

Scottish Child Abuse Inquiry

PO Box 24085; Edinburgh EH7 9EA

e-mail: solicitors@childabuseinquiry.scot

Mr Aubrey Fawcett
Chief Executive
Inverclyde Council
Municipal Buildings
Greenock PA15 1LY

27 August 2019

Dear Mr Fawcett

SCOTTISH CHILD ABUSE INQUIRY SECTION 21 NOTICE FOSTER CARE CASE STUDY

1. Notice is given, in terms of section 21(2)(a) of the Inquiries Act 2005 ("the Act"), that you are required by Rt Hon Lady Smith ("the Chair") to provide at the above address the evidence detailed in the appendix attached to this notice by **27th January 2020**.
2. In terms of section 36 of the Act, where a person fails to comply with, or acts in breach of, this notice, or threatens to do so, the Chair may certify the matter to the Court of Session. The Court, after hearing any evidence or representations, may make such order by way of enforcement or otherwise as it could make if the matter had arisen in proceedings before it.
3. In terms of section 35(1) of the Act, a person is guilty of an offence if he fails without reasonable excuse to do anything that he is required to do by a notice under section 21 of the Act. A person who is guilty of such an offence is liable on summary conviction to a fine not exceeding £1000 or to imprisonment for a term not exceeding six months, or to both.
4. If you wish to make a claim in terms of section 21(4) of the Act:
 - (a) that you are unable to comply with this notice, or
 - (b) that it is not reasonable in all the circumstances to require you to comply with it,

and that it should be revoked or varied,
you should apply in writing to the Chair no later than by the end of the period
within which production is required. When so applying you should:

- (a) identify, so far as possible, any particular document in relation to which the claim is being made;
- (b) state whether you seek revocation or variation of the notice, and in the latter case specify the variation sought;
- (c) give reasons for your claim; and
- (d) where it is claimed that it is not reasonable in all the circumstances to require compliance with the notice, the reasons for the claim should address the public interest in section 21(5) of the Act.



.....
The Rt Hon Lady Smith
Chair of the Inquiry

APPENDIX

Part A – Background

1. Characteristics

1.1 History of the Local Authority

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

Inverclyde Council is currently the responsible local authority for the area and has been since 1996.

Predecessor local authorities responsible for the area were:

- Glasgow Corporation 1930 – 1975
- Strathclyde Regional Council 1975 – 1996

All subsequent references to “local authority” mean the local authority and its statutory predecessors.

All references to “foster care” include boarding out with private families.

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

The local authority became involved in the provision of foster care as a result of regulations made under the Children and Young Persons (Scotland) Act, 1932.

As Professor Kenneth Norrie points out in his Report for the Scottish Child Abuse Inquiry¹ it was the Children and Young Persons (Scotland) Care and Training Regulations, 1933 which contained the rules, ‘as to the boarding out of boys and girls committed to the care of education authorities.’² Local authorities had exercised the functions of education authorities since the Local Government Act of 1929.

The 1933 Regulations established the role of foster parents to describe people willing to care for boys and girls on behalf of the local (education) authority and stipulated specific duties for foster parents and imposed a duty on the local authority to make arrangements to ensure that boys and girls were boarded out in accordance with the provisions of the 1932 Act.

Norrie in the same Report refers to rules contained in part C of the 1933 Regulations (sections 37 – 54) which show how, the local authority was required to make

¹ Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) p 141.

² The Children and Young Persons (Scotland) Care and Training Regulations, 1933, reg.63.

arrangements for children boarded out with foster parents and the specific care and training boys and girls should receive until changes were made in 1947.³

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

Professor Norrie's report clearly lays out how the involvement of the local authority provision of foster care changed over time as undernoted:

- 1933 – 1947: Part C of the Children and Young Persons (Scotland) Care and Training Regulations, 1933 was revoked and replaced by the Children (Boarding out etc) Regulations 1947.⁴
- 1947 – 1959: The 1947 Rules and Regulations were replaced by the Boarding - out of Children (Scotland) Regulations, 1959.⁵
- 1959 – 1985: The 1959 Regulations were revoked and replaced by the Boarding – out and Fostering of Children (Scotland) Regulations, 1985.⁶
- 1985 – 1996: The 1985 Regulations were revoked and replaced by the Fostering of Children (Scotland) Regulations, 1996.⁷
- 1996 – 2009: The 1996 Regulations were revoked by the Looked After Children (Scotland) Regulations 2009.⁸
- 2009 – Present Day: The Looked After Children (Scotland) Regulations 2009.

1930 – 1975 Changes/Developments in local authority foster care provision

³ Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) pp 141 – 145.

⁴ Children (Boarding out etc) (Scotland) Rules and Regulations, 1947. Relevant parts in Norrie, K (2017) Report for the Scottish Child Abuse Inquiry pp 145 - 156.

⁵ Boarding - out of Children (Scotland) Regulations, 1959. Relevant parts in Norrie, K (2017) Report for the Scottish Child Abuse Inquiry pp 156 - 166.

⁶ Boarding – out and Fostering of Children (Scotland) Regulations, 1985. Relevant parts in Norrie, K (2017) Report for the Scottish Child Abuse Inquiry pp 166 - 173.

⁷ Fostering of Children (Scotland) Regulations, 1996. Relevant parts in Norrie, K (2017) Report for the Scottish Child Abuse Inquiry pp 173 - 178 .

⁸ Looked After Children (Scotland) Regulations, 2009. Relevant parts in Norrie, K (2017) Report for the Scottish Child Abuse Inquiry pp 178 - 184.

Our research indicates that the Council responded to the changes required over the years which were introduced by new rules and regulations as set out above.

Evidence items 95 and 96 are examples from Council Burgh minutes⁹ which demonstrate that councillors from the local authority were visiting boarded out children and reporting to council committees on the welfare of the children they visited as mandated by the 1933 Regulations. Thereafter Council committee minutes regularly record visits made by councillors to boarded out children across the years and decades.

When the 1947 Regulations required the appointment of a Children's officer to help with the selection of foster carers and visitation of boarded out children the Council responded to that duty as evidenced in item 108 of the Inverclyde Council Burgh Minutes Activity log.¹⁰ The Council also established a Children's Committee in 1948 as required by changes in the law.¹¹

The Children's officer was required to provide monthly reports to the Children's Committee, which indicates a system was in place to support the welfare of children boarded out by the council.

Unfortunately without at least names and or dates of birth to identify boarded out children during this period it has not been possible to find out more about their day to day experience other than through the brief references in the council minutes.

Although individual children are referred to by their initials by the Public Assistance Committee and from 1948 the Children's Committee minutes, there are no ages or dates of birth so it has not been possible, despite an extensive search of electronic archives, to identify those children in order to access their case files and thus learn more about changes and developments from 1930 to 1975.

1975 – 1995 Changes/Developments in local authority foster care provision

Strathclyde Regional Council was responsible for the provision of foster care during this period.

In 1975 the Director of Social Work set out his report on Fostering Care and laid down priorities for achieving a good fostering service which included:

- Stem wastage rate of foster-parents by providing adequate support services: Supervision by social workers; group support; provision of factual information for foster-parents; back-up services; financial support.
- The requirement to encourage recruitment of all types of foster- parent
- Identifying the needs for foster care
- Dealing with limitations, including inadequacy of social work staff resources; recruiting sufficient numbers of suitable foster-parents

In 1976 the Director issued a package to Officers dealing with fostering and children in care aimed at raising the standard of practice and meeting the Martin* Committee requirements.

As a first step a regional child-care Resources Team was established, with a main focus on children boarded-out. There was a close link between this venture and the Member/Officer Group (see below) on Child-Care which added great strength to this

⁹ Inverclyde Council Burgh Minutes Activity log, items 95 and 96

¹⁰ Inverclyde Council Burgh Minutes Activity log, item 108

¹¹ *ibid*

Development.

Strathclyde Region's vision of tackling the problems of multiple deprivation in its area and in particular its vision on child care was articulated in its strategic vision to transform the west of Scotland in a policy document - 'Social Strategy for the Eighties'.

Central to the review was child-care and the Social Strategy was preceded by a 'Member/Officer' report on Child Care (1978) which considered the methods by which children in care were assessed as eligible for substitute family care:

- examine arrangements for the recruitment,
- assessment,
- Support and deployment of foster parents.

The report led to a new strategy 'Home or Away: Residential Child Care for the Eighties,' which highlighted the broad aims of residential care emphasising the rights of children, 'to the best possible quality of care while in residential care'.

The report looked at residential care within the context of a coherent set of values upon which all child-care facilities rely. The values included a 'Home finding' strategy which was based on the right of all children to family life – if not in their own family then with another.

The Home and Away strategy was followed by supporting and implementing plans. These included:

- 1986 guidelines for the long-term planning of children in care. A practice document to be used as an aid to social workers who were involved in the long-term planning of children in care provided a guide round the various pieces of legislation which could be used to secure a child's future in care' Every Social Worker required to have a copy of the document as a basis for discussion in area teams or as a training aid.
- Young People in Trouble: Report by the Directors of Education, Social Work and Reporter to the Children's Panel, April 1988
- Charter of Rights for Children, 1988s, with clear procedural and practice guidelines and training for staff on their implication
- Current Issues in Child Protection – report by the Director of Social Work, 1 April 1993
- Child Care Strategies and Priorities – report by the Director of Social Work, 3 March 1993
- Inspection of Social Work Services – Joint report by Chief Executive and Director of Social Work, June 1993
- Young people In Trouble – Joint report by Directors of Social Work and the Reporter to the Children's Panel, 29 June 1993

In 1995 the Director of Social Work Report to the Social Work (Child care) Committee, included:

- Outline of forthcoming presentation on the number and needs of

Strathclyde Regional Council, including:

- foster carers and the children in their care
- the Department's work in recruiting, supporting and retaining carers, and
- the concerns of foster carers
- A Report on draft Child Care Plan was to form the basis of discussion and debate within the Department, with other statutory and voluntary agencies; with the consumers of departmental child care services and with elected members.

Two main aims were to set a template for the identification of need and the development of services and, to provide an agreed set of criteria for the measurement of the quality of child care services. The need for services was at in four main areas:

- Support for children and families
- Children and young people in care
- Young people leaving care or supervision
- Child protection

1995 – 2014 Changes/Developments in local authority foster care provision

Inverclyde council retained the good practices, policies and procedures of Strathclyde Regional Council which underpinned the Councils provision of foster care during the years just after the Children (Scotland) Act 1995. Fostering panels were established by the council in the 1980's and continue to this day Foster Care agreements continued to be standard practice setting out financial matters; support and training offered to carers and the obligation not to use corporal punishment.

Foster carer's files and children's files in the Council electronic social care record CIVICA evidence those practices.

The 2004 Inverclyde Foster Carers Manual gave clear minimum practice standards and guidance to all Council Foster Carers¹² and incorporated in detail the latest Regulations influencing practice. A section on planning for children in foster care established a care plan for each child with clear reviewing arrangements. Research of electronic social care records (CIVICA and SWIFT) shows that a Child Plan and reviewing schedules were in place for Inverclyde's foster children as required by the 1996 and 2009 Regulations.

1.2 Funding of Foster Care

Past

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

After the 1932 Act the state funded foster care placements when the local authority, as the fit person, accepted children committed to their care by the juvenile court. That state funding arrangement was in place for children in foster care until it was repealed by the Children Act 1948.¹³

¹² Inverclyde Foster Carers Manual, 2004

¹³ 1932 Act, s 79(1)(i)(b); 1937 Act, s 107(1)(a)(ii) (repealed by the Children Act 1948, sched 4) Noted by Norrie, K (2017) in Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) p38.

Thereafter local Authority's operations and activities, as far as relating to the provision of foster care were funded from the council budget.

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

In the main the local authority used its own foster care placements to provide care to children. If those placements were full or if specialist placements were needed, which could not be provided by in house foster carers, then external providers would be found such as;

- Barnardo's
 - Aberlour Sycamore Service
 - Foster Care Connect
 - Foster Care Associates
- or
- other local authorities

Placements were purchased or financially supported by the local authority as and when required in order to meet the needs of children in care.

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?

If funding was provided by the local authority to other organisations for the provision of foster care it was provided to external provider organisations such as Barnardo's, Aberlour, Foster Care Connect or via recharging arrangements with other local authorities whereby a child was placed in another local authority foster placement and that authority sent the placing authority a bill (recharge).

From our enquiries thus far we have been unable to ascertain to whom within the organisations payments were made.

The criteria applicable for provision by other organisations depended on whether or not local placements were full or whether the local providers had the skills and environment to meet the needs of an individual child.

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

Local authorities received specific treasury funding (1932 – 1948) and used that to contribute to the maintenance of foster placements.

Foster carers were made aware of state support by Children's officers and later by social workers and family placement workers.

Financial state support was not directly available to foster carers although foster carers could and can make applications for certain state benefits:

- Disability living allowance
- Exemption from road tax
- Blue badge for parking
- Disabled person's rail card.
- Invalid care allowance

Foster carers claiming state benefits on behalf of a child were expected to discuss such claims with the child's social worker before any claim was made.¹⁴

Thereafter the local authority accounted for foster care allowances, to maintain children in foster care, from the annual council budget. The allowances were to cover the cost of for instance; food, clothing, heating, holidays, gifts for birthdays and festive celebrations, transport.¹⁵

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

Financial support from the local authority was available to foster carers in the form of an allowance calculated to cover the cost of maintaining a child in foster care.

Evidence exists in local Burgh minutes from the 1950's and 1960's of the Children's committee agreeing boarding out allowances, increases to boarding out allowances taking into account national averages, Christmas gifts, purchasing additional prams and cots for foster carers and at times consideration of other additional financial support of children in foster care such as purchase of bicycles and money for school trips.¹⁶

On the page below is a 1968 Burgh minute entry relating to local authority fostering allowance increases.¹⁷

¹⁴ Inverclyde Council, 2004 Foster Carers Manual p44.

¹⁵ *ibid*

¹⁶ Inverclyde Burgh minutes evidence log items 8, 11, 30 are examples of financial support

¹⁷ Inverclyde Burgh minutes evidence log item 50 provides detail of allowances in 1968.

MEETING OF CHILDREN'S COMMITTEE
Monday, 1st April, 1968, at 7.30 p.m.

Present: Provost Brownlee, Bailies Brown and Caldwell, Hon. Treasurer Ballantyne,
 Councillors Wilson (Convener) and Gilligan.

Attending: Depute Town Chamberlain, Children's Officer.

Accounts amounting to £623, 14, 8d. were passed to the Finance Committee for Accounts.
 payment.

There was submitted the Children's Officer's report on children in care and Report.
 the cases were disposed of conform to the markings on the list.

After hearing the Children's Officer report that most local authorities had Boarding out
 increased their allowances in accordance with the benefits authorised by the Ministry allowances etc.
 of Pensions and National Insurance for guardians' allowances etc., it was agreed to in-
 crease this authority's allowances etc, with effect from 16th May, viz:-

Age	Maintenance	Pocket Money	Clothing	Total per week
0 - 5	£2. 2. 6	1/-	£- 7. 9	£2. 11. 3
5 - 6	2. 5. 0	2/-	9. 6	2. 16. 6
6 - 7	2. 5. 0	2/3	9. 6	2. 16. 9
7 - 8	2. 5. 0	2/6	9. 6	2. 17. 0
8 - 9	2. 5. 0	2/9	9. 6	2. 17. 3
9 - 10	2. 5. 0	3/-	9. 6	2. 17. 6
10 - 11	2. 7. 6	3/6	11. 6	3. 2. 6
11 - 12	2. 7. 6	3/6	11. 6	3. 2. 6
12 - 13	2. 10. 0	4/-	11. 6	3. 5. 6
13 - 14	2. 10. 0	5/-	11. 6	3. 6. 6
14 - 15	2. 10. 0	6/-	11. 6	3. 7. 6
15 - 16	2. 15. 0	12/6) reduced by	12. 6	4. 0. 0
16 - 17	3. 0. 0	15/-) 50% if not	12. 6	4. 7. 6
17 - 18	3. 5. 0	20/-) working.	12. 6	4. 17. 6

Table above showing an extract from Port Glasgow Town Council minutes Boarding Out allowances in 1968.¹⁸

The foster care handbook, 1976, states that foster parents have the right to a weekly maintenance allowance for children in their care, and other financial help to minimise out of pocket expenses. The child's social worker could explain the procedure for receiving extra help where appropriate. This might be in the form of enhanced allowance for difficult children or in special circumstance. There are also discretionary payments which are paid on application. Allowances to which foster parents have a right include payment for school uniforms, extraordinary travelling expenses for attending a hospital, and allowances which help the child develop any special interests or talent.

The local authority breakdown of fostering allowances, fees and tax is provided in Appendix 2 of the Inverclyde Foster Carers Manual (2004) and evidences the introduction of a fee based scheme. In recognition of the carer's skills, experience

¹⁸ ibid

and participation in training as well as the age of the child, fee based carers received payments in addition to the fostering allowance.¹⁹

Example of Fostering allowances in 2004

Age band	Weekly
0-4	£77.91
5-10	£96.67
11-15	£120.33
16-18	£155.82

The fee based scheme which recognised the carer's skills and experience paid in addition to the allowance as follows:

- Fee per child aged eight and upwards = £120.00
- Fee for sibling group of three or more = £170.00

- 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?

Financial support was available to foster carers from 1930 to the present day. Please see the answer at 1.2 a). An example of distribution can be seen at 1.2 e).

Foster carer handbooks and manuals from 1976, 1985 and 2004 provide detail of maintenance allowances, grants, travelling expenses, holiday payments, discretionary payments and support for hobbies.

- 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?

From our research it would appear that in the later periods Foster carers were made aware of financial support through: application/recruitment processes; publicity campaigns; foster care handbooks and manuals. A leaflet on the fostering allowances scheme was issued as required and particularly to prospective foster carers.

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

It is our understanding that throughout the period Foster carers could apply for discretionary funding at times of need and could seek support of children's officers or social workers to do so.

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

From research it appears funding was adequate.

1930 – 1976

Periodically the Public assistance committee or subsequently the Children's Committee of the council minutes show consideration of allowances and the need to match allowances available nationally. Children's officers regularly applied to Committee for additional funds when special needs arose, in order to support

¹⁹ Inverclyde Foster Carers Manual 2004 Appendix 2

children and their foster carers (see the Inverclyde Council Burgh Minutes Activity log item 6).

1976 – 1996

The trend was to support funding levels recommended from COSLA (Convention of Scottish Local Authorities).

1996 – 2014

The above trend was followed and in this period the amount foster carers received was linked to training and skills. This meant foster carers received not only maintenance allowances but they also received a fee.

j) If not, why not?

Funding was considered adequate and systems were in place to provide discretionary top up payments if necessary.

Present

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

Allowances and fees have increased over the years and the current level is as under noted:

Age band	Weekly
0-4	£127.59
5-10	£145.34
11-15	£180.93
16-18	£220.05

One of the key differences is the different levels of skills which are recognised which attract different fees

Level 1 Carers

No additional fees – allowances only

Level 2 Carers

Basic allowance for each child plus a fee of £155 going to £180 if they have three or more children in placement

Level 3 Carers

The fee goes up to £230 per week and £255 for three or more children in placement

Level 4 Carers

Basic allowance is enhanced by 50% per week and they also receive a weekly fee of £305.

Other set payments are detailed in appendix 3 of the current Foster Care Handbook²⁰

l) If so, please give details.

Please see the answer immediately above

²⁰ Inverclyde Foster Care Handbook 2017

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?

The legal basis which authorised the local authority to become responsible for the provision of foster care for children in Scotland was the; Children and Young Persons (Scotland) Act 1932. The Act enabled the local authority to board out children with foster parents, they considered to be fit persons, and gave them, 'the same rights and powers, and liabilities in respect of his or her maintenance, as if he were his or her parent.' Professor Norrie sets out clearly in Part Two section A of his Report for the Scottish Child Abuse Inquiry, the regulatory structures governing boarding out and fostering of children from 1930 until the present day.²¹

- 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.

