



The Rt Hon Lady Smith
Po Box 24805

Edinburgh

EH7 9EA

Your Ref: -
Our Ref: DM/
Date: 29th of July 2020

Dear Lady Smith,

Scottish Child Abuse Inquiry Section 21 Request for information-Fostering

Please find attached the submission on behalf of The Highland Council in response to your request for information within the year span of the Inquiry 1930-2014.

Thank you for the extension period allowed to complete the request. The depth of the information provided was impacted by the C-19 pandemic in that we were not able to access and read the files in the detail we would have liked. We have achieved a sample reading of 10% of foster carers files per decade while cross referencing against the files of children in the care of foster carers during the sample period.

This was an intensive and challenging piece of work. We allocated many hours of council staff and supporting agencies to the completion of this request and I hope that you find the information comprehensive and informative.

Yours sincerely



Donna Manson
Chief Executive

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Part A – Background	
	Summarised Answers
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.	<p>1930 - 1975</p> <p><u>County Councils</u></p> <ul style="list-style-type: none"> - Inverness County Council (Inc. some Western Isles) - Ross and Cromarty County Council (Inc. some Western Isles) - Caithness County Council - Sutherland County Council - Nairn County Council - Moray and Nairn Joint County Council, <p><u>Burgh Councils</u></p> <ul style="list-style-type: none"> - Wick - Thurso - Dornoch - Tain - Cromarty - Invergordon - Fortrose - Dingwall - Inverness - Kingussie - Fort William - Nairn - Grantown_ <p><u>District Councils</u></p> <p>1975 - 1996</p> <p><u>Highland Regional Council</u></p> <p><u>District Councils</u></p> <p>Caithness Sutherland Ross and Cromarty Inverness Skye and Lochalsh Lochaber Badenoch and Strathspey Nairn</p>
<i>All subsequent references to “local authority” mean the local authority and its statutory predecessors.</i>	<p>1996 – present</p> <p>Highland Council</p>

<p>All references to “foster care” include boarding out with private families.</p>	
<p>b) When and how did the local authority become involved in the provision of foster care for children in Scotland?</p>	<p>The local authority has boarded out children from 1845 when the Parish Councils were created under the Scottish Poor Law Act. These powers were then transferred to the County or Burgh Councils upon the abolition of Parish Councils in the 1929 Local Government (Scotland) Act.</p>
<p>c) How has the involvement of the local authority in the provision of foster care changed/developed over time?</p>	<p>Most changes or developments have taken place due to legislation changes in Scotland. This is directly referenced in several meetings of the Social Work Department of the role changes due to the introduction of new legislation. The Highland Regional Council also adhered to CoSLA recommendations, as well as recommendations from the Scottish Office and the Social Work Services Group.</p> <p>1994 – 1996 – Fostering & adoption social workers were located within the children and families teams and line managed by one of two area managers specifically for Fostering & Adoption, with the exception of Inverness. A separate team had already been established led by a senior social worker. For the areas out with Inverness there was also day to day line management from the Team Managers in the children and families social work teams. At this time there were 4 senior social workers supervising social workers in fostering and adoption work across Highland. Restructuring of children’s services continued and several reports were commissioned.</p> <p>1996 – 1998 - A report to the Social Work Committee in March 1998 set out a range of recommendations which <i>“will lay the foundation for a more comprehensive and responsive service to children and families throughout the Highlands.”</i> Foster care was part of this overall plan and the report recommended: <i>“Develop a range of specialist respite and foster care services and ensure that adequate training and support is available for carers.”</i> Section 3.3 highlighted specifically the key areas where the development of fostering services should focus. <i>Recruitment of respite carers for children affected by disability, specialist carers, ring fenced funding for training for foster carers and an increase in the social work posts in the fostering & adoption service.</i> As part of this restructuring the appointment of a service manager in Ross-shire in 1998 to set up a Fostering & Adoption team was agreed by committee. This would replicate the Fostering & Adoption team already established in Inverness. They were known as Children’s Resources social workers. Up until now, in Ross-shire these social workers had been located alongside the children & families teams. This would separate these workers from the area teams and was the</p>

	<p>first step in creating a separate service for Fostering & Adoption work.</p> <p>In 1999 Barnardo's (Scotland) Evaluation Study was commissioned to evaluate the gaps in Children's Services. In relation to fostering these were the recommendations: <i>"Family based respite care to be included in the overall review of the fostering service.</i> <i>Highland Council to decide on the appropriateness of Barnardo's providing fostering services and agree the priority age group."</i></p> <p>From 1998 – 2004 there was a Service Manager for Fostering & Adoption in Ross-shire, and several senior social workers in the other more rural areas.</p> <p>2004 to the present day. The management of the Fostering Service was centralised under a specialist manager accountable to the Head of Operations, Children & Families in 2004. This was following a review of social work services and proposed improvements to the current fostering scheme which was to ensure that the National Standards were met, and to improve the range of placements available to young people in Highland.</p>
<p>1.2 Funding of Foster Care</p>	
<p>Past</p>	
<p>a) How were the local authority's operations and activities, so far as relating to the provision of foster care, funded?</p>	<p>1930 - 1975: From the records available, it appears the provision of foster care was funded the same way as other Local Government Committees, through the local authority budgets.</p> <p>1975 - 1996: The Social Work Department budget comes from the Highland Regional Council budget. There were some charges brought in for selected Social Work Services, initially in 1975 and this was still operational in 1992. Fostering appears to have been an assessed charge.</p> <p>1996 - 2014: Not fully known. Financing comes from the wider Highland Council budget but projected overspends are an issue through the years. Specific National funds were mentioned in around 2000, the Children's Services Development Fund came from the Scottish Government - the objective of this additional funding was to ensure the quality and safety of social work services for children and young people.</p> <p>From 2004 the service was centralised and managed separately, and the budget was separated from the children & families budget. In 2004 Fees introduced and paid per household in recognition of the fostering task and as a reward element to the foster carers, along with an age-related allowance paid for each child.</p>
<p>b) To what extent, if any, did the local authority provide funding to other organisations for</p>	<p>1930 - 1975: The Local Authority would provide funding to other organisations if a child they were liable for was boarded out across County boundaries. Usually, the County the child lived in would pay for it and the liable County would pay the boarding County back.</p>

<p>the purposes of provision of foster care?</p>	<p>Usually this is only done if a placement could not be found in the residential County. Examples available.</p> <p>1975 - 1996: The above referenced practice still happened but not to a great extent. The only organisations involved were usually other local authorities</p> <p>1996 - 2014: Not known. There is recognition of young people being placed out with the authority after 1996, but there are no details as to the specific arrangements for this, if the other organisations were other local authorities or independent organisations. At least some of these outside placements were due to young people requiring placement who were sexual abusers and could not be accommodated in any existing residential or foster placements because of this. There is discussion of working with independent organisations to develop services to avoid placing children out with Highland. Joint work was undertaken with Barnardo's in 1999/2000. The extent of this work and the amount of funding involved is not known.</p> <p>2003 & 2005 Voluntary Organisation Barnardo's specialist placements purchased, 2011 - 2014 Voluntary organisation Action for Children & Independent Fostering Agency SWISS Specialist placements purchased</p>
<p>c) If funding was provided by the local authority to other organisations for the provision of foster care, to whom was it provided, when was it provided and what criteria were applicable to its provision?</p>	<p>1930 - 1975: If money was paid to other organisations, a person was rarely specified, the receiving organisation as a whole would be named. They were usually paid at the end of a financial year or whenever the organisation requested payment. Criteria is not mentioned.</p> <p>1975 – 2002: We could find no evidence that the Local Authority purchased placements out with the Highland Council area and it appears the local authority was wholly reliant on placing children with internally assessed foster carers.</p> <p>2003 - 2005 Voluntary Organisation Barnardo's specialist placements purchased.</p> <p>2011 - 2014 Voluntary organisation Action for Children & Independent Fostering Agency SWISS Specialist placements. Funding was for the placement (care and day to day costs) and supervision and support and paid directly to the Independent Fostering Agency. They in turn would pay the allowances directly to the Foster Carers. Criteria applicable was that these were specialist placements for children with complex health needs, disability or very challenging behaviour, and deemed "hard to place."</p>
<p>d) To what extent was financial state support available to foster carers? How were foster carers made aware of that state support? How was that state support accessed by foster carers</p>	<p>1930 - 1975: Reference found to a guardian's allowance being paid from the Ministry of National Allowance and another reference of payment being made to a guardian through the Ministry of National Insurance, both in the 1950s. Criteria is not mentioned.</p> <p>1975 - 1992: Our understanding that at that time Foster Carers were not eligible to access state benefits.</p>

<p>(e.g. directly or via the local authority)?</p>	<p>1992 - Financial state support - DLA was introduced in 1992 and Foster Carers could apply for this payment on behalf of a child with a disability they were caring for on a full-time basis. The Foster carers would apply directly to DWP for this benefit. They were made aware of this benefit by their allocated social worker.</p>
<p>e) To what extent was financial support from the local authority available to foster carers?</p>	<p>1930 - 1975: Foster carers were given financial support in the form of an allowance per week for the foster children in their care. This was changed in line with other authorities or in response to continued complaints by foster parents. They could request an increase in this allowance which was considered by the Committee on a case-by-case basis. They could also request additional support for particular items such as clothes and shoes, school trips, holidays, vocational training etc. There is reference to the children receiving Christmas gifts and pocket money.</p> <p>1975 - 1996: Fostering allowances given by the local authority directly to foster carers. Levels in line with COSLA recommendations. Financial support by way of an age-related allowance was paid to Foster Carers by the LA. For example, in 1979 this was £11.55 per week for a pre-school child.</p> <p>1996 - 2014 Financial support by way of an age-related allowance continued to be paid by the Local Authority directly to Foster Carers. This allowance was to cover the day to day costs of caring for a child. Additional allowances towards birthdays, holidays and Christmas were also paid per child. Extra payments for clothing could also be paid.</p> <p>In 2000, CoSLA and ADSW published a report on foster care services. It recommended that Carers be paid a fee for the service they provide to the authority in caring for the child and that <i>"The fee has to be substantial enough for the complex care task to attract people with existing skills and experience away from their current jobs"</i>.</p> <p>In 2004 Highland Council introduced fees and these were paid per household to foster carers in recognition of the task they were undertaking. Social Work Committee (SWC 2004)</p> <p>1975 -present day Foster Carers were made aware of the financial support in writing along with their letter confirming their approval and/or at the beginning of each financial year thereafter. Social Work Committee (SWC2004) report 2004 refers to the allowances paid. <i>"In relation to the basic allowances, most local authorities, including Highland, pay the rate recommended by COSLA (Foster care 2000). The Fostering Network (Payment for Skills 1996) (The Fostering Network Survey of Fee Payment to FC 2002) recommend rates which are 50% higher than this to reflect wear and tear, redecoration, laundry, babysitting and other incidental costs to carers, but few local authorities in the UK have implemented this."</i> This committee report was proposing that a reward element of fees</p>

	<p>to be paid to foster carers in addition to the allowances in order to improve recruitment and retention of foster carers.</p> <p>In 2004 Highland Council introduced fees and these were paid per household to foster carers in recognition of the task they were undertaking. (SWC2004)</p>
<p>f) If financial support was available, what was the source of those funds (i.e. from local or central government)? What criteria did the local authority apply to the distribution of such funds?</p>	<p>1930 - 1975: As far as it can be determined, the funds came from local government directly to the foster carers. The same base rate was given to all foster carers; however, some were augmented in relation to specific circumstances. No general criteria are mentioned in the minutes.</p> <p>1975 - 1996: Same as above.</p> <p>1996 -1999 Funding from Central Gov continued from Scottish Office The funds came from the local government budget. Criteria are not mentioned, although it is discussed in 1999 paying foster carers a fee based on skills and continuing training rather than an allowance to bridge the skills gap in fostering provision.</p> <p>1999 - 2007 Funding from the Scottish Executive</p> <p>2007 to the present-day funding from the Scottish Government to local authority and the budget set by the Council. Payments made to Foster Carers directly by local authorities.</p>
<p>g) How were foster carers made aware of any financial support available from the local authority? How was that financial support accessed by foster carers?</p>	<p>1930 - 1975: As far as it can be determined from records held, foster parents were automatically notified of financial support when they became foster parents. They advertised for foster parents in the newspaper at various times, so it is possible there was publicised notification too. In the early 1950s there are some people applying for the Guardian's Allowance rather than automatically receiving it but the circumstances in these cases are not clear. Before 1949, the financial support was accessed by Registered Letter or Postal Order, given by District Social Welfare Officers directly to foster parents. After 1949, a Children's Account was set up and foster parents were paid by cheque.</p> <p>1975 - 1996 an age-related fostering allowance was paid, additional payments for clothing were introduced, including additional payments for Christmas and birthdays. (HRC FC procedures 1995). Allowances were paid directly to Foster Carers</p> <p>1996 - 2014 an age-related fostering allowance was paid, additional payments for clothing were made, including additional payments for Christmas and birthdays. Allowances paid directly to Foster Carers. An additional one-off payment towards holidays was introduced in the early 2000's.</p>

	<p>Fees were introduced in 2004 and paid to the carer and per household rather than per child. There has been an increase in fees paid in 2012, 2015 and more recently 2020.</p> <p>2014 – as above. Increase of allowances in 2006, 2009 and 2012.</p> <p>Pre-2004 - Financial support was paid to carers by BACS and by the carers submitting an “Expense Form” which triggered payments for placements, additional expenses were also claimed this way. Since 2008 payments made to Foster Carers for placements were triggered electronically through setting up a Service Agreement on CareFirst. Expense forms still need to be submitted for reimbursement of additional expenses incurred.</p>
<p>h) What other sources of funding were available to foster carers in relation to the provision of care for children?</p>	<p>1930 - 1975: Full details not known from records held. There is reference to Widows and Orphan's pensions. There is also a reference to a foster carer receiving additional allowance due to the difficulties being experienced with regard to boarding out the child in her care. Reference is also made to further payments being made to children and foster parents for Christmas gifts, school trips, holidays and pocket money.</p> <p>1975 – Present Additional payments for birthdays and Christmas, additional payments for holidays, clothing for activities, clubs and groups, special diets, additional laundry costs. Mileage can also be claimed for travel incurred undertaking the fostering role. Community Carers were Foster Carers who cared specifically for teenagers. They were the first group of carers to receive a fee in Highland.</p> <p>In 2000 – Specialist Carer Scheme introduced. A higher fee was paid to this group of Foster carers who cared for children with complex difficulties and were deemed “hard to place” or at risk of being placed in residential care. In addition to the higher fee their internet connection was paid for by the LA to encourage on line training.</p>

<p>i) Was the funding adequate to properly care for the children?</p>	<p>1930 - 1975: Not fully known from records held. Allowances could be augmented on a 'per request' basis if a foster carer requested a raise. These could be granted or denied by the Committee. Base allowances were sometimes increased after continued complaints by several foster carers or when it was noticed that surrounding Counties' rates were much greater than Highland's rates.</p> <p>1975 - 1996: Not fully known from records held. In a meeting of March 1985, the fostering allowances are raised in line with COSLA recommendations, however Inverness Branch of Highland Foster Parents Association claim the proposed rates are insufficient and did not reflect the costs incurred by fostering. Rates continued to be raised in the future - Feb 1986, Dec 1989, Feb 1991 etc. Always in line with CoSLA recommendations.</p> <p>1996 - 2014: recommended allowances raised in line with CoSLA recommendations but not always satisfactory for the foster carers. Increase in allowances in 2006, 2009 and 2012. However, it was reported in 2012 to Committee that many foster carers were finding it harder to fund the service they provide, and were leaving or reducing their availability, in order to seek employment elsewhere. This in turn also added to the cost of supporting the care of very young children in foster care.</p>
<p>j) If not, why not?</p>	<p>1930 - 1975: Not fully known from records held. There is evidence from the records that multiple foster carers complained at several points in time about the allowance rate.</p> <p>1975 - 1996: One reference to "Inverness Branch of Highland Foster Parents Association claim the proposed rates are insufficient and did not reflect the costs incurred by fostering." No further reference to this.</p> <p>1996-2014 recommended allowances raised in line with CoSLA recommendations but not always satisfactory for the foster carers. Increase in allowances in 2006, 2009 and 2012. However, it was reported in 2012 to Committee that many foster carers were finding it harder to fund the service they provide, and were leaving or reducing their availability, in order to seek employment elsewhere. This in turn also added to the cost of supporting the care of very young children in foster care. Though the Fostering network recommended that allowances increase at the same rate as inflation this often did not happen. It was also recognised that many children in foster care had additional needs which in turn cost more to care for them.</p>
<p>Present</p>	

k) With reference to the present position, are the answers to any of the above questions different?	Yes – see below
l) If so, please give details.	Payments are made directly to Foster Carers by BACS and paid fortnightly. There are additional allowances paid per child as in section (h), fees are also paid and up until 01.01.2020 these were paid per household. From 1 January 2020 fees will be paid per child and are age related over or under 13 years and there is a 20% increase in the amount of fee paid.
1.3 Legal Status	
(i) Local authority	
Past	
a) What was the legal basis which authorised or enabled the local authority to become responsible for the provision of foster care for children in Scotland?	1930- 1975 - Section C: The Children and Young Persons (Scotland) Acts, 1932 and 1937 Section D: The Children Act,1948 Children and Young Persons (Scotland) Care and Training Regulations, 1933 Children (Boarding-out etc) (Scotland)Rules and Regulations,1947 The Boarding-out of Children (Scotland) Regulations, 1959, 1975 - 1996 - Boarding-Out and Fostering of Children (Scotland) Regulations 1985 1996 – 2014 Fostering of Children (Scotland) Regulations 1996 Looked After Children (Scotland) Regulations 2009
b) Did that legal basis require the local authority to meet, or fulfil, any legal and/or regulatory requirements in respect of children in its care? If so, please give details.	1930-1975 – Refer to Norrie’s list 1975-1996 – Refer to Norrie’s list 1996-2014 – Refer to Norrie’s list National Care Standards - They were set up by the Scottish Government, as required by the Regulation of Care (Scotland) Act 2001. The standards were written from the user's viewpoint. They are based on a set of principles that highlight how important it is for those providing care services to recognise and accept you as an individual. These principles are dignity, privacy, choice, safety, realising potential, equality and diversity
c) Did the local authority have a legal duty of care to each child in its care?	Yes See response 1.1 a) and 1.1 b) (Ctrl+click to follow link) The Boarding out and Fostering of Children (Scotland) Regulations 1985 outline that the authority has responsibility for appointing foster carers in accordance with schedule 1 of the Act. The authority was responsible for approving foster carers under regulation 7 of the Act
Present	

d) With reference to the present position, are the answers to any of the above questions different?	Yes
e) If so, please give details.	Some changes in legislation and regulations which introduced some changes; for example, The Children (Scotland) Act 1995 marked a significant stage in the development of legislation on the care of children in Scotland. It set out the duties and powers available to public authorities to support children and their families and to intervene when the child's welfare required it. Foster Carer Agreements - The Fostering of Children (Scotland) Regulations 1996 , stated <i>A local authority which approve a foster carer under regulation 7 shall enter into a written agreement with the foster carer regarding the matters and obligations set out in Schedule 2 and such other matters as may be appropriate</i>
(ii) Foster carers	
Past	
a) Did foster carers have a special legal, statutory or other status?	1930 - 1975: Not known from records held 1975 - 1996: Not known from records held Foster carers were assessed, approved and registered with the Local Authority. Foster Carers would be acting on behalf of the Local Authority. They are asked to care for a child by the Local Authority. 1996 -2009 The parents retained Parental Rights & Responsibility (PRR) until a PRO (Parental Responsibility Order) or FFA (Freeing for Adoption) orders were granted. 2009 to present - The parents retained Parental Rights & Responsibility (PRR) until a PO (Permanence Order) or a POAA (Permanence Order with Authority to Adopt) is granted. When a PO is granted a LA can delegate authority to foster carers to act on their behalf or auxiliary provisions can be included in the PO application. The Local Authority held the Parental Rights when a PRO or FFA orders were granted and also since 2009 when a PO or POAA is granted. The Parental Rights & Responsibility is then transferred to adoptive parents when an adoption order is granted.
b) If not, how did the local authority classify a foster carer?	A person who has been assessed to have the skills and competencies required to be a registered Foster Carer and meets the criteria set out in the Regulations. To provide the day to day care of children and young people, where there are no concerns raised in relation to them having sole care of a child or children, they are expected to advocate on behalf of the child, support their educational, health and social wellbeing and manage their sometimes-challenging

	behaviour, keep records, attend meetings and work with the wider team as well as developing their own skills and experience.
c) What was the legal basis which authorised, or enabled, a foster carer to become responsible for caring for children?	Children were placed with Foster Carers on a voluntary order by parents, or in a Place of Safety, Child Protection Order by court or by Children's Hearing Supervision Requirement.
d) Did that legal basis require a foster carer to meet, or fulfil, any legal and/or regulatory requirements in respect of children in his or her care? If so, please give details.	<p>The National Care Standards are a set of standards for care services in Scotland.</p> <p>They were set up by the Scottish Government, as required by the Regulation of Care (Scotland) Act 2001. The standards were devised after considerable consultation with service providers, service users, various expert bodies and individuals, and the public. The National Care Standards are used by service providers to maintain and improve the quality of services provided. The Care Inspectorate is also required by law to apply them when regulating care services.</p> <p>The Regulation of Care (Scotland) Act 2001 - The Act established a new system of care service regulation including the registration and inspection of care services which takes account of national care standards. The Act also creates two new national, independent bodies, the Scottish Commission for the Regulation of Care, to regulate care services, and the Scottish Social Services Council, to regulate the social service workforce and to promote and regulate its education and training and to ensure the SSSC Code of Conduct for social workers was adhered to.</p> <p>In April 2002 the Care Commission was set up to regulate and improve care services in Scotland and in 2011 this responsibility changed to the Care Inspectorate.</p> <p>By 2004 all fostering services were required to register with the Care Commission, and to comply with National Care Standards. Proposed improvements to the fostering scheme in Highland were designed both to ensure that the Standards were met, and to improve the range of placements open to young people in Highland.</p>
e) Did the foster carer have a legal duty of care to each child in his or her care?	<p>Yes - The Foster carer is/was acting on behalf of the Local Authority to provide appropriate care to each child in his or her care and bring them up as one of their own.</p> <p>Boarding out of Children (Scotland) Regulations 1947.</p>
Present	
f) With reference to the present position, are the answers to any of the above questions different?	Yes & No
g) If so, please give details.	The Fostering Service continues to be regulated by the Care Inspectorate with Inspections every 2 years. The new Health and

	Social Care Standards were revised and published by the Scottish Government in 2017 and were implemented in April 2018 .
1.4 Legal Responsibility	
(i) Local authority	
Past	
a) Did the local authority have any legal responsibility for the children in its care?	Yes
b) If so, what was the nature and extent of that legal responsibility?	<p>There are a wide variety of duties owned by the Local Authority to looked after children. These duties are contained in the 1995 Act and the various regulations made thereunder, particularly the LAC Regulations 2009 and the Leaving Care Regs 2003. The Guidance to the 2007 Act is also important. (BAAF Child Care Law: Scotland p72) The local Authority duties listed in the 1995 Act were amended by the 2014 Act.</p> <p>The Children (Scotland) Act 1995 marked a significant stage in the development of legislation on the care of children in Scotland. It set out the duties and powers available to public authorities to support children and their families and to intervene when the child's welfare required it.</p> <p>The Children and Young People (Scotland) Act 2014 put the UNCRC into a Scottish statute for the first time. It encouraged Scottish Ministers and public bodies to consider children's rights and required them to prepare reports on what they are doing to progress children's rights.</p> <p>The Guidance on the Looked after Children (Scotland) Regs 2009 - The principal relevant primary legislation to which this refers are the Children (Scotland) Act 1995 and the Adoption and Children (Scotland) Act 2007. Both acts and their attendant regulations embody principles and themes which are explicit in places and implied throughout.</p> <p>The key principles are:</p> <ul style="list-style-type: none"> • To give paramount consideration to the welfare of the child • To consider the views of the child • To avoid delay and to make the minimum necessary intervention to a child's life <p>Other legislation such as the Regulation of the Care Act is reflected in the themes of: transparency in all intervention with children and their families; respect for diversity; ensuring equality of service; and being responsible about and accountable for the collection and storage of information. These central principles and themes have</p>

been developed to address national concerns about assessment planning and decision-making pathways for many of Scotland's most vulnerable children. There are clear connections between the principles, values, methods and intended outcomes for children outlined by GIRFEC and the precision of legislative requirement in adoption, fostering and kinship care. To this end, the guidance has been developed in parallel with the revision of the national **Child Protection and Risk Assessment Guidance 2010**, a revised **Code of Practice on Additional Support for Learning and Safe and Well** in schools. These developments have taken place within the wider early year's framework which sets up generic unifying expectations for a diverse children's workforce.

The introduction of the **Children's Hearing Scotland Bill in 2010** will underpin reform of the Children's Hearing system, alongside GIRFEC, the Early Year's framework and Equally Well. The developments in a national approach towards improving the outcomes for children and young people who are looked after by the local authority. The term "Corporate Parent" has no legal status but encompasses the statutory duties on all parts of the local authority to co-operate in promoting the welfare of the children and young people who are looked after by them, and the duty on other agencies to co-operate with local authorities in fulfilling that duty.

The Adoption and Children (Scotland) Act 2007. The report "**Adoption: better choices for our children**" identified the positive contribution which adoption can make to the lives of children, and recommended proposals, incorporated into the Act, to ensure that the adoption process reflects contemporary family structures, best practice and research.

The Act has also introduced a new order, the Permanence Order, which is intended to be used in those situations ***where the local authority will continue to have responsibility for a child or a young person***. The guidance draws extensively on material developed as part of the **Getting it right for every child in foster care and kinship care strategy (2007)**.

The welfare of the child as paramount

Local authorities have duties under section 22 of the 1995 Act to 'children in need', to promote the welfare of children in need, including that they shall "so far as is consistent with that duty, promote the upbringing of such children by their families".

However, local authorities' duties when children are or may be 'looked after' are separate. They are primarily set out in section 17 of the 1995 Act and then supported by the regulations. One of those duties is about the paramountcy of children's welfare, which may be simply stated as putting children's welfare first.

	The principle of paramountcy of children's welfare is found in various wordings in sections 11, 16 and 17 of the 1995 Act and sections 14 and 84 of the 2007 Act.
c) Did any other person or organisation have any legal responsibility for the children while they were in the local authority's care?	A mother automatically holds Parental Rights and Responsibilities until an FFA/POAA was granted or an order removing PRR was granted in court e.g. a Residence Order. A father has Parental Rights and Responsibility if he was listed on the birth certificate or married to the mother when the child was conceived or married her at any point afterwards. From May 2006 unmarried fathers have Parental Rights and Responsibility if named on the child's birth certificate.
d) If so, what was the nature and extent of that responsibility?	As above section c
e) If the local authority had no legal responsibility for children in its care, where or with whom did legal responsibility lie?	As above section c
Present	
f) With reference to the present position, are the answers to any of the above questions different?	Yes
g) If so, please give details.	A major development has been GIRFEC (Getting it right for every child) which has Child Protection at its centre. How we approach making appropriate arrangements for children and young people through adoption, kinship care and fostering and how we approach child protection are inextricably linked.
(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?	Foster Carers can apply for a Residence Order in certain circumstances and the RO may grant full PRR or this could be shared with a parent. When the Residence Order is granted the child would then no longer be looked after and accommodated.
b) If so, what was the nature of that responsibility?	As above
Present	
c) With reference to the present position, are the answers to either of the above questions different?	No

d) If so, please give details.	The foster carer does not hold any parental rights or responsibilities and are acting on behalf of the Local Authority.
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?	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Not fully known from records held. 19th December 1985 "The Committee's philosophy towards the fostering service would result in an unavoidable overspend of some £25,000." But this philosophy is not elaborated upon.</p> <p>In 1982 the Council adopted a policy, the core of which was the change of focus from long term institutional care of children to short term institutional care with an associated development of foster care provision. It was hoped that the bulk of children in care should either be with their natural parents or in foster/community care.</p> <p>In 1988 the Council's aim was to reduce the demand on the fostering service by 50% whilst maintaining 250/300 pool of foster families to give a real choice when matching children to families and reduce the amount of time children had to wait for an appropriate placement. Due to the demand for more specialised placements, the focus was moved to more specialised recruitment, training and support of foster parents. A Community Carer provision for difficult to place children under 12 was also proposed as it was currently focused only on the 12+ category. Staff availability was also to be increased to support sexually abused children and children with psychological difficulties. It was also considered that as the mean age of children entering the system in Highland was 9 years, which is the age Family Aide Programme, Community Carer programme and Intermediate treatment programme are aimed at and that custody and adoption are still a possibility too, the possibility was there to forestall children having long term "care careers".</p> <p>Current priorities (1990-1992) within the specialist Children's Services focus on resources for early and preventive intervention through provision of family support staff, day care and expansion of IT resources. There is continued development of fostering and community carer resources, to avoid institutional care.</p> <p>1996 - 2014: In 1998, the focus in the development in foster care moved to recruiting and training additional foster carers for respite care for children with disabilities and children presenting significant challenging behaviour. It is mentioned in a 1999 report by the Assistant Direct for Children's Services at Barnardo's (commissioned by Highland Council) that an overall recommendation is that there should be an overall vision statement for the authority which</p>

emphasises a corporate approach and can then be built into a strategic plan, this would suggest there was no overall vision statement before **1999**.

In 2001 the Care standards introduced by Scottish Government. Protecting & safeguarding vulnerable children who require care and protection, promoting best outcomes for looked after children.

In 2017 the new Health and Social Care Standards were revised and published by the Scottish Government and were implemented in **April 2018**.

In 2001 the first integrated children's service plan (FHC1) was established and was reviewed in **2004**. **FHC2 was for 2005 – 2008** and FHC 3 was for **2009 to 2012**.

