

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.

The following authorities were predecessor authorities for the local authority area now forming the Moray Council area. The geographical area now forming Moray Council has not always encompassed the same land borders as currently. This is best shown by reference to the document titled "Local Government Organisation Chart" for maps showing the areas covered by local authorities in the area from 1930 to 1995. Moray as it is outlined in the 1975-1995 map (area 'G5') is identical to the area of Moray (the area covered by Moray Council) today.

Authority Name	Time Period	Notes
Moray & Nairn Joint County Council	1930 to 1975	<p>From 1947 the joint county council had all responsibilities for a county council but could choose to delegate their responsibilities to Moray or Nairn County Council. (see s. 118 of 1947 Local Government act), however the joint county council did not delegate responsibilities relating to foster care and had continuous responsibility for foster care from pre 1930 to 1975.</p> <p>The Council was dissolved in 1975, area subject to boundary changes at this time – see enclosed "Local Government Organisation Chart"</p>
Moray County Council	c.1889 to 1975	<p>Moray & Nairn Joint County Council delegated various responsibility to Moray County Council. Foster care responsibilities were <u>not</u> delegated. Prior to 1930 MCC was sometimes known as Elgin County Council.</p> <p>Subject to boundary changes in 1975 – see enclosed "Local Government Organisation Chart".</p>
Banffshire County Council	c.1890 to	Had full responsibility for foster care.

	1975	Subject to boundary changes in 1975 that saw parts of Banffshire become part of what is now Moray – see enclosed ““Local Government Organisation Chart””.
Grampian Regional Council	1975 to 1996	Had full responsibility for foster care. Moray District Council existed within Grampian Regional Council during this time period.
Moray District Council	1975 to 1996	A division of Grampian Regional Council, responsibilities included environmental health, licensing, parks, roads etc. - did not have responsibility for foster care. Boundaries formed during 1975 restructure, remain the same today.
Moray Council	1996 to present	Formed after the Local Government (Scotland) Act 1994 which redefined the local government areas in Scotland. Had responsibility for foster care during this time period.

The following Town Councils and Burgh Councils existed in the area now covered by Moray during this time period. They had no responsibility for foster care.

Town and Burgh councils had very similar (if not identical) responsibilities. While exact dates for the existence of these Town/Burgh councils are not always known, in general they came into existence some time before 1930 and were dissolved in 1974/1975. Typical Burgh/Town Council concerns included local roads, paths and water/sanitation.

Town and Royal Burgh of Elgin
 Royal Burgh of Cullen
 Royal Burgh of Forres
 Burgh of Aberlour
 Burgh of Buckie
 Burgh of Burghead
 Burgh of Dufftown
 Burgh of Findochty
 Burgh of Grantown-on-Spey
 Burgh of Keith
 Burgh of Lossiemouth & Branderburgh
 Burgh of Portknockie
 Burgh of Rothes

Successor legislation (for becoming successor to previous authorities)

1) the Local Government (Scotland) Act 1947; (2) the Local Government (Scotland) Act 1973; (3) the Local Government etc. (Scotland) Act 1994;

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 has been designated with legal responsibility for the care, welfare and protection of children by the UK and Scottish Governments under different legislative frameworks at specific periods between 1930 and 2014 and undertook the provision of boarding out and fostering children as part of a wider range of duties and functions which are consistent with other Scottish local authorities in this period.

Between 1930 to 1968, Councils were responsible for providing Public Assistance (formerly under the Poor Law (Scotland) Act 1845) encompassing the care, welfare and protection of children and were given increasing powers and duties under the legal frameworks of the Children Act 1908, the Children and Young Persons (Scotland) Acts, 1932, 1937 and 1963 and the Children Act 1948.

There were also specific regulations, namely the Children (Boarding-Out etc.) (Scotland) Regulations 1947 and 1959 which imposed specific powers and duties relating to the boarding out of children by the local authority.

Between 1930 and 1968, there is a clear progression towards increased duties (as opposed to powers) being placed upon local authorities to protect the welfare of children in need.

The Social Work (Scotland) Act 1968 formally established a social work committee and repealed the duty to have a children’s committee and gave the local authority a specific and general social work welfare duty towards all people in need in their area. It included specific duties to receive children into care.

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

The local authority's involvement with fostering appears to have changed consistent with the requirements of national legislation. It has not been possible to locate all the relevant legislation over the time period which is now not available on HMSO etc, however, we believe that the following legislation had a key role in progressing the duties towards children from 1930 onwards.

In 1930, the Children Act 1908 was the primary UK legislation applicable to looking after destitute/neglected/offending children. Whilst the Act was also relevant to

methods of looking after a child other than through boarding out (e.g. reformatory schools and industrial schools – it is believed that there were no such schools in our authority area). The following points are the most notable/relevant aspects of the 1908 Act pertinent to the local authority's provision of foster care:

- A “child” was under 14 (school leaving age) and a “young person” was 14 to 16 years.
- Required anyone looking after a child under 7 to inform the local authority that they were doing so and allowed them to claim a reward from the authority for this. (First time there was a reward for doing this.)
- Required the local authority to appoint infant protection visitors to visit from time to time. Authority could exempt certain places from visits from this if not deemed necessary.
- Local Authority could fix maximum number of infants in any one dwelling.
- Local Authority could remove an infant by Justice of the Peace or Local Authority order.
- “A person controlling a young person or child shall have control of the young person or child as if they were his parent.”
- Section 23 relates to putting a child into a placement with people of their own religion.
- Local Authority was guardian of the poor law.
- The Act distinguished between youthful offenders who were sent to reformatory school and children in need who could be sent to industrial school.
- Local Authority duty to provide for reception and maintenance of youthful offenders and children.

Following the 1908 act, the following historic legislation has been relevant to the local authority's provision of foster care:

Children and Young Persons (Scotland) Act 1932

We have been unable to locate the original legislation, however we understand that the legislation set out the following relevant points:

- Understood to have amalgamated the treatment of offending youngsters and deprived youngsters
- Understood to have extended the remit of probation officers beyond juvenile offenders to include children in need of care and attention. Impose a duty on them, to visit, advise and befriend a child, and endeavour to find them suitable employment. Note: this appears to have been the start of some form of compulsory supervision.

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

Understood to be relevant, however we have been unable to locate the original legislation.

- Understood to require the local authority to visit a boarded out child every 3 months. Note: timescale appears to have been subsequently reduced to every 6 months.

Poor Law (Scotland) Act 1934

Understood to be relevant, however we have been unable to locate the original legislation.

- Understood to allow public assistance authorities to make arrangements for lodging or boarding of children without a court order.

Children and Young Persons (Scotland) Act 1937

- Consolidated 1932 and 1908 acts.
- Required 48 hours minimum notice of an intention to the local authority to provide boarding for under 9s.
- Appointed child protection visitors with a duty to visit children kept by adults who nurse and maintain them "from time to time".
- Duty to prevent overcrowding and remove children kept in unsuitable premises or by unsuitable persons, but application to the Sheriff required.
- Local Authority had a duty to provide remand homes.
- Section 66 gave the 'education authority' (in our case, Moray and Nairn Joint County Council was the 'education authority' at this time) the power to bring "a child or young person in need of care or protection" before a juvenile court, and a duty to bring "any child or young person residing or found in their area who appears to them to be in need of care or attention unless they are satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person". Subsequently, if the juvenile court agreed that the child was in such need they then had the authority to, among other options, "commit him [the child] to the care of any fit person, whether a relative or not, who is willing to undertake the care of him".
- Section 88 gave an education authority the power to board out children in their care with a duty to select a person of the same religious persuasion as the child or who gives an undertaking that the child will be brought up in accordance with that religious persuasion if possible.