Yes legal and regulatory requirements were placed on local authorities in respect of children in care. The Children and Young Persons (Scotland) Care and Training Regulations, 1933 came into force on 1st November 1933. Part C of those regulations contained the rules which local authorities were expected to apply when boarding-out children. The relevant parts are detailed by Professor Norrie in his Report.²² In particular in terms of Rule 7 of the Children (Boarding –out etc) (Scotland) Rules and Regulations 1947 the Local Authority required to satisfy themselves by all necessary enquiries that any person whom they proposed to select as a foster carer for the boarded –out children was of good character and was in all respects fit to look after the health, education and general well-being of children.

The 1947 Rules and Regulations applied until they were replaced by the Boarding-out children Regulations 1959. The focus of the 1959 Regulations was less on practical arrangements and was more on the duties that Local Authority's have to ensure suitability of foster parents and supervision of children , such as requiring 3 monthly rather than 6 monthly visits .In addition to the foregoing duties they were given duties to compile and maintain case records in respect of every child boarded out by them ,or by another Local Authority if they performed supervisory duties and children boarded out by voluntary organisations .(Reference to Norrie , pages 156-166)

While the 1959 Regulations were based on the understanding that boarding –out

²¹ Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) pp 141 – 184.

²² ibid

was a long term solution the Boarding –Out and Fostering of Children (Sc) Regulations 1985 perceived fostering as a temporary placement . They also imposed the duty to give consideration to the need to safeguard and promote the welfare of the child throughout his / her life and to give due consideration to the ascertainable wishes and feelings of the child. (v Norrie , pages 167-171)

With the introduction of the Fostering of Children (Scotland) Regulations 1996 Local Authority's required to make a Care Plan for each child looked after by them and had a duty to establish foster panels .

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

Yes the local authority did have a legal duty of care to each child in its care.

Present

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

No. Professor Norrie's Report for the Scottish Child Abuse Inquiry describes the legal basis enabling the local authority to provide foster care to children up to the present day. The Fostering of Children (Scotland) regulations 1996 were revoked by the Looked After Children (Scotland) Regulations 2009 which have governed public fostering arrangements to date .These Regulations also make detailed provision for the appointment and composition of fostering panels which require consider the suitability and approval of foster carers as well as reviewing and terminating that approval.

In terms of the 1996 Regulations foster carers records must be retained for a period of 25 years from the date of the foster carers approval or from the date of death of the foster carer.

e) If so, please give details.

The details can be found in the Report mentioned in the previous answer.

(ii) Foster carers

Past

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

The Children and Young Persons (Scotland) Care and Training Regulations, 1933 referred to people, 'willing and fitted to undertake the care of boys and girls as *foster parents*.' Foster parents to whom the care of a child was committed had the same

rights, powers and liabilities in respect of the child's maintenance as that of the child's parent.²³ This obligation was retained and developed over time. For example the 1996 Regulations state that foster carers have a duty to:

*Care for the child as if he or she was a member of that person's family and in a safe and appropriate manner to promote his or her welfare...*²⁴

As regulations changed over time a local authority could place a child only with a person who had been approved as a foster carer.

In 1947 regulations foster parents were defined as, a husband and wife, or a woman with whom a child is boarded out by a local authority. The 1985 Regulations introduced the requirement of fostering panels to,

Consider every person referred to it by a care authority as a prospective foster parent.

However same sex couples remained in all circumstances barred irrespective of whatever they could offer any individual child. This remained the case until the Looked After Children (Scotland) Regulations 2009 which removed the prohibition on placing children for fostering with anyone other than a man and a woman acting together or a man or a woman acting alone.

Also other classifications were conferred on foster carers by local authorities in relation to placements foster carers were assessed as being able to offer.

Fostering placements were divided into two main groups by the Council – temporary and permanent. Within each of these, there is a range of placements with families having different qualities and resources to offer to meet the needs of children in care.

A temporary placement was one where the decision to foster was taken with the objective that the child would be cared for temporarily in a family setting and when the placement was a definite plan either to return the child to his family or to an alternative placement. The range of temporary placements included:

- Emergency placement
- Pre-adoption placement
- Respite Holiday placement
- Task-centred placement

A permanent placement is one where the decision to place includes a definite plan that the child would remain in that placement until reaching independence, leaving care, or moving on to adoption by the foster parents, particularly if when placed, the child was under 12 . The range of permanent placements included:

- Fostering with family contact
- Fostering without family contact
- Fostering with view to adoption
- Fostering by relatives

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

²³ Children and Young Persons (Scotland) Act, 1932

²⁴ Fostering of Children (Scotland) Regulations, 1996

Please see the answer above

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

As previously stated the 1932 Regulations provided foster parents with the same rights and powers as a parent and subsequent legislation and rules further developed the legal basis which authorised a foster carer to become responsible to care for children.

- 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.

Please refer to the report of Professor Norrie.²⁵

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

Yes the foster carer did have a legal duty of care to each child in his or her care. In his Report for the Scottish child Abuse Inquiry Norrie points out that article 8 of the 1947 Regulations requires the local authority to be satisfied that a foster parent can meet the individual needs of different children boarded out with them.²⁶ The 1933 Regulations set out the legal duty of care by stating that "the person to whose care the boy or girl is committed shall, whilst the order is in force, have the same rights and powersas if he were his or her parent " .²⁷

Present

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

Yes changes to Foster care placement descriptors were introduced in 2015.

- g) If so, please give details.

Foster carer status is currently recognised in Care Inspectorate annual returns made by the Council (since 2015) through National Placement Descriptors for Care Planning.;

Permanent: A placement secured by a Permanence Order.

Long-term: A placement which has been in place for longer than 24 months not secured by a Permanence Order. (This should be an exceptional situation and an indicator that the placement requires close scrutiny)

Interim: A placement which has been in place for less than 24 months, not secured

²⁵ Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry)

²⁶ Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) p 146.

²⁷ Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) p 140.

by a Permanence Order. For a child that means that the care planning process has concluded that they will benefit from spending some time being cared for away from home and there is a time-linked plan for rehabilitation with parents or an alternative care placement is being sought.

Emergency: An unplanned placement made in an emergency, where no other placement type has been identified by the local authority. (Under the Looked After Children Regulations 2009 an emergency placement must be reviewed by a local authority within 3 days, and may be extended for a period not exceeding 12 weeks.) For a child this will mean that there are immediate concerns for their safety and wellbeing and they require to be removed from their home environment as quickly as possible while the care planning process establishes the best option for the child.

Short Break: A placement which forms part of a planned series of short breaks (including emergency placements with a carer who is already providing planned short-break placements to the child or young person)

1.4 Legal Responsibility

(i) Local authority

Past

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

Yes the local authority did have legal responsibility for the children in its care.

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

Part C of the 1933 Regulations stipulated that the Education Authority shall make arrangements to ensure boys and girls boarded out in accordance with the provisions of the Act etc.. (1933 Regs) . The Regs also introduced the duty to visit children who were boarded out.

Regulations 7 and 8 of the 1947 Act state:

A local authority shall satisfy themselves by all necessary enquiries that any person whom they propose to select as a foster-parent for the care of boarded-out children is of good character and is in all respects fit to look after the health, education and general well-being of children.

Before boarding out a child with a foster-parent, the local authority shall satisfy themselves that the foster-parent is a suitable foster-parent for that child.

This duty was developed further with the introduction of the 1985 Regulations which introduced Fostering Panels to approve, review and terminate applications for foster carers.

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

Yes.

Parents retained parental responsibility for their children while they were in the local authority's care.

Foster carers had legal responsibility for the children whilst they were in their care.

The 1959 Regulations, in what Norrie points out was a major extension of the 1947 regulations, also applied to the boarding out of children by voluntary organisations²⁸

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

The 1959 Regulations extended the legal responsibility to consider reports on the circumstances of a child's home, and the circumstances in which he came into care prior to boarding out to a voluntary organisation. In addition to the foregoing they required to arrange for the child to be medically examined and to assess the suitability of foster parents, similar duties to those imposed upon the local authority in terms of Regulations.²⁹

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

The local authority did have legal responsibility for children in its care.

Present

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

No we are not aware of any major changes since 2014

g) If so, please give details.

Please see the previous answer above at f)

(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?

The Children and Young Person's (Scotland) Act 1932 set out specific responsibilities of foster carers.³⁰

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

The nature of the responsibility was stated in 1932 Act to be:
The person to whose care the boy or girl is committed shall, whilst the order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his or her maintenance, as if he were his or her parent"

Present

²⁸ Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) pp 157.

²⁹ Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) pp 156 - 159

³⁰ The nature of the care and training expected of foster-parents was set out in revealingly specific terms. Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) p140.

- c) With reference to the present position, are the answers to either of the above questions different?

No, please see the answer a d) immediately below

- d) If so, please give details.

It remains the case that Foster Carers are under an, obligation to care for the child placed with them as if he or she was a member of their family and in a safe and appropriate manner and to promote his or her welfare having regard to the local authority's immediate and longer-term arrangements for the child.

1.5 Ethos

Past

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

The ethos of the local authority was underpinned by the law and regulations in force at the time to provide foster care services to children.

The evidence of the Burgh minutes researched from 1930 to 1975 show both the Public Assistance Committee and Children's Committee considering the best interests of children boarded out. It appears that Councillors accompanied by officers were on a rota to visit children all over Scotland and reported back to Committees about foster children's placements and their Committees supported the work of Welfare officers and (after 1948) Children's officers to ensure children's needs were being met in suitable environments by competent carers.

Certainly it would appear from 1975 that consecutive Council Foster Carers Handbooks and Manuals set out the ethos and objectives of the service to be provided.

Please also see the answer above at 1.1 c).

The Inverclyde Foster Carers' Manual 2004³¹ notes the core aim of the foster care service is;

To provide a range of fostering services to meet the individual needs of children who require family care. The choice of (foster care) service provision is determined by a variety of factors, which are considered in the child's care plan.

The main areas which form the basis for the choice of service are: the age of the child, the length of time the child is likely to be looked after, the recommended legal route, the child's level of ability and the child's specific needs.

Inverclyde Council views training as being an integral part of its support to foster carers. Social work services will provide pre and post approval training for foster carers and will support carers to attain the Scottish Progression Award and or the Scottish vocational qualification (SVQ).

The proposed levels of payments are linked to a standard allowance as advocated by The Fostering Network

The same manual incorporates the principles and values outlined in: the United Nations Convention of the Rights of the Child (1989), UK Child Care legislation and

³¹ Inverclyde Council, 2004 Foster Carers Manual p10

UK National Standards for Foster Care to further establish the ethos of the foster care service.³²

The Councils Foster Care Handbook updated after the Looked After Children (Scotland) Regulations 2009 opens;

Inverclyde Council aims to provide the highest standard of care for our children and young people who are looked after and accommodated. We work to the Getting It Right For Every Child (GIRFEC) model and the SHANARRI principles which are: safe, healthy, achieving, nurturing, active, respected, responsible and included.

*These principles are what we expect our foster carers to achieve when they have a child in their care. We work in partnership with our partner agencies, health, education and the police and GIRFEC is the foundation for their work with children.*³³

- 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?

The Council expected foster carers to effectively carry out duties as set out by the law, supported by statutory Rules and Regulations. Local policies and procedures such as those set out in the various Council Foster Carers Manuals and handbooks established the detail of service to be provided by foster carers.

The council also entered into a written agreement with the foster carer at time of approval in accordance with the 1985 Regulations. That provided written information about the terms and conditions of the partnership between the Council and the foster carer including the support and training to be given, the procedure for handling complaints against the foster carer, the financial arrangements, the obligation not to administer corporal punishment, the duty of confidentiality, and the foster carer's obligation to care for the child placed with the foster carer as if he or she was a member of that person's family.

- 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?

I would appear that there were increased duties on the local authority as the law developed in terms of assessing foster carers. However it appears that the ethos and objective was always aimed at achieving what was in the best interests of the child.

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

The local authority responded to the changes and developments in the regulatory framework in order to enhance its functions in terms of assessing the foster carers service to children. Reference is made to Norrie³⁴

- 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

³² Ibid p 9

³³ Inverclyde Council Foster Care Handbook p 3

³⁴ Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) pp 140 – 184.

service that the foster carer provided to children placed with him or her?

The Children and Young Persons (Scotland) Act, 1932 stated:
“The person to whose care the boy or girl is committed shall, whilst the order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his or her maintenance, as if he were his or her parent.”
 This fundamental ethos has been maintained over time in so much as foster carers are obliged to care for a child as if he or she was a member of that person’s family making sure that the child’s welfare is promoted whilst paying particular regard to the local authority’s immediate and longer-term plans for the child.³⁵
 As regulations changed foster carers were obliged not to inflict corporal punishment and had duties of confidentiality.

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

Please see the answer above at e).

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.

Please see the answer above at g).

1.6 Numbers

(i) Local authority

Past

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

1930 – 1976
 The Greenock Corporation Minutes of 1931 (evidence item 94³⁶) record that the Public Assistance Committee submitted a report requested by the Department of Health about numbers of children boarded out at the close of the year. The numbers returned in 1931 were as follows;

- 105 boarded out

³⁵ 1996 Regulations, reg. 8 and Sched 2

³⁶ Inverclyde Council Burgh Minutes Activity Log, item 94

- Of these 88 were boarded with strangers
- 4 were boarded out with relatives
- 13 were in institutions

The minute records the locations in Scotland where the children, not in institutions, were placed.

- The four children boarded out with relatives were placed in Greenock.

The 88 children boarded out with strangers were placed in the following areas of Scotland;

- 17 in Argyle
- 9 in Bute
- 35 in Inverness
- 1 in Moray and Nairn
- 26 in Ross

Despite extensive reading of Burgh minutes our research team were unable to find any other annual record of specific numbers of children accommodated in Foster Care (although overall numbers of children in care were regularly reported to the Children's Committee but they were not given the detail of the 1931 entry) or placement information numbers until the statistics of Strathclyde Regional Council became available for the year 1976 – 1977

Strathclyde Regional council statistics for Greenock and Port Glasgow showed that in 1974 – 85 Children were accommodated by the local authority in foster care. No other foster care numbers appear to be available until those noted below.

1996 – 17 Dec 2014

According to Inverclyde local authority's electronic social care record (SWIFT) the Council has made 847 foster care placements since 1996. Some individual children have experienced multiple placements.

Table showing the annual return from Inverclyde Council to external Inspectors or the SWIFT electronic social care record showing number of children accommodated in foster care at a time and in how many placements

Date	Report Source	No of Children in foster care	No of Inverclyde foster households	No of external foster placements
27 January 2020	Inverclyde SWIFT data base report	26	33	4
11 Dec 2019	Inverclyde SWIFT data base report	28	35	3
31 August 2018	Care Inspectorate Inspection Report	38	34	5
12 August 2016	Care Inspectorate Inspection Report	45	38	7

08 January 2015	Care Inspectorate Inspection Report	43	38	5
17 Dec 2014	Inverclyde SWIFT data base report	42	38	5
14 February 2013	Care Inspectorate Inspection Report	57	40	3
27 January 2011	Inverclyde SWIFT data base report	57	26	3
24 March 2010	Inverclyde SWIFT data base report	52	52	1
31 March 2009	Care Commission Inspection Report	61	31	7
18 February 2008	Care Commission Inspection Report	46	28	0
30 October 2006	Care Commission Inspection Report	77	26	0

- 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?

Please see the answer above at a) in relation to statistics available since 2006.

- 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.

From our research the local authority appear to have provided interim and permanent placements.

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

Please see the table in the answer at 1.6i a) above.

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

1931 – 105 Children were accommodated by the local authority³⁷
 1948 – 162 Children were accommodated by the local authority³⁸
 1956 – 254 Children were accommodated by the local authority³⁹

1974 – 217 Children were accommodated by the local authority

2014 – 123 Children were accommodated by the local authority

³⁷ Inverclyde Council Burgh Minutes Activity log, item 94

³⁸ Inverclyde Council Burgh Minutes Activity log, item 109

³⁹ Inverclyde Council Burgh Minutes Activity log, item 72

- 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?

In general terms the main service provided by the local authority was in the provision of foster care rather than of residential care for children in establishments.

Present

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

Yes some of the answers are different.

- h) If so, please give details.

Date	Report Source	No of Children in foster care	No of Inverclyde foster households	No of external foster placements
20 January 2020	Inverclyde SWIFT data base report	26	33	4
11 Dec 2019	Inverclyde SWIFT data base report	28	35	3
31 August 2018	Care Inspectorate Inspection Report	38	34	5
12 August 2016	Care Inspectorate Inspection Report	45	38	7
08 January 2015	Care Inspectorate Inspection Report	43	38	5

1.7 Children's Background/Experience

Past

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

Yes children placed in foster care did generally have a shared background or experiences.

Most often they suffered deprivation and neglect from parents who were unable to look after them satisfactorily in order to meet their basic needs. Typically the issues

which affected parental capacity were; impaired mental health, substance misuse, learning disability and domestic violence.

Sometimes those parental risk factors existed in isolation but most often they existed in combination which led to local authorities having to make other care arrangements for children by bringing them to the attention of the court and placing them with foster carers.

Some parents sought out the help of the local authority and asked the Council to take care of their children for them or reluctantly agreed in difficult circumstances that the Council should look after their children. Such arrangements came to be known a voluntary care.

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

Children were admitted into the care of the local authority.

- c) Who placed children with the local authority?

Children were placed with the local authority by courts or through the Children's Hearing System once it began operating in 1971.

Parents might voluntarily agree to their child coming into the care of the local authority. As Norrie points out, receiving a child into care under s. 15 (Social Work (Scotland) Act 1968) was done without sanction of any court or tribunal and was therefore often presented as "voluntary care"⁴⁰. Since 1995 this has been regulated by s25 of the Children (Scotland) Act.

- 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?

It would appear from research that after 15 April 1971 the local authority did receive children into care mainly through the Children's Hearing system. Many children continued to be taken into care on a voluntary basis.

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

Please see the preceding answer

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

There was no typical length of stay as placements were planned to meet the unique needs of each child.

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

The decision to place children in foster care was made by senior local authority managers based on recommendations made by Welfare/ Children's officers or Social

⁴⁰ Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) p75 in footnote 295.

Workers. Following the introduction of the children's Hearing system, the Children's Panel could make those decisions that children could be removed from the care of their parents and placed in foster care.

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

The decision was based on the assessment that it was in the best interests of the child to do so.

i) Were children moved between different foster care placements?

Yes children were moved between different foster care placements.

j) If so, in what circumstances?

Sometimes children were moved due to a disruption of the foster placement. Examples of this include:

- An older teenager in foster care might want to leave and live independently or return to their birth family
- A child might not settle and attach to their foster carers and ask to live elsewhere
- A foster carer might not have the skills to cope with difficult behaviours
- A child might make an allegation or complaint against a carer which then leads to a disruption of placement

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

Generally children appear to have had more than one foster care placement.

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

In the early period Welfare officers and Children Officers reported to Committee on the need to change or end a placement. Committee made decisions based on those review reports.

The process of review of children's continued residence in foster care was clearly set out in the Children (Scotland) Act 1995 which was replicated in local authority policy. A post admission meeting was held within two to three working days of a foster placement with the focus on the possibility for the child to return home. If not then a first Looked After Review was held within six weeks of placement, the second three months thereafter and then at a minimum interval of six months.⁴¹

Reviews were chaired by an independent chairperson and also typically in attendance were;

- The child depending on age and stage of development
- Social worker for the child
- Foster carer
- Family placement social worker
- Birth parents

⁴¹ Inverclyde Council, 2004 Foster Carers Manual pp27 – 29.

- Education worker and or health worker
- Minute taker

The review would consider a social workers report and other reports such as a progress report from the foster carer. Children were asked to complete a young person's report to ensure their views were regularly reviewed and able to influence their child's plan..