For Highlands Children 4 (FHC4) is the 4th iteration of the plan which runs until **2020** and is the current integrated Children's Service Plan which responded to the requirements of the legislation below.

In February **2014** The Scottish Government passed the Children and Young People (Scotland) Bill. The Bill places duties on public bodies to coordinate the planning, design and delivery of services for children and young people with a focus on improving wellbeing outcomes, and report collectively on how they are improving those outcomes.

Responsibility for this planning rests with local authorities and health boards, as well as with a range of other local and national bodies who consult with, or who are obligated to participate, at various stages of the plan's development.

The plans demonstrate what local authorities and health boards are doing to ensure that services are integrated for service users (including children, young people, and families), that they make the best use of resources and are meeting their aims to safeguard, support and promote wellbeing, early intervention and prevention.

For Highlands children **2014-2019**

The Highland Practice Model is underpinned by common values and principles which apply across all aspects of work with children and young people. Developed from knowledge, research and experience, they reflect the rights of children expressed in the United Nations Convention on the Rights of the Child (1989) and build on the Scottish Children's Charter (2004). They are reflected in legislation, standards, procedures and professional activity.

- Promoting the well-being of individual children and young people: this is based on understanding how children and young people develop in their families and communities and addressing their needs at the earliest possible time Keeping children and young people safe: emotional and physical safety is fundamental and is wider than child protection

- Putting the child at the centre: children and young people should have their views listened to and they should be involved in decisions which affect them
- Taking a whole child approach: recognising that what is going on in one part of a child or young person's life can affect many other areas of his or her life • Building on strengths and promoting resilience: using a child's or young person's existing networks and support where possible
- Promoting opportunities and valuing diversity: children and young people should feel valued in all circumstances and practitioners should create opportunities to celebrate diversity
- Providing additional help which is appropriate, proportionate and timely: providing help as early as possible, considering short and long-term needs
- Working in partnership with families: supporting wherever possible those who know the child or young person well, know what they need, what works well for them and what may not be helpful.
- Supporting informed choice: supporting children, young people and families in understanding what help is possible and what their choices are:
 - Respecting confidentiality and sharing information: seeking agreement to share information that is relevant and proportionate while safeguarding children and young people's right to confidentiality.
 - Promoting the same values across all working relationships: recognising that respect, patience, honesty, reliability, resilience and integrity are qualities valued by children, young people, their families and colleagues.
 - Making the most of each worker's expertise: respecting the contribution of others and co-operating with them, recognising that sharing responsibility does not mean acting beyond a worker's competence or role.
 - Co-ordinating help: recognising that children, young people and their families need practitioners and managers to work together, when appropriate, to promote the best possible help.

	<p>➤ Building a competent workforce to promote children and young people’s wellbeing: commitment to learning and development and improvement of interprofessional practice.</p>
<p>b) What did the local authority see as the foster carer’s function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: From discussions with experienced practitioners who have worked or continue to work for the Council over many years it has been confirmed there were procedures and guidance that were followed but we have been unable to locate them.</p> <p>1996 - 2014 Procedures were written in line with legislation and clearly spelt out what was required from applicants, assessments, approval and review of Foster Carers. Procedures to follow if there were child protection concerns or allegations were made against Foster Carers. The function of the Fostering Panel and membership were included.</p> <p><u>Legislation (2006 procedures)</u> Foster Children (Scotland) Act, 1984 Foster Children (Private Fostering) (Scotland) Regulations, 1985 The Children Act 1989 The Disqualification for Caring for Children Regulations, 1991 (No 2094) The Children (Scotland) Act, 1995 The Fostering of Children (Scotland) Regulations, 1996 The National Standards – Family Placement. The National Care Standards are a set of standards for care services in Scotland. They were set up by the Scottish Government, as required by the Regulation of Care (Scotland) Act 2001. The standards were devised after considerable consultation with service providers, service users, various expert bodies and individuals, and the public. The National Care Standards are used by service providers to maintain and improve the quality of services provided. The Care Inspectorate is also required by law to apply them when regulating care services. The new Health and Social Care Standards were revised and published by the Scottish Government in 2017 and were implemented in April 2018. In 2001 the first integrated children’s service plan (FHC1) was established and was reviewed in 2004. FHC2 was for 2005 – 2008 and FHC 53 was for 2009 to 2012. For Highlands Children 4 (FHC4) is the 4th iteration of the plan which runs until 2020 and is the current integrated Children’s Service Plan</p>

<p>c) Were there changes over time in terms of what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided for children?</p>	<p>Yes see 1.1 b)</p> <p>The Children Act 1989 provided a comprehensive framework for the care and protection of children. It centred on the welfare of children up to their 18th birthday and it defined parental responsibility and encouraged partnership working with parents.</p> <p>Section 1 of the Children Act (CA) set out three general principles:</p> <ul style="list-style-type: none"> • The welfare of the child is paramount; • Delay is likely to prejudice the welfare of the child; • The court shall not make an order unless to do so would be better for the child than making no order (the 'no order' principle). <p>The Children (Scotland) Act 1995 marked a significant stage in the development of legislation on the care of children in Scotland. It set out the duties and powers available to public authorities to support children and their families and to intervene when the child's welfare required it.</p> <p>The Children and Young People (Scotland) Act 2014 put the UNCRC into a Scottish statute for the first time. It encouraged Scottish Ministers and public bodies to consider children's rights and required them to prepare reports on what they are doing to progress children's rights. Improved services and support to Foster carers, Regulations, Inspections & introduction of National Standards improved the quality of placements and the care provided. There was an increase in the number of and sources of checks and references during assessment of applicants. There was an expectation that Foster Carers undertake training and development of skills and a recognition that Foster Carers are professionals and have a valuable contribution to make in the planning for vulnerable children.</p>
<p>d) If so, what were the changes and when and why did they come into effect?</p>	<p>1930 - 1975: Not known from records held.</p> <p>1975 - 1996: Not fully known from records held. In 1982 the focus changed to focus on the development of the fostering service and away from long-term institutional care. This was seen as successful as the number of children in long-term care was dramatically reduced by 1988. The focus was moved to longer term permanency planning for children and to try and find an alternative to long-term foster care such as better family support, so children could return home or adoption.</p> <p>In 1990 the service priorities were i) to expand and strengthen community based resources aimed at prevention of care or supervision proceedings and overcoming social and economic disadvantage, through expanded day care, Family Aides etc, ii)</p>

	<p>continue expansion of foster care to ensure choice and range of appropriate placements, iii) continue to extend specialist fostering and respite care schemes, as alternative to hospital care for children with a disability.</p> <p>In 1995 the UN Convention on the Rights of the Child was adopted by the Council, coinciding with the implementation of the 1995 Children's Act.</p> <p>1996 - 2014: No significant information held in Archives.</p> <p>In 1998 respite care for children with disabilities and the placement of children with challenging behaviour was addressed through prioritising recruitment and training for specialised foster parents in response to National perspectives. The aftercare needs of young people leaving care was also considered in more detail. After the 1995 Children's Act, there was a report on Children's Services in 1999 setting out the child-centric principles found in the Act and noting these as principles to be taken on by the Council. Looking After Children - Good Parenting, Good Outcomes scheme launched in Highland in 2000.</p>
<p>e) Were there changes over time in terms of what the local authority saw as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Not fully known from records held. Some changes documented.</p> <p>1996 - 2014: Not known</p> <p>The Care Commission was set up in April 2002 to regulate and improve care services in Scotland up to April 2011. The Care Inspectorate now regulates care services in Scotland. The Highland Council Fostering service was previously registered with the Care Commission and transferred its registration to the Care Inspectorate on 01 April 2011.</p> <p>Regulation by the Care Inspectorate involves:</p> <ul style="list-style-type: none"> • registering new services • inspecting services • investigating complaints • taking enforcement action, when necessary, to improve care services. <p>The work of the Care Inspectorate must reflect the following laws and guidelines:</p> <ul style="list-style-type: none"> • the Regulation of Care (Scotland) Act 2001 • regulations made under this Act • the National Care Standards, which set out standards of care that people should be able to expect to receive from a care service. <p>The Care Inspectorate grade each service under Quality Themes which for most services are:</p>

	<ul style="list-style-type: none"> • Quality of Care and support: how the service meets the needs of each individual in its care • Quality of environment: the environment within the service (for example, is the service clean, is it set out well, is it easy to access by people who use wheelchairs?) • Quality of staffing: the quality of the care staff, including their qualifications and training • Quality of management and leadership: how the service is managed and how it develops to meet the needs of the people it cares for • Quality of information: this is how the service looks after information and manages record keeping safely.
<p>f) If so, what were the changes and when and why did they come into effect?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1998: Not fully known from records held.</p> <p>In 1982, the foster carer's role was seen to be fairly straightforward, however by 1988 it was obvious there was a huge demand for more specialised foster assessments and placements for pregnant girls, young mothers and babies, 14+ children, sexually abused children and children with psychological difficulties. To meet these demands the style of foster care provision was re-evaluated and move to much more specialised recruitment, training and support for foster parents. A Community Carer provision for difficult to place children under 12 was also proposed, as before 1988 the provision only covered the 12+ category.</p> <p>1998 – A report submitted to the Social Work Committee set out a range of recommendations which would lay the foundations for a more comprehensive and responsive service to children and families throughout the Highlands. Included in these recommendations was a plan to develop a range of specialist respite and foster care services and ensure that adequate training and support was available for foster carers. Also, to further develop a range of facilities which would provide supported accommodation for youngsters leaving care.</p> <p>In 2000 there was a move to recruit more skilled foster carers to take on children with challenging behaviour over the long-term.</p> <p>In December 2006, The Scottish Executive launched a consultation process with the aim of developing a National Fostering and Kinship Care Strategy. Following a number of recent reports in relation to action to improve the welfare of Scotland's children, this consultation paper on Fostering and Kinship Care built on the findings of "Better Choices for our Children"- 2005 which led to the Adoption and Children (Scotland) Bill, 2006; "Getting it Right for Every Child"; "Extraordinary Lives" and "Hidden harm- the Next steps". The consultation paper addressed to some extent all of the community-based options for alternative family placement with particular emphases on Fostering, and for the first time, on Kinship</p>

	<p>Care and Private Fostering. The report acknowledged the role that extended family members and friends played in providing care for children and support to their parents in many cases.</p> <p>A key question posed by the consultation is how services to Looked After Children might be improved and what can be done to recruit, retain and support carers in larger numbers. It acknowledges that local authorities in Scotland do not have sufficiently large or diverse pools of foster carers to meet need and provide choice.</p> <p>Unfortunately, the paper falls short of an in-depth analysis of the impact of the changing role of women in society, the changing needs and demands of the children being looked after and the implications for the kind of people needed as carers; how they might be equipped and supported and feel valued. This information is critical and will be required if the strategy is to be successful. It should also be noted that the number of looked after children and young people continue to increase nationally with a rise of 6% being reported for the year 2005 – 2006 and that demand for alternative care arrangements was growing. The strategy if it is to have any real impact on supply of carers needs to address this.</p> <p>As reported in the Social Work Committee report 2008 – There was a busy national agenda in fostering, kinship care and adoption in the previous year. Council managers were helping to shape developments with representation on national reference groups:</p> <p>The Adoption and Children (Scotland) Act 2007 (once implemented and supported by training) with its new Permanence Order would give greater flexibility in securing positive outcomes for the small number of very vulnerable children who cannot live safely with their parents. The National Strategy, “Getting it right for every child” in Kinship and Foster care had been published and a stakeholder briefing was held in Highland. Consultation had started on the regulations which would shape policy and practice. The Council had been at the forefront of supporting relatives to care for their looked after children and help permanent find solutions.</p>
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.	As above 5.1f
1.6 Numbers	
(i) Local authority	

Past	
<p>a) How many children did the local authority accommodate at a time in foster care and in how many placements?</p>	<p>1930 - 1975: There is some statistical information mentioned in Minutes and anecdotal indications held for some areas regarding number of children in foster care but not for all areas and not over a continuous time period. The number of foster placements available is never made clear.</p> <p>25th January 1963 - 55 children presently in the care of the council</p> <p>4th December 1963 - 54 children</p> <p>1975 - 1996: Similar to above. Numbers of foster carers may not all be in use, they reflect the approved number of carers at the time.</p> <p>1982: avg. of 201 children in foster care 1983: avg. of 212 children in foster care 1984: avg. of 216 children in foster care 1985: avg. of 203 children in foster care 1986: avg. of 201 children in foster care 1987: avg. of 173 children in foster care 1988: avg. of 250 children in foster care 1987 Dec: 203 children / 250 foster carers 1988 Apr: 201 children / 257 foster carers 1988 Jun: 199 children / 268 foster carers 1988 Aug: 213 children / 246 foster carers 1988 Sep: 188 children / 244 foster carers 1988 Nov: 183 children / 249 foster carers 1988 Dec: 180 children / 247 foster carers 1992 Feb: 163 children / 254 foster carers 1992 Mar: 165 children / 254 foster carers 1992 Apr: 165 children / 257 foster carers 1992 Jun: 165 children / 258 foster carers 1992 Aug: 179 children / 250 foster carers 1992 Sep: 187 children / 249 foster carers 1992 Nov: 199 children / 251 foster carers 1992 Dec: 192 children / 252 foster carers 1995 Feb: 202 children / 231 foster carers 1995 Apr: 203 children / 232 foster carers 1995 Jun: 202 children / 234 foster carers 1995 Aug: 192 children / 220 foster carers 1995 Sep: 184 children / 223 foster carers 1995 Nov: 214 children / 225 foster carers 1995 Dec: 184 children / 223 foster carers 1999 - 239 children in Foster Care / 157 foster Carers 2001 – 230 children in Foster Care/ 201 Foster Carers</p>

	<p>31 March 2006 - 454 children looked after, with 111 of these placed in foster care It is noted several times that there is a past lack of reliable / accurate statistical information. 31 March 2007 – 167 children in Foster Care, 131 Foster Carers 2007/08 – 147 children in Foster Care ,148 Foster Carers 31 March 2008 - -151 children in Foster Care</p> <p>2008 - “The Council currently has 137 foster carers and prospective adopters, who look after about the same number of the Council's 500 looked after children. 31 March 2009 – 141 children in Foster Care 13 August 2010 - 172 children placed with all categories of foster carers. Unlike the national increase, the numbers of Highland Looked After Children in foster care has remained relatively static with a slight increase over the last four years with the numbers of “new” children coming into care each year being just over the 100. That there has not been an increase of Scottish proportions is seen as evidence that GiRFEC has been effective. Nevertheless, the current quarter has been exceptionally busy, though it remains to be seen if this is a trend or temporary change. 31 July 2011 – 149 children in Foster Care 31 July 2012 – 172 children in Foster Care 31 July 2013 – 151 children in Foster Care 2013/14 -175 children in Foster Care</p>
<p>b) How many foster carers were approved/registered by the local authority at any given time? How many placements for children did this represent? How many placements were in use at any given time?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Not fully known from records held. Numbers below reflect number of carers approved at a given time, not all are necessarily in use. The aim from 1988 onwards was to have 250-300 placements in order to offer a wide choice of placements for children.</p> <p>1987 Dec: 250 foster carers 1988 Apr: 257 foster carers 1988 Jun: 268 foster carers 1988 Aug: 246 foster carers 1988 Sep: 244 foster carers 1988 Nov: 249 foster carers 1988 Dec: 247 foster carers 1992 Feb: 254 foster carers 1992 Mar: 254 foster carers 1992 Apr: 257 foster carers 1992 Jun: 258 foster carers 1992 Aug: 250 foster carers 1992 Sep: 249 foster carers 1992 Nov: 251 foster carers</p>

1992 Dec: 252 foster carers
 1995 Feb: 231 foster carers
 1995 Apr: 232 foster carers
 1995 Jun: 234 foster carers
 1995 Aug: 220 foster carers
 1995 Sep: 223 foster carers
 1995 Nov: 225 foster carers
 1995 Dec: 223 foster carers
 1997: 201 foster carers - figure referenced in SW68/99
 1999: 157 foster carers - at this time there were no available foster placements in the whole of Highland. In light of this, an immediate target was set of assessing 20 new foster carers, but it was noted an assessment could take around six months to complete.
 It is noted several times that there is a past lack of reliable / accurate statistical information.

2006 Inspection report - At the time of the inspection 139 approved carers were supported by the Fostering Service.

2007 Inspection Report - At the time of the inspection there were 136 Foster Carers.

2008 Inspection Report - At the time of the inspection there were 137 Foster Carers who look after "about the same number of the Council's 500 Looked After Children."

2009 Inspection Report At the time of the inspection there were 148 Foster Carers and at 31st December 2009 121 children in Foster Care

2010 Inspection Report At the time of the inspection there were 140 Foster Carers

2011 Inspection Report At the time of the inspection there were 116 Foster Carers

2011: In the Annual Return for period 1st Jan 2011 to 31st December 2011 it was reported that at 31st December 2011 there were the following categories of Foster Carers: 18 both Short- and Long-Term Care, 62 Short Term Care Only, 12 Long Term Care Only, 11 Pre-Adoptive Placement Care, 9 Respite Care, 8 Multiple
 The number children and young people were receiving the following types of foster care as at 31 December 2011:
 142 both Short- and Long-Term Care, 102 Short Term Care Only, 40 Long Term Care Only, 25 Pre-Adoptive Placement Care, 24 Respite Care.

	<p>2012: In the Annual Return for period 1st Jan 2012 to 31st December 2012 it was reported that at 31st December 2012 there were the following categories of Foster Carers approved to provide: 30 both Short- and Long-Term Care, 74 Short Term Care Only, 6 Long Term Care Only, 19 Pre-Adoptive Placement Care, 6 Respite Care, 23 multiple care.</p> <p>The number children and young people were receiving the following types of foster care as at 31 December 2012: 148 both Short- and Long-Term Care, 90 Short Term Care Only, 58 Long Term Care Only, 20 Pre-Adoptive Placement Care, 21 Respite Care.</p> <p>2013: In the Annual Return for period 1st Jan 2013 to 31st December 2013 it was reported that at 31st December 2013 there were the following categories of Foster Carers approved to provide: 36 both Short and Long-Term Care, 75 Short Term Care Only, 8 Long Term/permanent Care Only, 19 Pre-Adoptive Placement Care, 6 Respite Care, 17 multiple care</p> <p>The number children and young people were receiving the following types of foster care as at 31 December 2013: 128 both Short and Long-Term Care, 79 Short Term Care Only, 49 Long Term/Permanent Care Only, 30 Pre-Adoptive Placement Care, 17 Respite Care</p> <p>2014: In the Annual Return for period 1st Jan 2014 to 31st December 2014 it was reported that at 31st December 2014 there were the following categories of Foster Carers approved to provide: 26 both Temporary and Long-Term Care, 80 Temporary Care Only, 10 Long Term/permanent Care Only, 11 Pre-Adoptive Placement Care, 18 Respite Care, 18 multiple care</p> <p>The number children and young people were receiving the following types of foster care as at 31 December 2013: 129 both Temporary and Long-Term Care, 84 Temporary Care Only, 45 Long Term/Permanent Care Only, 15 Pre-Adoptive Placement Care, 14 Respite Care</p>
<p>c) If foster carers were approved/registered by the local authority as providing only specific types of care – e.g. respite care, short-term foster care, long-term foster care – please provide details of the categories and the numbers of placements in each.</p>	<p>1930 - 1975: Not fully known from records held. In 1951 remand home placements are mentioned, with remand care being offered by an ex-policeman and his wife who have extra accommodation. Also, in 1951, temporary foster-mothers are employed for occasions when alternative accommodation for children awaiting adoption cannot be found. Throughout the 1960s it is common for children to be temporarily boarded out while they are awaiting adoption. In the late 1960s, foster carers for emergency, short-term cases are mentioned.</p> <p>1975 - 1996: In 1990 it is mentioned that "Child and Family Services working group mention the use of foster carers and community</p>

carers for respite care, however establishing demand and needs were complex and this hasn't yet been developed."

In the late 1980's/early 1990's the Authority provided emergency, respite, temporary and more permanent care arrangements.

1996 - 2006 - The Highland Council provided a Fostering and Family Placement Service for children and young people from birth to eighteen years and their families, who were assessed as in need of this service and who either lived in, or had a connection with, Highland Council.

The agency recruited and supported carer families to provide a range of fostering services including day care, respite care, foster care, share the care, befriending and specialist care for children with complex needs.

At the time of the inspection in 2006 139 approved carers were supported by the Fostering Service.

(Inspection Report 2006)

45 children, young people were placed with short term carers

13 children, young people were placed with long term permanent carers

24 children, young people were with long term temporary carers

21 children, young people were in receipt of specialist respite care.

Annual return CI 2006

At 31 March 2006 45 short term care, 13 long term care 9 permanent), 24 long term care (temp), 21 respite, 31 dual/triple.

(Inspection Report 2007)

There were 65 children, young people in Short Term Care

37 children, in Long Term (permanent) Care

33 children, young people in Long Term (temporary) Care

32 children, young people in Respite Care

At the time of the inspection and the Annual return CI 2007

52 Short Term Foster Carers, 35 Long Term (permanent) Foster Carers

5 Long Term (temporary) Foster Carers, 13 Specialist Foster Carers

31 dual or triple approved Foster Carers.

(Inspection Report 2008)

There were 75 children, young people in Short Term Care

33 children, in Long Term (permanent) Care

25 children, young people in Long Term (temporary) Care

30 children, young people in Respite Care

At the time of the inspection there were:

45 Short Term Foster Carers, 13 Long Term (permanent) Foster Carers

24 Long Term (temporary) Foster Carers, 21 Respite Specialist Foster Carers, 31 dual or triple approved Foster Carers.

(Inspection Report 2009)

As of 31 December 2008, there were 124 children, young people in foster care
86 children young people were in short term foster care
38 children were in long term foster care
21 children were in pre-adoptive foster care
29 children received respite care
At the time of the inspection there were:
64 Short Term Foster Carers, 23 both short- and long-term Foster Carers
11 long term Foster Carers, 35 pre-adoptive carers, 15 respite Foster Carers

2009 - The agency recruited and supported carer families to provide a range of fostering services including day care, respite care, foster care, shared care, befriending and specialist care for children with complex needs.

(Inspection Report 2010)

At the time of the inspection there were 65 Short Term Foster Carers
13 both short and long term, 11 long term, 32 pre-adoptive, 9 respite carers, 10 Multiple Carers

As of 31 December 2009, there were 121 children/young people in foster care.

89 children/young people were in short term foster care

32 children were in long term foster care.

18 children were in pre-adoptive foster care

31 children received respite care.

(Inspection Report 2011)

At 31 December 2011 there were foster carers approved to provide:
17 both Short- and Long-Term Care, 64 Short Term Care Only
13 Long Term Care Only , 16 Pre-Adoptive Placement Care, 6 Respite Care

The number children and young people were receiving the following types of foster care as at 31 December 2011

142 both Short- and Long-Term Care

102 Short Term Care Only

40 Long Term Care Only

25 Pre-Adoptive Placement Care

24 Respite Care

(Annual Return to CI 2013)

At 31 December 2012 there were foster carers approved to provide:
30 both Short- and Long-Term Care, 74 Short Term Care Only
6 Long Term Care Only, 19 Pre-Adoptive Placement Care, 6 Respite Care

23 multiple care

(Annual Return to CI 2014)

At 31 December 2013 there were foster carers approved to provide:

	<p>36 both temporary and permanent care, 75 temporary care only, 19 pre-adoptive care, 6 respite care, 17 multiple care</p> <p>The number children and young people were receiving the following types of foster care as at 31 December 2013 were 128 both temporary and permanent care, 79 temporary care only, 49 permanent care only, 30 pre adoptive care, 17 respite care.</p> <p><u>(Annual Return to Care Inspectorate 2015)</u></p> <p>At 31 December 2014 there were foster carers approved to provide: Both temporary and permanent 26, Temporary only 80, permanent only 10, Pre-adoptive care 11, respite care 18</p> <p>The number children and young people were receiving the following types of foster care as at 31 December 2014</p> <p>Both temporary and permanent 129, temporary care 84, permanent care 45, pre-adoptive placement care 15, respite care 14.</p>
<p>d) Please provide details of any material changes in numbers of children, placements or foster carers, and the reasons for those changes?</p>	<p>1930 - 1975: Not known from records held.</p> <p>1975 - 1996: Not known from records held.</p> <p>In Social Work Committee meeting in November 1978 "increased spending discussed, including £10,000 more allocated to fostering due to increased demand" is mentioned but no further details are provided. It is also inferred during this period that there are an increasing number of children in the Social Work system as a whole, but this is believed to be due to increased awareness of child protection.</p> <p>In the 1980s the number of children in foster care increased due to the change in focus from placement in institutional care to placement in foster care.</p> <p>1996 - 2014: Full information not held in Archives. Between 1997 and 1999 the number of foster carers drops from 201 to 157. The reason for this is not clear, but it results in a crisis for foster care provision and gives a situation where there is no choice for foster care placements, meaning "this often leads to what everyone would acknowledge as an inappropriate placement being made with a very substantially increased risk of disruption." The report then goes on to say that as looked after children can be very visible in the Highlands, if difficulties lead to placement breakdown this can lead to a child being rejected by other carers. A critical need identified was for short term and emergency placements and another was to provide continuity and stability of care. The increasing complexity of children and young people's needs meant that they often have to be placed alone so this also had an impact of the availability of placements. There was a need for improvement in the skill base of carers, there had been a real difficulty in getting carers to attend training, the reasons for which were not clear. The view was also expressed that in some areas foster carers hold unrealistic expectations of young people's behaviour. The fostering service had</p>

also been limited in the past due to significant staff shortages in many of the resource teams for a considerable period of time. However, there are significant differences between areas, some areas have received excellent service from the Council and some tight-knit foster carer groups that have shown a strong commitment to attending training, however this hasn't translated into an ability to recruit carers by word of mouth as would usually happen. One area, despite providing a very good service, has not been able to recruit any new foster carers for the past two years. The same area has drawn nil response to various attempts to recruit respite carers for children with disabilities. It is noted that Highland has considerable opportunities for part time and full-time work for women which restricts availability for fostering.

See section [1.5 a](#), (Ctrl+click to follow links)

[1.5 c](#)

[1.5 f](#)

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

1930 - 1975: Not known from records held. There is statistical information to be found in some of the records, however no accurate total can be determined from this as it is not continuously reported for any area. In

1951, there were 123 children in care in Ross and Cromarty, then January

1963 there were 55 children in the care of the Council, compared to 54 in December 1963, then 45 in December 1964.

1975 - 1996: Statistical information discussed frequently but no details of numbers are printed in the surviving Minutes. Occasionally statistics are elaborated on, in **1979** it is discussed in relation to the Social Work Services Group statistics from 1977 there were 11.3 per 1000 children in care/under supervision in Scotland compared to 8.5 per 1000 for HRC, ratio of boys to girls 2:1 in both cases. In 1978 there were 642 children in care or under supervision in HRC, with a much higher percentage of children "in the 'at home' category than the national average". Considerably lower percentage of children in care in the List "D" category than for Scotland, with a similar percentage in the general 'residential' category.

In **1986** the children in the care of the authority reached a peak of 611 and was reduced to **514 by 1988**. It was anticipated that care orders would continue at much the same level, relative to population.

This number may include children under supervision at home.

31st March **2005** 398 looked after children

31st March **2006** 454 looked after children

31st March **2007** 501 looked after children

31st March **2008** 465 looked after children.

31st March **2009** 456 looked after children

Reporting Period Changes for the CLAS Returns

31st of July **2010** 469 looked after children

31st of July **2011** 497 looked after children

31st of July **2012** 507 looked after children

31st of July **2013** 462 looked after children

31st of July **2014** 447 looked after children

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 - 1975: Not accurately known from records held. Some mention in minutes: In **February 1950**, a letter is drafted from the Children's Officer in response to suggestion for a cross-county Children's/Remand Home, detailing that there are currently only four children "more or less" permanently resident in Children's Homes for whom boarding out is not practicable because boarding out has been so successful in the County. "In view of the fact that boarding-out of deprived children is generally considered the most desirable method of dealing with them, the utilisation of the accommodation in a Children's Home only becomes necessary as a last resort and this, up till now only in the case of very few children in Ross."

1975 - 1996: Not accurately known from records held. In **October 1976** discussion of charges for services in residential homes, ended by the intention to produce a comparative report of the costs of boarding out children and places in children's homes, which is mentioned again in 1977.

27th Sept 1979: Statistics of children in care or under supervision mentioned from Social Work Services Group for 1977 - in 1977 there were 11.3 per 1000 children in care/under supervision in Scotland / 8.5 per 1000 for HRC, ratio of boys to girls 2:1 in both cases. In **1978** there were 642 children in care or under supervision in HRC, with a much higher percentage of children "in the 'at home' category than the national average". Considerably lower percentage of children in care in the List "D" category than for Scotland, with a similar percentage in the general 'residential' category.

10th Feb 1977 Comparative costs between fostering/boarding out mentioned.

2nd Nov 1978 Increased spending discussed, including £10,000 more allocated to fostering due to increased demand.

In 1979 Departments were asked to give a summary of improvements the public could expect from services, one of which was "increased child/weeks in foster homes". In the report on Children's Services in 1988, it was mentioned that in 1982 the focus had moved from long-term institutional care for children to short-term institutional care supported by development in fostering services with more emphasis and a move to fostering being the preferred destination.