Moray and Nairn Joint County Council Minutes 1937 Vol.2, p.21

"Maternity and Child Welfare and c., Sub-Committee

Children and Young Persons (Scotland) Act 1937

There was submitted Circular from the Scottish Office calling attention to the Children and Young Person(Scotland) Act 1937, which came into operation 1st July 1937, and which was by way of being a consolidating Act embodying, with certain exceptions, the provisions of the various acts 1908 to 1932. The Circular and Act were remitted to Dr Douglas for report."

Children Act 1948

- Duty to provide for child under 17 where lost or abandoned or orphaned or "his parents are prevented for caring from him; or necessary for welfare."
- Duty to keep child in care until 18 so long as the welfare of the child requires it.
- Power to make resolution vesting all rights and powers held by parents in them
- Local authority deemed to be a fit person so able to care for the child directly
- Duty of local authority to exercise powers so as to further child's best interests and to afford him opportunity for the proper development of character and abilities.

- Section 13 – duty of a local authority to discharge their duty to provide accommodation and maintenance for a child in their care, in the first instance by boarding him out on such terms as to payment by the authority and only thereafter to look at alternative measures of accommodation.
- Sections 39 and 40 related to the establishment of a Children’s Committee in each Local Authority that were responsible for implementing parts III and IV of the 1937 Act (including Section 66 as mentioned above). In Moray the duty was undertaken by the Moray & Nairn Joint County Council.
- Formalised appointment of children’s officers. No other duties other than supervising children.

Boarding Out of Children (Scotland) Regulations 1959

- Made under the 1948 act and applies to boarding out under that act of children by local authority to whose the care the child is committed under the 1937 Act as a fit person or under Section 10 of the Matrimonial Proceedings (Children Act) 1958.
- The Local Authority was required to get reports on the circumstances of the child’s home and the circumstances under which he came into care. The Local Authority was also required to secure a medical examination of the child to see if they were fit to be boarded out (the inference being that if any infection was found it might not be advisable to board the child out at that time.)
- Sets out rules around where a child can be boarded out, i.e. with a married couple acting jointly, a woman, or a grandfather, uncle or elder brother of the child.
- Bans boarding out by persons who by reason of age, mental or bodily disease or infirmity are unfit to have care of a child or also by anyone depending for a living on the payment received.
- Requires the person to be of the same religious persuasion or undertake to take the child up in accordance with this.
- Requires the Local Authority to satisfy themselves in all practical ways, including make enquiries, that the prospective foster parent is of good character and all respects suitable to look after the child.
- Requires that the fostered child be visited before placing, and also within 2 months of initial placement by Children’s Officer (or a visitor) and 3 months thereafter. Note – frequency was changed after 18 months to every 6 months.
- Imposed a duty to maintain a case record of every child boarded out by them or by another authority/voluntary organisation for whom the authority had supervisory duties.
- Duty to advise parent of placement address.

Children and Young Persons Act 1963

- Duty to provide advice, guidance and assistance to promote the welfare of a child by diminishing the need for the Local Authority to receive and keep the child in care (preventative duty).

Social Work (Scotland) Act 1968

- Section 2 – establishes social work committee, abolishes Children's Committee. Part IV of 1937 act is, among other legislation, still within the remit of the new committee.
- Section 12 – sets out general social welfare duties, including assistance to children under 18.
- Section 15 – sets out duty to provide for orphans, lost or abandoned children, or children whose parents are prevented temporarily or permanently for caring for them, and to receive the child into care so long as the welfare of the child requires and the child hasn't turned 18.
- Section 16 – Local Authority may make a resolution that parental rights rest with LA.
- Section 21 – allows Local Authority to discharge duty for children in their care by boarding out or by maintaining the child in a residential establishment.
- Section 23 – power to arrange for emigration of a child with the consent of the Secretary of State.
- Section 24 – allows Local Authority to give financial assistance towards of expenses for maintenance, expenses or training of persons over school age "but not yet 21", and has since after school age been in the care of the LA. First attempt at post-care/through-care.
- Section 25 – related to the above, power to guarantee indentures and other deeds of apprenticeships
- Section 26 – after-care up to 18; to advise, guide or assist young person unless he doesn't need it
- Section 30 – defines a child as under 16, or a child under 18 if a supervision requirement is in place.
- Section 32 – defined the circumstances under which a child would be considered "in need of compulsory measures of care":

a) he is beyond the control of his parent; or

(b) through lack of parental care he is falling into bad associations or is exposed to moral danger; or

(c) the lack of care as aforesaid is likely to cause him unnecessary suffering or seriously to impair his health or development; or

(d) any of the offences mentioned in Schedule 1 to the Children and Young Persons (Scotland) Act 1937 has been committed in respect of him or in respect of a child who is a member of the same household; or

(e) the child, being a female, is a member of the same household as a female in respect of whom an offence which constitutes the crime of incest has been committed by a member of that household ; or

(f) he has failed to attend school regularly without reasonable excuse; or

(g) he has committed an offence; or

(h) he is a child whose case has been referred to a children's hearing in pursuance of Part V of this Act.

- Section 33 – set up children’s panels in each local authority area.
- Section 36 – Local Authority duty to appoint an officer to be known as the Reporter, with deputies as required, to the children’s panel.
- Section 78 – sets out duties to make financial contributions, which “shall be payable (a)while the maintainable child is under sixteen years of age, by his father and mother; (b)if he is over sixteen years of age and is engaged in remunerative employment, by the maintainable child himself.”

Foster Children (Scotland) Act 1984 –

- Section 1 – “Subject to section 2, a child is a foster child for the purposes of this Act if he is—
(a)below the upper limit of the compulsory school age, and
(b)his care is undertaken for a period of more than 6 days by a person who is not a relative or guardian of his.

The period of 6 days begins with the day on which the child is received into the care of that person.”

- Section 2 – Sets out that foster child is not a foster child while in the care of the local authority or boarded out by an education authority, or if on a probation order, or supervision requirement, or placed for adoption. Applies to private fostering only.
- Section 3 – duty of the local authority to secure the welfare of children within the area who are foster children.
- Section 5 – Foster Carers give written notice to local authority of proposal to maintain themselves as a foster carer
- Section 7 – disqualifies certain people from keeping foster children
- Section 8 – grants power to local authority to inspect premises
- Section 9 – allows local authority to impose requirements as to the keeping of foster children
- Section 10 – allows local authority to prohibit keeping of foster children
- Section 12 – allows local authority to remove foster children from unsuitable surroundings.
- Section 14 – allowed persons to advertise themselves as foster carers as long as they stated their true name and address. Allowed the Secretary of State to prohibit particular individuals from this, and also to prohibit parents/guardians from publishing adverts indicating that foster parents are sought for their child,
- Section 16 – Required schools to give notice to the local authority if children staying in school during school holidays.

Boarding Out and Fostering of Children (Scotland) Regulations 1985

- Made under the 1968 Act, came into force 1st April 1986.
- Section 4 – “A care authority shall appoint a panel for the purpose of considering and advising on the matters specified in regulation 6 and may appoint such additional panels as it considers necessary and such a panel shall be known as a “fostering panel””.
- Section 6 – sets out of the functions of a fostering panel, including to consider if potential foster parents are suitable.
- Regulation 7 – approval of a foster carer, only to be made by Local Authority after consideration of a report by the fostering panel.

