

PART C - PREVENTION AND IDENTIFICATION

“local authority” mean the local authority and its statutory predecessors. All references to “foster care” include boarding out with private families.

Falkirk Council’s response to this Part in relation to the “Past” relates to the period from 1st April 1996 (when Falkirk Council came into existence) until 17th December 2014 (referred to in this response as **“the relevant period”**).

Stirling Council is the host record holder for records from the various Burgh and County Councils for Stirling, Falkirk and Clackmannanshire from 1930 to 1996 (which includes Falkirk Council’s predecessor authorities). Stirling Council’s response will therefore cover the period 1930 to 31st March 1996. We hold some committee/burgh information in Archives about our predecessor authorities. Relevant extracts in relation to foster care/boarding-out were provided in our response to Part A.

Responses to some of the questions in this Part are based on the detailed reading of a sample of relevant foster carer and children’s files, the methodology for which is as set out in response to Part B, question 3.1(c). References in this response to **“file reading”** refer to that. We have also considered information about complaints, inspections and claims, and also.

- Organisational knowledge of staff within the Council’s Children and Families Service and specifically the fostering service – work carried out by Service Manager, Children’s Services
- A search of the local authority’s corporate and service records (Finance, HR, policies and committee papers between 1996 and present day, practice documents and procedures) – work lead by Service Manager, Children’s Services.

QUESTION		RESPONSE
4. POLICY AND PRACTICE		
4.1 National		
Past	a) Was there national policy/guidance relevant to the provision of foster care for children?	<p>Relevant national legislation, regulation and guidance during the relevant period is noted in Falkirk Council’s response to Part A of this notice and by Professor Kenneth Norrie in his report to the Scottish Child Abuse Inquiry, ‘Legislative Background to the Treatment of Children and Young People Living Apart from their Parents’.</p> <p><i>Legislation:</i></p> <p>Legislation and related regulation and guidance is the primary driver for agency policy in relation to fostering. Legislation often follows national policy initiatives. Recent examples are the national Getting It Right For Every Child policy, subsequently placed on a legislative footing, and at fostering level, national guidance on allegations of abuse against foster carers. Both are examples of Scottish initiatives progressed following the creation of the Scottish Parliament which holds devolved responsibility for many areas including childcare law.</p> <p>Although the Children (Scotland) Act 1995 does not specifically single out fostering, it does outline circumstances in which children may become looked after. Significantly, this Act incorporates the United Nations Convention on the Rights of the Child into law and thus expectations of what standards of care children can expect in relation to the alternative care provided to them.</p> <p>Since its inception in 1999 the Scottish Parliament has brought into effect a range of legislation in relation to children, much of which impacts on how fostering services are defined, provided, managed and inspected. The definition of ‘fostering’ in the Regulations related to the Adoption and Children (Scotland) Act 2007 now includes a range of types of alternative family based care, from a series of short breaks designed to support a child in their birth family, to permanent substitute care where the court has removed parental rights from a birth parent and vested these in the local authority. Legislation and guidance now also include the concept of the ‘corporate parent’ providing a basis for the type of parental care expected of a corporate agency or individual representing that agency. This is now enshrined in legislation in the Children and Young People (Scotland) Act 2014 and related corporate parenting guidance.</p> <p>Wider legislation and guidance since the Children (Scotland) Act 1995 and subsequent legislation such as the Adoption and Children (Scotland) Act 2007 and more recent Children and Young People (Scotland) Act 2014 (and particularly the Scottish Government GIRFEC policy outlined above), place duties on the local authority along with partners to assess need and prepare a child’s plan to indicate how these needs will be met. This applies to children in the community as well as those who are looked</p>

after away from home in foster or residential care. Families often receive support from the Local Authority prior to a child becoming looked after in foster care. The Local Authority has a particular duty to provide this support to children whose health and development would suffer if services were not provided. Research suggests that many children who live with foster carers have experienced abuse and neglect prior to coming in to foster care which impacts on both the children and the carers who support them.

Implementation and Practice:

As a result of the above, fostering services have increasingly developed over recent decades to not only assess suitability of an individual to be a foster carer and place a child with a foster carer, but also to provide training and support and to enable foster carers to develop skills to care for a range of young people with increasingly complex needs. Such support and training is embedded in the national care standards developed for fostering agencies by the Care Inspectorate and against which fostering agencies are inspected.

The recognition nationally of the complexity of the needs of children in foster care has been reflected in policy and practice increasingly emphasising that the role of getting it right for children is a corporate one and does not lie solely with social work services e.g the Children (Scotland) Act 1995 introduced the concept of different parts of the local authority working together alongside other key agencies, and the Scottish Executive Children's Strategy and Action Plan (1999, 2001) developed the expectation of inter-agency cooperation. This was further developed in the requirement on authorities to develop a multi-agency Children's Services Plan reflecting the principles of GIRFEC and team support to children, something which is now enshrined in legislation in the Children and Young People (Scotland) Act 2014.

Over the 20th century, there was a shift from alternative care for children being provided in residential care settings to this primarily being provided in family homes. This shift followed the growing recognition that family-based care provides the best environment for children to grow and develop. This has led to increasing expectations and challenge on Local Authorities to recruit, support and retain sufficient numbers of foster carers to care for children, many of whom have increasingly complex needs. This is reflected in the move over the past two decades from fostering being provided almost solely by local authorities to a more mixed base of private, voluntary and local authority provision, and demonstrated by the current situation where there is a national framework contract for independent fostering providers overseen by Scotland Excel.

Safer Caring:

All Local Authorities and fostering agencies, in line with the Looked After Children (Scotland) Regulations 2009 are expected to appoint a panel to approve foster carers. The Regulations also prescribe how records should be kept and establish foster carer and placement agreements. Alongside the requirement in the Children (Scotland) Act 1995 for each child to have their own plans, regularly reviewed, volume 2 of the related Regulations and Guidance covers the fostering service. This includes recruitment, assessment and approval of foster carers, as well as training, support, allegations, placement arrangements and introductions. Falkirk Council has implemented these requirements and practices and this is evidenced in procedures and from our file reading.

In practice terms, there has been a growing understanding of the vulnerability of foster carers to allegations, and there is a continued focus during preparation and training of foster carers on safer caring. Many agencies use the nationally recognised Skills to Foster material developed by the Fostering Network (FN) as the core preparation material to inform assessment of foster carers. and access their training on Safer Caring and Men in Foster Care

Falkirk Council training records and foster carer review records show careful attention to this aspect of assessment and ongoing support. As an example, a carer review minute from 2016 where the male care is the main foster carer states that:

C and A are aware of safe caring practices. They have clear guidelines in place, for example, not entering each other's bedrooms. C has continued to take advice and guidance, particularly recently. C as the main male carer is aware of his own vulnerability in this respect. In order to offset this, we have at the beginning of both placements discussed roles within the foster family and agreed that intimate tasks such as bathing and toileting would remain in A's jurisdiction, especially during the initial stages of placement until a trust between young people and male carer developed. We also had meetings with

		<p><i>parents to discuss the afore mentioned and alleviate any concerns they may have. Early Placement Agreements were co-ordinated, and parents attended.</i></p> <p>The 2017 Care inspectorate report on the fostering service notes that:</p> <p><i>Caring situations, including the need to keep children safe, were effectively and regularly reviewed both for children and foster carers and any additional training or support was identified. Children and carers were well supported by a proactive Looked After Child nursing service which assessed children's health needs and supported foster carers to meet these. Additional support was available from an easily accessible clinical psychologist who had supported children who had experienced neglect, trauma and loss.</i></p> <p>The fostering training log from 2009 records mandatory training attended by carers on Men in Foster Care, a course which is also noted in the foster carer review above as being attended by the male carer on 04/06/16 along with a 6 week course on Caring for Vulnerable Children via University of Strathclyde between 11/01/16-21/02/16.</p> <p><i>Practice Development:</i></p> <p>Falkirk Council records show an attention to continuous development. A report to Committee on 1st September 2009 on Future Provision of Fostering Services outlines a fostering strategy to increase the numbers of foster carers in order to reduce the number of children being placed outwith the Council area. The update report on 24th May 2011 (Fostering Services Update), notes that the target of recruiting an additional 12 foster carers was successfully reached. Alongside this, national initiatives in relation to foster carer training and support to carers has allowed Falkirk Council to increase financial support to foster carers and improve other forms of support such as training.</p> <p><i>Oversight and Inspection:</i></p> <p>The Regulation of Care (Scotland) Act 2001 established an inspection framework in the context of the National Care Standards. The 2001 Act established the Care Commission (now the Care Inspectorate) with a registration and inspection function which included fostering services.</p> <p>Falkirk Council Committee reports and minutes include annual reporting and oversight in relation to all regulated services. The regular inspections of the fostering service (and related adoption and supported carer services) result in a published report, and action plan and indicate a service which is compliant with the Care Standards and continually developing. Inspections reports are published on the Care Inspectorate website.</p>
b) If so, to what extent was the local authority aware of such?		<p>Please see response to 4.1(a) above.</p> <p>Falkirk Council Committee records indicate regular reporting to Committee on matters related to the fostering service. This includes:</p> <ul style="list-style-type: none"> • Reports on regulated services • Service developments such as the report to Members on increase in foster carer numbers in August 2005 entitled Funding to Improve Fostering Services and May 2011 entitled Update on Fostering Services • Allocation of funding streams included in the report to members of 2005 above • Changes to the services Payment for Skills Scheme in reports of 1999 approving the Scheme (and updated in 2008 and 2019) <p>Additionally:</p>

