk. Fostering Panel procedures provide for carers where a significant incident has taken place, including an allegation, to be then taken to a fostering review panel for review, even where an

		<p>allegation has been unfounded. In any situation of concern, a Service Manager may decide to move a child, or suspend a foster carer.</p> <p>Inspections of the agency by the Care Inspectorate also provide external scrutiny in relation to the standard of care and related processes such as child protection training and procedures.</p>
2.2 Structure, leadership and accountability		
Past	a) What was the structure of responsibility within the local authority in relation to foster care?	<p>1930-1975 We hold limited information in our records on this.</p> <p>Falkirk Town Council minutes of 13/10/1947 record that in a report to the Social Welfare Committee it was noted that the 1947 Regulations will become effective from 20th October 1947 and the Council's Social Welfare Officer was appointed to the the duties under regulation 17. This regulation provided that <i>"the local authority shall appoint an officer with experience and knowledge of social service for the purpose of assisting them in the performance of their functions under these Rules and Regulations, including the selection of foster-parents and the visitation of children boarded out by the authority"</i>.</p> <p>Archival research also shows that the Social Welfare Officer was also to appointed as Children's Officer but that this was not sanctioned by the Secretary of State, who suggested a joint appointment with other authorities in the area. There is a minute of a joint meeting in that respect on 22nd March 1950 with Stirling Town Council. The minutes of the Children's Committee records the Falkirk committee considered there was sufficient work within the Burgh of Falkirk to required a full-time Children's Officer for Falkirk.</p> <p>Archival research notes a report in the Falkirk Herald from 9th May 1953. This records a summary of an address to Falkirk Rotary by Miss Minnie McIntosh, Falkirk Children's Officer in which it was said that in Falkirk Town Council, administration of the work was mainly centred on the children's committee of the Town Council which was formed just after 1948 in accordance with the Children's Act. The children's officer was the responsible official.</p> <p>Falkirk Town Council minutes from the period 1945 to 1953 show some oversight by the Social Welfare Committee and then the Children's Committee. Figures for boarded out children</p>

between 1964 and 1972 were reported to the Children & Welfare Committee, the Children's Committee and then the Social Work Committee.

1975-1996

We do not hold records covering this period. These may be with Stirling Council.

1996-present

Committee structure

The relevant Falkirk Council committees were as follows:

- Social Work Services Committee (1996 - 1998)
- Social Inclusion and Equalities Committee (1999 – 2000)
- Housing and Social Services Committee (2001-2009)
- Housing and Social Care Committee (2009 - 2013)
- Policy & Resources Committee (1999 to 2013)
- Executive (2013 - 2019)
- Education, Children & Young People Executive (2019 – ongoing)
- Best Value & Audit Forum (replaced by the performance panel in 2013)
- Performance Panel (until 2019)
- Scrutiny Committee (from 2013) and Scrutiny Committee (external) (2013-)
- Social Work Complaints Review Committee (2000-2019)

Management structure

From local government re-organisation in 1996, Falkirk Council had a Director of Social Work and Housing Services. Within this structure, there was a Head of Service of Social Work and thereafter Service Managers for the relevant areas of the service, including fostering. At that stage fostering was integrated into local teams with a Senior Practitioner in each area holding direct responsibility for overseeing assessment and support of foster carers.

When Housing moved to a new directorate, Social Work became a stand-alone directorate. A specialist Fostering and Adoption Team was created in 2001 with social workers dedicated to

		recruitment, assessment and support of foster and adoptive carers. This model has continued to date, expanding to include kinship care and post adoption support. In 2014 with the advent of Integration Joint Boards, Children's Social Work was integrated with Education Services into a new Children's Service.
b) What were the oversight and supervision arrangements by senior management?	<p>1930-1975 We do not hold any recorded information on this.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 From 1996 to 2014, Falkirk Council had a Director of Social Work who was a qualified social worker and Chief Social Work Officer. Below this, a Head of Service had overall responsibility for children's social work, supported by Service Managers who provided operational senior management supervision and support.</p> <p>From 2014 when the Children's Service was created, bringing Education and Children and Families together, the Director has had an education background and the Head of Service has operated as Chief Social Work Officer, supported by a service management team, one of whom has responsibility for fostering services.</p> <p>All staff in Children and Families are expected to receive monthly supervision/1:1 sessions, in line with our supervision framework. An annual development review is also built in to this framework.</p>	
c) What were the lines of accountability?	See responses to (a) and (b) above.	
d) Within the local authority, who had senior management/corporate/organisational responsibility for the managers/management teams/leadership teams who had responsibilities	<p>1930-1975 We do not hold any recorded information on this.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 From 1996 onwards corporate responsibility was held by the Chief Executive.</p>	

