

Scottish Child Abuse Enquiry Report

FOSTER CARE STUDY AMENDED RESPONSE 18 AUGUST 2021

PART A

1. Characteristics

1.1 History of the Local Authority

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

From 1930 – 1975 Kirkcaldy and Dunfermline were classed as two large burghs and managed by separate town councils for each. Fife County Council was responsible for all other areas in Fife during this period.

From 1975 – 1994 the local authority was classed as Fife Regional Council and Dunfermline District Council, Kirkcaldy District Council and North and East Fife District Council. The burghs above were abolished in 1975 and their functions passed to this integrated regional council and to the district council for that area.

From 1995 – present date the local authority has been known as Fife Council.

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

There is evidence since 1930 of the local authority having the legal responsibility to ensure the wellbeing of children, and taking action under the relevant legislation noted in section 1.3 to accommodate and supervise children in foster care (A1) (A9)(A45).

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

From the 1930's – 1960's there is evidence of Fife County Council's Schools Sub-Committee reviewing reports on individual children's circumstances which were submitted by the County Clerk, members of the community and the Children's Officer, with the committee then being the main decision-making body on foster care policy and practice. (A4) (A27) (A150).

1970's – 1980's - No information available.

1990's – 2000's - there is evidence of the social work service including the Family Placement service assuming responsibility for decision making, policy and oversight of foster carers (C127).

1.2 Funding of Foster Care

Past

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

1930 – 1940's – Evidence that the local authority used the County budgets to fund the payments of allowances to foster carers and other costs associated with the provision of foster care (A7) (A16) (A195)

1950's – Evidence as above and also that when parents requested their children be accommodated to enable the mother to stay in maternity hospital, parents contributed towards the cost of foster care (A92). Also evidence that the committee agreed that Worcester County had financial responsibility for a child placed in the local authority's care (A140).

1960's – Evidence as above and also that when mother was to be admitted to hospital for an operation, she contributed towards the cost of her children's stay in foster care (A169). Also evidence that the Children's Officer contacted the Children's Department in London requesting financial support for a child who was already under London's supervision (A170).

1970's – Evidence that the local authority used the Regional Council budgets to fund the payments of allowances to foster carers and other costs associated with the provision of foster care (C217)

1980's – No information available

1990's – Evidence that the local authority used Fife Council's budget to fund the payments of allowances to foster carers and other costs associated with the provision of foster care (C105).

2000's - No information available

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

1930's – 2000's – No information available.

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

1930's – 2000's – No information available.

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

1930's – 2000's – No information available.

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

1930's - Evidence of the local authority making payments to foster carers to support the clothing costs, and general care of children (A7).

1940's – Evidence of the local authority increasing cash allowances to foster parents in line with rising cost of living (A14) (A26) and ensuring a consistent approach throughout the local authority (A195).

1950's – Evidence of the local authority considering funding the construction of a house for a foster carer (A90) additional clothing allowances for children (A105) and funding to repair a broken window in a foster carer home (A142).

1960's – Evidence of the local authority discussing an increase in allowances for foster carers (A65) and implementation of an allowance scale (A68)(C41). Also evidence of payments being provided for purchase of school uniform (A77), funding of piano lessons for one year (A83) and holiday allowances being agreed (A89). Also evidence of additional payments when children were fostered by temporary carers for more than 6 weeks (A187).

1970's – 1980's - No information available

1990's – Evidence of the local authority making regular payments to foster carers (C105). Example of Foster carers' contract outlining conditions of payment and expectations (A247).

2000's – No information available.

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

1930's – 1950's - No information available

1960's – Evidence that advice was given from the Association of County Councils in Scotland regarding allowance rates for foster carers – no information as to where this funding came from (A65).

1970's - 2000's - No information available

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

1930's – 1940's - No information available

1950's – Evidence that requests for additional funding were presented to the committee members by the Children's Officer (A103)

1960's – Evidence that requests for additional funding were presented to the committee members by the Children's Officer (A83). Also evidence of foster carers requesting increased allowances from the Children's Officer (C88).

1970's - 2000's - No information available

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

1930's - No information available

1940's – Evidence that clothing for children in foster care was provided from the clothing store maintained by the local authority (A39) and school meals were funded by the Education Committee (A40).

1950's – Evidence that the Education committee agreed additional funding to enable foster carers to take children on holiday (A134).

1960's – Evidence of pocket money payments being agreed for children in foster care (C41)

1970's – Evidence that the committee provided additional funding to enable foster carer to take a child on holiday abroad with them (A217)

1980's - No information available

1990's – Evidence of birthday payments being given to foster carers (C105)

2000's - No information available

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

1930's - 1950's - No information available

1960's – Evidence that foster carers highlighted their allowances were not consistent with other foster carers in nearby local authorities and they requested an increase to meet the needs of caring for children (C88)

1970's - No information available

1980's – Evidence that foster carers did not believe that the allowances were sufficient to care for a child (C107-122).

1990's - 2000's - No information available

J) If not, why not?

As detailed above.

Present

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

Fife Council's operations and activities relating to foster care are funded by a budget agreed at a local level by Counsellors. This budget includes the funding of the foster carer's fee and maintenance payments for each child in their care. The fee and maintenance payments are reviewed annually by Counsellors and any increase in these are agreed and implemented. Budget is also provided in the same way for foster carer travel, equipment, training and any other miscellaneous expenses related to the fostering task.

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

Fife Council purchases Foster Care placements from private agencies for specific children when a placement cannot be identified within internal resources.

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

Fife Council has local and national contracts with fostering agencies. A fee agreed within the contract is paid directly to the fostering agency for each purchased placement for the duration of the placement. This covers all costs related to the placement including the foster carers Fee, allowances and the support and supervision for the Foster Carer.

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

Foster carers are not entitled to any additional financial support from the state.

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

As outlined above.

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

Funding is agreed at a local level by Counsellors. Criteria are applied to the maintenance payments for each child in foster care, with agreed rates per age group. The Family Placement services applies the criteria of the ongoing payment of the fostering fee while a foster carer remains available for a placement. Where a foster carer goes beyond 6 weeks without a placement, the ongoing payment of the fostering fee is reviewed and agreed by a service manager.

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

The Family Placement Service provides information regarding payment of fees, maintenance and any additional financial support at the point of recruitment. This information is also available through the provision of the Foster Carer Handbook to all newly approved foster carers. Information is provided on an ongoing basis by the Supervising Social Worker. Requests for any additional financial support are directed to the Supervising Social Worker and Team Manager for consideration.

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

On occasion the Family Placement Service has agreed to fund the cost of a home extension to provide accommodation to enable a child to remain with a foster carer on a permanent basis.

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

Yes - feedback from Placing Social Workers, Supervising Social Workers, and discussion at foster carer's annual reviews suggest that children are well cared for and have the clothing, equipment and access to activities as required. If any issues are raised in the foster carers ability to provide for a child, then the Family Placement Service would review this.

1.3 Legal Status

(i) Local Authority

Past

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

1930's - Children and Young Person's Act 1932 (A12) (C5)

1940's - Children and Young Persons Act 1937 (A14) and Young Person's Scotland Act 1937 (A199)

1950's - The Children (Boarding Out etc) Rules and Regulations 1947 (A106) and the Children Act 1948 (A29) (A55) (C133)

1960's - The Children Act 1948 (A29) (A55) (C133) and Boarding Out Regulations 1959 (C180)

1970's - Social Work (Scotland) Act 1968 (C70) and the Children's Act 1975 (C180)

1980's – The Children's Act 1975 (C180) and The Boarding Out and Fostering of Children (Scotland) Regulations 1985

1990's – The Children (Scotland) Act 1995

2000's – The Children (Scotland) Act 1995

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

Yes. Under the 1932 Act, Juvenile Courts had the power to commit to the care of a fit person, any child or young person who was in need of care or protection or who had committed an offence. Every education authority was deemed a fit person-section 20 (1). In terms of section 20 (3) the education authority's only method of fulfilling their obligations towards such children was to board them out with private families i.e. fostering (A4) (A12) (C5)

The power to board out had to be exercised in accordance with Rules and if possible the person with whom the child or young person was boarded out was to be of the same religious persuasion or willing to give an undertaking that the child or young person would be brought up in accordance with that religious persuasion. Similar provisions as to boarding out with fit persons are contained in section 88 of the 1937 Act. The Secretary of State had the power to make rules as to the manner in which children and young persons so committed were to be dealt with, and powers and the duties of the persons to whose care they were committed.

Section 39 of the 1948 Act obliged all local authorities to establish a Children's Committee for the purposes of their functions under, inter alia the provisions of the 1937 and 1948 Acts in relation to committal to care. A Children's Officer was also to be appointed by the local authority. The preference was for boarding out with foster parents, section 13 (1) of the 1948 Act providing that a local authority should discharge their duty to provide accommodation and maintenance for a child in their care by boarding him or her out, and only to maintain the child in a home provided under the 1948 Act or by placing in a voluntary home, where it was not practicable or desirable for the time being to make arrangements for boarding out. The Act permitted the making of Regulations to include provision for ensuring that the household into which a child was boarded was approved, in contrast to the Care and Training Regulations of 1933 which had merely listed the types of person with whom a child could not be boarded out. There was now a requirement under the 1947 Regulations for all foster households to be positively vetted. (A199) (C133-135)

For the first time a local authority had a statutory obligation to receive into their care any child (i.e. a person who appeared to be under the age of 17) who appeared to have no parents or guardians or had been lost or abandoned, or whose parents or guardians were "prevented" for any reason for providing for the child's accommodation, maintenance and upbringing. Intervention was required when it was "necessary in the interest of the welfare of the child" as assessed by the local authority. Once the child was in the care of the local authority they were obliged to keep the child in its care so long as his or her welfare – in the opinion of the local authority – appear to require it or until the child reached the age of 18 years- section 1 (2). However, this did not authorise the Local Authority to keep the child if the parents or guardian wished to take over the care of the child and they were obliged "where it appears to them consistent with the welfare of the child to do so" to endeavour to secure the care of the child was taken over either by a parent or guardian or by a relative or friend – section 1(3).

Under the Children and Young Persons (Scotland) Care and Training Regulations 1933 where an education authority were willing to undertake the care of children they were required to make arrangements to ensure that children were boarded out in accordance with the provisions of the Act and of these Rules. This included keeping a list of persons referred to in the rules as “foster parents” who were willing and fitted to undertake the care of children, having each child examined by one of the authority’s Medical Officers and giving medical attention if required.

Under section 79 (4) of the 1937 Act, persons looking after children under statutory authority would be vested with the rights and powers of a parent. Under section 12 (1) of the 1948 Act it became the duty of the local authority to exercise their powers with respect of the child so as to further his or her best interests, and to afford him or her opportunity for the proper development of his or her character and abilities. Since 1948 the local authority has been obliged to seek to further the child’s best interests in all the decisions being made in respect of the child (A106).

The 1948 Act introduced the power of a local authority by resolution to assume parental rights in respect of any child in their care-Section 1. This was repeated in the 1968 Act-section 16.

The 1963 Act introduced a requirement on local authorities to make available advice, guidance and assistance as might promote the welfare of children by, inter alia, diminishing the need to keep them in care-section 1 (C70) (A87).

Under section 20 of the 1968 Act (later substituted by Children Act 1975 section 79) when a child was in the care of a local authority under any enactment they had a duty in reaching any decision relating to the child to give first consideration to the need to safeguard and promote the welfare of the child throughout childhood, and so far as practicable ascertain the wishes and feelings of the child regarding the decision and give due consideration to them, having regard to the child’s age and understanding. A new requirement was imposed on local authorities to review the child’s case at least every six months (1968 Act section 20A, inserted by Children Act 1975 section 18).

Section 15 (3) of the 1968 Act required local authorities to endeavour (always consistent with the welfare of the child) “to secure that the care of the child is taken over either (a) a parent or guardian ... or (b) by a relative or friend....). The preference for boarding out under the 1948 Act disappeared and instead Section 21 of 1968 Act simply listed as alternatives the way by which a local authority could discharge its duties to provide accommodation and maintenance for children in their care. This was by boarding out or by maintaining the child in a residential establishment or by any unspecified means. It was for the local authority or the Children’s hearing to determine which option best served the individual child’s interest (C180).

The Health and Social Services and Social Security Adjudications Act 1983 inserted into the 1968 Act a new Section 17 (E) which required the Secretary of State to set up a Code of Practice with regard to access to children who were in Local Authority Care. This stated as the general principle that authorities should place a high priority on arranging and maintaining close links between the child and his or her parents (and other close members of the family) while the child was in care (A260).

The 1968 Act also required local authorities to establish Social Work Committees to carry out their functions under the 1937 Act and others. Local authorities retained the responsibility for identifying, vetting and overseeing foster carers with whom children could be boarded out.

2000's – Evidence that the social work service has a statutory responsibility to ensure the safety and welfare of children in its care, and a duty to investigate allegations against foster carers (C176). Policy document on Allegations of abuse made by children and young people regarding foster carers, 2007 (A261)

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

Yes – as detailed above.

Present

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

Current legislation which enables the local authority to become responsible for the provision of foster care includes:

Children (Scotland) Act 1995

Adoption and Children (Scotland) Act 2007

Children's Hearing (Scotland) Act 2011

Looked After Children (Scotland) Regulations 2009

Children and Young People's (Scotland) Act 2014

The Continuing Care (Scotland) Order 2015

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

Yes - The 1995 Act introduced the concept of "looked after child" and laid down general duties on local authorities to all children they looked after under whatever provision. These are set out in Section 17 (1)- to safeguard and promote the child's welfare (which should be their paramount concern) including preparing for the child for the time for when he or she is no longer a looked after child..... take steps to promote on a regular basis personal relations and direct contact between the child and any person with parental responsibilities and parental rights.

Under the Arrangements to Look After Children (Scotland) Regulations 1996 and the Looked After Children (Scotland) Regulations 2009, the local authority was required to make a care plan to address the immediate and longer term needs of the child with a view under the 1996 Regulations to safeguard or promoting his or her welfare, and including under the 2009 Regulations an assessment of how these needs could be met. They were required to take account amongst other things of the nature of the services to be provided, alternative courses of action and arrangements could be made when the child would no longer be looked after by the local authority. The Regulations specified what matters had to be included in the Care Plan. The local authority was required to review the case of each child by looked after by them within the 6 weeks of a placement and 3 months thereafter then at 6 monthly intervals. Once a child had been placed with inter alia foster carers the local authority had to make sure the child was visited within one week of the placement, thereafter at 3 monthly intervals, and on such other occasions as the local authority consider necessary or

appropriate in order to safeguard and promote the child's welfare. Under the 1996 Regulations there is a duty to give support and assistance to the foster carer where reasonably requested to do so by the child or any foster carer. If for any reason it appears to the local authority that it was no longer in the child's best interests to remain in the placement the local authority had to make arrangements to terminate the placement as soon as practicable. Before making any decision in respect of the looked after child, the local authority must so far as reasonably practicable ascertain the child's views and those of the parents or any other person with parental rights and any other person whose views the authority considered relevant. The local authority had to have regard to the views received and the child's religious persuasion, racial origin, and cultural and logistic background.

Under Section 25 of the 1995 Act the local authority is obliged to provide accommodation for children in their area who required it because no-one had parental responsibility for the child, the child had been lost or abandoned or the person caring for the child was prevented from providing suitable accommodation. Such accommodation may be provided with "a family" i.e. with foster carers.

The Regulation of Care (Scotland) Act 2001 required local authorities to register inter alia their fostering services. The Public Services Reform (Scotland) Act 2010 established the Care Inspectorate which regulates inter alia local authority fostering and local authority functions under the Foster Children (Scotland) Act 1984 for private fostering.

In terms of the Children and Young People (Scotland) Act 2014 Section 96 – the local authority is required to assess the "well-being" of a child according to the criteria, Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included. Paragraph 9 of the 2014 Act gave statutory force to the concept "Corporate Parenting" and imposed the following duties:

- (a) to be alert to matters which, or which might, adversely affect the wellbeing of children and young people to whom this Part applies,
- (b) to assess the needs of those children and young people for services and support it provides,
- (c) to promote the interests of those children and young people,
- (d) to seek to provide those children and young people with opportunities to participate in activities designed to promote their wellbeing,
- (e) to take such action as it considers appropriate to help those children and young people—
 - (i) to access opportunities it provides in pursuance of paragraph (d), and
 - (ii) to make use of services, and access support, which it provides, and
 - (f) to take such other action as it considers appropriate for the purposes of improving the way in which it exercises its functions in relation to those children and young people.

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

Yes as detailed above.

(ii) Foster Carers

Past

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

Under the 1908 Act they were referred to as "fit persons". From 1932 onwards they were referred to as "foster parents". The 1947 Regulations defined foster parent as "husband and wife, or a woman with whom a child is boarded out by a local authority".

Under section 47 the 1975 Act foster parents could apply for custody of children of whom they had had "care and possession" for stated periods, on cause shown (relating to the welfare of the child). Such an order would transfer responsibility for the child to the foster carer and away from the local authority.

Under the Boarding out and Fostering of Children (Scotland) Regulations 1985, fostering was defined as arranging for a child to live as a member of the family of a person who was not the child's parent or guardian and now undertook to care for them.

The 1968 Act included fostering that had been made a condition of a supervision requirement made by a Children's Hearing. A particular foster parent could not be recommended to a Children's Hearing unless the procedures and regulations had been followed and the conditions satisfied. The Regulations introduced Fostering Panels and the approval of foster parents. It became necessary for the local authority to enter into an agreement with approved foster parents regarding the care to be provided for any child who may be placed with them.

The 1996 Regulations also required local authorities to establish Fostering Panels and to enter into written agreements with foster carers

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

1930's - 2000's -No information available.

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

1930's - 2000's - No information available.

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

Under the provisions of the 1908, 1932 and 1937 Acts, the fit person to whom a child was committed had like control over the child or young person as if he or she were the child's parent, and was responsible for the child's maintenance. In 1932 such a person had the same rights and powers and be subject to the same liabilities in respect of the child's maintenance as if the fit person were the child's parents.

Under the 1933 Regulations foster carers had the legal duties: to give boys and girls the care and attention necessary for their proper training in habits of punctuality and thrift, of good manners and language, of cleanliness and neatness, of cheerful obedience to duty, of consideration and respect for others, and of honour and truthfulness to word and act, (b) to notify the Education Authority of any material facts regarding the boys and girls (e.g. illness, accident) and (c) to endeavour, in conjunction with the Education Authority, to find employment for the boys and girls when they leave school (A198).

Under the 1947 Regulations foster parents were required to bring up a child placed in their custody as one of their own and devote to that child the duty and care which good parents give to their children. There were provisions in relation to food, clothing, sleeping arrangements, fire guards, training and discipline, medical care, insurance, intoxicants, visitation, communication with parents and relatives and co-operation with the local authority (A133) (A106).

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

Other than the statutory duties mentioned above, a duty to take reasonable care for the safety of children in their care. They could be subject to criminal penalties for serious ill-treatment or neglect.

1950's - Evidence that a foster carer was taken to juvenile court in response to the child in placement's poor school attendance (A133). Also evidence of the foster carers requirement to provide a suitable home environment for the child in their care (A106).

1960's - 2000's - No information available.

Present

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

Foster carers have a recognised status as they are formally approved by the local authority's fostering panel in accordance with The Looked After Children (Scotland) Regulations 2009. Once approved foster carers are required to enter into a written foster carer agreement with the local authority, outlining expectations of their practice and support that will be provided to assist in the fostering task (A245).

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

The Looked After Children (Scotland) Regulations 2009 provide for the appointment and composition of Fostering Panels whose functions are to consider the suitability or continued suitability of prospective or actual foster carers. The local authority is responsible for the approval review and termination of the approval of foster carers.

The Foster Children (Scotland) Act 1984 regulates private fostering, which excludes local authority looked after children. The Act contains provisions as to disqualification from acting as a foster carer. The local authority has a duty to secure the welfare of foster children within its area; the power to impose requirements on private foster carers in matters such as the number, age and sex of the foster children who may be kept at any one time, the accommodation and equipment to be provided, medical arrangements, the giving of particulars of the person for the time being in charge of the children, the number of qualifications or experience of the persons employed or looking after the children and the keeping of records. The local authority also has the power to prohibit the keeping of foster children in the premises if a requirement was not complied with. Any officer of the local authority is authorised to visit foster children and may inspect the premises in which foster children are to be or are being kept. The local authority has the power to make a complaint to the Sheriff that a foster child is being kept by any person who is unfit to have his or her care or in contravention of a disqualification imposed by the 1984 Act or of a provision as to keeping foster children or a foster child imposed by the local authority or in any premises or environment detrimental or likely be detrimental to the child. The Sheriff has the power to make an order for removal of the child to a place of safety. Local authority functions in relation to private fostering have required to be registered since 2001, first with the Care Commission and then with the Care Inspectorate. The monitoring body may make improvement notices requiring the local authority to change its practices in a specified way.

Under the provisions of the Adoption and Children (Scotland) Act 2007, since 2009 it has been possible on granting a permanence order to impose on foster carers, jointly with the local authority, some or all of the parental rights and responsibilities mentioned in sections 1 and 2 of the Children (Scotland) Act 1995 (with the exception of the right to determine the child's residence).

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

As detailed above.

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

Yes – regulatory requirements are outlined within the foster carer agreement which details expectations of their care of children (A245).

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

Yes.

1.4 Legal Responsibility

(i) Local Authority

Past

- a) Did the local authority have any legal responsibility for the children in it's care?

Yes.

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

1930's - Evidence that the local authority agreed to ensure foster parents worked in line with regulations set out within the Children and Young Person's Act 1932 (A1).

1940's – Evidence that responsibility was given to the Fife County Council's School's Sub-Committee to oversee matters arising in boarding out and supervision of children in the authority's care (A24)

1950's – Evidence of the local authority's legal duty to ensure wellbeing, care and protection of foster children and remove children from foster placement if this is deemed to be unsuitable (A106). Evidence that a foster carer was taken to juvenile court due to the child in placements poor school attendance (A133).

1960's- Evidence of the local authority's legal duty to provide aftercare (C70).

1970's – 1990's - No information available.

2000's – Evidence that the social work service has a statutory responsibility to ensure the safety and welfare of children in its care, and a duty to investigate allegations against foster carers (C176)

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

1930's - 2000's - No information available

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

N/A

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

N/A

Present

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

Yes.

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

The Children (Scotland) Act 1995 defines the term "Looked After" and lists the duties of the local authority towards Looked After children, including duties to safeguard and promote the child's welfare.

The Looked After Children (Scotland) Regulations 2009 outline the regulatory requirements of the local authority in terms of the approval and review of a foster carers to ensure that children are looked after in a safe and secure environment.

The Children and Young People's (Scotland) Act 2014 brought the GIRFEC Policy and guidance into legislation placing responsibility on local authorities to ensure children's rights are at the centre of practice.

The Continuing Care (Scotland) Order 2015 places a duty on the local authority to provide eligible persons with continuing care where they cease to be looked after by them.

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

In line with the GIRFEC policy and legislation all agencies involved with a Looked After Child have a responsibility for their care and welfare.

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

In line with the GIRFEC policy responsibility was given to named persons to pass on relevant or concerning information to relevant agencies via the child wellbeing process (A280).

(ii) Foster Carers

Past

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

1930's - 2000's - No information available.

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

N/A

Present

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

Yes – When children’s permanent placements are secured by Permanence Orders via the Adoption and Children (Scotland) Act 2007, parental rights and responsibilities can sometimes be delegated from the local authority to the foster carer.

1.5 Ethos

Past

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

1930’s – Evidence that the local authority focussed on the health, welfare and safeguarding of children in its care, including installations of fireguards in foster carers homes (A3) and ensuring children had immunisations as required (A8).

1940’s – No information available.

1950’s – Evidence that the local authority focused on ensuring care and protection of children (A89) and that they would remove children from foster care placements if they are not cared for in suitable settings (A106). Also evidence of references being sought from school on child’s educational performance and 6 monthly medical report to ensure wellbeing while in foster care (A124).

1960’s – Evidence that the local authority’s view of foster care’s function was alternative care for children when parents were unable to do this (C102).

1970’s – 1990’s - No information available.

2000’s - Evidence that the local authority’s focus was on the provision of high-quality care to looked after children (C176).

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

1930’s – Evidence that the local authority viewed a foster carers objective as meeting the health and welfare needs of children in their care (A3)(A8).

1940’s – No information available.

1950’s – Evidence that the local authority views the foster carers function as ensuring safety and wellbeing of children (A106) and to provide care to the manage children’s “special needs” (A110) and educational progress (A124).

1960’s – Evidence that the local authority views the function of foster carers as providing care for children when their parents were unable to safely do this (C102)

1970’s – 1990’s- No information available.

2000’s - Evidence that the local authority’s focus was on the provision of high quality care to looked after children (C176)

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

1930’s – 1940’s – No information available.

1950's – Evidence of discussion around building a foster home with space to accommodate 10 children, with the committee predicting a need for this resource in the area (A107).

1960's – Evidence that the local authority reviewed parental applications for care, and considered the development of a day foster care service to provide care to children when their mother's attended maternity hospital and father's could not take time off work (C102).

1970's – 1990's - No information available.