The meeting considered;

- Recommendations from the previous looked after review
- How the child had progressed in placement
- Health and education of the child
- If any additional services were required
- Future plans for rehabilitation to parents care or
- Plan for permanence outside the family
- legal situation
- practical support of child in the foster placement (cultural needs, clothing, hobbies, personal likes and dislikes etc)
- role of parents

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

When children left foster care the process for discharge depended on their legal status.

Children accommodated as a requirement of a court order would be referred back to court or children's panel and if the court or panel agreed that the order could be discharged then the child would be discharged from foster care and return to their parents care.

Children accommodated under voluntary care arrangements were discharged when the circumstances which had caused them to come into foster care had improved sufficiently to allow them to be rehabilitated home. Since the 1995 Act discharge from foster care was planned at a Looked after review meeting. Such rehabilitation could require the same day discharge of a child if a parent withdrew consent for voluntary care arrangements if the child has been accommodated for less than 6 months. It was more likely to be, however, a planned return home involving perhaps a series of visits home increasing over a period of weeks to overnight stays at weekends and then school nights before a 100% return home.

Files of children accommodated in foster care were read which confirm that the service offered to children and their families on discharge from foster care was planned by way of a review meeting or a return to court for discharge of an order. Both pathways aimed to lead to a planned discharge with the child's welfare considered to be of paramount importance.

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

Research of evidence of Aftercare support was found as follows;

- Burgh minutes indicate children were supported to find work before leaving care and assisted to find somewhere to live
- Children's files back scanned in the CIVICA electronic social care record show that sometimes they were assisted to join the forces or take up training provided by residential or further education colleges.

Since the 1980's and particularly after the Children (Scotland) Act 1995 after care support has gradually improved and children leaving foster care can enjoy comprehensive aftercare assessment, planning and review support in to adulthood.

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

Despite extensive research we have been unable to ascertain any information prior to that noted in the paragraphs below.
 Since the 1995 Act such records tended to be maintained on a case by case basis. The local authority Through care Team maintain where possible relationships with children leaving foster care and of those they successfully maintain contact with, that information is recorded.
 An electronic module in the electronic social care record enables some tracking of children leaving foster care. Accommodation, training and employment information is recorded when children leave foster care. Annual returns are made of such information to the Scottish Government.

- p) Was such information retained and updated?

Yes

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

Some case file records researched as far back as the 1950's show support of young people to find work, training and housing however the same records show discharge from services at age 18 and no further contact being sought or evidenced.
 After the Children (Scotland) Act 1995 the through care support tracked care leavers on a case by case basis and services offered became more consistent including: On-going Assessment, Pathway planning and review by senior social workers or Independent reviewing officers.

Present

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

Yes please see the answer below at s).

- s) If so, please give details.

Section 66 of The Children and Young People (Scotland) Act 2014 amended sections 29 and 30 of the Children (Scotland) Act 1995. From April 2015 any young person who ceases to be looked after on or after their 16th birthday, and is less than 26 years of age, is eligible (between the ages of 16 and 19) or potentially eligible (from the age of 19 up to 26) for aftercare. This applies to all care leavers regardless of the placement type while looked after.

1.8 Local authority staff and foster carers

(i) Local authority

Past

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

1930 – 1975

Research indicates that 10 people were employed by the local authority that had some responsibility for foster care services.

In 1931 burgh minutes record 92 children in foster care placed by the council around Scotland.

After 1948 changes in the law required Children's officers to be employed and the Council Burgh minutes show that did happen. Assistant Children's officers were also employed and in the 1960's a social work workforce was established. By this time children in care numbers were reported in Burgh minutes to be in excess of 230 children. Research indicates that the number of people employed in 1950 who had some responsibility for foster care services for children was 15.

The workforce employed by the local authority with some responsibility for foster care services expanded and was likely to be in excess of 30 by 1975 and still growing as regulations changed and the Children's hearing system came into force.

1975 onwards

From 1996 the council employed a large number of people (estimated to be in the region of 100 to 150 employees at any one time) who had some responsibility for residential services to children and therefore Foster care services.

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

Please see the answer immediately above.

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

The roles and responsibilities of such staff varied. Research shows the following roles were employed in the 1930's – Chief Inspector, Inspector, Assistant Inspector, Nursing Assistant, Children's Keeper, Removal Officer, Trainee Inspector (Girls) and Admin.

After 1948 until 1967 research shows the following roles were employed by the local authority – Children's Officer, Assistant Children's Officer, Senior Child Care Officer, Boarded out officer, Child Welfare (male), Child Welfare (female), Assistant Child Welfare, Child Visitors, Court Officer, Removal Officer and Home Supervisor.

After the Social Work (Scotland) Act 1968 significant changes seemed apparent.

Some staff members were employed to offer strategic leadership and managerial oversight, service managers oversaw field and fostering service delivery, paying regard to strategy agreed with corporate leaders and Committees. First line managers supported first line; welfare officers, children's officers and social workers at different periods to assess placements, visit children, assess needs and welfare, write reports to committees, offer support and training to foster carers and review children's plans.

Roles in which staff met with children and foster carers were:

Head of Children's services, Service managers, First line Social work team managers, Field and Family Placement Social workers, Family support workers, Reviewing

officers and at times administrative workers.

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

After the 1948 changes in regulations, those employed as Children's Officers were to be suitably qualified and experienced of social service⁴². Staff members at managerial level were professionally qualified after the Social Work (Scotland) Act 1968 and usually highly experienced in working with people experiencing deprivation and neglect. Field and family placement Social workers were all professionally qualified. Many were seconded to become so having gained experience whilst working in non-qualified helping roles. Family support workers were not required to have professional qualifications but since 1973 have gained work based vocational qualifications. This remains the case today.

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

In 1986 the Council established Foster Panels in response to the Boarding-out and Fostering of Children (Scotland) Regulations 1985. The purpose and remit of fostering panels was to consider every person referred to it by the Council (care authority) as a prospective foster carer.

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

Each Panel consisted of 4 Elected Members of the Social Work Committee, one of whom must be Chairman, a Medical Adviser, an Educational Psychologist, and the Divisional Organiser (Community and Field Work) or the Divisional Adoption and Fostering Adviser.

The panel were required to have the skills and experience necessary to, 'consider every person referred to it by the care authority as a prospective foster parent' and to make recommendations to the care authority as to the suitability of such a person to act as a foster parent either for any child, any category of child or any particular child.⁴³

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.

The Looked After Children (Scotland) Regulations 2009 made some changes to the composition and number of panels. Regulation 17 now requires each local authority panel must consist of at least six people and in terms of Regulation 18 it is best practice for the panel to have a legal adviser.

(ii) Foster carers

⁴² Children (Boarding-out etc) (Scotland) Rules and Regulations, 1947, article 17.

⁴³ *Boarding-Out and Fostering of Children (Scotland) Regulations 1985*

Past

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

Checks were carried out in accordance with the regulations in force at the time. Before approval there was a process of assessment and preparation which across different eras included;

- Criminal record checking
- Mental wellbeing
- Financial checks
- Poor law status
- Checks on other household members
- Group meetings
- Individual interviews
- Undertake contact with existing foster carers
- Formal enquiries of applicants: departmental records; police enquiry; Area health Board enquiry ; personal references ; medical reports and x-rays
- Enquiries regarding other residents
- Checks on family members (including children's schools and health visitor checks and electronic social care records)
- Out with the Region enquiry
- Presentation of assessment report
- Approval by the council Fostering Panel, passed to Head of children services who makes final decision as agency decision maker.

After the 1932 Act children were boarded out to Foster carers identified to be fit persons by the local authority and subject to the approval of the Department of Health and a list of foster parents was kept therefore building up a cohort of suitable carers to place children with.

New Regulations in 1947 required the local authority to,

Satisfy themselves by all necessary enquiries that any person whom they propose to select as a foster-parent for the care of boarded-out children is of good character and is in all respects fit to look after the health, education and general well-being of children.

As Norrie points out this, substantially tightened what had gone before by requiring the local authority to make a positive assessment of the prospective foster-parent's fitness, rather than simply checking that they did not come within one of the exclusions.⁴⁴

It was not until the 1970's that the Council ran concerted publicity campaigns and outreach community activities to encourage citizens to apply to be foster carers. Later in 1986 as required the Council set up a fostering panel to consider applications from prospective foster carers and whether they were able to meet the welfare needs of children.

It was not until the regulation changes in 2009 that the Council were able to approve same sex couples or single gay men or women to be approved as foster carers.

⁴⁴ Report for the Scottish Child Abuse Inquiry, 2017 p146

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

Foster carers did not require experience or qualifications. In 1932 certain protective exclusions were in place preventing people acting as foster carers and therefore unable to be considered fit persons. Otherwise applicants were assessed on their ability to meet the welfare needs of children and be approved by the councils Children's committee and since 1985 be recommended for approval by the Councils fostering panel then ratified by the agency decision maker.

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

At different times different checks in relation to foster carers were legally required of Councils.
The bullet point list in answer a) above is comprehensive in relation to checks carried out.
Criminal record checks have been carried out by the council since they were legally required.

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

Policies, handbooks and guidelines etc., 1975-1996, show the following checks were carried out:

- departmental records; police; Area Health Board enquiry
- Initial interview, plus at least 2 others, with both partners present. All members of household to be seen at some time.
- Personal references sought before approval
- Medical reports and x-rays where issues become apparent through interview

1996 – 2014

Enhanced disclosure

Interviews

Risk assessment where for example a household member suffers from dementia or if the person is likely to babysit

Health checks if deemed necessary after interview

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?

Routine checks would be carried out (including criminal records, medical, local authority records, and interview) on extended family members or friends of a prospective carer if it was revealed, in interviews and assessments with prospective foster carers, that they were likely to be regularly supervising the child on their own.

- 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?

Foster home reviews which took place annually ensure checks were up to date. Since legally required, criminal record checks were updated every three years. Short term foster carers were supervised every 8 weeks. Permanent foster carers were supervised twice a year.

- 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?

It was part of the prospective carer's assessment to check accommodation as suitable to meet the needs of a child.

- 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?

The Council 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.⁴⁵ Previously both unmarried cohabiting couples and (non-related) single men had been excluded from the 1947 and 1959 regulations. Same sex couples remained absolutely and in all circumstances barred irrespective of whatever they could offer any individual child. This remained the case until the Looked After Children (Scotland) Regulations 2009.

- 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?

From research we have been unable to reach a conclusion on this matter.

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

Foster carers were required to provide services beyond accommodation. They had to ensure that the health and development of children placed with them was maintained similar to that of normally developing children not in foster care. Foster carers had to ensure children's basic needs were met and help ensure the health; education and general well-being of children placed with them were maintained.⁴⁶ Maintenance allowances were paid on the basis that it was spent on food, clothing, transport, personal items and household costs.⁴⁷ The 1976 foster carer handbook laid down the following services to be provided by the foster carer to:

- care for the foster child
 - This means dealing with the day-to-day caring – food, clothing, warmth; encouraging interests or hobbies. Foster parents will

⁴⁵ Boarding – out and Fostering of Children (Scotland) Regulations, 1985.

⁴⁶ *Children (Boarding-out etc) (Scotland) Rules and Regulations, 1947 article 7*

⁴⁷ Inverclyde Foster Carer's Manual 2004 Appendix 2.

do many other things, including reading bedtime stories (with a goodnight cuddle, changing the sheets after an accident, attending open days at schools, seeing teacher at school etc.

- watch over health and well-being
 - Consulting doctor/dentist when necessary. Arranging periodic check-ups and allowing the child to be medically examined
- bring up foster child in his own religion
- let Social Work Department know immediately of any serious incident effecting the child
- permit any person authorised by SRC to see the child
- notify Social Work Department of any change of address, before actual move

- 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?

From all research which included, reading Burgh minutes dating back to 1930 up to 1975, reading archived files of foster carers and children, archived in the electronic social care record, we found evidence of children being placed in rural locations however we found no evidence of children working manually in the placement or externally or both was found.

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

Fostering agreements were entered into in a prescribed form although the earliest example of such an agreement found on file is dated 2005.⁴⁸

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.

Please see the answer above at m)

2. Organisational Structure and Oversight

2.1 Culture

Past

⁴⁸ Inverclyde Council Foster Carers Agreement

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

The nature and the culture within the Council in relation to the provision of foster care was to carry out its statutory functions to the highest of standards to meet local need and demand in relation to the welfare of children.

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

Yes the culture was reflected in the local authority's policies, procedures and practice in relation to the provision of foster care

- c) How can that be demonstrated?

This can be demonstrated by the evidence found during researched:

1. Burgh minutes⁴⁹ confirming for example;
 - regular welfare visits by councillors
 - welfare reports by employed officers to committees,
 - corporate parenting decisions by committees across the period,
 - Committee minutes taking account of regulatory changes
2. External inspection reports⁵⁰ by the Care Commission and later the Care Inspectorate which always graded the Council Fostering Service as very good or excellent.
3. Electronic social care records⁵¹ containing Children's case files and foster carers case files.

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

It does appear from research that the provision of care by foster carers reflected the local authority's culture, policies and procedures however at times it did not. Please see the answer below for a range of examples.

- 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?

From 2004 the following examples were found:

Example a) Non-compliance with basic training post approval

A male foster carer in full time employment was found at annual review not to have attended Skills to foster training as required and as previously agreed. The carer was supported by his family placement worker to reflect on the importance of on-going personal development to his registration and service offer to children in his care. He agreed to receive 1 to 1 tuition in the skills training he had missed to bring him up to date.

Example b) Minor breach of confidentiality

⁴⁹ Inverclyde Council Burgh Minutes Activity log items 1 - 115

⁵⁰ Inverclyde Care Commission and Care Inspectorate reports

⁵¹ Inverclyde Electronic Social Care Records (CIVICA Back Scanned archived files)

Two foster carers were in a public area and thought they were talking in confidence and without using names of a child. Unbeknown to them someone from another agency was within earshot and able to identify who the child was as a result of what they were discussing and reported the fact to social work what they had heard and where.

On receipt of the information, the foster carers were informed of the breach, their opinions on the incident sought and a piece of work was undertaken with both carers on confidentiality so they were aware of what is expected of them. There was ongoing training for all foster carers on confidentiality.

Example c) Work in partnership with the child and his/her family to fulfil transition plans (whether to return home or be placed away from family).

There was an instance when a foster carer did not agree with social work plans for the adoption of a child, not because the child was being adopted, but who the child was being adopted by.

The foster carer attended the Children's Hearing arranged to look at varying the Order to allow the child to move to his prospective adoptive carers. The foster carer read a statement to the Hearing advising of his views as to why the child should not go to the prospective adoptive carers. The statement was discriminatory toward to prospective adoptive carers and had no credibility as there was no research to substantiate the foster carer's claims made in his statement.

There was an immediate investigation to ascertain in the first instance if the foster carer recognised what he had said was inappropriate and contravened the practice expected of foster carers as laid down in the foster carers handbook and was discriminatory and to ascertain if the female foster carer held the same views and opinions.

Given the foster carer was able to see that what he had done may be inappropriate (he was not admitting fully to the fact what he had done was completely unacceptable), it was agreed a development plan would be undertaken using the relevant key fostering competencies.

The foster carers were advised that on completion of this, provided the social worker was satisfied with the work undertaken, the matter would be reviewed by the Fostering Resource Panel and a written submission would also be given to the Fostering Resource Panel with a recommendation.

The foster carers continued fostering for Inverclyde HSCP for a few years after this incident.

Example d) Failure to complete a Carers report for looked after review?

There have been instances where a foster carer has failed to complete a report for a review. This has been administrative errors when the form has not been sent out, or not sent out early enough to allow timeously completion.

These omissions are generally due administrative staff illness of a change of procedure that has not been disseminated to all administrative staff.

In these instances, the foster carers were able to give a good verbal account of what has been going on with the child in placement since that last review. Supervising family placement workers helped them improve their report writing skills

Example e) in 2009 after an allegation of abuse against a foster carer in which suspicious bruising was thought to have been caused by the carer, the child was removed and the carer disengaged from the service. Although the matter did not go to court the carer did not use support offered and did not attend the disruption meeting which asked Fostering panel to consider de registration. The carer was de registered.

We appreciate that these are examples from the recent past. However from our research thus far we have been unable to find any earlier examples than those above.

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

Please see previous answer at 1.1 c) above and 1.5 above regarding the consistent ethos and culture within the local authority.

- 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?

Please see the answer above at e).

Regular supervision was and is the main influence on cultural change. Practice reflection took place in team meetings and practice improvement and learning was core to cultural development. Practitioners attended training and fed back to others to share learning was a practice evident in foster teams. Appraisal and continuous professional development required by the SSSC to maintain professional registration influenced cultural change.

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

From our research it would appear that it was rare for cases of alleged abuse of children in foster care to arise so when they did they were reflected upon in detail in order that learning might be achieved. In the recent past the forum of a disruption meeting was effectively used to promote cultural change if it was felt to be helpful.

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

Our understanding is that any changes in culture were subtle rather than seminal in nature.

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

From research it would appear that the Council learned lessons from Inquiry Reports regarding abuse across the UK. For example, the death of Dennis O'Neil in Wales at the hands of his foster carers in 1945 resulted in the Monckton report and changes to Regulations and local policies and practices in the late 1940's.

. Other influential reports regarding abuse of children in care were the, Fife, Orkney, Cleveland and Staffordshire reports. Where the recommendations were relevant to legislative practice in Scotland or not already in place the Council, policies and procedures and practices were altered to reflect this.

Present

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

No

- l) If so, please give details.

Please see the answer above

- m) To what extent, if any, has abuse or alleged abuse of children cared for in foster care caused, or contributed to, the adoption of the current policies, procedures and/or practices of the local authority, in relation to the provision of foster care services for children including the safeguarding and child protection arrangements applying to its current foster care placements?

From our research it would appear that our existing policies and procedures have been sufficiently robust to manage any situation which has arisen in relation to the provision of foster care services within the local authority.

2.2 Structure, leadership and accountability

Past

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

The structure of responsibility within the local authority in relation to foster care was as follows:

1930 – 1975

Glasgow Corporation was a Local Authority for Social Work purposes. For the discharge of its functions in relation to foster care, it established various committees, including Public Assistance and, after 1948, Children's Committees in each local Burgh area.

Welfare inspectors/ Child Protection visitors then, after 1948 until the 1960's, Children's Officers and Assistant Children's Officers reported to committee about the health and wellbeing of children in foster care. Councillors who formed the committees were allocated visits via a balloting system and also reported back to committee on the welfare of boarded out children.

1975-1996 (Strathclyde Regional Council)

The Regional Council established various committees for the discharge of their functions, including the Social Work Committee. The Regional Council retained the right to take many decisions at full Council level, but there were arrangements for the allocation of duties to Committees and Sub-Committees. For the most part, the decisions were taken by the Social Work Committee.

Clear Social Work management structures were in place during this period. First line Social Workers and Family Placement Social Workers reported to Social work Team Leads who in turn reported to Social Work Service Managers who were overseen by the Head of Service for Children and Families. The Head of Service was accountable to the Corporate Director for Social Work and through that managerial hierarchy the day to day activity of the fostering service took place. The governing Social Work Committee maintained strategic oversight of that activity. The Committee received regular progress reports and made policy decisions as required.

1996 – 2014

Inverclyde Council was a Local Authority for Social Work purposes. In relation to foster care, it established a Social Work Committee then from 2005 until 2015 a Community Health and Care Partnership Committee for the discharge of its functions.

The managerial arrangements of day to day activity in relation to foster care established by the Strathclyde Regional Council, which in turn were built on from those in place in the previous era, remained in place after Inverclyde Council was established. The system of a hierarchy of field workers and managers setting up working groups reporting to sub committees and then to senior committees of Corporate officers and elected Councillors remains in place today.