- Regulation 8 - requirement to have an agreement with the foster parent requiring the care to be provided and for financial arrangements to be in place.
- Part III – sets out the regulations and requirements around placing a foster child into care. Note: these are broadly comparable to current law.

Children (Scotland) Act 1995

- Section 1 and Section 2 – definition of parental rights and responsibilities held by parents.
- Part 2 – Sets out duties for for children looked after by Local Authority (begins with Section 17, which is Paramount Duty to welfare of child)
- Section 25 – duty to accommodate a child under 18, power to accommodate a young person between 18 and 21.
- Section 26 – types of accommodation that the Local Authority may use, including foster care.
- Section 30 – power to fund young person previously in care for education etc.
- Section 26A – continuing care – added to by Children and Young Persons (Scotland) Act 2014 for those between 18 and 21 years.
- Section 29 – through care and after care for those who have left care, amended by Children and Young Persons (Scotland) Act 2014.
- Part 3 – related to children’s hearings, but repealed and replaced by Children’s Hearings (Scotland) Act 2011

Fostering of Children (Scotland) Regulations 1996

- Made under the Children (Scotland) Act 1995
- Regulation 7 – approval of foster carers (including hearing case at fostering panel.)
- Regulation 8 – written agreement with foster carers
- Regulation 9 – written agreement of payment of allowances
- Regulation 6 – sets out function of fostering panel
- Regulation 10 – reviews and terminations of approval of foster carers
- Regulation 11 – provides for decisions regarding the placements (apart from where the children are under supervision requirement)
- Overall, roughly mirrors current law.

The following legislation remains applicable –

In part: **Social Work (Scotland) Act 1968**

Children (Scotland) Act 1995

Arrangements to Look After Children (Scotland) Regulations 1996

Adoption and Children (Scotland) Act 2007

Looked After (Children (Scotland) Regulations 2009

Children’s Hearings (Scotland) Act 2011

The Children and Young People (Scotland) Act 2014

Although the Council's statutory predecessors had limited duties in relation to children, those became more onerous over time. Initially, there were no restrictions on who could board out a child and limited checks. Over the period from 1930 to 1995, it gradually became a requirement that foster carers met certain criteria, and ultimately were formally approved. Similarly, Local Authorities' duties to inspect and visit children in foster care increased over the same period. In addition, the Social Work (Scotland) Act 1968 introduced fostering panels and children's hearings which are still a key part of decision making to date. These individual legislative powers and duties, which were introduced piecemeal, have imposed cumulative duties and powers, which have resulted in the current child protection and foster care regimes operated by Local Authorities.

1.2 Funding of Foster Care

Past

Throughout the response to this 'past' section, and indeed in the response to many other sections, references will be made to excerpts taken from various Council minutes. These are the main surviving sources available to us that provide indications as to how foster care may have been handled in the past. We are not able to guarantee the accuracy of these minutes or that their contents reflected what may have happened in practice.

Additionally, any perceived lack of minutes relating to a given area should not necessarily be interpreted as the authority having in some way neglected to consider that issue. It is most probable that any work discussed in Council minutes represents only a very small part of the work undertaken by the local authority at any given time. It is possible that many other records relating to a given issue were created at the time and have subsequently been lost or destroyed (whether according to a retention schedule or because they existed during a time period before retention schedules were a widespread consideration). It is also possible that issues were considered verbally and that discussions and decision were not recorded in the first place. Ultimately we are unable to determine this one way or the other.

Whenever an excerpt is taken from the Council minutes, any commentary or judgements made are only made in relation to the time period that the minute was made. For instance, if it is stated that "This excerpt suggests that..." then this should only be considered the case for the time which the excerpt dates from, and not necessarily for the entire time period that the Inquiry have defined as the 'past', and not necessarily for any period of time beyond which the minute entry is dated. This is true at any time that an excerpt from the Council minutes is quoted, not only for the response to question 1.2.

Overall, our use of the minutes is a necessity given the time periods that this Section 21 is concerned with and the lack of other information available to us for those time periods. Our use of them is not, in and of itself, a comment on their reliability or on how accurately they represent a given point in time, as ultimately we are unable to verify this.

As a note, while reviewing Council minutes and historic case files are the primary sources of information they are not the only sources used. Other sources are listed in the inventory of supporting documents returned as part of this submission. These will only be referred to directly in the few cases where they are relevant – in general, if they are not mentioned in response to a question then it should be understood that we did not discover information relevant to the that question from the other sources listed in the inventory of supporting documents. If an answer states something to the effect of "we did not discover relevant information in the Council minutes", please understand this to also include any of these alternative (non-Council minute/non-historic case file) sources listed in the inventory.

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

Foster care provision appears to have been funded in part by contributions from the child's parents. Indications of this can be found throughout the Council minutes – a typical relevant example is given below.

Banff County Council Minutes, 1944-45. p.57

"24th November 1944

Schools Sub-Committee

██████████ Family – Allowance

26. Children Act Cases – ██████████ Family

(a) Letter from the Clerk to the School Management Committee, Aberchirder area, stating that the guardian of three members of this family had applied for an increase in her allowance – from 10s to 11s per week per child. Resolved to recommend that the application be granted.

(b) Letter from the Clerk to the School Management Committee, Aberchirder area, suggestion that, regard being had to his circumstances, Mr ██████████ be asked to contribute more than £5 per month towards the maintenance of his five children. Agreed to recommend that he be asked to pay £6 monthly."

Additionally, foster care provision appears to have been funded partially through local authority funds. It appears that the local authority gave allowances to those looking after boarded-out children, and may have been required to do so by national legislation (with or without compensation from national government):

Moray and Nairn Joint County Council Minutes 1945

"23rd July 1945

General Meeting of Council

Family Allowance Bill – Allowance for Boarded-Out Children

10. Bailie Nora Mackay stated that the Family Allowance Bill proposed that family allowances should be granted amounting to 5/- in respect of each child after the first, but it was not intended that these allowances should be available to Local Authorities in respect of children maintained by them as Poor Law Authority or committed to their care as Education Authority.

It was explained that the County Councils Association had made representations to the Minister of Social Insurance that the allowances should also be paid to Local Authorities but without success.

After discussion it was agreed that the Clerk should take up the matter with the Right Hon. James Stuart, M.P."

Moray and Nairn Joint County Council Minutes 1945

"3rd September 1945

Public Assistance Committee

Family Allowance Bill – Allowance for Boarded-out Children

7. With reference to para. 10 of Minute of General Meeting of the Joint County Council, the Clerk stated that, as instructed, he had written to the Rt. Hon. James Stuart, MP with regard to the Family Allowance Bill which did not propose to pay children's allowance to Local Authorities in respect of children maintained by them as Poor Law Authority or committed to their care as Education Authority. He submitted

a letter which he had received from Mr Stuart in reply and he sent a copy of Hansard containing the observations of Sir William Jowitt during the second reading of the Bill. The Minister had indicated that it was not the Government's intention to pay the allowances to Local Authorities in respect of such children and the Clerk stated that the matter was still being pressed by the County Councils' Association and the Convention of Royal Burghs. The position was noted."

The follow excerpt suggests that the local authority funded the care of children that had been placed into the local authority area by other authorities. The 'Department' referred to below is understood to be a national government Department of Education, and that this appeal is a request to that Department for funding to cover the costs to the local authority of providing foster care for children originating outside of the area.