2000's – Evidence of the production of foster carer competencies – outlining the skills required to be a foster carer including working with others and using emotional awareness (C177)

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

As above

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

Yes

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

1930's - 1950's - No information available

1960's – Reference to the use of a “mobile housemother” to care for a child in their own household and remain with their parents (A78).

1970's - 1990's - No information available.

2000's – Evidence of the production of foster carer competencies – outlining the skills required to be a foster carer including working with others and using emotional awareness (C177).

Present

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

The current ethos and objective of foster care is the provision of high-quality care, which protects children, promotes their rights and maximises their development and life chances. This extends to young adulthood with the provision of continuing care where this is in a young person's best interests (A277).

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

The Family Placement Service now places increased focus on the foster carer working as part of a professional team and birth families, and regularly attending training to increase their knowledge and skills to promote positive outcomes for children (A277)

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

Yes as outlined above.

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

Yes as outlined above.

1.6 Numbers

(i) Local authority

Past

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

1930's - No information available.

1940's – Evidence of 60 children boarded out in 1941 (A36), 119 children boarded out in 1942 (A10), 99 children boarded out in 1943 (A9), 122 children boarded out in 1945 (C91/92), and 188 children boarded out in 1947 (C131).

1950's - 398 children in foster care (A121)

1960's – 398 children in foster care (A121)

1970's – No information available.

1980's – 97 children in foster care in 1989 (C107-122)

1990's – 2000's – No information available.

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

1930's - 2000's - No information available.

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

1930's - 1940's - No information available.

1950's – Evidence that foster carers were approved as Temporary and Permanent but no further details provided (A119).

1960's - 1970's - No information available.

1980's – Evidence of adolescent placement scheme and permanent foster carers (C107 – 122) but no further information provided.

1990's - 2000's - No information available.

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

1930's – 2000's – No information available.

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

1930's – No information available.

1940's – 139 children were accommodated in foster and residential care in 1942 (A10), 183 children were in foster and residential care in 1945 (C91/92) and 252 children were in foster and residential care in 1947 (C131)

1950's - 53 children in residential care in 1956 (A167), 51 children in residential care in 1957 (A179)

1960's – 483 children were in foster and residential care in 1961 (A121).

1970's - 2000's - No information available.

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

1930's - No information available.

1940's – Evidence that the main provision was foster care (A16).

1950's – Evidence that the committee's preference was not to build more residential houses but to have more foster homes to meet the needs of children (A110) (A216).

1960's - 2000's - No information available.

Present

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

At the 31st December 2019 Fife Council had 199 children in foster care placements in 168 placements. 67 of these children were siblings placed together in the same foster placement.

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

On 31 December 2019, Fife Council had a total of 182 emergency, interim and permanent fostering households carers. 5 households were approved as Short Break only, 24 households were approved as permanent only and 158 households were approved to offer a mixture of short break, interim and permanent placements (A278).

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

As outlined above.

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

Fife Council has a high number of children looked after in foster care, and as such we need to consider the best matching with our own foster carers. This has meant that some fostering

households have had changes of approval, from permanent only to permanent and interim to provide additional placements as required by the service (A278).

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

On 31 December 2019 there were 910 Looked After Children in Fife. This includes those Looked After at home, in Kinship Care, Residential Care and Foster Care (A247). 543 of the children were cared for within either Foster Care or residential care. This includes purchased placements as well as Fife Council placements (A248).

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

Within the 543 noted above, 425 children were cared for in Foster Care compared to 118 children in residential care (A248).

1.7 Children's Background/ Experience

Past

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

Yes:

1930's – No information available.

1940's - concerns regarding home conditions (A15), non-attendance at school (A50) orphaned children (A69) and children accommodated following presentation to the juvenile court (A17).

1950's – Evidence as noted above and that parents requested their child be placed in local authorities care (A34), children in need of care and protection or in need of care while mother is in maternity hospital and father works (A92).

1960's – As above and evidence that mothers requested their "illegitimate" child be placed in foster care for the purpose of adoption (A88) and evidence of children being accommodated due to parental illness (C82)

1970's – No information available.

1980's – Evidence that children were accommodated in foster care due to offending behaviour, death of a parent, lack of parental control, and because of a Children's Hearing decision (C107-122)

1990's – 2000's - No information available.

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

1930's - Evidence to suggest children were admitted into the care of the authority (A4) and the Education Committee Children's Officer and Clerk then decided which foster carers they were placed with (A7) .

1940's - Evidence to suggest children were admitted into the care of the authority (A15)

1950's - Evidence to suggest children were admitted into the care of the authority (A34) (A80)

1960's – 2000's - No information available.

c) Who placed children with the local authority?

1930's - Evidence that recommendations were made by the Education Committee to the court, and the Sherriff then decided to place children in the local authorities care or not (A5) (A7) (A9).

1940's – Evidence that the Sherriff placed children in the local authority's care (A15)

1950's – Evidence that the Sherriff placed children in the local authority's care (A34)

1960's - 1970's - No information available.

1980's – Evidence that some children were accommodated by the Children's Hearing (C107-122).

1990's - 2000's - No information available.

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

1970's – No information available.

1980's – Evidence that some children were accommodated by the Children's Hearing (C107-122).

1990's - 2000's - No information available.

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

1970's – 2000's - No information available.

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

1930's - No information available.

1940's – Evidence that children remained in foster care for various periods of time, with some remaining in care until they reached 18 years of age (A66).

1950's - Evidence that children remained in care for various periods of time, with one young person would remain in care until the age of 21 years old (A160).

1960's – Evidence that some children remain in foster care until the age of 18, others were returned to parents care or left to work (C81).

1970's – 2000's – No information available.

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

1930's – Evidence that the Schools Sub-Committee, Children's officer and County Clerk decided if children were suitable for foster care or not (A7) (A9) (C9)

1940's – No information available.

1950's – Evidence that medical assessment was undertaken to confirm that children were suitable to be placed in foster care (C147).

1960's - 2000's - No information available.

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

1930's – 2000's - No information available.

i) Were children moved between different foster care placements?

Yes (A17) (A19) (A35)

j) If so, in what circumstances?

1930's – Evidence of child being moved at request of guardian due to his “persistent physical disability” (C4).

1940's – Evidence that child moved to another placement due to foster carers ill health (A17), or due to child absconding from foster placement (A35).

1950's – Evidence that children were removed from placement at foster carers request (A100) and moved to another placement due to poor home conditions (A189).

1960's – Evidence of child being moved at foster carers request (C80) and due to “domestic troubles” in fostering household (C95).

1970's - 2000's - No information available.

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

1930's - Evidence that some children did stay in more than one foster placement (A17)

1940's – Evidence that some children stayed in more than one foster placement (A17) (A35)

1950's – evidence that some children stayed in more than one foster placement (A100)

1960's – Evidence that some children stayed in more than one placement (C80)

1970's - 2000's - No information available.

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

1930's - No information available.

1940's - Evidence that the Schools Sub-Committee reviewed requests from parents to have children returned to their care, and agreed these actions (A46).

1950's – Evidence of review of ongoing foster placement for named child and assessment of kinship carer as an alternative placement (A98) and review of suitability of foster placement following death of one sibling in placement (A112).

1960's - Evidence that when a local authority visit highlighted that a child was not left in satisfactory circumstances by the foster carer, the Children's Officer followed up with the foster carer to ensure they followed their duties (C97).

1970's - 2000's - No information available.

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

1930's - 1940's - No information available.

1950's – Evidence that when child was discharged from care, the committee provided information to the medical board for appropriate action (A108).

1960's – Evidence that children placed for adoption were registered as being discharged from care (A88).

1970's - 2000's - No information available.

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

1930's - 1940's - No information available.

1950's – Evidence that a child would be placed in an approved school and remain in care there until she was 21 years old (A160).

1960's - 2000's - No information available.

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

1930's - No information available.

1940's – Evidence that young person's application to leave care and work was reviewed by the School's Sub-Committee then agreed (A30).

1950's – Evidence of assessment of kinship carers suitability to inform planning around child leaving care (A98).

1960's - 2000's - No information available.

p) Was such information retained and updated?

1930's - 1950's - No information available.

1960's – Evidence that information was recorded about the child's discharge from foster care but not updated (A88).

1970's - 2000's - No information available.

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

1930's - No information available.

1940's- Evidence that the local authority provided suitable accommodation for youths who left foster care to work as a trade apprentice (C166).

1950's - No information available.

1960's – Evidence that the local authority were obliged to provide aftercare (C70) and evidence that young person was in receipt of national allowance once they left foster care (A75).

1970's - 2000's - No information available.

Present

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

Out of the 543 Looked After and Accommodated Children within Fife by the end of 2019, the main reasons recorded for this are as follows (A250):

	Foster Care	Residential Care	Total:
Beyond Parental Control	7	11	18
Failure To Attend School	2		2
Is Accommodated Under S25 Or S86 And Special Need Necessary	9	5	14
Lack Of Parental Care	311	66	377
Member Of Same Houshold As Schedule 1 Offender	5		5
Member Of Same Houshold As Victim Of Schedule 1 Offender	1		1
Victim Of Schedule 1 Offence	5	1	6
Other Statuses - Other	1	1	2
S25 - Child Abandoned	9	1	10
S25 - Current Carer Prevented From Caring For Whatever Reason	71	33	104
S25 - No One Has Parental Responsibility	1		1
S86/S83 - Persistent Failure To Fulfil Parental Responsibilities	3		3
Total:	425	118	543

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

When a child is becoming looked after they are matched with a Foster Carer. Once accommodated, plans may be made to identify an alternative placement should this be assessed as being in the child's best interest.

c) Who placed children with the local authority?

Children are generally placed with the Local Authority by the Children's Hearing System or Court. Sometimes a parent may give consent to the Local Authority to accommodate their child under s25 Children (Scotland) Act 1995.

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

Yes as outlined above.

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

Sometimes a parent may give consent to the Local Authority to accommodate their child under s25 Children (Scotland) Act 1995.

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

Each situation varies with some children remaining in permanent foster care and continuing care into adulthood. In 2019, of the 653 children who left care, this was to return home, move into kinship care, or as a care leaver moving onto independent living. This includes some young people transitioning to Supported Lodgings (A253).

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

The Child's Social Worker undertakes an assessment of need and risk which underpins any recommendation to accommodate them and the type of placement they require. Following presentation of this assessment, the Children's Hearing can decide to accommodate a child in foster care, or a Sherriff may make this decision in situations where there are child protection concerns. A birth parent can also request that a child is accommodated in foster care on a voluntary basis.

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

The Child's Social Worker undertakes an assessment of need and risk which underpins any recommendation to accommodate them and the type of placement they require. There are no specific criteria but the needs of the child and the risk they pose to themselves and others is assessed when matching placements (A279).

i) Were children moved between different foster care placements?

Yes - Children will at times be moved from one Foster Care placement to another. Children may also be moved from Foster Care to a residential placement or move from one residential placement to another. Children may also be moved onto Kinship Care or Supported Lodgings. Finding a care option within the family would be a priority.

Since 2004, 971 children have experienced a combined 2986 moves since coming into care. This number has significantly increased since 2011 (A255).

j) If so, in what circumstances?

Some children may require to be moved as the placement they are in may only be an emergency placement, or if the child was temporarily placed with Foster Carers until a more suitable match is identified. Children may be moved to another placement if the current placement is assessed as not meeting the needs of the child. Children may move between placements in line with the child's plan changing in response to the ongoing assessment of need and risk. Some of these changes will be the result of legal decisions.

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

Where possible children remain in their placement as long as it is meeting their needs and the carer remains available. For children where the plan is for them to remain in permanent Foster Care, they would ideally remain long term with the same Foster Carers (providing they are approved for permanence) until they are ready to move onto independent living. Some will remain in this placement up until the age of 21 years through Continuing Care legislation.

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

The ongoing suitability of a child's placement is reviewed within LAC Reviews and where relevant Children's Hearing's. The placement is also reviewed through the regular supervision provided to each Foster Carer by their allocated Supervising Social Worker. There is also an annual review of the Foster Carer and the placements they are providing and Fostering Panel Review every 3-years.

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

Prior to children leaving Foster Care, their Social Worker would make a referral to the Young People's Team. A worker would be allocated and a joint visit to the child takes. A Pathway Assessment shall commence immediately, and a Pathway Plan completed within 21 calendar days. Pathway Plans are subject to an initial review 6 weeks after the young person leaves care and subsequently at 6 monthly intervals (unless agreed otherwise by a Pathway Review but no less than annually).

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

The after care provided to young people will vary depending on the identified needs of the Young Person. This is in context of the SHANARRI Framework. This will include advice, guidance and emotional support as well as support with housing, finances, employability.

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

Information using the SHANARRI wellbeing indicators is gathered from the child's parent's, relevant family members, relevant agencies, and where possible the child and to inform assessment, planning and reviewing.

p) Was such information retained and updated?

Information is recorded at the point of a young person leaving care and retained in line with GDPR guidelines. This is not updated unless the young person contacts the service for further support.

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

After care support is provided by the Young People's Team. The nature of this support varies in recognition of the young persons individual needs.

1.8 Local authority staff and foster carers

(i) Local authority

Past

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

1930's – Evidence that County Clerk Depute and Education Committee had oversight of children in foster care (C27).

1940's - Evidence of approximately 10 Schools sub-committee members having oversight of foster care services, alongside the county clerk (A7) and social welfare officer (A198), with a smaller sub-committee of 4 members having oversight of supervision of children in foster care from 1943 onwards (A28).

1950's - No information available.

1960 – Evidence of Children's Officer and field staff being directly responsible for children in foster care (A121). Also evidence of committee discussion around the need for additional staff to undertake supervisory duties for children in foster care (A114).

1970's - No information available.

1980's – Evidence that the Director of Social Work was involved in appeals made about Fostering Panel decisions (C127).

1990's - 2000's - No information available.

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

As above

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

1930's - Evidence that a member of staff was appointed (female) to have oversight of children in foster care, including maintaining the register of children in care (C27)

1940's - Evidence that named committee members were responsible for visiting children in foster care and reporting back on their actions to the School's sub-committee (A49).

1950's - No information available.

1960's – Evidence of Children's Officer and field staff being directly responsible for oversight of children in foster care (A121) and assistant being recruited to support the Children's officer in supervision of children in foster care (A222).

1970's - No information available.

1980's – Evidence that the Director of Social Work was involved in appeals made about Fostering Panel decisions (C127).

1990's - No information available.

2000's - Evidence that the local authority employed staff in the Family Placement Service to have oversight and management of foster carers (C176)

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

1930's - No information available.

1940's – Evidence that social welfare officer obtained poor law qualification (A196) and had experience in social welfare (A198).

1950's - 1960's - No information available.

1970's- Evidence that social workers attended national conferences (A210).

1980's - 2000's - No information available.

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

1930's - 1970's - No information available.

1980's – Evidence that fostering panels were in place but no detail as to their purpose or remit (C127).

1990's - 2000's - No information available.

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

1930's – 2000's - No information available.

Present

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

On the 31st December 2019 the Family Placement Service had 2 fostering teams consisting of 1 Service Manager, 2 Team Managers, 4 Senior Practitioners, 15 Supervising Social Workers and 2 Social Work Assistants.

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

As outlined above.

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

The role of the Supervising Social Worker is to assess and review Foster Carers in line with The Looked After Children (Scotland) Regulations 2009 and present this to a Fostering Panel (Initial Panel and then every 3 years) and Internal Review (annually). The Supervising Social Worker is responsible for the ongoing support and supervision of the Foster Carer in line with their approval range, policy and guidance. This ensures the holistic needs of the child are being met within the SHANARRI Framework. This includes formal supervision of the Foster Carer and that all health and safety checks/ risk assessments are up to date (A257).

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

Supervising Social workers must hold a degree in Social Work. Staff have been recruited to ensure a variety of life and professional experience is held in the team. Social Work Assistants do not require any qualifications but should have relevant experience, including previous work in children and families. Senior Practitioners, Team Managers and Service Managers generally have post qualifying awards in relevant subjects.

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

It is not clear when fostering panels were set up in Fife Council but the earliest evidence of a fostering panel taking place was in 1988 (A262). Their purpose is to consider the recommendation presented by the Supervising Social Worker and make a recommendation to the Agency Decision Maker to approve, change the approval of or de-register a foster carer.

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

The Fostering and Permanence Panels consist of an independent chairperson, at least 2 panel members, a Panel Advisor and Medical Advisor as required. The panel consist of representatives from Education, Health and Social Work Services, Foster carers and Adoptive Carers.

(ii) Foster carers

Past

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

1930's - No information available.

1940's – Evidence that the local authority sought “foster mothers with an innate ability and character, and a healthy and normal home environment”, rejecting 70% of fostering applications for people who did not meet these criteria (C91/92).

1950's – Evidence that foster carers were approved as Temporary and Permanent (A119). Evidence of advertising campaign for foster carers (A174).

1960's - Children' Committee references procedure in relation to the approval of foster carer but no further information provided (A68). Evidence of fostering application form (A171) (C157).

1970's – Evidence of the Social Work Sub Committee discussing ideas to overcome the difficulty in recruiting foster carers (A219).

1980's – Evidence that foster carers were approved by a fostering panel (C127) and subject to assessment (C129).

1990's - No information available.

2000's – Evidence that the local authority identified the need for the Family Placement Service to identify and record a recruitment selection procedure for foster carers (C176). Example of leaflet used to raise awareness about private fostering (A241).

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

1930's - No information available.

1940's – Evidence that the local authority sought “foster mothers with an innate ability and character, and a healthy and normal home environment”, rejecting 70% of fostering applications for people who did not meet this criteria (C91/92).

1950's - No information available.

1960's - Evidence that the local authority sought foster carers with parenting experience, kindness and common sense (C157 – 158).

1970's - 1980's - No information available.

1990's – Example of Prospective adopter/ Foster carer application form (A239) and initial enquiry form used (A240)

2000's – Evidence of the production of foster carer competencies – outlining the skills required to be a foster carer including working with others and using emotional awareness (C177). Categories used to apply as a 'Level 2' carer shown in panel report (A248).

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

1930's - 1950's - No information available.

1960's – Evidence that medical checks would be progressed to help assess a person's suitability to foster (A68). Evidence of character references being required and visit being undertaken by the local authority to assess suitability (A171) (C99/100) (C157 -158).

1970's - 1980's - No information available.

1990's – Example of application form which requests three references, one of which should be GP (A239)

2000's – Evidence that the local authority completed medical assessments which included reference to tobacco and alcohol (C178).

2010's- Examples of checks with other local authorities where prospective carers had previously resided (A250).

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

1930's – 2000's - No information available.

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

1930's – 2000's - No information available.

- f) To what extent, if any, were the checks referred to at Paras © to (E) above reviewed? If so, how frequently and what checks were done? If not, why not?

1930's – 2000's - No information available.

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

1930's - No information available.

1940's – Evidence that the Deputy County Medical Officer conducted a home visit and raised concern about the sleeping arrangements in a fostering household, which the committee addressed with further visits – frequency unknown (C136) (C143).

1950's- Concerns raised by committee member regarding an overcrowded fostering household (C141).

1960's - 2000's - No information available.

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

1930's - No information available.

1940's – Evidence that the recruitment of foster carers focused on finding a “foster mother” (C91/92).

1950's – Evidence that the recruitment of foster carers focused on finding a “special foster mother” (A110).

1960's – Evidence that fostering application form is to be signed by applicant and husband (A171).

1970's - 2000's - No information available.

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

1930's – 2000's - No information available.

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

1930's – 2000's - No information available.

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

1930's - No information available.

1940's – Evidence that the School's Sub-Committee reviewed the employment of children, and policy suggestion to introduce machinery to avoid employment of children (A40).

1950's - 2000's - No information available.

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

1930's – 1980's No information available.

1990's – Example of Foster carers' contract (A247)

2000's- Example of Foster carers' contract 2006 (A253)

Present

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

Fife Council actively advertises for foster carers, with wide media coverage and local advertising to encourage fostering applications. An initial assessment is undertaken for any person who enquires to foster with the local authority, with the basic criteria at this stage being that they must be over 21 and have a spare bedroom, be medically fit and be a non-smoker. If the application proceeds the applicant is subject to the BAAF Form F assessment and reference checks and presented to Fostering Panel who make a recommendation to approve them as foster carers.

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

Foster carers are not required to have formal qualifications, but experience of parenting or working with children is an advantage. Prospective foster carers must have a genuine interest in the care and welfare of children and be willing to undertake training.

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

Background checks and references are a mandatory part of the assessment. This includes a Disclosure/PVG check, a full medical assessment, local authority and school/nursery/health check for any child already within the family. An employer's reference is sought along with four personal references, an additional reference from any previous significant partner, a reference from any other adult living elsewhere who would be of significance.

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

A local authority check and Disclosure/PVG would be undertaken for anyone over 16 residing in the house and they would be interviewed as part of the assessment process.

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

Friends and family members will be asked for a reference as part of the assessment process. If they indicate that they would be willing to provide practical or overnight care for a child placed with their friend / family, then a support carer assessment would be completed to ensure their suitability for this task. This would include PVG, local authority and medical checks.

- f) To what extent, if any, were the checks referred to at Paras © to (E) above reviewed? If so, how frequently and what checks were done? If not, why not?

A Disclosure/PVG is repeated for the Foster Carer every three years, similarly for any other adult living in the home or who may be involved in the care of the Looked After Child. Medical updates are completed for foster carers every year, with a full medical every 3 years.

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

Initial checks are undertaken on the accommodation during the first visit to someone who enquires about fostering. A full Health and Safety Check is completed during the assessment. This is then undertaken annually or sooner if required. Similarly, policies provide guidance in relation to pets and safer caring for approved foster carers.

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

Gender is taken into consideration during the matching process for each child in consideration of the family dynamic and care that the child requires.

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

As outlined above.

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

Foster carers are expected to provide physical and emotional care, work alongside birth families and professionals to support the social work plan and continue to expand their own professional skills and development. Foster carers do not generally undertake direct work with children in their care as services are in place to do this, however they may be in a good position to assist professionals with life story work.

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

No - Fife Council Byelaws on the Employment of Children 1999 identify that children aged 13 and older can only be employed for 'light' work in restricted categories. Before employing a child, an employer must apply to and receive from Fife Council an Employment Permit. There are restrictions as to the hours a child can work. (A259)

Should a Looked After Child placed in foster care choose to undertake employment, this would only be permitted by Social Work providing they have appropriate Employment Permit.

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

Foster carers are required to sign a Foster Carer Agreement at the point of approval (A245). No child will be placed until this agreement is signed, this is a standard agreement used throughout the service to meet requirements under Regulation 24 and Schedule 6 of the Looked After Children (Scotland) Regulations 2009.

2. Organisational Structure and Oversight

2.1 Culture

Past

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

1930's - Evidence of a focus on health and wellbeing of children in care, with the implementation of periodical health checks (A6).

1940's – Evidence of a focus on health as the committee agreed twice yearly medical checks should be completed for children in foster care (C160).

1950's - Evidence of foster carers providing care to children to manage their needs (A110). Evidence that the local authority preferred the provision of foster care compared to a convent (A177). Evidence also of Children's Committee discussion with other local authority committees on preventative work to enable children to remain in the care of their families and not enter foster care (A185).

1960's- Evidence of a focus on safeguarding and wellbeing (C97).

1970'S – Evidence of the committee chairman attending a foster carer event and thanking them for their commitment to children (A218).

1980's - 1990's - No information available.

2000's – Evidence of a focus on safeguarding, wellbeing and a high-quality placement for children in foster care (C176) (A242).

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

Yes:

1930's – Evidence that periodical health checks were implemented (A6).

1940's – Evidence of a focus on health as the committee agreed twice yearly medical checks should be completed for children in foster care (C160).

1950's - No information available.

1960's - Evidence that when a local authority visit highlighted that child was not left in satisfactory circumstances by the foster carer, the Children's Officer followed up with the foster carer to ensure they followed their duties (C97).

1970's - 1980's - No information available.

1990's – Example of letter written to foster carer informing them of new child protection team and their wish to meet with carers to explain the team's role (A245).

2000's – Evidence that the social work service has a statutory responsibility to ensure the safety and welfare of children in it's care, and a duty to investigate allegations against foster carers (C176) (A243).

c) How can that be demonstrated?

As above.

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

1930's – 2000's - No information available.

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

N/A

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

1930's - No information available.

1940's – evidence that due to difficulties finding suitable foster carers, the local authority sought to acquire a residential house to temporarily accommodate children in until they could be placed with suitable foster carers (A16).

1950's - 2000's - No information available.

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

1930's – 1990's - No information available.

2000's – Evidence that increased supervision of foster carers was recommended from St Margaret's review report (C173). Also evidence of learning from children's experiences in foster care, some who had been abused, and the need to implement robust assessment checks and supervision (C180).

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

1930's – 1990's - No information available.

2000's – Evidence that increased supervision of foster carers was recommended from the report on the St Margaret's review (C173). Also evidence of learning from children's experiences in foster care, some who had been abused, and the need to implement robust assessment checks and supervision (C180).

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

1930's – 1990's - No information available.