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

1930 – 1975

Managerial oversight and supervision arrangements were provided by the Committees in place receiving reports on visits made by officers to children and their foster carers. Large social work departments involved in the placement and care of foster children were not found in our research until the 1970's.

1975 – 1996

Professional supervision was provided by managers to subordinates. The Corporate Director provided supervision to the Head of service who in turn supervised service managers and so on down the managerial hierarchy to Team leads supervising first line social workers. Family placement social workers provided support and supervision to foster carers through placement visits. After 1986 the Council were required to have a fostering panel which significantly added to the managerial oversight of arrangements. The recommendations of the fostering panel were in turn overseen by the Agency Decision Maker usually the Head of Service.

Managerial progress reports on the fostering service were provided to the Social Work Committee as required so that decisions about foster care could be agreed.

1996 - 2014

The oversight and supervision arrangements described in the paragraph above continued after 1996. In 2005 the Social Work Committee became the Health and Care Partnership Committee. It received Managerial progress reports on the fostering service and would agree major decisions regarding foster care.

c) What were the lines of accountability?

1930 – 1975

Foster carers were assessed by local authority officers to be fit persons able to meet the health and welfare needs of children placed with them. The Local authority

Committee which was in place at the time gave approval for placements or made the decision to end placements.⁵² First line officers and councillors visited placements, according to the regulations in force at the time, with the aim of ensuring that children's welfare and standards of care were being adequately maintained. Progress reports on the welfare of boarded out children were provided by officers and councillors to the relevant Committee.⁵³

1976 – 1996

A social work department was established and a managerial hierarchy as described at 2.2 a) and b) above was accountable for working groups, fostering panels and sub committees which were in turn accountable to the Social Work Committee convened by elected members and advised by the most senior of managers such as the Director of Social Work.

1996 – 2014

Lines of accountability described in the paragraph above and in 2.2 a) and b) applied. The Social Work Committee became the Health and Care Partnership Committee in 2005 and was accountable for decisions regarding foster care. After 2016 the Inverclyde IJB (Integrated Joint Board) became accountable. The IJB is made up of voting members, who are either Councillors of Inverclyde Council or non-executive Directors of NHS Greater Glasgow and Clyde, and non-voting members made up of persons nominated by the Council, the NHS Board, third sector bodies, users, carers and other key stakeholders. The Integration Joint Board is a separate legal entity from Inverclyde Council and NHS Greater Glasgow and Clyde and has full autonomy and capacity to act on its own behalf. Health and Social Care functions have been delegated to the Integration Joint Board from the Council and NHS Greater Glasgow and Clyde and the Integration Joint Board is responsible for the planning and operational management of the services to which the delegated functions relate.

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

1930 – 1975

Glasgow Corporation had a Chief Executive

1976 – 1996

Strathclyde Regional Council had a Chief Executive who was Chief officer. The Social Work Department had a Director of Social Work.

1996 to date

Inverclyde Council Chief Executive was the chief officer. The social work activity was led by the Director of Social work/Health and Social Care.

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

⁵² Inverclyde Council Burgh Minutes Activity log, Item 112

⁵³ Inverclyde Council Burgh Minutes Activity log

As far as is known, within Glasgow Corporation, Strathclyde Regional Council and Inverclyde Council it would be the Council itself and its committees. Some functions may have been delegated to officials.

f) To whom were foster carers accountable?

Foster carers were accountable to the foster children in so much as they had a duty to maintain the health and welfare of children placed in their care as if they were the child's parent. Foster carers were also accountable to the local authority which paid them allowances on the proviso that they maintain the health and welfare needs of foster children whilst they were in their care as if they were the child's parent.

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

1930 – 1975
Glasgow Corporation had a Chief Executive

1975 – 1996
Chief Executive of Strathclyde Regional Council and the Director of Social Services.

1996 to date
Chief Executive of Inverclyde Council and the Director of Social Services/Health and Social Care

h) To whom were fostering panels accountable?

Fostering panels were accountable to the Agency Decision Maker who was the Divisional Director or Head of Service.

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

Recommendations made by the Fostering Panel, were finally decided upon by the Agency Decision Maker who was the Divisional Director or Head of Service.

Present

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

Yes the structure of responsibility and ultimate line of accountability in relation to foster care changed in 2016. Please see details below at k).

k) If so, please give details.

After 2016 the Inverclyde IJB (Integrated Joint Board) became accountable. The IJB is made up of voting members, who are either Councillors of Inverclyde Council or non-executive Directors of NHS Greater Glasgow and Clyde, and non-voting members made up of persons nominated by the Council, the NHS Board, third sector bodies, users, carers and other key stakeholders. The Integration Joint Board

is a separate legal entity from Inverclyde Council and NHS Greater Glasgow and Clyde and has full autonomy and capacity to act on its own behalf. Health and Social Care functions have been delegated to the Integration Joint Board from the Council and NHS Greater Glasgow and Clyde. The Integration Joint Board is responsible for the planning and operational management of the services to which the delegated functions relate.

2.3 External Oversight

Past

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

From our research we have been unable to find any evidence of external oversight. The earliest published external Inspection Report of Inverclyde Council was 2006 by the Care Commission. We understand that there may have been an independent Inspection unit within Strathclyde Regional Council however as of today's date we have not been able to ascertain specific details of inspections they might have carried out.

During the inspection, which took place between 30th October and 8th December 2006, the Care Commission Officers spoke with:

The Agency Decision Maker, The Management Team, The Panel Chairperson
Two family placement social worker, One sessional assessing social worker
Three children's social workers, Administrative staff.

Four approved foster carers and two foster carers who had recently been approved by the panel were interviewed. Three birth parents were interviewed and one young person who was looked after by foster carers was also interviewed.

Observation took place at a fostering panel and included a brief discussion with panel members. Observation also took place at a foster carer's support group.

The following policies, procedures, documents and records were examined:
information leaflets

training pack for preparation groups - assessment framework - records relating to assessment and approval - fostering handbook for applicants - fostering policy and manual - panel papers - Council complaints leaflet - written agreements - Council training policy - Council child protection policy - minutes of foster carers' annual reviews - foster carer files - "Talk Back" - outcomes of research undertaken by Inverclyde Council to ascertain the views of children and young people who were either looked after by foster carers or in a residential setting.

The Care Commission Officers took all of the above into account and reported on whether the Service was meeting the following National Care Standards for Foster Care and Family Placement Services:

Standard 5 Assessing and approving carers

Standard 6 Completing the application

Standard 7 Information and Advice

Standard 11 Reviews

Standard 12 The fostering panel

Standard 13 Management and staffing

Subsequent Care Commission Inspections were carried out as follows

24 March 2010	Care Commission Inspection Report	211796
31 March 2009	Care Commission Inspection Report	163608
18 February 2008	Care Commission Inspection Report	137988
30 October 2006	Care Commission Inspection Report	

Since 2011 the Scottish Care Inspectorate have carried out inspections as follows

31 August 2018	Care Inspectorate Inspection Report	299354
12 August 2016	Care Inspectorate Inspection Report	285030
08 January 2015	Care Inspectorate Inspection Report	275001
28 February 2014	Care Inspectorate Inspection Report	268531
14 February 2013	Care Inspectorate Inspection Report	259732
30 June 2011	HMIE/Care Inspectorate Inspection Report	245768
27 January 2011	HMIE/Care Commission Inspection Report	

The following quality grades were achieved from the Care Inspectorate.

Date	Care and Support	Environment	Staffing	Management and Leadership
31 Aug 2018	5 - Very Good (I)	Not Assessed	Not Assessed	5 - Very Good (I)
12 Aug 2016	5 - Very Good (I)	Not Assessed	5 - Very Good (I)	Not Assessed

08 Jan 2015	5 - Very Good (I)	Not Assessed	5 - Very Good (I)	5 - Very Good (I)
28 Feb 2014	5 - Very Good (I)	Not Assessed	5 - Very Good (I)	5 - Very Good (I)
14 Feb 2013	6 - Excellent (I)	Not Assessed	5 - Very Good (I)	5 - Very Good (I)
24 Mar 2010	5 - Very Good (I)	Not Assessed	5 - Very Good (I)	Not Assessed
31 Mar 2009	5 - Very Good (I)	Not Assessed	5 - Very Good (I)	5 - Very Good (I)

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

The names of the inspectors are contained in the published reports which are referred to in our inventory of documents.

c) How often did this occur?

Please see the answer above at a)

d) What did these visits involve in practice?

Please see the answer above at a)

Present

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

No

f) If so, please give details.

Please see the answer above

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?

The Council is open to learning from testimony emerging from the Scottish Child Abuse Inquiry and accepts it is important to listen to the evidence of children who were cared for in foster care so that they can be responded to respectfully. Furthermore the council recognises the importance of involving former foster children in discussions and decisions about the services provided to meet their needs including their emotional needs if and when they come forward.

From records consulted within this period, there is no evidence to suggest that the children were abused whilst cared for by the Council in foster care.

In order to respond to this notice, records stretching from 1930 – December 2014 were researched which included looking at;

- Foster carers files
- Burgh Minutes
- Children's files,
- Care Commission and Care Inspection Reports

The council has also reviewed complaints and insurance claims to see if they indicated abuse of children cared for in foster care but none were found to do so.

However, the council accepts that this does not mean that abuse did not occur, simply that there is no evidence to suggest from the records researched thus far that children were abused in foster care.

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

Please see the answer at 3.1 a).

- c) What is the basis of that assessment?

Please see the answer at 3.1 a).

3.2 Acknowledgement of Systemic Failures

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

Please see the answer at 3.1 a).

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

Please see the answer at 3.1 a).

c) What is the basis of that assessment?

Please see the answer at 3.1 a).

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

Please see the answer at 3.1 a).

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?

Please see the answer at 3.1 a).

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

Please see the answer at 3.1 a).

c) What is the basis of that assessment?

Please see the answer at 3.1 a).

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

Please see the answer at 3.1 a).

3.4 Changes

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

Please see the answer at 3.1 a).

Part C - Prevention and Identification

4. Policy and Practice

4.1 National

Past

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

Yes

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

The local authority appears to have been fully aware of the policy/guidance relevant

to the provision of foster care for children.

- c) If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?
- i. Child welfare (physical and emotional)
 - ii. The child's views
 - iii. Reviewing a child's continued residence in a foster care placement
 - iv. Child protection
 - v. Discipline
 - vi. Complaints handling
 - vii. Whistleblowing
 - viii. Record retention
 - ix. Recruitment and training of foster carers
 - x. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority

With regard to the bullet point list above the local authority was fully aware of national policy/guidance in relation to provision of foster care for children.

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

Yes it would appear from research that the local authority was aware of and did give effect to that national policy/guidance.

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

The local authority used national policy/guidance to establish local standard operating procedures. Local policies and procedures were written and implemented under the governance of the Councils committees and sub committees in place at the time.

- f) If not, why not?

Please see the answer immediately above at e).

Present

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

No the local authority continues to be aware of policy/guidance relevant to the provision of foster care and the responsibility to implement it.

- h) If so, please give details.

Please see above answer at g).

4.2 Local Authority

(i) Policy

Past

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

Yes there was local authority policy/guidance in relation to the provision of foster care

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

Yes there was a particular policy and procedural intention. Successive Foster Care Manuals and Handbooks from 1976 to the present day have set out policy and procedural intentions of the council in relation to the provision of foster care according to the regulatory framework in place at the time. Burgh minutes prior to local government changes in the early 1970's, stretching back to 1930 show evidence that the Council was responding to Regulatory changes indicating that the intention was always to maintain a service which endeavoured to ensure that the welfare interests of children in need were adequately met.⁵⁴

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

The policies and procedures as set out by regulatory guidance were recorded with Council committees such as; Glasgow Corporations, Welfare Assistance and Children's Committee. Policies and procedures set out in successive documents, handbooks and foster care manuals were recorded by Strathclyde Regional Council with the local authority Social Work Committee. Inverclyde Council also recorded such policies and procedures with the Council Social Work Committee/Health and Care Partnership Committee.

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

- i. Child welfare (physical and emotional)

1930 – 1975

Burgh minutes researched provide evidence of the Public Assistance and later the Children's Committee members carrying out regular welfare visits and preparing reports on children and placements, making decisions on placements and agreeing maintenance allowances.⁵⁵

1975-1996

Fostering guidelines had a section on health and medical issues. This was not confined to the statutory requirements for medicals both prior and during foster care. The 1986 guidelines acknowledged awareness that foster children are more likely to suffer from ill health and medical problems than other children and requiring the supervising Social Worker to pay particular attention to the identification and amelioration of those health related disadvantages.

1996 – 2014

⁵⁴ Inverclyde Burgh Minutes Activity log

⁵⁵ Inverclyde Burgh Minutes Activity log

The 2004 Foster Carers manual sets out in detail how children's needs were best met and had sections on Health and wellbeing. Pre admission and post admission medical checks were given to children in foster care and a medical booklet was kept to record medical attention given to the looked after child.

ii. The child's views

1930 – 1975

Officers and Councillors carrying out placement visits reported to Committee on the welfare of children in placements. Some placements were ended after visits and new arrangements established at the recommendation of inspecting councillors and officers.

1975 – 1996

In 1994 the local authority introduced a 'Children's Rights Service' which updated the 'Charter of Right Responsibilities for Young People in Care' (1991)) and identified the further steps necessary to incorporate the Charter into the Council's approach to its Children's Right Service.

1996 - 2014

In 1998 the Council introduced a Charter of rights for Children. The Social Work Department developed these proposals, with particular attention being paid to the need to complement such rights with clear procedural and practice guidelines and training for staff on their implication. Each child was given a copy of the guidelines on their admission to care.

Children's plans were regularly reviewed and foster children were encouraged to provide their views in written form or through their social worker to the review. Children were invited to express their views in person at each review

2014 – to date

Foster children's views continue to be sought for each review in a number of ways, in person, in writing by asking children to complete the booklet, Having Your Say also by giving information to the social workers written progress report or by an independent advocacy service operated by Who Cares Scotland assisting a foster child to share their views.

iii. Placement of siblings

1930 – 1975

Some evidence of efforts made by officers and Councillors in Committee, to keep siblings together exists in the Burgh minutes.⁵⁶

1975 - 1996

Successive policy and practice guidance documents maintained the importance of placing siblings together unless it was assessed not to be in their best interests.

1996 – 2014

Successive policy and practice guidance documents maintained the importance of placing siblings together unless it was assessed not to be in their best interests. If resources did not allow for siblings to be placed together then policy was that they be

⁵⁶ ibid

placed as close together as possible and provided opportunities to have contact.

2014 – to date

Policy continues to be as above with regard to placement of siblings. When siblings are not able to be placed together the Head of Children and Family Service has to be notified by way of ensuring high level managerial oversight.

iv. The placement of a child in foster care

1930 – 1975

Evidence researched in Burgh minutes suggests children were often placed with carers in rural areas of Scotland.

1975 – 1996

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

1996 - 2014

The strategies and good collaborative practice established by Strathclyde Regional Council were retained by Inverclyde Council. Fostering panels were established to approve foster carers and placements were planned and based on assessments of children's needs. Children's plans were periodically reviewed once a child was placed.

The 2004 Foster carer's manual and successive handbooks continued to promote this partnership approach to placements as policy.⁵⁷

v. The particular placement of a child with foster carers

1930 – 1975

Research of the Burgh minutes shows particular types of placement were made. During research we found on one occasion a temporary placement was used whilst a mother was in hospital being treated for Tuberculosis. An arrangement to pay two carers an allowance to act as Emergency (standby) carers was also entered into by the local authority. The carers received an allowance even if no children were placed with them. Mostly however placements were longer term in duration in recognition of the foster family being a replacement family.

1975 – 1996

The 1976 and 1986 SRC fostering guidelines laid down the following:

- Preparatory discussion to establish information regarding the child's background, which was to be shared timeously with foster family
- Where possible, the child was to meet foster parents
- Details of previous schooling and discussions about which school the child should attend
- foster carer to meet Social Worker
- Discussion about contact with natural parents
- Medical examination, preferably with own doctor and prior to going to

⁵⁷ Inverclyde Foster Carers' Manual, 2004 p20 -21.

foster home

- The Child was to arrive with sufficient clothing
- Checks with foster parent to establish what equipment was required
- Social workers required to ensure they had all the necessary information about the child and shared this with the foster parents.
- Foster parents as well as the parents required to be aware of arrangements for the next contact with the child, as prescribed a formal access agreement.

Foster carers were specifically approved by fostering panels after 1986 and through the placement planning process were supported to maintain the best interests of the child within their assessed capability.

1996 - 2014

After the Children (Scotland) Act 1995 there was a limit of three on the number of children a foster carer could foster at any one time unless they were a sibling group or an exemption was granted by the local authority.

The 2004 manual had guidance on the specific schemes of foster care⁵⁸ and pointed out foster carers would have been assessed and approved as a;

- Respite foster Carer
- Short term foster carer
- Long term foster carer or fee based foster carer.

The same guidance pointed out that there were instances when carers may be approved for two different schemes. Short term foster carers from time to time sought approval to become long term carers of a child as it became clear that the child had formed an enduring attachment reciprocated by the foster carers who wanted to continue to look after the child in the long term.

2014 – to date

Placement descriptors came into place in 2016 and are recognised in the current Foster Care Handbook, 2019.⁵⁹ Fees are paid to carers who have reached relevant skill levels and those skills are taken into account when placement plans are being drawn up.

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

1930 – 1975

Research of Burgh minutes showed little evidence of contact between children in foster care and their families.

1975 – 1996

During the 1970s to 1990s Strathclyde Regional Council drew up a comprehensive suite of policies and strategies supported by implementation strategies. The Home or Away policy on residential child care forcibly argued for a much more specific and enforceable system of rights for children in care and their parents. The Department developed these proposals, with particular attention being paid to the need to complement such rights with clear procedural and practice guidelines and training for staff on their implication.

Policies, handbooks and manuals in the 1970s and 1980s all emphasised the importance of the continued involvement with natural parents and other members of

⁵⁸ Inverclyde Foster Carers Manual, 2004 pp 87 – 90.

⁵⁹ Inverclyde Foster Care Handbook, 2019 pp 22 - 23

their families. This included the Foster Policy and Guidelines introduced between 1975 and 1996.

1996 - 2014

The good practice policy guidelines in use by the local authority during this period continued to contain sections on contact after 1996,⁶⁰ which made contact with parents and family a priority which was to be included in the child's plan.

2014 – to date

Successive Foster Care Handbooks and social care policies continue to emphasise the importance of contact between a child in foster care and his or her family and state contact arrangements must be included in the child's plan.⁶¹

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

The policies, handbooks and manuals mentioned in the previous bullet points above emphasise the importance of maintaining contact between children in foster care and family members. Where siblings are not placed together guidance across the years points out that it is normally appropriate for frequent contact to be maintained.

viii. Information sharing with the child's family

Please see the bulleted answers above. Policies, handbooks and manuals in the 1970s-1980s emphasised the rights of natural parents to information about their child. The 1986 Fostering Guidelines made the point that the shared-caring nature of fostering demanded clarity of roles, good communication and information-sharing and explicit goals for placement of children. This partnership approach continued to be required in policies, handbooks and manuals after 1996 and is the case currently.

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

Fostering guidelines in 1986 include details of decision making process. In the late 1980s each Panel consisted of 4 Elected Members of the Social Work Committee, one of whom was the Chair, a Medical Adviser, an Educational Psychologist, and the Divisional Organiser (Community and Field Work) or the Divisional Adoption and Fostering Adviser. The guidelines also included details of records to be created and the role of the panel in assessment and review of foster carers and prospective foster carers. After 1996 Inverclyde maintained a Fostering resources panel to recommend or not applicants seeking approval to be foster carers. The Inverclyde fostering procedures and practice guide set out in detail the remit, frequency of meeting and record keeping arrangements in section H after 2009. The most recent iteration of the practice guide is 2016 and it is currently in use.⁶²

x. Recruitment and training of foster carers

1930 – 1975

⁶⁰ Inverclyde Foster Carers Manual, 2004 pp 35 – 39.