		<ul style="list-style-type: none"> working group reports and minutes of oversight groups demonstrate a proactive awareness and approach to responding to changes at a national level including legislation, funding streams, and practice development. Examples include Permanency Monitoring Group, PACE Leads Group, working groups prior to the implementation of the Children and Young People (Scotland) Act 2014, training working group for foster carers and the working group on portfolios The above groups and records provide examples of correspondence from Scottish Government advising of initiative or changes
<p>c) If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?</p> <ol style="list-style-type: none"> Child welfare (physical and emotional) The child's views Reviewing a child's continued residence in a foster care placement Child protection Discipline Complaints handling Whistleblowing Record retention Recruitment and training of foster carers Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority 	<p>Please see responses to Part A and sections 4.1(a) and (b) above.</p> <p>Child Care legislation, guidance and practice in relation to the care and welfare of children has been copious in the years since the establishment of the Scottish Parliament. While some of this relates specifically to fostering, much is relevant to all aspects of a child's life eg application of the principles and practice of GIRFEC, responding to allegations of possible abuse or neglect, developments in relation to investigation of allegations of abuse or harm. Records from 1996 indicate that Falkirk Council were, and remain, aware of developments in the areas listed. As such the legislation highlighted above is significant and Falkirk Council's awareness and response is reflected in the following examples:</p>	<p>(i) <i>Child Welfare</i></p> <ul style="list-style-type: none"> Implementation of the requirement to assess and plan in relation to a child in need – Children (Scotland) Act 1995. Evidenced in Falkirk Council Child Care Procedures 1999. Implementation of GIRFEC approach both prior to and following the Children and Young People (Scotland) Act 2014, and overseen by the Children's Commission Team around the Child approach embedded in practice across Falkirk Council and partners, evidenced in the GIRFEC procedures and minutes of Commission meetings Ongoing attention to research and resultant amendment of practice and policy eg in relation to the impact of smoking and what this means for assessment and approval of foster carers <p>(ii) <i>Child's Views</i></p> <ul style="list-style-type: none"> Inclusion of child's views in all documentation and review processes since implementation of the 1995 Act. Section 6 specifically refers to children's views and builds on provision in the predecessor legislation, the Social Work (Scotland) Act 1968. File reading indicates the use of 'having your say forms' for childcare reviews and the views of children in foster care being reflected in foster care reviews. Tender in 2006 to appoint an independent Children's Rights Officer and inclusion of children in this appointment. Purchase of Viewpoint in July 2010 to facilitate an independent approach to gaining children's views, along with an ongoing agreement with Who Cares? to provide advocacy to young people aged 0 – 21 years. Evidence from inspections of inspectors speaking with young people to independently gather their views on the service. <p>(iii) <i>Reviewing Placements</i></p> <ul style="list-style-type: none"> Establishment in 1996 of an independent reviewing process for children in care or on the child protection register which has been increased and developed since then. Regular reviewing covers all children in care including foster care. Attendance is multi-agency and minutes outline how children are progressing in care. Establishment and ongoing implementation of a review process for foster carers, which includes children's views Evidence in files of both of the above processes being applied and carried out on a multi-agency basis. <p>(iv) and (v) <i>Child Protection/Discipline.</i></p> <ul style="list-style-type: none"> Establishment and regular review of the Child Protection Committee and strategic oversight from the Public Protection Chief Officers' Group. The Annual Report for 2006 states that: <i>The CPC arrangements in Falkirk have been set up in line with the Scottish Executive (SE) Guidance (Protecting Children and Young People: Child Protection Committees), published in 2005, which aims to ensure the delivery of integrated, high quality, child protection services supported by the commitment and leadership of Chief Officers. The SE Guidance states that the CPCs are the key local bodies for developing and implementing child protection strategy across and between agencies with core functions under public information, continuous improvement in child protection practice and strategic planning</i> Robust and regularly updated child protection procedures eg in 2012 and 2019. The update in 2012 followed an internal audit examination. Notes of follow up to the audit state that 'M (child protection coordinator) has been working on updating

		<p><i>local procedures in line with National guidelines. Noted M will .. take account of internal audit recommendations within local procedures.</i></p> <ul style="list-style-type: none"> Any child protection concerns relating to a foster carer will be investigated in line with Child Protection Procedures and national allegations against foster carer guidance including issues of inappropriate discipline. The Care Inspectorate also require, as part of the services registration as a regulated service, that any incidence of alleged abuse by a carer is reported to them. Adherence to the national guidance on allegations against carers, Managing Allegations Against Foster Carers and Approved Kinship Carers, July 2013 which is demonstrated in the Falkirk Council procedure covering this area. Consistent application of 'no physical punishment' in all carer material, assessment and training and monitoring of this including use of annual unannounced visits and including of the views of the child in carer reviews. This became legislation following the 1985 Regulations which were further developed in the 1995 Act and Regulations and require the local authority to have in place an agreement which prohibits the use of corporal punishment. This position is reflected in Falkirk's procedures and the Foster Carer Handbook. Similarly, and as required by Regulations, foster carer agreements are signed by foster carers at the point of registration and this includes a commitment that no corporate punishment will be used, that the care provided will promote and develop a child's wellbeing. The Handbook of 2016 notes that the agreement signed by foster carers includes the 'undertaking not to use corporal punishment,' This is evidenced in examples from our file reading and Care Inspectorate inspections of the service. <p>(vi) <i>Complaints Handling</i></p> <ul style="list-style-type: none"> The 1996 Regulations require agencies to have in place a complaints process. Falkirk Council followed the social work complaints process from 1996, and subsequently the Council complaints process. A dedicated 'team' was established to oversee this process. Details of all complaints are logged, and timescales monitored and reported. This process covers fostering as well as other areas of service delivery. Falkirk has no formal complaints against carers. Of the situations involving fostering recorded in records from 2000 to 2014, none relate to the behaviour of foster carers. Falkirk Council foster carers may access the Council process. In addition, as part of the approval and review process, carers have access to the panel appeals process and are advised of this in the formal approval/deregistration letters. Additionally, the national care standards require local authorities to make known their complaints process and this for Falkirk is outlined in the Foster Carer Handbook provided to all carers. <p>(vii) <i>Whistleblowing</i></p> <ul style="list-style-type: none"> Falkirk Council has a corporate whistleblowing policy which aims to give those with serious concerns confidence and protection from reprisal should they raise a concern. This policy sits alongside other policies such as those relating to corporate fraud. Though not technically employees, foster carers are covered by this policy as it specifically extends protection to others who work for the Council but are not an employee. This was introduced in 2016. <p>(viii) <i>Record Retention</i></p> <ul style="list-style-type: none"> In line with current and previous legislation, Falkirk Council has a retention schedule for fostering records (part of the Children & Family schedule). Foster carer records must, in line with the 2009 Regulations, be retained for 25 years. Destruction of records has been halted in line with the requirements of the Child Abuse Inquiry. <p>(ix) <i>Recruitment and Training of foster Carers</i></p> <ul style="list-style-type: none"> As noted above, policies and practice in relation to recruitment of foster carers follow national guidance and practice. The process is extensive and has been so since 1996. Developments in practice relating to how to attract suitable carers, assess appropriately and provide suitable training are shared nationally, and Falkirk Council along with most authorities is a member of national expert fostering and adoption organisations such as Adoption and Fostering Alliance Scotland (AFA), and CoramBAAF (and its predecessor BAAF), as well as playing an active role in social work agencies such as Social Work Scotland and its predecessor Association of Directors of Social Work. The good practice approach to assessment of carers is maintained by CoramBAAF and Falkirk Council hold a licence for use of the range of material and forms created to assist practice in this area, including the Form F, medical assessment forms and reference processes all of which are rigorously applied and presented to the Fostering Panel. The Panel process is set up in line with Regulations with the addition of Business Panels held at regular intervals and a feedback loop in place for all participants and Panel members to allow for continuous improvement and monitoring. A Business Panel minute from September 2008 notes changes relating to improved assessment processes 'Form F – this has now been revised into a
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		<p><i>format that will capture all the necessary data. The new forms are country specific and there will therefore be a set of forms for Scotland'.</i></p> <p><i>(x) Requirement on employers to divulge details of complaints</i></p> <ul style="list-style-type: none"> While there is no requirement in legislation on employers to divulge complaints or concerns relating to one of their staff members who is applying to be a foster carer, there is an expectation outlined in the 1995 Act that agencies will undertake employment checks. This is strengthened in the Looked after Children (Scotland) Regulations 2009 which require information about prospective carers' employment. This forms part of the CoramBAAF Form F assessment of prospective foster carers. <p>In line with this, an extensive reference process is in place within Falkirk Council as part of the assessment of any prospective foster carers which has been amended over time eg in relation to ex-partners. A reference is specifically requested from a current or previous employer, which includes a request for information on whether they know of any reason why the individual would not be suitable to be a foster carer. While openness is encouraged, referees are given the option of their reference being confidential where this would facilitate provision of the required information.</p>
	d) If the local authority was aware of such, did they give effect to that policy/guidance?	Yes. See examples in the responses to sections 4.1(b) and (c) above
	e) If so, how was effect given to such policy/guidance?	See 4.1(b) and (c)
	f) If not, why not?	Not applicable.
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.	<ul style="list-style-type: none"> Much of the above information above is applicable to the present day. Over the past 12 years the application of the GIRFEC National Practice Model has become embedded and now underpins practice in the Children and Young People (Scotland) Act 2014 and related guidance. This also brought in the right of young people in care to remain in their placement to the age of 21 if they and their carers wish this, extended the rights to after care support and formalised the concept of the corporate parent. The national increase in children being accommodated since the Fostering Strategy referred to above has resulted in a further local strategic development, the Closer to Home Strategy. Agreed in 2018, it has at its core the principle of maintaining children as close to their family as possible by developing family supports and providing alternative family care where a child cannot safely remain with their birth family. Details are contained in reports to Members on Council of the Future. The focus on family placement and safer care within the above strategy has resulted in further investment in the fostering service, and engagement with national initiatives. The CELCIS PACE programme (Permanence and Care excellence), Family Group Decision Making and Lifelong Links have increasingly focused on achieving permanence for children at the earliest stage to ensure they have a caring family for life and minimise the level of local authority intervention required in their lives. The initiatives referred to here are overseen by the Closer to Home oversight group, with additional permanency tracking and monitoring at team level. Establishment in 2016 of a Champions Board, funded by Life Changes Trust to support young people to make a difference to policy and practice which affects children in care. The impact of this is being independently monitored by the funders.
4.2 Local Authority		
I. Policy		
Past	a) Was there local authority policy/guidance in relation to the provision of foster care?	Yes. In 1996, following local government re-organisation, Central Regional Council policies transferred to Falkirk Council (Social Work Services Committee, 28 th February 1996). Thereafter, there is evidence in committee papers and practice of ongoing review and updating of policy and procedures. See responses to the questions in section 4.1 above.