2000's – Evidence that the recruitment process for foster carers should have a focus on sexual abuse and the applicant's ability to safeguard against this, with the medical assessment considering any history of sexual abuse in the applicants family history (C180)

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

N/A

Present

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

The underpinning culture of foster care in Fife Council is the provision of high-quality care, which protects children, promotes their rights and maximises their development and life chances. This extends to young adulthood with the provision of continuing care where this is in a young person's best interests (A277).

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

This culture is reflected in Fife Council's foster carer recruitment procedures, with a variety of different fostering households being recruited to provide a wide range of placements to children with different needs and background experiences. Applicants are assessed against BAAF competencies to ensure there is evidence of their skills in the areas required.

The Family Placement Service now places increased focus on the foster carer working as part of a professional team and birth families, and regularly attending training to increase their knowledge and skills to promote positive outcomes for children (A277). It is recognised that the fostering task is complex and strengths and vulnerabilities are identified at the start of a foster carer's career to ensure suitable supports are put in place at the earliest opportunity and reviewed regularly.

Foster carers are regularly consulted for their views on how the service can develop, enabling effective support systems and training to be developed as a result (A281).

- c) How can that be demonstrated?

As outlined above.

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

Yes – feedback from Looked After Children, birth families, placing Social Workers and Supervising Social Workers at annual foster carer reviews suggest that foster carer practice reflects the local authority's culture, policy and procedures.

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

N/A

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

These changes appear to have been implemented by the local authority following the recommendations from the St Margaret's Report (C173) and feedback from children in foster care (C180).

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

Yes as outlined above.

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

Yes as outlined above.

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

As outlined above.

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

The safe care policy is now updated and reviewed at least annually alongside foster carer reviews to ensure that foster carers safely manage the needs of the children in their care. This routine review was influenced by the recommendations from the 2015 Fatal Accident Inquiry following the death of a foster carer (A285). Training in de-escalation techniques is now also routinely available to foster carers as a result.

2.2. Structure, leadership and accountability

Past

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

1930s – Evidence that responsibility was given to Fife County Council’s School’s Sub-Committee to oversee matters arising in boarding out and supervision of children in the authority’s care (A1) (A9).

1940’s – Evidence that supervision visits to children in foster care were delegated to nominated School Sub-Committee members (A37) and they feedback monthly reports on their actions to the School’s Sub-Committee (A49).

1950’s - Evidence that when a child died in foster care, the Children’s Officer presented a report of the circumstance of this death to the committee members and assured no blame attached to the foster carers (A93). Also evidence of committee members ongoing review of foster placement following death of one sibling in placement (A112).

1960’s – Evidence that a Children’s Officer had delegated responsibility for oversight of admissions and discharges from foster care, and visitation of children in foster care (A50). Also evidence of Social Work Committee forming and taking over responsibilities and functions previously held by all other committees for children in foster care (A233).

1970’s - 1980’s - No information available.

1990’s – Evidence that the Family Placement Service was responsible for oversight and management of foster carers (C176).

2000’s - Evidence that the Family Placement Service was responsible for oversight and management of foster carers (C176).

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

As above.

- c) What were the lines of accountability?

1930’s – Evidence that the County Clerk reported their actions to the Schools Sub-committee for approval (A9) and evidence that they reported back to committee following the death of a child in foster care (C20).

1940's - Evidence that Sub-Committee members had delegated responsibility for visitation of children in foster care and they provided monthly reports summarising these to the School's Sub-Committee for review (A49).

1950's – Evidence that Children's Officer was accountable to the Children's committee (A93) (A99).

1960's – Evidence that the Children's Officer was accountable to the School's Sub-committee. And evidence that the Social Work Committee agreed recommendations of the Director of Social work (A206).

1970's - 1990's - No information available.

2000's – Evidence of management hierarchy within the Family Placement Service (C176).

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

1930's – 1960's – School's Sub-Committee had organisational responsibility for children in foster care (A54) (A106) and then Social Work Committee (A233)

1970's - 1980's - No information available.

1990's – 2000's – Management hierarchy within Family Placement Service (C176).

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

1930's - Evidence of the School's Sub-Committee making amendments to foster care regulations under the Children and Young Persons Act 1932 in relation to fire safety (A3).

1940's - Evidence of the School's Sub-committee reviewing the placing and supervision of children in foster care (A36). Also evidence of the Committee refusing requests from nearby local authorities to supervise their children in foster care in Fife (C84).

1950's – Evidence of committee review and agreement of increased maintenance allowance payments to foster carers (A103) and agreeing additional payments when children were fostered by temporary carers for more than 6 weeks (A187). Evidence also of Children's Committee discussion with other local authority committees on preventative work to enable children to remain in the care of their families (A185).

1960's - Evidence of the Education Committee reviewing the policy on allowance payments to foster carers (A68) and also evidence of the Committee refusing requests from nearby local authorities to supervise their children in foster care in Fife (C49/50).

1970's - No information available.

1980's - Evidence that working group formed policy on payments in foster care (C107-122) (C123-126).

1990's – Evidence that the Family Placement Service was responsible for oversight and management of foster carers (C176).

2000's - Evidence that the Family Placement Service was responsible for oversight and management of foster carers (C176).

f) To whom were foster carers accountable?

1930's – 1990's - No information available.

2000's – Evidence that foster carers were accountable to Link workers in the Family Placement Service (C176).

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

1930's – Evidence of committee members being responsible for visiting children in foster care in line with policy (A211)

1940's – Evidence that the School's Sub-committee members were responsible for the implementation of visitation policy to children in foster care (A36) (A48) and committee members were responsible for requesting twice yearly medical reports for children in foster care (C160).

1950's - Evidence that the School's Sub-committee members were responsible for the implementation of visitation policy to children in foster care (A99).

1960's – Evidence of visits to children in foster care being completed as per policy (C81) and evidence of medical staff undertaking twice yearly medical examinations for children in foster care (C79). Also evidence that when a local authority visit highlighted that child was not left in satisfactory circumstances by the foster carer, the Children's Officer followed up with the foster carer to ensure they followed their duties (C97).

1970's - 1980's - No information available.

1990's – Evidence that recommendations from a Management Audit were incorporated into practice by the Family Placement Service – with unannounced visits to foster carers being agreed (C174).

2000's - Evidence that the Family Placement Service was responsible for oversight and management of foster carers (C176). Example of foster carer review (A249)

h) To whom were fostering panels accountable?

1930's – 2000's - Information not available.

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

1930's – 2000's - Information not available.

Present

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

Foster carers report back to their Supervising Social Workers, who are responsible for supervising and supporting foster carers in line with Fife Council's Family Placement Standards (C202). Team Managers provide regular supervision to Supervising Social Workers to ensure oversight of their caseload and foster carer practice. The Service Manager regularly supervises the Team Managers and has oversight of practice and strategic development and reports directly to the Head of Service.

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

Within the Family Placement Service formal supervision takes place with all staff at least every 6 weeks. Informal supervision is provided as required.

- c) What were the lines of accountability?

As outlined above.

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

The Service Manager has organisational responsibility for the fostering teams.

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

Policy, practice and procedure changes or developments are discussed at monthly team meetings and the views of the teams are sought where possible before these are implemented. The Senior Practitioners, Team Managers and Service Manager meet on a monthly basis to review Quality Assurance and changes to policy and practice are generally agreed in these forums.

- f) To whom are foster carers accountable?

The Family Placement Service.

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

Supervision Social Workers are responsible for oversight of their foster carers practice and compliance with local authority policy and procedure. Any concerns with this are reported to the Team Manager, and if required concerns will be presented to either an internal foster care review, or if significant, a fostering panel for consideration (A283).

2.3 External Oversight

Past

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

1930's – Evidence that the Education committee reported the death of a child in foster care to the Scottish Education Department (C20)

1940's – Evidence that the medical officer should be a distant supervisor for children in foster care (A207).

1950's – Evidence of statistics being reported to Children in Care of Local Authorities Scotland (A90). Also evidence of Child Care Inspector from the Scottish Home Department accompanying Children's Officer on visit to children in foster care (A124). Evidence of consent being sought from the Secretary of State to place a child out with Fife (A125).

1960 – Evidence of the committee seeking advice from the Scottish Home Department in relation to required numbers of staff to oversee children in foster care (A114).

1970's - 1980's - No information available.

1990's – Evidence that the local authority acted on advice from a Management audit, and ensured that the Child Protection Team investigated allegations against foster carers (C174).

2000's - No information available.

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

1930's - 1940's - No information available.

1950's - Evidence of Child Care Inspector from the Scottish Home Department accompanying Children's Officer on visit to children in foster care (A124).

1960's - 2000's - No information available.

- c) How often did this occur?

As above

- d) What did these visits involve in practice?

1930's – 2000's - No information available.

Present

- a) What are the arrangements for external oversight of LA foster carers

The Care Inspectorate is the independent scrutiny and improvement body for adult care and children's services and they conduct formal inspections of Fife Council's Family Placement Service. The last Inspection took place in April 2018 (A284) and inspections take place every 2 years.

The Fostering Team Managers are responsible for liaising with the Care Inspectorate, and provide notifications to the Care Inspectorate in situations where a child or foster carer attends hospital in an emergency or has police involvement in line with the notifications guidance (A282).

- b) Who visits LA FC service in an official or statutory and for what purpose?

As outlined above.

- c) How often does this occur?

As outlined above

- d) What do these visits involve in practice?

Care Inspectorate Inspections involve the Inspector meeting with Team Managers, staff in the fostering teams and foster carers to hear feedback about practice and support. Sometimes Inspectors will also meet with Looked After Children to hear their views on their foster placement, and placing social workers (A284).

Part B – Current Statement

3. Retrospective Acknowledgement/Admission

3.1 Acknowledgement of Abuse

- a) Does the local authority accept that between 1930 and 17 December 2014 any children care for in foster care were abused?**

Fife Council accepts that in the time period noted above complaints were received about the treatment of children while in foster care concerning allegations of sexual abuse, physical abuse and

bullying. Fife Council now has clear processes in place to respond to any complaints or allegations made about a foster carer to ensure the wellbeing and safety of looked after children.

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

Fife Council received 4 complaints or civil action claims – each related to different foster carers.

- c) What is the basis of that assessment?

Summary detailed in (A287).

3.2 Acknowledgement of Systemic Failures

- a) Does the local authority accept that its systems failed to protect children in foster care between 1930 and 17 December 2014 from abuse?

Fife Council does accept that the historical systems did not provide sufficient supervision or support to foster carers, and therefore failed to ensure protection of looked after children.

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

There is limited evidence about the extent of systematic failures however systematic changes were implemented by the local authority following the recommendations from the St Margaret's Report (C173) and feedback from children in foster care (C180).

- c) What is the basis of that assessment?

As above.

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

It would appear that the systems around supervising and supporting foster carers were based on the culture of Fife Council at the time, and these have changed as experience, research and knowledge of the foster carers role developed.

3.3 Acknowledgement of Failures/Deficiencies in Response

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

There is no evidence of a failure to respond to allegations of abuse during this time period.

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

As outlined above.

d) What is the basis of that assessment?

No information is available.

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

N/A

3.4 Changes

a) To what extent has the local authority implemented changes to its policies, procedures and practices as a result of any acknowledgement in relation to 3.1 – 3.3 above?

There is evidence that Fife Council implemented the recommendations from the St Margaret's Report (C173) and feedback from children in foster care (C180) to ensure that more robust supervision structures were in place for foster carers.

Part C - PREVENTION AND IDENTIFICATION

4. Policy and Practice

4.1 National

Past

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

There is evidence since 1930's of the Local Authority having legal responsibility to ensure the wellbeing of children and to take appropriate action under the relevant legislation to accommodate and supervise children in foster care. (A1) (A9) (A45)

Children and Young Person's Act 1932

Children and Young Persons (Scotland) Act 1937

The Children (boarding out) Scotland Rules and Regulations 1948

The Children Act 1948 - Duty of Local Authority to provide for orphan's deserted children, or children who could not live with their parents. Where their parents were unable or unwilling to care for them, children were to be received into the care of the Councils. The Act required Councils to provide care for children by placement with a family member, with foster carers or in residential care.

The Adoption Act 1958

August 1959- Boarding on Regulations

White Paper - Social work in the Community- proposals for reorganising local authority Services in Scotland (1966)

Social work (Scotland) Act 1968

1960's- Association of County Councils recommends standard allowances to foster carers (C98).

1980's- Boarding Out and Fostering of Children (Scotland) Regulations, 1985 (A254)

Children (Scotland) Act 1995 – overarching principle that consideration be given to the child's views. Section 17 -Before making any decision in respect of a child Local Authority should seek the views of the child and his parents.

1996 - Boarding out Regulations, The Fostering of Children (Scotland) Regulations, 1996 – these regulations were introduced where a local authority fosters a child who is looked after by them under the Children (Scotland) Act 1995 (A254)

2007 Adoption (Scotland) Act

2009 - Boarding out Regulations

2011 Children's Hearing (Scotland) Act

2014 Young Persons (Scotland) Act

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

1930's - Children and Young Persons Act 1932- regulations to be observed for boarded out children (A1)

1930's - The County Council willing to undertake the care of children committed to their care under the 1932 Act- assurance given that arrangements are made in accordance with the Act and the Departments rules regarding boarding out. (A2)

1932 Fife Education Committee heard and approved a report supporting a committee being set up to "deal with problems arising from cases of children neglected or ill-treated in their homes" (A31)

1949- The Children's Committee set up in response to the 1937 Act (C135).

1940's- Evidence of organisational restructure of care and protection cases due to changes to the legislation. (A54) (A207)

1940's- The Clyde report discussed at Dunfermline Burgh meeting (A195)

1940's- Burgh meeting discussion and subsequent appointing of social welfare officer- the following documents circulated at meeting- Boarding out Regulations 1947, children and young Persons (Scotland) act 1937

1940's - Circular sent from Department of Health for Scotland and Scottish Education Department reminded Education Authorities of their functions respecting children committed to their care under the Children & Young Persons Act 1937 (C84)

1959 Boarding out Regulations – updated legislation re assessment of carers suitability and restrictions on those unsuitable. Safeguarding children by prohibiting unsuitable candidates from progressing (A106).

1960's- in response to the new regulations two new workers recruited to ensure that all children in foster placements are visited every three months and a report written following each visit- acknowledgment that some children require visits more frequently than three-monthly (A121).

1960's- Following publication of white paper 3065 the Local Authority was split into county areas- including the functions within Children Services (A45). In response the Children's Officer compiled a report containing implications for the Children Department (C57-58).

1960s- the Social Work Committee first met- would be carrying out the functions delegated to welfare and Children's Committees and thereafter all functions of the Council as contained in Social Work (Scotland) Act 1968 (A233).

1960's- Fife County council submitted a letter to Scottish Education Department regarding regulations for boarded out children which were being considered (C89).

1960's- To keep in line with the recommendations of County Council's association Fife reviewed financial allowances and estimated cost involved in this (C98).

1980's- COSLA- Fife in line with payments to carers with the rest of Scotland, and the majority of England and Wales (C107)

1990's – 2000's – no information available

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

i. Child welfare (physical and emotional)

1930's – no information available

1940's - Circular sent from Department of Health for Scotland and Scottish Education Department reminded Education Authorities of their functions respecting children committed to their care under the Children & Young Persons (Scotland) Act 1937 (C84)

1950's – 2000's -no information available

ii. The child's views

1930's – 1990's - no information available

2000's Funding provided by Fife Council for Who Cares? Development worker. (C181)

iii. Reviewing a child's continued residence in a foster care placement

1930's – 1960's - no information available

1975 - Children Act amended Social Work (Scotland) Act 1968 to enable Secretary of State to make regulations about frequency of reviews. Fife had already instituted some form of review (C181)

1980's – 2000's - no information

iv. Child protection

1930's - no information

1940's- Children's Committee established to be responsible for all matters in relation to Children & Young Persons Act 1937 (C135)

1950's – 1990's - no information

2000's - Procedures developed for managing allegations of abuse within foster care following St Margaret's Enquiry (c176 appendix 6) (A261)

v. Discipline

1930's – 2000's - no information

vi. Complaints handling

1930's – 1990's- no information

2000's – St Margaret's Enquiry – Child Protection Sub-Committee developed procedures for investigating complaints against foster carers. (C178). Evidence of 'Allegations of Abuse made by children and young people regarding foster carers' policy document (A261)

vii. Whistleblowing

1930's – 1990's - no information

2000's – St Margaret's Enquiry – Child Protection Sub-Committee recommended it is made clear that staff may face disciplinary action if they do not come forward with such information. (C178 2.14)

viii. Record retention

1930's – 2000's no information

ix. Recruitment and retention of foster carers

1930's- no information

1940S- In response to the requirements under Children and Young persons (Scotland) Act 1937- agreement to advertise for foster carers in local newspapers (A199).

1950's – no information

1960's – National Poster Campaign asking members of the public to come forward - evidence of poster campaign in Fife (C265)

1970's – 2000's – no information

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

1930's – 2000's - no information

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

Yes – as outlined under 4.1 (b)

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

Observation of Boarded-out Children's Regulations from 1930's on.

1930's- 1950's - Agreement of policy and procedures by Fife Education Committee and Children's Committee. (A5; A6; A10)

1960's – introduction of Social Work Committee. Fife County Council Minutes (A82; A84)

1970's – 1990's – no information available

2000's – Child Protection Committee and development of policies and procedures within Family Placement Service. Evidence of policies being developed in wake of St Margaret's Enquiry. (C176)

f) If not, why not?

No information that policies were not adhered to.

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.

i. Child welfare (physical and emotional)

The Children (Scotland) Act 1995 states that a child's welfare is its paramount consideration (C209).

ii. The child's views

The Children (Scotland) Act 1995 advises that a child's views should be sought and listened to, taking into account the age and maturity of the child (C209)

iii. Reviewing a child's continued residence in a foster care placement

LAC Regulations 2009 S.45 relates to the review of a child's case when they are placed in foster care (C182).

iv. Child protection

The National Guidance for Child Protection in Scotland 2014 outlines the policy context and procedural framework for child protection across all agencies in Scotland (C255).

v. Discipline

The Decision-making Guidance for Foster Carers provides clear guidelines about appropriate and inappropriate forms of discipline that may be utilised by foster carers (C263).

vi. Complaints handling

Managing Allegations Against Foster Carers and Approved Kinship Carers 2013 relates to complaint handling (C183).

vii. Whistleblowing

The Public Interest Disclosure Act 1998 provides protection for workers who blow the whistle on, or raise a genuine concern about, malpractice (C258).

viii. Record retention

LAC Regulations 2009 s.32 and s.43 relate to the retention of records (C182).

ix. Recruitment and training of foster carers

LAC Regulations 2009 s.22 relates to the approval of foster carers, including reference checks (C182).

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

As above (ix.).

4.2 Local Authority

(i) Policy

Past

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

1930's - The Education Committee was set up in response to the 1932 Young People's Act which oversaw the provision of foster care & boarded-out children. There is evidence of the

Committee reviewing and agreeing the need for children to become boarded-out. Following this case discussions and children's officer giving updates on visits to placements.

1930's- appointment of a Children's Officer to carry out all duties regarding boarded-out children, including recording numbers on register (C27)

1934 – Draft regulations adopted by Education Committee. (A13)

1940's - The local authority guidance on the provision of foster care in 1940s set out that provision of foster care should only be utilised when it is established beyond doubt that there is no option but to separate a child from parents (C94)

1943 – Difficulty obtaining suitable homes for Boarded-out children. Position to be reported to Scottish Education Department and County Council (A16); 1943 – Agreement to appoint an Education sub-committee for the Supervision of Boarded-Out Children (A28).

1940S- Cases under the Children & Young Persons (Scotland) Act 1937 to be under jurisdiction of Chief Social welfare officer. (A54)

1950's – 1970's Fife had a special Court to deal with children with Justices of the Peace on the Bench. The Court dealt with children who had offended and were deemed to be in need of care. (C180)

1960's - no information

1971 – Introduction of Children's Hearings in Fife (C180)

1980's -2000's - no information

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

1930's – no information

1940's - There is evidence of policy through discussion at committee meetings that the Authority had intention where possible to care for children on a boarding out basis as preference to residential care. Where children were placed in residential settings the aim was to in the "shortest time possible" transition them to foster placements (A61) (C92/92)

1950's- Increase in maintenance payment for temporary placements where children are placed with foster carers instead of in residential care (A216).

1960's – 2000's no information available

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

1934 – Recorded in Minutes of Education Committee meetings (A18; A34)

1940s – Minute of Education Committee and Education Sub-Committee (A24; A57)

1950s- Minutes of Children’s Committee (A95; A96)

1960s – Minutes of Children’s Committee (A114; A115)

1970’s – Minutes of Social Work Committee (A210)

1980’s – 1990’s - no information

2000’s – Minute of Child Protection Committee and of policies and procedures being recorded by Family Placement Service (C176; C174)

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

i. Child welfare (physical and emotional)

1930’s – Periodical medical visits to Children Prescribed by Education Department Regulations – to be conducted by Medical Officer (A54)

1937 the Health Care Committee appointed Social Welfare Officer to exercise powers of Committee in any case found to be needed in urgency (C76)

1940s- following the introduction of section 10 of Children and young Persons (Scotland) Act 1937 Juvenile Court may order any child in respect of whom an offence has been committed to be removed to a place of safety.

1950’s – 1990’s – no information available.

2002 – St Margaret’s Enquiry – Recommendation that the Director of Social Work evaluate current practice with regard to response to concerns expressed by foster carers about children and young people they have looked after. This is in recognition of the valuable insight they may be able to contribute re welfare of these children. (C180)

ii. The child’s views

1930’s – 1940’s – no information

1950’s – 1960’s – St Margaret’s Enquiry noted that from records and recall of staff and survivors that little credence was given to the views of young people. They were seen as having very low status by the very fact of being in care. There is hardly any evidence that children were asked about their views, and they often did not know if reviews about them were taking place. (C180)

1970’s – no information

1980’s – A raised awareness of Children’s Rights and of the importance of their views being heard was and respected following the publication of the Statement of the UN Convention on the Rights of the Child in 1989 which was subsequently adopted by the UK in 1991. Who Cares? Movement developed during the 1980’s. (C180)

1990s – Since 1996 Fife Council has funded the full-time post of Who Cares? Development Officer. “Voice in the Park” Conference and report. Development of a forum for young people looked after and accommodated. (C180)

2000’s – St Margaret’s Enquiry Recommendation of carrying out a “leaving care” interview with all children allowing them to express their views and feelings about the level of care they have received. (C181)

iii. Placement of siblings

1930s – 2000’s no information available

iv. The placement of a child in foster care

1930s – no information available

1940’s - The children Act 1948 - Duty of Local Authority to provide for orphan’s and deserted children, or children who could not live with their parents. Where their parents were unable or unwilling to care for them, children were to be received into the care of the Councils. The Act required Councils to provide care for children by placement with a family member, with foster carers or in residential care. (C180)

1960’s- Case evidence of Local authority taking over rights and powers over child as stated in Children Act 1948 (A55)

1970’s – 1971 – introduction of Children’s Hearings in Fife (C180)

1980’s – 2000’s - no information

v. The particular placement of a child with foster carers

1930’s – no information

1940s- 1960’s There is evidence of potential carers coming forward to be considered for specific children - Authority has visited these people and they have taken on care of children. (C162)

1970’s – 2000’s no information

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

1930’s – 2000’s - no information available

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

1930’s – 2000’s - no information available

viii. Information sharing with child’s family

1930’s – 1990’s no information available

2000’s – St Margaret’s Enquiry - Child Protection Committee Sept 2000 recommendation 2.6 – when a young person makes an allegation of abuse against a

foster carer consideration to be given to the child's birth parent being notified and included in the process. (C178)

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

1930's – 2000's - no information

x. Recruitment and training of foster carers

1930's – no information

1940S- The procedure for applicants wishing to be a foster parent documented by Children's committee. Applicants will be visited by a supervisor and if suitable the supervisor will then make "full inquiries" with local minister, police, head teacher. If after this the applicant is deemed suitable by supervising, then the Medical officer will certify as being "fit for boarding out" (C86/87).

1940'S- Health care committee - at the time 70% of applicants to be foster carers "rejected as unsuitable". Discussion about the qualities of carers that are looked for at the time includes "innate ability and character" and "healthy and normal family environment" (C86, C87)

1950's - The Council had to obtain references from local people of standing but there was no assessment and little scrutiny of any care abilities (C180).

1960's - Applicants to foster completed application form and submitted to Children's department (A171)

1960's - The Children's Committee agree with report from Children's Department and Officer that the County Medical Officer will be approached during assessment of prospective carers for further assessment of suitability to foster (C99/100)

1970's – 1990's - no information available

2000's – St Margaret's Enquiry – introduction of professional competencies for foster carers and recommendations for making recruitment process more rigorous. (C177). Example of competencies displayed by carer to become 'Level 2' carer presented to Fostering panel (A248).

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

1930's – 2000's no information

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

1930's – 1940's no information

1950's - Evidence of placements being reviewed by the Children's Committee and agreement to continue placements post 16 years old (C83).

1960's – no information

1970's – 1975 Children's Act – evidence that Fife was already reviewing children's placements in foster care (C180)

1980's – Evidence of annual reviews of foster carers taking place (A260)

1990's – no information available

2000's – Evidence of annual reviews of foster carers taking place (A249).