⁶¹ Inverclyde Foster Care Handbook, 2019 p45

⁶² The Inverclyde fostering procedures and practice guide

Burgh minutes evidence visits by Councillors and officers to boarded-out children and reports being provided to Public Assistance and Children Committees of the local authority on the welfare of children placed in different areas of Scotland. Although Council Committees gave approval for children to be fostered it is not clear from Burgh minutes how foster carers were judged to be fit persons to take on the care of a foster child and so gain the approval of Committee.

1975 – 1996

Child care was a priority for the Strathclyde Regional Council and improving foster care was at the forefront of their programme. Together with new policies and guidelines, Strathclyde had a number of campaigns to encourage the uptake in foster care and raised public awareness of the children through the constructive use and co-operation of the media.

The recruitment process included group meetings, individual interviews contacts with other foster-carers.

The 1986 guidelines for fostering outlined the following aims:

- Support temporary foster parents
- Support to permanent foster parents
- Support through contact with other foster parents
- Support through Foster Care Groups
- Strathclyde Foster Care Consultative Group

1996 – 2014

Recruitment and support of foster carers continued to be a priority of the new local authority. Public awareness of foster care through recruitment campaigns was part of Council strategy.

The 2004 Manual promoted Preparatory training for foster carers through the Fostering Network's Training Package, 'The Skills to Foster.' The same guidance mentioned the requirement of prospective foster carers to attend preparatory groups. Following approval a training programme was set out and the expectation was to attend at least four foster care support groups per year. Scottish vocational qualification level training was encouraged once foster carers had completed basic training.⁶³

2014 – to date

Local recruitment campaigns to attract new foster carers using the internet, leafleting, posters and information stands in shopping centres etc continues to be the strategy used by the Council.

Basic training and support is as above.

Different levels of skill can be attained by foster carers. Levels 1- 4 attract different fees and allowances (please see answer above at 1.2 k). The level 4 foster carer recruitment pack stipulates the criteria applicants are required to achieve to reach level 4 including;

the applicant (or one of them if the application is from a couple) has a qualification in childcare or social care and experience of working with children. This could be as a teacher, social worker, residential worker, foster carer or psychologist. The qualification level is SVQ 4, HND or degree in a relevant discipline.

⁶³ Inverclyde Foster Carers' Manual pp 13 – 16.

Training to encourage continuous development of foster carers is available and funding of specialist interest training or to attend specialist conferences relevant to foster care is available.

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

Employee references are sought and letters are sent requesting relevant information including any areas of concern which may have arisen whilst the prospective carer had been employed by the referee.

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

1930 – 1975

Burgh minutes show that the Public Assistance Committee or Children's Committee received reports from councillors and officers who visited children in their placement and depending on the report a child's continued residence in placement was decided upon.

Item 112 of the Inverclyde burgh minute activity log is a good example of that reviewing process in 1949. A placement was visited, reported on to committee and children were removed and placed elsewhere and it was decided not to place children with that foster carer again.⁶⁴

1975 – 1996

Both the 1976 and 1986 Foster guidelines laid down the processes for review.

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

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

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

The timetable for reviews was:

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

Foster parents may also have been invited to attend case conferences on a foster child in their care.

The 1986 guidelines detailed the main function was to review the child, their

⁶⁴ Inverclyde burgh minutes activity log, item 112.

circumstances and needs, and included the following:

- Review of the original plan, monitoring how effectively the recommendations of any former reviews had been implemented and reassessing the appropriateness of any decisions
- Exchanging and coordinating information on the child's physical, emotional, intellectual and social development for all with all invitees
- Child's legal situation and whether this continued to be appropriate to present needs
- Agreeing a plan for the future, for example rehabilitation, permanent care, and detailing tasks to promote its implementation
- Formal recording of decisions regarding child's future care, which would become an integral part of the child's case file

The composition of the review team would vary depending on the needs of the child, but the following required to be invited;

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

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

Timings of Review; decision meeting prior to reception; initial review held within 4 weeks in care; child's progress must be reviewed 3 months later and then at 6 monthly intervals.

1996 - 2014

The good practice and policy guidelines above carried forward in to the new local authority and were updated after the changes in regulations in 1996. The 2004 Foster Carers' Manual had a section on planning and review for foster children. Since the establishment of Fostering panels in 1986 the process for particular foster placements were also set out in the guidance.

If a legal order was in place, for example a child with a condition of residence within either a supervision order or a Compulsory Supervision Order to reside at a certain foster carers address, then the Children's hearing was convened to review annually or earlier if necessary.

2014 – to date

The policies and procedures previously in place have taken in to account the latest changes made by The Looked After Children (Scotland) Regulations, 2009 which govern the provision of foster care to the present day. Local guidance contains sections on review and placement approval and placement change.

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

1930 – 1975

As far as can be determined by research of the Burgh minutes, visiting appears to have been in line with statutory requirements.

Burgh minutes show children boarded out were visited by councillors and officers. Often a ballot was held to agree which councillor visited which area of Scotland when visits were due. Visits to foster care placements were frequently referred to in the burgh minutes.

In 1943 the state suggested visits were kept to a minimum due to the war effort as this extract shows.

Extract from Greenock Corporation, Public Assistance Committee minutes August 1943⁶⁵

commend that consideration of this matter be continued till next month.

There was submitted D.H.S. Circular No. 87/1943, dated 29th ultimo from the Department of Health with regard to the visitation of boarded-out children stating that the Secretary of State had had under consideration the question of curtailing, during the present emergency, the visitation of boarded-out children by representatives of the responsible local authorities. He recognises the desirability of visiting boarded-out children but feels that under present conditions of shortage of fuel and of man-power, the visiting of these children, which often involves long journeys, should be restricted to a minimum. The duties of the local authority under the Poor Relief Regulations (Scotland) 1934 were referred to in the minutes.

A 1959 item⁶⁶ confirmed regulatory changes regarding visits as can be seen in this extract. Members decided to continue to make visits despite the guidance.

Extract from Greenock Corporations Children Committee, 1959.

The Town Clerk reported on the Boarding-out of Children (Scotland) Regulations, 1959, which come into force on 1st August, 1959, and the duties of local authorities thereunder. He further reported that the 1947 Boarding-out Regulations had been revoked and it was no longer a statutory duty for members to visit boarded-out children. Following consideration thereof it was agreed to continue periodic visits.

Visiting duties were maintained and increased by officers to be 3 monthly rather than 6 monthly as previously stipulated by the 1947 Regulations thus returning to the frequency set out by the 1933 Regulations. The purpose of visiting was to check on the welfare of the children in their placement and to report back to the Committee so that decisions to continue, offer extra support or end a placement were informed in the best interests of children.

The 1947 regulations required that,

“The local authority shall appoint an officer with experience and knowledge of social service for the purpose of assisting them in the performance of their functions under these Rules and Regulations, including the selection of foster-parents and the visitation of children boarded out by the authority.”

⁶⁵ Inverclyde Burgh minutes Activity log, item 101.

⁶⁶ Inverclyde Burgh minutes Activity log, item 12.

The officer or members, as the case may be, shall furnish to the authority a report on each visit in respect to-

- (a) the suitability of the foster-parent;
- (b) the general conditions of the home;
- (c) the number of other children in the house, keeping in view the requirements of Article 11 hereof;
- (d) the sleeping arrangements for the child and the condition of his bed, bed-clothes and night apparel;
- (e) the condition of the child's clothing;
- (f) the child's general well-being and behaviour;
- (g) the progress the child has made at school;
- (h) the manner in which the child is occupied out with school hours;
- (i) any complaint made by, or concerning, the child; and
- (j) any other matter relative to the child's welfare which they consider should be reported."

The local authority did employ such officers and visits were carried out and reports, by those officers were made to Committees which is regularly evidenced in the Burgh minutes log.⁶⁷

1976 – 2014 and to date.

Policy and practice on visiting continued to be set by statutory requirements which in 1980's guidance was as follows,

'that a foster child is to be visited within one week of the placement or within one week of notice being given to the local authority under section 5(2), and thereafter (i) in the case of a child who has lived with the foster parent for less than one year at intervals of not more than three months, (ii) in any other case at intervals of not more than six months, (iii) and in all cases on such occasions as the local authority considers necessary.'

Foster care files and children's files from this period indicate visits were being carried out and recorded in case file notes and review reports more frequently than required. In general social workers visited interim placements on a monthly basis as do Family placement social workers supervising carers. The local authority reviewing schedule is within 72 hours of start of placement, 4 weeks after and then 3 monthly until the placement ends (more frequent than required) and progress reports are provided by visiting social workers to such reviews about the child's wellbeing.

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

1930 – 1975

Transfer of children from one foster placement to another is evident from research of the Burgh minutes. The process depended on the visits made by councillors and officers and what they assessed and recommended to committee.

1975 - 1996

The Fostering Guidelines, 1986, includes details on processes on transfer of a child. The guidelines highlight the Social Worker's responsibility to ensure that the child's transition from the foster home to his own home, or to another placement, was

⁶⁷ Inverclyde Burgh Minutes Activity log

carried out as easily as possible. The Social Worker was required to prepare all parties for the change and ensure that they understood the sequence of events and the reasons for the move. The following steps were required:

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

1996 - 2014

In 1999 the UK National Standards for Foster Care were published and influenced policy and practice of the local authority. The new local authority retained the good practice approaches noted in the bullet points above. Where placements disrupted considerable support was given to children and carers. Children visited new placements and key likes and dislikes information was shared as well as the latest assessment of the child's needs and copies of plans and review minutes. Planned placement moves say from emergency carers to interim or long term carers were similarly thoughtfully planned with a schedule of visits such as going for tea and joining in a planned activity with the new carer. Foster carers transferring responsibility were vital to a smooth transition and were supported to share information.

2014 – to date

Please see the answer above

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

Please see the answer above as the practices and guidance was relevant to this process.

2014 to date

The Local authority residential policy guidance supports residential workers to visit the child in their foster placement before transfer and even in the case of emergency breakdown in a foster placement the residential services offer five days of intensive support to enable an orderly transition in the interests of the child. This adaptable approach is considered to be a good practice approach. Detailed support is key to such transitions and when children visit the prospective children's home they are encouraged to leave a photograph or keep sake so that when they make the transition they are met by something they are familiar with.

- xvi. Child protection

From research thus far we are not aware of any procedural guidelines prior to those mentioned below.

A number of manuals and procedures were produced to support the appropriate management of activities, including child protection. In 1971 Glasgow Corporation had produced the first guidance notes for Social Workers which were revised in 1979. There were new manuals regarding procedures in relation to child abuse in

1979, 1983, 1989, 1993 (amended supplementary procedures). There were Child Protection Procedures produced by authorities in the West of Scotland in 2001. Successive foster carers Handbooks and manuals have sections on managing child abuse in relation to children in foster care.⁶⁸

xvii. Complaints handling

The 1986 Fostering Guidelines outlined processes for dealing with foster parent complaints, including :

- Against, foster parents and their care of a particular foster child
- By foster parents because of a dispute with the social work staff involved in their home and very often concerning a decision about a child in their care, or their continuing involvement as foster parents

Any complaint was to be immediately brought to the attention of the Area Officer responsible for the child and was to be acted on immediately.

If the complaint against foster parents was received from other professionals involved with a child who has been in the foster home, e.g. a teacher, doctor, another Social Worker, or from a neighbour or another member of the public, or from the child themselves, it required to be immediately and thoroughly investigated.

The complainant required to be interviewed by the foster parents' Social Worker and the Senior Social Worker and details of the complaint, together with an assessment of the quality of that complaint, to be carefully recorded. The Area Officer for the foster home to discuss this with Area Officer for the child, if the complaint is as serious as an accusation of non-accidental injury, the relevant Child Abuse procedures must be followed. If at all possible, the decision to remove the child should be taken at a child abuse Case Conference, if appropriate, or at a Disruption meeting, which would be called in accordance with procedures already detailed.

Any decision as to whether or not to return a child was taken at a formal Disruption meeting.

This swift and detailed approach to complaint handling was maintained by Inverclyde Council after 1996 and successive handbooks, manuals and policy guidance documents describe how to handle complaints made against foster carers or by foster carers towards support staff.

The latest Handbook with a section on complaints handling is dated 2019.⁶⁹

xviii. Whistleblowing

A list of prescribed Whistleblowing bodies has been published by the UK government and it includes the Scottish Social Services Council (SSSC) and the Care Inspectorate.

The SSSC and the Care Inspectorate have published the document, Raising concerns in the workplace guidance for social service workers, social work students

⁶⁸ Inverclyde Foster Carers Manual, 2004 s7.

⁶⁹ Foster Carers Handbook, 2019

and employers, 2019.

Social workers are all professionally registered with the SSSC and in the practice standards they are provided when registering, their responsibilities are set out in respect of raising concerns.

A supervision policy and supervision arrangements already in place which enable social workers or foster carers to report:

- when a colleague's fitness to practise may be impaired
- Exploitation or any dangerous, discriminatory or abusive behaviour or practice when care has caused, or may have caused, physical, emotional, financial or material harm or loss.

xix. Record retention

Many records were created before the policies and retention schedules described in 4.9 below. They were retained in line with statutory requirements. These were collected by the then Glasgow City Archives (later Strathclyde Regional Archives) from the 1960s for permanent retention.

Current local authority Record Retention Schedules relevant to foster care in table just below.

Activity / Records Series	Description / Example Record Types	Trigger - event that prompts start of retention period	Retention Period	Disposal Action and authority
Case file - Looked after children, including, fostered children and children on a Residential Supervision Requirement	All	1. Date of child's birth or 2. Date of death where child dies before 18th birthday	1. 100 years 2. 25 years	Destroy and Statutory
Case file - Approved foster carers	All	Termination of approval or date of death of carer if earlier	25 years	Destroy and Statutory
Case file - Throughcare and aftercare	Pathway assessment Pathway views Pathway plan Reviews of the pathway plan Procedures for making representations.	1. Date of child's birth or 2. Date of death where child dies before 18th birthday	1. 75 years 2. 25 years	Destroy and Statutory

e) Who compiled the policies and/or procedures?

Nominated officers of the council compiled the policies and procedures often collaborating in working groups chaired by managers in promoted posts overseen by the Director of Social Work/Health and Care Partnership.

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

1930 was the starting point and the local authority continued to respond to relevant Statutory Rules and Regulations as they came into force. In April 1971 the Glasgow Corporation Social Work Department manual; Guide Notes on Procedure for Social Workers⁷⁰ was put in place. Thereafter successive policies and procedures were refreshed or put in place in response to regulatory change, child care/protection inquiry's and general practice improvement and quality assurance work by social work departments as more specifically referred to in answer 1c above.⁷¹

g) Were such policies and/or practices reviewed?

Yes the Council did review and change policies and procedures over the years for a variety of reasons including; changes in legislation and associated regulatory guidance, response to local needs and after taking into account, lessons learned recommendations of child abuse inquiries across the UK.⁷²

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

Please see the answer above at g).

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

The 1976 policy and related guidelines were the first foster-specific policies for more than 40 years. The 1986 Fostering guidelines, which replaced those in place in the 1970s, brought together the policies, practices and procedures relating to fostering in Strathclyde. Their production and distribution to all Social Workers emphasised the importance placed on the foster care service and the need for continuing development. The guidelines brought together existing policies and procedures and introduced new ones. These include all fostering assessments being presented to Adoption and Fostering Panels; the role of the link worker; a written report on every placement; Foster Homes Reviews and the further right of Appeal. After 1996 and the arrival of new statutory Regulations successive Foster care handbooks and manuals took regulatory changes into account. The Inverclyde Foster Carers Manual, 2004 recognised the need to safeguard and promote the welfare of the child, to have regard for the child's race, religion, culture and linguistic background, take into account the child's views when formulating care plans, ,

⁷⁰ Glasgow Corporation: Manual for Social Workers, 1971 (SR 27/14/3/3/1).

⁷¹ Inventory of Documents: Glasgow Corp, SRC and Inverclyde Council, Jan 2020.

⁷² Child Abuse in Strathclyde in the 90's. Report by Director of Social Work. This relates to response to Inquiry elsewhere in UK. (SR1/2/Box197).

promote contact between the child and his or her parents and the importance of making placement decisions in the child's best interests. The same guidance recognised the need for annual review of a foster carer approval by the fostering panel using specific Foster Carer Annual Review Report paperwork. Procedures at this time recognised that the foster carer must have entered into a foster care agreement and also a foster placement agreement in relation to the particular child being placed. That latter agreement included details such as a statement of the local authority's care plan for the child and the objectives of the placement", the child's personal history, state of health and educational needs; the financial support to be given during the placement; arrangements for the local authority to visit the child; the contact arrangements with the child's parents; and the co-operation required of the foster carer with arrangements made by the local authority

After 2009 Panel procedures recognised that the Fostering panel could now approve same sex couples or as Wilkinson and Norrie pointed out in 2013,⁷³

'Since the coming into force of the 2009 Regulations there has been no limitation on the type of family structure that potential foster carers must belong to and foster carers are assessed as suitable according to their own merits, without legally specified preconceptions about their lifestyles.

The 2009 regulations also introduced into the local authority procedures the approval as kinship carers by the local authority of,

- (a) a person who is related to the child either by blood, marriage or civil partnership or
- (b) a person who is known to the child and with whom the child has a pre-existing relationship as a suitable carer for a child who is looked after by that local authority, that person to be known as a "kinship carer"

The local authority must not place the child with a kinship carer unless it is satisfied after assessment that:

- (a) placement is in the best interests of the child,
- (b) placement with that kinship carer is in the best interests of the child,
- (c) the kinship carer is a suitable person to care for the child,
- (d) the local authority has taken into account all the information available to it,
- (e) the kinship carer has entered into written agreements with the local authority concerning the matters listed in Schedules 4 and 5 to the 2009 Regulations, including support and training to be given to the kinship carer, the procedure for review of the placement, the respective obligations of the local authority and the kinship carer, any financial support to be provided for the child, the arrangements for visits to the child by or on behalf of the local authority, contact arrangements with the parents and other persons, and co-operation with the local authority by the kinship carer.

Visitation requirements are the same for children placed with kinship carers as they are for foster carers.

Since 1st August 2014, the local authority have also been obliged to offer "kinship care assistance" to any person who is considering applying for, or has obtained, a "kinship care order", that is to say an order under s. 11 of the Children (Scotland) Act 1995 applied for by a relative or friend of the child; assistance must also be given to the child (Norrie k, [2017] Report for the Scottish Child Abuse Inquiry pp 182 – 184).

⁷³ Wilkinson and Norrie 92013) noted in Norrie, K (2017) Legislative Background to the treatment of children and young people living apart from their parents (Report for the Scottish Child Abuse Inquiry) p 179.

j) Why were changes made?

To meet any changes in legislation/regulation and underpin the continuous development of the foster care service in areas of recruitment, assessment, preparation, managerial oversight and continued support for families and the children placed with them so that their welfare needs were met.

k) Were changes documented?

Yes

l) Was there an audit trail?

Yes in so far as we have been able to ascertain from research, alterations were documented when regulatory changes came in to force.

Present

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

Please see the answer above at i).

n) If so, please give details.

Please see the answer at i) above

(ii) Practice

Past

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

It would appear that the local authority did adhere in practice to its policy/procedures in relation to the provision of foster care?