In 1985, while discussing the staffing of Kinmylies Children's Centre, it was noted that "it had to be realised, however, that the present situation was transitional in that there was an increasing use of community carers, fostering etc.". Discussion of 1985 Children's

	<p>Panel Report, Chairman of the Panel "acknowledged the value of the recent development of children's centres but she drew attention to the need particularly in some areas of the Region for greater provision of both short and long term foster homes and community carers."</p> <p>In 1986, discussion of role on Kinmylies Children's Centre "Since 1982, fostering and community care provision had been developed to the point where the Department had recruited foster parents throughout the region and was now able to offer a degree of choice for both the younger child and also older children with particular problems." different types of foster care was considered and set up e.g. respite care for children with disabilities. (Contract carers)</p> <p>1990's expanded residential provision however through the 1990's and beyond there was still a focus on foster care being the preferred destination., and it remains the position that consideration of foster care is always the priority in the first instance for any child before a move to residential is considered.</p>
Present	
g) With reference to the present position, are the answers to any of the above questions different?	Yes
h) If so, please give details.	<p>Committee report 2010 – <i>“There has been a shift over the last 6 years in the age groups requiring foster care, with a marked increase in the number of babies accommodated, most of whom have serious health and developmental needs generally associated with parental substance misuse. There has been an increase in the number of older sibling groups characterized by profound neglect with the eldest having been “young carers”. There are also some very angry out of control primary school aged boys who are out of mainstream school, and do not have a full education timetable. This can present challenges when carers work as well as foster. “</i></p> <p>1996 – 2014 – Increase in the use of family-based placements, respite care, permanent fostering and also Kinship care</p> <p>2014 – present more children placed in Foster Care than Residential Care, this will increase as Restructuring of the service progresses. Foster Carers are critical to the successful care of looked after children and there is evidence that children in foster care achieve better outcomes and represent best value for the Council compared to the cost and outcomes for children in residential care.</p> <p>2018 - The Placement Services Change Programme is to provide alternative services which enable young people to remain as close to</p>

	<p>their communities in Highland as possible. To provide a safe, stable and secure family placement (until decisions are made in relation to permanence), and to support children and young people to remain or move from residential to family-based placements for the remainder of their childhood and beyond.</p> <p>There had been a gradual shift from children being placed in residential care/ children's homes to family-based care for example family-based respite, short term/temporary foster care, kinship care with relatives and adoption.</p>
1.7 Children's Background/Experience	
Past	
a) Did the children placed in foster care generally have a shared background and/or shared experiences?	<p>1930 - 1975: Not known from records held</p> <p>1996 - 2014: No information held in Archives</p> <p>1930-1975 children are likely to have experienced poverty, neglect and abuse, being orphaned or relinquished.</p> <p>1975 – 2014 Generally the children placed in foster care experienced neglect, abuse, domestic violence, living in households with parents who suffered from mental health issues as well as and often including substance and alcohol abuse. The children originated from a variety of different backgrounds and some had similar experiences which resulted in them being placed in foster care by the Local Authority e.g. experience of neglect and abuse.</p> <p>Up until the late 70's there were a high number of relinquished babies placed in foster care for adoption. With society's change in attitude and legislative changes which gradually removed the stigma of being an unmarried mother resulted in the number of relinquished babies decreasing dramatically.</p> <p>There were also on occasion large family groups accommodated by the local authority. They had had shared experiences while in the care of their parent(s) and were often across an age range. Identifying placements for large sibling groups was very problematic and caused issues in terms of ensuring sibling relationships were nurtured and maintained.</p>
b) Were children admitted into the care of the local authority, or were they admitted into the care of particular foster carers?	<p>1930 - 1975: Not known from records held. Some evidence mentioned that suggests children were brought into the care of the local authority and subsequently boarded out, however, some children were taken into the care of their relatives who applied for guardian allowances after the fact.</p>

	<p>1975 - 1996: Children were taken into care by the local authority who placed the children with foster carers who could meet their needs.</p> <p>1996 - 2014: Children were taken into care by the local authority who placed the children with foster carers who could meet their needs. Therefore, throughout these periods, if a placement was to end for whatever reason it would always be up to the local authority to identify an alternative resource.</p>
c) Who placed children with the local authority?	<p>1930 - 1975: Children were accommodated with the local authority by Childrens officers and from 1968 by Social Workers who were local government employees.</p> <p>After the creation of the Children’s Hearing system children could be held on legal orders that were subject to regular review. They could come into care on a voluntarily basis i.e. agreed by parents. At that time Place of Safety Warrants granted by a Sheriff or Justice of the Peace could be used in an emergency where children had been harmed OR were at risk of immediate harm.</p>
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?	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Not known from records held</p> <p>1996 - 2014: It would be less likely for children to come into care via a hearing. Often a hearing doing this could be at odds with the LA. Generally, but not exclusively, children were accommodated by parental agreement or by means of an emergency order. That could later be translated into a formal supervision order by the hearing but again not always.</p>
e) If not, generally how did children come to be admitted into the care of the local authority?	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Not known from records held</p> <p>1996 - 2014: see section d) above</p>
f) How long did children typically remain in the care of the local authority?	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Not fully known from records held.</p> <p>In the 1988 Children's Services Report it was stated that 76% of children who enter foster care in the Highlands spend between 1 month and 4 years in foster care.</p> <p>1996 - 2014: Children under the age of 7 typically remained in the care of the local authority for shorter periods than those over the age of 7 years. Children under 7 were usually placed for adoption while older children remained in permanent fostering or were</p>

	<p>“Looked After” in Kinship care. Older children were and still are often accommodated within children’s houses as foster carers can often be reluctant to care for older children due to manageability issues.</p>
<p>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?</p>	<p>1930 - 1975: From 1930 until 1948, "Duties of Chief Inspector of Public Assistance and Inspector of Poor for the County. 4. He shall be consulted in the selection of homes and guardians for Lunatics, Mental Defectives, Children to be boarded out, and shall be responsible for the inspection and after care of these cases."</p> <p>Post-1948 the Children's Officer is charged with most decisions, sometimes with the Chairman of the Children's Committee mentioned. The Committee were often presented with recommendations to approve or not.</p> <p>1975 - 1996: Social Workers had direct responsibility for the oversight of children in their care. A management structure surrounding practitioners decided on the actual destination of children. This was based on a robust assessment of the child’s needs and matching to a suitable carer depending on availability at that time.</p> <p>In 1988, a Permanency Panel was proposed to assess if adoption or long-term foster care were in the child's best interests. However, this remained an operational decision for social workers and managers. There were often HQ oversights around decision making to ensure consistency of practice across the local authority area.</p> <p>1996 - 2014: As noted above. This has not really changed over time.</p>
<p>h) If the decision was made by the local authority, what criteria were applied?</p>	<p>1930 - 1975: Not known from recordsheld</p> <p>1975 - 1996: Not known from recordsheld</p> <p>1996 - 2014: As noted above, there was an understanding that living within a family was the first choice for any child who could not, for whatever reason, remain with family. Very young children were always placed in foster care. Children who were harder to place due to age or behaviours could be placed in a children’s house. There were carers who were equipped to take older children, but these were less available. On occasion if a large sibling group was accommodated bespoke arrangements were made to keep them together i.e. opening or using an existing council resource and staffing it. It is always important to try and match the skills of the foster carer to the needs of the child but when resources are limited this is not always possible.</p>

<p>i) Were children moved between different foster care placements?</p>	<p>1930 - 1975: Yes. Many reasons could lead to this. See below.</p> <p>1975 - 1996: Yes. Many reasons could lead to this. See below.</p> <p>1996 - 2014: An Independent Report by 'Who Cares?' tracking seven young people being looked after over a three-month period identified major shortfalls in practice and said there was frequent placement breakdown or change in Highland. Children often experienced multiple placement moves for a variety of reasons. Although some children did move between placements some also some children remained with the same carers for long periods of time and many did until they reached adulthood. Reasons for moves could be, foster carer unable to meet the child's needs, retirement of carers, carers no longer being seen as suitable to care for children, ill health etc.</p>
<p>j) If so, in what circumstances?</p>	<p>1930 - 1975: Can only provide details from few examples held. Children were moved if carers could no longer meet their needs. Sometimes children returned home or to another county or area of the UK from which they had originated.</p> <p>1975 - 1996: Not known from records held but from experience the reason noted in i) above apply.</p> <p>1996 - 2014: A report by Barnardo's in 1999 identified frequent placement breakdown as a feature of the background of the majority of children placed out of authority as evidenced by the Review of Children Under 13 years. Age of child, part of a sibling group, health & wellbeing, disability, challenging behaviour, allegations made against foster carer, absconded, violence, illness of carer, change in circumstances of the foster carers, death of foster carer could all contribute to placement changes.</p>
<p>k) Generally did children typically stay in one, or more than one, foster care placement?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Not known from records held</p> <p>1996 - 2014: Varied and depended often on age of child when accommodated. Older children often experienced a number of placements moves. See i) and j) Ctrl+click to follow link)</p>
<p>l) What was the process for review of children's continued residence in foster care, in terms of whether they continued to require to be (a) in foster care</p>	<p>1930 - 1975: Not known from records held. Some examples of review/supervision for foster placements. National regulations were discussed in 1947 in relation to supervision, in 1964 their supervision scheduled seems to be every three months</p> <p>1975 - 1996: children were subject to a review process. Generally,</p>

<p>and/or (b) in that particular placement?</p>	<p>cases were reviewed every 3-6 months following a flurry or reviews in the early stages of them being accommodated. This can be evidenced in case files.</p> <p>1996 - 2014: As noted above children in the care of the local authority were subject to regular review. The local authority had robust processes and procedures surrounding this as did all LA's in Scotland. These were based on legislation and guidance.</p>
<p>m) When children left foster care, what was the process for discharge?</p>	<p>1930 - 1975: Not known from records held. In 1930 the Chief Inspector of Public Assistance and Inspector Poor for the County was responsible for after care of boarded out children.</p> <p>1975 - 1996: as noted above children who were accommodated by the local authority were subject to regular review. Part of this process considered future planning and decisions to discharge a child from care would be taken there. Parents were involved in this process as were children. Children's Hearings, when involved, played a critical role in decision making.</p> <p>1996 - 2014: the process remains as that highlighted above. Children's discharge from local authority care was by means of discussion, agreement and assessment. Depending on the legal status of the placement the children's hearing could be involved. Children were subject to medicals both on admission and discharge from care. This was normally conducted by a paediatrician or GP.</p>
<p>n) What support was offered to children when they left foster care?</p>	<p>1930 - 1975: Not known from records held. In 1930 the Chief Inspector of Public Assistance and Inspector Poor for the County was responsible for after care of boarded out children.</p> <p>1975 - 1996: During this period practice was often variable. Often committed SW continued to support young people into adult hood and beyond but this wasn't consistent.</p> <p>1978 Who Cares? Scotland was established in 1978 and operated on an entirely voluntary basis for the next decade until 1988. During this time, 'Supportive adults', such as social workers, gave up their time to enable Who Cares? Scotland to work with local groups of care experienced young people. This was mainly in the Central belt however Who Cares? Scotland gradually spread north and engaged with young care leavers.</p> <p>The rights of the child gained more focus throughout the 1980's across the UK and Europe. With the publication of the 'Charter of Rights' in 1986 and the introduction of the 'United Nations Convention of the Rights of the Child' in 1989. Who Cares? Scotland wanted to ensure that care experienced young people's rights had a platform too on the back of these developments. During this time, Who Cares? Scotland appointed its first paid member of staff.</p>

	<p>With National Lottery funding secured in 1996, Who Cares? Scotland's reach began to grow. This funding followed significant reviews in 1992 and in 1997 into residential childcare and safeguarding children. These reviews are sometimes referred to as the Skinner and Kent reports. Their authors – Angus Skinner and Roger Kent – recommended significant change in how young people were looked after.</p> <p>Discussion of halfway houses for care leavers 16-18 in 1990. In 1992 it was mentioned that "As regards to 16 to 18-year olds who were leaving the care system, the report indicated that the Department was becoming increasingly involved in arranging service agreements with people willing to accommodate these young people. Hitherto, they had traditionally returned home but this was now relatively rare and while a significant number could not return home for good reasons, the fact that they became a financial liability on parents because they were without rights to Department of Social Security benefit payments had played a part in this change."</p> <p>Later in 1992 it was detailed in a Children's Services Report that staff were continuing to address the needs of young people leaving care and a range of supported lodgings has been identified for them. It was acknowledged that there was still scope for additional resources, but it was important that accommodation for vulnerable young people was fully investigated and this took time.</p> <p>1996 - 2014: No significant information held in Archives. In 1998, in the Review of Service Provision for Children (SW/33/98) the need is noted to "further develop a range of facilities which will provide supported accommodation for youngsters leaving care who require a stepping stone to more independent living."</p> <p>"After detailed consultation with Area Social Work Managers, it is recognised that a number of schemes will require to be developed in order to cater to the needs of specific children...and provide supported accommodation as part of a wider strategy to cater of the after care needs of young people."</p> <p>In a 1999 report by Barnardo's, it was stated that the provision for young people leaving care was consistently identified as a considerable gap in service provision.</p> <p>Since 1999. Through Care & After Care support Barnardo's Springboard provide support in a number of ways, support to gain employment or to access Further Education or training courses etc. Supported lodgings provided, support from foster carers & social workers. Financial support by way of leaving care grant, help with furnishings, accommodation, board & lodgings, etc.</p> <p>Childrens Rights officers were also employed to advocate for young people.</p>
o) What information was sought by the local authority about what	<p>1930 - 1975: Not known from records held. Few cases discussed. In 1968 they paid for a boy leaving school to live in lodgings with his brother in Aberdeenshire. A boarded-out child doing an</p>

<p>children leaving foster care planned to go on to do?</p>	<p>apprenticeship had £25 granted to him to buy tools. 1975 - 1996: Not known from records held 1996 - 2014: Discussion with young person, LAC Review recorded their plans, LAC assessment report was undertaken, joined the forces, got employment, went to Further Education. 2004: Barnardo's Springboard was set up in Highland to deliver Through and Aftercare services and support on behalf of the Local Authority for young people. Generally, this information would be contained individual files during the time the young people remained known to the local authority. Often children would be known to other adult services and therefore their outcomes would be known anecdotally in teams and, in particular, if they later had children of their own whom required interventions.</p>
<p>p) Was such information retained and updated?</p>	<p>1930 - 1975: Not known from records held 1975 - 1996: Not known from records held 1996 - 2014: Yes, as noted above all information about a child would be contained within the child's records for the duration of the child's involvement with the local authority.</p>
<p>q) What was provided in terms of after-care for children/young people once they left foster care?</p>	<p>1930 - 1975: Not known from records held 1975 - 1996: The UN Convention on the Rights of the Child (UNCRC) was signed by the UK in 1990, ratified in 1991 and came into force in 1992 included Article 27: The right to an adequate standard of living and Article 28: The right to education on the basis of equal opportunity, including accessibility of higher education and access to education and vocational information and guidance. 1995 Children (Scotland) Act Section 17 sets out the duties of the local authority in relation to a child looked after by them, including the duty to provide advice and assistance when preparing a young person for leaving care. Section 21 sets out how local authorities can request help from another appropriate person (another local authority, health board or other body specified by Ministers) in carrying out their duty to children looked after by them. Section 29 requires local authorities to provide Aftercare, that is to "advise, guide or assist" young people leaving care who require this support or that have requested it, "unless they are satisfied that his welfare does not require it". Section 30 sets out when a local authority may provide financial support towards education or training expenses of eligible young people. https://www.legislation.gov.uk/ukpga/1995/36/contents 1998: In 1998, in the Review of Service Provision for Children (SW/33/98) the need is noted to "further develop a range of facilities which will provide supported accommodation for youngsters leaving care who require a stepping stone to more independent living." 2001: Regulation of Care (Scotland) Act 2001.</p>

Section 73 amends Section 29 of the 1995 Act and requires local authorities to carry out an assessment of the aftercare needs of young people who have been looked after. Local authorities are also required to establish a procedure for dealing with representations, including complaints, about how they discharge these functions. In anticipation of local authorities taking on this role, Section 6 of the Children (Leaving Care) Act 2000 applied to Scotland and removed eligibility to benefits for some care leavers.

<http://www.legislation.gov.uk/asp/2001/8/contents>

2003: The Leaving Care (Scotland) Regulations 2003 (as amended by) The Support and Assistance of Young People Leaving Care (Scotland) Amendment Regulations 2015 sets out local authorities' duties and responsibilities regarding Aftercare, including: taking into account the young person's views; carrying out Pathways Assessments; preparing and reviewing pathway plans; financial and accommodation assistance; and appeals of local authority decisions.

2004: Barnardo's Springboard was set up in Highland to deliver Through and Aftercare services and support on behalf of the Local Authority for young people. A social work liaison officer and two support workers remain in Highland Council to support Through and Aftercare.

2004 Supporting young people leaving care in Scotland: regulations and updated guidance on the provision of throughcare and aftercare under the 1995 Act. This set out the 'general principle' that young people should not leave care until the age of 18. It also set out the role of Corporate Parents and, in particular, how they should work to ensure young people reach their full potential in education and work. Following this the Highland Council Housing Officer, Social Work Services Manager and Highland Homeless Trust proposed the setup of supported accommodation and housing protocol.

2006: Extraordinary Lives - Commissioned by the government, this report set out the findings of a review conducted by the Chief Social Work Inspector. The central finding of the review was that "we cannot leave the care of looked-after children to the goodwill of their carers and hope for the best."

The review concluded that, "the single most important thing that will improve the futures of Scotland's looked-after children is for local authorities to focus on and improve their corporate parenting skills."

<https://www.gov.scot/Resource/Doc/140731/0034643.pdf>

Highland Council and HHT open Planefield House a 6 bedded house for Through and Aftercare young people with 24/7 support.

2008: These are our Bairns, Getting it Right for Every Child, and Sweet 16? The report aims to lay the foundations for corporate parents being able to "give a child in your care the love, security and chances that any good parent would give their child". It sets out the

role of Corporate Parents and what is expected of them, both from a policy perspective and from looked-after young people themselves. At the time of publishing, local authorities were corporate parents, with the Scottish Government providing the legislative framework in which they operate.

2008: The first guide to the 'Getting it Right for Every Child' (GIRFEC) practice model was published in 2008. It sets out a national approach to improving the lives of children and young people. The approach looks at eight aspects of wellbeing, working towards ensuring all children are: safe, healthy, achieving, nurtured, active, respected, responsible and included. GIRFEC seeks a coordinated approach with a confident and competent workforce, where agencies work together to improve outcomes for children and young people.

Sweet 16? The age of leaving care in Scotland

A report published by the Scottish Commissioner for Children and Young People to explore the issues around young people leaving care at 16 or 17. The report made 23 recommendations and concluded that 16 "should not be the end of care and that young people should stay in care until 18 if their welfare requires it and they should be properly supported after that".

The Highland housing protocol was implemented for care leavers. It was agreed to continue to pay foster carers the same allowance/fee to support young people remaining in their care up to 21 years of age.

Incentive scheme introduced to encourage children to remain in education, volunteer, work or achieve activity during week.

Double accommodation paid for children going to college and university to enable them to return home (to foster carers) during holidays.

Through and Aftercare financial scheme set up to support and standardise additional funding support required.

Barnardo's given lead professional status.

Procedure and criteria check lists issued for Through and Aftercare.

2009 Throughcare & Aftercare supported lodgings scheme started in Barnardos

2013: Staying Put Scotland and Housing Options Protocols for Care Leavers providing care leavers with connectedness and belonging.

Produced because of the Looked After Children Strategic Implementation Group, which was set up in **2010**.

Aims to assist local authorities and other Corporate Parents in enabling "...care leavers to remain in secure, stable care placements (foster or residential) until such time as they are ready to move on."

A 'Staying Put' approach enables young people "...to enjoy a transition from care to adult interdependence that more closely resembles that which is experienced by other young people."

Housing Options Protocol for Care Leavers: guidance for corporate parents, drafted with support from the Looked After Children Strategic Implementation Group to support Corporate Parents in putting in place Housing Options Protocols for Care Leavers.

Family Firm started in Highland

Children and Young People (Scotland) Act 2014

Part 9: Puts Corporate Parenting on a statutory footing.

- setting out which bodies are Corporate Parents, and their duties and responsibilities to looked-after young people.
- Corporate parents must publish a 'corporate parenting plan' and report on progress towards delivering this. Scottish Ministers must report to Parliament every three years on how Scotland has exercised its corporate parenting responsibilities.

Part 10: Extends eligibility for 'Aftercare'

- The 2014 Act provides that any young person who ceases to be looked after by the local authority on or after their 16th birthday is eligible for Aftercare and extends eligibility up to the young person's 26th birthday.
- Eligible young people may request Aftercare - the local authority must then carry out an assessment of whether they have 'eligible needs' that cannot be met by other means.

Part 11: Introduced a new category of 'Continuing Care'

- Section 67 introduces 'Continuing Care', requiring local authorities to allow a young person who was looked after away from home to remain in their last placement, if that is what they wish.
- A young person eligible for Continuing Care will be able to remain in their placement up until their 21st birthday. This is being introduced gradually by secondary legislation.
- There are exceptions: if the young person's last placement was in secure accommodation; if their carer is unable or unwilling to provide the placement; or if to do so would significantly adversely affect their welfare.
- The exceptions do not remove the local authorities' duty to provide Continuing Care but mean that they no longer have a duty to provide exactly the same accommodation they were in when leaving care.
- Under Section 10 of the 2014 Act local authorities have to inform Scottish Ministers and the Care Inspectorate about the death of any young person in receipt of Continuing Care.

Celebration for care leavers achievements in the Highlands

Supporting Care Leavers Week 2014

Issued by Barnardo's Scotland

The Highland Council and its partners, including: Children's charity Barnardo's Scotland, Who Cares? Scotland, Calman Trust, New Start and Columba 1400 celebrated the achievements of young people

	<p><i>who are in care in the Highlands as part of Care Leavers Week 2014. Around 40 young people from across the Highlands</i></p> <p>First link house opens in Highland for Throughcare and Aftercare young people supported by their carers in the residential units to allow children to remain in residential care until ready and to continue relationships.</p> <p>Champions Board set up</p>
Present	
r) With reference to the present position, are the answers to any of the above questions different?	Yes
s) If so, please give details.	<p><u>In addition</u></p> <p>2015: 'Getting it right for looked after children and young people' strategy; Scottish Care Leavers Covenant; Guidance on Part 10 (Aftercare); and Guidance on Part 9 (Corporate Parenting)</p> <p>Scottish Care Leavers Covenant is an 'alliance' of stakeholders, including Highland Young People and staff, who came together to produce the Covenant to support corporate parents to improve the lives of care leavers. The Covenant called on corporate parents to 'promise to act' to 'improve consistency of practice and provision' across Scotland. The key policy themes the Covenant covers are: health and wellbeing, housing and accommodation, education and training, employment, youth and criminal justice, rights and participation. The Covenant also rests on three 'foundation stones': graduated and extended transitions; staying put and continuing care; and relationship-based practice. For each of the policy themes, the report sets out the key actions required to deliver on the principles set out.</p> <p>Guidance on Part 10 (Aftercare) of the Children and Young People (Scotland) Act 2014 issues – this sets out how local authorities can fulfil their duties regarding Aftercare under Section 29 of the 1995 Act (as amended by the 2014 Act). This guidance is underpinned by the principles set out in 'Staying Put' (2013).</p> <p>2017: Ypeople procured to run core and cluster accommodation for care experienced young people – project designed, furnished and procured by young people</p> <p>2018: The Continuing Care (Scotland) Amendment Order 2018; Corporate Parenting - turning legislation into practice together report. Raised the upper age limit for Continuing Care under Section 67 of the 2014 Act. From April 2018, this increased to 20.</p> <p>Corporate Parenting - turning legislation into practice together: report. The first triennial report required under Part 9 of the 2014 Act, setting out how corporate parents have fulfilled their duties under the Act.</p> <p>2019: Updated Highland's Housing Options Protocol for Care Leavers</p>

	Which is a Protocol & Procedures for Providing Accommodation and Support to Young People Leaving Care
1.8 Local authority staff and foster carers	
(i) Local authority	
Past	
a) How many people were employed by the local authority who had some responsibility for foster care services for children?	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Some examples of staffing levels and their duties can be found in minutes, however not for a continuous period of time. In 1982 the Department established a specialist team of social workers (Children's Services) to concentrate on the development of a fostering service in the Region and made provision for the existence of a Community Carer scheme. There were 6 members of staff in Children's Services.</p> <p>In the period 1990/91 there were 19.5 FTE staff involved in fostering.</p> <p>1975 -1996 two specialist senior managers for F & A reporting to a head of Fostering, Adoption & Residential Care</p> <p>1996 - Pre-1998 – one team for F & A had been established in Inverness, with a Senior Manager, Senior Social worker & 4 Children's Resources Social Workers (F & A social workers). The senior manager reported to an Area manager who was directly responsible for the Fostering & Adoption Service.</p> <p>From 1998 – 2002 a second F & A team was established in Ross-shire with 4 social workers and a manager for Children & Young People's Services, line managed locally in the areas.</p> <p>In other parts of Highland, the Fostering & Adoption social workers were managed locally by Children and Families team managers.</p> <p>In 2004 the Fostering and Adoption service became a single dedicated centrally managed Highland wide service. The aim was to establish consistent practice across Highland, standardise process for referral, support, training and preparation of foster carers. 1 x Senior Manager, 4 x Senior Social Workers, 13.6 fte social workers</p> <p>Fostering & Adoption</p> <p>2005/2006 16.6fte socialworkers</p> <p>2007 18.1fte social workers</p> <p>2008 18.7fte social workers</p> <p>2009 19.6fte social workers</p> <p>2010 19.3fte social workers</p> <p>2011 18.5fte social workers</p> <p>2012 18.5fte social workers</p> <p>2013 21.3fte social workers</p> <p>2014 21.3fte social workers</p>

<p>b) How many people were employed by the local authority at any one time who had some responsibility for foster care services for children?</p>	<p>1930 - 1975: Not known from records held 1975 - 1996: Some examples of staffing levels and their duties can be found in minutes, however not for a continuous period of time. In 1982 the Department established a specialist team of social workers (Children's Services) to concentrate on the development of a fostering service in the Region and made provision for the existence of a Community Carer scheme. There were 6 members of staff in Children's Services. In the period 1990/91 there were 19.5 FTE staff involved in fostering. 1996 - 2014: see section a) (Ctrl+click to follow link)</p>
<p>c) What roles and responsibilities did such staff have? Please specify in which roles staff met with children and foster carers.</p>	<p>1930 - 1975: Not known from records held 1975 - 1996: The Children's Services section were charged with supporting foster carers and developing the foster service in the late 1980s and early 1990s. 1996 - 2004: Known as Children's Resources Social Workers this changed to Fostering & Adoption Social Workers in 2004 and they were responsible for the recruitment, assessment, support and training of foster carers. Social workers from the children & families teams and social workers from the fostering & adoption teams met with children and foster carers.</p>
<p>d) In relation to each role, what experience/qualifications did such staff have?</p>	<p>1930 - 1975: Not known from records held 1975 - 1996: Not fully known from records held. Some evidence in Social Work Committee Minutes but not directly - the Central Council for Education and Training in Social Work dictates many of the training requirements for Social Workers. Secondment for training discussed through the 1970s, criminal vetting brought in in 1979. In 1984, Committee asked about secondment of Dingwall Care Officer to Dundee College of Education to gain a Certificate of Qualification in Social Work - total cost (including replacement in their absence) was £23000. Committee approved. Certificate in Social Service mentioned in 1984, in May 1984 12 staff had completed this certificate with 18-part way through or about to commence. In 1985, "It was reported that arising from consideration of a recent grievance appeal, the Manpower Appeals Sub-Committee had suggested that a report be submitted to this Committee clarifying the position regarding qualifications sought from fieldwork and residential staff seeking employment with the Social Work Department.....The report indicated that the Central Council for Education and Training in Social Work was the statutory body appointed to set national standards of qualification in Social Work." In 1988 it was decided that recruiting, training and supporting foster parents was a specialised job due to the complex demands in fostering so the position was considered a Senior Practitioner Post and required post qualification experience of four years.</p>

	<p>In 1989 training and development of social work staff discussed - including accreditation of social workers as practice teachers, placements, intention to accredit 60 members of staff, partnering with educational establishments to support the training dept etc.</p> <p>In 1990 the Principal Officer has been seconded to attend Dundee Uni advanced course on child protection.</p> <p>1996: Qualified social worker</p> <p>2003-2014: Qualified Social Workers who must be registered with the SSSC from 1st April 2003 and criteria for Fostering & Adoption social workers in Highland was registered with SSSC and with at least a minimum of 2 years' experience in Children & Families, or other discipline.</p>
<p>e) When were fostering panels set up? What was their purpose and remit?</p>	<p>1930 - 1975: N/A</p> <p>1975 - 1996: In February 1986 the 1985 Boarding Out regulations were mentioned in relation to establishing a fostering panel. It was said that "the necessary arrangements were in hand...the regulations set out a minimum of good practice in foster care and this guidance would be of undoubted benefit to fieldwork staff and staff in the children's resources section in undertaking the additional burden imposed by the new regulations."</p> <p>In 1988 it was proposed to combine the Fostering and Adoption Panel into a Family Resource Panel, a Permanency Panel and a Matching Panel. Family Resource Panel to advise on foster parents' approval, review foster and community carers, promote consistency and good standards, review the use of foster carers. The Matching Panel was to match children with appropriate families. The Permanency Panel was to advise if adoption was the best course of action for the child or if custody arrangements would be more appropriate, to confirm matching recommendations, to advise on legal matters.</p> <p>In 1995, it is confirmed that the Panels have been operating as the Alternative Families Panel - who scrutinise reports on prospective adopters and foster carers and making recommendations to the Director of Social Work regarding their approval, they also scrutinised review reports on carers and made recommendations in respect of changes to the categories for which they are approved - and the Permanency Panel who advised on appropriate routes into permanent care for children, this Panel also offered advice on matching children to appropriate placements, with the final placement decision resting with the Child in Care Review.</p> <p>By 1995, it was suggested the two panels merged to become the Adoption and Fostering Panel.</p> <p>In 2005 the two panels separate, this was reported in the Social Work Committee report and agreed by members. The Permanence Panel had a discrete membership from the fostering panel and meets on a separate day. This strengthened its functions. The Social Work Committee agreed in November 2006 to the appointment and</p>

	<p>remuneration of an independent chair and lay membership of the panel. The Director of Social Work appointed the independent chairman in April 2007.</p> <p>In 2006, the Fostering Panel became a discrete panel, combining the functions of the then Fostering Review sub group with the approval of applicants.</p> <p>2006 - 2014: Both the permanence and Fostering Panels remain separate.</p>
<p>f) How were fostering panels constituted? What skills and experience were the members required to have?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: In 1988 for the new panel structure the membership was to be multi-disciplinary and constituted as follows: Family Resource - chair plus 4 members, Paediatrician/Medical, Support and Legal. Matching Panel - Chair plus 1 resource, 1 permanency. Permanency Panel - Chair plus 4 members, Paediatrician and Legal Support.</p> <p>Post 1988, it is revealed the Alternative Families Panel was made up of: Chair, Principal Officer (Children), Medical Adviser, Area Team Manager. Team Manager (Hospital). Main Grade Social Worker. Community Nurse Manager</p> <p>The Permanency Advisory Group was made up of: Chair - An Area Team Manager, Legal Adviser, Medical Adviser, Chair of Alternative Families Panel , Two Reviewing Officers, Area Officer (Children's Resources), Main Grade Social Worker</p> <p>In 1995, it was recommended to merge the two panels, with the Adoption and Fostering Panel to be constituted as follows: Chair (to be appointed by the Director of Social Work, Legal Adviser, Medical Adviser, Educational Psychologist, Community Nurse Manager, An Area Officer (Children's Resources), An Area Team (Social Work) Manager, A Reviewing Officer, A representative of a voluntary organisations working with children (e.g. NCH)</p> <p>2005/2006 : The Fostering & Adoption Panel separated in 2005/2006 due to the increase in cases being presented for adoption and permanence. The Fostering Panel became a discrete panel in 2006, combining the functions of the then Fostering Review sub group with the approval of applicants. It had an increased membership, Members came from a range of child welfare backgrounds across the authority, as well as specialist fostering social workers, and there was a solid link with Education with the attendance of the LAC Coordinator. The Vice Chair had specialist knowledge of children affected by disability and their parents, and the chair, the needs of looked after children. The appointment of the manager of a voluntary organisation who provide services for young people who have left foster care was made by the Director of Social Work. a medical advisor with knowledge of adult health was appointed to evaluate the health of prospective and current foster carers Further work on panel membership and function was</p>

	<p>proposed once the regulations from the Adoption and Children (Scotland) Act 2007 is implemented, probably in 2008/9. The Fostering panel reported to the Agency Decision Maker who was appointed by the Director of Social Work.</p>
Present	
g) With reference to the present position, are the answers to any of the above questions different?	No
h) If so, please give details.	N/A
(ii) Foster carers	
Past	
a) How were foster carers identified and approved/registered?	<p>1930 - 1975: Circular from the Scottish Home Department together with copy of the Children (Boarding Out) (Scotland) Rules and Regulations, 1947, made by the Secretary of State mentions the appointment of a Supervisory Officer whose duty includes selection of foster parents.</p> <p>In 1951, reference made to the suitability of remand accommodation 'foster' parents, as ascertained by the Children's Officer through personal investigation.</p> <p>In 1964 "...having considered the terms of report by the Children's Officer of date 20th November 1964, with regard to increasing the number of children boarded out in foster homes and the building up of a panel of foster parents, the Meeting approved his suggestions for inserting and advertisement in the local press, inviting prospective foster parents willing to accept children into their homes to contact him.". This went "reasonably well" and the Children's Officer then made enquiries into the applications received.</p> <p>1975 - 1996: Not fully known from records held. Some reference to approval/registration in 1976 - Social Worker's priorities - groups I, II and III established because of severe staffing issues and outlined in this minute, including "children in residential care and foster homes, including registration of foster parents, and after care" in group I (highest priority).</p> <p>In 1982 it was decided that the Children's Services Department would recruit, train and support foster carers.</p> <p>In 1988 this was continued, but the qualification level was limited to those with four years post qualifying work and the posts were marked as Senior Practitioner Posts.</p> <p>1985: The Boarding-Out and Fostering of Children (Scotland) Regulations 1985: To foster was defined in the 1985 Regulations as</p>

meaning “to arrange for a child to live as a member of the family of a person who is not the child’s parent or guardian”.