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

1930's – no information available

1940s- quarterly visits expected to be undertaken to placements (A49) (A201) (C81).

1959 Boarding-out (Scotland) Regulations responsibility of visiting child placed on Boarding-out officer of the Authority. These officers had main responsibility for finding foster homes and supporting foster parents. Regulations specify that the Officer will on occasion see the child, his foster home and his foster parent and report in writing to the Care authority on these visits. No regulations about the frequency of contact with children placed in care. Health education and social development of child are not covered in the Regulations but the need for medical and dental care is stressed. (C180)

1960's- The Children's Committee agreed that visits to children placed within and out with Authority will be undertaken on a rota system (C80)

1961- The Children's Committee considered challenges in developments within Local Authority services- increased numbers of workers resulting in lack of co-ordination and understanding of each- others' roles and functions resulting in failure to refer a problem to appropriate agency in time and unnecessary duplication of work. Suggested that Heads of Service ensure that workers are aware of statutory powers and duties held by other Departments. Acknowledgement that "multiplicity of visiting" is not always undesirable but co-ordination and a proper plan should be in place. (C90)

1970's – 1976 Reviews of Young People's Care were made mandatory (Section 80 of Children Act of 1975) Reviews had already been instituted in Fife but more attention given to views of professionals rather than children. (C180)

1980's – 1990's – no information available

2000's - Management Audit by Fife Social Work Services to ensure checks are in place to protect children from risk of harm. Management Audit further considered by Sub-group of Child Protection Committee. (C 174)

2000's - recommendation from St Margaret's Enquiry Report that there should be regular visits (Four-weekly) from social workers who should see children on their own. (C180)

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

1930's- Moves between placements recorded by Education Committee (C29).

1940's – 2000's - no information available

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

1930's – 2000's - no information available

xvi. Child protection

1930's – 1990's no information available

2000 St Margaret's Enquiry - recommendation 115. that field social workers should make occasional unannounced visits to carers' homes. (C174)

2002 St Margaret's Enquiry – recommend selection process for foster carers needs to include specific attention to sexual abuse and the safety of care that prospective foster carers can provide. Request for medical checks from GPs asking specific questions about sexual abuse. (C181)

xvii. Complaints handling

1930's – 1990's no information

2000's - Procedures developed re managing allegations of abuse against foster carers. (C176 appendix6) (A261). Evidence of these procedures being updated on a regular basis following implementation.

2000 St Margaret's Enquiry – recommendation 112 – investigations into allegations against foster carers to be carried out by an independent person with no responsibilities for foster care provision in that area. (C174)

2002 St Margaret's Enquiry – Recommendation 12 – In light of recent incidents recommendation that Council change its policy to ensure that where an allegation is made against a foster carer all other young people who have lived in the foster home are interviewed about their experience when while in care. (C181)

xviii. Whistleblowing

1930's – 2000's - no information available

xix. Record retention

1930's – 1940's no information

1959 – Boarding Out Regulations – Required Local Authority to compile and maintain case record of each child boarded out by them. The case record was to be preserved for at least three years after the young person's eighteen birthday. (C181)

1960's – 2000's no information

e) Who compiled the policies and/or procedures?

1930's – Education sub-committee (A1; A3)

1940's – Education sub-committee (A13; A10)

1950's – Education sub-committee (A78)

1960s- Children's Committee (A98)

1970's – 2000's – Child Protection Committee

2000's – Policies compiled by Family Placement Service

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

As outlined above

g) Were such policies and/or practices reviewed?

1930's- Education Committee reviewed the supervision of boarded out children- agreement that the Probation Committee has no role (C25, C26).

1940's- Health Care Committee minute reflects on numbers of visits to children by a number of professionals and there being a danger of children being over visited- it is agreed that in practice there have been few complaints about over visiting- visiting to continue as agreed (C86/87).

1940's- Service review of care and protection cases (A 54)

1940's- The practice of quarterly visits was reviewed, and provision put in place when due to increase of numbers of boarded-out children it was not possible meet the quarterly visit requirement. (A49)

Boarded-out Children Committee to meet representatives of the Public Assistance Committee to discuss administration relating to boarding-out of children. (A49)

1943 - Review of administration relating to boarded-out children (A37)

1960s - visits to boarded-out children reviewed by the Children's Committee (A65)

1961- The Children's Committee considered challenges in developments within local authority services- increased numbers of workers resulting in lack of co-ordination and understanding of each-other's roles and functions- resulting in failure to refer a problem to appropriate agency in time and unnecessary duplication of work. Suggested that Heads of service to ensure that workers are aware of statutory powers and duties held by other departments.

Acknowledgement that “multiplicity of visiting” is not always undesirable but co-ordination and proper planning should be in place. (C90)

1970's –1990's no information available

2000's – review in wake of St Margaret's Enquiry (C174 – C181)

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

1930's – 2000's changes in legislation resulting in updates for Boarding-out Regulations.

2000's – changes in response to findings and recommendations of St Margaret's Enquiry. (C174-C181)

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

Increased safeguarding for boarded-out children.

Increased scrutiny of Foster Carers and of placements for children.

Increased staffing - more frequent visiting and better co-ordination and communication between workers and teams. More frequent visiting to placements.

j) Why were changes made?

Changes in legislation.

Service development and improvement.

Responding to recommendations of Enquiries.

k) Were changes documented?

1930's – Education Committee (C14)

1940's – Health Care Committee and Public Assistance Committee (C37)

1950's – no information

1960's - Children's Committee (C41)

1970's – 1990's – no information

2000's – Child Protection Committee meeting minutes. updated Policies and Procedures held with Family Placement Service. (C174)

l) Was there an audit trail?

1930's – Education Committee minute (C25, C26)

1940's – Health Care Committee and Public Assistance Committee minute (A37)

1950's – no information

1960's Children's Committee minute (A65)

1970's – 1990's – no information

2000's – St Margaret's Enquiry Management Audit (C174; C184)

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.

i. Child welfare (physical and emotional)

Fife Council Foster Carer Handbook highlights the importance children's physical and emotional welfare:

keeping everyone safe in your fostering household is a top priority. For this reason, we insist that every family prepares a Safer Caring Plan before being presented to the Fostering or Permanence Panel for approval. A Foster Carer's Safer Caring Plan is a set of "home rules" that will help you to ensure that your home is a safe place at all times. The whole family should be involved in agreeing your guidelines and you should discuss it with your Supervising Social Worker who can advise on particular aspects (C184).

ii. The child's views

Fife Council Foster Carer Handbook stresses the importance of seeking the child's views:

Listen to children and young people and take their views into consideration. We believe that Foster Carers have a particular role in helping children and young people express and have their views heard (C184).

iii. Placement of siblings

Fife Council's policy is to place siblings together wherever possible, unless this has been assessed as detrimental to the any of the children.

iv. The placement of a child in foster care

Fife Council Foster Carer Handbook describes the different forms of fostering:

There are four different types of fostering: temporary/interim, long term, permanent and short break. The assessment process and on-going expectations are the same for all of these types. Foster Carers sometimes move from one type of fostering to another over the course of their fostering career. In addition, some carers are approved to foster for more than one type of fostering such as being a Permanent Foster Carer for a matched child as well as short break carer (C184).

v. The particular placement of a child with foster carers

Fife Council Foster Carer Handbook describes the procedure around placing a child with foster carers:

If it is an emergency placement you will have received a phone call from either your Supervising Social Worker or the Duty Worker about your availability to take a child. You will receive information about the child and a phone call from the Child's Social Worker.

If this is a planned placement you may have an opportunity to meet face to face with the Child's Social Worker and depending on their age and type of placement also with the child.

This stage is about establishing a relationship with the child and helping to welcome them into your family and household (C184).

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

Fife Council Foster Carer Handbook covers contact between a child and their family:

When children are in foster care the time they spend with their birth family is referred to as contact. Contact for Looked After children is normally with their parents and siblings but can also be with grandparents or other significant family members. Decisions about where contact should take place and who is supervising the contact are normally agreed at the Planning Meeting (see Section 5 Looked After Child Meetings) which takes place 72 hours after a child is accommodated into foster care. They can also be made at a Children's Hearing (see Section 5 under Children's Hearings and also Legal Orders). Whatever is decided will depend on the reason the child has come into care, their legal status and crucially what is in their best interests.

As a Foster Carer part of your role is to comply with and assist with the agreed contact arrangements as set out in the Child's Plan. Where possible, you would be expected to provide the transport to and from the venue for the contact and for ensuring your Looked After child is ready for the contact. Contact can often be an emotional and challenging time for both the Foster Carer and the children in their care. Carers will also need to support a child to manage their feelings of anger, frustration or excitement before or after contact. Therefore, it is important carers record these observations in their notebook so it can be shared with Child's Social Worker and your Supervising Social Worker (C184).

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

As above (vi.).

viii. Information sharing with the child's family

Fife Council Foster Carer Handbook touches on the information sharing between the foster carer and the child's family:

It is important to bear in mind that birth parents may still have full parental rights and responsibilities such as consents for haircuts or trips away. This means it is important to think about the parental role in decision making and sharing information about their child (C184).

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

Fife Council Foster Carer Handbook describes the structure and function of fostering panels:

The Fostering and Permanence Panels consist of independent chairpersons and members who make important recommendations about children in need of permanent care and approve prospective Adopters and Foster Carers. The panel consist of representatives of the Social Work Service, Foster and Adoptive Carers, psychologist, a medical advisor and a legal advisor.

In Fife there are a number of different panels which have specific functions for example one considering the approval and review of Temporary Foster Carers and another one which considers the approval and review of Permanent Foster Carers and adopters, the registration of children for permanence and the matching of children with permanent families (C184).

x. Recruitment and training of foster carers

Fife Council Family Placement Fostering Criteria covers aspects of recruitment policy:

- The main carer you should not work more than 18 hours per week to be available to attend the various meetings where you will be required.
- Must be over 21 and either single or have been in a partnership for at least two years.
- Have a positive interest and understanding of children.
- Must be medically fit
- Must be a non-smoker (including e-cigarettes) for a minimum of 6 months prior to an application being accepted.
- Should have no record of offences against children.
- Able to provide appropriate references.
- Able to meet basic health and safety standards.
- Must have a separate bedroom available for fostered child (ren).
- Must have a telephone.

- Do not own dogs described in the Dangerous Dogs Act or other prohibited animals.
- Must declare information on any firearms held.
- Have their own transport or ready access to public transport.
- Willing to consider age range of current recruitment.
- Have some child care experience.
- Able to attend preparation group and undergo home study of whole family.
- Able to attend support and training groups (C193).

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

No information available

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

Fife Council Foster Carer Handbook describes the policy and procedure relating to the review of a child's placement:

Children who are Looked After will be reviewed by the Social Work Service on a regular basis. In Fife an Independent Reviewing Officer chairs the reviews. The purpose of a review is to provide an opportunity to take stock of a child's circumstances, to consult formally with parents and children, to assess the effectiveness of current plans and to make future plans. Foster Carers attend reviews with their Supervising Social Worker where appropriate and necessary.

The first review must be held within 6 weeks of the child becoming Looked After, a second review within a further 3 months and subsequent reviews at least every 6 months. After each review the Reviewing Officer will distribute a record of the decisions, normally within 14 days. Reviews can be distressing to some children and their parents. It is important that Foster Carers are able to remain calm and offer support to the child/ren no matter how difficult the meeting may be (C184).

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

Fife Council Foster Carer Handbook covers all aspects of visits to placements:

- Ongoing emotional and practical support from your Supervising Social Worker
- Relevant advice and guidance from your Supervising Social Worker
- Fortnightly visits for the first three months and four weekly visits thereafter from your Supervising Social Worker

- One unannounced visit from your Supervising Social Worker per year
- Supervision every six months from your Supervising Social Worker
- Encouragement and assistance in your learning and development from your Supervising Social Worker
- Relevant equipment if required at the start of a placement
- Expenses processed in a timely manner
- Annual Foster Carer Review Report to be completed by your Supervising Social Worker
- Assistance from the Fostering Duty Worker in absence of your allocated worker
- Any issues or concerns raised by the carer to be addressed in a timely manner
- Any practice issues or concerns about standards of care raised by your worker will be addressed in a timely manner
- Support in the event of a concern/complaint being made by a child or their family
- Monitoring of the care you provide and help to meet the appropriate requirements and competencies as a Foster Carer
- Out of Office Hours Social Work support
- Support through placement endings and transitions
- Visit to the second Foster Carer/sons and daughters of Foster Carer's every third visit (C184).

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

Fife Council Foster Carer Handbook describes the process for transferring a child between placements:

Many Looked After children have experienced trauma and may not have developed secure attachments or the ability to regulate their emotions under stress. Due to their past histories they tend to experience change as something threatening, find it very difficult to tolerate uncertainty and have not experienced successful endings or transitions.

Therefore, what these children need from you is support to help them through this process. You will be working as part of a team around the child to help prepare and support them through these endings and transitions.

You can help support a child through this by increasing their resilience which will in turn help them become more able to manage endings and transitions successfully. As a carer you are doing this through the 8 Wellbeing Indicators; providing them with a trusting and reliable adult figure, giving them consistent routines, providing them with opportunities to engage in leisure activities, helping them to gain positive school experiences and build good relationships with peers (C184).

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

As above (xiv.).

xvi. Child protection

Fife Inter-Agency Child Protection Guidance covers all areas of policy and practice in relation to child protection within the local authority, and as such, implicitly applies to all children and foster carers (C260).

xvii. Complaints handling

Fife Council Procedures for Dealing with Complaints and Concerns about Foster Carers covers the following:

- nature of complaints,
- decision to investigate,
- investigation process,
- support to a child who has made an allegation,
- communication with birth families,
- support to foster carers and their children during the investigation process,
- children in purchased foster care placements (C185).

xviii. Whistleblowing

Fife Council Whistleblowing Guide covers policy and procedure for employees of the local authority, and this would also apply to foster carers (C259).

xix. Record retention

Fife Council's Records Management Policy covers all aspects of record management within the local authority (C264).

(ii) Practice

Past

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

1930's- Evidence of procedure in place- identifying children requiring foster care - Education Committee advises children's officer that children suitable for boarding-out (C23).

1940's – No information available

1950's- The Children's Committee receives monthly updates about numbers and changes for children and young people who are in foster care. The children committee recommends that the finance committee support alternative accommodation of foster carers- this supports the earlier evidence of aim to recruit more carers- if needed provide suitable accommodation (A164)

1960's – 2000's - no information available

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

i. Child Welfare (physical and emotional)

1930's – 1940's - no information available

1950's – 1960's - St Margaret's Enquiry. Survivors had mixed experiences of their time in foster care. Some has very warm relationships with their foster carers.

However, For many young people their time in foster care was a harsh experience including deprivation of food, serious physical punishment and being sent out in the cold for lengthy periods while their carers were in the house. Records for one family noted they were neglected and poorly cared for. Records show they were removed because their carers had locked them in a washroom. There is no indication if the carers were charged with neglect or allowed to continue as foster carers. (C180)

1970's – 2000's – no information available.

ii. The child's views

1930's – 1990's - no information available

2000's – Policy document in relation to allegations of abuse notes (page 4, 4.2) that referral should be made to children's rights service (A261). Document (A257) suggests that policy was being implemented as Barnardo's Children's Rights Service are supporting a child. (A259)

iii. Placement of siblings

1930's – 1940's no information available

1950'S- There is evidence of placement of sibling groups together (C146).

1960's – Evidence of placement of siblings (twins) together (C 175)

1970's – 2000's - no information available

iv. The placement of a child in foster care

1930's – 1950's - no information available

1960's- evidence of children being approved as “suitable for boarding-out” following medical examination. The children officer shared information about children and suitable carers found (C153)

1970's – 2000's - no information available

v. The particular placement of a child with foster carers

1930's – 2000's - no information available

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

1930's – 1990's - no information available

2000's – Example of Carer's portfolio containing evidence where carer has 'worked closely with the [birth] parents, passing on her experience and skills in the hope that the child could return home (A248)

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

1930's – 2000's - no information available

viii. Information sharing with the child's family

1930's - no information available

1940s - there is evidence within the Education Committee Minutes that Children's Officers maintained contact with family members - sharing information and also reviewing family circumstances and rehab home (A43)

1941- Education Committee heard agreement that workers to visit placement of boarded-out children and provide update (A41)

1950's – 2000's - no information available

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

1930's -1970's - no information available

1980's- With reference to a specific case advice was given regarding a panel decision. A worker sought to appeal a decision of the fostering panel. The procedure in place at that time was that an application to appeal a decision could be made directly to the Director of Social Work. In this instance the Director supported the decision made by the panel on the basis that it was “a well-considered decision”. (A257)

1990's – 2000's - no information available

x. Recruitment and Training of foster carers

1930's – 1940's - no information

1950's- Following an appeal by the Scottish Home Department for foster carers the Children's Committee agreed to circulate posters following the BBC showing of programme re Homeless children (A174)

1960's- Example of a fostering application including rooms available for fostering (C157) (C158)

1960's - Evidence from fostering application of workers expectation of applicants and that they should have an understanding of the needs of children and the responses they need from foster carers (C158).

1970's – 2000's no information available

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

1930's – 1980's no information available

1990's – example of application requesting employer's details (A239)

2000's – no information

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

1930's – 1940's - no information

1950's - The children's committee overview of boarded-out children. Placement updates are given and reviewed- example of a placement in which a carer died, and the daughter took on care of children (A97) (A108).

1950's - example of children's committee instructing children's officer to remove a child from current placement and find another after report from Children's' Officer (A231)

1960's – 2000's - no information available

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

1930's - evidence within Education committee minutes of visits to placements (C11) (C13)

1940's - due to an increase in numbers of boarded out children workers were unable to make required number of visits. Action put in place to ensure that other workers would undertake visits to ensure all boarded out children seen as stated (A49).

1950's- evidence that Children's Committee advised children's officer of supervision levels on particular placement (A214). Visits undertaken to placements by the Children's officer and reports submitted to the Children's Committee- (A145) (A156) (A160) (A185) (A189B)

1960's- visits were undertaken on a regular basis to foster placements- the reports were shared with the Children's Committee (A63) (C39) (C43) (C56). Children's committee report on visits- includes information from Children officer that he was pleased with improvements made to one foster home (C46)

1970's – 2000's - no information available

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

1930's – no information

1940's- case notes for children and young people make record of any moves in foster placements (A66) (A67)

1950's- Evidence of reasons being recorded why children moved and also of work being undertaken to support young person following a move (A92)

1950's- evidence of planning for children following death of foster parents in an accident (A162)

1960's - letter to parent to notify that current carer on holiday and children will spend rest of summer holiday in alternative placement (C175 p 171)

1960's - example of children moving placement as current carer had found employment (C175)

1970's – 2000's - no information available

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

1930's – 1940's - no information available

1950s- Evidence of the Children's Committee reviewing placement- plan to move 2 children from Residential to foster placement for a trial period (A168) (A214).

1960's – 2000's - no information available

xiv. Child protection

1930's – 2000's - no information available

xvii. Complaints Handling

1930's – no information

1940's - The Children's Committee heard a case example of carers sharing a bedroom with a child in their care- they were given a warning and a timescale to provide satisfactory sleeping arrangements or the child to be moved (C136).

1950's – 1990's - no information available

2002 – St Margaret's Enquiry Recommendation 109 that young people involved in allegations of abuse by a carer should routinely be offered that support of Children's Rights Officer or another independent person. (C175)

xviii. Whistleblowing

1930's – 2000's - no information available

xix. Record retention

1930's – 1990's - no information available

2000's – St Margaret's Enquiry – identified through 1950's and 1960's records were not kept according to guidelines (C180)

c) How was adherence demonstrated?

1930's -1950's Evidence of Children's workers reporting directly to Education Sub-committee and Children's Committee. Evidence of policies being updated at committees as outlined above. (A36)

From 1950's evidence of written records in Children's files. Information about recruitment of foster carers kept in Children's files from late 1950. (C175)

From 1980's evidence of annual reviews for foster carers. Evidence of files being kept for foster carers. (A262)

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

Examples of policy and practice documented in this report.

From 1950's some examples of case note recording (C175)

e) Were relevant records kept demonstrating adherence?

Yes - some

f) Have such records been retained?

Some but not all records have been retained – evidence of some missing documentation and records as reported in the St Margaret's Enquiry. (C180)

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

No evidence

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

Present

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

Yes

j) If so, please give details.

(ii) Practice

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

Yes

(b) Does the local authority adhere in practice to its policy/procedures on the following?

i. Child welfare (physical and emotional)

Foster carers and supervising workers have a safer caring plan in place prior to any placement being made. This is then reviewed and updated for specific children and young people in placement- including any specific issues relevant for that young person such as returning home for visits to birth family, boundaries when in the community- in agreement with relevant workers. Safer caring plans are stored in carer files and electronically (C184 & C185).

Foster carers provide monthly summaries for each child in placement. The report is guided by SHANARRI indicators. These are shared with children's workers and can highlight changes in children wellbeing (C188 & C189).

Prior to a child being placed in foster care a Risk assessment is undertaken and shared with foster carers. The risk assessment is a working document and reviewed regularly. These are stored in carers files and are agreed with the child's worker. Practice examples include a risk assessment provided by a child's worker and this being reviewed after a period of time in placement following an allegation made in placement and the young person's behaviour and well-being causing concern (C190 & C191).

ii. The child's views

Where possible Children and young people's views are sought by workers prior to a placement being made- they can be given a profile of the fostering family prior to placements being agreed and to prepare for them for moving to their foster placement (C192).

As part of foster carer reviews child's views are sought about the placement. These are discussed at foster carer reviews. Where children are too young these views can be sought through their social worker (C195, C196, C197)

iii. Placement of siblings

The service strives to keep sibling groups together and workers will seek out with approvals to increase carers approval range to support children's plans to keep sibling groups together where is possible and in their interest to do so (C200) (C201).

iv. The placement of a child in foster care

A child is referred to the service by their social worker and a referral to Resource panel where required (C206).

Matching forms can be used to inform workers assessment of if the placement is suitable for available carers (C207) - Highlighting the strengths and vulnerabilities of the placement. Where vulnerabilities are highlighted supports can be identified to support placement.

Carers are given all information of a child being referred and considered to be placed with them.

When a child is placed in foster care there will be a 72-hour planning meeting held and also day to day placement agreement put in place with Carer, C & F worker and family placement team (C203).

A day to day placement agreement is drawn up with all involved- ensuring that medical info, contact, education plans etc are agreed and all have clarity about who is responsible for meeting the needs of child/ young person in placement. Any additional payments for clothing etc can be agreed at this meeting (C204 & C205).

v. The particular placement of a child with foster carers

Co-ordination meetings are held where placements of particular children are made- planning the introduction period, how this will be reviewed and the move from one carer to another (C208).

Where children have been in permanent placements family members have been identified to care for children when a carer is no longer able to and presented to fostering panel for specific children (C211).

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

Foster carers complete monthly summaries which include information sharing about family contact Including how children have managed the contact and any changes prior to or following contact. (C212)

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

Foster carers support contact with siblings who are in foster care. Where it is appropriate there are examples of carers facilitating contact between siblings in an informal manner (C239)

viii. Information sharing with the child's family

There are examples of foster carers providing updates to birth parents as agreed with area team workers and as part of a child's plan (C231).

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

Panels chaired by independent chair people and are made up of 2-3 panel members and a panel advisor. There are planned regular panels. Minutes are produced within timescales to be reviewed by the ADM (C246).

x. Recruitment and training of foster carers

Prospective carers can contact the service in the first instance by telephone or by completing an online enquiry form (C213).

If the prospective carer is suitable for service and continues to be interested after this initial call then the service will arrange and undertake an initial visit to the household (C214).

Following an initial visit a prospective carer will be invited to preparation training- 3 sessions (C226).

Alongside this the carer will complete an application form (C219).

When application form is received a worker is allocated and form f assessment begins. The assessment will be undertaken within a timescale of 4 months and presented to a fostering panel (C220).

The panel will make a recommendation to approve the workers recommendation to the panel before being agreed by the ADM (C221).

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

Employer references are sought as part of the form f assessment (C219)

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

Lac children are reviewed either 6 monthly or yearly depending on their legal status and on their placement. Foster carers and link workers provide reports and attend lac reviews (C228)

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

Foster carers are visited by their allocated supervising social worker on a 4-weekly basis. These visits are recorded on the system covering SHANARRI headings.

Additionally, carers have 6 monthly supervision (C224 & C230).

Joint visits are undertaken 12 weekly (C231)

Carers complete monthly summaries (C188 & C189)

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

Co-ordination meetings are held for placements for children moving between carers on a planned basis (C208)

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

The child's allocated social worker will work with the child's foster carer and residential child care staff to plan a transition that is appropriate to the child's needs.

xvi. Child protection

Examples of a young person making an allegation of physical abuse against a foster carer and the action taken by workers for carer and young people (C240) (C242, C244 C245 C246)

Foster carer and workers undertake regular child protection training and updates.

xvii. Complaints handling

In line with the complaints procedure there is examples of the process being followed. The following case example documents a case when an allegation was made by a child and the process which followed. The carer also used the complaints procedure and sought external supports for the panel which followed. (C242, C244, C245, C246)

xviii. Whistleblowing

No case examples found

xix. Record retention

Records are kept and archived as stated in record retention policy (C254).