<p>b) Was there a particular policy and/or procedural aim/intention?</p>	<p>All fostering policies and procedures have as their intent compliance with national policy and legislation which in turn aims to ensure the safe care and wellbeing of children requiring alternative family care.</p> <p>Falkirk Council policies and practice reflect the changing nature of legislation, knowledge and practice since 1996. Of note is the implementation of the Looked After Children materials and approach implemented following national work and the 1995 Act, and more recently the GIRFEC approach both of which have underpinning them the UNCRC and the welfare or wellbeing of the child.</p>
<p>c) Where were such policies and/or procedures recorded?</p>	<p>Policy details are found in the minutes of Committees from 1996, and in related fostering procedures also contained in the Foster Carers Handbook. Of note are:</p> <ul style="list-style-type: none"> • Payment for Skills approval and update noted in the report to Members of 1999. • Amendments to the recruitment criteria to take account of updated health advice on smoking and amendments in the 2007 Adoption and Children (Scotland) Act to allow a wider range of individuals to become foster carers. • Child protection procedures including consideration of Significant Case Reviews such as the outcome of the serious case review in 2012. • Amendment to fostering to apply the 'cap' on the number of unrelated children who may be cared for in one fostering household.
<p>d) What did the policies and/or procedures set out in terms of the following:</p> <ol style="list-style-type: none"> I. Child welfare (physical and emotional) II. The child's views III. Placement of siblings IV. The placement of a child in foster care V. The particular placement of a child with foster carers VI. Contact between a child in foster care with his or her family VII. Contact between a child in foster care and other siblings in foster care VIII. Information sharing with the child's family IX. Fostering panels (including constitution, remit, frequency and record keeping) X. Recruitment and training of foster carers XI. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority XII. Reviewing a child's continued residence in foster care or in a particular foster care placement XIII. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping) XIV. Transfer of a child from one foster placement to another (including preparation and support) XV. Transfer of a child between foster care and residential care (including preparation and support) XVI. Child protection XVII. Complaints handling XVIII. Whistleblowing XIX. Record retention 	<p>As noted above all policy and procedure aims to ensure compliance with national legislation and guidance. At the heart of this, is that the welfare, latterly referred to as wellbeing of a child, should be the central consideration and that practice should reflect the principles underpinning the 1995 and 2014 Acts which themselves reflect the UNCRC. As such policy and procedure in Falkirk is aligned to these principles:</p> <ol style="list-style-type: none"> I. Child welfare is paramount i.e. the best interest of the child. This is determined by a comprehensive assessment of need, development of a care plan (now referred to as the child's plan) and regular reviews and monitoring of that plan to ensure that the child's wellbeing is maximised. Procedures from 1999 state in the Principles and Values that: <i>"the interests and welfare of children and young people is centrally important to all that we do"</i> II. The child's views are crucial to any planning and are reflected in planning, review and placements, supported by independent advocacy if desire. Examples are: <ul style="list-style-type: none"> • Fostering and Adoption Panel procedures for 2010 state that <i>'Consideration should be given to inviting children to share their views, in a variety of ways, depending on their age and stage of development. This may include personal attendance at the Panel, if the child wishes, and should be discussed and agreed with the Chairperson in advance of the Panel'</i> • Child Care Review Procedures for 1999 state that <i>'the social worker is responsible for ensuring that the child is prepared for the review and that the child has the opportunity to express their views and be involved in a way that is suitable to them'</i> III. Siblings should be placed together where possible. The Foster Care Procedures for 2008 states that siblings should be placed together where this is possible. IV. Looked after procedures outline the process for agreeing a placement for a child, and the fostering team have a procedure for matching a child to a carer, which provides a profile of a child to assist in matching with a foster carer V. A placement agreement is put in place for each placement and is specific to that carer and child. An example is provided in the document schedule. VI. All care plans will have a contact plan as part of this. VII. Contact covers both contact with parents/primary carer and siblings. VIII. All reports are shared with parents and where appropriate children/young people, unless there are clear reasons not to do so e.g. it would impede a criminal investigation. The sharing of reports is recorded in the minute of the review. IX. Fostering Panels are clearly constituted with processes, remits, a range of panel members and independent chairs. The Panel Procedures of 2015 note in relation to panel membership that <i>'One of the values of an effective Panel is the breadth of experience members bring to frequently complex areas. The Panel should therefore be drawn from a selection of people with wide professional or personal experience relevant to the task. The Panel should therefore ideally include (i) a person with direct experience of being or having been an adoptive parent/foster carer or short breaks carer (ii) experienced Social Workers with knowledge of child care, adoption and fostering (iii) others from allied professions such as education and psychology (iii) independent members from outwith the Authority (iv) a representative from a</i>

	<p><i>voluntary organisation (v) adults who have been adopted or fostered. The Panel should reflect the community from which children and families may come and should be informed and sensitive to issues around ethnicity, beliefs, sexuality and lifestyle</i></p> <p>X. Carers are recruited and trained in line with national standards and national good practice. A training coordinator is in place dedicated to foster care training. Foster Carers are required to demonstrate ongoing development and present this to their annual review in the form of a portfolio. Progression to a higher level of skill is dependent on this and is independently assessed at a formal carer review and ratified by the Agency Decision Maker. The Payment for Skills procedure which covers portfolios notes in 2001 that <i>The progression of foster carers through the three skill levels will be dependent on the outcomes of compulsory training. Carers can choose not to progress through the skill levels. However, "refresher" training within each level will remain compulsory due to the complex legal and family circumstances of the children/young people in foster care and to the development of regulation and inspection requirements.</i> A review of the process in 2016 further emphasises this: <i>Your Personal Development Plan should provide evidence of your ability to support and empower the children and young people in your care to be confident individuals, effective contributors, responsible citizens and successful learners within the Getting It Right for Every Child approach</i></p> <p>XI. The Fostering Procedures require references to be provided by previous employers with an option of this being anonymous where it facilitates disclosure of any issues</p> <p>XII. Procedures for review of child's plans are in place with formal reviews chaired by independent reviewing officers. In addition, regular planning and 'team around the child' meetings take place between formal reviews</p> <p>XIII. Looked after and fostering procedures outline frequency of visits expected by both placing social workers and carers' own supervising social workers including expectations of the child being seen on their own, intervals for observing sleeping arrangements, and annual unannounced visits. The nature and purpose of visits is recorded.</p> <p>XIV. Procedures outline how a transition should take place e.g. a move to a permanent foster home or prospective adoptive home is managed by a coordination meeting with the purpose of planning and overseeing this transition. Procedures also outline when and how an emergency transfer may take place and who can authorise this. Where a placement is in difficulty, the procedures underline the importance of planned moves.</p> <p>XV. The above processes also apply to any transitions between foster care and residential care. In both situations a Team Around the Child or review would then take place. This has been required since the 1995 Act which outlined the need for a review to agree or amend any care plan for a child and historical memory places this in the childcare review procedures of 1996.</p> <p>XVI. -to XIX - Council Child Protection, complaints, whistleblowing and record retention processes and procedures are outlined above in our responses to questions 4.1(b) and (c).</p>
e) Who compiled the policies and/or procedures?	Generally, policies were approved by Members at committee and procedures were developed by the service and approved by senior management. Core procedures were in some instances presented to Members as part of the policy approval process e.g. child protection procedures.
f) When were the policies and/or procedures put in place?	Policies were implemented at dates agreed by Committee, or when the relevant legislation came in to force, and procedures at agreed dates. Examples are: <ul style="list-style-type: none"> • Introduction of Payment for Skills – agreed by members with an implementation date of April 1999. • Smoking Policy approved November 2008 with phased implementation from December 2007 until full implementation by December 2009.
g) Were such policies and/or practices reviewed?	Policies and procedures have been reviewed as new guidance or legislation is put in place. For example <ul style="list-style-type: none"> • Payment for Skills Scheme (known at this point as Caring with Competence) was reviewed in 2008, 2014 and again in 2019 • Smoking Policy was updated in 2011 when new information in relation to passive smoking was received and is under review again in 2020. • Fostering Procedures were reviewed in 2008 and again in 2019 • Foster Carers handbook was updated in 2015 and is in process of update again in 2020 • Foster Carer Review procedures were updated in 2014

	h) If so, what was the reason for review?	Reviews were undertaken for a range of reasons – new legislation, feedback from foster carers, young people or staff and routine planned review: <ul style="list-style-type: none"> • Feedback from our Champions Board resulted in specific changes within the long-term foster procedures related to annual leave • Smoking policy review related to new information on the impact of passive smoking.
	i) What substantive changes, if any, were made to the policies and/or procedures over time?	Please see previous responses to this section. The significant changes over the time period 1996 to present day focus on: <ul style="list-style-type: none"> • Legislative changes e.g. in relation to numbers of unrelated foster children who may be placed in a fostering household, the requirement to undertake reviews of foster carers or implementation of GIRFEC • Practice developments e.g. in relation to changes in the status of foster care and their increasing inclusion in care planning for children, the developing understanding of the trauma children have suffered and how this impacts on the care they require and related need for foster carer training and development.
	j) Why were changes made?	See response to (i) above.
	k) Were changes documented?	Changes related to policy and practice are documented in committee reports, working groups documents and files – see schedule of documents
	l) Was there an audit trail?	Partial only – not every old/amended procedure was retained.
Present	m) With reference to the present position, are the answers to any of the above questions different?	Yes
	n) If so, please give details.	Much of the above continues to apply. Of note since 2014: <ul style="list-style-type: none"> • The implementation of the Children and Young People (Scotland) Act 2014 and related regulation and guidance which has been translated into policy and procedure in Falkirk as outlined above. • Falkirk Council has developed a Council of the Future agenda. As part of this Children's Services is taking forward a Closer to Home Strategy. This has as its core a commitment to maintain children as close to home as possible and to develop fostering and kinship options where a child cannot live with their birth family. Workstreams for the strategy include family support and fostering recruitment. • In 2014 and 2019, the Payment for Skills Scheme Caring with Competence was updated in response to a need to more clearly reflect the principles of GIRFEC in carer competencies (2014) and a change in skill levels and payments as part of our fostering strategy (2019). • A review in 2019 of the fostering procedures, initiated by feedback for Care Inspectorate and changes in practice. • Procedure for long term fostering approved January 2018, with an implementation date of April 2018. • Child Protection Procedures were updated in 2012 and again in 2019.
II. Practice		
Past	a) Did the local authority adhere in practice to its policy/procedures in relation to the provision of foster care?	See 4.2(i)(d) There is evidence in the file reading of adherence to policy and practice in many areas during the relevant period. File reading has highlighted some gaps in information being fully recorded on files
	b) Did the local authority adhere in practice to its policy/procedures on the following: I. Child welfare (physical and emotional) II. The child's views III. Placement of siblings IV. The placement of a child in foster care V. The particular placement of a child with foster carers	File reading, inspection reports and other records show that the policies and procedures were adhered to by staff with some gaps in recording. File reading notes where carers did not adhere to a policy e.g. an incidence of breach of confidentiality is noted 'case note on softbox (recording system) 22/03/17 discusses an allegation of breaches of confidentiality from D.B' I. A focus on the best interests of the child/wellbeing of the child is seen in carer notes, children's files and minutes. II. Seeking and taking into account the child's views is evidenced in records and particularly review reports and minutes e.g. file reading records an incident where a child clearly stated their preference to remain with their foster care despite