Banffshire County Council Minutes, 1946-47, p.68

"2nd October 1946

Schools Sub-committee

28. Boarded-out children

Report by the Director as to the position under the Education (Scotland) Act, 1945, as regards children boarded-out in the County by the Authorities of other areas, and suggestion that, in view of the cost involved in making educational and other provision for children from other areas, the Department be approached in the matter of making a supplementary pupil grant for such children. Approved, and the Director instructed to take the matter up with the Department if, on further examination of the figures, it appeared that a case could be made."

The following excerpt makes reference to Section 47(1)(a) of the Children Act, 1948 which effectively states that Parliament would, to a certain degree, cover foster care expenditure:

Moray and Nairn Joint County Council Minutes 1950 Vol 3

"24th April 1950

Children's Committee

Exchequer Grant on expenditure in respect of children boarded-out &c..

11. A Circular was submitted from the Scottish Home Department stating that as from the beginning of the local financial year 1950/51 Exchequer Grant under Section 47(1)(a) of the Children Act up to an average of 40/- a week per head will be payable on expenditure reasonably incurred by a Local Authority for the maintenance or assistance in respect of –

- (a) Children in their care under the Children Act 1948 who are boarded out with Foster Parents.
- (b) Children in their care who, not being boarded out, are accommodated otherwise in premises (including Schools) provided by a Local Authority or in a Voluntary Home; and
- (c) Persons (over the age of eighteen) who are being given regular assistance under the provisions of the Section 20 of the Children Act.

The Children's Officer stated that the average expenditure incurred by this Council in the categories mentioned was well within the limit of £2 a week per head. This was noted."

The following excerpt shows that national government imposed certain conditions on how funding was provided:

Moray & Nairn Joint County Council Minutes, 1953

"27th April 1953

A circular was submitted from the Scottish Home Department in regard to family allowances paid to foster parents or boarded-out children. The circular stated that such allowances are payable only where the child is not eligible for inclusion in the family of its parents and where the foster carer is "maintaining" the child within the meaning of the Family Allowances Act. The circular also stated that as from 6th March 1953 the Ministry of National Insurance would, where a child known to be boarded-out is taken into account for family allowances purposes for the first time, automatically notify the local authority paying the boarding-out allowance if a new award of a family allowance is made to the foster parents. The circular, the terms of which were noted, was remitted to the Children's Officer for attention."

'Estimates of Income and Expenditure' are found throughout the Banffshire County Council minutes. While foster care is not necessarily the only source of income or expense caused by the Children Act 1948, nor do these examples go into great detail, they do suggest that foster care was at least in part funded by the local authority. A typical example is given below:

Banffshire County Council Minutes, 1950, p21

12th July 1950

"Estimates of Income and Expenditure for the year 1950/51 under the Children Act, 1948 showing expenditure of £20,100 and income of £10,550 leaving a deficiency of £9,550"

Later the wording was changed slightly to refer to income/expenditure 'on account of Children and Young Persons' rather than 'under the Children Act 1948', however it would be reasonable to suppose that this still included income/expenditure relating to foster care provision:

Banffshire County Council Minutes, 1951, p32

11th July 1951

"Estimates of Income and Expenditure on account of Children and Young Persons for the year 1951/52 showing Expenditure of £21,500 and Income of £11,430, leaving a deficiency of £10,070"

While the following excerpt is submitted as it may be relevant, it is difficult to comment on what exactly the significance of it is as it is unknown what "voluntary arrangements" refers to. One possibility is that it may refer to private fostering arrangements where the local authority that placed the child in the area do so

through private arrangement, as a public arrangement would mean that the local authority in this area would become responsible for funding the placement. If this is the case then this suggests that the local authority funded the provision of foster care for children that were placed in this area by other local authorities through non-private arrangements.

Banffshire County Council Minutes, 1953, p12-13

“Meeting of the Expenditure Review Sub-Committee of the Children’s Committee of Banff County Council”

“1. The Sub-Committee gave careful consideration not only to all expenditure under their control but to the volume of work and establishment of the department and resolved to report that while they are unable to suggest how any major economy can be achieved they feel that if all other Local Authorities boarding out children in this County could be persuaded to enter into arrangements for the local supervision of their children considerable additional income could be achieved. They realise, however, that they cannot at present compel this, but feel that further efforts should be made to achieve voluntary arrangements particularly as the present regulations place the burden of inspecting and reporting on prospective foster homes on the Authority in which the homes are situated without right of recovery of the expense involved. Further they recommend that in the event of voluntary arrangements proving impossible to achieve steps should be taken to seek amendment of the Regulations so as to permit recovery by the inspecting Authorities of reasonable expenses incurred.

2. In the event of other Authorities agreeing to local supervision of their boarded out children and as in any case travelling expenses might thereby be somewhat reduced the Sub-Committee remitted to the Children’s Officer to consult with the Medical Officer of Health in regard to the possibility of using District Nurses on Children’s Department work to a greater extent than at present.”

3. The County Clerk drew attention to how advertising costs can be reduced by careful wording and set out of advertisements and the Sub-Committee agreed that for the future all advertisements by the Children’s Department should occupy as little space as is reasonably necessary.

4. The Sub-Committee approved of the action taken by the Children’s Officer in endeavouring wherever possible to obtain discounts from traders.

5. The Sub-Committee approved of the voluntary work being undertaken by the Children’s Officer under the Criminal Justice (Scotland) Act, 1948, and were of the opinion that it might in time result in saving by demonstrating the absurdity of Departmental insistence on the appointment of a whole-time Probation Officer.”

From 1996 when Moray became a unitary authority, payments were recommended to and approved by the relevant committees: Social Work Committee 1996-1999; Community Services 2000- 2007; Children and Young People’s Services Committee 2007 onward.

Rates were initially paid at what are referred to as the old COSLA (Convention of Scottish Local Authorities) rates e.g. **SOCIAL WORK COMMITTEE 11 APRIL, 1996** (Paragraph 9 of the minute refers) **then at POLICY AND RESOURCES COMMITTEE 2ND MAY 1996** (paragraph 20 on the minute refers) "Following consideration the meeting agreed to endorse the decision of the Social Work Committee to "adopt the COSLA rates for fostering, custody and adoption allowances" and a percentage increase uplift, when recommended by COSLA, was recommended to and approved by Committee and applied. Rates were paid for 52 weeks each year.

The Community Services Committee 17th May 2000 (Paragraph 13 of the minute refers) approved the recommendation for 4 additional weeks to be paid: 56 weeks allowance at COSLA rates per year to support seasonal peaks – Christmas, birthdays and summer.

The rates changed from COSLA rates to the Fostering Network (tFN) rates when the new foster service was approved at Community Services Committee on 11 August 2004 (para 33 of the minute refers) and at Policy and Resources Committee on 1 September 2004 (para 20 of the minute refers).

The increase from COSLA rates to tFN rates was to achieve payment of boarding-out allowances (to cover the care costs of placements) at more realistic rates and Payment of fees (reward element) to carers at rates commensurate with the type of care provided.

Change was appropriate in that the fees correlated to the skills of the carers and the allowances supported a range of activities for young people, without need for arguing for enhanced payments for activities or for care – when a child may have specific additional care needs.