The Regulations applied to fostering of children in the care of either local authorities or voluntary organisations. It also applied to respite care for children who had a disability.

The 1985 Regulations made a requirement on local authorities to establish fostering panels, whose functions were to “consider every person referred to it by the local authority as a prospective foster parent” and to make recommendations to the local authority as to the suitability of such a person to act as a foster parent either for any child, any category of child or any particular child. In considering its recommendations, the local authority had to have regard to its duties under Section 20 of the 1968 Act.

Regulation 14-16 stated that a care authority could not approve any person as a potential foster parent unless:

- “(a) the care authority has, so far as reasonably practicable, obtained the information set out in Schedule 1;
- (b) the prospective foster parent has been interviewed by or on behalf of the care authority;
- (c) the care authority has conveyed to the fostering panel a report including the information gathered under sub-paragraph (a) together with such other information the care authority has considered a report from the fostering panel containing recommendations on the suitability of the prospective foster parent; and
- (e) the care authority is satisfied, having regard to the duty imposed on it by section 20 of the [1968] Act, that the prospective foster parent is a suitable person with whom to place children.”

Another change in the 1985 Regulations was that the care authority was now obliged to enter into an agreement with approved foster parents regarding the care to be provided for any children who might be placed with them, including details of the financial arrangements; the care authority’s policies and practice regarding the welfare of children for whom it had responsibility, the ways foster parents would be expected to follow these policies and practices and for the care authority to review “at appropriate intervals” its approval of foster parents for the purposes of the regulations.

Also, a care authority could not place a child for fostering in any household except one that comprised a man and a woman living and acting jointly together, or a man or a woman living and acting alone. This represented a substantial increase in the pool of potential foster carers, for both unmarried cohabiting couples and (nonrelated) single men had been excluded from the 1959 and earlier regulations. Same sex couples remained absolutely and, in all circumstances, barred irrespective of whatever they could offer any individual child.

In 1988, when Family Resources Panels were proposed, the Children's Services staff on the panels would advise the Assistant Director (Children's Services) on the approval (or otherwise) of all Foster Parents. This Panel became the Alternative Families panel, then in 1995 was made the Fostering and Adoption Panel.

In 1999 Children's Services Report, it is noted that "the assessment of prospective foster parents necessarily takes a considerable amount of time, due to the fact that Councils are required to follow national guidelines."

From 2004 information about becoming a Foster Carer was shared with those who expressed an interest which included all that was required to be covered during the assessment process. This clearly explained the process, criteria (minimum age limit) and the competencies required to become a foster carer.

September 2009, the Looked After Children (Scotland) Regulations 2009 came into effect, which allowed same-sex couples to be considered as foster parents on the same basis as anyone else. Schedule 3 of the regulations stated what the criteria was and what checks had to be undertaken while assessing prospective foster carers. For example, disclosure and medical reports, personal references and interview of personal referees, previous partner and/or adult children references, employment and education references, health visitor references and Local Authority reports.

In 2013 The National Foster Care Review highlighted the importance of ensuring foster carers receive opportunities to learn about different ways to support children and young people and to develop their awareness, knowledge and understanding about the foster carer role. In response, the Scottish Government asked the Scottish Social Services Council (SSSC) to develop a framework for learning, the Standard, which applies to all foster carers and foster care organisations in Scotland. The Standard describes learning expectations for foster carers at different learning stages.

2014: the implementation of the Children and Young People Act (Scotland) 2014 was the most significant piece of legislation affecting children and young people since The Children (Scotland) Act 1995. It covers a range of areas, including: Rights of children and young people. Well-being and Getting It Right for Every Child (GIRFEC).

<p>b) What experience and/or qualifications, if any, did a foster carer require to have?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Training from Social Work staff was required after 1982. Training from Children's Services is mentioned but never specified.</p> <p>In 1998, the focus in the development in foster care moved to recruiting and training additional foster carers for respite care for children with disabilities and children presenting significant challenging behaviour. It is noted that "there is a need for an additional and ringfenced training budget for carers. Although preparation courses and ongoing training events are organised by Children's Resources Workers, the resourcing of this is currently dependant on the existing Social Work training budget which is considered to be insufficient to meet anticipated demands."</p> <p>In 1998 it was proposed that additional Children's Resources Workers were deployed to ensure more equitable support to carers throughout the Highlands, these staff would recruit and train foster carers and contribute to the development of specialist schemes. It was proposed in 1998 that an additional budget of £5000 would be ringfenced to train carers.</p> <p>1999 – 2014 – see section 1.8 (ii) a</p>
<p>c) What checks were carried out in relation to a prospective foster carer, including criminal record checks, references and interviews?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: The files that were checked hold references, police checks and the home study (assessment) report.</p> <p>Some reference to Criminal Record Checks. In 1989, "Circular SW9/1989 from Social Work Services Group with a report dated 29th August 1989 by the Director of Manpower Services, which had been prepared in conjunction with the Director of Social Work, relating to a requirement that from 25th September 1989 Social Work Departments were to check with the Scottish Criminal Record office the possible criminal background of persons applying to the Department for a position, paid or unpaid, which would give them substantial access to children." "The new arrangements were based on procedures already well established within the Council and these had operated satisfactorily for a number of years." The full guidance available in the associated agenda outlines that prospective foster parents (long and short term), other persons with whom a child may be placed and other adults in their household were subject to SCRO checks, as well as people in private fostering agreements. It was the responsibility of the Director of Social Work to co-ordinate the arrangements for volunteers "and others" in respect of social work provision.</p> <p>1996: Scottish Criminal Records (SCRO) check were required for all adults in the household and in 2002 this was replaced with Disclosures. The Protection of Vulnerable Groups (PVG) Scheme was</p>

	<p>introduced in February 2011 for anyone who was looking after or working with vulnerable groups. Following their enquiry and attendance at a preparation group, applications were received. Applicants who had a record of offending against children, a record of violence or dishonesty were not considered and were counselled out of the process. A medical assessment which was shared with the medical advisor, personal references and Local Authority reports were all required. Information received from all these checks and references that could potentially impact on their ability to foster may have ruled some people out.</p> <p>2009- 2014: Introduced the interview of referees and previous partners and/or adult children, employment and education and health visitor references.</p>
<p>d) What checks were carried out in relation to other persons residing with the prospective foster carer, including criminal record checks, references and interviews?</p>	<p>1930 - 1975: Not fully known from records held. Some reference to Criminal Record Checks for staff in 1979.</p> <p>1975 - 1996: Not fully known from records held. In 1989, "Circular SW9/1989 from Social Work Services Group with a report dated 29th August 1989 by the Director of Manpower Services, which had been prepared in conjunction with the Director of Social Work, relating to a requirement that from 25th September 1989 Social Work Departments were to check with the Scottish Criminal Record office the possible criminal background of persons applying to the Department for a position, paid or unpaid, which would give them substantial access to children." "The new arrangements were based on procedures already well established within the Council and these had operated satisfactorily for a number of years." The full guidance available in the associated agenda outlines that prospective foster parents (long and short term), other persons with whom a child may be placed and other adults in their household were subject to SCRO checks, as well as people in private fostering agreements. It was the responsibility of the Director of Social Work to co-ordinate the arrangements for volunteers "and others" in respect of social work provision.</p> <p>1996 - 2014: Police/Disclosure checks were undertaken for other adults (16+) living in the foster carer household, including a medical report and interview. They would be included in the assessment and their potential involvement recorded.</p> <p>In 2012 Enhanced disclosures were introduced and were required for other adults living in the household.</p>
<p>e) What checks were carried out in relation to other family members and friends of a prospective foster carer including criminal record checks, references and interviews?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Not known from records held. Not mentioned in the guidelines of the Social Work Services Group circulated in 1989.</p> <p>1996 - 2014: Children living in the household would be involved in the assessment process and their views of having other children living in their home would be taken into account by the assessing social worker. Unless the other adult was living in the same</p>

	<p>household as the foster carer a Disclosure check was unable to be undertaken.</p> <p>Significant adults who were likely to visit the home and babysit were asked to complete a self-declaration form (no criminal convictions past or pending) and a local police check was undertaken.</p>
<p>f) To what extent, if any, were the checks referred to at paras (c) to (e) above reviewed? If so, how frequently and what checks were done? If not, why not?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Not known from records held. Reviews are not mentioned in the Social Work Services Guidance but "SCRO will wherever possible report convictions of persons known to be local authority employees to the appropriate local authority.". Non-staff members are not mentioned here so it is not known if future convictions of foster parents would have been reported directly to the local authority.</p> <p>1996 - 2014: The review of checks was undertaken annually/every two years, as part of the review process for the foster carers.</p>
<p>g) What checks were carried out by the local authority of the available accommodation? How frequently were these carried out? Were they repeated? If so, how frequently? If not, why not?</p>	<p>1930 - 1975: Some evidence mentioned in the records Circular from the Scottish Home Department together with copy of the Children (Boarding Out) (Scotland) Rules and Regulations, 1947, made by the Secretary of State mentions the appointment of a Supervisory Officer whose duty includes selection of foster parents and the visiting of children boarded out. Visits are after the initial placements and every six months thereafter. In 1964, it is suggested in that the Probationary Officer in Lewis conduct supervisory visits where these were required more frequently than at three monthly intervals and the investigation of the suitability of foster/adoption homes on behalf of other authorities</p> <p>1975 - 1996: The accommodation was checked as part of the assessment process</p> <p>1996 - 2014: The local authority fostering procedures stated that regular visits to the foster carers to be made by both the foster carers social worker and the child's social worker. Accommodation was to be checked periodically. A health & safety check was carried out and this was reviewed every two years.</p>
<p>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?</p>	<p>1930 - 1975: Yes - Norrie (1947 Regulations) see section 1.8 ii) a)</p> <p>1970 – 2009: A care authority could not place a child for fostering in any household except one that comprised a man and a woman living and acting jointly together, or a man or a woman living and acting alone. This represented a substantial increase in the pool of potential foster carers, for both unmarried cohabiting couples and (nonrelated) single men had been excluded from the 1959 and earlier regulations. Same sex couples remained absolutely and, in all circumstances, barred irrespective of whatever they could offer any individual child.</p> <p>2009 – 2014: The Looked After Children (Scotland) Regulations 2009 came into effect, which allowed same-sex couples to be considered as foster parents on the same basis as anyone else.</p>

<p>i) Was the gender of other persons (including children) residing in the same house of any relevance to the approval of a foster carer or to the placement of a child with a carer? If so, why?</p>	<p>1930 - 1969: Consideration is mentioned of this in correspondence from the Children's Officer, noting a placement is unsuitable for a 13-year-old girl because the couple mentioned have a 14-year-old son.</p> <p>1970- 1999 – Generally it was the view that you did not place teenagers in a foster household where there were young people of a similar age and opposite gender.</p> <p>In the 2012 procedures it states <i>“The Carers must have suitable accommodation for the child. In normal circumstances, there should be no more than 2 children to a bedroom. In exceptional situations, however, where the room is large enough to accommodate 3 beds comfortably, consideration can be given to 3 children sharing. The children should not, under any normal circumstances, share a room with an adult, except where the adult is an approved carer and the child is an infant. Foster Children will not normally be required to share a room with another unrelated child unless this has been assessed to be appropriate.”</i></p> <p>2014 – criteria that all applicants had a spare room for fostering.</p>
<p>j) Were foster carers required to provide any services for children in their care beyond accommodating them? If so, what were they?</p>	<p>1930 - 1975: Not known from records held</p> <p>1975 - 1996: Not known from records held</p> <p>1996 - 2014: To care for the child as if he / she were a member of their own family.</p>
<p>k) Did children work manually in the placement or externally (e.g. farming work or other labour), or both? If so, did that change at any point? If so, why?</p>	<p>1930 - 1969: We are aware of anecdotal evidence this took place but there are no records illustrating this</p> <p>1970 - 1996: Not known from records held</p> <p>1996 - 2014: children were encouraged to help around the house with chores</p>
<p>l) Were fostering agreements entered into? If so, were these in a prescribed form or created on an ad hoc basis?</p>	<p>Please refer to: 1.3 e) (Ctrl+click to follow link) 1.7 n) 1.8 ii) a)</p>
<p>Present</p>	
<p>g) With reference to the present position, are the answers to any of the above questions different?</p>	<p>Yes</p>

<p>h) If so, please give details.</p>	<p>Since 2014 the foster carer agreement has been updated in line with regulations and these are reviewed at each carer review.</p> <p>Approved foster carers for the Highland Council agree:</p> <ul style="list-style-type: none"> a) not to administer any physical or inappropriate punishment to any child placed with me/us. b) to keep the Council informed about the child’s progress and of any serious illness or occurrence affecting any child placed with me/us. c) to notify the Council of any temporary or permanent changes to my/our personal circumstances, members of the household or change of address. d) to care for any child placed with me/us as if s/he were a member of my/our family in a safe and appropriate manner and to promote his/her welfare having regard to the Council’s short and long plans for the child. e) to ensure that any information relating to a child placed, or his or her family given to me/us in confidence in connection with a placement, is kept confidential, and not disclosed to any person without the consent of the Council. This includes social networking sites. f) to take part in 4 training sessions a year. g) to allow the foster child/ren to be removed by Highland Council when a placement ends h) to provide the information needed from me/us for a Child’s Plan and Foster Carer Reviews. i) to abide by the policies and procedures laid out in the Foster Carers Handbook and have received a copy j) that I/we have read and agree to the terms and conditions set out in this agreement. <p>Highland Council agrees to:</p> <ul style="list-style-type: none"> a) allocate a qualified social worker to support you, and make a visit at least monthly b) give you information about the training available to you c) hold a review normally annually/every second year d) support you if there is either a complaint or investigation about you or a member of your family in the household e) provide in writing information about fees and allowances f) provide insurance g) take into account and respond to any written representation you make to the Council h) give you information about any child placed with you from any Child’s Plan, review of that plan or placement agreement
<p>2. Organisational Structure and Oversight</p>	

2.1 Culture	
Past	
<p>a) What was the nature of the culture within the local authority in relation to the provision of foster care?</p>	<p>1930 - 1975: Not known from records held 1975 - 1996: Not known from records held 1996 - 2014: National legislation regularly mentioned and taken into account and seems to be a driver to change policies and practice. Because of this area of change and provision are usually identified, as seen in Minutes, but can take years to implement due to regular introduction of new legislation. Areas are regularly mentioned. In a 1999 report by Barnardo's quotes from another report done on Highland, "Mike Laxton's report commented on the need for a significant cultural shift in the organisation. There is much evidence already of a much more open, transparent management style. Equally there is now a very strong expressed commitment to corporate working."</p> <p>See 1.5 c) (Ctrl+click to follow link)</p> <p>Culture and attitudes changed towards the provision of foster care as society's views changed and research evidenced the important contribution foster carers could make to the lives of children.</p>
<p>b) Was that culture reflected in the local authority's policies, procedures and/or practice in relation the provision of foster care?</p>	<p>1930 - 1975: Not known from records held 1975 - 1996: Not known from recordsheld 1996 - 2014: Some suggestion Area staff had different practices and there was no Central point of operation. Also mentioned that "Currently, the provision of services in relation to child protection appear to be functioning quite well, although the many changes introduced by the Children (Scotland) Act 1995 has placed greater demands on staff at all levels." It is also mentioned in this report that "There is a need to update procedures to take account of the Children (Scotland) Act 1995 and standards which are achievable with the resources available." A report by 'Who Cares?' tracking seven young people being 'looked after' over a three-month period identified major shortfalls in practice. The 'Who Cares?' report indicated that perspectives of the young people were that insufficient resources and staffing were available in this Council. Reference is made to the lack of resources in the Areas, as is a need for a more co-ordinated, Highland-wide approach with regard to the provision of more specialist resources and the need for clear policies, procedures and guidelines provided from the Centre. 2012: Procedures were updated</p> <p>Mainly covered in sections: 1.2 (Ctrl+click to follow link) 1.5</p>

	<p>1.7 1.8</p>
<p>c) How can that be demonstrated?</p>	<p>1930 - 1975: Not known from records held 1975 - 1996: Not known from records held 1996 - 2014: In the 1999 Report on Children's Services, it is written that "It is envisaged that this team [Children's Services] will provide a central driving force for Children's Services taking full responsibility for policy development, equalisation issues, quality and quantity of practice, complaints co-ordination and information sharing. It would also ensure that Area staff work in accordance with Highland-wide standards." ... "It is of paramount importance that there is a consistent practice model put in place throughout Highland with regards to fieldwork practice." Another recommendation from this report is that "...those engaged in supervision should be equipped with specialist knowledge, experience and ability, and staff provided with up to date procedures which flow from clear Council policy."</p> <p>Mainly covered in sections 1-8 with reference to changes in legislation and regulation.</p>
<p>d) Did the provision of care by foster carers reflect the local authority's culture, policies and procedures?</p>	<p>Yes</p>
<p>e) If not, please provide a representative range of examples and explain, by reference to those examples, why particular foster carers did not, in material ways, work in accordance with the local authority's then culture, policies and procedures and what, if anything, was done to change that?</p>	<p>See above 2.1 d)</p>

<p>f) When and why did any changes in the culture of the local authority in relation to the provision of foster care come about?</p>	<p>Changes in practice usually happen when new legislation is brought in, but culture is not fully evident from the records available, for any time period.</p> <p>1996 - 2014: Changes and areas of improvement are made after an independent report on the provision of Children's Services in 1999.</p> <p>Please refer to previous answers which outline the changes in policy, practice, legislation, skills and experience of staff and foster carers.</p>
<p>g) Were any changes in culture driven by internal influences, incidents, experiences or events within the local authority, or any of the foster care placements?</p>	<p>Changes and areas of improvement are made after an independent report on the provision of Children's Services in 1999.</p> <p>Changes often come about following complaints, disruptions, case reviews and allegations/investigations.</p>
<p>h) Were there any changes in culture that were driven by abuse, or alleged abuse, of children in foster care?</p>	<p>Changes have come about following complaints, disruptions, case reviews and allegations/investigations.</p> <p>There has been shared learning from other Agencies, other Local Authorities, other countries of the world and from significant case reviews and learning reviews. These have influenced national and local guidance, legislation, policy and procedure. There has been an increased and growing framework around multi-disciplinary working and information sharing to further promote the welfare of vulnerable children.</p> <p>Cultural attitudes and societal attitudes have also evolved over time with greater respect and equality for all being legislated for. This has often been driven by government but also by the people of a country being unwilling to accept a particular way of life.</p>
<p>i) If so, when did they occur and how did they manifest themselves?</p>	<p>BAAF was a leader in introducing a standardised process across Scotland/UK</p>
<p>j) Were any changes in culture driven by any external influences or factors and if so what were those influences or factors?</p>	<p>Changes in practice usually happen when new legislation is brought in.</p> <p>1975 - 1996: Changes also take place when new guidance or recommendations come out from CoSLA, CCETSW, SWSG and/or Central Government.</p> <p>1996 - 2014: In a 1999 report on Children's Services, looking at how the Council had implemented in 1995 Children's Act, a fundamental issue highlighted by both the internal and external review of service provision is that some of the issues found are felt to be due to a lack of staff, structural changes, training to take full account of the requirements of the Children (Scotland) Act 1995 - together with the provision of agreed procedures. It is clear that actions are required to enable a move to a more effective and efficient service provision in the future.</p> <p>2001: Brighton & Hove significant case review concluded that adoption assessments in the UK must be more robust and investigative. This resulted in a change of procedure for all</p>

	<p>assessments e.g. references from a previous partner and any adult children was now required.</p> <p>There were legislative changes as a result of the implementation of the Children (Scotland) Act 1995 to present day</p> <p>Influence of BAAF research, training, publications and the Fostering Network became a national voice representing foster carers across the country.</p> <p>Liaising with foster carers, bringing them together for training, seeking their views of the service and suggestions for improvement through Inspections, reviews and focus groups.</p> <p>Who Cares? Scotland helped ensure there was more emphasis on Childrens rights</p>
Present	
k) With reference to the present position, are the answers to any of the above questions different?	Yes
l) If so, please give details.	<p>The introduction of the UNRCC and the rights of the child being more transparent</p> <p>Sections 1.5 a) and 1.8 ii) a) (Ctrl+click to follow link)</p> <p>The National Care Standards, Scottish Commission for the Regulation of Care, 2002, National Care Standards: Foster Care and Family Placement Services (Scotland), Getting it Right for Every Child: GIRFEC,</p> <p>Managing Allegations Against Foster Carers and Approved Kinship Carers: How Agencies Should Respond – Scottish Government Guidance, Children and Young People (Scotland) Act 2014</p> <p>Foster carers viewed as “partners to the child’s plan” and an important contributor, viewed as more professional, mandatory training for carers introduced to meet standards and the service regulated through inspections.</p> <p>Child protection investigations from allegations and if these are single or joint are recorded by the service.</p>
m) To what extent, if any, has abuse or alleged abuse of children cared for in foster care caused, or contributed to, the adoption of the current policies, procedures and/or practices of the local authority, in relation to the provision of foster care services for children including the safeguarding and child protection arrangements applying to its current foster care placements?	See 2.1 (Ctrl+click to follow link)

2.2 Structure, leadership and accountability	
Past	
<p>a) What was the structure of responsibility within the local authority in relation to foster care?</p>	<p>1930 – 1948 the Inspector of Poor or Director of Social Welfare would have overseen the Public Assistance / Social Welfare Departments respectively and was charged with making all major decisions and having a final say over the activity of the department. No staff records exist for this period but would almost certainly been in single figures, including administrative staff.</p> <p>1948 – 1968 this position then became the Children’s Officer who had oversight of the Children’s Department. Again, no staff records exist but while staff numbers would have grown, the Children’s Officer had final oversight of decisions and a hands-on role.</p> <p>In the 1970’s before regionalisation there was a Childrens Officer that did everything related to children in each area of Highland.</p> <p>In the early 1980s Fostering and adoption was managed by the area teams who had responsibility for all social work services, organised by geographical area, teams were generic, therefore fostering and adoption was not a specialist area of work.</p> <p>There was one specialist fostering worker for the whole region, who was a senior Social Worker. Their role was to advise on fostering matters and she reported to the Area Manager.</p> <p>Social work teams were generic, but in Inverness there was an intake team, and 2 long term teams. The social workers all had a few fostering and adoption cases along with all the other work they did. The team managers supervised the work and they were in turn supervised by the area managers. The team manager of one of the teams had adoption as a specialist interest and acted as an advisor for the region.</p> <p>In the mid 1980’s it was decided to have fostering as a specialist area of work. They set up a team in Inverness, it had 2 social workers and a Senior Social Worker, managed by a senior manager. Adoption remained with the area teams. In other parts of Highland, they had specialist workers also e.g. Ross Shire, Sutherland, Caithness etc. These social workers were line managed by a senior manager.</p> <p>Around 1987 Children’s Resources had adoption added to their responsibility. Respite care, childminding, playgroups and nurseries were also part of the team’s responsibilities. The regions children’s resources teams were managed by a Principal Officer (PO), there were no team leaders at the time, the individual social workers reported directly to the Principal officer.</p> <p>This PO also managed the children’s residential services for the region. Playgroups, nurseries and childminders remained with the children’s resources teams until the Care Commission took over responsibility.</p>

In approximately 1989 the fulltime workers were upgraded to Senior social worker (children resources). The line manager in Inverness was the manager of the residential children's centre in Dalneigh and he reported to the PO for residential services who had overall responsibility and who subsequently reported to the social work senior management.

1986 -1990: Social Work teams were generic, and this included Criminal Justice Services who separated from the rest of the social work services first around 1990.

In 1992, reorganise the fostering service into 2 teams north and south and as a result of the re-structuring of the Children's Section to meet the new responsibilities of the 1989 Children's Act. A more rationalised structure was introduced which had strengthened management support through the establishment of a post of Principal Officer (Children) North and two Senior Social Workers had been re-designated as Team Leader (Children) North and Team Leader (Children) South. The south area covered Inverness, Badenoch and Strathspey, Nairn, Fort William and Skye. The north covered Caithness, Sutherland and Ross Shire. Each had responsibility for fostering and adoption services. The Principle Officers were accountable to the Director of Social Work. Childrens Resources social workers came under the remit of the Children and Family Team Managers.

1993-1996 was when there were the locality teams with children and families workers, fostering workers, OT and community care workers in the one team. The management at that time was team manager reporting to Assistant Director and Deputy Director.

1996/97: The management then became area based in Inverness Area Manager with an Assistant Area Manager for community care and an Assistant Area manager for Children, Area Manager in Ross - shire and Assistant Area Manager for community care.

Later, in the 90's they decided to reorganise again, responsibility for fostering and adoption was moved to the area children and families teams and was managed by the area team management structure. fostering and adoption no longer a specialist service. The 2 fostering and adoption team managers took early retirement. The social workers were moved to the area teams. Some teams allowed them to continue to be specialist fostering and adoption workers, but a lot of teams did not. There was also an adoption advisor (Senior Social Worker) based at HQ who was managed by the PO for residential care and who was in turn supervised by a member of the senior management team.

In 1998: it was noted that a number of new posts of Senior Social Worker (children and families) were required to line manage and co-ordinate the work of Children's Resources Social Workers and Support Workers, to have managerial overview of Children's Services within their locality, take responsibility for the reviewing of looked

after children and to contribute to the development of area strategic service plans for children. The teams became bigger and separated into children and families, adult care and fostering and adoption. Inverness reorganised fostering and adoption again and set up a specialist team in Dalneigh. This team covered Inverness, Badenoch and Strathspey and Nairn. A Senior Social Worker managed this team and the manager of the residential services in Inverness was the line manager. Ross shire decided to have a team around then also and this team was managed by a service manager for fostering and adoption who was accountable to the local Area manager.

From 1998 – 2002 the Service Manager for Fostering & Adoption was appointed in Ross-shire, line managed by an Area Manager and several senior social workers were appointed in the other morerural areas. The Area Manager was accountable to the Head of Childrens services and then the Director of Social work.