<p>VI. Contact between a child in foster care with his or her family</p> <p>VII. Contact between a child in foster care and other siblings in foster care</p> <p>VIII. Information sharing with the child's family</p> <p>IX. Fostering panels (including constitution, remit, frequency and record keeping)</p> <p>X. Recruitment and training of foster carers</p> <p>XI. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority</p> <p>XII. Reviewing a child's continued residence in foster care or in a particular foster care placement</p> <p>XIII. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)</p> <p>XIV. Transfer of a child from one foster placement to another (including preparation and support)</p> <p>XV. Transfer of a child between foster care and residential care (including preparation and support)</p> <p>XVI. Child protection</p> <p>XVII. Complaints handling</p> <p>XVIII. Whistleblowing</p> <p>XIX. Record retention</p>	<p>an allegation and this is recorded as impacting on the ultimate decision. Recently Champions Board young people have influenced how facilities for moving out of care are provided.</p> <p>III. A desire to place siblings together wherever possible (and maintain links where this has not been possible e.g. due to lack of resources), is shown in records of the fostering team where placements are being sourced and in social worker assessment profiles. As an example, a Resourcing Minute of 2013 states in relation to one family that:</p> <p><i>"We have currently asked the (carers) in Bo'ness if they could take all three children and they have agreed to this. Office expressing concerns re the geography of this placement. (Fostering Senior) has now spoken to (social worker) asking her to reconsider, given the need to weigh up any downside of the geography with the fact that all three children could be kept together"</i></p> <p>Similarly, the assumption that siblings are placed together wherever possible is noted in together or apart assessments which have been utilised for many years and since 2010 as a separate assessment to inform planning for children. An example is the long-term placement of two siblings with exceptionally difficult backgrounds, including sexualised behaviour. A together or apart assessment was undertaken to inform whether they were placed together in the long term or separately with a contact plan. The recommendation states that:</p> <p><i>A and his sister B are currently in placement together however it is the recommendation of the writer that, in order to protect them in the long term, consideration should be given to identifying separate placements for these children, but with an expectation that there be ongoing direct and indirect contact between them throughout their childhoods, so long as that remains in both their interests.</i></p> <p>IV. The process for placing a child in foster care is carefully managed via approaches such as the weekly resourcing meeting which, from our historical memory, has taken place since 1996 and the inception of the Resourcing and subsequent Fostering and Adoption Team. Examples of minutes of these meetings are noted in the schedule of documents.</p> <p>V. See above</p> <p>VI. Contact plans are outlined in reviews and Team Around the Child meetings for parents and siblings.</p> <p>VII. See above</p> <p>VIII. Sharing of reports with families is evident from 1996 in children's files.</p> <p>IX. A robust Fostering Panel procedure and process is followed and monitored by a Panel Administrator and the service manager, including use of feedback and Business Panels. Minutes are kept and shared. Clarity of role is in evidence with careful attention to the independence of the Agency Decision maker, independent Panel Chairs and management. This is also reflected in responses to complaints and use of the review/appeal process.</p> <p>X. A regular training plan for foster carers is in place quarterly and followed a previous annual training plan in place from early in the 21st century. This covers mandatory training as well as other areas. Individual training is provided where required e.g. a carer was trained in sign language after a child with hearing loss was placed, another carer in 2019 was provided with medical training to allow them to care for a child who was a transplant patient, a third carer was given specific training on managing drug addiction. Training and development is recorded in carers portfolios and reviews and includes application of learning to practice.</p> <p>As noted, Skills to Foster is used as part of the recruitment and preparation for becoming a foster carer and staff are regularly trained in this approach. This is recorded in staff training profiles which are also considered by Care Inspectorate during inspections. Potential carers provide feedback on the preparation process which informs future preparation</p> <p>CoramBAAF and the predecessor agency BAAF national guidance and approach is utilised as the framework for recruitment of foster carers. Best practice information is provided on a monthly basis by CoramBAAF</p> <p>XI. As noted, Falkirk Council asks for employee references, and this is indicated in the file reading as taking place routinely with an option for employee to provide their reference confidentially if they wish.</p> <p>XII. see 4.1(c) and 4.2(1)(d) above.</p> <p>XIII. This is contained in the childcare procedures and requires at least the statutory minimum of visits every three months.</p> <p>XIV. File reading has not highlighted details of moves from one placement to another. The Handbook for 2015, Section 14, specifically covers 'moving in and moving on'.</p>
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	c) How was adherence demonstrated?	See above
	d) How can such adherence be demonstrated to the Inquiry?	Records read and referred to for the purpose of this response have been collated and noted in the evidence log. Records can also be made available to the Inquiry.
	e) Were relevant records kept demonstrating adherence?	<p>No specific records were kept simply for the purpose of demonstrating adherence to policies/procedures. Individual files are the best evidence as to adherence in individual cases.</p> <p>Inspection records are available on the Care Inspectorate website.</p>
	f) Have such records been retained?	See response to (e) above.
	g) If policy/procedure was not adhered to in practice, why not?	<p>File reading and records indicate adherence to policy and procedure in the majority of cases.</p> <p>File reading has highlighted some issues with historical records management. The electronic childcare records system utilised by Falkirk Council from 1996 to present day do not allow for carer records to be held within the system, and separate systems and hard files have therefore been used. Access to some of these records has been limited by the closure of the Social Work File Store due to the Covid-19 pandemic. Some inconsistency and gaps in recording between children's files and foster carers files have also been noted and this is being followed up.</p>
	h) If policy/procedure was not adhered to in practice, what was the practice?	See above
Present	i) With reference to the present position, are the answers to any of the above questions different?	The above answers cover the period 1996 to present.
	j) If so, please give details.	N/A
4.3 Children		
I. Policy		
Past	a) What policies and/or procedures did the local authority have in place in relation to the care of children in foster care?	<p>See responses to questions in section 4.2 above.</p> <p>Falkirk Council has, since 1996, had specific fostering procedures in place as part of the wider childcare procedures. Copies of all procedures have not been found, however there is evidence of the following:</p> <ul style="list-style-type: none"> • Child Care procedures including fostering procedures from 1999 • Corporate memory of a foster carers' handbook in 1996 • Foster Carer Handbook of 2015 • Fostering procedures in 2004, 2008 and present day • Adoption and Fostering Panel Procedures, Version 13 held in schedule of documents along with Preparing for Panel document from 2010

		<ul style="list-style-type: none"> • Committee papers indicating the direction for fostering services dated September 2009, May 2011 and 2017 • Annual reports outlining policy and practice activity e.g. one dated 2005 • Record retention and complaints policies • Smoking policy update 2008
	b) Was there a particular policy and/or procedural aim/intention?	As already noted, the aim of all childcare policies is to ensure that a child's wellbeing is maintained and, specifically in relation to fostering, that they are able to be safely cared for in a manner which meets their developmental and wellbeing needs in an alternative family.
	c) Where were such policies and/or procedures recorded?	Corporate policies/strategies are subject to approval by the relevant committee and, in that case, policies are kept as part of the committee papers. In relation to procedures, record keeping since 1996 has changed from being primarily paper-based to a mix of electronic and archive data. The work for this Inquiry has established that the changes in systems over the years mean that records are held in a variety of different places, and some have not been able to be sourced. In that situation, our historical memory has been used.
	d) What did the policies and/or procedures set out in terms of the following: I. Safeguarding II. Child Protection III. Medical care IV. Children's physical wellbeing V. Children's emotional and mental wellbeing VI. Schooling/education VII. Discipline VIII. Activities and holidays for children IX. Sharing a bedroom X. Contact with family members XI. Contact with siblings XII. Celebration of birthdays and other special occasions XIII. Information sharing by the foster carer with family members	<p>Please see response to sections 4.1, 4.2 and in particular 4.2(l)(d).</p> <p>Falkirk Fostering Procedures and handbook cover all the areas listed. A copy from 2015 is listed in the schedule of documents.</p> <ul style="list-style-type: none"> • VIII - Falkirk Council has, since 1996, provided four additional allowances to foster carers per year, for birthday, Christmas/religious festival and holidays. Carers are encouraged and expected to treat children in their care in the same manner as their own children and to celebrate these events appropriately. Particular attention is paid to religious and cultural observance where this is a factor and this aspect is incorporated in both the assessment process and in foster carer agreements following assessment. Carers are also encouraged to take children in their care on holiday with them whenever possible. Carer leave is provided but has been adjusted over time in the light of feedback from children and young people with an increasing use of alternative approaches where carers require a break e.g. use of outdoor residential activities • IX More recently, in 2017 and following an inspection by the Care Inspectorate, Falkirk Council moved to a position of single rooms for children unless they were a sibling group of the individual children agreed to share.
	e) Who compiled the policies and/or procedures?	Falkirk Council, usually via the Foster Carers Consultative Committee, and working groups of carers, staff and relevant others.
	f) When were the policies and/or procedures put in place?	See section 4.2(l)(f).
	g) Were such policies and/or practices reviewed?	Yes – see section 4.2(l)(g).
	h) If so, what was the reason for review?	See above
	i) What substantive changes, if any, were made to the policies and/or procedures over time?	See above
	j) Why were changes made?	See above
	k) Were changes documented?	Issues related to different systems for maintaining council records mean that we cannot be confident that all changes to policies and procedures were fully documented.
	l) Was there an audit trail?	Partial only
Present	m) With reference to the present position, are the answers to any of the above questions different?	Yes, in part – see response below.
	n) If so, please give details.	<p>Many of the policies and procedures noted continue to be relevant from 2014 to present day. Changes to note include:</p> <ul style="list-style-type: none"> • Transport Policy updated 2016.