	in relation to children in foster care?	Operational responsibility was held by the Head of Service supported by service managers. Initially, one service manager held management responsibility for both the fostering team (who were responsible for the foster carers) and local teams (who were responsible for the children in care). This changed in 2004 and these responsibilities have been allocated to different service managers since that point. Each local team and the fostering and adoption team are managed by a Team Manager.
	e) Who, within the local authority, took decisions on matters of policy, procedure and/or practice in relation to foster care?	<p>1930-1975 We do not hold any recorded information on this.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 From 1996:</p> <ul style="list-style-type: none"> • Policy matters have been decided by the relevant council Committee e.g. changes to criteria • Procedural matters were decided by the service • Practice matters were, and remain, decided by the case worker and manager, within the boundaries of policy and procedures.
	f) To whom were foster carers accountable?	<p>1930-1975 We do not hold any recorded information on this.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 From 1996, as previously, foster carers were responsible to their supervising worker (previously known as link worker) but ultimately to the Council.</p>

		<p>With Care Inspectorate registration and standards, foster carers are required to maintain certain standards and be accountable also to the child for whom the service is ultimately arranged.</p>
	<p>g) Who, within the local authority, was responsible for the implementation of, and compliance with, the local authority's policies, procedures and/or practices in foster care both by local authority staff and by foster carers?</p>	<p>1930-1975 We do not hold any recorded information on this.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 The role of Chief Social Work Officer was brought in with the 1968 Act, with statutory guidance published in 2009 and update in 2016. The purpose of the role is to provide professional governance, leadership and accountability for the delivery of social work and social care services.</p> <p>All staff and foster carers are expected to be responsible for following and implementing policy and practice. Managers have as part of their core duties, oversight of practice and ensuring that policy and procedure is implemented.</p> <p>Within Falkirk Council various monitoring arrangements are also in place such as child care reviews chaired by independent coordinators, sample audits of files and practice, oversight of specific areas such as permanency monitoring and an oversight group for continuous improvement work which is part of our Children's Commission structure.</p> <p>Specifically, in relation to foster care there is a Foster Carers Consultative Committee which links representative foster carers with senior management and is a forum for consultation, raising of any issues and working together to develop and improve practice and procedures.</p> <p>Our Champions Board of care-experienced young people and corporate parents, also has as its primary function a role in influencing policy and practice in relation to care-experienced children and young people which includes those in foster care.</p> <p>Regulations in relation to fostering have become more extensive as noted earlier in this response. As such carer support by supervising social workers distinguish the purpose of a visit e.g. support</p>

		visits, supervisory visits and unannounced visits. It is now a requirement that an unannounced visit is undertaken at least once per year and that, for example, rooms are checked.
	h) To whom were fostering panels accountable?	<p>1930-1975 We do not hold any recorded information on this.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-2014 Post 1996, Fostering Panels have been in place and accountable to the Service Manager for the fostering service in relation to business matters and the Agency Decision Maker for recommendations.</p>
	i) What were the oversight and supervision arrangements in respect of fostering panels?	<p>1930-1975 We do not hold any recorded information on this.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-present Falkirk Council has since its inception held quarterly Business Panels for fostering panel members, which were and continue to be chaired by the service manager with responsibility for fostering. This provides a forum for agency issues to be raised, consultation and feedback from Panels to be discussed. Since approximately 2014, the first part of each Business Panel has been a Panel Members Forum, set up as a support group for panel members. At least once a year this may be a training session.</p> <p>Additionally, panel members are usually seen once a year individually for a support and learning session and to confirm that they wish to continue as a panel member. At the end of each Panel, all panel members are debriefed and the opportunity for an individual discussion with the Panel Chair is available if requested.</p>

		Falkirk Council have independent Panel Chairs who have a direct link with the service manager. A review meeting is held every 12 months and the Panel Chairs and Service Manager attend the quarterly Business Panel. Additionally, feedback sheets are completed after every panel, collated and provided to the service manager as part of the quality assurance process. Summaries of issues are discussed at the business panel.
Present	j) With reference to the present position, are the answers to any of the above questions different?	No
	k) If so, please give details.	n/a
2.3 External Oversight		
Past	a) What were the arrangements for external oversight of the local authority's foster care services?	<p>1930-1975 We do not hold any recorded information on this.</p> <p>1975-1996 We do not hold records covering this period. These may be with Stirling Council.</p> <p>1996-present Post 1996, within the Council oversight was provided by Council Committees, and externally since 2001 initially by the Social Work Inspection Agency and then replaced by the Care Inspectorate.</p>
	b) Who visited the local authority's foster care services in an official or statutory capacity and for what purpose?	See response at (a).
	c) How often did this occur?	See response at (a).
	d) What did these visits involve in practice?	See response at (a)

		The Care Inspectorate as part of their inspection process visit a sample of foster carers alongside a range of other discussions and enquiries, in order to determine if the local authority is meeting the care standards.
Present	e) With reference to the present position, are the answers to any of the above questions different?	No
	f) If so, please give details.	