1999: Following a very critical external review a temporary Director of Social work was put in place. In 1999 a new permanent Director of Social work was appointed and the Head of Childrens services across social work, Education and Health. The social work management team was sparse and generic. These Area Managers (x4) were responsible for all operational activity across Adult and Childrens services. Residential care and Fostering and adoption were managed as operational services with little strategic oversight.

2002: The management of the Fostering Service was centralised under a specialist manager who was a designated fostering and adoption Principal Officer, also responsible for Looked after Children & Child Protection and accountable to the Head of Operations, Children & Families. This was following a review of social work services and proposed improvements to the current fostering scheme which was to ensure that the National Standards were met, and to improve the range of placements available to young people in Highland.

2004: The management of the Fostering Service continued to be centralised and was accountable to the Head of Childrens services until 2010 and was then line managed by an Area Childrens Services Manager.

In 2007: The management of the Fostering Service continued to be centralised and resources on a day to day basis was managed by 3 Senior Social Workers. All senior staff had considerable experience in both fostering and adoption work. At the time of the inspection in 2007 the service had recently undergone a major restructuring exercise. This involved a change in geographical areas for many of the family placement team and a change to three areas.

In 2008 the senior social workers managing the fostering and adoption teams were regraded to team managers.

	<p>2012- 2015 the management of the Fostering services remained as a specialist manager accountable to an Area Childrens Services Manager (Ross-shire).</p> <p>In 2015 -2019: The management of the Fostering services remained as a specialist manager accountable to the Head of Childrens Services.</p>
b) What were the oversight and supervision arrangements by senior management?	See 2.2 a) (Ctrl+click to follow link)
c) What were the lines of accountability?	See 2.2 a) (Ctrl+click to follow link)
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?	<p>Director of Social work</p> <p>See 2.2 a) (Ctrl+click to follow link)</p>
e) Who, within the local authority, took decisions on matters of policy, procedure and/or practice in relation to foster care?	<p>1930 - 1975: A circular in 1931 suggests that after a review of the system of public assistance, the Department of Health for Scotland made several recommendations which they consider should be followed. Any suggestions to changes in the Department were left in the hands of the Chief Public Assistance Officer.</p> <p>1975 to 2014: Any changes to policy was approved by various Council Committees following reports being submitted by the Director of Social Work for example increasing allowances, the introduction of fees.</p> <p>Changes in Legislation & Regulations also dictated policy and procedures. These were adapted to suit local conditions and for major policy change were passed through committee whereas procedures were written and agreed by the director of social work.</p>
f) To whom were foster carers accountable?	<p>Foster carer were approved by the Local Authority to undertake and provide a certain standard of care.</p> <p>Foster carers accountability was dictated by legislation and latterly they were also accountable to the Local Authority.</p> <p>Foster carers were also accountable to the social work department in relation to their actions towards a child and the standard of care provided for children in their care and if they did something that was inappropriate it was the Local Authorities responsibility to review and ultimately deregister them</p>
g) Who, within the local authority, was responsible for the implementation of, and compliance with, the local authority's policies, procedures	Please see 2.2 a) (Ctrl+click to follow link)

and/or practices in foster care both by local authority staff and by foster carers?	
h) To whom were fostering panels accountable?	<p>The fostering procedures 2012 state the following:</p> <p>Duties of the Fostering Panel</p> <ul style="list-style-type: none"> ➤ To consider all assessments of Foster Carers in the categories described above and to make a recommendation about their suitability for approval to the Agency Decision Maker. Recommendations about approval must note the reasons, category/categories, number of children, age range, gender and whether approval relates to any specific child or children. ➤ To consider reviews of Foster and Respite Carers. And make recommendations about future approval identifying any required tasks. ➤ To promote the National Standards for Fostering. ➤ To note any retirements/resignations of approved Carers giving reasons. ➤ To consider and make recommendations to withdraw approval. ➤ To hold a Business Meeting annually (chaired by the Agency Decision Maker) to make recommendations about improvements in the approval and review process. <p>The Agency Decision Maker</p> <ul style="list-style-type: none"> ➤ All recommendations from the Fostering Panel are submitted to the Agency Decision Maker for approval. The Agency Decision Maker is appointed by the Service Director on the basis of their knowledge, experience and qualifications. ➤ The Agency Decision Maker may make written comments which are included in a decision letter.
i) What were the oversight and supervision arrangements in respect of fostering panels?	See 1.8 (i) f (Ctrl+click to follow link)
Present	
j) With reference to the present position, are the answers to any of the above questions different?	Yes
k) If so, please give details.	<p>In 2019 the Director of Social Work was replaced by an Executive Chief Officer (Health & Social Care)</p> <p>A Head of Childrens Services (strategic), Head of Childrens Services (Operational), Head of Service (Health) and Head of Integrated Childrens Services are all in post.</p>

	Restructuring is continuing.
2.3 External Oversight	
Past	
a) What were the arrangements for external oversight of the local authority's foster care services?	<p>Secretary of State for Scotland (see Norrie)</p> <p>Inspections were undertaken by Social Work Inspection Agency</p> <p>Prior to SCSWIS, there was the Care Commission and the Social Work Inspection Agency (SWIA) which no longer exist and responsibility for the work of the Care Commission and the functions of SWIA were passed to SCSWIS (as of 1 April 2011). The Care Commission was dissolved under Sec 52 of the Public Services Reform (Scotland) Act 2010.</p> <p>In 1999 the Social Work Committee sought approval in principle for development of a Joint Inspection and Registration Unit with Highland Health Board. The Committee was advised that the Scottish Executive would shortly be establishing a Scottish Commission for the Regulation of Care (SCRC) to provide the necessary independent structure for the registration, inspection and enforcement of standards for residential establishments, nursing homes and other care services. External review was done, as evidenced in the 1999 Report on Children's Services but the body was not specified.</p> <p>Early 1990's: A separate social worker visited the foster carer. The child's social worker should visit regularly and meet with the child out with the foster home.</p> <p>2004: The foster carers social worker was to visit a minimum of monthly and meet with the foster carer. A record of these supervision sessions should be kept in the carers file and a copy given to the foster carer.</p> <p>2005: Highland Council's Fostering and Family Placement Service was registered with the Care Commission. The purpose of the Fostering Service was to comply with the Fostering of Children (Scotland) Regulations 1996 and implement the National Care Standards: Foster Care and Family Placement. The guiding principle being 'The best interests of the child'.</p> <p>By 2006, the Care Commission was inspecting the Service. In 2006, the Service received an excellent report, which included no requirements. The Service was inspected in 2007,2008, 2009,2010 The care Commission then became the care Inspectorate who carried out inspections in 2011,2012,2013,2014,2015,2016 and 2018.</p>
b) Who visited the local authority's foster care services in an official or statutory capacity and for what purpose?	<p>Until the Care Commission took responsibility of the inspections of fostering services the service would have been included in any wider Children's Services inspections undertaken by SWI.</p>

c) How often did this occur?	Care Commission/Care Inspectorate undertook inspections annually from 2006 to 2016. With the next inspection taking place in 2018. Inspections are now every two years.
d) What did these visits involve in practice?	Inspections undertaken by the Care Commission/Care Inspectorate included reading the case files of both children and foster carers, the quality of the fostering assessment undertaken, the minutes and functions of the fostering panel and decisions made by the Agency Decision maker. Reports, policies and procedures were reviewed as well as individual care plans and carer review documents. Inspectors also met with foster carers, young people and social workers and observed the fostering panel.
e) With reference to the present position, are the answers to any of the above questions different?	Yes
f) If so, please give details.	Annual Inspection up until 2018, now every 2 years. Inspectors look at and consider case files/ recording, management and leadership of the service, care planning for individual children, including permanence planning and timescales, training for foster carers and staff within the service, complaints, investigations, Fostering panel work, assessments and reviews of foster carers as well as emergency change of category approval.
Part B Current Statement	
3. Retrospective Acknowledgement/Admission	
3.1 Acknowledgement of Abuse	
a) Does the local authority accept that between 1930 and 17 December 2014 any children cared for in foster care were abused?	As noted above Part A the Highland Council has seen changes within how fostering has been managed between 1930-2014. In acknowledgement of these changes and through the file reading we found information contained in some files which evidenced allegations of abuse against carers. However, on further scrutiny many of them remained unsubstantiated. The files illustrate that more often than not, very robust investigations were carried out and these are evidenced in the files. There are occasions where it is difficult to see how an allegation has been handled as this is evident in a handful of files. Very few investigations of alleged abuse proceeded to foster carer de-registration or criminal proceedings. There were a small number of occasions where alleged abuse was made against the family and friends of foster carers. See embedded documents in Part D for further clarification.
b) If so, what is the local authority's assessment of the extent and scale of such abuse?	As noted in Part D the local authority sampled files that were available from the period 1930-2014. From known cases and from the sampling exercise 58 examples of alleged abuse were noted.

<p>c) What is the basis of that assessment?</p>	<p>We would conclude that processes and procedures have developed over time and that children have more opportunities to talk to family and professionals and may be more enabled to share their experiences in foster care and any instances of abuse. There will be children who will remain unable to disclose at the time the abuse occurs and who will be enduring trauma as a consequence. The process for assessing carers is more robust and thorough than it has ever been.</p>
<p>3.2 Acknowledgement of Systemic Failures</p>	<p>Does the local authority accept that its systems failed to protect children in foster care between 1930 and 17 December 2014 from abuse?</p>
<p>a) Does the local authority accept that its systems failed to protect children in foster care between 1930 and 17 December 2014 from abuse?</p>	<p>During the period of file reading and scrutiny of information held within the archive centre it was noted that the legislation, policy and procedure to protect children and young people was not as robust as it is now. This would have led to some children being less protected from harm than they are now. Other parts of these documents highlight very clearly the progression of social work and fostering over the timeframe of the inquiry and the passing of legislation and the implementation of guidance has ensured continuous improvement in the delivery of care to children in local authority care as well as the expansion of assessment and scrutiny of foster carers.</p>
<p>b) What is the local authority's assessment of the extent of any such systemic failures?</p>	<p>It has been difficult and for some years, not possible, to locate policy and procedure covering the period related to in this inquiry so we cannot comment on their quality or content. When these documents are available they are of a good standard, but very much of their time. They are not as thorough as legislation, guidance, policy and procedure is now. From file reading it is apparent that social workers and other professionals involved with children and young people and the local authority as a whole were committed to promoting the welfare of Highlands most vulnerable children. It would appear, notwithstanding the limitations of a sampling exercise there is a small number of examples of alleged abuse being disclosed and investigated. This is re-assuring of the validity and relevance of the procedures that have been and are currently in place. Less obvious are occasions when the system has not fully supported a young person and they or another child have suffered abuse. These tend to be examples where the case was evidentially weak. It is noted that practice has developed over the years to ensure that the voice of the adult does not drown out that of a vulnerable child.</p>
<p>c) What is the basis of that assessment?</p>	<p>In order to reach this conclusion, files were sampled, existing old and newer legislation, guidance, policy and procedure were scrutinised, and older committee meetings held by the archivist were read.</p>

d) What is the local authority's explanation for any such failures?	See questions a and b above.
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?	It appears that the local authority and other agencies worked within the law and processes of the time and did endeavour to protect children to the best of their ability. While there are gaps in us being able to locate any copies of old policy and procedures from certain times, it can be seen from files that they did exist and were being implemented by practitioners and the local authority itself.
b) What is the local authority's assessment of the extent of any such failures in its response?	It is clear practitioners generally worked to promote the welfare of children and young people. It would be reasonable to acknowledge the challenges of managing without the development of robust assessment and scrutiny which has been implemented with the creation of Councils and national legislation and guidance.
c) What is the basis of that assessment?	In order to reach this conclusion, files were sampled, existing old and newer legislation, guidance, policy and procedure were scrutinised, and older committee meetings held by the archivist were read.
d)) What is the local authority's explanation for any such failures/deficiencies?	As above in sections a, b and c
3.4 Changes	
a) To what extent has the local authority implemented changes to its policies, procedures and practices as a result of any acknowledgment in relation to 3.1 – 3.3 above?	The local authority is committed to continuous improvement. Internal and external inspection and review, learning from significant events both nationally and locally, implementing national guidance, training staff and working in partnership with other agencies and the 3rd sector both on the ground and strategically has ensured the continual scrutiny and improvement of services to children and young people looked after and accommodated by the local authority. Management oversight ensures scrutiny at a high level of significant events and this allows for adaptations and evolution in the way we define and deliver services. Our committee structure allows for oversight by elected members whose contribution to shaping services is crucial.
Part C Prevention and Identification	
4. Policy and Practice	
4.1 National	
Past	

<p>a) Was there national policy/guidance relevant to the provision of foster care for children?</p>	<p>Yes: determined through legislation and regulations – for example Section C: The Children and Young Persons (Scotland) Acts, 1932 and 1937 Children and Young Persons (Scotland) Care and Training Regulations, 1933 Children (Boarding Out) (Scotland) Rules and Regulations, 1947 Section D: The Children Act,1948 The Boarding-out of Children (Scotland) Regulations,1959 Foster Children (Scotland) Act, 1984 Foster Children (Private Fostering) (Scotland) Regulations, 1985 The Boarding-Out and Fostering of Children (Scotland) Regulations 1985 The Children Act 1989 The Disqualification for Caring for Children Regulations, 1991 The UN Convention on the Rights of the Child (UNCRC) was signed by the UK in 1990, ratified in 1991 and came into force in 1992 Children (Scotland) Act 1995 Fostering of Children (Scotland) Regulations 1996 Looked After Children (Scotland) Regulations 2009 Regulation of Care (Scotland) Act 2001 and National Care Standards 2001 Adoption and Children (Scotland) Act 2007 Getting it right for every child in foster care and kinship care strategy (2007). Looked after Children Regulations 2009 national Child Protection and Risk Assessment Guidance 2010 Children's Hearing Scotland Bill in 2010 The Children and Young People (Scotland) Act 2014</p>
<p>b) If so, to what extent was the local authority aware of such?</p>	<p>Very aware - reference to legislation and regulations mentioned in committee reports, held in archive. Policies and procedures were written to reflect current legislation and regulations. Central guidance also from COSLA, CCETSW, SWSG mentioned frequently in committee reports and adapted to local policy and procedures.</p>
<p>c) If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?</p>	<p>The local authority was always aware of national guidance and adapted this to local need. This was agreed and generally implemented consistently across the local authority area. There were also nationally adopted guidance, procedures and forms. Any gaps were filled with local forms.</p>
<p>i. Child welfare (physical and emotional)</p>	<p>A variety of national publications informed local practice. These were in printed form and were circulated around practitioners. Research information was also issued to allow staff to be robust around the assessment of children's needs.</p>
<p>ii. The child's views</p>	<p>A variety of forms have been used to collect the views of children. This wasn't always done consistently but there is evidence of</p>

	children's views being sought and recorded in case notes, files and in review paperwork. Over time forms very specific to this purpose were developed.
iii. Reviewing a child's continued residence in a foster care placement	Forms have existed for many years to support this process. Various forms of this can be seen in historical files and their development noted over the years.
iv. Child protection	Child Protection Guidance was nationally available and adapted to local circumstances. Specific investigation forms existed to support this process.
v. Discipline	<p>Refer to Norrie's report Part two</p> <p>The 1985 regulations introduced agreements between the local authority and foster parents regarding the care to be provided for any children who might be placed with them which included policies and practice regarding the welfare of children, the way foster parents would be expected to follow these policies and practices and for the care authority to review "at appropriate intervals" its approval of foster parents for the purposes of the regulations.</p> <p>Procedures were in place to ensure there were clear policies in relation to the use of corporal punishment, and any form of discipline which humiliates the child, or is in any way discriminatory, was not accepted and foster carers must give written undertaking not to use such forms of discipline.</p> <p>The term "corporal punishment" covers any intentional application of force as punishment and includes slapping, pinching, squeezing, shaking and rough handling. It would also include punching or pushing in the heat of the moment in response to violence to young people. It does not prevent a person using necessary physical action to avert danger of physical injury to the young person, or another person where any other response is likely to fail.</p> <p>Any information suggesting that a carer has used physical punishment must be immediately investigated and the circumstances discussed at a Carer's Review.</p>
vi. Complaints handling	Complaints were usually dealt with within teams in partnership with colleagues in the Police and health as required. These are less evident in older files and can be fairly inconsistent but as the years advance and nationally guidance improved so generally does the quality of the process.
vii. Whistleblowing	From the sample of case files reviewed there were some that demonstrated third parties contacted the department to raise concerns about the treatment of children by their foster carers. These concerns were investigated under the child protection

	<p>procedures and fostering procedures relating to complaints and allegations of abuse in foster care.</p>
<p>viii. Record retention</p>	<p>Legislation would have determined the period of time records were to be kept and local authorities could increase these timescales if they felt it was justified. There is currently a Social Work Retention Schedule - Sept 2012, (Scottish Council on Archives Records Retention Schedule) SCARRS adopted 2014.</p>
<p>ix. Recruitment and training of foster carers</p>	<p>The 1947 rules and regulations made some effort to address the issues identified in the Clyde report ensuring the suitability of foster carers and for the first time gave consideration to the foster parents meeting the needs of the individual child, reference is also given to the religious persuasion and health of the foster carer and their employment and accommodation to be provided. There was also a list of who could not be considered for example <i>“A child shall not be boarded-out or be allowed to remain (1) in a house which- (a) is so situated or in such sanitary conditions as to be injurious or dangerous to his health; (b) having regard to available transport facilities, is not within reasonable distance of a school appropriate to his educational requirements; (c) does not permit of suitable sleeping accommodation for the child in a room properly lit and properly ventilated; (2) with a person who- (a) is in receipt of public assistance; 28 (b) depends for a living mainly on the payments received for boarding children; (c) by reason of old age, infirmity, ill-health or other cause, is not fit to have care of the child; (d) occupies or resides in a house or premises licensed for the sale of excisable liquor; (3) in a household which includes a person who- (a) is certified as a lunatic or as a mental defective; (b) has at any time been convicted of an offence which in the opinion of the local authority renders him unfit to be associated with the child; (c) is suffering from pulmonary tuberculosis. (4) in any environment which is likely to be detrimental to the child”.</i></p> <p>Over the coming years procedures were re-written in line with changing legislation and clearly spelt out what was required from applicants, assessments, approval and review of Foster Carers. Support to foster carers, Regulations, inspections & introduction of the National Care Standards improved the quality of placements and the care provided. There was an increase in the number of and sources of checks and references during assessment of applicants. There was an expectation that Foster Carers undertake training and development of skills and a recognition that Foster Carers are professionals and have a valuable contribution to make in the planning for vulnerable children.</p>

	The introduction of the Form F BAAF and Fostering Network assessment forms ensured standardised practice across Scotland/UK.
x. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority	References sought from an applicant's current and previous employers were introduced around 2009 particularly if that employment involved any contact with children.
d) If the local authority was aware of such, did they give effect to that policy/guidance?	Standard proforma questions for employers to comment in writing and followed up via interview/telephone call if there are any incidents or events involving the applicant that have caused concern, any warnings or disciplinary action on file or pending and the nature.
e) If so, how was effect given to such policy/guidance?	Addressed with applicant during the assessment process including their version of events and any explanation of behaviours etc. This is all taken into consideration along with an analysis of the event, issues raised, and the applicants responses and views are all taken into account when applying the policy/guidance.
f) If not, why not?	We can only refer to guidance from 2009 when this check was introduced.
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.	Over time, as one would expect, national guidance, legislation, policy and procedure have grown and developed. National learning is more readily disseminated, and research is widely used to inform thinking. This has improved the quality of assessments of carers and has consequently improved the care experience for children.
4.2 Local Authority	
(i) Policy	

Past	
<p>a) Was there local authority policy/guidance in relation to the provision of foster care?</p>	<p>Yes - policies and guidance mentioned in Minutes.</p> <p>National policy/guidance shaped the local authority policy/guidance as described in 4.1</p> <p>In the 1999 Report on Children's Services, it is written that "It is envisaged that this team [Children's Services] will provide a central driving force for Children's Services taking full responsibility for policy development, equalisation issues, quality and quantity of practice, complaints co-ordination and information sharing. It would also ensure that Area staff work in accordance with Highland-wide standards." ... "It is of paramount importance that there is a consistent practice model put in place throughout Highland with regards to fieldwork practice." Another recommendation from this report is that "...those engaged in supervision should be equipped with specialist knowledge, experience and ability, and staff provided with up to date procedures which flow from clear Council policy."</p> <p>Any changes to policy was approved by various Council Committees following reports being submitted by the Director of Social Work for example increasing allowances, the introduction of fees.</p> <p>Changes in Legislation & Regulations also dictated policy and procedures.</p> <p>The "<i>Children Who are Looked After</i>" guidance/procedures (2012) is a document that provides guidance for staff in carrying out their duties in respect of children who are looked after by Highland Council. It provides a definition of being "looked after" and gives details of the statutory duties that the local authority has towards children who are looked after by them.</p>
<p>b) Was there a particular policy and/or procedural aim/intention?</p>	<p>Refer to Part A section 1.5 a), 1.5 b), 1.5 c)</p> <p>In 1982 the Council adopted a policy, the core of which was the change of focus from long term institutional care of children to short term institutional care with an associated development of foster care provision. It was hoped that the bulk of children in care should either be with their natural parents or in foster/community care.</p> <p>In 1985 - A Committee reported "The Council were committed to the welfare of children in foster care. "</p>

c) Where were such policies and/or procedures recorded?	Prior to computerised systems these policies/procedures were kept in in paper format in each office/Department and currently some maybe held in the Archive.
d) What did the policies and/or procedures set out in terms of the following:	
i. Child welfare (physical and emotional)	The "Welfare of the Child is Paramount" became a legal principle under the 1989 Children Act. It means that the considerations which might apply to other situations should not be allowed to over-ride the right of children to be protected from harm. Welfare of child to be paramount, promoted and safeguarded
ii. The child's views	The Children (Scotland) Act 1995 - The essential principles behind the Act, which is the primary legislative framework for Regulations, Directions and Guidance, are: <ul style="list-style-type: none"> • each child has a right to be treated as an individual • each child who can form a view on matters affecting him or her has the right to express those views if he or she so wishes • the child's views should be taken into account where major decisions are to be made about his or her future.
iii. Placement of siblings	Normally and where possible siblings were to be placed together though in many situations and circumstances this was neither possible nor appropriate. However, the 1995 legislation set out that the Local Authority had a duty to take such steps to promote, on a regular basis, personal relations which would include between siblings.
iv. The placement of a child in foster care	Yes – Once a placement was identified for the child there were clear procedures depending on the legislation used to take the child into the care of the Local Authority. For example, Section 25, voluntary order, parents would sign the paperwork which would be explained by the social worker and the child transported to the foster placement by a social worker Legal order obtained in court – there may be others present when the child is removed from a parent's care and transported to foster placement by a social worker

v. The particular placement of a child with foster carers	Yes - Procedures for referral to the service/team that dealt with request for placements, what information and documents were available to refer to and to be enough to progress asking foster carers to provide a placement.
vi. Contact between a child in foster care with his or her family	Yes - The Children (Scotland) Act 1995 - The Local Authority had a duty to take such steps to promote, on a regular basis, personal relations between a child and his/her parents
vii. Contact between a child in foster care and other siblings in foster care	Yes - the 1995 legislation set out that the Local Authority had a duty to take such steps to promote, on a regular basis, personal relations which would include between siblings.
viii. Information sharing with the child's family	Yes - Sharing children panel reports, review reports assessments and recommendations.
ix. Fostering panels (including constitution, remit, frequency and record keeping)	<p>Yes- procedures explained the function and membership of the fostering panels.</p> <p>The Boarding out Regulations 1985 mentioned the establishing of a Fostering Panel</p> <p>Refer to Part A 1.8 e), f) and Part A 1.8 ii) a)</p> <p>Recording and minutes of the fostering panel were kept in the individual child's paper records and the foster carers paper records. There was also a central record of the general minute of each panel held. Up to around 2000 these minutes would be in paper format, as computerised systems became more the norm, many of the minutes of the panel case submissions were held electronically as is the procedure today.</p>
x. Recruitment and training of foster carers	<p>Refer to Part A 1.8 ii) a) and b)</p> <p>In 1988 reference made <i>"Due to the demand for more specialised placements, the focus was moved to more specialised recruitment, training and support of foster parents.</i></p> <p>In 1998, the focus in the development in foster care moved to recruiting and training additional foster carers for respite care for</p>

	<p>children with disabilities and children presenting significant challenging behaviour.</p> <p>With the introduction of fees in 2004 being paid to foster carers there was an expectation they would undertake a minimum of 4 training sessions a year.</p> <p>2014 legislation - There was an expectation that Foster Carers undertake training and development of skills and a recognition that Foster Carers are professionals and have a valuable contribution to make in the planning for vulnerable children.</p>
xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority	References sought from an applicant's current and previous employers were introduced around 2009 particularly if that employment involved any contact with children. This was written into the procedures for assessing social workers to request during the assessment process.
xii. Reviewing a child's continued residence in foster care or in a particular foster care placement	<p>Refer to Part A, 1.7 i.</p> <p>Reviews were held regularly and there was a clear procedure in relation to timescales and when these had to take place. These procedures were in the procedures for "<i>Children who are looked after by the Local Authority.</i>"</p>
xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)	<p>There were policies and procedures in place which stated how often the statutory visits should take place, however sometimes the visits did not take place for a variety of reasons. From the sample of files reviewed there were examples of visits to the foster placements by the Childrens Officer, social worker for the child's as well as the social worker for the foster carers. There were occasions when it was noted that the child's social worker had not visited as often as was expected. Through the review process for the child and for the carers this would be highlighted and addressed with individual workers by managers.</p> <p>The procedures written in 2012 states – "<i>The child' Social Worker must visit the child within 1 week of the commencement of the placement and then at intervals of not more than 3 months thereafter. The frequency of visits should be determined by the circumstances of the child as detailed in their Care Plan. The Carers' Social Worker must visit them within 1 week and thereafter at least monthly to offer support and guidance to the Foster Carers throughout the placement.</i>"</p>

<p>xiv. Transfer of a child from one foster placement to another (including preparation and support)</p>	<p>It was encouraged where possible that every effort was made to bring placements to an end in a planned way and to avoid the hasty removal of children from their carers. There were procedures in place and from the sample of files reviewed there were planned moves for children as well as those where children moved in an emergency with little or no warning or an opportunity to say their goodbyes. These circumstances were often due to an allegation of abuse having been made/reported. Foster carers were also expected to give notice if they wanted to end the placement and this was reviewed at their carers review. In the last 15 years foster carers profiles have been created that include a photograph of the carers, a description of any other children or household members, any pets, accommodation and a welcome to the child.</p>
<p>xv. Transfer of a child between foster care and residential care (including preparation and support)</p>	<p>It was encouraged where possible that every effort was made to bring placements to an end in a planned way and to avoid the hasty removal of children from their carers. There were procedures in place and from the sample of files reviewed there were planned moves for children as well as those where children moved in an emergency with little or no warning or an opportunity to say their goodbyes. These circumstances were often due to an allegation of abuse having been made/reported or a placement breakdown due to the child's behaviour within the household and the carers bringing the arrangement to an end prematurely.</p>
<p>xvi. Child protection</p>	<p>Local Child protection guidance, national guidance as well as local policies and procedures were in place and adhered to.</p>
<p>xvii. Complaints handling</p>	<p>The social work department had a complaints procedure specifically tailored for the service up until a few years ago where it changed and became a more corporate response in relation to complaints.</p>
<p>xviii. Whistleblowing</p>	<p>From the sample of case files looked at some of the files demonstrated third parties contacted the department to raise concerns about the treatment of children by their foster carers. These concerns were investigated under the local child protection procedures and fostering procedures relating to complaints and allegations of abuse in foster care.</p>

<p>xix. Record retention</p>	<p>Legislation would have determined the period of time records were to be kept and local authorities could increase these timescales if they felt it was justified. A record of looked after children and foster carers files to be archived was established many years ago and this information was transferred to an electronic record. Files can be tracked if removed from the archive, why they were removed and who requested them. It should also be recorded on a child's electronic file (Carefirst) the number and location of that closed paper record.</p> <p>There is currently a Social Work Retention Schedule - Sept 2012, (Scottish Council on Archives Records Retention Schedule) SCARRS adopted 2014.</p> <p>There is a good robust system in place for record retention and generally files can be found where they should be. Sadly, on occasion files cannot be located and sometimes there is no record of the person at all. There may be files that are missing/cannot be located but we will not know this until a person comes asking for them.</p>
<p>e) Who compiled the policies and/or procedures?</p>	<p>Managers would normally write the procedures, and these would be signed off by the Head of Service and/or the Director of Social Work and on some occasions the local authority committee responsible for children and young people.</p>
<p>f) When were the policies and/or procedures put in place?</p>	<p>These would have been written/updated following any change in legislation/regulations.</p>
<p>g) Were such policies and/or practices reviewed?</p>	<p>Yes, policies and procedures were reviewed and amended and changed over time as new legislation and regulations were introduced.</p>
<p>h) If so, what was the reason for review?</p>	<p>Major changes in legislation and regulations, resulted in procedures being re written and processes would have been evaluated and reviewed at that time.</p> <p>Introduction of The National Care Standards and Inspections meant that fostering procedures were reviewed and updated.</p>
<p>i) What substantive changes, if any, were made to the policies and/or procedures over time?</p>	<p>When the regulations and legislation changed policies and procedures were re-written, and those changes implemented.</p> <p>For example, the changes in legislation that allowed an unmarried couple and single people to foster as well as same sex couples, employer references were sought including a reference from school (if the prospective carer had a school age child), previous</p>

	<p>partner references and the nature of the separation was to be checked and the introduction of Disclosure/PVG membership.</p> <p>A procedure was established in Highland in 2012 in relation to applicants/approved foster carers having a licence for a firearm and this information being shared with the medical advisor who could follow up with the applicants/carers GP and check with them about history or current mental health. As well as where the firearm was stored and who had access to it. This was in response to an increase in the number of applicants to foster who by the very nature of their employment and/or where they lived, held licences for firearms (gamekeeper, farmer, crofter).</p>
j) Why were changes made?	National and local investigations, case reviews or legislation was being implemented.
k) Were changes documented?	Some reference in committee reports about significant changes in policy and procedure governed by legislation.
l) Was there an audit trail?	<p>Not aware there was an audit trail of these changes as such, however some reference in committee reports about significant changes in policy and procedure governed by legislation. Prior to computerised systems being the norm, updated or new policies and procedures in paper format would have been sent out to the area offices/teams by post and told they were to replace the current ones on the shelf and old copies were to be destroyed.</p> <p>Due to the amount of space these policies, and procedures can take up on the electronic systems and to avoid confusion amongst staff, they too would likely be deleted if a replacement had been created.</p>
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.	Policies and procedures are easily accessible and can be found on the Councils intranet.