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?

1930's – The County Council willing to undertake the care of children committed to their care under the 1932 Children Act. Assurances given that the arrangements are made in accordance with the Act (A2)

1930s- procedure recorded in relation to receiving children into foster care- children should be placed on register notifying the education offices. All children on the register should be under the supervision of district health nurses. District nurses to visit all children received into care and then all children on the register to be visited quarterly- reports to be submitted to Education Committee (A205).

1937 the Health Care Committee appointed Social Welfare Officer to exercise powers of committee in any case found to be needed in urgency (C76)

1940's – Circular sent from Department of Health for Scotland and Scottish Education Department reminded Education Authorities of their functions respecting children committed to their care under the Children and Young Person's Act 1937 (C84)

1948 – Children Act made it duty of local authority to provide for orphans, deserted children, or children who could not live with their parents. (C180)

1950's – no information available

1960's – In response to new regulations being published two new workers recruited to ensure that children residing in foster carer were visited every three months. Report to be written following each visit. (A121)

1960's – Social Work Committee first met. Purpose to carry out functions delegated to Welfare and Children's Committees and thereafter all functions of the Council as contained in the Social Work Scotland Act (1968)

Pre-1971 (Children's Hearing System) Children could be placed in care by the Courts. Fife had special Courts to deal with Children. The Court dealt with Children who had offended or were in need of care. Recommendation for children to be received into care could be made by the Police, Education or voluntary organisations as well as Children's Department.

1970's – Introduction of Children's Hearing System and Children's plans being reviewed when they are placed in foster carer (C180)

1980's – 2000's - no information available

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

1930's - From information available the aim has been to monitor children in foster care with an emphasis on their physical health.

1948 Children Act – If parents agreed to the authority providing care their child could be accommodated with consent. Many parents had their rights removed by a Committee of the Council if they were seen to be failing to provide care for their child. Once a child was in care the often a return home was not seen as possible and little active work was done to secure rehabilitation. (C180)

1968 Social Work (Scotland) Act and subsequent introduction of Children's Hearings by 1971. Decision making moving away from the Juvenile Court system.

1970's - Reviews for children in the care of the local authority with greater emphasis on emotional welfare of children and ensuring parental rights were upheld and assessment ongoing regarding possible rehabilitation. (C180)

2000's – Following the St Margaret's Enquiry Policies and procedures were updated with clear intention of safeguarding children in the care system. Clear recommendations regarding

assessment, approval and training and support for foster carers. Concerns and complaints procedures introduced as a means of safeguarding children. (C179)

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

Various Committee Meeting minutes as documented under 4.2 k)

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

i. Safeguarding

1937 the Health care committee appointed Social Welfare Officer to exercise powers of committee in any case found to be needed in urgency (C76)

1940s- 1950's- no information available

1961- The Children's Committee considered challenges in developments within Local Authority services- increased numbers of workers resulting in lack of co-ordination and understanding of each other's roles and functions- resulting in failure to refer a problem to appropriate agency, and unnecessary duplication of work. Suggested that Heads of Service ensure that workers are aware of statutory powers and duties held by other Departments. Acknowledgement that "multiplicity of visiting" is not always undesirable but co-ordination and proper plan should be in place. (A90)

1970's – 1990's - no information available

2000's – St Margaret's Enquiry – Recommendations made to ensure better safeguarding for children in care. Complaints procedures introduced, Minimum visiting requirements for 4-weekly, more rigour and detail required in assessing prospective foster carers. (C 178)

ii. Child Protection

1930's – 1940's - no information available

1950's - 1960's- Policy following the introduction of the Children Act 1958- guidance on procedure of removing child from foster placement- use of place of safety if necessary. Notes carers right to appeal (A106)

1970's – 1990's - no information available

2000's – St Margaret's Enquiry - Child Protection Committee develop policy and procedures for allegations of abuse against foster carers (C178)

iii. Medical Care

1930's – Periodic medical visits to boarded out children to be conducted by Medical Officer (A 54)

1940's- The children's committee agreed that in addition to existing regulations that boarded out children should be medically examined at school 6 monthly (C84)

1940's - Dental inspection of boarded out children to be undertaken 6-monthly either in foster homes or in school (A 86/87)

1950's - Senior Medical Officer notified about placement of children with foster parent (C175 p104)

1960's – 2000's no information available

iv. Children's physical wellbeing

1930's – 1940's - no information available.

1950's- Children's Committee agreement to pay additional allowance for incontinent children (A187).

1960s- the authority offered financial assistance to ensure medical needs of children met. (A82)

1960's- The authority reviewed clothing allowances for children and changes made were included in the financial review (A84)

1960's- The Children's Committee agreed to increase allowances to boarded out children after considering the repeat requests from foster parents to supplement allowances to meet costs for shoe repair, additional clothing etc. it was noted that other authorities have higher rates than Fife (C88).

1960's- As above- to meet other authority allowances and reduce repeat requests for supplemented allowance (C88)

1970's – 2000's no information available

v. Children's emotional and mental wellbeing

1930's – 1950's - no information available

1960's example of discussion with carer about Children's religious and cultural needs. Carer willing to take children to Chapel to enable them to practice their religion (c175 p189).

1970's – 2000's - no information available

vi. Schooling/education

1930's – no information available

1943 – Committee agrees to continue purchasing school clothing for boarded out children (A39)

1950's- The children's committee considered and agreed to support a young person to attend Nautical college- Navy training (A177)

1960s- The county Council agreed clothing grants ensuring children had adequate clothing to attend school (A77)

1970's – 2000's - no information

vii. Discipline

1930's – 2000's - no information available

viii. Activities and holidays for children

1930's - no information available

1940'S- Children's Committee decision that children should be granted pocket money (A208).

1950s- Foster carers can apply for holiday grants to take children on holiday up to an agreed amount- these to be agreed with Children's officer and the children's committee (A89) (A182).

1960's – 2000's - no information available

ix. Sharing a bedroom

1930's – 1950's - no information available

1960's- Evidence from fostering application that at this time it was accepted that foster children could share a bedroom with birth children of foster carer (C157).

1970's – 1990's - no information available

2000's – Minutes of Case discussion identify that Service Manager will co-ordinate information regarding unrelated children sharing bedrooms. (A256)

x. Contact with family members

1930's – 2000's - no information available

xi. Contact with siblings

1930's – 2000's – no information available

xii. Celebrating of birthdays and other special celebrations

1930's – no information

1940s- Funds available for Christmas- additional payments made (C140).

1950's- funds available for purchase of Christmas toys, decorations etc – provided to all foster placements (A103) (A111) (A187).

1960's – 2000's no information

xiii. Information sharing by the foster carers with family members

1930's – 2000's - no information available

e) Who compiled the policies and or procedures?

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

Time scales outlined above

g) Were such policies and/or practices reviewed?

Yes

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

Changes in legislation and National Policy.

Development of practice.

Responses to Enquiry Reports.

To keep up with other local authorities (review of allowances for children).

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

Decisions being made by Children's Hearing System rather than Juvenile Courts.

Increased awareness of the emotional needs of children in care.

Reviews of Children's plans and assessment of whether rehabilitation to birth family is possible.

j) Why were changes made?

Changes in legislation and National Policy.

Development of practice.

Responses to Enquiry Reports.

To keep up with other local authorities (review of allowances for children).

k) Were changes documented?

1930's – 1960's – relevant Committee Meeting Minutes

2000's – Family Placement policy documents.

l) Was there an audit trail?

No information

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.

i. Safeguarding

Fife Inter-Agency Child Protection Guidance covers all areas of policy and practice in relation to child protection within the local authority, and as such, implicitly applies to all children and foster carers (C260).

ii. Child Protection

As above (i.).

iii. Medical care

Fife Council Foster Carer Handbook covers expectations around medical care:

You will have a key role in promoting the health of children in your care. This starts with ensuring that they are registered with a Health Centre, dentist and optician, you keep in communication with relevant Health Professionals and promote a healthy diet and exercise.

Evidence from research and best practice suggests that the health needs of Looked After children are best met when we think about them holistically. This means being aware of a child's mental and emotional health whilst ensuring they have their immediate needs for treatment met and building up good habits about attending for routine appointments.

For routine appointments you should act as if the child is a member of your own family, which means deciding when treatment is needed and arranging for this promptly. It is not necessary to notify the Social Worker of minor childhood ailments until the Social Worker's next visit. If it is suitable and within the child's care plan birth parents will be notified of health appointments and where possible will attend (C184).

iv. Children's physical wellbeing

Fife Council Foster Carers Handbook provides guidance on children's physical wellbeing:

Many Looked After children due to their previous life experiences have higher rates of poor physical health such as vision problems and tooth decay. Foster Carers should not underestimate their responsibilities to be role models in this area.

Many Looked After children placed with Foster Carers have experienced poor physical care and this includes having a healthy diet and being encouraged to play and exercise. Children and young people may be reluctant to try new foods and have a restricted diet. We expect Foster Carers to be aware of the importance of a balanced diet and plan varied, interesting and healthy meals. Try to encourage children to eat lots of fruit and vegetables, rather than sugary, high fat snacks. This may take time, patience and encouragement. Other Foster Carers, the Health Visitor and your Supervising Social Worker may help you to be persistent and creative in how to achieve this (C184).

v. Children's emotional and mental wellbeing

Fife Council Foster Carer Handbook highlights children's emotional and mental wellbeing:

In order to help the child recover from the past and develop into healthy adults you should consider yourself to be central to the process by providing a secure and safe base. Your role as a Foster Carer is to provide the child with emotional warmth and being available to them for support. This means being attuned to their emotional needs, responding sensitively and helping increase their resilience through positive coping strategies that they can use in later life.

Some children and young people need additional help from specialist resources to recover and Foster Carers have a crucial role in:

- Identifying children and young people's difficulties
- Providing detailed information about how children think, feel and behave, to professionals who are developing assessments and plans
- Supporting treatment and therapy, including providing transport, accompanying children and young people to appointments and remaining available throughout
- Working alongside professionals and specialists and understanding their different roles in helping children and young people to recover and develop (C184).

vi. Schooling/education

Fife Council Foster Carer Handbook provides information around a child's education:

Foster Carers are expected to provide an educationally rich environment at home which encourages learning and educational attainment. This will mean having books, drawing materials, a computer and other learning opportunities available for the age and stage of the child. A quiet space to study is also important.

Looked After children have often experienced moves of school or periods of absence. They may need the support and encouragement of their carer to help them settle in school. They may struggle with work, both in school and homework, and you will need to be aware of any

difficulties they are experiencing. You may need to be in regular contact with their teachers so that they are kept informed of problems and know what to expect. You should also encourage and reward progress, however small.

Looked After children have better life chances in relation to work and being able to make and sustain relationships if they engage with learning at school. It is therefore important that Foster Carers maintain a positive view of the role of education as well as surrounding a child or young person with a positive view of their own potential to achieve at school.

In order to do this you need to form a close working relationship with key personnel at the child or young person's school. Who this will be will depend on the child's age and the school which they attend. For a primary school this is usually the class teacher and the head teacher. For a secondary school pupil it could be guidance staff or head of year. This means being informed and interested about what a child is studying, their progress and their achievements.

Children in foster care on a time limited basis should, whenever possible, remain at the same school they attended while at home. This can be discussed at the initial 72 hour planning meeting. It is the duty of the Child's Social Worker to ensure adequate transport arrangements are made should the child be remaining at their "home" school. As a Foster Carer you may be asked to assist with this transportation where possible.

If this is not possible due to distance, placement being extended etc, it may be considered by the team working with the child if the child could attend a school near you, perhaps the one your own children attend. It is helpful if you are the person who registers the child and are in contact with the individual/ guidance teacher identified for the child (C184).

vii. Discipline

Fife Council Foster Carer Handbook provides clarity around appropriate forms of discipline that may be utilised by foster carers:

Provide age appropriate boundaries and to manage behaviour while protecting the child from all forms of physical or humiliating punishment (C184).

viii. Activities and holidays for children

Fife Council Foster Carer Handbook provides guidance around activities and holidays:

Foster Carers are provided with additional payments at Easter, Summer and October school holidays which are to assist with the additional expenditure at these times including holidays. These additional payments could be used to contribute to the child coming on a family holiday with you or attendance at school holiday clubs.

A Looked After child or young person also needs to take part in activities and hobbies outside of school. Many of the positive advantages of going to school also extend to out of school

learning. Attendance at clubs and activities has particular wider benefits to the child in terms of increasing their self-esteem and self-worth; improving concentration levels, learning to be persistent; and having successful learning experiences. Types of activities that might be useful to try include scouts and brownies, swimming clubs, karate, gymnastics, learning to play a musical instrument or any structured activity your young person is interested in.

When a child is in their care, carers need to act at all times as responsible parents, but be aware of the additional responsibilities which come with being a Foster Carer. Activities, particularly outdoor sports or pursuits, need to be carefully considered and the risks assessed for each individual child, taking account of their age and ability. Before undertaking any activity which could be considered risky, you must talk this over with your Supervising Social Worker and the Child's Social Worker.

We will seek appropriate authorisation from either a birth parent and/or Fife Council to take all children and young people on holiday with us. The trip will be discussed with the Child's Social Worker and all details given to our Supervising Social Worker. This will be discussed at least 6 weeks in advance so that necessary consent can be obtained from birth parent and/or Fife Council and holiday risk assessment completed by our Supervising Social Worker (C184).

ix. Sharing a bedroom

Fife Council Foster Carer Handbook clarifies policy in relation to sharing bedrooms:

The Family Placement Service have a policy for children sharing bedrooms in Foster Care. This policy is that Children and young people in foster care should not share a bedroom with an unrelated child. This includes other Looked After children in placement and or Foster Carer's own children. Any exceptional circumstances should be discussed with your Supervising Social Worker.

Foster Carer's should not share a bedroom with a Looked After child unless it is age appropriate and best practice for the Looked After child to share a bedroom with a Foster Carer (i.e. children under 2). This should be recorded in the Placement Agreement for the child (C184).

x. Contact with family members

Fife Council Foster Carer Handbook covers contact with family members:

When children are in foster care the time they spend with their birth family is referred to as contact. Contact for Looked After children is normally with their parents and siblings but can also be with grandparents or other significant family members. Decisions about where contact should take place and who is supervising the contact are normally agreed at the Planning Meeting (see Section 5 Looked After Child Meetings) which takes place 72 hours after a child is accommodated into foster care. They can also be made at a Children's Hearing (see Section 5

under Children's Hearings and also Legal Orders). Whatever is decided will depend on the reason the child has come into care, their legal status and crucially what is in their best interests.

As a Foster Carer part of your role is to comply with and assist with the agreed contact arrangements as set out in the Child's Plan. Where possible, you would be expected to provide the transport to and from the venue for the contact and for ensuring your Looked After child is ready for the contact. Contact can often be an emotional and challenging time for both the Foster Carer and the children in their care. Carers will also need to support a child to manage their feelings of anger, frustration or excitement before or after contact. Therefore it is important carers record these observations in their notebook so it can be shared with Child's Social Worker and your Supervising Social Worker (C184).

xi. Contact with siblings

As above (x.).

xii. Celebration of birthdays and other special occasions

Fife Council Foster Carer Handbook provides guidance around the celebration of birthdays:

One of the advantages that foster care offers to children and young people is immediate access to a family life. By providing this access to your family and extended family/friends you are offering the young people different role models. You would be expected to include the child in family events, celebrations and other family life experiences they may not have seen or had positive memories of. This helps children and young people to feel included and gives them a sense of belonging.

Foster carers also receive extra payments of the maintenance allowance during holiday periods and for the child's birthday and Christmas (C184).

xiii. Information sharing by the foster carer with family members

Fife Council Foster Carer Handbook highlights information sharing with family members:

It is important to bear in mind that birth parents may still have full parental rights and responsibilities such as consents for haircuts or trips away. This means it is important to think about the parental role in decision making and sharing information about their child (C184).

(ii) Practice

Past

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

yes

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

c)

(i) Safeguarding

1930's – no information

1941 - Fife Education committee discussed young person who had been boarded out but had gone missing following day and continued to be missing (A32). This case was discussed again at subsequent meeting with update and outcome for young person (A36).

1940S- The Education committee received monthly update reports on children in care of Local Authority (A56)

1960's – 2000's no information

(ii) Child Protection

1930's -Regular visits to children boarded out- reports feedback to education committee and then the children's committee

1940s-1960's - Children's Officer feedback reports to committee.

1970's – 1990's - no information available

2000's – St Margaret's Enquiry – Introduction of complaints and concerns procedures.

2004 - Evidence of memo from Service Manager following allegation of physical abuse against a foster carer. Agreement that similar matters should be dealt with more quickly in future. Suggestion that pre-meeting with Child Protection Unit and Family Placement Service would have been helpful prior to a meeting involving the carer. Request that this is discussed further in relation to potential update of policies. (A242)

(iii) medical care

1930's - Policy of medical visit by medical officer to Boarded out children (1934 – A6); Immunisation of Boarded Out children agreed by Education sub-committee Children and Young People's Act 1937 – (A8)

1940's – no information

1950's – Example of medical for Boarded out child (C147)

1960'S- Medical checks undertaken of all boarded out children- there is evidence that parental consent was sought for these (C154).

1970's – 2000's - no information available

(iv) Children's physical wellbeing

1930's – 1940's - no information available

1950s- evidence of ongoing authority responsibility to children and young people when they have left school and in employment- provision of adequate clothing (A98) (A144).

1960's – 2000's no information available

(v) Children's emotional and mental well being

1930's – 2000's - no information available

(vi) Schooling/education

1930's - no information available

1940 application made by foster parents for permission for boy in their care to join the RAF boy's service – agreed at Education Committee (A15)

1950s- authority provides payment of taxi costs to allow young person to remain at school when became boarded-out out with his area. (A120)

1960's – 2000's - no information available

(vii) Discipline

1930's – 1950's - no information available

1960's – example of foster parent contacting Deputy Children's officer for advice re discipline "She is not keen on smacking children but might have to do this to him" No advice offered to the contrary but insight into his behaviour provided. (C175 p176).

1970's – 2000's - no information available

(viii) Activities and holidays for children

1930's –1940's - no information available

1950's - Authority did provide carers with additional payments to children could access activities and holidays (A83) (A90) (A136) (A138).

1960's- Children's committee agree payment allowing child to travel to Iona with Bible class (C42) Agreement to pay for a holiday for a specific child. (C67).

1970S- Social work sub-committee agreed to pay for the flights of 2 children in foster placement to Canada (A217).

1980's – 2000's no information

(ix) Sharing a bedroom

1930's – no information

1940S- Case example of warning given to carers when Children's Officer found a child did not have own room and was sharing with carers- given timescale to provide adequate sleeping arrangements. This indicates a policy of children having own room (C136). The children's officer reported to the Children Committee at a subsequent meeting that the requested changes had been made to the household (C143).

1950's – 2000's - no information available

(x) Contact with family members

1930's Sub-committee approved decision to remove children from home and be boarded out – agreement to be reached as to what extent the parent should be permitted to write to and visit the child (1934 – A7)

1940's – no information

1950's – no information

1960's example of case note describing Children's Officer arranging contact between children and their birth father (C175 p208)

1960's example of contact being managed through Cupar Office due to carers' negative view if their father being Polish (c175 p208)

1960's example of father's views being considered re requesting his children be placed in an area near where he worked to make regular contact easier. (p175 p252)

1970's – 2000's - no information available

(xi) contact with siblings

1930's – 2000's - no information available

(xii) celebration of birthdays and other special occasions

1930's – 2000's - no information

(xiii) information sharing by foster carer with family members

1930's – 2000's - no information available

(ii) Practice

Present

i. Safeguarding

C235 is an example of a risk assessment that identifies potential safeguarding issues for the child, and outlines strategies that can be used to ensure their safety.

ii. Child Protection

C236 is a concern report that relates to potential child protection concerns raised by a foster carer to their Supervising Social Worker and the child's Social Worker. The report also captures that procedures were followed and that there was no need for further action.

iii. Medical care

C205 is a child's Day-to-day Placement Agreement. This includes all relevant information in relation to the child's medical needs and registration with GP, dentist, optician etc.

iv. Children's physical wellbeing

C238 is a completed monthly summary, which captures the child in placement's progress throughout the previous month. This information is recorded using the SHANARRI wellbeing indicators.

v. Children's emotional and mental wellbeing

As above (iv.).

vi. Schooling/education

As above (iv.).

vii. Discipline

(C205) Is an excerpt from a completed day-to-day placement agreement form which is undertaken at the initial stages of the placement. This covers the strategies utilised by the carers in relation to discipline.

viii. Activities and holidays for children

As above (iv.).

ix. Sharing a bedroom

C200 is an example of an out-with approval form that has been completed in order to allow two siblings to remain together. It records the fact that the children and sharing a bedroom.

x. Contact with family members

C212 is a completed monthly summary which contains information about the child's contact with their family.

xi. Contact with siblings

As above (xi.).

xii. Celebration of birthdays and other special occasions

C243 is an excerpt from a monthly summary. The Included section evidences how birthdays and Christmas were celebrated within the placement.

xiii. Information sharing by the foster carer with family members

C231 is the report of a joint visit undertaken by the foster carer's allocated Supervising Social Worker and the child's allocated Social Worker. Within this there is evidence of communication between the foster carer and the child's parent.

(ii) Practice

Past

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

1930's and 1940's – no information available

1950's- Policy regarding monitoring cases of boarded-out children this is recorded in minutes of Children's committee (A236) (a237) (A238)

1960's – 1990's – no information available

2000's – Information in St Margaret's Enquiry report that not all procedures were adhered to. For example, retention of records. (C180)

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

1930's - aim was to monitor children in foster care with an emphasis on their physical health. (C180)

1948 Children Act – If parents agreed to the authority providing care their child could be accommodated with consent. Many parents had their rights removed by a Committee of the Council if they were seen to be failing to provide care for their child. Once a child was in care the often a return home was not seen as possible and little active work was done to secure rehabilitation. (C180)

1968 Social Work (Scotland) Act and introduction of Children's Hearings. Reviews for children in the care of the local authority with greater emphasis on emotional welfare of children and ensuring parental rights were upheld and assessment ongoing regarding possible rehabilitation. (C180)

1970's and 1980's – no information available

2000's – Following the St Margaret's Enquiry Policies and procedures were updated with clear intention of safeguarding children in the care system. Clear recommendations regarding assessment, approval and training and support for foster carers. Concerns and complaints procedures introduced as a means of safeguarding children. (C179)

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

Various Committee Meeting minutes as documented under 4.2 k)

d) Did Local Authority adhere to in practice to its policy/procedures in terms of the following?

i. Safeguarding

1930's – no information

1941 - Fife Education committee discussed young person who had been boarded out but had gone missing following day and continued to be missing (A32). This case was discussed again at subsequent meeting with update and outcome for young person (A36).

1940's- The Education committee received monthly update reports on children in care of Local Authority (A56)

1960's – 2000's no information

ii. Child Protection

1930's -Regular visits to children boarded-out reports feedback to Education Committee and then the Children's Committee (A6)

1940s-1960's - Children's Officer feedback reports to committee. (A49)

1970's – 1990's - no information available

2000's – St Margaret's Enquiry – Introduction of complaints and concerns procedures.
2004 - Evidence of memo from Service Manager following allegation of physical abuse against a foster carer. Agreement that similar matters should be dealt with more quickly in future. Suggestion that pre-meeting with Child Protection Unit and Family Placement Service would have been helpful prior to a meeting involving the carer. Request that this is discussed further in relation to potential update of policies. (A242)

iii. Medical care

1930's - Policy of medical visit by medical officer to Boarded out children (1934 – A6);
Immunisation of Boarded Out children agreed by Education sub-committee Children and Young People's Act 1937 – (A8)

1940's – no information

1950's – Example of medical for Boarded out child (C147)

1960'S- Medical checks undertaken of all boarded out children- there is evidence that parental consent was sought for these (C154).

1970's – 2000's - no information available

iv. Children's physical wellbeing

1930's – 1940's - no information available

1950s- evidence of ongoing authority responsibility to children and young people when they have left school and in employment- provision of adequate clothing (A98) (A144).

1960's – 2000's no information available

v. Children's emotional and mental well being

1930's – 2000's - no information available

vi. Schooling/education

1930's - no information available

1940 application made by foster parents for permission for boy in their care to join RAF boy's service – agreed at Education Committee (A15)

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1960's – 2000's - no information available

vii. Discipline

1930's – 1950's - no information available

1960's – example of foster parent contacting Deputy Children's officer for advice re discipline "She is not keen on smacking children but might have to do this to him" No advice offered to the contrary but insight into his behaviour provided. (C175 p176).

1970's – 2000's - no information available

viii. Activities and holidays for children

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1960's- Children's committee agree payment allowing child to travel to Iona with Bible class (C42) Agreement to pay for a holiday for a specific child. (C67).

1970S- Social work sub-committee agreed to pay for the flights of 2 children in foster placement to Canada (A217).