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

- i. Child welfare (physical and emotional)
- ii. The child's views
- iii. Placement of siblings
 - iv. The placement of a child in foster care
 - v. The particular placement of a child with foster carers
 - vi. Contact between a child in foster care with his or her family
 - vii. Contact between a child in foster care and other siblings in foster care
- viii. Information sharing with the child's family
- ix. Fostering panels (including constitution, remit, frequency and record keeping)
- x. Recruitment and training of foster carers

- xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority
- xii. Reviewing a child's continued residence in foster care or in a particular foster care placement
 - xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)
 - xiv. Transfer of a child from one foster placement to another (including preparation and support)
 - xv. Transfer of a child between foster care and residential care (including preparation and support)
 - xvi. Child protection
 - xvii. Complaints handling
 - xviii. Whistleblowing
 - xix. Record retention

Yes the policies and procedures relating to the bullet point list i) - xix) above, in relation to the provision of foster care, were adhered to in practice by the local authority.

Burgh Minutes which were researched show that review arrangements were considered by visitors reports completed after visits by officers and councillors. Children were visited by Welfare Officers, Children Officers and Councillors as required. Progress reports were made after visits to Public Assistance and Children Committee's. Children's files which were researched showed that contact with the child's family was maintained as was contact with siblings. Transfer arrangements, whether between foster placements or from foster placement to residential were simply noted in case records or in Committee minutes. Case notes indicate that children's officers did speak to children during visits and made case notes about their demeanour and feelings about their placement. Officers noted the state of bedding and sleeping arrangements and commented on children's clothes and where necessary provided clothing grants to buy new clothes. Notes were made on School progress and Sunday School attendance, pocket money, recreational activities and friendships and details of any illnesses experienced between visits were noted.

Case files researched from the 1980's onwards show that children's welfare needs were assessed and regularly reviewed according to schedules set out for children in care. Case notes show regular visits by social workers to children in foster care and family placement workers supporting foster carers in partnership with field team social workers. Contact arrangements with parents, family and siblings were set out in review or planning documents. Where children were transferring placements, looked after children documentation records how that was to take place, often describing a series of visits and increasing duration of visits to overnight stays before final transfer. Similar arrangements were made when children transferred from foster care to residential care.

Information sharing with a child's family was similarly well established through the planning and reviewing system in place. Parents were invited to review meetings and also supported to contribute their views in writing if they wished to do so. Archived case records show children's social workers contacting parents by telephone, in person and in writing to keep them up to date with their child's progress in foster care.

The placement of children in foster care was planned and sibling groups were placed together when possible and if not contact arrangements were made in the best

interests of the children.

Fostering panels established in the mid 1980's continue to operate to the present day and give approval to foster carers to look after children in particular placements some of which were short term and others long term or permanent. Panel minutes were kept and recommendations sent to the agency decision maker for final decisions to be taken. Records of annual reviews were noted in foster carers files.

Foster carers files record the training they have had and supervision discussions note consideration of continuous development.

Case files of children in foster care indicate that reviews of placement were taking place.

Foster carer's files contain a complaints section and external inspection records available since 2006 note any complaints in the annual inspection reports as do the local authority's annual reports.

Child protection investigations which were known to have been carried out were recorded in case files and also noted in foster carers records and disruption meeting minutes.

Records are retained in the following archives:

- Glasgow Life City Archives
- Inverclyde HSCP Store 1, Basement Archive of Council Municipal Buildings
- Inverclyde HSCP Electronic Social Care Record (SWIFT and CIVICA).

c) How was adherence demonstrated?

Please see the answer above at b).

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

Adherence can be demonstrated to the inquiry from Committee minutes, practice assessments, interventions, plans and reviews found in;

- Archived paper and electronic case file records of children
- case file records of foster carers

Also please see the answer above at b).

e) Were relevant records kept demonstrating adherence?

Yes relevant records were kept demonstrating adherence.

f) Have such records been retained?

Yes such records have been retained although original filing structures of historical records have not always endured after being electronically scanned. Sometimes back scanned files are not in date order.

After 1996 Inverclyde Council no longer archived case records at the Mitchell library, Glasgow Life Archive, and paper files were kept in various archives around Inverclyde until the decision was taken to scan them on to an electronic social care record (CIVICA) in 2014. An external scanning company was commissioned to carry out the back scanning task which comprised a huge volume of documents. It was sometimes the case that in the process of paper files being transferred on to CIVICA that file structure was disrupted and documents were not always filed in date order.

Some paper files have yet to be electronically archived and are stored in basement stores of the Council's Municipal Building. Some of the older files are retained under

the eldest child's name of a group of siblings (a family file) which makes searching for individual files more difficult than it would for an only child.
Since 2014 case files have been recorded in the SWIFT and CIVICA electronic social care record.

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

From our research thus far it would appear that the local authority adhered to policy and procedure.

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

Please see answer above at g)

Present

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

No we believe our retention of records in our electronic social care record began in January 2014

j) If so, please give details.

Please see answer above at i).

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?

Please see the answer above at 4.2 d)

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

Yes the policy and procedural aim/intention was to ensure that the health and welfare needs of children placed in foster care were maintained.

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

The policies and procedures as set out by regulatory guidance were recorded with Council committees such as; Glasgow Corporations', Welfare Assistance and Children's Committee.
Policies and procedures set out in successive documents, handbooks and foster care manuals were recorded by Strathclyde Regional Council with the local authority Social Work Committee.
Inverclyde Council also recorded such policies and procedures with the Council

Social Work Committee/Health and Care Partnership Committee.

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

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

i) The obligation in the Social Work (Scotland) Act 1968 on local authorities to further the child's best interests was tightened by s. 79 of the Children Act 1975 to an obligation to give first consideration to safeguarding and promoting the welfare of the child throughout childhood.

Previously officers and councillors visiting foster placements did record the welfare of the children they visited in reports to Committees. Research of files in the 1950's shows that reports included comments on health, education, relationships, foster home conditions and noted episodes of absconding and efforts by carers and police to trace missing children and return them home.

The social work manual of Glasgow Corporation in 1971 confirmed the importance of comprehensive assessment of welfare needs for children being placed in foster care to inform plans and clear reviewing processes were set in place to help best interest decisions to be made.

Successive manuals and foster care handbooks emphasised the need to safeguard and promote the welfare of children in care thus following the main principles set out in Regulations at the time. The 2004 Foster Carers' Manual also refers to the UK National Standards for Foster Care which are designed to deliver better outcomes for children and improve support and training for foster carers and setting out the criteria against which fostering services were measured. Inverclyde Council incorporated those standards into practice and procedures of their fostering services.

ii) It was in the 1960's and particularly after the 1968 Act that Child Protection policies and procedures were set out in the policies and procedures already noted above. A number of manuals and procedures were produced to support the appropriate management of activities, including child protection. In 1971 Glasgow Corporation had produced the first guidance notes for Social Workers which were revised in 1979. There were new manuals regarding procedures concerning child abuse in 1979, 1983, 1989, 1993 (amended supplementary procedures). There were Child Protection Procedures produced by authorities in the West of Scotland in 2001 and those regional policies inform the local authority still. The policy aim was to work with the child's own family to effect sustained change and thereby improve the child's life chances. If the child had to be removed to foster care, to enhance the

chances of a speedy return home or to safely decide whether an alternative family arrangement should be put in place then policies recognised the value of different fostering placements to assist such work.

Successive manuals and handbooks set out a number of situations in which children cared for in foster care may be abused (including abuse of children by foster carers or members of foster carer's households) and also detailed procedures to be followed in those circumstances. The latest Foster Care Handbook with a section on Child Protection is dated 2019.

iii) Children's files and Burgh minutes indicate that medical examinations of children in foster care took place and the health of children was enquired about during placement visits by officers and councillors. Medical record cards were present in children's case files which were researched showing comprehensive and regular examination of those children including vaccination history.

Pre admission medicals and annual medicals for children in care was and is policy. A record of medical attention received while the child is in foster is kept in a medical booklet. Successive manuals and foster care handbooks set out detailed requirements on medical matters including giving consent to a specific surgical medical or dental procedure.

iv), v) Visits by officers and councillors to foster placements required visitors' reports to committee. Please see answer at paragraph i) and ii) above. The same policies and practices noted in those previous paragraphs covered physical and emotional guidance to foster carers and social workers involved in supporting children in foster care recognising the importance of an holistic approach to each child's wellbeing by ensuring they were encouraged to develop their hobbies and interests, their education and friendships so that they developed adequate self-esteem and self-efficacy over their time in foster care and beyond.

Assessment and Care Planning Procedures maintain that holistic guidance to date.

vi) Schooling and education was also reported on by officers and Councillors in Visitors Reports to Committees to assist decisions about additional remedial action or support.

The policies and procedures noted above all contain detail of the vital role of education in the lives of foster children and offer guidance on the home school relationship and additional funding attracted by children in foster care to help ensure they can keep up with their peers and reach their individual potential. Helpful sections on additional support needs and support from educational Psychology also add to the services available to foster children as do sections on consent to school trips abroad and exclusions and suspensions.

vii) Policies and procedures recognised that foster carers were acting in loco parentis whilst children were placed with them and they were encouraged to set clear boundaries and offer timely guidance in order to support and discipline children in their care. Emphasis was placed on the need for foster carers to work in partnership with social workers and other professionals to plan and structure positive ways of working with fostered children. Foster carers were obliged not to use corporal punishment and this was noted in written agreement policies during the 1980's.

viii) Recreational activities, clubs, outings, school trips, holidays and trips abroad were all noted in policy guidance noted above. Foster carers were supported by local authority officers to enable these aspects of family life.

ix) Sleeping accommodation was reported on to committee by officers and Councillors visiting children in foster care as required by the 1947 Regulations. The policy guidance after the 1968 Act also set out sleeping arrangements which were

inspected by visiting social workers and family placement officers. National minimum standards in 2011 have been followed in local practice regarding sleeping arrangements to date.

x) Children's case files show contact with family members was maintained through letters and at times visits.

The policies and procedures after the 1968 Act noted above had sections on family contact and birth parents rights to maintain contact. Children's case file records show that guidance was followed. Review documents and assessment reports show a system of supporting contact agreements and that practice is maintained to date. Supervised contact when circumstances made it necessary and was and remains the responsibility of children's social work teams.

xi) Contact arrangements with siblings and other family members were put in place and supported in partnership with children, their social workers and foster carers. Case records were kept of any contacts which were observed or supervised and foster carers kept notes of how a child was after such contacts. These observations were presented at reviews and informed future plans.

xii) Burgh minutes show officers recommending birthday and Christmas gifts and allowances to Committee for agreement.

Successive foster care handbooks and Manuals have sections on the importance of birthdays and other special occasions to help promote children's wellbeing and self-esteem. Additional allowances were and continue to be written into policy to support children's birthday and other special occasions.

xiii) Information sharing with relevant family members was achieved through the assessment, planning and review systems in place. Successive policy documents have sections on confidentiality reminding foster carers that information is strictly confidential and it is their duty to protect information on behalf of social services in order to protect children in placement. This remains the approach today.

e) Who compiled the policies and/or procedures?

Nominated officers of the council compiled the policies and procedures often collaborating in working groups chaired by managers in promoted posts overseen by the Director of Social Work/Health and Care Partnership.

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

1930 was the starting point and the local authority continued to respond to relevant Statutory Rules and Regulations as they came into force.

In April 1971 the Glasgow Corporation Social Work Department manual; Guide Notes on Procedure for Social Workers⁷⁴ was put in place.

Thereafter successive policies and procedures were refreshed or put in place in response to regulatory change, child care/protection inquiry's and general practice improvement and quality assurance work by social work departments.

g) Were such policies and/or practices reviewed?

Yes

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

The Council did review and change policies and procedures over the years for a

⁷⁴ Glasgow Corporation: Manual for Social Workers, 1971 (SR 27/14/3/3/1).

variety of reasons including; changes in legislation and associated regulatory guidance, response to local needs and after taking into account, lessons learned from recommendations of child abuse inquiries across the UK.⁷⁵

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

Please see the answer at 1.1 c) above

- j) Why were changes made?

To meet any changes in legislation/regulation and underpin the continuous development of the foster care service in areas of recruitment, assessment, preparation, managerial oversight and continued support for families and the children placed with them so that their welfare needs were met.

- k) Were changes documented?

Yes

- l) Was there an audit trail?

Yes in so far as we were able to ascertain from research alterations were documented.

Present

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

Please see the answer at d) above.

- n) If so, please give details.

Please see the answer at d) above.

(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 local authority did adhere in practice to its policy/procedures in relation to the care of children in foster care?

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

- i. Safeguarding
- ii. Child Protection
- iii. Medical care

⁷⁵ Child Abuse in Strathclyde in the 90's. Report by Director of Social Work. This relates to response to Inquiry elsewhere in UK. (SR1/2/Box197).

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

Yes the policies and procedures relating to the bullet point list i) - xix) above, in relation to the provision of foster care, were adhered to in practice by the local authority.

c) How was adherence demonstrated?

Adherence was demonstrated by the systems put in place when regulatory changes came into force and the practice of officers and councillors working to maintain the policy guidance in place.

Officers and councillors visited children and reported on their welfare to Committees. Children's case files record their health and developmental progress. Evidence of medical examinations, support with activities, holidays and friendships can be found within reports in files. Contact arrangements are evident in case files as are, sleeping arrangements whether in children's records or foster carer files.

Guidance in the 1970's and beyond was demonstrated as being adhered to by the visiting of placements by children's social workers and family placement workers, the supervision arrangements which were in place and the application of continuous assessment, progress planning and review. The views of children and their parents expressed at reviews indicated adherence as did the enduring care of dedicated foster carers.

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

Adherence can be demonstrated to the inquiry by the progress notes, assessments and reports in children's files and foster carers case files. The Burgh minutes also provide evidence of Committee oversight as do service reports to Social work Committees and Health and Care Partnership committees responsible for service governance through the 1970's until the present day.

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?

Policy and procedure was adhered to

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

Please see the answer above

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.

Please see the answer above

4.4 Foster carers

- (i) Policy

Past

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

Successive Foster Carers' Handbooks and Manuals have been in place since 1975/76. Fostering Guidelines were produced in 1986 by Strathclyde Regional Council and in 2004 the Inverclyde Foster Carers' Manual was the foundation guidance for foster carers. It has been updated by various Foster Carers Handbooks the latest of which is dated 2019.

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

Yes there was a particular policy and procedural intention. Successive Foster Care Manuals and Handbooks from 1976 to the present day have set out policy and procedural intentions of the council in relation to the provision of foster care according to the regulatory framework in place at the time. Burgh minutes prior to local government changes in the early 1970's, going back to 1930 provide evidence that the Council was responding to Regulatory changes indicating that the intention was always to maintain a service which acted to ensure that the welfare interests of children in need were adequately met

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

The policies and procedures as set out by regulatory guidance were recorded with Council committees such as; Glasgow Corporations, Public Assistance and Children's Committee. Policies and procedures set out in successive documents, handbooks and foster care manuals were recorded by Strathclyde Regional Council with the local authority Social Work Committee. Inverclyde Council also recorded such policies and procedures with the Council Social Work Committee/Health and Care Partnership Committee.

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

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

Please also see the answer at 4.2 d) above.

Policy and procedural guidance supports practitioners to carry out assessments which were detailed and rigorous in terms of the bullet pointed list so that foster carers ability to provide the correct environment and accommodation for children they are seeking to foster was thoroughly checked as required in order for consideration of approval by the fostering panel.

Transfer of foster carers to or from other organisations or local authorities. Information is shared and meetings take place to discuss the transfer and skills of the foster carer. The local authority transferring in a foster care would carry out an early screening interview and assessment. Disclosure checks would be carried out again and a medical was required. Visits to referees would be made and an employer reference sought. Two friends or family references would as a minimum be sought before the transferring foster carers application was considered for approval by the Fostering panel.

Removal of approval/registration

The 1985 Fostering guidelines outline the process for Social Workers to deregister foster parents. Reasons may include:

- Reasons of age
- Where there have been complaints which have been substantiated
- Dissatisfaction with standard of care
- Placement disruption and it is not considered appropriate for the foster carer to continue.

e) Who compiled the policies and/or procedures?

Nominated officers of the council compiled the policies and procedures often collaborating in working groups chaired by managers in promoted posts overseen by the Director of Social Work/Health and Care Partnership.

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

1930 was the starting point and the local authority continued to respond to relevant

Statutory Rules and Regulations as they came into force.
 In April 1971 the Glasgow Corporation Social Work Department manual; Guide Notes on Procedure for Social Workers⁷⁶ was put in place.
 Thereafter successive policies and procedures were refreshed or put in place in response to regulatory change, new national standards, child care/protection inquiry's and general practice improvement and quality assurance work by social work departments.

g) Were such policies and/or practices reviewed?

Yes

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

The Council did review and change policies and procedures over the years for a variety of reasons including; changes in legislation and associated regulatory guidance, response to local needs and after taking into account, lessons learned from recommendations of child abuse inquiries across the UK.⁷⁷

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

Please see the answer at 4.2 i) above

j) Why were changes made?

To meet any changes in legislation/regulation and underpin the continuous development of the foster care service in areas of recruitment, assessment, preparation, managerial oversight and continued support for families and the children placed with them so that their welfare needs were met.

k) Were changes documented?

Yes

l) Was there an audit trail?

Yes

Present

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

No

n) If so, please give details.

Please see the answer above

⁷⁶ Glasgow Corporation: Manual for Social Workers, 1971 (SR 27/14/3/3/1).

⁷⁷ Child Abuse in Strathclyde in the 90's. Report by Director of Social Work. This relates to response to Inquiry elsewhere in UK. (SR1/2/Box197).

(ii) Practice

Past

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

Yes

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

Yes the local authority did adhere in practice to its policy/procedures in relation to foster care
--

- c) How was adherence demonstrated?

<p>Adherence was demonstrated by recruitment strategies being carried out to attract foster carers which stipulated the allowances, training and support available to foster carers.</p> <p>Family placement social workers carried out rigorous assessments and checks before those assessments were placed before panel for approval and annual review. Written agreements were made with foster carers detailing standards and expectations of both parties (carers and local authority) as set out by the regulations in force. Supervision arrangements were established and recorded in foster carers files setting out support and oversight of all aspects of foster care practice.</p>

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

<p>Adherence can be demonstrated to the inquiry by the progress notes, assessments and reports in foster carers' case files. The same files have information on annual reviews, training and supervision and whether any disciplinary action or placement disruption has occurred. Panel minutes are another good source of adherence evidence. The Burgh minutes also provide evidence of Committee oversight as do service reports to Social work Committees and Health and Care Partnership committees responsible for service governance through the 1970's until the present day.</p>
--

- 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?

It appears from research that policy/procedure was adhered to in practice.

Present

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

From research it would appear that the answers are the same.

i) If so, please give details.

Please see the answer above at h).

4.5 Other members of the foster carer's household

(i) Policy

Past

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

1930 was the starting point and the local authority continued to respond to relevant Statutory Rules and Regulations as they came into force. In April 1971 the Glasgow Corporation Social Work Department manual; Guide Notes on Procedure for Social Workers⁷⁸ was put in place. Successive Foster Carers' Handbooks and Manuals have been in place since 1975/76. Fostering Guidelines were produced in 1986 by Strathclyde Regional Council and in 2004 the Inverclyde Foster Carers' Manual was the foundation guidance for foster carers. It has been updated by various Foster Carers Handbooks the latest of which is dated 2019. The current Fostering Procedures has also been in use for many years and includes detailed guidance. The policies and procedures already mentioned above provided guidance in relation to other family members of the foster carers household and guided safe assessment practice.

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

The policy aim and intention was to maintain the safety and welfare of children in placement.

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

The policies and procedures as set out by regulatory guidance were recorded with Council committees such as; Glasgow Corporations, Public Assistance and

⁷⁸ Glasgow Corporation: Manual for Social Workers, 1971 (SR 27/14/3/3/1).

Children's Committee.

Policies and procedures set out in successive documents, handbooks and foster care manuals were recorded by Strathclyde Regional Council with the local authority Social Work Committee.

Inverclyde Council also recorded such policies and procedures with the Council Social Work Committee/Health and Care Partnership Committee.

d) Who compiled the policies and/or procedures?