(ii) Practice	
Past	
a) Did the local authority adhere in practice to its policy/procedures in relation to the provision of foster care?	The local authority wrote and implemented policy and procedure and staff were trained in its use. It is evidenced in files that staff working in fostering and adoption generally understood and used these tools.
b) Did the local authority adhere in practice to its policy/procedures on the following:	
i. Child welfare (physical and emotional)	Files reviewed suggest that the local authority was committed to the welfare of children in its care.
ii. The child's views	There is some evidence of child's views being sought in different ways and at different times. This is not always consistent. The introduction of the "having your say" format was seen as a positive step in gathering the views of children.
iii. Placement of siblings	The local authority recognised the importance of sibling relationships but didn't always follow through on ensuring these were maintained. There was a variety of reasons for this around the size of the sibling group, the availability of placements and the needs of individual children.
iv. The placement of a child in foster care	There were legislative and procedural rules around a child becoming looked after by the local authority. It is usually always clear why a child was looked after and what legislation applied at that time and going forward.
v. The particular placement of a child with foster carers	There was a significant effort to match children with carers who could best meet their needs. In the distant past ideas and rationales were not what we would apply in 2020 but they were consistent at that time. Resource constraints often influenced the potential for placement matching and often it was the best available placement at that time for the child that was identified.
vi. Contact between a child in foster care with his or her family	The recognition about the need to foster lifelong relationships between a child and its family were not always seen as valuable and important as we would view them now. There are occasions

	when children were separated from family and had little or no involvement with them again.
vii. Contact between a child in foster care and other siblings in foster care	Again, the importance of this wasn't always put into practice. While there are good examples of social workers and foster carers working hard to support siblings contact, equally there are examples of children losing touch with siblings.
viii. Information sharing with the child's family	Reviews and case notes offer evidence about the communication between the social worker with the child, family, foster carer and other agencies.
ix. Fostering panels (including constitution, remit, frequency and record keeping)	<p>Yes - Legislation and regulations determined the nature and remit of fostering panels. Members were appointed by the Director of Social Work and in the early days tended to be senior managers in social work however in the last 20 years membership has broadened to include professionals from across services like Education and Health, as well as the voluntary sector which brought a much broader range of experience and knowledge of working with or caring for looked after children/fostering to the panel forum. In the late 1990's lay members and those who were care experienced were encouraged to sit on the fostering panel. Minutes of fostering panels were clear about membership and who was present on any given day and contributed to the case discussion. Procedures were clear about the membership, function and the remit of the fostering panel and the requirement to have a medical and legal advisor.</p> <p>Foster carer files reviewed included minutes of fostering panels where the carers were approved and reviewed, and some children's files reviewed showed evidence of panel discussion in relation to plans for the child's future. Up until the early 2000's there were not separate minutes for each case and the minutes tended to be one large document. Since about 2002 each case submission considered by the fostering panel has their own separate minute.</p>
x. Recruitment and training of foster carers	Yes - From information gathered from practitioners who have worked in the service for many years , reading a selection of historical minutes from the fostering panel and reviewing some of the foster carers files there was evidence that the local authority followed the procedures in relation to the recruitment/assessment of prospective foster carers, that this process was as robust as it could be for that specific period of time and the fostering panel functions also being that as quality assuring the assessments and the supporting evidence. Further scrutiny by the Agency Decision

	<p>Maker added to the checks and balances in approving (or not) prospective foster carers.</p> <p>Training opportunities for foster carers has been recognised for some considerable time as being very important and necessary for the fostering task and has developed over the years. This would include the introduction of mandatory training subjects for example safer caring, child protection, first aid.</p> <p>Since the inspections were introduced in the early 2000's fostering agencies have had to provide evidence to support their procedures/policies in relation to the recruitment, assessment and training of foster carers.</p>
<p>xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority</p>	<p>Yes – this procedure was introduced around 2009 and has been incorporated and embedded in current practice in the assessment process, with a standard proforma sent to current and previous employers paying particular attention to where the applicant has been in employment which has involved any contact with children.</p>
<p>xii. Reviewing a child's continued residence in foster care or in a particular foster care placement</p>	<p>Refer to Part A, 1.7 I).</p> <p>Reviews were held regularly and there was a clear procedure in relation to timescales and when these had to take place. These were in the procedures for <i>"Children who are looked after by the Local Authority."</i></p>
<p>xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)</p>	<p>Yes – From the sample of foster carers files reviewed there was evidence of social workers from the fostering service visiting the foster carers on a regular basis. Earlier procedures (1995 Fostering procedures) mentions an expectation that regular visits are made by the social worker for the child and the carers social worker to the foster placement. A minimum of monthly visits from the fostering social worker was recommended from 2006 but often this was more regular if the placement was in the very early days, there was issues, or the placement was at risk of breaking down. Lack of visits by social workers would be picked up at the child's looked after review or the foster carers review and addressed with the worker responsible by a manager.</p> <p>From the sample of children's files, it was evident that the procedures were followed, and mostly social workers visited children in their foster placements on a regular basis. The procedures were clear about the duties of the child's Social Worker and how often they were required to visit the child in the foster placement. (2012 procedures <i>"Children who are looked after by the Local Authority."</i>) <i>"The child's Social Worker is required to visit within one week of the placement being made, and thereafter at intervals of not more than three months from the date of the previous visit. Most placements will require more frequent visiting</i></p>

	<p><i>than the minimum. The frequency of visits should be determined by the circumstances of the individual case, including any particular stresses being experienced by either the child or carers. The child and carers should regularly be seen alone as well as together. The social worker should ascertain the child's feelings and wishes and make a record of each visit. The record should indicate whether the child was seen and, if not, why not, and if the child was seen alone. It should also comment on the child's welfare and the success of the placement, including any comments made by the child or the carer. Any matter for concern should be highlighted so that the need for necessary action can be discussed with the Practice Lead."</i></p>
<p>xiv. Transfer of a child from one foster placement to another (including preparation and support)</p>	<p>Yes – Please refer to section 4.2 xiv.</p> <p>It was good practice to prepare children for any move and this was usually undertaken by the child's social worker. Where this was not possible this would be done by the foster carer or the foster carers social worker. The transfer between placements should be carried out by the child's social worker, the carer or another adult from the service familiar to the child. In reality this was often not the practice and support workers not known to the child may have been utilised for this purpose which was far from ideal.</p> <p>From the sample files reviewed there was some evidence of the preparation of children when moving to or between placements.</p>
<p>xv. Transfer of a child between foster care and residential care (including preparation & support)</p>	<p>Yes – please refer to section 4.2 xv.</p> <p>It was good practice to prepare children for any move and this was usually undertaken by the child's social worker. Where this was not possible this would be done by the foster carer or the foster carers social worker. The transfer between placements should be carried out by the child's social worker, the carer or another adult from the service familiar to the child. In reality this was often not the practice and support workers not known to the child may have been utilised for this purpose which was far from ideal.</p>
<p>xvi. Child protection</p>	<p>Local child protection guidance, national guidance as well as local policies and procedures were in place and adhered to.</p>
<p>xvii. Complaints handling</p>	<p>The social work department had a complaints procedure specifically tailored for the service up until a few years ago where it changed and became a more corporate response in relation to complaints.</p>
<p>xviii. Whistleblowing</p>	<p>From the sample of case files looked at some of the files demonstrated third parties contacted the department to raise concerns about the treatment of children by their foster carers.</p>

	<p>These concerns were investigated under the child protection procedures and fostering procedures relating to complaints and allegations of abuse in foster care.</p>
<p>xix. Record retention</p>	<p>Legislation would have determined the period of time records were to be kept and local authorities could increase these timescales if they felt it was justified. A record of looked after children and foster carers files to be archived was established many years ago and this information was transferred to an electronic record. Files can be tracked if removed from the archive, why they were removed and who requested them. It should also be recorded on a child's electronic file (Carefirst) the reference number and location of that closed paper record.</p> <p>There is currently a Social Work Retention Schedule - Sept 2012, (Scottish Council on Archives Records Retention Schedule) SCARRS adopted 2014.</p> <p>There is a good robust system in place for record retention and generally files can be found where they should be. Sadly, on occasion files cannot be located and sometimes there is no record of the person at all. There may be files that are missing/cannot be located but we will not know this until a person comes asking for them.</p>
<p>c) How was adherence demonstrated?</p>	<p>This was demonstrated in the recording in the child's case records, contact records, looked after review reports, foster carers records, supervision and contact records and the foster carer review records. Minutes of fostering panel and child in care reviews.</p> <p>This would be in paper format or since the early 2000's in both electronic and paper format.</p>
<p>d) How can such adherence be demonstrated to the Inquiry?</p>	<p>From the recording in the child's case records, contact records, looked after review reports, foster carers records, supervision and contact records and the foster carer review records. Minutes of fostering panel and child in care reviews.</p> <p>This would be in paper format or since the early 2000's in both electronic and paper format.</p>
<p>e) Were relevant records kept demonstrating adherence?</p>	<p>As far as we are aware and from the sample files reviewed most of the records demonstrated adherence to the policies, procedures and legislation that was relevant at that time.</p>
<p>f) Have such records been retained?</p>	<p>Yes – as per the retention of records Legislation which determines the period of time records are to be kept. Looked after children records were kept for 75 years however this increased to 100 years</p>

	<p>in 2012 to bring in line with the adoption records retention period. Foster carers records were to be retained for 25 years, in 2014 Highland Council decided to retain foster carer records for 35 years and shortly after this it was agreed that no records were to be destroyed (as a result of this inquiry) even when they were out with the retention schedule period.</p> <p>There is currently a Social Work Retention Schedule - Sept 2012, (Scottish Council on Archives Records Retention Schedule) SCARRS adopted 2014.</p>
g) If policy/procedure was not adhered to in practice, why not?	Cannot be concluded from the information available
h) If policy/procedure was not adhered to in practice, what was the practice?	Cannot be concluded from the information available
Present	
i) With reference to the present position, are the answers to any of the above questions different?	No
j) If so, please give details.	
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?	Refer to 1.4b and 1.5f.

b) Was there a particular policy and/or procedural aim/intention?	Refer to Part A
c) Where were such policies and/or procedures recorded?	Refer to Part A
d) What did the policies and/or procedures set out in terms of the following?	Refer to Part A
i. Safeguarding	Refer to Part A
ii. Child Protection	Refer to Part A
iii. Medical care	Refer to Part A
iv. Children's physical wellbeing	Refer to Part A
v. Children's emotional and mental wellbeing	Refer to Part A
vi. Schooling/education	Refer to Part A
vii. Discipline	Refer to Part A
viii. Activities and holidays for children	Refer to Part A
ix. Sharing a bedroom	Refer to Part A
x. Contact with family members	Refer to Part A
xi. Contact with siblings	Refer to Part A
xii. Celebration of birthdays and other special occasions	1975 - 1996: In 1992, while discussing the purchase of gifts for children in residential care, "...it was now thought more appropriate for the value of gifts to relate to the fostering rate for 13 to 15-year-old, rounded to the nearest point. The current figure was £56 per week and it was intended to meet any additional cost to a foster parent of buying gifts and funding activities up to this level."
xiii. Information sharing by the foster carer with family members	Refer to Part A

e) Who compiled the policies and/or procedures?	Council officers and signed of by local committees and in the recent past by senior managers within the council and elected members in council committee.
f) When were the policies and/or procedures put in place?	Refer to Part A
g) Were such policies and/or practices reviewed?	Policies and procedures were reviewed in line with learning, legislation and national guidance.
h) If so, what was the reason for review?	As above.
i) What substantive changes, if any, were made to the policies and/or procedures over time?	See Part A-chronology of development of legislation, policy and procedure and foster care agreements.
j) Why were changes made?	Refer to Part A
k) Were changes documented?	Refer to Part A
l) Was there an audit trail?	Refer to Part A
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.	See 1.4g
(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-the file sampling supports this view.

b) Did the local authority adhere in practice to its policy/procedures in terms of the following?	
i. Safeguarding	Yes-the file sampling supports this view.
ii. Child Protection	Yes-the file sampling supports this view.
iii. Medical care	Yes-the file sampling supports this view.
iv. Children's physical wellbeing	Yes-the file sampling supports this view.
v. Children's emotional and mental wellbeing	Yes-the file sampling supports this view.
vi. Schooling/education	Yes-the file sampling supports this view.
vii. Discipline	Yes-the file sampling supports this view.
viii. Activities and holidays for children	Yes-the file sampling supports this view.
ix. Sharing a bedroom	Yes-the file sampling supports this view.
x. Contact with family members	Yes-the file sampling supports this view.
xi. Contact with siblings	Yes-the file sampling supports this view.
xii. Celebration of birthdays and other special occasions	Yes-the file sampling supports this view.
xiii. Information sharing by the foster carer with family members	Yes-the file sampling supports this view.
c) How was adherence demonstrated?	The file sampling indicates that policies and procedures were adhered too.

d) How can such adherence be demonstrated to the Inquiry?	Files were sampled between 1960-2014, as this what was available in the archivist. Previous to this period information was contained in parish/burgh ledgers. Therefore in the files read from the above period files illustrate the implemented policies and procedures being followed by staff.
e) Were relevant records kept demonstrating adherence?	As noted above there is a wealth of supporting information contained in the archives about parish and burgh processes and procedures and more recently council archives.
f) Have such records been retained?	As above.
g) If policy/procedure was not adhered to in practice, why not?	In the files sampled there were no incidences of policy and procedure not being followed.
h) If policy/procedure was not adhered to in practice, what was the practice?	N/A
Present	
i) With reference to the present position, are the answers to any of the above questions different?	No
j) If so, please give details.	
4.4 Foster carers	
(i) Policy	
Past	
a) What policies and/or procedures did the local authority have in relation to foster carers?	Since national regulations and legislation were introduced that governed and regulated foster care there is reference to policies and procedures that were in place specifically for children in care of the local authority and in foster care. Reference has been made

	<p>to reports submitted by the Childrens Officer (Part A 1.8 ii) a)) about recruitment of prospective carers and the policy was agreed to advertise locally in order to recruit a suitable number of people. In early committee reports from 1975 some polices were referred to and highlighted a shortage in staffing in Childrens services and social workers prioritising groups of children in three categories. In 1976 the requirement to register foster carers and in 1982 there was reference to the policy of recruitment, training and support to foster carers which would be undertaken by the Childrens department. With the introduction in the 1985 Boarding out of Children Regulations of fostering agreements and the requirement to inform foster carers of the financial agreements in writing this would have been an opportunity to review and update the policies and procedures. A copy of the 1995 Fostering procedures has been referred to and from knowledge these procedures have been reviewed and updated periodically since then (1995, 2006,2012).</p>
<p>b) Was there a particular policy and/or procedural aim/intention?</p>	<p>From early committee reports and minutes it would appear the local authority was intent on improving services to vulnerable children in their care. As legislation, regulations and the introduction of the National Care Standards evidenced that nationally and locally changes and improvements had to be made in order to support our most vulnerable children.</p>
<p>c) Where were such policies and/or procedures recorded?</p>	<p>Paper copies were kept centrally in the social work department senior management offices, in local teams and offices across the region and when updated replaced. Some policies and procedures are located in the archive centre. The fostering service has kept some procedures dating back to 1995.</p>
<p>d) What did the policies and/or procedures set out in terms of the following?</p>	
<p>i. Recruitment</p>	<p>Over the years the process of recruiting prospective foster carers has changed and evolved mainly influenced by changes in legislation and regulations, from research and from national and local case reviews. The role of fostering has moved away from the "community volunteer" to becoming recognised as a professional and vital role contributing and included as a partner to the child's plan. Alongside this change in status there was an expectation that more thorough checks, references and assessment was undertaken. The process and level of scrutiny had to be shared with potential applicants, so they understood the nature of that scrutiny and what would be addressed during the process.</p>

	<p>In minutes from a committee meeting in 1982 there was reference to the policy of recruitment, training and support to foster carers which would be undertaken by the Childrens Department.</p> <p>Over the years specific recruitment drives were undertaken for example in 1998 for respite carers, and specialist carers. The procedures set out the criteria and the specific skills and experience that was required.</p> <p>The introduction of fees in the early 2000's was to increase the number of foster carers by making it more attractive to work from home. The procedure was clear that in order to receive the fee foster carers must undertake a minimum of four training sessions a year.</p>
<p>ii. Standard and size of accommodation</p>	<p>In the earlier years there was some reference to prospective foster carers having a spare bed and suitable accommodation for the foster child which was well ventilated and properly lit. (Section C 4.1 ix). Proposed sleeping arrangements and accommodation was check as part of the assessment process from very early on (1975). More recently the procedures were quite specific stating the applicants must have a spare room for fostering, the minimum size of the bedroom required and suitably furnished. There were some exceptions for example very young babies and infants sleeping in a cot could share a room with the foster carer.</p>
<p>iii. Number, age and gender of children accommodated /in the household</p>	<p>Throughout the years Regulations have determined what the managers and /or panel approving the applicants must take into consideration which included, number, age range and gender of children. Also taking into consideration the skills and experience of applicants with a specific age group (babies/ infants, preschool, teenagers) and any other children in the fostering household and their age and gender. There is some reference in earlier procedures to discouraging the practice of placing children of a similar age or male and female teenagers in the same household.</p>
<p>iv. Pre-approval/registration checks</p>	<p>Over the decades regulations, inspections & the introduction of National Care Standards improved the quality of placements and the care provided and these legislative measures determined the checks and references that were required to be undertaken. There was an increase in the number of and sources of checks and references during assessment of applicants and evidence of these having been undertaken were included in the assessment. From</p>

	<p>the case records reviewed there was evidence that there was always a local police check undertaken which latterly changed to a SCRO check (Scottish Criminal Records Organisation), Disclosure checks and more recently membership of the PVG scheme.</p> <p>There was also evidence in some of the earlier carers files of character references being sought mainly from “respectable and upstanding” members of the community who held a responsible and respected position in the community. For example, GP, Local Councillor, JP, minister, and head teacher.</p>
v. References	<p>There was evidence in some of the much earlier carers files reviewed of character references being sought mainly from “respectable and upstanding” members of the community who held a responsible and respected position in the community. For example, GP, Local Councillor, JP, minister, and head teacher.</p> <p>As regulations, legislation and National Care Standards were introduced and updated/changed the requirement for more thorough references from a broader source was established. Personal references, with at least one from a family member, employer references, health visitor and education references as well as supporting statements/references from adult children and previous partners (where this was appropriate).</p>
vi. Foster care agreements	<p>The 1985 regulations introduced agreements between the local authority and foster parents regarding the care to be provided for any children who might be placed with them which included policies and practice regarding the welfare of children, the way foster parents would be expected to follow these policies and practices and for the care authority to review “at appropriate intervals” its approval of foster parents for the purposes of the regulations. These agreements have been amended and updated as the regulations have evolved over the years and are currently reviewed at each carers review.</p>
vii. Induction	<p>Preparation courses for prospective foster carers were introduced in the late 1980’s and originally was an information sharing opportunity. As the number of children increased and the nature of the impact of their early life experiences were more understood preparation and training (induction) became more about the skills and experience required to care for traumatised children, how to manage challenging behaviour, deal with birth parents, the legal</p>

	<p>process, including attendance at Childrens hearings and looked after child reviews.</p>
<p>viii. Transfer of foster carers to or from other organisations or local authorities</p>	<p>The protocol was developed by The Fostering Network, the joint forum of Independent and Voluntary fostering providers Scotland and ratified by Social Work Scotland (SWS) in 2015. 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.</p> <p>Prior to this when carers moved to another agency or local authority they would have to undertake a full reassessment.</p>
<p>ix. Review/supervision</p>	<p>The review and supervision of foster carers has long been established and this can be evidenced in the sample files that were selected. Regulations provide guidance about how often reviews of carers approval should take place and procedures were in place to review carers following an allegation, investigation, incident or complaint, disruption to the placement, death of a carer, or if their approval was suspended/put on hold for any particular reason like health issues or there was to be a proposed change in their approval.</p> <p>In 2004 recording the monthly supervision visits with foster carers in a separate document was introduced in Highland and this would usually be a record of the supervision between the foster carer and supervising social worker, a copy given to the carer and a copy kept in the carers file. For example, these supervision sessions would normally cover current placements, any issues highlighted or raised, training and personal development, up and coming child in care reviews or children's hearings.</p>
<p>x. Training</p>	<p>In 1988 reference made <i>"Due to the demand for more specialised placements, the focus was moved to more specialised recruitment, <u>training</u> and support of foster parents.</i></p> <p>In 1998, the focus in the development in foster care moved to recruiting and training additional foster carers for respite care for children with disabilities and children presenting significant challenging behaviour.</p>

	<p>With the introduction of fees in 2004 being paid to foster carers there was an expectation they would undertake a minimum of 4 training sessions a year.</p> <p>2014 legislation - There was an expectation that Foster Carers undertake training and development of skills and a recognition that Foster Carers are professionals and have a valuable contribution to make in the planning for vulnerable children. Training opportunities for foster carers has been recognised for some considerable time as being very important and necessary for the fostering task and has developed over the years. This would include the introduction of mandatory training subjects for example safer caring, child protection, first aid.</p> <p>Since the inspections were introduced in the early 2000's fostering agencies have had to provide evidence to support their procedures/policies in relation to the recruitment, assessment and training of foster carers.</p>
<p>xi. Personal development</p>	<p>The carer review and supervision of foster carers has long been established and this can be evidenced in the sample files that were selected. A carer review report would highlight training undertaken and what training had been identified for the carers personal development. This might be particularly tailor made to help the carer provide care for the children currently placed for example information and training about FAS, particular medical procedures to be undertaken by the carers, personal care, lifting and handling, caring for a child who has been sexually abused. As previously stated in 2004 recording the monthly supervision visits with foster carers in a separate document was introduced in Highland and this would usually be a record of the supervision between the foster carer and supervising social worker, a copy given to the carer and a copy kept in the carers file. These supervision sessions would also discuss training and the personal development in particular subjects and areas of the foster carers.</p>
<p>xii. Disciplinary actions</p>	<p>Not aware disciplinary actions could be undertaken in relation to foster carers as they are not employees of the local authority. Any concerns would be addressed through the allegations and complaints process and then the review process.</p> <p>Following allegations of abuse, complaints, investigations and incidents a carers review would be undertaken. This would explore the nature of the alleged incident, highlight any additional training required in order to continue approval or state very clearly why</p>

	that carer should deregister. This report would be presented to the fostering panel for their consideration and recommendation. The final decision was with the Agency Decision Maker whether approval should continue with additional safeguards in place or that the carers should be deregistered.
xiii. Removal of approval/registration	Following allegations of abuse, complaints, investigations and incidents a carers review would be undertaken. This would explore the nature of the alleged incident, highlight any additional training required in order to continue approval or state very clearly why that carer should de-registered. This report would be presented to the fostering panel for their consideration and recommendation. The final decision was with the Agency Decision Maker whether approval should continue with additional safeguards in place or that the carers should be deregistered.
e) Who compiled the policies and/or procedures?	Managers usually prepared the procedures and policies, then they were usually signed off by the Head of Service and/or Director of Social Work and on some occasions Social Work Committees.
f) When were the policies and/or procedures put in place?	Following the implementation of regulations, legislation and the introduction of the National Care Standards and any subsequent updates and reviews following changes as a result of case reviews research and government policies.
g) Were such policies and/or practices reviewed?	Yes – Following the implementation of regulations, legislation and the introduction of the National Care Standards and any subsequent updates and reviews following changes as a result of case reviews, research findings and government policies.
h) If so, what was the reason for review?	Following the implementation of regulations, legislation and the introduction of the National Care Standards and any subsequent updates and reviews following changes as a result of case reviews research and government policies.
i) What substantive changes, if any, were made to the policies and/or procedures over time?	<p>The changes in legislation that allowed an unmarried couple and single people to foster as well as same sex couples, employer references were sought including a reference from school (if the prospective carer had a school age child), previous partner references and the nature of the separation was to be checked and the introduction of Disclosure/PVG membership.</p> <p>Monthly supervision established, mandatory training, attendance at preparation courses mandatory.</p>

j) Why were changes made?	National and local investigations, case reviews or legislation was being implemented. To continue to improve the quality of care provided to vulnerable children separated from their birth family, to improve outcomes for children and young people who were care experienced and to ensure advice, guidance and support was available to those young people leaving care and transferring into adulthood. To improve practice, the assessments of foster carers, support, training and supervision and to ensure the standard of care provided by foster carers to vulnerable children was of a standard that was acceptable and met their needs.
k) Were changes documented?	Some reference in committee reports about significant changes in policy and procedure governed by legislation.
l) Was there an audit trail?	Not aware there was an audit trail of these changes as such, however some reference in committee reports about significant changes in policy and procedure governed by legislation. Prior to computerised systems being the norm, updated or new policies and procedures in paper format would have been sent out to the area offices/teams by post and told they were to replace the current ones on the shelf and old copies were to be destroyed. Due to the amount of space these polices, and procedures can take up on the electronic systems and to avoid confusion amongst staff, they too would likely be deleted if a replacement had been created.
Present	
m) With reference to the present position, are the answers to any of the above questions different?	No
n) If so, please give details.	
(ii) Practice	
Past	

a) Did the local authority adhere in practice to its policy/procedures in relation to foster care?	From reading the selection of foster carers files there is evidence that expectations were clear and social workers mostly adhered to the policies and procedures that were in place at that time.
b) Did the local authority adhere in practice to its policy/procedures in terms of the following?	
i. Recruitment	Yes - From information gathered from practitioners who have worked in the service for many years , reading a selection of historical minutes from the fostering panel and reviewing some of the foster carers files there was evidence that the local authority followed the procedures in relation to the recruitment/assessment of prospective foster carers, that this process was as robust as it could be for that specific period of time and the fostering panel functions also being that as quality assuring the assessments and the supporting evidence. Further scrutiny by the Agency Decision Maker added to the checks and balances in approving (or not) prospective foster carers.
ii. Standard and size of accommodation	Yes - From reading a selection of historical minutes from the fostering panel and reviewing some of the foster carers files there was evidence that the local authority followed the procedures in relation to the standard and size of the accommodation that was expected and these procedures changes and evolved over time. It was evident this process was as robust as it could be for the specific period of time. Assessments should evidence the standard and type of accommodation the foster carers provided, and any health and safety issues raised.
iii. Number, age and gender of children accommodated/in the household	Yes - From information gathered from practitioners who have worked in the service for many years , reading a selection of historical minutes from the fostering panel and reviewing some of the foster carers files there was evidence that the local authority followed the procedures in relation to the number, age and gender of children accommodated/in the household of prospective foster carers and that this process was as robust as it could be for that specific period of time. Any deviation from the approval category of foster carers to allow them to take additional children, and/or a different age range that they were approved for was dealt

	with under “out with approval/emergency approval procedures” and reviewed by the Agency Decision Maker.
iv. Pre-approval/registration checks	<p>Preparation for prospective foster carers was thought to have been introduced in the late 1980’s and originally was an information sharing opportunity. As the number of children increased and the nature of the impact of their early life experiences were more understood preparation and training (induction) became more about the skills and experience required to care for traumatised children, how to manage challenging behaviour, deal with birth parents, the legal process, including attendance at Childrens hearings and looked after child reviews. There was an expectation that some preparatory work was undertaken with prospective foster carers and latterly attendance at a preparation course became mandatory and evidence of attendance was presented in the assessment. If applicants had not attended a preparation course or undertaken the course on a one to one basis the panel would not have accepted their assessment until this was undertaken. Since 2006 attendance at preparation courses has been reviewed during inspections.</p>
v. References	<p>There was evidence in some of the much earlier carers files reviewed of character references being sought mainly from “respectable and upstanding” members of the community who held a responsible and respected position in the community. For example, GP, Local Councillor, JP, minister, and head teacher.</p> <p>As regulations, legislation and National Care Standards were updated/changed the requirement for more thorough references from a broader source was established. Personal references, with at least one from a family member, and interviews of the referees, employer references, health visitor and education references as well as supporting statements/references from adult children and previous partners (where this was appropriate).</p> <p>If these had not been completed, then the Fostering Panel and ultimately the Agency Decision Maker would not have accepted the application/assessment. Since 2006 this procedure has been reviewed during inspections.</p>
vi. Foster care agreements	The 1985 regulations introduced agreements between the local authority and foster parents regarding the care to be provided for any children who might be placed with them which included