1980's – 2000's no information

ix. Sharing a bedroom

1930's – no information

1940S- Case example of warning given to carers when Children's Officer found a child did not have own room and was sharing with carers- given timescale to provide adequate sleeping arrangements. This indicates a policy of children having own room (C136). The children's officer reported to the Children Committee at a subsequent meeting that the requested changes had been made to the household (C143).

1950's – 2000's - no information available

x. Contact with family members

1930's Sub-committee approved decision to remove children from home and be boarded out –agreement to be reached as to what extent the parent should be permitted to write to and visit the child (1934 – A7)

1940's – 1950's - no information

1960's - example of case note describing Children's Officer arranging contact between children and their birth father (C175 p208)

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1960's example of father's views being considered re requesting his children be placed in an area near where he worked to make regular contact easier. (p175 p252)

1970's – 2000's - no information available

xi. Contact with siblings

1930's – 2000's - no information available

xii. Celebration of birthdays and other special occasions

1930's – 2000's - no information

xiii. Information sharing by the foster carer with family members

1930's – 2000's - no information available

c) How was adherence demonstrated?

1930's -1950's Evidence of Children's workers reporting directly to Education Subcommittee and Children's Committee. Evidence of policies being updated at committees as outlined above. (committee meeting minutes) (A54)

From 1950's evidence of written records in Children's files. Information about recruitment of foster carers kept in Children's files from late 1950. (C175)

From 1980's evidence of annual reviews for foster carers. Evidence of files being kept for foster carers. (A262)

2000's evidence from Care Inspectorate Reports (A284)

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

Evidence as outlined above.

e) Were relevant records held demonstrating adherence?

Yes - minutes, Children's files, minutes of carer reviews and case discussions, policies and procedures. (A271; A286; C255)

f) Have such records been retained?

Yes.

g) If policy and procedure was not adhered to why not?

No evidence of this not being adhered to.

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

Present

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

Yes

j) If so, please give details

- **Safeguarding**

is an example of a risk assessment that identifies potential safeguarding issues for the child, and outlines strategies that can be used to ensure their safety. (C235)

- **Child Protection**

is a concern report that relates to potential child protection concerns raised by a foster carer to their Supervising Social Worker and the child's Social Worker. The report also captures that procedures were followed and that there was no need for further action. (C236)

- **Medical care**

is a child's Day-to-day Placement Agreement. This includes all relevant information in relation to the child's medical needs and registration with GP, dentist, optician etc. (C205)

- **Children's physical wellbeing**

is a completed monthly summary, which captures the child in placement's progress throughout the previous month. This information is recorded using the SHANARRI wellbeing indicators. (C238)

- **Children's emotional and mental wellbeing**

As above (iv.)

- **Schooling/education**

As above (iv.)

- **Discipline**

Is an excerpt from a completed day-to-day placement agreement form which is undertaken at the initial stages of the placement. This covers the strategies utilised by the carers in relation to discipline. (C210)

- **Activities and holidays for children**

As above (iv.)

- **Sharing a bedroom**

Example of an out with approval form that has been completed in order to allow two siblings to remain together. It records the fact that the children and sharing a bedroom. (C200)

- **Contact with family members**

Example monthly summary which contains information about the child's contact with their family. (C212)

- **Contact with siblings**

As above (xi.)

- **Celebration of birthdays and other special occasions**

Excerpt from a monthly summary. The Included section evidences how birthdays and Christmas were celebrated within the placement. (C243)

- **Information sharing by the foster carer with family members**

Example report of a joint visit undertaken by the foster carer's allocated Supervising Social Worker and the child's allocated Social Worker. Within this there is evidence of communication between the foster carer and the child's parent. (C231)

4.4 Foster Carers

(i) Policy

Past

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

1932 Children and Young Persons Act- the adoption of suggested regulations to be observed by foster parents as per minutes (A1) and A2

1948 – The Children Boarded out (Scotland) rules and regulations to be observed by foster parents. (A22)

1950's – no information available

1960s- Local authority are guided in practice by Child Care Circular 5/1967 from social work services group in procedures for approval of foster parents (A68)

1960's – Fife County Council submitted a letter to Scottish Education Department regarding regulations for boarded out children which were being considered. (C89)

1960's – To keep in line with the recommendations of County Council's Association Fife reviews financial allowances and estimates cost involved in this. (C98)

1970 - 1990 – no information available

2000's Fife Council producing written guidance to describe process of recruitment of foster carers – to form part of the overall development plan for foster care. (C181)

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

1940s- there is recognition of the need to recruit more foster carers and that the demand for these outweighs availability (A44).

1950s- In recognition of lack of carers there was a proposal made to build houses specifically for foster carers- carers would be housed in property before children placed with them. (A119)

1950's Lack of temporary carers led to decision to increase payments with aim of improving recruitment numbers (A119).

2000's – recognition in the wake of the St Margaret's Enquiry of the need for better training, support and scrutiny of foster carers. (C181)

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

Fife County Council Education minutes, Children's Committee meeting minutes, Social Work Committee minutes, Child Protection Committee minutes, Family Placement Team policies and procedures.

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

i. Recruitment

1930's – no information

1940's – Assessment of carers by designated Boarding-out Officer.

1959 – Guidance to accompany boarding out regulations. The selection of foster parents was based largely on “a friendly chat” to see if the person had the right motives. The Council had to get references from local people of standing in the community but there was no assessment and little scrutiny of caring abilities. (C180)

1960's- prospective carers complete application form to be submitted to Children's Department. (A171)

1970's – 2000's - no information

ii. Standard and size of accommodation

1930's – no information

1940s- The social welfare committee agreed that checks undertaken regularly of standards of foster homes. (C141)

1950's – 2000's – no information

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

1930's – 2000's – no information available

iv. Pre-approval/registration checks

1930's – 1950's - no information

1960s- the authority had a procedure in place for the approval of carers - medical checks were added to pre-approval checks to be undertaken by the County Council Medical Officer (A68)

1970's – 1990's – no information available

2000's – selection procedure more comprehensive and an independent panel decides if they are suitable for the task. Legislation has placed more responsibility on Councils to monitor the care provided in foster care. (C180)

2000 - St Margaret's Enquiry - Recommendation that selection process for foster carers needs to include specific attention to sexual abuse and prospective carers' ability to provide safe care. References from GP's to include specific information about knowledge of abuse in families. (C180)

2002 St Margaret's Enquiry – The Recruitment process to be thorough and rigorous. All applicants subject to Police, Health and Local Authority checks. Referees to be interviewed. All applicants undergo a full medical. (C181)

v. References

1930's – 1940's – no information

1950's the authority had a procedure for checks on prospective "foster parents" – example request for a personal reference to support an application (C 175)

1960's – 1990's – no information

2002 – Referees to be interviewed by assessing social worker (c181)

vi. Foster carer agreements

1930's – 1970's no information

1980'S- Working group was set up to review the Fostering allowances. One of the actions identified from this was that carers should have an annual appraisal under the direction of a senior social worker. It also recommended that alongside a fee payment system that there should be a "job specification" for carers forming a general contract with identified non- negotiable demands e.g. training, attendance at support groups, keeping records on children's progress (c112)

1980's – 2000's – no information

vii. Induction

1930's – no information

1940's- when a foster parent has been found to be satisfactory and certified by medical officer they were given a double set of clothing and a supervisor appointed. The foster parent then “furnished with a list of duties undertaken by the guardian” (C86/87).

1950's – 2000's – no information

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

1930's – 2000's – no information available

ix. Review/supervision

1930's -2000's – no information available

x. Training

1930's – 1970's – no information available

1980's- Prospective foster carers are expected to attend preparation training. Courses are offered to both carers wishing to be permanent and temporary carers- these are offered separately (C129).

1990's – 2000's – no information available

xi. Personal development

1930's – 1970's – no information available

1980's- Support groups are offered to new carers with topics covered and sessions being led by workers. one group covered Corporal punishment in foster care- Council policy shared with new carers (C129).

1990's – no information available

2000 – A comprehensive development programme being prepared for foster carers to ensure that Fostering Service meets National Standards and exceeds them. Anticipated an element of reward for skills will be introduced 2000/01 to promote an encourage further development. (C181)

xii. Disciplinary actions

1930's – 2000's – no information available

xiii. Removal of approval/ registration

1930's – 1990's – no information available

2000's – "In the event of concerns being expressed through the Fife Council reviewing process, registration of foster carers is submitted for consideration by Fife Council Fostering Panel for a recommendation to be made to the Agency Decision Maker" (C181)

e) Who compiled the policies and/or procedures?

Various Committee meeting minutes as documents under 4.2 k)

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

Policies were put in place since the 1930's and updated and reviewed as Legislation and practice has changed.

g) Were such policies and/or practices reviewed?

1930's – no information

1940's – no information

1959 – Reviewed of recruitment process following introduction of new regulations (C180)

1960's - The children's committee reviewed policy procedure in place regarding foster carers. Evidence of this in minute of children's Committee Meeting- highlighting the need for pay to carers needing to be the same over all Counties in Authority. (A68)

1970's – no information

1980's- A Service Review highlighted “deficiencies within the organisation of fostering within the Department. For example, the lack of information on availability of foster parents, the decisions to admit to care. More recently there have been concerns about the apparent overcrowding of foster homes leading to placement breakdowns under regrettable and acrimonious circumstances” (C123-126)

1980's- The Fostering Allowance Group was set up to review payment of maintenance and fees to carers.

1990's - no information available

2000's – St Margaret's Enquiry recommendation 9 – Process for selection and recruitment to be reviewed every two years. (C180)

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

Changes in legislation and National Policies.

Changes to practice.

Response to Enquiry Reports or examples of deficiencies in Practice.

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

Increased rigour in selection process for foster carers – increase in use of checks and references.

Development of agreements with foster carers outlining roles and responsibilities.

Increased levels of training and support for foster carers.

More robust safeguarding for children and development of policies and procedures regarding complaints against foster carers.

j) Why were changes made?

Changes to legislation.

Updating policies and procedures in line with best practice.

Response to identified deficiencies in practice. Enquiry Reports.

k) Were changes documented?

Yes

l) Was there an audit trail?

Partial (minutes of Committee meetings and updated policies and procedures)

Present

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

n) If so, please give details?

i. Recruitment

Fife Council Family Placement Fostering Criteria covers aspects of recruitment policy:

- The main carer you should not work more than 18 hours per week to be available to attend the various meetings where you will be required.
- Must be over 21 and either single or have been in a partnership for at least two years.
- Have a positive interest and understanding of children.
- Must be medically fit
- Must be a non-smoker (including e-cigarettes) for a minimum of 6 months prior to an application being accepted.
- Should have no record of offences against children.
- Able to provide appropriate references.
- Able to meet basic health and safety standards.

- Must have a separate bedroom available for fostered child (ren).
- Must have a telephone.
- Do not own dogs described in the Dangerous Dogs Act or other prohibited animals.
- Must declare information on any firearms held.
- Have their own transport or ready access to public transport.
- Willing to consider age range of current recruitment.
- Have some child care experience.
- Able to attend preparation group and undergo home study of whole family.
- Able to attend support and training groups (C193).

ii. Standard and size of accommodation

Fife Council Foster Carers Handbook comments on accommodation:

Carers must have a spare bedroom for fostered child, and provide clean, comfortable and appropriately heated accommodation (C184).

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

During the Form F assessment process, the assessing Supervising Social Worker will work alongside the prospective foster carer to identify the most appropriate number, age and gender of children who could potentially be placed with them. This will then be approved, or otherwise, at their Fostering Panel.

iv. Pre-approval/registration checks

Fife Council's Form F Assessment Checklist covers pre-approval/registration checks:

When an individual/couple apply to become foster carers, the following pre-approval checks are undertaken as part of the assessment process:

- SWIFT records check
- Local Authority checks, where the applicant has previously lived out-with Fife
- Full GP medical check for each applicant (C193).

v. References

Fife Council's Form F Assessment Checklist covers references for foster carers:

- Employer reference for each applicant
- Four personal references for each applicant
- Discussion with ex-partners for each applicant (C193).

vi. Foster care agreements

Fife Council Foster Carers Handbook covers foster care agreements:

Foster Carers are required to sign a Foster Care Agreement. This is required under Regulation 24 and Schedule 6 of the Looked After children (Scotland) Regulations 2009. It ensures that the Foster Carers have a full understanding of their obligations and entitlements following approval. The Foster Carer Agreement should be completed and signed by the Foster Carer and a representative of the Council. The Foster Carer will retain a copy and one will be placed in their file. This will be reviewed alongside you following your 3 yearly Panel Review. A copy of the agreement is included in the Appendices (C184).

vii. Induction

All prospective foster carers must attend a 3-day preparation group prior to application. This covers all aspects of the foster care role and is an opportunity for suitability to be further assessed by the recruiting Family Placement staff facilitating.

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

Transfer of foster carers is undertaken in line with the Transfer of Foster Carers Protocol Scotland guideline developed by the The Fostering Network, the joint forum of Independent and Voluntary fostering providers Scotland and ratified by Social Work Scotland (SWS).

Fostering legislation and issues are very complex. This protocol recommends best practice guidelines to be followed when a prospective or approved foster carer wishes to transfer their application or registration from one registered fostering provider to another, i.e. between one independent, voluntary or local authority fostering provider and another (C198).

ix. Review/supervision

Fife Council Foster Carer Handbook covers policy and procedure in relation to reviews and supervision:

Foster Carer Reviews are enshrined in Regulation 25 of the Looked After Children (Scotland) Regulations 2009. These meetings are the way in which the Council makes recommendations about changing the conditions of your registration to the ADM. This includes changing the number, age and gender of the children and young people you are able to care for and termination of approval as a Foster Carer.

It is a legal requirement to be reviewed after your first year and thereafter at least every three years by the relevant panel. In between Panel Reviews an Annual Carer Review is held and chaired by an Independent Fife Council Reviewing Officer.

Your Supervising Social Worker will discuss what reports you complete and help you prepare for this review. It is an opportunity to discuss your strengths and development areas, and detail any gaps in experience or skills, and training needs. If there are any areas regarding your practice that require additional support these will have been discussed in advance with you by your Supervising Social Worker. Within their report it will show how these can be addressed by you and the Service. Importantly it will consider whether your terms of registration (i.e. the number, ages and gender of your Looked After children) are appropriate. This leads to making an action plan which will form the framework for your continuing development.

Every Foster Carer Review seeks feedback from Children's Social Workers, parents, children in placement and their education establishment. As part of the review process a full medical will be asked from your GP and feedback on this provided by our Medical Advisor at your 3rd year review and every 3 years thereafter. For an Annual Carer Review only an update health report will be requested from your GP.

Every 6 months you will receive a formal Supervision from your Supervising Social Worker. This is an opportunity to reflect on your learning from the past 6 months and monitor whether you are on track with your training needs. It is about discussing how you and your family have been managing as a foster family to ensure you are receiving the right level of support (C184).

x. Training

Fife Council Foster Carer Handbook covers expectations around training:

Ensuring you have access to relevant training is important so that you continue to have the necessary knowledge and skills to work with Looked After children. We are committed to providing ongoing training for all carers regardless of their level of experience. Foster Carers in Fife have access to a range of training courses provided for residential and social work staff. They can also be included in training provided by specialist agencies or on particular topics relevant to their experience or interest. Every year a training calendar is produced which lists mandatory training which Foster Carers are required to undertake during their first 2 years of fostering. Thereafter it is expected carers will attend 5 learning opportunities within your annual carer review period.

Mandatory Training for the first 24 months post approval are:

- Child Protection Foundation
- Building Positive Relationships with children and young people
- Child Sexual Exploitation Workshop
- Internet Safety Workshop
- Promoting Positive Contact with birth families
- First Aid
- Recording Keeping
- Using Supervision Effectively
- CALM Module 1 (managing confrontation and aggressive behaviour)
- Education
- Supporting Foster Carers to work with adolescents (only essential for carers who have children over 10 years old)

In addition to the advice, guidance and support you will receive from your Supervising Social Worker, the Springfield Project can provide specialist consultation and training to support you in this often challenging task. They deliver two attachment-based training programmes: the Solihull Approach and the Incredible Years- Webster Stratton training programmes. These are longer courses which run over 10 weeks on

a weekly basis in 2.5 hour sessions where you learn new ways to care for children who have experienced significant life traumas (C184).

xi. Personal development

Fife Council Foster Carer Handbook highlights the need for carers' personal development:

Foster Carers are encouraged to take responsibility for their own learning and development and to discuss their needs and interests with their Supervising Social Worker. Group training should not be considered as the only source of development. Other sources include: reading books, journals, watching TV programmes, listening to Radio programmes and any relevant information they have read online. Carers are encouraged to reflect on these learning experiences with their Supervising Social Worker during visits and supervisions.

Some Fife Foster Carers have already gained Scottish Vocational Qualifications (SVQ) for caring for children. We will continue to offer this opportunity to a limited number of Foster Carers at any time and you can apply through your Supervising Social Worker. There may be a selection procedure (and a waiting list) for SVQs (C184).

xii. Disciplinary actions

Fife Council Procedures for Dealing with Complaints and Concerns about Foster Carers covers all aspects of complaint, investigations and disciplinary actions (C185).

xiii. Removal of approval/registration

Fife Council Foster Carer Handbook covers de-registration:

De-registration is the process by which Foster Carers officially stop being Foster Carers. This can happen because Foster Carers' circumstances change and they no longer wish to foster. In exceptional circumstances, the service may have substantial concerns about a Foster Carer and decide that it may be necessary to consider compulsory de-registration (C184).

(ii) Practice

Past

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

Yes - based on available information.

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

i. Recruitment

1930's – 1940's – no information

1950's - Prospective carers write Children's Officer noting an interest in fostering and requesting information re their suitability (C175 p84)

1960's – 2000's – no information

ii. Standard and size of accommodation

1930's – 2000's – no information

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

1930's – 1940's – no information

1950's - Boarding out (Scotland) rules and regulations 1947 – formal request to Scottish Home Dept for agreement to special arrangement for five children to live with foster parent including her birth daughter. (C175)

1960's – 1990's – no information

2012 – Example of a letter to foster carers confirming their approval as temporary foster carers and confirming this is for two children of either sex in the age range 0-8. (A267)

iv. Pre-approval/registration checks

1930's - 1940's – no information

1950's - Letter requesting personal reference re application to foster (C175 p85)

1960's - Example of case note highlighting that following home visit prospective carer deemed unsuitable to foster having little insight into caring for children "who have been deprived of a normal home life" (C175 p254)

1970's – 1990's – no information

2012 – Example of a letter requesting local authority checks for foster carer applicant. (A266)

v. References

1930's – 1940's – no information

1950's the authority had a procedure for checks on prospective "foster parents" – example request for a personal reference to support an application (C 175)

1960's – 2000's – no information

vi. Foster care agreements

1930's – 1940's – no information

1950's example for letter sent to foster carer - notice of regulation enclosed and attention directed to part 6 of 1948 regulation which deals with health medical attention for child and need for Children's Officer to be notified about any matter affecting the Child's Health and Welfare. (C175)

1960's – 1980's– no information

1990's – 1995 - Example of a "foster carer contract" signed by carers and SSW (A263)

vii. Induction

1930's -2000's – no information

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

1930's – 2000's – no information

ix. Review/supervision

1930's – 2000's – no information

x. Training

1930's – 2000's – no information

xi. Personal development

1930's – 2000's – no information

xii. Disciplinary actions

1930's – 2000's – no information

xiii. Removal or approval of registration

1930's – 2000's – no information

c) How was adherence demonstrated?

Examples of letters and case notes from children files (1950's and 1960's) **(C175)**

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

Case note examples (C175; A262; A263)

e) Were relevant records kept demonstrating adherence?

Yes

f) Have such records been retained?

Some but not all have been retained

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

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.

i. Recruitment

The Family Placement Duty Procedures state:

It is the role of the Duty Worker to take enquires from people interested in becoming foster carers. A Foster Carer Enquiry form should be completed for all enquiries and offer to make an appointment for an initial visit. This screening telephone call is a sensitive and detailed task. The Duty worker needs to ensure they have ample time and space to complete this call fully. If the call is received at a time which was not suitable for Duty worker to take they may advise the caller that a call back will be made later on in the day for this enquiry form to be completed (C210).

C213 is an example of a completed Initial Enquiry Form, showing the areas covered.

C214 is an example of a completed Initial Visit Form, showing the areas covered. d

ii. Standard and size of accommodation

See above (i.)

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

C262 is an excerpt from a completed Form F assessment which shows the assessing workers recommendation in terms of number, age and gender of children for whom the carers should be registered to care for.

iv. Pre-approval/registration checks

C215 is an example of the local authority check undertaken during the recruitment process.

C216 is an example of a completed check received from another local authority.

C217 is an example of a completed medical report for a prospective foster carer.

v. References

C218 is an example of a personal reference undertaken during the assessment process.

C219 is an example of an employment reference undertaken during the assessment process.

vi. Foster care agreements

C221 is an example of a completed foster care agreement, which all carers must sign upon approval.

vii. Induction

C227 is an example of the prep group feedback form used to capture the both the information that is covered during the sessions, and the applicant's engagement and understanding throughout the sessions.

Newly approved foster carers have to complete a number of mandatory training courses during their first year. This is recorded on all supervision records (C224).

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

C222 is an example of a minute of a Placement Planning Protocol meeting. These take place when a foster carer applies to transfer to Fife Council from another fostering provider.

ix. Review/supervision

C224 is an example of a completed supervision record between a foster carer and their allocated Supervising Social Worker. This gives a clear outline of areas that are covered.

C225 is the minute of an annual foster carer review, showing the areas that are explored during the meeting.

x. Training

As above (ix.)

xi. Personal development

C229 is an excerpt from a foster carer review report, clearly detailing that the carers have successfully met the criteria to be approved as Level 2 carers.

xii. Disciplinary actions

C232 is an example of a concern report, which highlights the process followed in response to concerns raised by a young person.

xiii. Removal of approval/registration

C245 is the minute of a de-registration panel, which took place when the carer chose to resign as a foster carer.

4.5 Other members of 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?

1930 – 2000 - No information available relating to members of fostering households.

2002 – St Margaret's Enquiry – All children and adults in household to be interviewed and checked as part of recruitment process. (C181).

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

1930's – 2000's – no information available

2002 – Recommendations of St Margaret’s Enquiry to interview all adults and children. This reflected an increased level of scrutiny/checks for carer household alongside recognising the need for support for all members of the household. (C180)

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

Evidence from 2000’s that these were held by Family Placement Team as part of their policies and procedures. (A283; C180)

d) Who compiled policies and/or procedures?

1930’s – 1990’s – no evidence of policies relating to members of the carer household.

From 2000 – Policies and procedures were compiled within the Family Placement Service.

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

From 2002 in response to findings of St Margaret’s Enquiry. (C180)

f) Were such policies and/or practices reviewed?

Reviewed from 2002 as part of Quality Assurance Meeting by Family Placement Service Managers. C181)

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

To reflect changes to practice and National Policy which included greater level of support and scrutiny for other members of the fostering household.

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

2000’s - Checks completed on all members of household during assessment and beyond. (C210)

More support provided for other members of the household – both adults and children.

i) Why were changes made?

Increased safeguarding for children and young people placed in fostering households.

Recognition of need for support for all members of the fostering household.

j) Were changes documented?

2000's – documented in policies and procedures for assessing prospective foster carers and ongoing checks.

2013 foster carer handbook Aims: "We recognise the contribution of foster carers' own children and their extended family to supporting the foster care role" (A277)

k) Was there an audit trail?

1930's – 2000's – No information available

Present

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

Yes

m) If so, please give details.

Fife Council Foster Carer Handbook describes policy in relation to other members of the carer's household:

All adults aged 16 years and over living within the fostering household must have a Disclosure Scotland and Local Authority checks completed. These checks also need to be completed on adults who visit the carer household regularly and/or are likely to have unsupervised contact with a child in placement.

If your fostered child is similar in age to your own child it might make it easier or more difficult for them to get along. It might be easier as the Looked After child might be developmentally younger so this might avoid every-day family-based arguments. It might be harder if either child

feels threatened by the other. However, we don't generally encourage same age placements due to the risk of competing needs and advise a two-year gap between ages of your children and Looked After child (C184).

(ii) Practice

Past

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

1930's – 1990's No practice examples found relating to members of fostering household.

2000's - example of complaint being made re an extended family member of a fostering household being charged with physical assault of their own child and having been previously convicted of a drug offence. Evidence of this being investigated. (A274)

b) How was adherence demonstrated?

1930's – 1990's – no information available

2000's – example above of concern about a family member being investigated (A274)

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

1930's – 1990's – no information available

2000's – example of concern being investigated and recording of outcome of this. (A229)

d) Were relevant records kept demonstrating adherence?

1930's - 1990's – no information

2000's - See example above – records retained in carer file. (A229)

e) Have such records been retained?

See above.

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

No evidence

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

C234 is a memo confirming that an Enhanced Disclosure check was completed for the teenage daughter of a foster carer who still lives within the fostering household.

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 the placement of children with foster carers approved/registered by other local authorities or organisations?

1930's – no information

1940's - The Children's Committee discussed current regulations which state that Fife County Council had no responsibility for children boarded out with Authority unless asked by these other authorities- noted that this had been discussed at Conference with Secretary of State for Scotland (C84).