Nominated officers of the council compiled the policies and procedures often collaborating in working groups chaired by managers in promoted posts overseen by the Director of Social Work/Health and Care Partnership

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

Successive Foster Carers' Handbooks and Manuals have been in place since 1975/76. Fostering Guidelines were produced in 1986 by Strathclyde Regional Council and in 2004 the Inverclyde Foster Carers' Manual was the foundation guidance for foster carers. It has been updated by various Foster Carers Handbooks the latest of which is dated 2019.

f) Were such policies and/or practices reviewed?

Yes

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

The Council did review and change policies and procedures over the years for a variety of reasons including; changes in legislation and associated regulatory guidance, response to local needs and after taking into account, lessons learned from recommendations of child abuse inquiries across the UK

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

Please see the answer at 4.2i) above

i) Why were changes made?

To meet any changes in legislation/regulation and underpin the continuous development of the foster care service in areas of recruitment, assessment, preparation, managerial oversight and continued support for families and the children placed with them so that their welfare needs were met

j) Were changes documented?

As far as we have been able to ascertain changes were documented.

k) Was there an audit trail?

As far as we have been able to ascertain there was an audit trail.

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.

Please see the answer above at l)

(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?

Yes

- b) How was adherence demonstrated?

We have found evidence of correspondence in the 1950's from the local Children Officer to the Secretary of state describing the composition of a foster carers household which indicates some form of recognition of the importance of other household members circumstances, before decisions were taken to place children

Adherence has been demonstrated more recently by the policies supporting the rigorous form F assessment process as well as household safer caring policy being part of said assessment. Health and safety pro - formas were completed and PVG (Protection of Vulnerable Groups) background checks were carried out as required. Individual placement agreements were completed as were Individual Safer Caring assessments and pre placement risk assessments

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

Records of the above mentioned assessments are retained in case files

- d) Were relevant records kept demonstrating adherence?

Please see the answer above at b)

- e) Have such records been retained?

Yes

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

It would appear that Policy and procedure was adhered to in practice.

Present

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

From research it would appear that the answers are the same.

- h) If so, please give details.

Please see answer above at h).

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

(i) Policy

Past

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

1930 was the starting point and the local authority continued to respond to relevant Statutory Rules and Regulations as they came into force. In April 1971 the Glasgow Corporation Social Work Department manual; Guide Notes on Procedure for Social Workers⁷⁹ was put in place. In April 1976 the Social Work Committee of SRC approved recommendations of COSLA regarding supervision of children placed in other regions. .

The arrangements for supervision were that:

- the receiving authority should accept responsibility for the effective supervision of children received within their area
- social workers from both care and receiving authorities should meet at least annually to review the progress of the child and continually plan for his/her long-term future; and should exchange quarterly reports to cover the development and wellbeing of the child and the changing circumstance of his/her own home situation,

Successive Foster Carers' Handbooks and Manuals have been in place since 1975/76. Fostering Guidelines were produced in 1986 by Strathclyde Regional Council and in 2004 the Inverclyde Foster Carers' Manual was strong guidance for foster carers. It has been updated by various Foster Carers Handbooks the latest of which is dated 2019. The current Fostering Procedures has also been in use for many years and includes detailed guidance.

The policies and procedures already mentioned above provided guidance in relation to other placement of children with foster carers above by other local authorities as required by regulations in place at the time.

In 2015 a Transfer of Foster Carers Protocol Scotland was in place in Inverclyde which was developed by the Fostering Network and ratified by Social Work Scotland.

⁷⁹ Glasgow Corporation: Manual for Social Workers, 1971 (SR 27/14/3/3/1).

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

The policy aim and intention was to maintain the safety and welfare of children in placement.

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

The policies and procedures as set out by regulatory guidance were recorded with Council committees such as; Glasgow Corporations, Public Assistance and Children's Committee.
Policies and procedures set out in successive documents, handbooks and foster care manuals were recorded by Strathclyde Regional Council with the local authority Social Work Committee.
Inverclyde Council also recorded such policies and procedures with the Council Social Work Committee/Health and Care Partnership Committee.

d) Who compiled the policies and/or procedures?

Nominated officers of the council compiled the policies and procedures often collaborating in working groups chaired by managers in promoted posts overseen by the Director of Social Work/Health and Care Partnership

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

Please see the answer above at a)

f) Were such policies and/or practices reviewed?

Yes

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

The Council did review and change policies and procedures over the years for a variety of reasons including; changes in legislation and associated regulatory guidance, response to local needs and after taking into account, lessons learned from recommendations of child abuse inquiries across the UK

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

No substantive changes were made to transfer policies

i) Why were changes made?

Please see answer above at h)

j) Were changes documented?

Please see answer above at h)

k) Was there an audit trail?

In so far as we have been able to ascertain there was an audit trail.

Present

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

Yes

- m) If so, please give details.

In 2015 a Transfer of Foster Carers Protocol Scotland was in place in Inverclyde which was developed by the Fostering Network and ratified by Social Work Scotland.

(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?

From research it would appear that the local authority did adhere in practice in this area.

- b) How was adherence demonstrated?

By the maintenance of Case records which included rigorous assessments of carers. Those transferring were subjected to screening interviews and assessments.

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

Foster care files contain records which indicate adherence. Family placement Practitioners carried out additional screening interviews, sought references and disclosure checks and made assessments as necessary. The fostering panel considered carers transferring in based on those assessments and all relevant background checks as required.

- d) Were relevant records kept demonstrating adherence?

Please see the answer above at c).

- e) Have such records been retained?

From our research it would appear that such records have been retained

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

From our research it would appear that policy/procedure was adhered to in practice

Present

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

From our research it would appear that the answers are the same.

- h) If so, please give details.

Please see the answer above at g).

4.7 Complaints and Reporting

(i) Policy

Past

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

The Home and Away Strategy⁸⁰ details Complaint Procedures and the Right of Appeal.
 The Charter for the Rights of Children and Young People included a leaflet advising them of complaints procedures.⁸¹
 In 1994 the Social Work Department established a complaints procedure.⁸² Successive foster cares Handbooks and Manuals have contained sections on complaints including the Inverclyde Foster Carers Manual 2004 which was the foundation for future Foster carer Handbooks until the present day which also has a section on complaints.
 After 1996 a Complaints officer for Social Work Services was in place in Inverclyde and it was considered good practice to issue the leaflet; Complaint, Suggestion or Comment to service users. Complaints forms were issued in Looked After Children Packs to children admitted to foster care and that remains the case today.

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

Yes in the former policy noted above it was;
To allow children in care to have an agreed forum for processing their complaints about aspects of their care with which they are dissatisfied.
 The 1994 Complaints Procedure stated a threefold purpose.
 1. *To enable clients or their representatives, to register concerns about the actions of the Social Work Department and to create a process which enables these complaints to be examined*
 2. *To provide guidance as to method and timescale for dealing with complaints*
 3. *As a consequence of complaints received to influence the development of*

⁸⁰ Home or Away: Residential Child Care for the Eighties as referenced in the Inventory of documents supplied with this report (SR10/9/85).

⁸¹ Charter of Rights for Children, Apr 1988 as referenced in the Inventory of documents supplied with this report. (SR1/2/Box 144).

⁸² Strathclyde Regional Council: Social Work Department - Complaint Procedures. Report by Director of Social Work. April 1994 (SR1/2/Box277).

services and make them more sensitive to the client's needs.

The introduction of a complaints leaflet was to encourage service comments, complaints and suggestions to be written and sent to independent investigators (eg the complaints officer).

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

The policies and procedures as set out by regulatory guidance were recorded with Council committees such as; Glasgow Corporations, Public Assistance and Children's Committee.

Policies and procedures set out in successive documents, handbooks and foster care manuals were recorded by Strathclyde Regional Council with the local authority Social Work Committee.

Inverclyde Council also recorded such policies and procedures with the Council Social Work Committee/Health and Care Partnership Committee.

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

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

Complaints procedures prior to the 1970's have not been found during research for this response. Regulations did recognise the right for children to make complaints as early as 1933. Visiting officers and councillors were in a position to hear complaints when speaking to children they visited and help address their concerns as required. Similarly foster carers could raise concerns with officers in person or in writing and issues could be investigated.

The 1994 complaints procedure applied across the whole of the Social Work function and all complaints regarding residential/foster placements were to fall within this general guidance. The procedure was a comprehensive step by step action guide about handling complaints setting out investigatory roles and responsibilities and managerial oversight including a reviewing process when complainants were not satisfied with an outcome.

Successive Complaints Procedures have maintained that comprehensive step by step approach and ensure support is offered to those making a complaint and those complained about are supported at each step of the way until findings are concluded.

Procedures set out that all complaints will be investigated whether from, children or foster carers, neighbours, family members, parents, other professional or anonymous sources.

Procedures note that complaints will be managed differently to allegations of abuse although a section exists for the investigation of such allegations in the successive procedures.

Complaint Investigations are usually carried out by family placement social workers

and managers. Complainants are interviewed, assessments made and records are kept of outcomes which are sent out to all parties in writing.

If there are issues of concern to be raised a letter will be sent to the complainant advising that action will be taken. Any concerns will be discussed in full with the carers and a Foster Home Review convened. The Foster Home Review could recommend some changes in child care practice in light of the complaint. If the issues raised were serious and substantiated the review could recommend de-registration of foster carers.

The local authority introduced the practice of notifying the Care Inspectorate of certain complaint concerns.

Complainants not satisfied with outcomes were given details of the Care Inspectorate and or the Scottish Public Services Ombudsman should they wish to take the concern further.

The Care Commission and then the Care inspectorate during routine Regulation Support Assessment Inspections, considered various factors including complaints since 2006. All reports by them since 2006 to the present day are available.

e) Who compiled the policies and/or procedures?

Nominated officers of the of the council compiled the policies and procedures often collaborating in working groups chaired by managers in promoted posts overseen by the Director of Social Work.

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

Complaints policies and procedures were first documented in the 1980's and as pointed out in answer 4.7i a) above, in 1994.

g) Were such policies and/or practices reviewed?

Yes

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

To meet regulatory and statutory requirements and to meet the aims of the policy as stated above in answer 4.7 b).

The 1994 guidance was in response to the Scottish Office, Social work services Group Circular SW5/551 "Local Government Complaints Procedure."

The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002 section on complaints had an impact on policy and procedures and was cited by the Care Commission in an annual inspection during 2006.

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

The 1994 procedure covered the whole local authority Social Work function.

The Care Commission made the following requirement in the 2006 inspection - *The Service must ensure that complaints are recorded and are easily accessed and auditable in order to comply with: SSI 2002/114 Regulation 25.*

The next inspection report recorded in 2008 recorded the requirement had been met with the service introducing a complaints log book.

j) Why were changes made?

The changes were made in response to the aforementioned circular (SW5/551)⁸³ and requirement 4 of the 2006 Care Commission Inspection Report

k) Were changes documented?

In so far as we have been able to ascertain changes were documented

l) Was there an audit trail?

In so far as we have been able to ascertain there was an audit trail.

Present

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

In so far as we are able to ascertain the answers are the same

n) If so, please give details.

Please see the answer above at m).

(ii) Practice

Past

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

Not always. Please see the answer at i) above.

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

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

Aside from the requirement set out in answer 4.7i) above there is evidence that the local authority did adhere in practice to its policies and procedures relating to the bullet point list above.

c) How was adherence demonstrated?

Adherence was demonstrated by practitioners and managers handling complaints to

⁸³ Strathclyde Regional Council: Social Work Department - Complaint Procedures. Report by Director of Social Work. April 1994 (SR1/2/Box277).

satisfactory conclusion and recording outcomes as required.
 Inspection report findings from the Care Commission and later the Care Inspectorate also indicated adherence apart from in 2006 when the Inspector made requirement 4 which was recorded as satisfied in the next inspection.

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

Adherence can be demonstrated to the inquiry through examples of complaints being handled and recorded in Foster care case files and children's case file records.

e) Were relevant records kept demonstrating adherence?

Yes please see the answer above at d).

f) Have such records been retained?

Yes such records have been retained

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

During the 2006 Care Commission Inspection local authority managers advised inspectors that a quarterly report was produced regarding all complaints made and presented to the Social Work Management Team. However, this report did not provide any detail of complaints made in relation to the Fostering Service. It may have been the case that no complaints activity had taken place however that was not recorded. The subsequent Inspection was satisfied that the set requirement was met regarding complaints and later considered complaints against foster carers to be managed robustly.

Present

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

From our research it would appear that the answers are the same

i) If so, please give details.

Please see the answer above at h).

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?

A number of manuals and procedures were produced to support the appropriate management of activities, including child protection. In 1971 Glasgow Corporation

had produced the first guidance notes for Social Workers which were revised in 1979. There were new manuals regarding procedures regarding child abuse in 1979, 1983, 1989, 1993 (amended supplementary procedures). There were Child Protection Procedures produced by authorities in the West of Scotland in 2001. Successive foster carers Handbooks, manuals and fostering Procedures have sections on managing child abuse in relation to children in foster care.⁸⁴

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

The main procedural aim/intention was the safety of the child. Child protection investigations set out to evidence whether a child had suffered significant harm or was likely to suffer significant harm.

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

The policies and procedures as set out by regulatory guidance were recorded with Council committees such as; Glasgow Corporations, Public Assistance and Children's Committee.

Policies and procedures set out in successive documents, handbooks and foster care manuals were recorded by Strathclyde Regional Council with the local authority Social Work Committee or Child Protection Committee.

Inverclyde Council also recorded such policies and procedures with the Council Social Work Committee/Health and Care Partnership Committee and Child Protection Committee which remains the case today.

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

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

Policies and procedures recognised that allegations of abuse or alleged abuse of children in foster care can come from many different sources including children, their parents, other professionals or members of the public. The approach to internal investigations is set out in the child protection procedures and allegations are investigated by children's social work. Information is gathered from all sources including health, education and police as well as social work. Information is shared in discussion between the police and social work and next steps decisions are made about whether or not a child protection investigation is needed. Family placement workers were informed about the allegation but would not take part in further investigation so that someone was available to offer support to the foster carer if the allegation was against the carer. Medical examinations may be required as might video interviews carried out by police and social work. Placement changes may be required.

⁸⁴ Inverclyde Foster Carers Manual, 2004 s7.

Family placement workers field social workers and police will be as clear as possible about the process and what next steps are likely to be provided that to do so would not put the child at risk or jeopardise evidence should criminal investigation continue.

The foster service uses past case examples to inform risk assessment training and child protection training of foster carers. Such matters are agenda items in supervision between family placement workers and foster carers.

On the basis of the investigation an Initial child Protection case conference might have been called. This multi-agency meeting would have been chaired by a service manager and would decide if the child had suffered or was likely to suffer significant harm and in which category of abuse (physical, sexual, emotional or neglect).

The case conference might agree, no further action, remove a child from a foster carer's care; proceed to prosecution through the courts.

Following any child abuse allegation and whatever the outcome, a foster home review will be convened.

The Care Inspectorate since 2012 have been informed of allegations of abuse by the local authority and they and the care commission inspect such matters during external inspections.

e) Who compiled the policies and/or procedures?

Nominated officers of the council compiled the policies and procedures often collaborating in working groups chaired by managers in promoted posts overseen by the Director of Social Work

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

A number of manuals and procedures were produced to support the appropriate management of activities, including child protection. In 1971 Glasgow Corporation had produced the first guidance notes for Social Workers which were revised in 1979. There were new manuals regarding procedures regarding child abuse in 1979, 1983, 1989, 1993 (amended supplementary procedures). There were Child Protection Procedures produced by authorities in the West of Scotland in 2001. Successive foster carers Handbooks and manuals have sections on managing child abuse in relation to children in foster care with the most recent being 2019.

g) Were such policies and/or practices reviewed?

Yes

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

The Council did review and change policies and procedures over the years for a variety of reasons including; changes in legislation and associated regulatory guidance, response to local needs and after taking into account, lessons learned from recommendations of child abuse inquiries across the UK.⁸⁵

⁸⁵ Child Abuse in Strathclyde in the 90's. Report by Director of Social Work. This relates to response to Inquiry elsewhere in UK. (SR1/2/Box197).

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

Strathclyde Regional Council established groups to look at all the Inquiry Reports regarding abuse across the UK for example, Fife, Orkney; Cleveland. Where the recommendations were relevant to legislative practice in Scotland or not already in place in Strathclyde Regional Council, policies and procedures were altered to reflect this. The societal view of corporal punishment led to policy changes within the organisation in the 1980's.

- j) Why were changes made?

To protect children and keep them safe. Also to meet any changes in legislation/regulation and underpin the continuous development of the foster care service in areas of assessment, preparation, managerial oversight recruitment and continued support for families and the children placed with them so that their welfare needs were met.

- k) Were changes documented?

Yes in so far as we have been able to ascertain changes were documented

- l) Was there an audit trail?

Yes in so far as we have been able to ascertain there was an audit trail.

Present

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

From our research it would appear the answers are the same

- n) If so, please give details.

Please see the answer above at m)

(ii) Practice

Past

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

Yes from research thus far it would appear that they did.

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

- i. Approach to/process of internal investigations
- ii. Identifying lessons/changes following internal investigations
- iii. Implementation of lessons/changes following internal investigations
- iv. Compliance

- v. Response (to child and abuser)
- vi. Response to complaints (including response by local authority)
- vii. External reporting following internal investigations

Yes in so far as we have been able to ascertain in relation to the bullet pointed list above the local authority did adhere in practice to its policy/procedures

c) How was adherence demonstrated?

Adherence was demonstrated by practitioners acting in partnership with, in particular the police, to follow the processes set out in child protection policies and procedures. The Care Inspectorate was notified of allegations of abuse about children in foster care.

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

Records of child protection investigations are recorded in children's files. The Care Commission and Care Inspectorate reports mention a robust response to allegations. Foster carer files also note response to allegations.

e) Were relevant records kept demonstrating adherence?

Yes in so far as we have been able to ascertain relevant records were kept demonstrating adherence.

f) Have such records been retained?

Yes in so far as we have been able to ascertain relevant records were kept demonstrating adherence.

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

Policy and procedure was adhered to in practice

Present

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

From our research it would appear the answers are the same

i) If so, please give details.

Please see the answer above at h).

4.9 Record keeping

(i) Policy

Past

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

The 1971 and 1979 manuals provide instruction on report writing and case files. This was updated by Strathclyde Regional Council in the early 1980s.

In 2000-2001, the Council agreed a policy on the preservation of Archives and Records, which established the governance arrangements, including the role of the City Archivist. It included the need for agreement regarding Retention Schedules.

In 2015 Council submitted its Records Management Plan to the keeper of the Records of Scotland, under the terms of the Public Records (Scotland) Act 2011, which received his approval.

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

In view of the emphasis that was required to be placed on record keeping in relation the Children Act 1975, there was a need to instigate a formal system for the storage and retrieval of records and in order to prevent any gaps in child care records.

- 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?

The policy aim or intention was to protect the story of children in care and to meet statutory requirements on record retention

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

i. Children in foster care

Please also see the answer at 4.2 d) above.

The 1971 and 1979 manuals provide instruction on report writing and case files. This was updated by Strathclyde Regional Council in the early 1980s.

In 2000-2001, the Council agreed a policy on the preservation of Archives and Records, which established the governance arrangements, including the role of the City Archivist. It included the need for agreement regarding Retention Schedules.

In 2015 Glasgow City council submitted its Records Management Plan to the keeper of the Records of Scotland, under the terms of the Public Records (Scotland) Act 2011, which received his approval.

ii. Foster carers

Successive foster care procedures, manuals and handbooks provide sections on Record keeping and report writing for foster carers. A typical report would outline

the progress of a child in placement. Regular record keeping and diaries were encouraged in guidance across the years

iii. Visits to children and foster carers

Visits to children and foster carers were to be recorded in children's case notes recording date of visit its purpose and any issues of note arising during the visit.

iv. Complaints

Complaints were recorded in case files of foster carers and children in foster care as they arise

v. Investigations (both internal and external)

Investigations are recorded in case files of foster carers and children

vi. Discipline

Disciplinary matters were recorded in daily records maintained by foster carers and might also be noted in children's case file records

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

Children are provided with copies of assessments, reviews and plans and if they had requested access to their file then it would be provided within 40 days of that request.