		<ul style="list-style-type: none"> • Payment for Skills updated in 2019 specifically to include amended skill levels and increased fees. • Recording protocol for foster care updated in 2017 which introduced individual diaries to be maintained for each child and retained following placement in the child's file. • Procedures for the new duties in the Children and Young Person (Scotland) Act 2014 developed e.g. in relation to the right of a child to remain in placement until the age of 21 (continuing care).
II. Practice		
Past	a) Did the local authority adhere in practice to its policy/procedures relating to the care of children in foster care?	<p>See 4.2.1 (d)</p> <p>Our file reading would indicate adherence to the policy and practice in the fostering area. Where issues are identified in the file reading, these are recorded e.g. the incident of breach of confidentiality noted above</p> <p>File reading shows some gaps in recording information for some carers and children. eg an incidence of breach of confidentiality is noted '<i>casenote on softbox (recording system) 22/03/17 discusses an allegation of breaches of confidentiality from D.B'</i></p>
	<p>b) Did the local authority adhere in practice to its policy/procedures in terms of the following:</p> <p>I. Safeguarding</p> <p>II. Child Protection</p> <p>III. Medical care</p> <p>IV. Children's physical wellbeing</p> <p>V. Children's emotional and mental wellbeing</p> <p>VI. Schooling/education</p> <p>VII. Discipline</p> <p>VIII. Activities and holidays for children</p> <p>IX. Sharing a bedroom</p> <p>X. Contact with family members</p> <p>XI. Contact with siblings</p> <p>XII. Celebration of birthdays and other special occasions</p> <p>XIII. Information sharing by the foster carer with family members</p>	<p><i>I Safeguarding</i></p> <p>Evidence from our file reading, training programmes and foster care review records indicate mandatory training for all carers in relation to safeguarding and safe care from 1996 onwards.</p> <p><i>II Child Protection</i></p> <p>File reading indicates adherence to the Allegations against Carers Protocol and child protection procedures</p> <p><i>III Medical Care</i></p> <p>Medicals have been a part of the assessment and approval of foster carers since before 1996 and are required before a carer can be approved. This is evidenced by our file reading.</p> <p>For children, prior to implementation of the 1996 Act, our historical memory indicates that 'freedom from infection' medicals were carried out by GP's or accident and emergency departments prior to a child being admitted to care. This was replaced following the 1995 Act with medicals usually undertaken by a LAC nurse following a child being placed.</p> <p>Additionally, health and wellbeing were written into the looked after children materials following the 1995 Act and developed by the Scottish Government. Historical memory recalls these materials were implemented in Falkirk until replaced by GIRFEC paperwork. Children's files read as part of our file reading showed evidence of health being considered and of health personnel such as health visitors being present at reviews, child protection case conferences or more recently Team Around the Child meetings. Carer files showed evidence of consideration of children's health and wellbeing with examples of specific care in some situations such as those mentioned above.</p> <p><i>IV and V Physical, emotional and mental wellbeing</i></p> <ul style="list-style-type: none"> • The introduction of the foster carer agreement in the Boarding-out and Fostering (Scotland) Regulations 1985 (and continued in the 2009 Regulations) required foster carers to promote the child's welfare. This is a core aspect of the role of a foster carer, and an integral aspect of the assessment and ongoing monitoring of the carer via reviews and supervision. Wellbeing includes encouraging good hygiene, physical care, and care for mental wellbeing e.g. exercise, comfort, understanding and support. This aspect of care has seen increased attention in recent years and is one of the priorities for the Scottish Government and locally for our Children's Commission and Champions Board. This recognises increased understanding of the impact of life experiences on physical and mental wellbeing, particularly for children in care. Challenges in accessing CAMHS for looked after children led Falkirk Council in 2012/13 to fund a full time looked after psychologist to ensure individual time and expertise for looked after children. • A greater understanding of the impact of trauma on children has also informed our foster care training and support • Application of procedures to practice is evidenced in carer reviews, childcare reviews and in Commission documents <p><i>VI Education/schooling</i></p> <p>Children in foster care are recognised as often achieving at a lower level than their peers. As such, the Scottish Government has placed a focus on attainment for looked after children, providing equipment around 2010 and more recently resources to</p>

		<p>close the attainment gap. This has allowed Falkirk Council to provide additional social work support to children in educational settings</p> <p>Education is a key aspect of nurturing children and helping them to achieve their potential. It was integral to the Looked after children materials and is also a core part of the GIRFEC framework. This is reflected in foster carer agreements which detail how children will be supported in school and to achieve their potential in the wider learning environment and is monitored via childcare reviews.</p> <p><i>VII Discipline</i> As noted, Falkirk Council since 1996 has had a policy of no physical punishment in relation to foster care. This is included in the Carer Agreement and any breach would be considered under the Allegations against Carers Protocol</p> <p><i>VIII Activities and holidays</i> Since foster carer agreements were introduced, carers have provided formal agreement to treat children in their care as part of their family. This includes access to holidays and activities. A review of fostering allowances in 2011, undertaken in conjunction with carers, resulted in an increase in allowances to ensure that the allowance was both in line with the national recommended level, and sufficient to cover all expenses including activities and holidays. This replaced a system where carers could apply for additional costs to take a child on holiday or access a specific activity. Three exceptions remain – the Primary 7 school 'transitions' trip, accessing a passport in the first six months of a placement, and set up costs.</p> <p><i>IX Sharing a bedroom</i> Sharing of rooms was a common aspect of fostering in the past and in 1996. Carers would regularly care for non-related children by children either sharing a room with a birth child or with another child in care. Registration was related to the space available rather than the availability of separate bedrooms for children in care. Practice in this area has changed over the past decade, with best practice and an expectation from the Care Inspectorate that children in care will have separate bedrooms and sharing will only take place in exceptional circumstances e.g. a sibling group.</p> <p>Falkirk Council practice was wherever possible to allow a cared for child their own room, but the reality was that many children shared bedrooms with siblings or other children. Our historical memory indicates that practice gradually changed from around 2010 onwards, and procedures were amended following a Care Inspectorate recommendation in 2017. Bedroom sharing thereafter and currently only takes place for siblings or where children agree to share, and any latter examples must be agreed by the service manager/Agency Decision Maker.</p> <p><i>X and XI Contact with family members and siblings</i> As noted elsewhere, care plans (now the child's plan) include contact arrangements and have done so since childcare reviews were introduced. Child Care Review minutes show universal evidence of such plans being in place for 1996 onwards.</p> <p><i>XII Celebration of birthdays and special occasions</i> While the file reading has not specifically recorded details of how carers celebrated birthdays and other special occasions, there are examples of this, and Falkirk Council procedures and expectations in this area are clear. There are anecdotal examples of, for example, inclusion of children in care or previously in the care of a foster carers attending a family wedding or celebration.</p> <p><i>XIII Sharing of information with family</i> For the majority of children in foster care, parental responsibilities remain with the birth parents. A small number of children will be or have been subject to legal processes removing those rights from their parents/guardian and vesting them in the local authority. From 1996 until the present day, parents have been part of the planning processes for their children, including being invited to and attending their child's reviews. Our file reading has indicated compliance with this, and parents being able to provide their views to such meetings and receiving copies of minute and other reports provided to the reviews. Additional evidence of foster carers communicating regularly with birth parents via phone calls, and other means is evidenced. Foster carers maintain a diary of all such contacts.</p>
c)	How was adherence demonstrated?	See response to question 4.3(1)(b) above.

	d) How can such adherence be demonstrated to the Inquiry?	See response to question 4.3(II)(b) above.
	e) Were relevant records kept demonstrating adherence?	See response to question 4.3(II)(b) above.
	f) Have such records been retained?	See response to question 4.3(II)(b) above. Carer diaries were previously only retained for a period of 7 years. This was reviewed in 2017 and separate diaries are now kept for each child and provided to workers for retention in a child's file when the foster child moves on.
	g) If policy/procedure was not adhered to in practice, why not?	N/A
	h) If policy/procedure was not adhered to in practice, what was the practice?	N/A
Present	i) With reference to the present position, are the answers to any of the above questions different?	The responses above cover the period to the present day. Since 2014 a range of changes have been introduced due to the Children and Young People (Scotland) Act 2014, as noted above. Also noted are examples of practice change procedures.
	j) If so, please give details.	N/A
4.4 Foster carers		
I. Policy		
	a) What policies and/or procedures did the local authority have in place in relation to foster carers	Please see our responses to section 4.2(I) and 4.3(I) above which cover policy/procedures in relation to foster carers.
	b) Was there a particular policy and/or procedural aim/intention?	As above
	c) Where were such policies and/or procedures recorded?	As above
	d) What did the policies and/or procedures set out in terms of the following: I. Recruitment II. Standard and size of accommodation III. Number, age and gender of children accommodated/in the household IV. Pre-approval/registration checks V. References VI. Foster care agreements VII. Induction VIII. Transfer of foster carers to or from other organisations or local authorities IX. Review/supervision X. Training XI. Personal development XII. Disciplinary actions XIII. Removal of approval/registration	The fostering procedures in place since 1996 cover: <ul style="list-style-type: none"> • Criteria for application such as age, bedroom space etc • Registration criteria e.g. number of children age, gender • Nature of accommodation e.g. stability of tenure • Number of references to be taken up – this is now 6 and includes a reference for a previous partner if applicable • Registration checks to be carried out, including medicals, references, employment checks, PVG membership (or predecessor police and disclosure checks • Carer agreement following approval • Induction and training required in the first year • Maintenance of portfolio and learning • Level of supervision • Review of foster carers • Allegations protocol and process for dealing with concerns • Permanence process • Panel process A national protocol is in place for transfer of carers from one agency to another. This was agreed in 2014.
	e) Who compiled the policies and/or procedures?	Policies/procedures were compiled by Children and Families Service and their predecessors, Social Work Services
	f) When were the policies and/or procedures put in place?	Falkirk Council "inherited" fostering policies/procedures from Central Regional Council as of 1 st April 1996. Subsequent Falkirk procedures were put in place over time as noted in 4.2(I)(f) above.
	g) Were such policies and/or practices reviewed?	Yes