1945- Children's committee discussion that when a Fife child is boarded out in another area/ local authority that the Social Welfare Officer of receiving authority will be notified by Children's Officer (C86/87).

1947- The Health care committee are given up-to-date records of all boarded out children including those out with Authority (C132).

1950s - the Children's Committee were presented with reports of visits undertaken to all boarded out children 3-monthly. These included children placed out with authority. There is evidence of these being reviewed by the Children's Committee (A168).

1960's - Visits are made to children boarded-out with authority and reported to the Children's committee (A90) (A115).

1960's - Payments made to other authorities where five children placed- paid at the higher rate of that caring authority- supervision of placement undertaken by the Children's Officer of that area (A116).

1960's- The Children's Committee agreed that visits to children placed within and out with authority will be undertaken on a rota system (C80)

1970's – 2000's – no information

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

From the information available from 1940's -1960's there is no clear aim or intention in relation to why these policies were made. There appears to have been an aim or intention of continuing to monitor these placements by regular visiting and reporting back to Children's Committee.

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

1940's – 1960's – Children's Committee Meeting minutes and Health Committee minutes.

1970's -2000's – no information available.

d) Who complied policies and/or procedures?

As above.

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

As above

f) Were such policies and procedures reviewed?

1930's – 1960's - evidence of policies being reviewed by Children's Committee.

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

1940's – 1960's - increased level of visiting and discussion of higher rates of payment. (C11; C105)

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

Increased levels of visiting and reporting back. (C11)

Increased levels of payment for out of authority placements. (C105)

i) Why were changes made?

19030's – 2000's – no information available

j) Were changes documented?

1940's -1960's – Children's Committee Meeting minutes and Health Committee Meeting minutes.

k) Was there and audit trail?

1930's - 2000's – no information available

Present

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

Yes

m) If so, please give details

Fife Council Placement Request Process covers the placement of children with other fostering providers:

Placements cannot be sought until clear authorisation is given. Fife Council resources should be fully checked and discussed with the Family Placement Duty Manager before a purchase placement is sought.

No direct request can be taken for placements regarding a kinship placement or from Kinship Carers. This must come from an area Social Worker.

When taking the referral, at the start of the conversation it must be confirmed that a Service Manager has given authorisation for a placement to be sought and what type of resource has been authorised – local authority or purchased; within or out-with Fife; foster, residential or secure.

Children are only placed with foster carers approved/registered by other organisations when there is no suitable internal resource available. Children placed with foster carers approved/registered by other organisations are monitored and reviewed through the same processes as children placed with internally approved/registered foster carers (C199).

(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?

1930's – 1940's – no information

1950's - The Children's Committee were presented with reports of visits undertaken to all boarded out children 3-monthly. These included children placed out with authority. There is evidence of these being reviewed by the Children's Committee (A168).

1960's- The Children's Committee agreed that visits to children placed within and out with authority will be undertaken on a rota system (C80)

1960's - Visits are made to children boarded out with authority and reported to the Children's Committee (A90) (A115).

1960's -Payments made to other authorities where Fife children placed- paid at the higher rate of that caring authority- supervision of placement undertaken by the children's officer of that area (A116).

1970's – 2000's no information

b) How was adherence demonstrated?

1930's and 1940's – no information available

1950's and 1960's - Children's Officer reporting back to Children's Committee (A168)

1960's – 2000's – No information available

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

Committee Meeting Minutes as described above.

d) Were relevant records kept demonstrating adherence?

1930's – 2000's - No information available

e) Have such records been retained?

Committee Meeting Minutes as described above 4.2 k)

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

1930's – 2000's – no information available

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.

Duty workers send authorisation request to service management prior to beginning a search out with internal resources (C237)

Referral information is shared with external organisations on individual children and suitable matches sought.

profile information on potential carers is sent to allocated workers of children.

Visits to children placed with carers out with fife are undertaken on a fortnightly basis

Policies in relation to complaints are followed for children placed out with Fife with external providers.

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?

1930's - 1980's - no information available

1990's Children's Safeguarding Review (1997) and Fife Child Protection Committee - Child Protection Guidelines (C176 appendix 6)

2000's Development of policy for managing allegations of abuse against a foster carer (c176 appendix 6). 2007 – Evidence of updating of procedures when allegations of abuse are made by children and young people regarding foster carers. (A276)

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

1930's -1980's - no information available.

From 1990's aim was to safeguard children in foster care. (C180)

c) Where were the policies and procedures recorded?

1930's – 1990's – no information available.

2000's – Fife Council Childcare procedures January 2000 (A261)

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

i. Complaints by children

1930's – 1980's – no information

1990 – Example of letter sent to all foster carers inviting them to a meeting outlining role of newly established Child Protection Team and all the implications of this for foster carers. (A261)

2000's - need identified for independent investigation and that safeguarding the welfare of the Child is paramount (C178)

ii. Complaints by foster carers

1930's – 1980's – no information

1990's – Example of letter sent to foster carers informing them of complaints procedure and who they should contact if they are dissatisfied with the social work service offered to them. (A260). 1995 – example of “foster carer contract” – includes a copy of Social Work Department's booklet “Open to Complaint” (A263)

2000's – no information available

iii. Complaints by family members of children

1930's – 2000's – no information

iv. Complaints by third persons

1930's – 2000's – no information

v. Whistleblowing

1930's – 2000's – no information

vi. Support, including external support, for those who made the complaint or those who were subject of complaint

1930's – 1990's – no information available

2000 – Childcare procedures (Jan 2000) – acknowledged need for support subject of complaint when allegation made against foster carers (C176)

vii. Response to complaints (including responses by the local authority)

1930's – 1990's – no information available

2000 – Investigation to be completed within three working days (C176)

viii. External reporting of complaints

1930's – 2000's – no information available.

e) Who compiled policies and/or procedures?

1930's – 2000's – no information available

2000's – Policy and Procedures compiled by Child Protection Committee. (C176)

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

January 2002 - procedure in place for managing allegations against foster carers. (A261)

g) Were such policies and/or procedures reviewed?

Reviewed every three years (current policy and procedure) (A261)

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

To ensure policy is in line with current legislation and Child Protection Policy.

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

January 2002 – introduction of policy and procedure for allegations of abuse made against a foster carer. (A261)

j) Why were changes made?

2002 - Following St Margaret's Enquiry - recommendation of final report (C181)

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?

Yes

n) If so please give details.

i. Complaints by children

Fife Council Foster Carer Handbook discusses complaints against foster carers:

Concerns or complaints regarding the care of a child in Foster Care may arise from a variety of sources including a child currently or previously in placement, by a birth family member or other adult, the Child's Social Worker or from the Supervising Social Worker's discussion with the carers. They may range in severity from what may be considered only minor, to lower level concerns to those which are serious and result in criminal prosecution and conviction.

There is no doubt that concerns or complaints are extremely difficult for Foster Carers to deal with. Foster Carers must understand however, that whatever the source and content of the concern, the Social Work Service has a statutory duty to investigate. Whilst their prime responsibility is the welfare of the child or children in the household, they will, with support from Fostering Network and Fife Foster Carers Association, do all they can to support the Foster Carers through the process.

A young person may tell you directly that they have a complaint about the care you are providing. It is important that, as a Foster Carer, you respond to these complaints seriously and in a way which makes sense in terms of the age and background of the child. Where you are in doubt about how to respond you should discuss this with the Child's Social Worker and your Supervising Social Worker. It is also important that you record the details of the complaint, and how you responded in your notebook so there is a record of how you have dealt with this (C184).

ii. Complaints by foster carers

Fife Council Foster Carer Handbook covers complaints by foster carers:

Having a good working relationship with your Supervising Social Worker is critical to ensure you feel supported and valued as a Foster Carer and is one that is based on mutual trust and honesty. If you experience any difficulties with developing this it is best to try and work through any issues with each other. This is a professional

relationship and your Supervising Social Worker will have a specific remit to support and supervise you in the role of a Foster Carer.

If you continue to have difficulties after trying to work through any issues then these should be raised with the relevant Team Manager to reach a suitable resolution (C184).

iii. Complaints by family members of children

As above (i.)

iv. Complaints by third persons

As above (i.).

v. Whistleblowing

Fife Council Whistleblowing Guide covers policy and procedure for employees of the local authority, and this would also apply to foster carers (C259).

vi. Support, including external support, for those who made the complaint or those who were the subject of the complaint

Fife Council's Procedures for Dealing with Complaints and Concerns about Foster Carers discusses support for those involved in complaints:

At the beginning of any investigation where a child or young person has raised a significant concern, he or she should be advised of their right to support and advice during the process from their allocated Social Worker.

The Children's Rights Service will be informed of the investigation via the notification referral process instigated by the Supervising Social Worker and will take whatever action they deem to be appropriate in consultation with relevant others

The allocated Family Placement Supervising Social Worker will have an over-view of the investigation and will continue to have regular contact with Foster Carers during the course of an investigation. The method and frequency of this contact will be dependent upon the circumstances and the wishes of the Foster Carers. This contact

must not compromise CP Team enquiries and any information gained by the Supervising Social Worker during their contact with Foster Carers, which has relevance to the investigation, must be shared with the CP Team. The Supervising Social Worker must advise Foster Carers of this responsibility at the outset of the process. Foster Carers should be made aware of the process of the investigation and know why it is taking place and as far as possible know when, where and by whom interviews with them will be conducted.

The Supervising Social Worker will advise the Foster Carers to seek support and advice from both the Fostering Network, and also the Fife Foster Carers Association who can provide a local “buddy” for the Foster Carers throughout the investigation process if they so wish.

Usually the Foster Carers are keen for the allocated Supervising Social Worker to remain in contact. If however, they request support from a different worker this should be considered and actioned if resources allow. However, the Supervising Social Worker responsible for their case will retain responsibility for the overview of the investigation (C185).

vii. Response to complaints (including response by the local authority)

Fife Council’s Procedures for Dealing with Complaints and Concerns about Foster Carers advises that a written response will be provided to the individual making the complaint at the conclusion of the investigation (C185).

viii. External reporting of complaints

Fife Council’s Procedures for Dealing with Complaints and Concerns about Foster Carers highlights that it is the responsibility of a Senior Practitioner within the Family Placement Team to report complaints and concerns to the Care Inspectorate (C185).

(ii) Practice

Past

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

1930's – 1990's – no information available

2000's – 2002 minutes of case discussion which reflects policy in place re allegations at that time (A286). 2011 – Example of concerns being investigated, and complainer being made aware of outcome of investigations (A274)

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

i. Complaints by children

1930's – 1990's – no information available

2007 – Example of letter from Barnardo's Children's Rights Service re complaint made by a young person and her responses to concerns. Noted that young person indicated that she did not previously know about the Children's Rights Service, Care Commission or other independent advocacy organisations. Comment that even if she did know about them she would need support to access them. (A272)

ii. Complaints by staff

1930's – 2000's – no information available

iii. Complaints by family members

1930's -2000's – no information available

iv. Complaints by third persons

1930's – 1990's – no information

2000's – example of a case discussion following anonymous referral of concerns being raised about possible physical abuse of a child by a foster carer. Recommendations made and date set to review (A286).

v. Whistleblowing

1930's -1990's no information

2007 – example of a complaint being raised by one foster carer in relation to what was perceived as inappropriate information being shared by another foster carer about a looked after child. (A273)

vi. Support, including external support, for those who made the complaint or those who were subject to the complaint.

1930's – 1990's – no information available.

2000's – example of young person who made a complaint being support by her allocated social worker and independent Barnardo's Children's Rights Worker. (A272)

vii. Response to complaints (including responses by the local authority)

1930's -1990's – no information available

2000's – examples of responses to complaints including letter to third party complainant. (A274) (A286)

viii. External reporting of complaints

1930's – 1990's – no information available

2002– Complaint received via the Care Commission about a childminder who it was established is also a foster carer. Care Commission representative invited to case discussion. (A259)

c) How was adherence demonstrated?

1930's – 1990's – no information available

2000's – records of case discussions (A274) ; copies of letters sent to complainants (A273); correspondence with independent advocacy agency (A272)

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

1930's – 1990's – no information available

2000's – records referred to above.

e) Were relevant records kept demonstrating adherence?

See above

f) Have such records been retained?

1930's – 1990's – no records available

From 2000 – evidence of records being retained in foster carer file. (C235; C232)

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

No information available

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.

i. Complaints by children

Examples of children/ young people raising concerns about placement can be found in files and outcomes of these recorded (C232) (C240).

ii. Complaints by foster carers

Examples of carers following complaints process and seeking external representation as advised in policy (C244). Carers have brought union representatives to foster panels to support them following allegations being made and internal investigations undertaken by the service.

iii. Complaints by family members of children

When birth family members make complaints about the care of their children these complaints are shared with Childs social worker, supervising worker and carer.

If the complaint is not resolved then the complaints procedure will be followed.

iv. Complaints by third persons

Information received by Police Scotland and followed in line with complaints procedure (C252).

v. Whistleblowing

No practice example

vi. Support, including external support, for those who made the complaint or those who were the subject of the complaint

Where complaints or allegations have been made about a carer then another worker may visit to offer support from the service.

Carers are advised that they can access support from fostering network.

Carers have used independent representatives to support them attending meetings following allegations and complaints (C244)

Children are offered the support of their social worker and where appropriate a children rights officer.

vii. Response to complaints (including response by the local authority)

See above

viii. External reporting of complaints

Care inspectorate are notified as is required when a complaint is made or if a carer is de-registered (C245).

Relevant records are kept in carers files which are stored in line with the records retention policy.

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?

1930's – 1940's – no information

1950s- 1960s- process as outlined in Children Act 1958 (A106)

1970's – 1990's – no information

2002 – Procedures to be read in conjunction with the Fife Child Protection Committee Child Protection Guidelines. Investigation of complaints to be carried out by joint Child Protection Units which offer independent scrutiny and expertise. (C181)

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

1930's – 1990's – No information available.

2000's - Recognition following St Margaret's Enquiry that Policy was required to be updated in relation to safeguarding Children in foster care. (C181)

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

Policy and Procedure document regarding complaints and concerns about foster Carers are recorded by Family Placement Service and Child Protection Team. (A261)

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

i. Approach to/process of internal investigations

1930's – 1950's – no information available

1960's - there are records retained indicating that there have been investigations undertaken following a child death, abuse of child within in placement- but there is no evidence of the policy or procedure followed in these cases (A97) (A94).

1970's – 1990's – no information available

2000's – Evidence of process of investigations –of them being conducted in line with Child Protection Procedures and from 2002 in line with policy for manging allegations made against foster carers. (A259 and A256)

ii. Identifying lessons/changes following internal investigations

1930's – 1990's – no information available

2004 – Example of memo written by Service Manager in relation to a complaint about a foster carer. Suggestion that policies and procedures be reviewed with staff from child protection until and family placement service before involving carer in meeting. Service manager asking for feedback about her handling of a case discussion and suggesting improvements can be made in future. (A242).

iii. Implementation of lessons/changes following internal investigations

1930's – 1990's – no information available

2000's - Significant changes to policies and procedures in wake of St Margaret's Enquiry. This enquiry made recommendations for changes across Scotland and also more specific recommendations regarding policy and practice changes within Fife Council. (A181)

iv. Compliance

1930's – 2000's – no information available.

v. Response (to child and abuser)

1930's – 2000's – no information available.

2000's – letter and memo examples of written responses to Child and Children's Rights worker following a complaint being made by her about a foster carer. (A257)

vi. Response to complaints (including response by Local Authority)

2000's – as above

vii. External reporting following internal investigations

1930's – 2000's – no information available

e) Who compiled policies and/or procedures?

1930's – 1990's - no information available

2000's – Child Protection Committee and Family Placement Service.

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

1930's – 1990's – no information available

2002 – Policy document for managing allegations made by children and young people regarding foster carers.

g) Were such policies and practices reviewed?

1930's – 1990's – no information available

2000's – policy to be reviewed every three years.

h) If so what was the reason for review?

From 2000's – to ensure policies and procedures are in line with current legislation and child protection policy.

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

From 2000's – Ensuring that policies and procedures in line with current child protection practice. Better safeguarding for children in foster care.

j) Why were changes made?

2002 – changes implemented in wake of St Margaret's Enquiry.

k) Were changes documented?

2000's - Yes (A261)

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?

Yes

n) If so, please give details.

i. Approach to/process of internal investigations

Fife Council Procedures for Dealing with Complaints and Concerns about Foster Carers covers the following:

- nature of complaints,
- decision to investigate,

- investigation process,
- support to a child who has made an allegation,
- communication with birth families,
- support to foster carers and their children during the investigation process,
- children in purchased foster care placements (C185).

ii. Identifying lessons/changes following internal investigations

Fife Council Procedures for Dealing with Complaints and Concerns about Foster Carers highlights the process for identifying lessons learned:

A Foster Carer Review will usually be held at the conclusion of any investigation into an allegation of serious harm. However, in some circumstances as agreed by the Service Manager with responsibility for Family Placement Services, the matter may be referred directly to the Panel with a recommendation for de-registration. Foster Carers would be invited to meet with their Supervising Social Worker and Team Manager before the case was presented to Panel.

The Foster Carer Review will likely conclude one of the following:

- No concerns have been substantiated about the Foster Carers practice or their relationship with the children currently in placement and no further action is required.
- No concerns have been substantiated but the process has had implications for the Foster Carer or child in placement which will require further action.
- No criminal offence is being pursued but concerns continue regarding the Foster Carers skills and abilities which require either:
 - The identification of additional support/training.
 - Recommendation to Panel to change their terms of approval.
 - Recommendation to Panel for de-registration.
- Criminal charges are to be progressed through the Criminal Justice System and referral to Panel for de-registration (C185).

iii. Implementation of lessons/changes following internal investigations

As above (ii.).

iv. Compliance

No information held.

v. Response (to child and abuser)

Fife Council Procedures for Dealing with Complaints and Concerns about Foster Carers covers the response to those involved in complaints:

At the beginning of any investigation where a child or young person has raised a significant concern, he or she should be advised of their right to support and advice during the process from their allocated Social Worker.

The Children's Rights Service will be informed of the investigation via the notification referral process instigated by the Supervising Social Worker and will take whatever action they deem to be appropriate in consultation with relevant others.

Throughout the investigation process the Progress Strategy Meetings will determine what information can be shared with the child, and who is responsible for providing them with that feedback. Likewise, their views should be considered at all points in the process. A written response will go to the child at the conclusion of the investigation by the relevant Area Team Manager.

Other children may be affected by the investigation and these children must be kept informed of developments and age appropriate information provided to them. The Progress Strategy Meetings should always consider who is responsible for notifying them of developments and for offering them advice and support.

The allocated Family Placement Supervising Social Worker will have an over-view of the investigation and will continue to have regular contact with Foster Carers during the course of an investigation. The method and frequency of this contact will be dependent upon the circumstances and the wishes of the Foster Carers. This contact must not compromise CP Team enquiries and any information gained by the Supervising Social Worker during their contact with Foster Carers, which has relevance to the investigation, must be shared with the CP Team. The Supervising Social Worker

must advise Foster Carers of this responsibility at the outset of the process. Foster Carers should be made aware of the process of the investigation and know why it is taking place and as far as possible know when, where and by whom interviews with them will be conducted.

The Supervising Social Worker will advise the Foster Carers to seek support and advice from both the Fostering Network, and also the Fife Foster Carers Association who can provide a local "buddy" for the Foster Carers throughout the investigation process if they so wish.

Usually the Foster Carers are keen for the allocated Supervising Social Worker to remain in contact. If however, they request support from a different worker this should be considered and actioned if resources allow. However, the Supervising Social Worker responsible for their case will retain responsibility for the overview of the investigation.

The Social Work Service will continue to pay the Fostering Fee to Foster Carers even if there are no children in placement for a period of up to six weeks initially, while an investigation is on-going. The consideration of any Fee payment thereafter must be discussed at the Progress Strategy Meeting and a recommendation made to the FPS Service Manager. Options at that point will include cessation, reduction or maintenance of the Fee (C185).

vi. Response to complaints (including response by local authority)

As above (ii.).

vii. External reporting following internal investigations

Fife Council Procedures for Dealing with Complaints and Concerns about Foster Carers notes that complaints against foster carers are reported to the Care Inspectorate (C185).

(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 carer?

Yes

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

i. Approach to/process of internal investigations

1930's – 1990's – no information available

2000's – Evidence of process of investigations –of them being conducted in line with Child Protection Procedures and from 2002 in line with policy for managing allegations made against foster carers. (A259 and A256)

ii. Identifying lessons/changes following internal investigations

1930's – 1990's – no information available

2004 – Example of memo written by Service Manager in relation to a complaint about a foster carer. Suggestion that policies and procedures be reviewed with staff from child protection until and family placement service before involving carer in meeting. Service manager asking for feedback about her handling of a case discussion. (A242).

iii. Implementation of lessons/changes following internal investigations

1930's – 1990's – no information available

2000's - Significant changes to policies and procedures in wake of St Margaret's Enquiry. This enquiry made recommendations for changes across Scotland and also more specific recommendations regarding policy and practice changes within Fife Council. (A181)

iv. Compliance

1930's – 2000's – no information available.

v. Response (to child and abuser)

1930's – 2000's – no information available.

2000's – letter and memo examples of written responses to Child and Children's Rights worker following a complaint being made by her about a foster carer. (A257)

vi. Response to complaints (including response by Local Authority)

2000's – as above

vii. External reporting following internal investigations

1960's - there are records retained indicating that there have been investigations undertaken following a child death, abuse of child within in placement- but there is no evidence of the policy or procedure followed (A128; A94)

c) How was adherence demonstrated?

1930's – 1990's – no information available

2000's – records of case discussions (A274); copies of letters sent to complainants (A273); correspondence with independent advocacy agency (A272)

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

1930's – 1990's – no information available

2000's – records referred to above.

e) Were relevant records kept demonstrating adherence?

See above

f) Have such records been retained?

1930's – 1990's – no records available

From 2000 – evidence of records being retained in foster carer file.

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

No information available

Present

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

Yes

i) If so, please give details?

i. Approach to/process of internal investigations

Case example of concern being recorded and the internal investigation which followed (C232, C240, C247, C248, C256).

ii. Identifying lessons/changes following internal investigations

End of placement meetings are held to reflect on placement endings and learning that can be gained for all involved (C257).

iii. Implementation of lessons/changes following internal investigations

Individual examples of changes made. Lessons learned and the resulting changes are documented in the carers files (C261)

iv. Compliance

No practice examples

v. Response (to child and abuser)

Example of response to children and alleged abuser following an allegation and/or internal investigation (C232, C240, C247, C256)

vi. Response to complaints (including response by local authority)

The complainant is given a response to ensure that they are aware that the concern/complaint that they have raised is being responded to. They will be made aware that for confidentiality reasons that they may not be informed of the full outcomes of investigations.

vii. External reporting following internal investigations

Internal investigations are shared externally where necessary- guided by complaints procedures (C245)

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?

1959 – Boarding Out Regulations required the Care Authority to compile and maintain a case record of each child boarded out by them. The case record was to be preserved for at least three years after the young person attained the age of eighteen. (C180)

2002 St Margaret’s Enquiry – Child Protection Units in Fife to record all allegations of abuse made against foster carers in respect of children in foster care. All allegations of abuse made against foster carers are recorded through the Family Placement Team Leaders and monitored on a six-monthly basis by the Service Manager. (C181)

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

1930's – 2000's – no information available

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?

1930's – 1940's – no information available

1959 Boarding-Out Regulations – no information about intention in keeping records. (C180)

1960's – 1990's – no information available

2002 – Recording of information was intended to keep a record of the complaint for the purposes of reviewing and monitoring.

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

i. Children in foster care

1960's – St Margaret's Enquiry identifies that Policy at this time is that records should be kept until at least three years after the young person leaves care. Some were retained until the young person reached the age of twenty-five.

ii. Foster Carers

No information held.

iii. Visits to children and foster carers.

1940's – quarterly visits to be undertaken to placements and written reports presented to Education sub-committee. (A49)

1959 – Boarding-out (Scotland) Regulations - Regs specify that Children's Officer will see the child, his home and foster parent. They will report in writing to the Children's Committee. (C180)

1960's – 2000's no information available

iv. Complaints

No information available.

v. Investigations (both internal and external)

No information available.

vi. Discipline

1930's – 2000's – no information available

vii. Responding to requests from former children in foster carer for information/records

No information available.

viii. Other issues relevant to foster care.

1930's -2000's - no information available

e) Who compiled the policies and/or procedures?

Various Committees as outlined previously 4.2 k).

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

As outlined above

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

Policies and procedures have been updated over time. There are currently clear standards for family placement social workers and foster carers with regard to record keeping.

h) Were such policies and/or practices reviewed?

2000's – Review in wake of St Margaret's Enquiry (C174 – C181)

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

2000's – Identified need for better quality and more consistent recording. Increased expectation re role of foster carer in keeping records about children placed in their care.

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

Better quality and more consistent recording.

k) Why were changes made?

Changes in policy and legislation.

l) Were changes documented?

From 2000's – changes documented in carer handbook and in standards for family placement social workers.

m) Was there an audit trail?

No information available.