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

It appears that children may have been placed in other local authority areas, in the same way other local authorities could apparently place children in either Banffshire or Moray and Nairn County Council areas. It appears that payment was sometimes sought from the local authority where the child originated from:

Banffshire County Council Minutes, 1950, p31

17th October

"The Children's Officer reported that intimation had been received from the Children's Officer for the County of Moray and Nairn to the effect that from 13th September, 1950 allowances to children chargeable to Banff County Council and alimented and supervised by the County of Moray and Nairn were to be increased from 15/- to 16/6 weekly. The meeting approved the increase in respect of children chargeable of Banff County Council."

The excerpt below may suggest that such arrangements may have extended to the payment of pocket money if the Council to where the child was sent would “adopt a similar scheme” as that proposed in Banffshire.

Banffshire County Council Minutes, 1946-47. p.20

“14th January 1947

Social Welfare Committee

5. Pocket Money to Boarded-Out Children

The Director submitted a general report on the provision of pocket money to boarded-out children as instructed at last meeting, copies of which had been circulated in advance among Members of the Committee, and after carefully considering the Director's recommendations the Committee agreed to recommend that:-

- (1) Children on the Rolls should be included whether resident with relatives or otherwise. Children chargeable to the Education Committee should be included (subject to the approval of the Education Committee). Children chargeable in Banffshire to Other Authorities where paid and supervised by Banff County should be included. Children chargeable to Banffshire where resident out with the County and not paid and supervised by the Other Authority should *not* be included, but if these Councils adopt a similar scheme Banffshire children should be included and refund made.
- (2) Payment should commence at age 3 years on the following scale:-

3 to 5 years	– 6d weekly
5 to 8 years	– 9d weekly
8 to 12 years	– 1s weekly
12 to leaving school	– 1s 6d weekly
- (3) The allowances be paid to the guardians along with and as part of the ordinary monthly allowances.
- (4) Payment of the additional allowances should commence on the first aliment pay day after the County Council meeting of 19th February 1947.

It was noted that the approximate total cost to the County Council would be £450 per annum.”

Moray made placements with independent foster care providers from the early 2000s. From 2002 – 2010 these were very few in number but from 2010 there was a marked increase in the number of placements made.

The process that has applied for making placements has been as follows; -

In 2002 Action for Children introduced their Moray Alternative Placement Scheme. Based on resource need (limited Council foster care resource) and matching considerations (the child's care needs) placements were made and funded by the Council through spot purchase agreement. Moray did not have a contract with Action for Children. There was a senior management group with remit for considering need and resource/ budget allocation.

Aberlour Child Care Trust offered foster care placements initially by way of short breaks to children affected by disability and then from 2010 on a full time basis: Moray made its first permanent placement with Aberlour at that time. This was for a child who had specific needs and for whom permanent care was an issue.

Prior to then Moray had not made placement with independent providers. Statistics on placements are reported to Children and Young People's Services Committee in the "Out of Area" committee report: first report Children and Young People's Service Committee was December 2009 as a confidential item (paragraph 29 of minute refers).

Moray then, and now, engages with the Scotland Excel framework as a primary source of seeking appropriate placements when care from Moray Council carers is not appropriate or possible. However when the Scotland Excel framework does not meet need Moray then and now formed/s specific contracts with providers to meet resource/ complex need. Due process is applied within Moray council prior to seeking to establish a contract with providers who are not on the framework.

Contracts were established with Action for Children 2010: Foster Care Associates 2010: Care Visions 2011: Aberlour Childcare Trust fostering 2012..

- 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?

The following examples have been found of particular cases of funding apparently being provided to other institutions for the provision of foster care. Based on the limited number of examples available to us it is difficult to make generalisations on details such as when this happened and criteria under which this happened.

Moray and Nairn Joint County Council Minutes 1945

"3rd September 1945

Public Assistance Committee

Special Cases (b) [REDACTED] boarded-out child

Mr Donaldson reported that on the recommendation of the District Poor Law Medical Officer this child had been sent to Aberdeen Infirmary for special treatment and that an account for £23:8:8d had now been received from the Infirmary in respect of the treatment of the child for the period from 17th May to 23rd June 1945. The meeting authorised payment of the account."

Banffshire County Council Minutes, 1945-46, p.4

"20th March 1946

The Children and Young Persons (Scotland) Act, 1937

10. The County Clerk reported on the circumstances whereby under the Children and Young Persons (Scotland) Act 1937, seven children, with a Poor Law Settlement in the County of Moray, had been committed to the care of the Banffshire Education Authority until they respectively attain the age of eighteen years; that as he considered this an unjust liability upon the County of Banff he had petitioned the

Court to revoke the Order, and that the petition had been granted. On the motion of Bailie Kiloh the County Clerk was thanked for the prompt action taken by him which had resulted in considerable saving to the ratepayers of the County."

From 2002 the criteria applied focused on an assessment of need and risk. More usually placement with independent foster agencies is made on the basis of complex need or sibling groups who should remain placed together for whom Moray Council does not have carers who can meet need.

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

It appears that financial state support was available to foster parents and that applications could be made directly to the local authority for consideration. We have not found any examples in our records of foster carers making similar applications directly to national government/'the state'. As noted above, it appears that there may have been a degree of national funding to contribute towards the costs of providing foster care incurred by the local authority. As such, as far as we can deduce awareness of state financial support and access to state financial support were largely the same thing as awareness of and access to local authority support. See 1.3 e) for equivalent questions on local authority support.

The following excerpt suggests that one means of supporting foster carers (through providing free school meals rather than charging them to provide meals for the children they fostered) was discontinued on the instructions of the Scottish Education Department. This suggests that if the state could instruct local authorities to discontinue this means of support then this was, until its discontinuation, one way that the state financially supported foster carers.

Moray and Nairn Joint County Council, 1948

"2nd February 1948

Public Assistance Committee

School Meals for Boarded-out children

10. A letter was submitted from the Director of Education intimating that the practice of supplying school meals free to boarded-out children had been discontinued on the instructions of the Scottish Education Department and that guardians would require to pay for meals provided to children boarded-out with them as from 5th January 1947. With reference to para.6 of Minute of Joint Sub-Committee of this Committee and the Maternity and Child Welfare Committee re Homeless Children &c. dated 5th March 1947, it was noted that District Public Assistance Committees had been given discretionary authority to increase allowances for boarded-out children from 12/6d to 15/- per week and it was agreed that the exercise of this discretion in appropriate cases would meet the position."

Excepting occasions when a child is eligible for DLA state support is not available to foster carers: agency approved foster carers are not eligible for child benefit

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

The following excerpt from the Council records appears to show the allowance payable to foster carers at that particular time:

Moray and Nairn Joint County Council Minutes 1945

"3rd September 1945

Public Assistance Committee

Boarded-Out Children – Report by Chief Public Assistance Officer

5. Reference was made to para 7 of Minute dated 3rd July last. There was submitted Report by the Chief Public Assistance Officer with regard to the question of boarded out children, including the rates of payment therefor, and his report on the official circular from the Department of Health in which Local Authorities were asked to review their arrangements with regard to the boarding out of children, a copy of the report being appended to this minute.

In his report Mr Donaldson stated that the present boarding out allowance was 10/- per week, boots and clothing being provided in addition, together with free medical attention and as regards school children, the provision of school books and meals. In this connection he submitted a letter from Banff County Council intimating that they had agreed to increase their ordinary boarding-out allowance from 10/- to 11/- per week and enquiring whether the committee would agree to repay at this rate in respect of children chargeable to Moray and Nairn.

The Committee agreed.

As regards children boarded-out by the Chief Public Assistance Officer it was agreed that the District Public Assistance Committees should in their discretion be empowered to raise the boarding out allowance to 11/- per week in suitable cases.