	h) If so, what was the reason for review?	Reviews occurred for a variety of reasons - changes in legislation, learning from practice, following issues raised e.g. by foster carers.
	i) What substantive changes, if any, were made to the policies and/or procedures over time?	Please see our responses to section 4.2(l) and 4.3(l) above which cover policy in relation to foster carers
	j) Why were changes made?	Please see our responses to section 4.2(l) and 4.3(l) above which cover policy in relation to foster carers
	k) Were changes documented?	Please see our responses to section 4.2(l) and 4.3(l) above which cover policy in relation to foster carers
	l) Was there an audit trail?	Please see our responses to section 4.2(l) and 4.3(l) above which cover policy in relation to foster carers
Present	m) With reference to the present position, are the answers to any of the above questions different?	Yes
	n) If so, please give details.	<ul style="list-style-type: none"> Following the Children and Young People (Scotland) Act 2014, placement descriptors were introduced in relation to the types of foster care provided. This was reflected in amendment to care review forms and carer registration categories. Developments in 2019 in relation to a review of payment for skills introduced the option for bespoke foster carers, and enhanced role which supported foster carers to take a child as an alternative to residential placements.
II. Practice		
Past	a) Did the local authority adhere in practice to its policy/procedures relating to Foster Care?	Yes. File reading shows some gaps in recording information for some carers and children.
	b) Did the local authority adhere in practice to its policy/procedures in terms of the following: I. Recruitment II. Standard and size of accommodation III. Number, age and gender of children accommodated/in the household IV. Pre-approval/registration checks V. References VI. Foster care agreements VII. Induction VIII. Transfer of foster carers to or from other organisations or local authorities IX. Review/supervision X. Training XI. Personal development XII. Disciplinary actions XIII. Removal of approval/registration	Yes. This is evidenced from the file reading and carer review records. Examples are: <ul style="list-style-type: none"> Where an exception to carer registration was required this was only done by prior agreement of the service manager and latterly the Agency Decision Maker e.g. a placement outwith registration criteria. Carer agreements are in place. Panel processes record checks undertaken, and carers will not be registered without these The introduction in 2014 of the Transfer Protocol allowed foster carers seeking to transfer from one agency to another to do so without the full re-assessment by agreeing that previous assessment and approval information can be shared. Falkirk Council has followed this guidance e.g. the transfer of a carer from Glasgow to Falkirk. De-registration of carers where concerns have been raised has been undertaken. One carer was de-registered following a series of concerns, and another in 2016 following a series of allegations which, while unsubstantiated, demonstrated a pattern of concern. Carers' personal development plans were introduced in 2008 and reviewed in 2014.
	c) How was adherence demonstrated?	Adherence to fostering procedure and practice was monitored via foster carer reviews and Carer Registration Panels and is evidenced in Panel minutes, minutes of reviews and care inspectorate reports. Evidence of reviews is also highlighted in the file reading.
	d) How can such adherence be demonstrated to the Inquiry?	Panel minutes and Care Inspectorate reports can be provided, as can the outcomes of our file reading.
	e) Were relevant records kept demonstrating adherence?	There are records of carer reviews, panels and some records of case visits
	f) Have such records been retained?	Yes, although some access to case records is limited due to the different systems in operation and issues related to access to files during the Covid-19 pandemic which has impacted on file reading.
	g) If policy/procedure was not adhered to in practice, why not?	See above
Present	h) With reference to the present position, are the answers to any of the above questions different?	Yes

	i) If so, please give details.	Processes for assessment, review and training of foster carers has remained similar since the Adoption and Children (Scotland) Act 2007. While the core process of support, monitoring and training of foster carers has remained the same, details have been updated to reflect good practice e.g. introduction of the new payment for skills scheme and changes to annual leave contained within this, or legislation e.g. the recording protocol was influenced by new data protection legislation.
4.5 Other members of the foster carer's household		
I. Policy		
Past	a) What policies and/or procedures did the local authority have in place in relation to other members of the foster carer's household?	The fostering procedures referred to above also cover aspects relevant to members of the carer household – see response to 4.4(l)(d).
	b) Was there a particular policy and/or procedural aim/intention?	The policy in relation to assessment includes assessment of all members of the fostering household. This is to ensure that any child placed has their needs met, and that all members of the household are assessed as safe and appropriate for the role they may undertake in the care of any child placed. These individuals will be interviewed, and checks undertaken e.g. disclosure checks. Following approval, any change in a household composition must be reported and an updated assessment undertaken. Any change in the situation of a family must also be reported and considered e.g. if someone was arrested, a new child is born, a birth child's partner moves in etc. In any situation where there is a significant event, a carer review is then undertaken. This covers allegations, a significant death or illness, someone new joining the family, adoption of a child previously fostered etc.
	c) Where were such policies and/or procedures recorded?	Policies/procedures were recorded in the fostering procedures.
	d) Who compiled the policies and/or procedures?	Policies/procedures were compiled by Children and Families Service and their predecessors, Social Work Services.
	e) When were the policies and/or procedures put in place?	Falkirk Council "inherited" fostering policies/procedures from Central Regional Council as of 1 st April 1996.
	f) Were such policies and/or practices reviewed?	Yes.
	g) If so, what was the reason for review?	Reviews occurred for a variety of reasons - changes in legislation, learning from practice, following issues raised e.g. by foster carers.
	h) What substantive changes, if any, were made to the policies and/or procedures over time?	The level of check undertaken changed over the time period e.g. with the inception of Disclosure Scotland.
	i) Why were changes made?	Please see our responses to section 4.2(l) and 4.3(l) above which cover policy/procedures in relation to foster carers. Changes were primarily made to reflect legislative changes.
	j) Were changes documented?	Yes
	k) Was there an audit trail?	Partially – we cannot locate copies of all previous versions of policies/procedures.
Present	l) With reference to the present position, are the answers to any of the above questions different?	Yes -see response below.
	m) If so, please give details.	The Disclosure Scotland Protection of Vulnerable Groups scheme has come in to force
II. Practice		
	a) Did the local authority adhere in practice to its policy/procedures in relation to other members of the foster carer's household?	File reading evidences that the appropriate checks were usually undertaken on members of the household. This information is not always recorded in some case files. However, Panel processes ensure that checks are carried out prior to registration.
	b) How was adherence demonstrated?	Adherence can be demonstrated from the assessment process and subsequent case records, and panel records Records indicate good adherence to policy in the assessment and approval process.

	c) How can such adherence be demonstrated to the Inquiry?	Analysis of the file reading can be provided to the Inquiry along with specific examples to demonstrate adherence to policy/procedures. File reading is in some cases is incomplete due to the varying systems in place over time and issues accessing records during the Covid-19 pandemic.
	d) Were relevant records kept demonstrating adherence?	Yes, our file reading evidences that, in the main, records were kept which demonstrate adherence to policies/procedures. Records in some foster carer files are incomplete and we have been unable to access further records due to the pandemic. Minutes of foster carer registration panels are available and examples of policy adherence.
	e) Have such records been retained?	Records which demonstrate adherence have been retained. As noted above, there are some gaps.
	f) If policy/procedure was not adhered to in practice, why not?	As noted, some carer records do not indicate what checks were carried out in relation to other family members. However, Panel records indicate that all routine checks were carried out. We consider this to be an issue of incomplete record-keeping on individual files, which we look to address.
Present	g) With reference to the present position, are the answers to any of the above questions different?	Please see response to 4.5.II (h) above
	h) If so, please give details.	N/A
4.6 Placement of children by the local authority with foster carers approved/registered by other local authorities or organisations		
I. Policy		
Past	a) What policies and/or procedures did the local authority have in place in relation to placement of children with foster carers approved/registered by other local authorities or organisations?	Falkirk Council does not have specific procedures in relation to carers approved by other fostering agencies. The Council policy has always been to place a child requiring foster care within our own resource wherever possible and this is reflected in our processes. Where this is not possible, an external resource will be sourced. This approach was agreed by members in September 2009 in the report on Future Provision of Fostering Services which also gave approval to the contract process for placing children with other agencies. Falkirk, Stirling and Clackmannanshire Councils who previously made up Central Regional Council have since 1996 had an informal arrangement to 'share' foster carer placements. The 1996 Regulations allowed local authorities to enter into arrangements with voluntary organisations to discharge their duties in relation to fostering. These regulations were revoked and replaced by the Looked After Children (Scotland) Regulations 2009. This makes provision for local authorities to enter into arrangements with registered fostering services and there must be a written agreement. These services must be registered under the Regulation of Care (Scotland) Act 2001 and subsequently Public Service Reform (Scotland) Act 2010. Until around 2008 for Falkirk children, such placements were rare, and usually related to a need for a long term/permanent fostering arrangement and were done on a 'spot purchase' basis. Only a few agencies operated separately from the local authority and placements were mainly with agencies such as Barnardo's and with the permission of the service manager. As the demand increased and more independent agencies moved in to work in Scotland, use of external agencies increased. In 2009 with the increased use of external agencies, work began in Falkirk to develop a contract with external agencies. This was developed using the Public Social Partnership (PSP) approach which involved working with a group of agencies to develop a specification, followed by a pilot and review of that specification. Following amendment, the local authority put the contract out to tender. The successful agencies were then contracted with Falkirk Council on a framework basis with specific standards to meet commencing in 2010/11. These were formally monitored. A subsequent tender continues this approach Following the PSP process Scotland Excel were asked to develop a national framework contract for fostering services. While Falkirk Council assisted with this development and continue to maintain contact, the Council opted not to utilise the national framework due to a commitment to local placements for Falkirk children.
	b) Was there a particular policy and/or procedural aim/intention?	As noted, the aim of all child care policies is to ensure that a child's wellbeing is maintained in line with legislation and good practice and, specifically in relation to fostering, that they are able to be safely cared for in a manner which meets their developmental and wellbeing needs in an alternative family. Our contracts with external agencies allow an extended range of

		<p>resource to meet children's identified need and ensures compliance with our standards for wellbeing of children in foster care and that this can be achieved locally,</p> <p>Falkirk Council policies and practice reflect the changing nature of legislation, knowledge and practice since 1996. Of note is the implementation of the Looked After Children materials and approach implemented following national work and the 1995 Act, and more recently the GIRFEC approach both of which have underpinning them the UNCRC and the welfare or wellbeing of the child.</p> <p>The framework contract with external agencies require them to maintain these standards and utilise Falkirk Council review processes</p>
	c) Where were such policies and/or procedures recorded?	Separate records of the tender process and monitoring of contracts is retained. The contract with external fostering providers requires them to follow the Falkirk Council procedures in relation to fostering standards, and to have in place their own policies and procedures in relation to areas such as child protection and safer caring.
	d) Who compiled the policies and/or procedures?	See above. The contract for external agencies was developed by the foster care and procurement team, and the award agreed by Members.
	e) When were the policies and/or procedures put in place?	The contract with external agencies were put in place following the pilot period from April 2012 to April 2016 (with a single year extension for 2016 -2017) and May 2017 (lasting until April 2021)
	f) Were such policies and/or practices reviewed?	The external framework contract was monitored by quarterly contract monitoring meetings which were minuted and individual visits/communications. Individual placement agreements were put in place and child's plans were reviewed in line with legislation This approach continues at the present time. The initial PSP approach was independently evaluated by IRIS.
	g) If so, what was the reason for review?	See above.
	h) What substantive changes, if any, were made to the policies and/or procedures over time?	See above. Small changes were made to the process of contracting as a result of review e.g. the distance criteria changed from 30 to 25 mile radius of the Council Chambers as part of feedback on a more appropriate definition of 'local'.
	i) Why were changes made?	Contracting arrangements were put in place due to demand and were reviewed in line with need and experience of what worked well or required amendment. Many changes were made in response to changes in legislation or feedback. A member-led review of looked after children provision also informed the external contract and specifically the requirement for local placements.
	j) Were changes documented?	The contract process is documented.
	k) Was there an audit trail?	Contract records are available.
Present	l) With reference to the present position, are the answers to any of the above questions different?	Yes – see below.
	m) If so, please give details	As noted in 4.6(l)(e) above, the contract with external agencies were put in place following the pilot period from April 2012 to April 2016 (with a single year extension for 2016-2017) and subsequently a new contract was awarded in May 2017 (lasting until April 2021).
II. Practice		