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.

i. Children in foster care

Fife Council Foster Carer Handbook covers all aspects of policy in relation to record keeping by foster carers (C184).

ii. Foster carers

The Family Placement Service Standards set out the expectations that Supervising Social Workers must meet in relation to keeping records about their foster carers (C202).

iii. Visits to children and foster carers

Family Placement Service Standards provide the following framework for visits:

The minimum standards for visiting Foster Carers and Adopters in their home will be:

New Foster Carers / Adopters – minimum of fortnightly visits for the first three months.

Established Foster Carers / Adopters – minimum of monthly visits (to include child at minimum of 3 months).

Joint visits with C&F SW to Foster Carer / Adopters home – will be arranged at a minimum of 3 monthly.

Any change to these standards must be agreed by Team Manager and Service Manager. The agreed visiting frequency will be included in the Child's Plan.

Unannounced visits to a Foster Carer's home will be undertaken on an annual basis and will include a Health and Safety check.

All visits to be recorded on SWIFT (C202).

iv. Complaints

Fife Council Procedures for Dealing with Complaints and Concerns about Foster Carers provides clear guidance on record-keeping at all stages of the complaints and investigations process (C185).

v. Investigations (both internal and external)

As above (iv.).

vi. Discipline

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

Fife Council complies with the Data Protection Legislation 2018, which allows individuals to find out what personal information is held about them and why it is held by making a Subject Access Request. C247 is a screenshot of the Fife Council Request for Information portal.

viii. Other issues relevant to foster care

(ii) Practice

Past

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

1930's – 1940's – examples of records from Fife Education Committee minutes to remove children and accept boarding out (A27) (A34)

1950's – 1958 Report presented to Children's Committee following the death of a child in foster care – Children's Officer concludes no blame on foster carer (A93)

1970's – 1980's - no information available

1990's - 2000's – evidence of information being kept in carer and children's files. Example of minutes of case discussion being retained in carer file following allegations being made against the carer. (A257)

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

1930's – 2000's – no information available

(c) Did the local authority adhere in practice/ check adherence in practice to its policy procedure in relation to record keeping on the following:

i. Children in foster care

1930's – 1950's – no information available

1960s- evidence of case notes recording visits to children in foster care and to their families. Visit when children returned home and concerns raised by parent recorded (C156).

1970's – 2000's – no information available.

ii. Foster carers

1930's – 1950's – no information available

1963 – Evidence of case recording for children placed with foster parents. Information about prospective carers for these children recorded within children's file. (C175)

1970's – 2000's no information available

iii. Visits to children and foster carers

1930's – 1950's – no information available

1960's – Example of children's officer providing a report to the Fife County Council Committee following a visit to child in foster care. (A63)

1970's – 2000's no information available

iv. Complaints

1930's – 1990's – no information available

2000's – examples of records of complaints, case discussions and outcomes in foster carer files (A259)

v. Investigations (both internal and external)

1930's – 1990's – no information available

2000's – examples of records of complaints, case discussions and outcomes in foster carer files (A259)

vi. Discipline

1930's – 2000's – no information available

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

1930's – 2000's – no information available

viii. Other issues relevant to foster care.

d) How was adherence demonstrated?

1930's – 1950's – relevant minutes of Committee meetings

1960's – Children's social work records (C175)

1970's -1990's – no information available

2000 – Children's files and foster carer files. Minutes of meetings retained in carer files.

e) Were relevant records kept demonstrating adherence?

Yes

f) Have such records been retained?

1930's – 1960's - Evidence that some have been retained.

1950's and 1960's -St Margaret's Enquiry identifies not all records about children have been retained.
(C180)

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

1930's – 2000's – no information available

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?

1930's – 1990's – no information available

2000's evidence of partial review as part of St Margaret's Enquiry. Records for one family notes that they were poorly cared for and had been neglected when living in foster care. Records show that they were removed because carers had locked them in a washroom. There is no record of whether carers were charged with neglect or if they were allowed to continue to foster. (C180)

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

1930's – 2000's – no information available

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

1930's -1990's – no information available

2000's - St Margaret's Enquiry – recommendation that files for children in care need be kept up to date and retained for a long time after the young person leaves care (C173)

i) What changes have been made?

1930's – 2000's – no information available

2000's – Social Work records for looked after children are kept up to date and standards applied. Clearer guidance, training and support for carers to keep appropriate records for children placed with them.

l) How are these monitored?

1930's – 2000's – no information available

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

No information available.

n) If so, how was that facilitated?

1930's – 2000's – no information available

Present

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

Yes

p) If so, please give details.

Contemporary practice in electronic working facilitates both the ready retention of superseded versions of policy and procedures. It also facilitates effective and practicable audit trail practices. Both of these are in the process of being introduced currently.

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

i. Children in foster care

Example of a monthly summary completed by a foster carer. This records the child's progress throughout the month under the SHANARRI Wellbeing Indicators. (C239)

Example of a child's plan/chronology for a child placed in foster care. (C250)

Example of a risk assessment for a child placed in foster care. (C251)

ii. Staff with responsibilities for foster care

The service currently holds the following records for staff either internally or within their corporate HR file:

- supervision notes
- contact and payroll information
- details of complaints, investigations or performance management procedures followed
- risk assessments in relation to activities/tasks (or for individuals where personal circumstances make this necessary) (C266).

iii. Foster carers

- Case files for approved carers which are retained for 25 years from the termination of approval or from the death of the carer.
- case files for pre-approval carers not approved/withdrawn which are retained for 25 years from the date of the decision or 25 years from the death of the carer
- records of training provided to carers

- financial records of fees and maintenance payments (C266).

Example of a foster carer supervision record completed by their allocated Supervising Social Worker. (C224)

Example of a foster carer review minute. (C225)

Example of a foster carer medical report. (C227)

Example of a foster carer application form. (C219)

Example of a foster care agreement. (C221)

Example of a joint visit to foster carer by their allocated Supervising Social Worker and the child's allocated Social Worker. (C231)

iv. Complaints

Example of a completed Concern Report detailing the nature of the complaint, the investigation process and the outcome. (C232)

v. Investigations (both internal and external)

The Service currently holds the following records from any investigations (where complaints involve a member of staff and this leads to formal investigation then these records will be contained within their corporate HR file):

- any complaint/grievance forms or statements/letters emails that led to an investigation being instigated
- fact finding reports or additional statement from any initial investigation prior to a formal process being initiated
- letters organising meetings, interviews, etc
- letters advising of the outcome including where external agencies need to be informed (C266).

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

Former children in foster care are directed to the Information Management and Requests Team on how to access their records (C266).

ix. Other issues relevant to foster care.

1930's -2000's - no information available

p) Who compiled the policies and/or procedures?

Various Committees as outlined previously 4.2 k).

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

As outlined above

r) Do such policies and/or procedures remain in place?

Policies and procedures have been updated over time. There are currently clear standards for family placement social workers and foster carers with regard to record keeping.

s) Were such policies and/or practices reviewed?

2000's – Review in wake of St Margaret's Enquiry (C174 – C181)

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

2000's – Identified need for better quality and more consistent recording. Increased expectation re role of foster carer in keeping records about children placed in their care.

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

Better quality and more consistent recording. Clearer expectations about this. Changes appear to have been largely reactive (in response to legislation, report or Inquiry). Changes as a result of the evolution of practice are harder to find for much of the period under discussion.

v) Why were changes made?

Changes in policy and legislation.

w) Were changes documented?

No records have been found documenting changes between policy versions. In addition, there is no established practice in the retention of superseded versions of policy and procedures (although this is in the process of being changed in direct consequence of the findings of the Northern Ireland Inquiry). From 2000's – changes documented in carer handbook and in standards for family placement social workers.

x) Was there an audit trail?

Evidence points to this typically not having been the practice over most of the period under consideration. However, it should be noted in saying this that this was in accordance with contemporary practice.

Present

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

Yes

z) If so, please give details.

Contemporary practice in electronic working facilitates both the ready retention of superseded versions of policy and procedures. It also facilitates effective and practicable audit trail practices. Both of these are in the process of being introduced currently.

i. Children in foster care

Fife Council Foster Carer Handbook covers policy in relation to record keeping by foster carers:

Good record keeping is a key and important task for Foster Carers. You are expected to record any appointments and meetings that are taking place for the child in a notebook. You are expected to complete one notebook for each Looked After child.

Foster Carers should use the notebook to record what is happening with your Looked After child. This is a very useful way to evidence any patterns of behaviour (positive or negative), to help you prepare for meetings, in completing written reports and in

terms of Safer Caring. It is also a record of the child's experience with you which they might access later on in life. It is part of their history with you and it is important that this is not lost.

Put the date each time you write in your notebook. You don't have to write every day, but document significant appointments, changes or events. It is a formal document which can be asked for by Social Workers, and the Looked After child can ask to see it when they are an adult so be mindful of writing sensitively and professionally. The notebook should be kept in a confidential locked space until the child leaves you. Then it should be passed to the Child's Social Worker.

Any serious incident or accident which involves a child must be reported immediately to the Child's Social Worker or in the absence to the Area Teams Duty Worker. If this incident has taken place Out of Hours then you must report this to the Social Work Out of Hours Service. Please record the date and time of incident in your notebook and monthly summary.

This information must also be passed on to your Supervising Social Worker. Family Placement Service has an obligation to inform the Care Inspectorate of any unforeseen events such as serious incidents or accidents that result in a GP visit, visit to hospital or a young person absconding from fostering household. Upon receiving this information your Supervising Social Worker emails Family Placement Team Manager who completes a notification of the event.

Examples of serious incidents or accidents include when a child or young person: runs away, is removed without consent from the Social Work Service, commits an offence, is hospitalised or requires emergency medical treatment, suffers or discloses any incident of abuse. If in doubt, please discuss with Family Placement Service.

Foster carers are also required to complete monthly summaries on the child's progress and development to their Supervising Social Worker on a standard pro forma (see appendix). This should be emailed or if handwritten passed on to your Supervising Social Worker who will share this with the Child's Social Worker. By keeping a detailed and accurate log of the child's development, achievements and important events this can be used to help you to complete the Looked After Child (LAC) report (C184).

ii. Foster carers

The Family Placement Service Standards set out the expectations that Supervising Social Workers must meet in relation to keeping records about their foster carers (C202).

iii. Visits to children and foster carers

Family Placement Service Standards provide the following framework for visits:

The minimum standards for visiting Foster Carers and Adopters in their home will be:

New Foster Carers / Adopters – minimum of fortnightly visits for the first three months.

Established Foster Carers / Adopters – minimum of monthly visits (to include child at minimum of 3 months).

Joint visits with C&F SW to Foster Carer / Adopters home – will be arranged at a minimum of 3 monthly.

Any change to these standards must be agreed by Team Manager and Service Manager. The agreed visiting frequency will be included in the Child's Plan.

Unannounced visits to a Foster Carer's home will be undertaken on an annual basis and will include a Health and Safety check.

All visits to be recorded on SWIFT (C202).

iv. Complaints

Fife Council Procedures for Dealing with Complaints and Concerns about Foster Carers provides clear guidance on record-keeping at all stages of the complaints and investigations process (C185).

v. Investigations (both internal and external)

As above (iv.).

vi. Discipline

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

Fife Council complies with the Data Protection Legislation 2018, which allows individuals to find out what personal information is held about them and why it is held by making a Subject Access Request. C247 is a screenshot of the Fife Council Request for Information portal.

viii. Other issues relevant to foster care

(ii) Practice

Past

(c) Did the Local authority adhere in practice to its policy/procedures in relation to record keeping?

At an organisational level, partial adherence is evidenced by items in committee minutes and annual reports. In the same way, partial adherence is evidenced by surviving records- both their content and, sometimes, by the records themselves- which can be requirements of legislation or regulation.

1930's – 1940's – examples of records from Fife Education Committee minutes to remove children and accept boarding out (A27) (A34)

1950's – 1958 Report presented to Children's Committee following the death of a child in foster care – Children's Officer concludes no blame on foster carer (A93)

1970's – 1980's - no information available

1990's - 2000's – evidence of information being kept in carer and children's files. Example of minutes of case discussion being retained in carer file following allegations being made against the carer. (A257)

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

1930's – 2000's – no information available

(c) Did the local authority adhere in practice/ check adherence in practice to its policy procedure in relation to record keeping on the following:

i. Children in foster care

1930's – 1950's – no information available

1960s- evidence of case notes recording visits to children in foster care and to their families. Visit when children returned home and concerns raised by parent recorded (C156).

1970's – 2000's – no information available.

ii. Foster carers

1930's – 1950's – no information available

1963 – Evidence of case recording for children placed with foster parents. Information about prospective carers for these children recorded within children's file. (C175)

1970's – 2000's no information available

iii. Visits to children and foster carers

1930's – 1950's – no information available

1960's – Example of children's officer providing a report to the Fife County Council Committee following a visit to child in foster care. (A63)

1970's – 2000's no information available

iv. Complaints

1930's – 1990's – no information available

2000's – examples of records of complaints, case discussions and outcomes in foster carer files (A259)

v. Investigations (both internal and external)

1930's – 1990's – no information available

2000's – examples of records of complaints, case discussions and outcomes in foster carer files (A259)

vi. Discipline

1930's – 2000's – no information available

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

1930's – 2000's – no information available

viii. Other issues relevant to foster care.

d) How was adherence demonstrated?

1930's – 1950's – relevant minutes of Committee meetings

1960's – Children's social work records (C175)

1970's -1990's – no information available

2000 – Children's files and foster carer files. Minutes of meetings retained in carer files.

e) Were relevant records kept demonstrating adherence?

Yes

f) Have such records been retained?

1930's – 1960's - Evidence that some have been retained.

1950's and 1960's -St Margaret's Enquiry identifies not all records about children have been retained. (C180)

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

1930's – 2000's – no information available

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?

1930's – 1990's – no information available

2000's evidence of partial review as part of St Margaret's Enquiry. Records for one family notes that they were poorly cared for and had been neglected when living in foster care. Records show that they were removed because carers had locked them in a washroom. There is no record of whether carers were charged with neglect or if they were allowed to continue to foster. (C180)

Black and Williams Report 2002. The Council adopted their recommendation for a longer retention for case records for young people until the seventy fifth anniversary of the child's birth; and that any allegations against foster carers and the action taken and ultimate resolution of the allegation are recorded on the carer's file.

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

1930's – 2000's – no information available

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

1930's -1990's – no information available

2000's - St Margaret's Enquiry – recommendation that files for children in care need be kept up to date and retained for a long time after the young person leaves care (C173)

k) What changes have been made?

1930's – 2000's – no information available

2000's – Social Work records for looked after children are kept up to date and standards applied. Clearer guidance, training and support for carers to keep appropriate records for children placed with them.

l) How are these monitored?

1930's – 2000's – no information available

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

There are no records relating to this for much of the period under discussion. The shorter retention of case records in the period 1959-87 would have made this difficult. From 1989 onwards former children in care would have been given access in line with the Access To Personal Files (Social Work) Scotland Regulations 1989

n) If so, how was that facilitated?

1930's – 2000's – no information available

Present

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

Yes

p) If so, please give details.

Contemporary practice in electronic working facilitates both the ready retention of superseded versions of policy and procedures. It also facilitates effective and practicable audit trail practices. Both of these are in the process of being introduced currently.

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

vi. Children in foster care

- register of looked after children
- case files for looked after children which are retained for 100 years from date of birth or for 25 years from the date of death where the child dies before 18th birthday. The case file to contain the Child's Plan and the information specified in The Looked After Children (Scotland) Regulations SI/2009 No. 210 like family/social work reports review and hearing reports, family/social work contact

Example of a monthly summary completed by a foster carer. This records the child's progress throughout the month under the SHANARRI Wellbeing Indicators. (C239)

Example of a child's plan/chronology for a child placed in foster care. (C250)

Example of a risk assessment for a child placed in foster care. (C251)

vii. Staff with responsibilities for foster care

The service currently holds the following records for staff either internally or within their corporate HR file:

- supervision notes
- contact and payroll information
- details of complaints, investigations or performance management procedures followed
- risk assessments in relation to activities/tasks (or for individuals where personal circumstances make this necessary)

viii. Foster carers

- Case files for approved carers which are retained for 25 years from the termination of approval or from the death of the carer.
- Case files for pre-approval carers not approved/withdrawn which are retained for 25 years from the date of the decision or 25 years from the death of the carer
- records of training provided to carers
- financial records of fees and maintenance payments

Example of a foster carer supervision record completed by their allocated Supervising Social Worker. (C224)

Example of a foster carer review minute. (C225)

Example of a foster carer medical report. (C227)

Example of a foster carer application form. (C219)

Example of a foster care agreement. (C221)

Example of a joint visit to foster carer by their allocated Supervising Social Worker and the child's allocated Social Worker. (C231)

ix. Complaints

The Service currently hold the following records with regard to complaints (where complaints involve a member of staff and this leads to formal investigation then these records will be contained within their corporate HR file):

Staff use the corporate grievance procedure if they have a complaint and these records are kept in individual staff HR files. Complaints by members of the public, parents, etc, are made using the corporate complaints procedure and records kept. Some complaints may lead to investigations

The Service currently hold records with regard to complaints where complaints involve a foster carer and this leads to formal investigation then these records will be contained in their foster carer's file.

Example of a completed Concern Report detailing the nature of the complaint, the investigation process and the outcome. (C232)

x. Investigations (both internal and external)

The Service currently holds the following records from any investigations (where complaints involve a member of staff and this leads to formal investigation then these records will be contained within their corporate HR file):

- any complaint/grievance forms or statements/letters emails that led to an investigation being instigated
- fact finding reports or additional statement from any initial investigation prior to a formal process being initiated
- letters organising meetings, interviews, etc
- letters advising of the outcome including where external agencies need to be informed

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

Former children in foster care are directed to the Information Management and Requests Team on how to access their records.

Part D – Abuse and Response

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

5. Abuse

5.1 Nature

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

There is evidence of complaints against foster carers who are alleged to have sexually and physically abused children in their care (A287).

5.2 Extent

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

There is evidence of 4 complaints or civil claims against foster carers for alleged abuse (A287).

- b) What is the basis of that assessment?

As noted above

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

There is evidence of 4 complaints or civil claims against foster carers for alleged abuse (A287).

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

4 foster carers (A287)

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

There is evidence to suggest that on one occasion a settlement payment was made to an individual following allegations made against his foster carer (A287).

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

There is no evidence that the local authority found any of these foster carers to have abused children.

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

None.

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

None

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

None

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

No information available.

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

No information available.

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

No information available.

5.3 Timing of Disclosure/Complaint

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

Evidence that these complaints were made between 1998 – 2018 (A287).

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

Evidence suggests that the alleged abuse was historical.

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

Evidence suggests that these complaints were made many years later when the alleged abusers were no longer foster carers (A287).

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

No information available.

5.4 External Inspections

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

N/A

5.5 External Investigations

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

There is evidence that the Police were involved in the investigation of at least one complaint (A287)

For each such external investigation please answer the following:

- b) Who conducted the investigation?

Evidence suggests that Fife Council initially dealt with complaints received and the police were also involved (A287).

- c) Why was the investigation conducted?

Evidence suggests that these were conducted to determine if a crime has been committed by a foster carer (A287).

d) When was the investigation conducted?

No information available.

e) What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?

Evidence that some cases did not proceed, and one was settled out with court (A287).

f) What was the local authority's response to the investigation and its outcome?

There is evidence that a public apology was made by the Chief Executive and Head of Social Work on one occasion (A287).

g) Were recommendations made following the investigation?

No information available

h) If so, what were the recommendations and were they implemented?

No information available

i) If recommendations were not implemented, why not?

No information available.

5.6 Response to External Inspections/Investigations

a) What was the local authority's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?

No information available.

b) What was the local authority's procedure/process for responding to the outcomes of such external inspections and/or investigations?

No information available.

c) What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?

No information available.

5.7 Impact

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

Evidence that an individual sought counselling as a result of his alleged abuse in foster care (A288).

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

Financial claims to the Council reference this information – including Grievance Report (A288)

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

No information available

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

N/A

5.8 Known Abusers and Alleged Abusers

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

Yes – alleged abusers names are recorded as part of complaints process (A287) (A287i) (A288) (A289) (A290)

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

As detailed in scanned document A287, A288i and A288 A289, A290

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

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

Allegations of alleged abuse against foster carers from 1960 – 1968 (A288), 1961-1972 (A289), 1970 – 1980 (A290)

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

Information confirms these were approved foster carers for Fife Council (A288) (A287i) (A289) (A290)

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

As noted in section 1.3 (ii) of the report, the 1968 Act established that a “particular foster parent could not be recommended to a Children’s Hearing unless the procedures and regulations had been followed and the conditions satisfied. The Regulations introduced Fostering Panels and the approval of foster parents”. While we have no information about how these conditions were assessed prior to approval, documents reference ongoing supervision from the local authority during the time of these allegations (A288).

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

No information available.

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

The evidence suggests that there was no formal investigation at the point of allegations (A288) (A290) and that the individuals alleged to abuse children were no longer foster carers at the point of complaint or allegation (A287).

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

No information was available to explain this response, however since 2016 Fife Council has had a clear process in place to respond to concerns and allegations made against foster carers (A283).

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

No information available.

5.9 Specific Complaints

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

2 complaints have been received by Fife Council (A287).

For each specific complaint, please answer the following:

- b) Who made the complaint?

All of these complaints appear to have been made by the individual who had previously been looked after (A287).

d) When was the complaint made?

There is evidence that these complaints were made between 1998 – 2018 (A287).

e) Against whom was the complaint made?

Previous Fife Council foster carers.

f) What was the nature of the complaint?

Allegations of physical and sexual abuse.

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

No information available.

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

There is evidence of a risk assessment being completed by Fife Council during the p[rocess of managing these complaints (A287).

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

As detailed above.

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

There is evidence that settlement payments were made for some of the complaints (A287).

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

Yes.

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

As detailed in scanned document A287.

m) If there was no response, why not?

No information available.

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

There is evidence that the police were involved in investigating 2 of the complaints (A287).

o) If not, why not?

No information available.

5.10 Civil Actions

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

There is evidence of 2 civil actions brought against Fife Council (A287i).

For each such civil action, please answer the following:

b) Who brought the action?

The individual who alleged to have been abused while in foster care (A287i).

d) When was the action brought?

Between 2002 – 2006 (A287i)

e) Against whom was the action brought?

Fife Council

f) What was the nature of the abuse, or alleged abuse, to which the action related?

Allegation of physical and sexual abuse while in foster care (A287i).

g) What were the names of the persons said to have, or alleged to have, committed abuse?

Names foster carers as detailed in scanned document (A287i).

h) When/over what period was the abuse said, or alleged, to have taken place?

Between 1962 – 1980 (A287i)

i) How did the action progress?

There is evidence that one case was settled prior to proof hearing, another progressed to Court but the action was dismissed (A287i).

j) What was the outcome?

As detailed above.

k) Was the action settled on a conditional basis of confidentiality?

No

- l) Who was/were the local authority's legal representative(s) in relation to the civil action?

This information is detailed in scanned document (A287i).

- m) Did the local authority carry insurance for meeting civil claims at the time the action was live?

Partially in one case but not in the other (A287i).

- n) How/where can copies of the court papers relating to the civil action be made available to the Inquiry?

Papers will be available from the Scottish Courts.

5.11 Criminal Injuries Compensation Awards

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

No information available.

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

5.12 Police

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

One complaint was made to the police (A287). Evidence that police prosecuted an individual as a result of the allegation (A289).

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

- b) Who was the alleged abuser or abuser?

Fife Council foster carers (A289).

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

Yes (A289)

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

Documents reference an individual being convicted in 2000 (A289) but no specific information about the investigation is provided.

- c) What was the outcome of the police investigation?

Conviction of the abuser.

d) What was the organisation/establishment's response?

A settlement payment was made and a public apology was made by the Chief Executive and Head of Social Work (A287).

5.13 Crown

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

We can confirm following review that the conviction related to David Murphy was via his employment in children's homes and not related to foster care. There is evidence that a foster carer was convicted of sexually abusing a child placed in their care (A289).

General queries August 2021:

Q. As regards the information provided on document A287, we note there appears to be some confusion about whether the second complaint listed (Mr ██████████ would be considered foster care. Where reference is made to boarding, are you able to confirm whether this means boarding out (as defined in relevant legislation governing this practice) or board and lodgings? It would also be helpful if you could provide details of the age of the individual at the time said 'boarding' took place?

A. Documents detail that Mr ██████████ was aged 15 years in 1988 when he was placed in the care of a male by the local authority (A291). While we have no information available about the provision of care during this time period (see 1.1b of the report) boarding out was a term seen in historical documents which referenced to situations we now class as foster care. For the purpose of this report, Mr ██████████ is thought to have been in foster care.

Q. More generally, we note that many of the answers provided in response to the questions within Part D simply state that there is no information available. It would assist in aiding our understanding if you could provide some further information in relation to how the material in Part D was obtained. For example, was a file review carried out? If so, what methodology was deployed? In addition, was a record of complaints consulted? If so, what time period did that record or log cover?

A. When completing this report it was established that there was no register of historic complaints. Archived records relating to foster carers and children who were accommodated in foster care were reviewed. Relevant information was also highlighted by the financial redress team through their experience of processing financial claims.