Mr Donaldson also recommended that every effort should be made to build up and maintain a Register of potential guardians in the area and he was of opinion that by this arrangement and with the co-operation of the District Officers it should be possible to board all of the children requiring homes, and in course of time to shorten the period of residence of children in Poor Law Institutions."

Additionally, we have discovered examples (below) of references in the Council minutes to specific cases of financial support. While it could be reasonably assumed that these examples do not represent the entirety of financial support granted by the Council in the past, it is nonetheless impossible to determine how small or large a proportion of the overall picture these instances represent, or if their appearance in the minutes indicates that these are typical or atypical of how financial support was made available to foster carers.

Moray and Nairn Joint County Council, 1943

"6th September 1943

Public Assistance Committee

School Meals for boarded-out children

4. Mrs ██████████ Knockhourn, Knockando, made a representation as to the cost of school meals for two children boarded with her, i.e., 5d each per day. It was noted that provision had been made by the Education Committee in the Meals Scheme for

meals free of charge to boarded-out children, and Mr MacFarlane was asked to ascertain the exact details from the Director of Education and advise the District Public Assistance Officers of the arrangements.”

Banff County Council Minutes, 1944-45. p.57

“24th November 1944

Schools Sub-Committee

Family – Allowance

26. Children Act Cases – Family

(a) Letter from the Clerk to the School Management Committee, Aberchirder area, stating that the guardian of three members of this family had applied for an increase in her allowance – from 10s to 11s per week per child. Resolved to recommend that the application be granted.

(b) Letter from the Clerk to the School Management Committee, Aberchirder area, suggestion that, regard being had to his circumstances, Mr [REDACTED] be asked to contribute more than £5 per month towards the maintenance of his five children. Agreed to recommend that he be asked to pay £6 monthly.”

Moray and Nairn Joint County Council Minutes 1945

“14th February 1945

Maternity and Child Welfare & c. Sub-Committee

Special Cases (n) [REDACTED] (Born [REDACTED] 41) Boarded-out child

A letter was submitted from the Public Assistance Officer at Forres to the effect that the guardians with whom this child has been boarded out since 10th August 1942, desired to adopt the child on the understanding that the adoption charges would be paid by the Council. Mr Blair reported favourably on the guardians of the child and it was unanimously agreed to approve the application. It was also agreed to recommend that the Council should meet up to £5.5/- of the costs of the adoption.”

Moray and Nairn Joint County Council Minutes 1946

“6th May 1946

Public Assistance Committee

Special Cases (d) [REDACTED] Boarded-out child, Aberdeen

It was reported that this child who is meantime resident in Aberdeen County, was doing extremely well at school and that her guardian was anxious that she should remain at school with a view to taking her Higher Level Certificate. To assist towards this end the allowance had been increased from 10/- to 12/6d per week as from 28th January 1946 and Aberdeen County recommended that the allowance should be further increased to 15/- when the girl attains the age of 16 on [REDACTED] 1946. This was approved.”

Banff County Council Minutes, 1946-47. p.57

“12th November 1946

Social Welfare Committee

Boarded-out Children-School meals

11. The Director indicated that in a few cases guardians of children boarded-out had raised the matter of their being required to pay for meals supplied to the children at school. The Director of Education had indicated that all children are asked to pay for meals at schools although in some cases exemption from payment may be granted on the ground of necessitous circumstances. He could not include boarded-

out children in the necessitous class when they were under the care of the Social Welfare Committee. The Director gave further general information on the subject and the Committee agreed that no action should be taken as the general provision of free school meals was likely to be effective soon."

Moray and Nairn Joint County Council Minutes, 1949

"5th July 1949

Welfare Committee

Children Act 1948 (b) New Cases

List of new cases dealt with during the period from 5th July 1948 to 15th May 1949 prepared by the Chief Welfare Officer was submitted and noted.

The Chief Welfare officer stated that Miss [REDACTED] aged 18½ years who was boarded-out in Aberdeenshire but who was a charge on this County, hoped shortly to enter the nursing profession and in regard to this, Aberdeen County had referred the question of a clothing grant to Miss [REDACTED] to this County. He also stated that the guardian wished to adopt the girl and in view of the excellent upbringing the girl had received and the fact that the guardian had had the girl in her care since she was a few months old, consideration might be given by this County to meeting the costs of the legal adoption expenses. After discussion the meeting approved payment of the clothing grant and the cost of legal adoption expenses."

Moray & Nairn Joint County Council Minutes, 1960

"7th March 1960

With reference to para. 3 of Minute of Meeting of this Committee dated 2nd September 1957, the Children's Officer submitted a letter from a guardian requesting that consideration be given to increasing allowances to guardians of boarded-out children. The Meeting agreed that the scale of allowances be reviewed when details of allowances paid by other local authorities to guardians of boarded-out children had been obtained and the Children's Officer was instructed accordingly."

Grampian Regional Council Minutes 1981/82, p.1085

Care of Children – retaining fees for emergency foster parents.

Grampian Regional Council Minutes 1983/84, p.24

Child in Care – request for financial assistance.

Request by Foster Parents for contribution towards school fees – committee declined – advised to apply for bursary.

Since 2002 prospective foster carers for the Moray Foster Care Scheme were advised of the allowances and fees that are made payable as part of the assessment process to become foster carers. Foster carers are advised when payment will be made, based on caring for a child and when payment will be made. All facts relating to sums made payable are contained within the foster carer agreement.

Independent agencies commissioned by Moray Council to provide foster placements for specific children advise in this way too.

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?

The issue of the source of funds has been discussed throughout the response to section 1.2, and in particular to the response to 1.2 a).

While the Council minutes hold examples of decisions to award financial support to applicants, often no background or explanation is given as to why these decisions were made. Examples below:

Moray and Nairn Joint County Council Minutes, 1943

"7th June 1943

Public Assistance Committee

Special Cases

4. (b) [REDACTED] a boarded out child in Argyllshire for whom this area is responsible. It was stated that Argyll Public Assistance Authority had agreed to grant an increased allowance of 11/- per week for boarded-out children and enquiry was made if this County was agreeable to pay this allowance for the maintenance of the child mentioned. After consideration the meeting resolved to adhere to the payment of 10/- per week being the rate paid in this area."

Grampian Regional Council Minutes 1983/84, p.24

"Social Work Committee

16. Child in Care – request for financial assistance.

In response to a confidential report by the Director of Social Work regarding a request by Foster Parents for a contribution towards school fees in respect of a child in care, the Committee declined to give such help and agreed to suggest that the foster parents apply for a bursary."

It appears that in the case of the award of maintenance allowance, pocket money and clothing, the amount reward was determined by the age group of the boarded-out child:

Moray & Nairn Joint County Council Minutes

"25th April 1955

Reference was made to para 3 of Minute of Meeting to this committee dated 8th July 1952. A Report was submitted by the Children's Officer giving particulars of the allowances paid by various LA to guardians of boarded-out children. The Meeting noted that the allowances paid by this Authority at present were as follows:

Age Group	Maintenance Allowance	Pocket Money Allowance	Clothing Allowance
Up to 5 years	17/- per week	Included in maintenance allowance	As required
5 – 15 years	20/- per week	As above	As above
15 years upwards	21/- per week	As above	As above

And that in view of the increased cost of living the Children's Officer recommended that the maintenance allowances to guardians of boarded-out children be increased.