Past	a) Did the local authority adhere in practice to its policy/procedures in relation to placement of children with foster carers approved/registered by other local authorities or organisations?	Yes.
	b) How was adherence demonstrated?	Adherence was demonstrated through the contracts and contract monitoring documentation and individual records examined during our file reading.
	c) How can such adherence be demonstrated to the Inquiry?	File reading analysis and examples of individual records, along with contract documentation can be provided if required.
	d) Were relevant records kept demonstrating adherence?	Yes, this is evidenced in the contract monitoring process and correspondence.
	e) Have such records been retained?	Yes.
	f) If policy/procedure was not adhered to in practice, why not?	N/A
Present	g) With reference to the present position, are the answers to any of the above questions different?	Yes
	h) If so, please give details.	See 4.6(l)(m) above.
4.7 Complaints and Reporting		
I. Policy		
Past	a) What policies and/or procedures did the local authority have in place in relation to complaints and reporting about foster care?	<p>The Social Work Complaints process (and subsequent Council Complaints process) already referred to applied to all areas of the social work service, including where a child was placed in foster care.</p> <p>Additionally, with the introduction of the Care Commission (and subsequent Care Inspectorate), the right to complain about a registered service was introduced. This information is provided to carers and users of the service and also via the Children's Rights Officer (CRO).</p> <p>Written information about the CRO and registered services is also made available to children and families and on the Council website. Any allegation, including allegations against carers, are notified to the Care Inspectorate and considered during the inspection process.</p> <p>Falkirk Council introduced its corporate complaints procedure in March 1997 (referred to in Policy & Resources report of 16th January 2007). Complaints in relation to Social Work Services remained subject to a separate statutory Social work complaint until April 2017. Details of how to complain were, and remain, detailed on the Council website, and prior to this in leaflets.</p>
	b) Was there a particular policy and/or procedural aim/intention?	The aim of the complaints process is to allow concerns or issues to be formally raised and managed and to inform practice and procedures.
	c) Where were such policies and/or procedures recorded?	The complaints process was available in leaflet form from 1997 and subsequently published on the council website. As noted, a separate procedure was available in relation to social work complaints which would cover the fostering service.
	d) What did the policies and/or procedures set out on the following: i. Complaints by children ii. Complaints by foster carers iii. Complaints by family members of children iv. Complaints by third persons v. Whistleblowing vi. Support, including external support, for those who made the complaint or those who were the subject of complaint	<p>The complaints process applies to any area of the service and sets out how individual may complain about a service or individual</p> <p>As noted already, Falkirk Council has a separate whistleblowing policy</p> <p>Formal complaints are held on the Council electronic complaints system from April 2017, including responses and timescales, and details are reported annually to Members for scrutiny. Prior to this a stand-alone database for social work complaints was retained.</p>

	vii. Response to complaints (including response by the local authority)	
	viii. External reporting of complaints	
	e) Who compiled the policies and/or procedures?	The complaints process was compiled by Council officers and approved by Members. The Care Inspectorate complaints process was compiled by the Care Inspectorate
	f) When were the policies and/or procedures put in place?	Social Work complaints were dealt with in a separate complaints procedure until 1 st April 2017. The Council introduced a Whistleblowing Policy in September 2016.
	g) Were such policies and/or practices reviewed?	See above
	h) If so, what was the reason for review?	Legislative changes
	i) What substantive changes, if any, were made to the policies and/or procedures over time?	The separate Social work complaints process was brought into the overall local authority complaints process.
	j) Why were changes made?	See above
	k) Were changes documented?	Committee reports document any substantive changes made to the complaints process.
	l) Was there an audit trail?	Yes, where the process was subject to committee approval.
Present	m) With reference to the present position, are the answers to any of the above questions different?	Yes
	n) If so, please give details.	Changes to social work complaints handling were brought about through the <u>Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016</u> .
ii) Practice		
Past	a) Did the local authority adhere in practice to its policy/procedures in relation to complaints and reporting about foster care?	Yes
	b) Did the local authority adhere in practice to its policy/procedures on the following: i. Complaints by children ii. Complaints by staff iii. Complaints by family members of children iv. Complaints by third persons v. Whistleblowing vi. Support, including external support, for those who made the complaint or those who were the subject of complaint vii. Response to complaints (including response by the local authority) viii. External reporting of complaints	Yes. File reading and complaints records indicate that service users and foster carers were aware of, and used, the complaints process. Care inspectorate returns also indicate use of this route This is evidenced in the analysis of complaints provided by our complaints system. Delays in adhering to timescales for response are however noted. All children, as required by both previous and current National Standards, are provided with information on how to complain. Foster Carers retain this information so that it is available for children placed, and the Children's Rights Officer is provided with details of all children placed and makes separate and independent contact with the children and young people. There are occasions where the CRO will make a complaint on behalf of a young person. Information on complaints is also contained in the Foster Carers Handbook. The 2015 andbook Appendix D outlines the Appeals, Representations and Complaints Procedure H
	c) How was adherence demonstrated?	Analysis of records of complaints considered for this response indicate that policy was adhered to, with the exception of some delays in response times noted above.
	d) How can such adherence be demonstrated to the Inquiry?	Analysis of the complaints can be provided along with examples relevant to foster care.

	e) Were relevant records kept demonstrating adherence?	See above response at (b).
	f) Have such records been retained?	All records from 1996 relating to complaints have not been sourced but those available can be provided to the Inquiry.
	g) If policy/procedure was not adhered to in practice, why not?	Pressure of work meant that there were some delays in response times to complaints.
Present	h) With reference to the present position, are the answers to any of the above questions different?	Yes
	i) If so, please give details.	Changes to social work complaints handling were brought about through the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016.
4.8 Internal Investigations		
I. Policy		
Past	a) What policies and/or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?	The Council has specific procedures in relation to child protection investigations as outlined, including the Allegations against Carers Protocol which covers allegations against foster carers. Child Protection Procedures have been in place and regularly reviewed throughout the life of Falkirk Council. Additionally, the Child Protection Committee have procedures in relation to when a Serious Case Reviews can be commissioned and carried out.
	b) Was there a particular policy and/or procedural aim/intention?	All policies and procedures are aimed at maintaining the best interests of a child. Child Protection Procedures specifically focus on a child's right to be kept safe from abuse and harm. Serious case reviews are related to an examination of whether process and procedures have been followed and, learning lessons for future practice and process.
	c) Where were such policies and/or procedures recorded?	Falkirk Council has a separate Child Protection Procedure. This is available on the Council website (internet and intranet) and prior to the introduction of electronic filing and access, was held in hard copy in service procedural manuals.
	d) What did the policies and/or procedures set out on the following: I. Approach to/process of internal investigations II. Identifying lessons/changes following internal investigations III. Implementation of lessons/changes following internal investigations IV. Compliance V. Response (to child and abuser) VI. Response to complaints (including response by local authority) VII. External reporting following internal investigations	Child Protection procedures, and our historical memory of early procedures, outline the processes for: <ul style="list-style-type: none"> • Definition of abuse. This changed over time in line with research and experience and national definitions e.g. the shift from narrow definition of physical, sexual and emotional abuse to wider understanding of factors such as neglect and the impact of domestic violence and substance misuse. • National context. • How investigations should be carried out including the requirements for joint investigations and training which also changed over time to the current point where VRI is in place with specific staff trained in this approach from police and social work services. • Arrangements for case conferences and planning for children subject to child protection proceedings. • Awareness raising for Council and partner staff and the move to this becoming mandatory training across partners and at all levels of an organisation. • Maintenance of the child protection register.
	e) Who compiled the policies and/or procedures?	In 1996 and immediately thereafter, child protection policies were developed by the local authority, with separate Forth Valley Inter-Agency Procedures to cover Health and Police who operated across the three Forth Valley local authority areas. As the role and remit of Child Protection Committee increased, and impacted by national attention to, and monitoring of, this area, joint child protection procedures were developed. These were, and continue to be, commissioned by the Child Protection Committee with multi-agency senior management membership and oversight, including amendments where monitoring, feedback or serious incident indicate this.
	f) When were the policies and/or procedures put in place	Such procedures have been in place since 1996 and continually updated and amended
	g) Were such policies and/or practices reviewed?	Yes

	h) If so, what was the reason for review?	Changes to national guidance or practice, legislative changes or learning from serious incidents.
	i) What substantive changes, if any, were made to the policies and/or procedures over time?	See above The main changes related to the categories of abuse, and the processes including training and skill required to undertake an investigation
	j) Why were changes made?	See above
	k) Were changes documented?	Yes
	l) Was there an audit trail?	Yes
Present	m) With reference to the present position, are the answers to any of the above questions different?	The core manner in which child protection investigation re carried out remains the similar. Recent changes have introduced video recording interviews (VRIs) where joint investigations are carried out
	n) If so, please give details.	See above
II. Practice		
Past	a) Did the local authority adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?	Yes
	b) Did the local authority adhere in practice to its policy/procedures on the following: i. Approach to/process of internal investigations ii. Identifying lessons/changes following internal investigations iii. Implementation of lessons/changes following internal investigations iv. Compliance v. Response (to child and abuser) vi. Response to complaints (including response by local authority) vii. External reporting following internal investigations	Yes Child protection processes are followed regardless of where, and against whom, an allegation is made.
	c) How was adherence demonstrated?	Complaint responses are held in separate complaints files. As noted, there are no formal complaints recorded against foster carers relating to allegations of abuse from the year 2000 when records have been sourced to 2014. There was regular audit of case files, Initial Response discussions and specific audits of aspects of the child protection process. These were commissioned by the Child Protection Committee and undertaken on a multi and single agency basis with the results provided to the Child Protection Committee, to allow individual compliance to be monitored. Following the introduction of electronic recording, in February 2004, child protection screens were introduced to the social work system providing an overview of each action. Individual child protection case conferences are held and records of each meeting and review retained with monthly oversight figures in addition to analysis provided to Child Protection Committee on trends over time.
	d) How can such adherence be demonstrated to the Inquiry?	See above
	e) Were relevant records kept demonstrating adherence?	Yes
	f) Have such records been retained?	Yes, Child Protection Committee records are available from 2006.