	<p>policies and practice regarding the welfare of children, the way foster parents would be expected to follow these policies and practices and for the care authority to review “at appropriate intervals” its approval of foster parents for the purposes of the regulations. These agreements have been amended and updated as the regulations have evolved over the years and are currently reviewed at each carers review. Since 2006 this has been reviewed during inspections to ensure up to date agreements are in place.</p>
vii. Induction	<p>Information sharing, and enquiry visits were undertaken prior to progressing to attendance at preparation courses for prospective foster carers. Preparation and training (induction) became more about the skills and experience required to care for traumatised children, how to manage challenging behaviour, deal with birth parents, the legal process, including attendance at Childrens Hearings and looked after child reviews. It was recognised that sharing this information as early in the process as possible was beneficial and prospective carers knew from an early stage what they were undertaking and what the expectations were from the Local Authority.</p>
viii. Transfer of foster carers to or from other organisations or local authorities	<p>Prior to the protocol being agreed in 2015 foster carers possibly had to undergo a full assessment by the receiving local authority and case records/ assessments would be shared between agencies. The increase in independent agencies providing foster placements also meant that there was an increase in foster carers originally approved by Local Authorities applying to the IFA’s as they were likely to be paid more in allowances and fees. Therefore, the protocol created by the Fostering Network to assist Agencies with this was agreed.</p>
ix. Review/supervision	<p>The review and supervision of foster carers has long been established and this can be evidenced in the sample files that were selected. Sometimes reviews were overdue, and this was mainly attributed to staff shortages and prioritising other pieces of work. The reasons would usually be minuted in the foster panel minutes. Regulations provide guidance about how often reviews of carers approval should take place and procedures were in place to review carers following an allegation, investigation, incident or complaint, disruption to the placement, death of a carer, or if their approval was suspended/put on hold for any particular reason like health issues or there was to be a proposed change in their approval.</p>

	<p>In 2004 recording the monthly supervision visits with foster carers in a separate document was introduced in Highland and this would usually be a record of the supervision between the foster carer and supervising social worker, a copy given to the carer and a copy kept in the carers file. For example, these supervision sessions would normally cover current placements, any issues highlighted or raised, training and personal development, up and coming child in care reviews or children's hearings. Since 2006 this process of foster carers reviews and supervision has been reviewed during inspections to ensure these have taken place and if not, these have been highlighted for improvement.</p>
x. Training	<p>Carers were encouraged and supported to attend training and often child care was provided. Around 2004 "drop in sessions" were established across Highland to enable carers to get together in an informal way to provide some training and support to each other. Records of training attended should be recorded in foster carers files and this was evident in most of the files reviewed. Again, the training offered and attended by foster carers is included in the documents scrutinised during an inspection since 2006. Mandatory training to be renewed every three years was also established. Child Protection training was initially developed specifically for foster carers however they are now encouraged to attend CP training along with other professionals and disciplines.</p> <p>Online training is also encouraged and supported.</p>
xi. Personal development	<p>In 2004 recording the monthly supervision visits with foster carers in a separate document was introduced in Highland and this would usually be a record of the supervision between the foster carer and supervising social worker. These supervision sessions would normally cover current placements, any issues highlighted or raised, training and personal development, up and coming child in care reviews or children's hearings. A carer review report would highlight training undertaken and what training had been identified for the carers personal development. This training might be particularly tailor made to help the carer provide care for the children currently placed.</p>
xii. Disciplinary actions	<p>Not aware disciplinary actions could be undertaken in relation to foster carers as they are not employees of the local authority. Any</p>

	<p>concerns would be addressed through the allegations or complaints process and then the carer review process.</p>
<p>xiii. Removal of approval/registration</p>	<p>Foster carer files and minutes of the Fostering Panel should demonstrate that practise was adhered to in relation to the removal of approval and registration following allegations of abuse, and investigations. This would explore the nature of the alleged incident, the procedures followed and state very clearly why that carer should be deregistered. The report would be presented to the fostering panel for their consideration and recommendation. The final decision was with the Agency Decision Maker whether the carers should be deregistered.</p> <p>Foster carers who were deregistered could appeal this decision and ultimately request a judicial review at the Court of session.</p> <p>Some carer records will evidence that investigations of alleged abuse were inconclusive or not proven and the foster carers were not deregistered following their carers review and submission to the Fostering panel and Agency Decision Maker.</p>
<p>c) How was adherence demonstrated?</p>	<p>This was demonstrated in the recording in the child's case records, contact records, looked after review reports, foster carers records, supervision and contact records and the foster carer review records. Minutes of fostering panel and child in care reviews.</p> <p>This would be in paper format or since the early 2000's in both electronic and paper format.</p>
<p>d) How can such adherence be demonstrated to the Inquiry?</p>	<p>From the recording in the child's case records, contact records, looked after review reports, foster carers records, supervision and contact records and the foster carer review records. Minutes of fostering panel and child in care reviews.</p> <p>This would be in paper format or since the early 2000's in both electronic and paper format.</p>
<p>e) Were relevant records kept demonstrating adherence?</p>	<p>As far as we are aware and from the sample files reviewed most of the records demonstrated adherence to the policies, procedures and legislation that was relevant at that time.</p>
<p>f) Have such records been retained?</p>	<p>Yes – as per the retention of records Legislation which determines the period of time records are to be kept. Looked after children records were kept for 75 years however this increased to 100 years in 2012 to bring in line with the adoption records retention period. Foster carers records were to be retained for 25 years, in 2014 Highland Council decided to retain foster carer records for 35 years and shortly after this it was agreed that no records were to be</p>

	<p>destroyed (as a result of this inquiry) even when they were out with the retention schedule period.</p> <p>There is currently a Social Work Retention Schedule - Sept 2012, (Scottish Council on Archives Records Retention Schedule) SCARRS adopted 2014.</p>
g) If policy/procedure was not adhered to in practice, why not?	N/A
Present	
h) With reference to the present position, are the answers to any of the above questions different?	No
i) If so, please give details.	
<u>4.5 Other members of the foster carer's household</u>	
(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?	<p>Reference to a circular from the Director of Social work in 1989 stating that other members of the carers household must undergo a police check. In 1996 the Scottish Criminal Records (SCRO) check were required for all adults in the household and in 2002 this was replaced with a Disclosures. From 1996 to 2014 Police/Disclosure checks were undertaken for other adults (16+) living in the foster carer household, including a medical report from their GP and interview by the assessing social worker. They would be included in the assessment and their potential involvement recorded.</p> <p>In 2012 Enhanced disclosures were introduced and were required for other adults living in the household. From 1996 – 2014 Children living in the household would be involved in the assessment process and their views of having other children living in their home would be taken into account by the assessing social worker. Unless the</p>

	<p>other adult was living in the same household as the foster carer a Disclosure check was unable to be undertaken.</p> <p>Significant adults who were likely to visit the home and babysit were asked to complete a self-declaration form (no criminal convictions past or pending) and a local police check was undertaken.</p>
b) Was there a particular policy and/or procedural aim/intention?	This was included in the procedures for assessing and reviewing foster carers to ensure children placed within the fostering household were safe from abuse.
c) Where were such policies and/or procedures recorded?	Prior to computerised systems these polices/procedures were kept in in paper format in each office/Department and currently some maybe held in the Archive.
d) Who compiled the policies and/or procedures?	Managers would normally write the procedures, and these would be signed off by the Head of Service and/or the Director of Social Work and on some occasions the local authority committee responsible for children and young people.
e) When were the policies and/or procedures put in place?	These would have been written/updated following any change in and the implementation of regulations, legislation and the introduction of the National Care Standards and any subsequent updates and reviews following changes as a result of case reviews research and government policies.
f) Were such policies and/or practices reviewed?	Yes, policies and procedures were reviewed and amended and changed over time as new legislation and regulations were introduced.
g) If so, what was the reason for review?	<p>Major changes in legislation and regulations, resulted in procedures being re written and processes would have been evaluated and reviewed at that time.</p> <p>Introduction of The National Care Standards and Inspections meant that fostering procedures were reviewed and updated.</p>
h) What substantive changes, if any, were made to the policies and/or procedures over time?	The changes in the regulations that stated that other adults in the household had to undergo police checks, then SCRO checks, Disclosures and Enhanced disclosures and medical reports. Including the other members of the household in the assessment process and seeking their views.
i) Why were changes made?	To improve the quality of the assessment process and ensure it was as thorough as possible at that time and taking into account every aspect or member of the household that may be impacted as a result of fostering.

j) Were changes documented?	One reference in committee reports about significant changes in policy and procedure governed by legislation. May be documented in Fostering panel minutes.
k) Was there an audit trail?	<p>Not aware there was an audit trail of these changes as such, however some reference in committee reports about significant changes in policy and procedure governed by legislation. Prior to computerised systems being the norm, updated or new policies and procedures in paper format would have been sent out to the area offices/teams by post and told they were to replace the current ones on the shelf and old copies were to be destroyed.</p> <p>Due to the amount of space these policies, and procedures can take up on the electronic systems and to avoid confusion amongst staff, they too would likely be deleted if a replacement had been created.</p>
Present	
l) With reference to the present position, are the answers to any of the above questions different?	No
m) If so, please give details.	
(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?	From the foster carer files reviewed there was evidence that checks were undertaken of other adults living in the household when this procedure had been implemented. It is understood assessments would not have been accepted by the Fostering panel if these checks had not been or applicants would not have been approved by the Agency Decision Maker. Standardised forms produced by the Fostering Network and BAAF for assessment helped to ensure these checks were undertaken and included and evidence of work being undertaken during the assessment process of involving other household members and seeking their views.

	Reviews would also document the views of foster carers children and other household members.
b) How was adherence demonstrated?	This can be demonstrated in minutes of fostering panels, assessments and foster carer files.
c) How can such adherence be demonstrated to the Inquiry?	This can be demonstrated in minutes of fostering panels, assessments and foster carer files.
d) Were relevant records kept demonstrating adherence?	This can be demonstrated in minutes of fostering panels, assessments and foster carer files.
e) Have such records been retained?	Minutes of fostering panels, assessments and foster carer files have been retained following the retention schedules. There is currently a Social Work Retention Schedule - Sept 2012, (Scottish Council on Archives Records Retention Schedule) SCARRS adopted 2014.
f) If policy/procedure was not adhered to in practice, why not?	N/A
Present	
g) With reference to the present position, are the answers to any of the above questions different?	No
h) If so, please give details.	
4.6 Placement of children by the local authority with foster careers approved/registered by other local authorities or organisations	
(i) Policy	
Past	

<p>a) What policies and/or procedures did the local authority have in place in relation to placement of children with foster carers approved/registered by other local authorities or organisations?</p>	<p>1975 – 2002: We could find no evidence that the Local Authority purchased placements out with the Highland Council area and it appears the Local Authority was wholly reliant on placing children with internally assessed foster carers. In the early 2000's saw the beginning of specialist type placements being purchased and agreements though fairly simple were in place in relation to what the foster carers/agency agreed to provide in that placement for the child and what the charges would be for this resource. These placements were purchased and were for children with a high level of needs, complex health issues or very challenging behaviour. More recently placements with foster carers not approved by the local authority are made more often and placement agreements are in place for all these purchased placements.</p>
<p>b) Was there a particular policy and/or procedural aim/intention?</p>	<p>These placements were usually long term, preferable to residential institutions and were identified as being able to meet the individual needs of the child.</p>
<p>c) Where were such policies and/or procedures recorded?</p>	<p>In the child's record and possibly the permanence panel minutes. Kept centrally within the fostering service.</p>
<p>d) Who compiled the policies and/or procedures?</p>	<p>They would have been compiled between the two agencies.</p>
<p>e) When were the policies and/or procedures put in place?</p>	<p>At the start of each placement.</p>
<p>f) Were such policies and/or practices reviewed?</p>	<p>They would appear to have been reviewed at each looked after review if the child's identified needs changed or more services resources were required such as respite.</p>
<p>g) If so, what was the reason for review?</p>	<p>The child's identified needs changed or more services resources were required such as respite. Increase in fees.</p>
<p>h) What substantive changes, if any, were made to the policies and/or procedures over time?</p>	<p>These policies and procedures have been standardised to be used by Local Authorities, voluntary organisations and most Independent Fostering Agencies throughout Scotland by Scotland Excel. Agreements are very clear what the resources are that is being provided and the costs to the local authority.</p> <p>This Service Specification sets out the Core Service to be delivered under the Framework Agreement relative to the Individual Service to be provided to Children and Young People. This forms part of the contractual agreement between a Purchaser and Provider when a Placement is entered.</p>
<p>i) Why were changes made?</p>	<p>To help with having a consistent approach, set fees and a framework agreement that most agencies could work within.</p>

j) Were changes documented?	N/A
k) Was there an audit trail?	Scotland Excel framework and agreements.
Present	
l) With reference to the present position, are the answers to any of the above questions different?	No
m) If so, please give details.	
(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?	<p>Procedures were in place in relation to placing children with carers approved by another agency and it would appear from the child's records and the central recording within the fostering service of such placements that these procedures were adhered to in practice.</p> <p>The local authority agreed to join the Scotland Excel framework around 2014 and has implemented the procedures to source a foster placement and to put in place an agreement with another agency.</p>
b) How was adherence demonstrated?	From records of agreements between two agencies. Minutes of the Fostering and Permanence Panel where the plan was discussed and agreed.
c) How can such adherence be demonstrated to the Inquiry?	From records of agreements between two agencies. Minutes of the Fostering and Permanence Panel where the plan was discussed and agreed.
d) Were relevant records kept demonstrating adherence?	Yes.
e) Have such records been retained?	In the child's records and the fostering service central recording.

f) If policy/procedure was not adhered to in practice, why not?	N/A
Present	
g) With reference to the present position, are the answers to any of the above questions different?	Yes
h) If so, please give details.	Agreements between both agencies are very clear and state in the agreement the following: The child's personal details are recorded, their needs are identified, contact arrangements are specified, legal status and plans for the longer term are clear, the cost of the placement, what is being provided by the provider. The framework is reviewed every three years and agencies who have signed up to this framework are consulted.
4.7 <u>Complaints and Reporting</u>	
(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 – 1975: Not known from records held. 1975 – 1996: Not known from records held. 1996 – 2014: In March 1996 the establishment of an Advisory Committee to oversee inspections and complaints was recommended in line with Scottish Office Guidelines. In October 1996 a report was written outlining the main features of the Highland Council's Social Work Services Complaints Procedure and provided a summary and overview of the complaints received during 1995.
b) Was there a particular policy and/or procedural aim/intention?	Yes, but these have not been retained.
c) Where were such policies and/or procedures recorded?	Policies and procedures were available on request and were often available in public offices such as libraries. More recently they have been available on the council website.
d) What did the policies and/or procedures set out on the following:	

i. Complaints by children	No detail available-but any allegations by children would be investigated by the child's social worker and any allegation of abuse would be investigated using the child protection procedures relevant at that time.
ii. Complaints by foster carers	These would have been investigated by the supporting social worker of the foster carer or a manager within the organisation.
iii. Complaints by family members of children	No detail available-but any allegations by children or their family would be investigated by the child's social worker and any allegation of abuse would be investigated using the child protection procedures relevant at that time.
iv. Complaints by third persons	These would be investigated by a social worker or manager within the relevant team.
v. Whistleblowing	Whistleblowing would be investigated confidentially by a manager under the council's whistleblowing procedure.
vi. Support, including external support, for those who made the complaint or those who were the subject of complaint	Not known from the information available but experience suggests this would have been provided an appropriate individual or 3 rd party.
vii. Response to complaints (including response by the local authority)	Timescales would have been attached to the policy to ensure complaints were dealt with robustly and in a timely fashion.
viii. External reporting of complaints	Procedures would have been followed and this may have led to liaison with external agencies and/or organisations.
e) Who compiled the policies and/or procedures?	These would have been written by senior managers and agreed through council committee as corporate processes.

f) When were the policies and/or procedures put in place?	These would have been subject to regular review and updating. In the absence of these documents this question cannot be fully answered.
g) Were such policies and/or practices reviewed?	Yes-but no specifics available.
h) If so, what was the reason for review?	These would have been subject to regular review and updating. In the absence of these documents this question cannot be fully answered.
i) What substantive changes, if any, were made to the policies and/or procedures over time?	Not known. No information has been retained.
j) Why were changes made?	Changes would have been made to comply with legislation and national guidance.
k) Were changes documented?	Not known from information available.
l) Was there an audit trail?	Not known from information available.
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.	The council has robust complaints procedures, these are recorded and monitored and are also subject to both internal and external reporting. Completion of complaints is also subject to benchmarking within council services and other LA's.
(ii) Practice	
Past	
a) Did the local authority adhere in practice to its policy/procedures in relation to	Yes, on the whole practice appears to have been adhered to in respect of policy and procedure when a complaint was made in relation to a foster carer. Thorough checks and investigations were carried out against

complaints and reporting about foster care?	complaints made, interviews took place, events established, resolutions determined wherever and whenever possible.
b) Did the local authority adhere in practice to its policy/procedures on the following:	
i. Complaints by children	Any complaint made by a child would be taken seriously and would have been subject to investigation. This was evidenced in the file sampling.
ii. Complaints by staff	Any complaint made about staff would have been investigated by their manager or another within the organisation.
iii. Complaints by family members of children	Any complaint made by a member of a child's family was investigated in line with the council's complaints procedure at that time. This was evidence through the file sampling.
iv. Complaints by third persons	The local authority has adhered to its policy in relation to complaints by third persons. Evidence shows that the responsible officer will wherever possible respond to the complainant in a timely manner, investigate the complaint thoroughly to establish events, analyse the information and respond accordingly with the support of senior management.
v. Whistleblowing	Any allegation made using whistleblowing would have been investigated using corporate procedures relevant at that time.
vi. Support, including external support, for those who made the complaint or those who were the subject of complaint	Support was provided to anyone who made a complaint either from within the organisation or by a 3 rd party e.g. a mental health worker or independent supporter.
	Did the local authority adhere in practice to its policy/procedures on the following:
vii. Response to complaints (including response by the local authority)	Yes, the local authority appears to have responded in a timely fashion and appropriately to complaints. Head of Service identified the

	responsible officer to investigate the complaint. They fully investigated the complaints.
viii. External reporting of complaints	Not available from the file sampled or retained records.
c) How was adherence demonstrated?	Adherence was demonstrated through the recording of complaints, responses and outcomes in children's files, foster carers files, foster carer review minutes, Fostering panel minutes, adoption panel minutes.
d) How can such adherence be demonstrated to the Inquiry?	Examples of such recording can be shown from the files.
e) Were relevant records kept demonstrating adherence?	There are no documents available that gather data about complaints over time.
f) Have such records been retained?	N/A
g) If policy/procedure was not adhered to in practice, why not?	There is no data to suggest that policies and procedures were not followed.
Present	
h) With reference to the present position, are the answers to any of the above questions different?	No. As with all aspects of social work practice, as the years have progressed, policy and procedures has changed in line with legislation and new regulations issued by the government. With these changes we have seen improvements in practice and performance.
i) If so, please give details.	
4.8 Internal Investigations	
(i) Policy	
Past	

a) What policies and/or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?	The council's child protection procedures would be followed in any instance of alleged abuse. This would have been managed by the team responsible for the child. There would have been close liaison with the fostering and adoption team who were responsible for the management of the foster carer(s).
b) Was there a particular policy and/or procedural aim/intention?	The child protection procedures were based on legislation and national guidance. They specify that the needs of the child are paramount.
c) Where were such policies and/or procedures recorded?	Procedures were previously printed and issued as required. They are now available on the intranet and internet.
d) What did the policies and/or procedures set out on the following:	See a) above.
i. Approach to/process of internal investigations	See a) above.
ii. Identifying lessons/changes following internal investigations	Investigations and outcomes are now recorded and monitored in accordance with instruction from the care commission. It is hoped that this will prove effective in being able to monitor and help identify any possible trends, patterns, etc in relation to allegations within foster care. This has only been in effect since 2007 but it is hoped that as this recording continues that it will highlight more of the lessons that we need to learn in order to help reduce allegations being made and to keep children safer within foster care.
iii. Implementation of lessons/changes following internal investigations	Learning was implemented through policy and procedures being updated and training being offered to staff.
iv. Compliance	Current files illustrate that procedures and policies are followed.
v. Response (to child and abuser)	Files and knowledge indicate that children are fully informed (age and stage appropriately) of outcomes of investigations. Abusers may be subject to criminal proceedings and information in these instances is not disclosed. If allegations are unfounded then any alleged perpetrator would be notified of this.

vi. Response to complaints (including response by local authority)	Responses to complaints will follow the council's corporate complaints procedures.
vii. External reporting following internal investigations	Serious matters would be reported to the CI. Day to day investigations are reported cumulatively to various agencies and SG, CI.
e) Who compiled the policies and/or procedures?	These are written by council officers and agreed by service Directors and council committee.
f) When were the policies and/or procedures put in place?	Policies and procedures are currently in place as were established as noted earlier in this document.
g) Were such policies and/or practices reviewed?	These are reviewed internally as required and updated accordingly.
h) If so, what was the reason for review?	New legislation, national guidance and local and national learning can result in changes and updating of policy and procedure.
i) What substantive changes, if any, were made to the policies and/or procedures over time?	As above-changes were made over time. These were not logged individually.
j) Why were changes made?	As above h)
k) Were changes documented?	No
l) Was there an audit trail?	This cannot be located if it existed previously.
Present	
m) With reference to the present position, are the answers to any of the above questions different?	No
n) If so, please give details.	
(ii) Practice	

Present	
a) Did the local authority adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?	Yes-child protection procedures are followed
b) Did the local authority adhere in practice to its policy/procedures on the following:	
i. Approach to/process of internal investigations	Yes
ii. Identifying lessons/changes following internal investigations	Yes-learning is shared through training. Significant learning is shared nationally.
iii. Implementation of lessons/changes following internal investigations	The CPC oversees the quality of practice and the implementation of the child protection procedures. It is also oversees the delivery of local multi-agency learning.
iv. Compliance	Yes-this is monitored through recording systems.
v. Response (to child and abuser)	Children are advised of the outcome of investigations. Accused foster carers may be subject to criminal procedures and under these circumstances information would be controlled. When allegations are unfounded the outcome would be shared with the foster carer and reviewed through the foster carer review and the fostering panel.
vi. Response to complaints (including response by local authority)	Yes-this is monitored through recording systems and managers within the organisation.

vii. External reporting following internal investigations	This is only necessary on an individual basis in exceptional circumstances. General information is provided to the CI during inspection and to SG. CI for benchmarking.
c) How was adherence demonstrated?	Through files and accumulated data in reports.
d) How can such adherence be demonstrated to the Inquiry?	Individually in files and cumulatively in reports.
e) Were relevant records kept demonstrating adherence?	Yes
f) Have such records been retained?	yes
g) If policy/procedure was not adhered to in practice, why not?	N/A
Present	
h) With reference to the present position, are the answers to any of the above questions different?	No
i) If so, please give details.	
4.9 Record keeping	
(i) Policy	
Past	

<p>a) What policies and/or procedures did the local authority have on record keeping in relation to foster care?</p>	<p>Since national regulations and legislation were introduced that governed and regulated foster care there is reference to policies and procedures that were in place specifically for foster carers and children in care of the local authority and in foster care.</p> <p>A copy of the 1995 Fostering procedures has also been referred to and from knowledge these procedures have been reviewed and updated periodically since then (1995, 2006,2012).</p>
<p>b) What policies and/or procedures did the local authority have on record keeping by foster carers?</p>	<p>Within their role, foster carers have access to a wide variety of children's and family's records.</p> <p>Policies existed to provide foster carers with advice and guidance on what types of information should and could be held by foster carers and how secure the information must be kept.</p> <p>Foster carers were also advised on what they should record in relation to the children in their care and how it should be recorded and who the information should be passed onto. Policies also stipulated the importance of confidentiality, the importance of adhering to legal and policy requirements when recording as well as rights of access to information.</p> <p>Carers were also advised how to dispose of information when children moved on from placement.</p>
<p>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?</p>	<p>The procedural aim/intention of the policies and procedures of record keeping for foster carers was to ensure that they meet the national minimum standard No 26 and contribute to the understanding of a child's life.</p> <p>Historically paper copies were kept centrally in the social work department senior management offices, in local teams and offices across the region and when updated replaced. Some policies and procedures are located in the archive centre. The fostering service has kept some procedures dating back to 1995. More recently the policy documents were recorded within the Highland council's policy and procedure website which is accessible to all members of staff. The documents are also held within the Foster carers handbook which is given to every foster carer upon approval.</p>
<p>d) What did the policies and/or procedures set out in relation to record keeping on the following:</p>	
<p>i. Children in foster care</p>	<p>That the foster carer must keep a record of the following information of the children in their care: - a record of each placement, recording of day to day improvements, achievements, changes in behaviour, significant dates, events and incidents. A coherent narrative of the child's life so that the child has a clear record of their history. Accidents and injuries, medical and health information. Contacts with education providers, SW, birth families,</p>

	<p>impact of those, requests for support. Alternative help and support. Incidents with child, police involvement, disclosures, all key events in relationship to child and birth family.</p> <p>Each foster carer will be given a diary at the beginning of each year to note appointments, but a separate notebook must be kept for all the separate information for each child.</p> <p>The content of the Foster Carer's records should be factual in relation to important events in the child's life.</p> <p>All information must be stored in a secure, locked box/cabinet.</p> <p>When the child leaves the placement that the information on the child is passed to the child's social worker for the child's file or disposal.</p>
ii. Foster carers	<p>That the following records must be retained: - Assessment portfolio. Review paperwork, medical reviews, detailed records, supervision records, contact records, information regarding all allegations made against the foster carer. Training attended.</p>
iii. Visits to children and foster carers	<p>That supervising social workers should carry out a visit at least monthly or as often as is required, based on the needs of the foster carer in order that they may meet the needs of the child. A supervision record should be compiled and contain an 'action' record of the tasks that require to be carried out and by whom. This record should be sent to the foster carer and a copy retained in the carers file.</p> <p>The child in placement should be visited by the allocated social worker as per the statutory requirement. The child should be seen on their own so that they have the opportunity to speak in private to their worker and they should also work in conjunction with the foster carer and the supervising social worker.</p>
iv. Complaints	<p>A copy of all records of complaints and the process in which they were dealt and the outcome, was held within the foster carers file and would also be recorded within the annual review. This would be discussed at annual reviews and discussed and recorded within review minute and again held within the foster carers file.</p>
v. Investigations (both internal and external)	<p>All detailed information in relation to investigations is recorded and held within the individual foster carer files. Depending on the nature and sensitivity of this information these details may be held within the restricted access section of the carers file. The detail of the investigation would be recorded within the annual review and then minuted and</p>

	discussed at the fostering panel and then recorded within the review minute.
vi. Discipline	<p>Carers have to agree to and sign a foster carer agreement that they will not in any way use physical discipline towards a child in their care or use any type of discriminatory or humiliating discipline towards a child. Foster carers are expected to keep a record of any and all forms of discipline used with children.</p> <p>It has been necessary when dealing with a child's behaviour. This is not only to ensure that the foster carer is acting in an appropriate manner but also to assess the success of methods used with such vulnerable children in their development.</p>
	What did the policies and/or procedures set out in relation to record keeping on the following:
vii. Responding to requests from former children in foster care for information/records	Data base held centrally within Children's Services to record requests and when files were located and shared.
viii. Other issues relevant to foster care	Any issues would be noted and any actions would be contained within the carers file.
e) Who compiled the policies and/or procedures?	On the whole it would be managers who would compile the policies and procedures in accordance with legislation and regulations. This would then be approved by Head of Service, Director of Social Work or may go to Committee for approval.
f) When were the policies and/or procedures put in place?	These would have been written/updated following any change in legislation/regulations. Policies and procedures were also updated after serious case reviews or tragic events that may have occurred across the country.
g) Do such policies and/or procedures remain in place?	Yes
h) Were such policies and/or practices reviewed?	Yes, policies and procedures were reviewed and amended and changed over time as new legislation and regulations were introduced.
i) If so, what was the reason for review?	Mainly changes in regulations and legislation. This can come about after significant case reviews, research findings, new theoretical models.
j) What substantive changes, if any, were made to the policies and/or procedures over time?	When the regulations and legislation changed policies and procedures were re-written, and those changes implemented.
k) Why were changes made?	National and local investigations, case reviews or legislation was being implemented.

l) Were changes documented?	There is some reference in committee reports about significant changes in policies and procedures which are governed by legislation.
m) Was there an audit trail?	<p>Not aware there was an audit trail of these changes as such, however some reference in committee reports about significant changes in policy and procedure governed by legislation. Prior to computerised systems being the norm, updated or new policies and procedures in paper format would have been sent out to the area offices/teams by post and told they were to replace the current ones on the shelf and old copies were to be destroyed.</p> <p>Due to the amount of space these policies, and procedures can take up on the electronic systems and to avoid confusion amongst staff, they too would likely be deleted if a replacement had been created.</p>
Present	
n) With reference to the present position, are the answers to any of the above questions different?	Yes and No
o) If so, please give details.	<p>The information held now is more detailed and varied than the information held in the files in the 60's and 70's. (Highland Council hold no foster carer files prior to 1962). There is now considerably more recording carried out by foster carers about the children in their care than there was 30-40 years ago. Over time a lot of lessons have been learned and there is a better understanding as to the benefits of recording the details of the child's placement and all that occurs within the placement for the child. This is vital as it maintains a history in every aspect of the child's life. Good record keeping increases accountability, allows for reflective practice and promotes better decision making.</p> <p>In relation to the foster carer and recording all information of the fostering task the same reasons apply. As the years have progressed the information held about foster carers and their role, supervision, reviews, etc has increased and become more detailed as the task has been professionalised. A clear history of each carers role is required to ensure the information is available should it be required in case of future allegations, to review carers, to reflect on carers needs, progress, etc.</p>
(ii) Practice	
Past	

a) Did the local authority adhere in practice to its policy/procedures in relation to record keeping?	Yes, overall, within the files it was demonstrated that the record keeping was. Detailed record, contact sheets, details of the children in placement, reviews, medicals, assessment portfolios were in place within the files. This improved through the decades. The 1960's and 1970's were less likely to have so much of the paperwork within the files but increased and improved from the 1970's onwards.
b) Did the local authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?	Yes, but this varied between workers and foster carers. Supervising social workers checked with their allocated carers in monthly supervision visits, supervising social workers would request to peruse the foster carers recordings of the notes made on the children in placement as well as foster carers diaries.
c) Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following:	
i. Children in foster care	Yes. It did however vary between the supervising social workers and foster carers and within the supervision notes. It was evidenced that supervising social workers checked foster carers paperwork and recording and ensured that policy and procedure was adhered to. There was a requirement for supervising social workers to carry out an annual unannounced visit to their carers. At such a visit the worker would ensure that the policy and procedure in relation to record keeping was being adhered to when the carer was not expecting the visit. Checks were also carried out in relation to security kept the child's confidential paperwork was, what has been recorded.
ii. Foster carers	Yes, within the files there was clear evidence that the policies and procedures were adhered to in relation to record keeping on foster carers. It did vary between files but on the whole practice was good and improved as the years progressed. Again, in the 60's particularly and in the 70's there appeared to be less in the way of recording in files but certainly from the 80's onwards there was a significant difference in the recording, quality, quantity and substance within the files.
iii. Visits to children and foster carers	Visits to children within foster placements were undertaken by the child's social workers. Statutory visits were adhered to. Foster carers noted these visits and the advice given within their diary. Foster carers were visited monthly or more frequently if required. These visits were recorded and held on a contact sheet, detailed record and

	foster carer diary depending on the nature and purpose of the visit or contact.
iv. Complaints	Details of any complaints made were held within the foster carers files. The information was not always held in the same sections within the file and the more historical the information the more varied the format it was recorded in. The discussions and outcomes of the complaints were often recorded in various places within the files and these included contact sheets, supervision records, detailed records and annual reviews.
v. Investigations (both internal and external)	Overall there were records of investigations within the files and the quality of the recordings detail varied across the files. Recording improved as the policy and procedures changed and new regulations and legislation was introduced. In recent years much more, standardised recording has been in place. A foster carer review has been held after an investigation has taken place and this is recorded within the file and referred to the fostering panel.
vi. Discipline	Historically, within the files there is not a great deal of information relating to the recording of discipline. As policy changes and the fostering role becomes more professionalised, foster carers are required to record their methods of discipline and the reasons behind its use then the recording of it becomes more commonplace within supervision sessions.
vii. Responding to requests from former children in foster care for information/records.	The council have an access to personal records procedure which is based on legislation and national guidance. Should any adult or child previously in the care of local authority seek access to their records, this is conducted in a sensitive and supportive manner. Assistance is given to make sense of the information recorded in the file.
viii. Other issues relevant to foster care	Any relevant issues were recorded in files and actions noted.
d) How was adherence demonstrated?	Within the written notes in the carer's files. Supervising social workers would record this within their supervision notes and contact sheets.
e) Were relevant records kept demonstrating adherence?	Yes these are contained within files.
f) Have such records been retained?	Yes these are contained within files.
g) If policy/procedure was not adhered to in practice, why not?	Evidence is contained within the files that policy/procedure was adhered to.