After discussion the Meeting agreed to defer consideration of the matter until the next meeting of the Committee but, realising that some increase in the allowances would be necessary, instructed that an additional sum of £500 be included in the draft budget for 1955-56 to meet any increase agreed." (Note: a following meeting in June 1955 agreed to increase the above allowances and noted the increases would involve an additional expenditure of £450 during the current year.)

From 1996 Foster schemes were approved by Committee and as part of that approval rates of allowances and fees were made clear within the detail of the scheme.

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?

There is no indication in the Council minutes as to how guardians/foster carers were made aware of what funding was available to them.

The excerpt below suggests that support may have been additional financial supported may have been granted following application to the Public Assistance Officer or Children's Officer:

Banffshire County Council Minutes, 1969-70, p.239

"17th June 1969

Children's Committee

Boarded-out children – Payment to Foster Parents

6. The Committee considered the financial position of Mr and Mrs [REDACTED], Grange, who were acting as foster parents to ten boarded-out children of whom three were from Aberdeenshire and seven from Banffshire. It was agreed to increase the allowance paid to these foster parents to £6 per week per child with effect from 4th July 1969, this arrangement to be reviewed after six months or earlier if a material change of circumstances should take place."

Prospective foster carers for the Moray Foster Care Scheme from 1996 were and are advised of the allowances and fees that are made payable as part of the assessment process to become foster carers. Foster carers were and are advised when payment will be made, based on caring for a child and when payment will be made. All facts relating to sums made payable are contained within the foster carer agreement.

Independent agencies commissioned by Moray Council to provide foster placements for specific children advise in this way too.

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

No other sources have been discovered during our inspection of the local authority minutes.

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

The following excerpt appears to suggest that funding levels were considered adequate at that time:

Moray and Nairn Joint County Council Minutes 1945

3rd September 1945

Public Assistance Committee

"Report by Chief Public Assistance Officer on the question of Boarded-Out Children, including rates of Payment thereof.

The normal rate of payment is at present 10/- per week with provision of boots and clothing; free medical attention; and, for school children, school books and meals.

It has been suggested that an increase in the rate of payment would greatly facilitate the finding of homes. I do not subscribe to this view, and cannot recommend an increase of the rate of payment on this ground alone. Only one case of a specific complaint by a guardian as to the present rate has been brought to my notice. It has also been suggested that the provision of cots, blankets and perambulators is a great incentive to guardians in undertaking the nursing of young children. I think it possible in these days of "short supply" that the lack of the articles mentioned might deter potential guardians from undertaking the care of infants. Generally speaking, however, if not already possessed of these articles, a guardian can, and does, obtain same in an economical fashion."

As has already been demonstrated, the level of funding appears to have changed over time. We have not found any examples where it is stated that these changes have been made due to the previous level of funding being inadequate. Additionally, no applications for additional funding have been found where a comment is made on whether or not the current level of funding is considered adequate, regardless of whether the application is approved or rejected.

The following excerpt suggests that one particular foster parent found difficulty as a current level of funding, however no comment is made by either the foster parent or the Council as to whether or not this level of funding is considered to be adequate or inadequate.

Moray and Nairn Joint County Council Minutes, 1943

"7th June 1943

Public Assistance Committee

11. Case of [REDACTED] a boarded-out child in Rothes &c. Area

The case of [REDACTED] a temporarily boarded out child from the Rothes and Knockando area, was brought up by Miss [REDACTED] who explained the difficulty in getting arrangements made for boarding-out at the present rate of 10/- per week. It was agreed, without creating a precedent, to increase the boarding rate in this case to 12/6d per week."

The change from COSLA rates to the Fostering Network rates in 2004 was to ensure that the funding was adequate to properly care for the children placed in foster care. CSLA rates were based on what had been considered as being nearer the actual cost of caring. The Fostering Network rates were based on supporting positive activities and holidays too.

j) If not, why not?

The excerpts quoted in the response to the previous question do not seem to provide a commentary as to why funds may not have been considered inadequate.

From 2004 we believe this rate to have be adequate to properly care for children.

Present

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

The Moray Council operations and activities related to the provision of foster care are funded through the main social work budget, with an allocation for fostering services. The Moray Council introduced a new scheme implemented on 13th February 2019: approved at Children and Young People's Committee (Paragraph 19 of the minute refers). This scheme continues to reflect that foster carers receive fees for their skills alongside allowances for the young people placed in their care by The Moray Council. Carers continue to be regarded by the inland revenue as being self-employed and there is specific tax scheme for foster-carers.

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

Reflected below Moray currently has 12 placements with independent foster agencies. Placements are made on the basis of resource and need. At times, within the foster care service, in Moray there are insufficient placements options to meet need: - complexity or the number of placements in any one household needed to keep brothers and sisters together or very occasionally because the young person needs to be cared for out of Moray. The Moray Council provide funding to a number of other organisations for the provision of foster care. These organisations are:

- Aberlour Fostering Service – x 1 placement. Individual and not on Scotland Excel contract.
- Care Vision – x 1 placement. Scotland Excel framework more recently but had not been when the placement was made in 2011.

- Foster Care Associates (FCA) – x 1 placement. Currently Scotland Excel contract framework. Spot Purchased 2010 prior to FCA becoming active on the framework.
- Fosterplus – x1 placement. Scotland Excel framework was made 2016.
- Foster Plus- x 1 placement. Scotland Excel framework was made 2015.
- National Fostering Agency (NFA) x 2 placements Scotland Excel contract made 2012 together with 3rd sibling.
- NFA x 1 Scotland Excel Placement was made 2015 together with brother and sister however this young person needed to be cared for in singleton placement.
- SWIIS x 2 placements Scotland Excel framework. Placements were made 2015.

Each of the above are permanent placements (through court processes and have been formally matched (through the Foster panel process).

- There are also interim placements for two siblings with NFA whilst a "Return Home" Assessment is carried out. These interim placements are within one fostering household (Scotland Excel Placement). These children have been in placement since September 2019.

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?

The criteria applied for the funding these placements follows (i) internal approval processes – Additional Resource Allocation Group and (ii) either the Scotland Excel framework for procurement or specific contracting with the individual provider – for those not on the Scotland Excel framework.

For each of the providers above named, payment is monthly in arrears, paid directly to the organisations finance department.

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

The Moray Council foster scheme fees and allowances are published: see committee report January 2019.

As part of the process of induction and assessment foster carers are aware of all support which is explored in the foster care assessment and induction and communicated throughout their supervision and this is recorded and held by carers and on file.

Any access to State Support would be initiated by the foster-carer/s directly.

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

Below are details of the relevant for financial supports:

Financial details for foster carers in Moray.

Fostering Allowances	
Age 0-4	142.86
Age 5-10	162.73
Age 11-15	202.58
Age 16+	246.44

FEES – PAID TO FOSTER CARERS

Levels are determined by carers experience and permanent placements

Carers retain 25% of allowances when the children are on a short break

Nights	1	2	3	4	5	6	7
Level 1 – 1 child	14.15	28.30	42.45	56.60	70.75	84.90	99.05
Level 1 – 2 children	31.13	62.26	93.39	124.52	155.65	186.78	217.91
Level 1 – 3 children	42.45	84.90	127.35	169.80	212.25	254.70	297.15
Level 2 – 1 child	19.81	39.62	59.43	79.24	99.05	118.86	138.67
Level 2 – 2 children	36.78	73.56	110.34	147.11	183.90	220.68	257.46
Level 2 – 3 children	48.10	96.20	144.30	192.40	240.50	288.60	336.70
Level 3 – 1 child	39.61	79.23	118.84	158.46	198.07	237.68	277.27
Level 3 – 2 children	56.59	113.18	169.76	226.35	282.94	339.53	396.13
Level 3 – 3 children	67.91	135.82	203.72	271.63	339.54	407.45	475.37
Level 4 – 1 child	65.09	130.17	195.26	260.34	325.43	390.51	455.63
Level 4 – 2 children	82.06	164.12	246.18	328.24	410.30	492.36	574.42
Level 4 – 3 children	93.38	186.76	280.14	373.52	466.90	560.28	653.66

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?