Subject access requests are dealt with in 28 days currently. Files are redacted of some third party information and if information is likely to cause serious harm then it may not be provided. Practitioners redacting files will meet with former children in foster care requesting file access and take them through the file sensitively.

viii. Other issues relevant to foster care

Medical, school, activities, photographs, life story work records, direct work on the child's feelings and chronologies are examples of record keeping which feature in case file structures and which have been established in response to policies relevant to foster care.

e) Who compiled the policies and/or procedures?

Nominated officers of the of the council compiled the policies and procedures often collaborating in working groups chaired by managers in promoted posts overseen by the Director of Social Work

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

Please see the answer above at a).

Also successive foster care Handbooks and Manuals have been updated in response to regulatory change or a local needs demand. The 2004 Inverclyde Foster Care Manual is an excellent example and the latest Foster Carers' Handbook is dated 2019.

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

Yes

h) Were such policies and/or practices reviewed?

Yes

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

The Council did review and change policies and procedures over the years for a variety of reasons including; changes in legislation and associated regulatory guidance, response to local needs and after taking into account, lessons learned from recommendations of child abuse inquiries across the UK.

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

Strathclyde Regional Council established groups to look at all the Inquiry Reports regarding abuse across the UK for example, Fife, Orkney; Cleveland. Where the recommendations were relevant to legislative practice in Scotland or not already in place in Strathclyde Regional Council, policies and procedures were altered to reflect this. The societal view of corporal punishment led to policy changes within the organisation in the 1980's.

k) Why were changes made?

To meet any changes in legislation/regulation and underpin the continuous development of the foster care service in areas of recruitment, assessment, preparation, managerial oversight and continued support for families and the children placed with them so that their welfare needs were met.

l) Were changes documented?

In so far as we have been able to ascertain from research changes were documented

m) Was there an audit trail?

In so far as we have been able to ascertain from research there was an audit trail.

Present

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

From our research it appears that the answers are the same.

o) If so, please give details.

Please see the answer above at n)

(ii) Practice

Past

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

Practice adherence standards were not always consistently maintained in relation to record keeping over the years.

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

File auditing was carried out by family placement workers and overseen by managers.

Supervisory arrangements were in place after 1971 and continue to date.

Visitor reports carried out by Welfare and Children's officers were countersigned by managers in the 1950's.

- c) Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following:

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

Please see the answer above at a). However supervision arrangements were in place whereby managers supervised subordinate first line workers. Family placement workers supervised foster carers. The practice checks of the areas in the bullet point list were a key feature of practice supervision.

- d) How was adherence demonstrated?

Adherence was demonstrated by managerial oversight and sign off of case records, file audits and supervision records.

It would appear from research that access to case file record requests were facilitated when they were made by former children in foster care.

- e) Were relevant records kept demonstrating adherence?

Case files of children and foster carers are retained which demonstrate adherence.

- f) Have such records been retained?

Yes records have been retained according to regulations.

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

We are unable to provide any reason why policy/procedure was not always adhered to in practice with any degree of accuracy.

- 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?

In preparation for external inspection the fostering service carries out a self-assessment

The fostering service have held Foster home reviews after allegations were investigated and were obliged to consider all aspects of practice in disruption meetings at such times. Disruption meeting minutes were taken back to Fostering Panel to inform recommendations on continued registration and then came to the attention of the agency decision maker who was either a Corporate Director or Head of Children and Family services..

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

Reviews took place prior to External Inspections and in response to allegations of abuse of children in foster care. Foster care case files and children's files contain review records and notes on how investigation outcomes were responded to.

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

From research it would appear that the outcomes of investigations have been used in individual and team supervision to reflect upon practice.

- k) What changes have been made?

From our research we are aware that where there have been incidences of children making complaints about foster carers and despite those allegations having been found to be without substance, the outcomes of the investigations have been used to inform practice. One change in particular has been in relation to the frequency of supervision visits to the foster carers. Following investigation the frequency of supervision visits have been increased with more person centred support of foster carers and children applied.

- l) How are these monitored?

Case file auditing and supervision

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

Yes whenever former children in care requested access to records the local authority assisted them as required.

- n) If so, how was that facilitated?

Requests for access to files were made and responded to within 40 days. Files were redacted of third party information and made available to applicants.

- o) If not, why not?

Please see the answer above.

Present

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

In so far as we are aware from our research the answers are the same

- q) If so, please give details.

Please see the answer above at p).

- r) Please provide details of the types of any records currently held relating to the children in foster care in respect of the following:
- i. Children in foster care
 - ii. Staff with responsibilities for foster care
 - iii. Foster carers
 - iv. Complaints
 - v. Investigations (both internal and external)
 - vi. Responding to requests from former children in foster care for information/records

i Case file records which contain: Correspondence, Assessments, Plans, Review Reports, Case notes, direct work, reports from education, health, chronologies, Visitor Reports, all matters relating to children's hearings

ii) Supervision records, employment contracts, Human Resources records (disciplinary, sickness, holidays), appraisals, professional registration.

iii) Foster Carer: Medical Reports, Correspondence, Fostering Panel Minutes of Approval, Bedroom Sharing Risk Assessments, Health and Safety Reports, Safer Caring Plans, Foster Carer's Annual Review Minute, Complaints, PVG Disclosures, Form F Assessment, Placement Record, Diaries, daily records, placement agreement records, end of placement reports, chronology.

iv) Complaints: records are retained in foster carers and children's files. Children and families admin service also retain basic information records of formal complaints about service provision which are allocated for investigation through the Complaints procedure.

v) Investigations

- Internal – records retained in foster carers files and Children's files
- External – Inspection reports are published on line with a secure link which note brief recognition of complaints. Notifications made to the Care Inspectorate are also retained by the Fostering Service Team lead.

vi) Responding to file requests - data base of such requests is retained by Children and Families department admin service.

Part D – Abuse and Response

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

5. Abuse

5.1 Nature

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

From research thus far we have not found any evidence of children having been abused in foster care. Any Child Protection investigations which have been carried out in response to allegations of abuse have not led to any convictions nor have they led to anyone admitting to the abuse of any child in foster care.

5.2 Extent

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

From our research thus far, which has involved a team of readers searching the Burgh minutes of Greenock and Port Glasgow from 1930 to 1969, we have not found any evidence of children having been abused in foster care. We have found evidence of allegations of abuse being made against foster carers.

Item 112 of the activity log is a minute of the Children Committee of Greenock Corporation dated 7th September 1949. The Committee agreed to remove various children from their carers after discussing reports from placement visiting councillors and the Children officer. The committee agreed not to place any other child with the carers in future. Unfortunately it has not been possible to identify the children in order to read their case files to assess the specific reason for their removal.

Foster Carers case files have been read, particularly the sections containing complaints and Disruption meeting minutes which include information on deregistration of foster carers.

From that research only one case has been found where an allegation of physical abuse was made against foster carers towards a child in their care. The carers denied the allegation that they had caused suspicious bruising to the child. Although a child protection investigation was carried out and a police report submitted the Procurator Fiscal, the decision was taken not to bring charges or proceed to court. The carers were interviewed by the police under caution but did not waver from professing their innocence. The carers eventually disengaged from the support being offered by the fostering service and did not attend the disruption meeting, almost one year after the incident. The fostering service ultimately recommended to the Fostering panel that they consider de registration of the carers. That recommendation was made by the fostering panel and agreed by the agency decision maker. As a result the carers were deregistered.

b) What is the basis of that assessment?

From research thus far we have not found any evidence of children having been abused in foster care. Please see the answer above at 5.2 a).

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

After extensive reading of Burgh minutes and files of foster carers and children who were in care only one allegation of abuse of a child in foster care has been found to be made.

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

The allegation of abuse was against a foster care couple.

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

From our research we are not aware of any foster carers having been convicted of or admitting to abuse of children.

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

From our research no foster carers have been found by the local authority to have abused children.

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

From our research no family members of foster carers have been found by the local authority to have had complaints made against them in relation to alleged abuse of children.

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

From our research thus far no family members of foster carers have been convicted of or admitted to abuse of children

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

From our research no family members of foster carers have been found by the local authority to have abused children.

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?

From our research thus far we have not found any evidence of complaints against any other children in the same placement in relation to the alleged abuse of children.

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

From our research no other children placed in foster care in the same placement have been convicted of, or admitted to abuse of children

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

From our research no other children placed in foster care in the same placement have been found by the local authority to have abused children.

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?

We have found no evidence of abuse however when any complaint was received by the local authority it appears that they responded promptly.

A child protection investigation began in response to a concern arising on 06 April 2009 when a foster carer phoned their support social worker to say a child in her care had fallen in the shower and bruised his ear.

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

The allegation of abuse was contemporaneous. The medical examiners were concerned that bruises to the child may have been non accidental and that a joint investigative interview of the child should take place. The child provided no direct allegation against the foster carers at interview but police and social work agreed that a police investigation should continue and the carers were later interviewed under caution. A Children's hearing on the 9th April 2009 agreed that the child, who had already been removed from the care of the foster carers on 6th April 2009 and placed with paternal grandparents, should remain with them. On 8th April the child's father expressed the view that it was his view that the child had been abused by the foster carer. Social workers explained that a joint child protection investigation of that complaint was already underway. From research of records it would appear that a police report was sent to the Procurator Fiscal. No charges were brought by the police and the matter did not proceed to court.

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

We have found one incidence of a family complaining that they have suffered abuse in foster care during the 1950's although the complaint was not made until 2019 in a television documentary.

In a BBC documentary film called A Family Divided, which was last televised on Sunday 28 April 2019, a participant in the documentary alleged that they had suffered physical abuse whilst placed in foster care on a farm by the local authority during the 1950's.

Although no formal complaint has been made to the local authority as yet, the case files of the family have been researched.

One file in particular confirms that the child was in foster care on a farm in the 1950's with two siblings. Officers made routine visits to the placement and wrote reports about the child's welfare in placement. None of those reports suggest any abuse

took place. The hand written visitor reports about the child in placement are retained in the Municipal Buildings archive as are other case file records, including medical records of the child, until their discharge from care in the 1960's. The above television documentary film is the only intimation of non-recent abuse however as far as we are aware no complaint has been made to the local authority.

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

From our research no patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse can be noted.

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?

The fostering service was inspected by the Care Commission for the first time in 2006 and on a number of subsequent occasions until the Care Inspectorate took over the inspection responsibility in 2013. Please see the answer below at b)

For each such external inspection please answer the following:

b) Who conducted the inspection?

The following external inspections have been conducted:

31 August 2018	Care Inspectorate Inspection Report By inspection team
12 August 2016	Care Inspectorate Inspection Report by inspection team
08 January 2015	Care Inspectorate Inspection Report By inspection team
28 February 2014	Care Inspectorate Inspection Report By Jan Strain
14 February 2013	Care Inspectorate Inspection Report By Ann Borland

30 June 2011	HMIE/Care Inspectorate Inspection Report Letter to note no further inspection due to major inspection of child protection already carried out 21 Jan 2011
27 January 2011	HMIE/Care Commission Inspection Report By Joan Lafferty Joint inspection of services to protect children and young people in the Inverclyde Council area
24 March 2010	Care Commission Inspection Report By Ann Borland
31 March 2009	Care Commission Inspection Report By Anne Borland
18 February 2008	Care Commission Inspection Report by Ann Borland
30 October 2006	Care Commission Inspection Report By Suzanne Beard

c) Why was the inspection conducted?

The inspections were routine announced inspections of the fostering service to children.

d) When was the inspection conducted?

Please see the answer above at b).

e) What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?

The 2006 inspection required the fostering service to start a complaints log to enable the service to keep a central record of complaints made.

The 2008 inspection noted compliance with the 2006 requirement.

In none of the inspections were any issues relating to abuse or alleged abuse of children in foster care raised with the local authority, including the 27 January 2011:

Joint inspection of services to protect children and young people in the Inverclyde Council area.

The grades for Care and Support of Children were either very good or excellent

please see the answer above at 2.3 a).

f) What was the local authority's response to the inspection and its outcome?

The local authority's response to the inspections and their outcomes was to always meet any requirements which had been highlighted.

g) Were recommendations made following the inspection?

Research shows that recommendations were made following inspections however none were made regarding abuse and/or alleged abuse of children in foster care.

The 30 October 2006 requirement was made by the Care Commission:

The Service must ensure that complaints, significant incidents and contacts are recorded and are easily accessed and auditable. This is in order to comply with: SSI 2002/114 Regulation 25 (7) Complaints.

At the next Inspection by the Care Commission (18 February 2008) the inspector recorded:

This (requirement) had been met with the service introducing a complaints log book.

h) If so, what were the recommendations and were they implemented?

Please see the answer above at g).

i) If recommendations were not implemented, why not?

It would appear from research that recommendations were implemented.

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?

From research it would appear that the only external investigation conducted relating to alleged abuse of a child in foster care was the Police investigation noted above at 5.3 a).

For each such external investigation please answer the following:

b) Who conducted the investigation?

The Police investigation appears to have been carried out by Nigel Gilmour of the Public Protection Unit Division K.

c) Why was the investigation conducted?

The investigation was conducted by the police due to suspicious bruises which the police medical examiner believed were non-accidental and which may have been caused by the child's foster carers.

d) When was the investigation conducted?

The investigation began on 6th April 2009.

e) What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?

A police report was provided to the Procurator Fiscal and no charges were brought.

f) What was the local authority's response to the investigation and its outcome?

The local authority considered the findings at a disruption meeting which then made recommendations to the Fostering panel that the registration of the foster carers be considered. The Fostering panel met on 27th August 2010 and recommended de registration citing responses to the child protection allegation and investigation in April 2009 and also the male carer being arrested and charged with alcohol related offences in July 2009. The agency decision maker wrote to the foster carers informing them that their registration was withdrawn on 10th September 2010.

g) Were recommendations made following the investigation?

From our research it does not appear that any recommendations were made following the investigation other than deregistration of the foster carers as described in the answer above at f).

h) If so, what were the recommendations and were they implemented?

Please see the answer above at g).

i) If recommendations were not implemented, why not?

Please see the answer above at 5.5a).

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?

From research thus far we have not found any evidence of external inspections until 2006.

Child Protection procedures which included single agency police investigations were in place from the 1970's and remain in place today.

External Inspections

From 2006 the local authority procedure for dealing with external inspections was to provide an Annual Return or self-assessment as requested by the Care Inspectors which helped them to review the service using accurate and up to date information.

During the inspection visit, evidence was gathered from a number of sources including:

- Service users' records
- Child Protection policy and procedure
- Information leaflets provided to service users
- Risk assessments
- Complaints log
- Staff training records
- Foster carers records

- Information on Inverclyde's Corporate Parenting and Children's Champion Scheme. Further research suggests that managers, social workers, foster carers and children were made available to meet inspectors to be interviewed by them about the service including areas of concern.

External Investigation

The local authority procedure for dealing with external investigation was to assist police colleagues carrying out or considering whether to carry out criminal investigations by following agreed child protection investigation practice. Social workers and Senior social workers took responsibility for gathering information from all sources including for example health, education and social work records before sharing the information with the police during an Initial discussion in which the next steps were agreed. When police investigations were continued social workers supported children and their families and foster carers as required. Typically children's social workers assisted with joint investigative interviews of children and assisted in transporting and supporting children who needed medical examination. Family placement social workers supported foster carers and communicated information to them about the progress of any criminal investigations of alleged abuse.

- b) What was the local authority's procedure/process for responding to the outcomes of such external inspections and/or investigations?

External Inspections

Post 2006 the local authority's procedure for responding to external inspection outcomes was to consider the recommendations at senior management and committee level before action planning how best to implement any practice improvements and practice changes which might be necessary to ensure outcomes were met (please see the example in the answer above at 5.3 e).

External Investigations

Since the 1970's the local authority's procedure/process for responding to the outcomes of such external investigations was to reflect at Senior Management and committee level as well as practitioner and team level on the outcomes. The Child Protection Committee would support improvement work by managers and practitioners and if necessary ask for procedures to be updated accordingly. Practitioners and first line managers would have used supervisory arrangements to implement changes at individual or team level as required.

- c) What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?

Please see the answer above at b).

5.7 Impact

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

From our research thus far we have not found any evidence of children having been

be abused in foster care.

The child alleged to have been abused in 2009 was removed from foster care to his paternal grandparents care with the approval of a Children's Hearing. After the child protection investigation the child was not placed on the child protection register and not considered to have suffered significant harm.

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

From our research it appears that the local authority's knowledge/assessment of that impact comes from the analysis of the outcome of the child protection investigation and perhaps continued support for the child.

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

From our research it would appear that the impact on the family of the child alleged to have been abused by his foster carer (2009) was an understandable expression of anger and concern that the system, designed to maintain the child's safety, was allegedly harming the child. The impact on the paternal grandparents was to introduce a three year old unexpectedly in to their household in a kinship care arrangement bringing with it compulsory supervision arrangements.

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

Research suggests that the local authority's knowledge/assessment of that impact comes from case file records.

5.8 Known Abusers and Alleged Abusers

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

From research thus far we have been unable to find any evidence of children having been abused in foster care. One allegation of abuse has been made against some foster carers the names of whom are known by the local authority and more specifically referred to in the appendix to this report as per guidance.

- b) If so, what are the names of the abusers, and/or alleged abusers?
- c) For each of these persons, please provide as much as possible of the following information:
- the period (dates) during which they are known or alleged to have abused children in foster care
 - if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse

- the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter
 - 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,
- d) Were known abusers, or alleged abusers, of children permitted to continue as foster carers?
- e) If so, why was this considered to be appropriate?
- f) If so, what process of monitoring/supervision followed?

5.9 Specific Complaints

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

From our research thus far we are aware of four specific complaints in relation to allegations of abuse of children in foster care including the case referred to at 5.8 above.
Please see separate appendices as per guidance.

For each specific complaint, please answer the following:

- b. Who made the complaint?
- c. When was the complaint made?
- d. Against whom was the complaint made?
- e. What was the nature of the complaint?
- f. When/over what period was the abuse alleged to have taken place?
- g. What was the local authority's process and approach in dealing with the complaint?
- h. What was the local authority's process and approach for investigating the complaint?
- i. What was the outcome of the complaint following that investigation?
- j. Did the local authority provide a specific response to the complaint?
- k. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?
- l. If there was no response, why not?
- m. Was the information/content of the complaint passed to police?
- n. If not, why not?

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?

From our research it would appear that no civil actions have been brought against the local authority relating to abuse, or alleged abuse, of children in foster care.

For each such civil action, please answer the following:

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

Please see the answer above at 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?

From our research it would appear that no criminal injuries compensation has been awarded in respect of abuse, or alleged abuse, of children cared for in foster care.

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

Please see the answer above at a).

5.12 Police

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

Please see separate appendix as per guidance.
From our research there are two complaints of abuse of children in foster care which were made to the police.

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

- b) Who was the alleged abuser or abuser?
- c) Did the police conduct an investigation in relation to the complaint?
- d) If so, who conducted the investigation and when?

- e) What was the outcome of the police investigation?
- f) What was the organisation/establishment's response?

5.13 Crown

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

From our research it would appear that the Crown has not raised proceedings in respect of allegations of abuse of children in foster care with the local authority.

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

Please see the answer above at a).

- b) What is the name of the person(s) against whom the proceedings were raised?

Please see the answer above at a).

- c) What was the nature of the charges?

Please see the answer above at a).

- d) What was the outcome of the proceedings, including disposal/sentence if there was a conviction?

Please see the answer above at a).

- e) What was the local authority's response to the proceedings and outcome?

Please see the answer above at a).