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?	There has been no large scale review of historical files however in the course of this inquiry there has been file sampling to assess the nature and extent of alleged abuse of children in foster care.
i) If so, when did the reviews take place, what documentation is available, and what were the findings?	N/A
j) How have the outcomes of investigations been used to improve systems, learn lessons?	As a result of learning from investigations and reviews there have been changes to the policies and procedures both within child protection and in the regulation of foster care.
k) What changes have been made?	As above and in addition regular training to staff and carers is provided to embed learning into practice.
l) How are these monitored?	Regular supervision of staff, data collection, file readings and management overview.
m) Did the local authority afford former children in care access to records relating to their time in foster care?	Yes. If anyone approaches the local authority either in person or through a 3 rd party, a search would be made for the records. These would be shared with support being offered to review the record.
n) If so, how was that facilitated?	As above m)
o) If not, why not?	If anyone contacts the local authority the access to personal records procedure would be followed.
Present	
p) With reference to the present position, are the answers to any of the above questions different?	No
q) If so, please give details.	N/A
r) Please provide details of the types of any records currently held relating to the children in foster care in respect of the following:	

i. Children in foster care	<p>The paper records for children who were previously in foster care are archived in the Highland Council Looked After Children archive, the electronic records are held in Care First. There are records of children in foster care held in Permanence and Adoption panel minutes and foster carer review records and foster carer payment records.</p> <p>The records for children currently in foster care are held in paper format within the locality teams, Carefirst, foster carer files, foster carer financial records/remittances, permanence and adoption panel minutes, legal services.</p>
ii. Staff with responsibilities for foster care	<p>The records held for staff currently with responsibility for foster care are held within the fostering service and payroll.</p> <p>The records held for staff with responsibility previously for foster care are held with pensions/payroll, some records going back to 2004 within the fostering service. Other records possibly HR/ payroll.</p>
iii. Foster carers	<p>The records of all past foster carers are held within Highland Councils archives. Records will also be retained with fostering panel and permanence panel and with fostering payroll. Digital information will also be held within Highland council database system. Some information will also be held with the legal and insurance departments within the council where specific claims have been made or actions taken. This information should also be held within the child's file. If the child's case is no longer an open case, then the files will be held within the Highland Council archives.</p>
iv. Complaints	<p>Records of complaints relating to a child is be held within the child's files. There may also be a record within the foster carers file if the complaint involved the foster carer in any way. The record will also be held digitally on the Highland council database in the child's information.</p> <p>Depending on the nature and severity of the complaint there may also be records held within the legal department within the local authority and with senior management.</p>
v. Investigations (both internal and external)	<p>All records of investigations currently held relating to a child in foster care is held within the child's paper file as well as in the foster carers file if the investigation involved the foster carer in any way.</p>
vi. Responding to requests from former children in foster care for information/records	<p>The council have an access to personal records procedure which is based on legislation and national guidance. Should any adult or child previously in the care of local authority seek access to their records, this is conducted in a sensitive and supportive manner. Assistance is given to make sense of the information recorded in the file.</p>
PART D – ABUSE AND RESPONSE	

5. Abuse	
5.1 Nature	
<p>a) What was the nature of abuse and/or alleged abuse of children in foster care, for example, sexual abuse, physical abuse, emotional abuse?</p>	<p>Abuse within foster care can occur as it can in any other setting. Whilst the vast majority of foster carers have carried out a nurturing and caring role to the children in their care, there will always be the exception.</p> <p>Research shows, as is reflected in our own findings, that the most common allegation is that of physical abuse/assault and often occurs in a situation that arises when a carer is dealing with a challenging situation. There is never an excuse for physical assault or abuse and as a fostering agency, we must continue to ensure that foster carers are adequately trained and supported, to make certain they can appropriately manage the trauma and ensuing behaviours that a care experienced young person will present.</p> <p>Children can also be systematically harmed, both physically and emotionally at the hands of their carers or by a foster carers family member, when placed in foster care and it may be acknowledged that in such cases, supervision was not sufficient enough within the placement.</p> <p>It is vital that care experienced young people have an avenue to openly communicate with an allocated worker while in placement. They must be given an opportunity whereby they can alert a trusted worker to any abuse that they may be suffering. They should always have the chance to talk to their social worker alone and away from the carers home.</p> <p>Physical neglect and physical exploitation are also forms of abuse suffered by children in a foster carer setting although these are terms we very rarely see used as allegations tend to come under the guise of physical abuse.</p> <p>When we unravel what the child has actually experienced there have been elements of neglect and exploitation. These forms of abuse are equally as damaging to a child but perhaps slightly less obvious to recognise. Again, open dialogue between young people and their social workers is imperative if children are to be supported and to be safeguarded within fostering placements. As a fostering agency, we must ensure that high quality training and support for foster carers is a priority in our objectives within our organisation.</p> <p>Fostered children have also alleged sexual abuse within their foster placements. It is highly likely that in such cases a foster carer will</p>

	<p>apply to foster, knowing what their aim behind their fostering application is to access children with the intention of abusing them. Family members of the foster carers can also be the perpetrators and so it is vital that they are part of the screening process. The assessment process is a rigorous and thorough process and must continue to be to ensure that wherever possible the risk to these vulnerable children is always kept to a minimum.</p> <p>Children and young people have also experienced emotional abuse in foster care. Children who have been abused physically, sexually or psychologically will also suffer emotional abuse as a result of being targeted by a perpetrator by other means. The negative impact on the child's sense of self, self-worth and emotional wellbeing will always be significant.</p> <p>Emotional abuse can also be categorised as an abuse in its own right. A foster carer may belittle a child, be critical of them, make threats, offer no love, offer little care or nurture, be critical of the child's birth family. Such treatment is very detrimental to the child's self-esteem and self-worth as well as their sense of identity and does impact significantly on the child's emotional and psychological development.</p>
5.2 Extent	
a) What is the local authority's assessment of the scale and extent of abuse of children in foster care?	<p>The local authority sampled files that were available from the period (1930-2014). However, files were available from 1960. While there were 58 allegations as noted below many did not proceed due to lack of evidence.</p>
b) What is the basis of that assessment?	<ul style="list-style-type: none"> • 1962-1969: - only 9 FC files in total- 9 files read. 1 allegation found. Child was from another authority and all details passed to that authority • 1970-1979: - Total files held-74 FC files- 8 files read. 1 allegation found • 1980-1989: - Total files held-277 FC files- 28 files initially read. 9 allegations found. • 1990-1999: -Total files held-259 FC files- 25 files read. 9 allegations found, 4 by one child • 2000-2010-Total files held-177 FC files-16 files read. 1 allegation found. • 2010-2014: - Total files held-47 FC files- 5 files read. 1 allegation found <p>Known allegations/investigations relating to children and young people in foster placements. 2007- 2. In this year there were -147 children in Foster Care</p>

	<p>2008- 7. In this year there were - 151 children in Foster Care 2009- 4. In this year there were -141 children in Foster Care 2010- 5. In this year there were -172 children in Foster Care 2011- 2 In this year there were -149 children in Foster Care 2012-15. In this year there were -172 children in Foster Care 2013- 3. In this year there were - 151children in Foster Care 2014- 1. In this year there were -154 children in Foster Care</p> <p>Due to time constraints and lack of access to files between March 2020 and July 2020 because of lockdown due to Coronavirus, 89 Foster Carer files between 2000-2010 and 65 Foster Carer files between 2010- 17th December 2014 were not able to be accessed for random sampling for the inquiry. As a result, the random sample of approximately 16 files (10% for the period of 2000-17th Dec 2014) were not read and included within the above data.</p>
c) How many complaints have been made in relation to alleged abuse of children in foster care?	<p>From the files read; that is sampling files, 9 from the 1960's and 10% from the future decades up to 17th December 2014 as well as all known allegations recorded from 2007 until 17th December 2014 there has been 58 allegations made by care experienced young people residing in foster care.</p> <p>The number of children in foster placements are detailed above.</p>
d) Against how many foster carers have the complaints referred to at (c) above been made?	<p>From the sample carried out from 1962-2014, 48 of the allegations were made against the foster carers.</p>
e) How many foster carers have been convicted of, or admitted to, abuse of children?	<p>2 foster carers have been convicted of abuse against the children within their care. Two other carers are currently awaiting their case to be heard in court. The case has been delayed due to the Coronavirus pandemic.</p>
f) How many foster carers have been found by the local authority to have abused children?	<p>4 carers from the files read have been found to have abused children.</p>
g) Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?	<p>Out of the 58 allegations made, 10 have been made against family members of the foster carers.</p>
h) How many family members of foster carers have been convicted of, or admitted to abuse of children?	<p>None. There have been family members interviewed by police but there has never been enough evidence or any corroboration to evidence that any abuse has taken place.</p>

i) How many family members of foster carers have been found by the local authority to have abused children?	None from the files read.
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?	There have been 3 cases identified where other children within the placement have also made allegations of abuse.
k) How many other children placed in foster care in the same placement have been convicted of, or admitted to abuse of children?	None
l) How many other children placed in foster care in the same placement have been found by the local authority to have abused children?	None
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?	Disclosures of abuse were made to the local authority as follows: - 1985-1990-1 1990-1995-3 1995-2000-11 2000-2005-4 2005-2010-14 2010-2014-25
b) To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?	The vast majority of allegations were made at the time or within several months of the alleged abuse being made. 45 in total.
c) To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?	4 cases of abuse were identified as being alleged some years after they occurred; they are as follows: - 2 of the allegations were made 2 years after the alleged abuse and physical abuse occurred. 1 allegation was made 6 years after the alleged abuse occurred.

	1 allegation was made 12 years after the alleged abuse occurred.
d) Are there any patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse?	<p>No patterns as such were determined from the findings, the timing of disclosures, etc. It is a challenge to prove an allegation of assault or abuse if there is no corroboration or any evidence of an assault.</p> <p>From the allegations made and the investigations carried out, more than half were joint investigations involving both police and social work. As such, the majority of allegations were taken seriously and investigated thoroughly.</p>
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?	<p>Inspections were undertaken by Social Work Inspection Agency</p> <p>Prior to SCSWIS, there was the Care Commission and the Social Work Inspection Agency (SWIA) which no longer exist and responsibility for the work of the Care Commission and the functions of SWIA were passed to SCSWIS (as of 1 April 2011). The Care Commission was dissolved under Sec 52 of the Public Services Reform (Scotland) Act 2010.</p> <p>In 1999 the Social Work Committee sought approval in principle for development of a Joint Inspection and Registration Unit with Highland Health Board. The Committee was advised that the Scottish Executive would shortly be establishing a Scottish Commission for the Regulation of Care (SCRC) to provide the necessary independent structure for the registration, inspection and enforcement of standards for residential establishments, nursing homes and other care services. External review was done, as evidenced in the 1999 Report on Children's Services but the body was not specified.</p> <p>The Care Commission was set up in April 2002 to regulate and improve care services in Scotland up to April 2011. 2005: Highland Council's Fostering and Family Placement Service was registered with the Care Commission. The purpose of the Fostering Service was to comply with the Fostering of Children (Scotland) Regulations 1996 and implement the National Care Standards: Foster Care and Family Placement. The guiding principle being 'The best interests of the child'.</p> <p>By 2006, the Care Commission was inspecting the Service. The Service was inspected in 2006, 2007, 2008, 2009, 2010.</p>

	<p>Since 2011 The Care Inspectorate regulates care services in Scotland.</p> <p>The Highland Council Fostering service was previously registered with the Care Commission and transferred its registration to the Care Inspectorate on 01 April 2011.</p> <p>The Care Commission then became the Care Inspectorate who carried out inspections in 2012, 2013, 2014, 2015, 2016 and 2018.</p>
<p>For each such external inspection please answer the following:</p>	
<p>b) Who conducted the inspection?</p>	<p>2006-2010 Care Commission</p> <p>2011-2018 Care Inspectorate</p>
<p>c) Why was the inspection conducted?</p>	<p>Scottish Executive would shortly be establishing a Scottish Commission for the Regulation of Care (SCRC) to provide the necessary independent structure for the registration, inspection and enforcement of standards for residential establishments, nursing homes and other care services.</p> <p><u>National care standards:</u> foster care and family placement services</p> <p>The principles behind the standards:</p> <p>The principles are dignity, privacy, choice, safety, realising potential and equality and diversity.</p> <p>The Care Commission had the responsibility for the regulation of a range of services in Scotland providing care to children, adults and older people, including Fostering Services.</p> <p>The inspection was conducted in relation to the Care Standards, relating to Fostering Care Services</p> <p>The work of the Care Inspectorate must reflect the following laws and guidelines:</p> <ul style="list-style-type: none"> • the Regulation of Care (Scotland) Act 2001 • regulations made under this Act • the National Care Standards, which set out standards of care that people should be able to expect to receive from a care service. <p>The Care Inspectorate grade each service under Quality Themes which for most services are:</p> <ul style="list-style-type: none"> • Quality of Care and support: how the service meets the needs of each individual in its care

	<ul style="list-style-type: none"> • Quality of environment: the environment within the service (for example, is the service clean, is it set out well, is it easy to access by people who use wheelchairs?) • Quality of staffing: the quality of the care staff, including their qualifications and training • Quality of management and leadership: how the service is managed and how it develops to meet the needs of the people it cares for • Quality of information: this is how the service looks after information and manages record keeping safely. • <p>The purpose of the Fostering Service was to comply with the Fostering of Children (Scotland)</p> <p>Regulations 1996 and implement the National Care Standards: Foster Care and Family</p> <p>Placement. The guiding principle being 'The best interests of the child'.</p>
<p>d) When was the inspection conducted?</p>	<p>See 5.4 a)</p>
<p>e) What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?</p>	<p>Inspection 2006</p> <p>There were no requirements and 8 recommendations following the Inspection in 2006.</p> <p>Recs 1,3 and 8 was about information being available about the complaints process/policy, updating the FC handbook.</p> <p>Rec 2 is about decreasing the time it takes to complete a fostering assessment.</p> <p>Recs 4 and 5 are about improving the foster carer review system.</p> <p>Rec 6 is about broadening the membership of the Fostering panel.</p> <p>Rec 7 is about the need to provide an annual report.</p> <p>Inspection 2007</p> <p>There were no requirements and no recommendations following the Inspection in 2007.</p> <p>The Inspection Focus Area Child Protection, and following National Care Standards for 2007/08, Highland Council is responsible for the implementation of Foster Children (Scotland) Act 1984 and the associated regulations, Foster Children (Private Fostering) Scotland Regulations 1985. Appropriate procedures were in place to ensure that these regulations were followed.</p> <p>Inspection 2008 – Graded very good</p>


	<p>There were no requirements and no recommendations following the Inspection in 2008.</p> <p>Inspection 2009 – Graded excellent</p> <p>There were no requirements and no recommendations following the Inspection in 2009.</p> <p>Inspection 2010 – Graded very good</p> <p>There were no requirements and no recommendations following the Inspection in 2010.</p> <p>Inspection 2012 – Graded very good</p> <p>There were no requirements and 1 recommendation following the Inspection in 2012.</p> <p>Rec 1 - decreasing the time it takes to complete a fostering assessment.</p> <p>Inspection 2013 – Graded very good</p> <p>There were no requirements and no recommendations following the Inspection in 2013.</p> <p>Inspection 2014 – Graded very good</p> <p>There were no requirements and no recommendations following the Inspection in 2014.</p> <p>Inspection 2015 – Graded very good</p> <p>There were no requirements and no recommendations following the Inspection in 2015.</p> <p>Inspection 2016 – Graded very good</p> <p>There were no requirements and no recommendations following the Inspection in 2016.</p> <p>Inspection 2018 – Graded good</p> <p>There were no requirements and 3 recommendations following the Inspection in 2018.</p> <p>Rec 1 – was about the service reviewing their process of risk management to ensure that plans are formalised and well recorded. (National Care Standards, Foster care and family placement services, Standard 2: Promoting Good Quality Care)</p> <p>Rec 2 – was about ensuring that foster carers have access to up to date information about the policies and procedures governing the fostering agency. (National Care Standards, Foster care and family placement services, Standard 13 Management and Staffing)</p> <p>Rec 3 – was about reviewing panel arrangements to ensure the following:</p> <ul style="list-style-type: none">- foster carers are aware of their right to attend- review reports being considered by the panel have been completed and signed off timeously.- the use of age ranges should be based on best practice guidance. Namely that the practice of using wide age ranges routinely with or without stated preferences should be discontinued.
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	(National Care Standards, Foster care and family placement services, Standard 13 Management and Staffing)
f) What was the local authority's response to the inspection and its outcome?	Considered the report, findings and gradings. Action plans were put in place with reviews of progress recorded for each recommendation. Outcome of inspection reported to Committee by Director of Social Work/Head of Childrens Services.
g) Were recommendations made following the inspection?	Yes, in 2006 and 2018.
h) If so, what were the recommendations and were they implemented?	See 5.4 e)
i) If recommendations were not implemented, why not?	Change in management of the service, retirement followed by recruitment issues. Timescales not met for implementing recommendations due to a number of factors, consultation with staff/ carers young people.
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 have been no external investigations completed into the quality of foster care provided to children in the Highlands.
For each such external investigation please answer the following:	N/A
b) Who conducted the investigation?	N/A
c) Why was the investigation conducted?	N/A
d) When was the investigation conducted?	N/A

e) What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?	N/A
f) What was the local authority's response to the investigation and its outcome?	N/A
g) Were recommendations made following the investigation?	N/A
h) If so, what were the recommendations and were they implemented?	N/A
i) If recommendations were not implemented, why not?	N/A
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?	<p>From 2006 The local authority's procedure/process for dealing with external inspections.</p> <p>Prepared documents/evidence, Inspectors met with Foster carers and young people in foster care, Inspectors met with staff and managers, Inspectors observed fostering panel</p> <p>From 1994 to 2004 there was a procedure in place in relation to allegations being made against foster carers</p> <p>From 2004 there was a procedure in place in relation to allegations being made against foster carers, this was updated by the Head of Service in 2012.</p> <p>Investigating investigations relating to abuse, and/or alleged abuse of children in foster care</p> <p>Fostering procedure – allegations against Foster Carers</p> <p>Child protection policy, procedures and guidance</p> <p>Scottish Government guidance on managing Allegations 2013</p>
b) What was the local authority's procedure/process for responding to the outcomes of such external inspections and/or investigations?	<p>See 5.4 f)</p> <p>See 5.6 a)</p>

<p>c) What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?</p>	<p>See 5.4 f)</p>
<p>5.7 Impact</p>	
<p>a) What is known about the impact of abuse on those children in foster care who were abused, or alleged to have been abused?</p>	<p>It is very clear that the children and young people who have been abused at the hands of their foster carers have suffered significantly.</p> <p>The children placed within our care system had already experienced complex trauma and neglect and so it is impossible to measure exactly what elements of their experiences have affected their lives and their brain development through the abuse suffered through their experiences prior to coming into care or after they have been placed in care.</p> <p>What we do know is that having moved these children from all they have known and all that was familiar to them, we have then gone on to move them into a position where they have been mistreated.</p> <p>A common experience that the children appear to have endured is fear and anxiety, lack of self-esteem, lack of self-worth, insecurity, poor identity formation, emotional dysregulation and lack of trust in others. This appears to be particularly prevalent where sexual abuse has been experienced.</p> <p>Relationship difficulties appears to be a common issue for many young people. Teenage years are a time when young people are already experiencing angst in respect to their identity and relationships, but this seems to be compounded when having suffered abuse in foster care.</p> <p>Where there has been sexual abuse alleged; the young people have tended to question their sexuality more and have tended to experience more confusion and are more likely to experiment more in relation to their sexuality. Boundaries also appear to be a difficult concept to manage in friendships and relationships for those children who have experienced abuse, particularly with their peers.</p> <p>Some of the children became 'over compliant', will not display emotions, would appear 'numb' and dissociate at times within placement. This behaviour was said to be quite common, as</p>

	<p>children did not want to draw attention to themselves. For many children this is viewed as a method of survival; if I don't draw attention to myself then I am less likely to be abused.</p> <p>Where children were placed with a sibling, they may behave as a protective factor for their sibling. In one particular case the foster carers raised their concerns about the younger sibling being 'smothered' by the older sibling as she would not let him out of her sight. In this case a younger sibling was eventually moved to another placement as a result of the older siblings inability to allow her younger brother out of her sight. Her over protective and smothering nature was seen as both detrimental to her and her sibling. The reason the older child was concerned was that she was trying to protect her brother to ensure he would not be abused as she later alleged she was being. This case is currently in the court system. It has been delayed because of Coronavirus.</p> <p>Lack of trust is a significant issue for all these children. They are not able to trust any adult, and this has impacted on all future relationships. Nightmares have been a frequent occurrence for many of the children and in this experience, they appear to relive the trauma of the abuse over again. Some children have blamed themselves for the abuse and felt guilty about it, for not being able to stop it, for not having said 'no'.</p> <p>Most children are unable to regulate their emotions and the impact of their traumatic experiences are displayed through challenging behaviours at some point in the child's life and for some children this can be the case throughout their childhood and into adulthood. Some children have been unable to cope with the overwhelming impact on their mental health and have self-harmed, partaken in risky and offending behaviour and sadly a young person has taken their own life as they did not feel that they can cope any longer.</p> <p>Some children are now adults and involved with the criminal justice system after becoming involved in offending behaviour.</p>
<p>b) Where does the local authority's knowledge/assessment of that impact come from?</p>	<p>The local authority's knowledge/assessment has come from the information found in the files of some of the young people who have made allegations as well as those whose allegations were proven or are awaiting to go to court.</p> <p>Information was also sought from workers who are involved with some of the young people who have made the allegations and have or are still working with the young people.</p>
<p>c) What is known about the impact of abuse on the families of</p>	

<p>those children in foster care who were abused, or alleged to have been abused?</p>	<p>Families views were recorded in files and demonstrated they were angry their children have been abused by foster carers whether guilt has been proven or not. In some cases, it has been the parent who has made the allegation against the foster carer. Birth parents are the main family members named in files, and there is clearly anger felt over the fact that their children were removed, as the family home was not viewed as safe places for the children to be, yet the children then go on to allege that the foster carer has abused them.</p> <p>Some families find it very difficult to talk to the young person about the abuse particularly where relationships have been fractured. Relationships between some families and the local authority have not always been as positive as they could be too and declined support to deal with the situation. Some families are looking for reparation for their children because of the damage they believe has been done to them by the abuse the child and the trauma that they in turn have suffered.</p>
<p>d) Where does the local authority's knowledge/assessment of that impact come from?</p>	<p>The local authority's knowledge and assessment has come from the children's files as well as some of the children's workers who previously worked with the children who have made allegations mentioned in this inquiry. Discussions have also taken place with workers who are still working with the children who have made allegations against foster carers, two of whom are waiting for cases to go to court.</p>
<p>5.8 Known Abusers and Alleged Abusers</p>	<p>See embed document</p>  <p>Microsoft Excel 97-2003 Worksheet</p>
<p>a) Does the local authority know of specific abusers, or alleged abusers, of children in foster care?</p>	<p>Yes, see attached appendix</p>
<p>b) If so, what are the names of the abusers, and/or alleged abusers?</p>	<p>See attached spreadsheet</p>
<p>c) For each of these persons, please provide as much as possible of the following information:</p>	<p>See attached spreadsheet</p>

<p>if they were foster carers, or if not</p> <p>their relationship with the foster carers or</p> <p>what other role they had during the period of abuse and/or alleged abuse</p>	<p>See attached spreadsheet</p>
<p>The knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter</p>	<p>See attached spreadsheet</p>
<p>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</p>	<p>See attached spreadsheet</p>
<p>d) Were known abusers, or alleged abusers, of children permitted to continue as foster carers?</p>	<p>See attached spreadsheet</p>
<p>e) If so, why was this considered to be appropriate?</p>	<p>See attached spreadsheet</p>
<p>f) If so, what process of monitoring/supervision followed?</p>	<p>See attached spreadsheet</p>
<p>5.9 Specific Complaints</p>	<p style="text-align: center;">  Microsoft Excel 97-2003 Worksheet See embedded link </p>
<p>a. How many specific complaints of abuse of children in foster care have been made to the local authority?</p>	<p>See attached spreadsheet</p>

For each specific complaint, please answer the following:	See attached spreadsheet
b. Who made the complaint?	See attached spreadsheet
c. When was the complaint made?	See attached spreadsheet
d. Against whom was the complaint made?	See attached spreadsheet
e. What was the nature of the complaint?	See attached spreadsheet
f. When/over what period was the abuse alleged to have taken place?	See attached spreadsheet
g. What was the local authority's process and approach in dealing with the complaint?	When any allegation of abuse about a child in foster care is receiving the council's child protection procedures are followed.
h. What was the local authority's process and approach for investigating the complaint?	When any allegation of abuse about a child in foster care is receiving the council's child protection procedures are followed.
i. What was the outcome of the complaint following that investigation?	See attached spreadsheet for outcomes.
j. Did the local authority provide a specific response to the complaint?	Children are aware of the outcome of their complaint. 3 rd parties would be given appropriate information. Members of the public would receive an acknowledgement but no confidential information would be disclosed.
k. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?	See attached spreadsheet for outcomes.
l. If there was no response, why not?	N/K
m. Was the information/content of the complaint passed to police?	Yes, when a child protection allegation is received an IRD is conducted between key agencies and a process of investigation agreed and carried out.
n. If not, why not?	N/A

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?	We have no records of civil actions against foster carers noted.
For each such civil action, please answer the following:	N/A
b) Who brought the action?	N/A
c) When was the action brought?	N/A
d) Against whom was the action brought?	N/A
e) What was the nature of the abuse, or alleged abuse, to which the action related?	N/A
f) What were the names of the persons said to have, or alleged to have, committed abuse?	N/A
g) When/over what period was the abuse said, or alleged, to have taken place?	N/A
h) How did the action progress?	N/A
i) What was the outcome?	N/A
j) Was the action settled on a conditional basis of confidentiality?	N/A
k) Who was/were the local authority's legal representative(s) in relation to the civil action?	N/A
l) Did the local authority carry insurance for meeting civil claims at the time the action was live?	N/A

m) How/where can copies of the court papers relating to the civil action be made available to the Inquiry?	N/A
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?	Yes
b) If so, please provide details if known.	<p>There was only one case in which it was discovered that a criminal injuries pay-out was awarded. That on the 18th October 1990 Mrs. ECL [REDACTED] was found guilty of assault and neglect of foster child [REDACTED] and fined £600.</p> <p>An application for Criminal injuries was then made for [REDACTED] and he was awarded £800.</p>
5.12 Police	
a) How many complaints of abuse of children in foster care have been made to the police?	See attached appendices
In relation to each known complaint to the police, please answer the following questions:	
b) Who was the alleged abuser or abuser?	See attached appendices
c) Did the police conduct an investigation in relation to the complaint?	See attached appendices
d) If so, who conducted the investigation and when?	See attached appendices

e) What was the outcome of the police investigation?	See attached appendices
f) What was the organisation/establishment's response?	See attached appendices
5.13 Crown	
a) To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care?	See attached appendices
In relation to each time the Crown has raised proceedings, please answer the following questions:	See attached appendices
b) What is the name of the person(s) against whom the proceedings were raised?	See attached appendices
c) What was the nature of the charges?	See attached appendices
d) What was the outcome of the proceedings, including disposal/sentence if there was a conviction?	See attached appendices
e) What was the local authority's response to the proceedings and outcome?	See attached appendices