	g) If policy/procedure was not adhered to in practice, why not?	N/A
Present	h) With reference to the present position, are the answers to any of the above questions different?	Yes
	i) If so, please give details.	<ul style="list-style-type: none"> • Forth Valley Inter agency Child Protection Guidance was updated in 2016. • Falkirk Child Protection Committee has focused on 'routine' self-evaluation since 2015. • Since 2018, a quarterly Child Protection minimum data set report has been provided which utilises the regular audit activity.
4.9 Record keeping		
I. Policy		
Past	a) What policies and/or procedures did the local authority have on record keeping in relation to foster care?	<p>The Fostering Handbook outlines expectations in relation to recording. Also:</p> <ul style="list-style-type: none"> • Records were maintained in individual foster carer files and in April 1999 a standalone database (Softbox) was introduced to allow clearer recording • The 2009 Regulations required agencies to maintain a separate file on foster carers. Prior to this records are largely kept in children's file or on separate systems • Since 1996, foster carers have maintained a diary of activity in their households related to fostering.
	b) What policies and/or procedures did the local authority have on record keeping by foster carers?	See above
	c) In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?	See above
	d) What did the policies and/or procedures set out in relation to record keeping on the following: <ul style="list-style-type: none"> i. Children in foster care ii. Foster carers iii. Visits to children and foster carers iv. Complaints v. Investigations (both internal and external) vi. Discipline vii. Responding to requests from former children in foster care for information/records viii. Other issues relevant to foster care 	<p>See above</p> <p>There are separate recording procedures for staff, updated in 2008, which cover recording of any aspects of a child's situation. This would be recorded by the social worker in the child or carer file. Child protection procedures also outline expectations in relation to electronic 'child protection screens' which allow for decisions to be made on whether to proceed to a case conference, and collation of data.</p> <p>Requests by previous children looked after in foster care would not be covered in foster carers recording processes but dealt with as a data subject access request.</p>
	e) Who compiled the policies and/or procedures?	<ul style="list-style-type: none"> • Protocol for carer recording – fostering service with oversight by Foster Carers' Consultative Committee • Staff recording procedures – social work service with oversight by senior managers
	f) When were the policies and/or procedures put in place?	<ul style="list-style-type: none"> • Staff recording – these are part of the services childcare procedures and have been in place since 1996 with intermittent review and update, including in 2008 as noted above. • Additionally, since social workers were required to register with SSSC, they must maintain certain standards of practice outlined in the SSSC Code of Practice introduced in 2013 and updated in 2017. These include specific reference to expectations in relation to recording, and failure to adhere to this may result in investigation with the potential for disciplinary action or suspension/removal from the register.
	g) Do such policies and/or procedures remain in place?	Yes – see above
	h) Were such policies and/or practices reviewed?	Yes
	i) If so, what was the reason for review?	Legislative changes such as data protection legislation, practice information.
	j) What substantive changes, if any, were made to the policies and/or procedures over time?	Childcare procedures changed to reflect differences in legislative requirements e.g. the introduction of placement descriptors impacted on carer registration, and data protection legislation impacted on how records were maintained.

	k) Why were changes made?	See above
	l) Were changes documented?	Yes
	m) Was there an audit trail?	We have not been able to locate copies of all former record keeping procedures.
Present	n) With reference to the present position, are the answers to any of the above questions different?	Yes
	o) If so, please give details.	In 2017/18 a recording protocol for foster carers was drawn up and implemented. This states: <i>The aim of this protocol is to ensure case recording by foster carers is:</i> <i>(i) consistent;</i> <i>(ii) complies with data protection and information security requirements; and</i> <i>(iii) accurate and appropriate if required for evidential purposes.</i> As part of the protocol, foster carers keep a separate diary for each child which is transferred to the child's file when the child moves on.
II. Practice		
Past	a) Did the local authority adhere in practice to its policy/procedures in relation to record keeping?	File reading has highlighted a varying quality of recording by staff in relation to individual cases. Records relating to complaints, reviews and similar processes are consistent.,
	b) Did the local authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?	Yes. Foster carers records are checked and signed by the supervising social worker at regular intervals. The social worker signs that these have been viewed. From our historical memory, this process has been in place for many years with workers viewing and signing carer diaries, but this was formalised in the protocol for recording introduced in 2017/18.
	c) Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following: i. Children in foster care ii. Foster carers iii. Visits to children and foster carers iv. Complaints v. Investigations (both internal and external) vi. Discipline vii. Responding to requests from former children in foster care for information/records viii. Other issues relevant to foster care	<ul style="list-style-type: none"> From the records available, and the file reading, processes for recording in relation to individual children in foster care were kept with a few gaps noted. Recording includes visits by social workers to children, investigations and other relevant information. Recording for foster carers from 1996 to 2014 is less consistent, as some early records are contained in children's files. While paper files of foster carers are available, case note records have been held in a range of different electronic systems, and as such file reading has identified gaps in some records, and records held on different systems, for similar time periods. As noted, complaints records are available only from the year 2000. Requests for information by children previously in foster care are dealt with and recorded on the enquiries and complaints system, as access to file, or more recently subject access, requests. Where the child is still in care, this is also recorded in their electronic file
	d) How was adherence demonstrated?	<ul style="list-style-type: none"> Complaints are monitored as outlined earlier – see response to question at 4.7. Carer approaches including discipline are monitored via foster carer reviews, childcare reviews and independent children's rights and advocacy support monitoring. Additionally, unannounced visits are undertaken annually to foster carers, recorded and are part of the inspection by the Care Inspectorate. This has been in place since early 21st century. Procedures outline the expected level of visits to children in care, and all contact and visits are recorded in the child's file. Frequency of visits is also recorded in childcare review paperwork. Managers view records during supervision and record this in the record. Practice in relation to investigations is regularly monitored and audited and reported to the Child Protection Committee. This is done on an inter-agency basis and includes monitoring the process at senior management level prior to any

		<p>investigation taking place – the Initial Referral Discussion. Practice in this area has increased audit and monitoring over the past decade as has the increased role of the Child Protection Committee.</p> <ul style="list-style-type: none"> Adherence by foster carers is monitored by supervising workers and in foster carer reviews.
	e) Were relevant records kept demonstrating adherence?	Yes, for the most part as evidenced by our file reading.
	f) Have such records been retained?	Partially. Records of early audit activity have not been sourced.
	g) If policy/procedure was not adhered to in practice, why not?	N/A
	h) Did the local authority undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for in foster care may have taken place?	<p>For the purposes of this Inquiry response, file reading was undertaken</p> <p>From the time of the Care Inspectorate and its predecessor agency, any incidences of abuse are reported to the Care Inspectorate and are subject to analysis and discussion.</p> <p>The Children's Rights Service has been in place since 2005/6 The CRO provides independent reporting and analysis of themes and issues arising from their work.</p>
	i) If so, when did the reviews take place, what documentation is available, and what were the findings?	See above
	j) How have the outcomes of investigations been used to improve systems, learn lessons?	<p>Data relating to investigations across the service is reported to the Child Protection Committee and informs the child protection action plan. Where a serious case review has taken place, a specific action plan is developed.</p> <p>Child Protection Committee records indicate six reviews of incidents or serious incidents being undertaken between 2006 and 2018. The SCR log indicates development of action plans and review dates. Paperwork relating to the 2006 review has not been sourced. None of these reviews related to foster carers or children in their care.</p> <p>The above reports result in an action plan which is monitored and considered at subsequent inspections, as well as being part of wider children's services inspections</p>
	k) What changes have been made?	At the wider level, changes have been made to procedures and practice. Child Protection Committee records note that ' <i>The significant changes since 1996 tie into major changes in legislation, national guidance, and national practice reviews - Children (Scotland) Act 1995, It's Everyone's Job To Make Sure I'm Alright 2003, Getting it Right For Every Child 2006 (Children's Hearings), Scottish Football Association Inquiry, Children and Young People (Scotland) Act 2014.</i>
	l) How are these monitored?	All changes relating to child protection procedures and processes are agreed and monitored by the Child Protection Committee, and for fostering the Quality Assurance meeting has monitored changes and inspection activity since its inception.
	m) Did the local authority afford former children in care access to records relating to their time in foster care?	Yes
	n) If so, how was that facilitated?	The Council, in compliance with data protection legislation, facilitates access to records on submission of a subject access request.
	o) If not, why not?	N/A
Present	p) With reference to the present position, are the answers to any of the above questions different?	Yes – see below.
	q) If so, please give details.	A Members' scrutiny process was instituted in 2015 in relation to all looked after children.

<p>r) Please provide details of the types of any records currently held relating to the children in foster care in respect of the following:</p> <ol style="list-style-type: none"> i. Children in foster care ii. Staff with responsibilities for foster care iii. Foster carers iv. Complaints v. Investigations (both internal and external) vi. Responding to requests from former children in foster care for information/records 	<p><i>I Children in foster care</i></p> <ul style="list-style-type: none"> • Case files on each child • Carer diaries • Review, and where relevant, child protection case conference records • If relevant complaints and enquiry records • Finance records in relation to payments to the child's foster carer • Children and Families Resource Group records information on decisions in relation to placement of children in foster care <p><i>II Staff with responsibilities for foster care</i></p> <ul style="list-style-type: none"> • Annual returns are made to Care Inspectorate in relation to staffing • HR records are held on all staff in the Council • Supervision records are held on all staff within the fostering service <p><i>Foster carers</i></p> <ul style="list-style-type: none"> • Fostering staff would record foster carer information on the stand-alone fostering system Softbox, on a separate drive on the system and in the paper file • Finance staff record information on payments to foster carers - both fees and allowances - on the finance system • Reports are made to the Care inspectorate in relation to any allegation made, with details of the carer and child and the allegations and outcome <p><i>Complaints</i></p> <ul style="list-style-type: none"> • All formal complaints are recorded on the Council complaints system <p><i>Investigation</i></p> <ul style="list-style-type: none"> • Any investigation relating to a child is recorded in the child's file and on the child protection electronic screen and system • Where a Serious Case Review is undertaken records are retained on the child protection committee files. <p><i>Responding to requests from former children in foster care for information/records</i></p> <ul style="list-style-type: none"> • These are recorded on the enquiries and complaints system as subject access requests
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