The source of funding for foster carers employed by The Moray Council comes from The Moray Council budget. The criteria used by The Moray Council is that every foster carer providing care for children should be approved by The Moray Council's Fostering Panel and reviewed, consistent with regulations, not less than every year. Decisions made by the Fostering Panel are scrutinised and ratified by the Authority Decision Maker.

No interest loans are considered through an internal process, with Service Manager, Team Manager and Finance Department being involved and are assessed in relation to the needs of the child and placement.

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?

Foster carers are made aware of financial support before going through the assessment process, the process is transparent and carers should, therefore, be clear what the fees are prior to having children placed in their care and also additional funding available to them.

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

Foster-carers may access relevant charities as per their eligibility. In addition to fees and allowances, foster-carers may be eligible for state funded benefits when they do not have children or young people in their care, eg, Jobseekers Allowance.

A child within placement may be eligible for Disability Living Allowance depending on their needs and Foster-carers would be able to apply for this.

A foster-carer may apply to the Local Authority for a no-interest loan for items which may enhance the fostering placement. An example of this, is a foster-carer who received a no-interest loan for a larger car.

i) Is the funding adequate to properly care for the children?

The Moray Council approved adhering to the recommendation made by the Fostering Network in terms of allowances to be made payable for children in foster carer. This rate of allowances was considerably more than was considered as being the cost of caring for a child in foster care. What were referred to as the previous COSLA rates – which were approximately 50% less than rates recommended by Fostering Network – were the rates for allowance that were considered as meeting the costs of caring for a child. Those of Fostering Network were in excess - to support increased activity and interest.

Whenever there was % increase indicted in allowances this was applied. The Fostering Network stopped making a % recommendation for increase approximately 2015.

The committee report that approved the new fostering scheme asked Committee members to note this as an issue and will be reviewed given work is nationally being undertaken re: fees and allowances.

1.3 Legal Status

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?

Local Authorities in Scotland appear to have boarded out children in need since the 19th century. It is our understanding that the Local Authority would have boarded out children under the auspices of the Poor Laws. However we are unable to confirm this.

The 1908 Act required local authorities to appoint infant protection officers to visit boarded out infants. In the timeframe of this Notice, this appears to be the first legal basis for local authorities taking some responsibility for who they boarded out children with. However, they were not responsible for direct foster care until they were deemed to be fit persons in terms of the Children Act 1948. Prior to that, the Local Authority could only board out to others and it is dubious if they could be held "responsible" for foster care prior to that Act.

Section 66 of the Children and Young Person's (Scotland) Act 1937 gave the 'education authority' (in our case, Moray and Nairn Joint County Council) the power to bring "a child or young person in need of care or protection" before a juvenile court, and a duty to bring before a juvenile court "any child or young person residing or found in their area who appears to them to be need in care of attention unless they are satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person". Subsequently, if the juvenile court agreed that the child was in such need they then had the authority to, among other options, "commit him [the child] to the care of any fit person, whether a relative or not, who is willing to undertake the care of him". As detailed above, it is dubious whether this made the Local Authority directly responsible for the provision of foster care as they themselves were not deemed fit to offer foster care.

The following minute shows that it was recommended by committee that certain statutory powers and duties were on at least one occasion assigned to particular members of staff. Please note that the minute below is not necessarily a comprehensive list of all of the relevant legislation, or that this is the full list of people to whom power and duties were delegated; or that up until this point there was or was not any member of staff who was designated with such duties. Additionally, the below is a recommendation made by committee only, and during our research we haven't been able to determine whether or not this recommendation was enforced.

"Grampian Regional Council Minutes 1981, p.176

13. DELEGATION OF AUTHORITY

There had been circulated a joint report by the Directors of Social Work and Law and Administration and the Reporter to the Children's Panel recommending that there should be specific delegation to officials of certain statutory powers and duties to obviate the possibility of decisions being challenged in court of technical grounds. After consideration, the Committee agreed (a) that the authority's powers and duties contained in the following legislation be delegated to the Director of Social Work or the Director of Law and Administration of the Reporter to the Children's Panel as stated:

- (1) To the Director of Law and Administration Sections 16(8), 33(3), 79, 90, 81 and 82 of the Social Work (Scotland) Act, 1968;
- (2) To the Director of Social Work Sections 12, 13, 15, 17(3), 20(1), 20(2), 20A, 21, 22, 23(1), 24-29, 37(1A), 39(4), 44(5), 47(1), 67(2), 48(2), 67, 68 and 76(3) of the Social Work (Scotland) Act, 1968; Rules 11(1), 11(2), 12(1), 12(2) and 13(1) of the Reporter's Duties and Transmission of Information etc. (Scotland) Rules, by the Social Work (Scotland) Act, 1968, and Section 7 of the Children's Act, 1958; Regulations 2, 7, 11-17 of the Boarding Out of Children (Scotland) Regulations, 1959; Sections 7(1)(b), 25(3)(a), 34, 35, 37, 46, 48, 91 and 91(2) of the Mental Health (Scotland) Act, 1960; and the duties of a Local Authority under the Mental Health (Guardianship) (Scotland) Regulations, 1962;
- (3) To the Reporter of the Children's Panel Rule 29(1) of the Children's Hearings (Scotland) Rules, 1971

And (b) that future legislation be reported to the Social Work Committee for decision as to delegation."

In particular, Section 17 of the Social Work (Scotland) Act, 1968 states:

"...a local authority shall discharge their duty to provide accommodation and maintenance for a child in their care—

- (a) by boarding him out on such terms as to payment by the authority and otherwise as the authority may, subject to the provisions of this Act and regulations thereunder, determine; or
- (b) by maintaining the child in a residential establishment."

Section 17 is one of the duties delegated to Grampian's Regional Council's Director of Social Work.

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.

A summary of what we understand to have been the historic legal and/or regulatory requirements set out by historic legislation has been provided in response to question 1.1 c), as well as in response to 1.3 a). From 1948 there was a requirement

for the Local Authority to have a children's committee, and from 1968 there was a requirement for the Local Authority to have a social work committee in place of the children's committee.

In addition to any references to national legislation made under 1.1 b) and c) which set out legal/regulatory requirements in respect of children in Local Authority care, as well as any relevant national legislation highlighted by Norrie, the following excerpts from various Council minutes show where national legislation set out such requirements:

“Grampian Regional Council Minutes 1981, p.176

13. DELEGATION OF AUTHORITY

There had been circulated a joint report by the Directors of Social Work and Law and Administration and the Reporter to the Children's Panel recommending that there should be specific delegation to officials of certain statutory powers and duties to obviate the possibility of decisions being challenged in court of technical grounds. After consideration, the Committee agreed (a) that the authority's powers and duties contained in the following legislation be delegated to the Director of Social Work or the Director of Law and Administration of the Reporter to the Children's Panel as stated:

- (1) To the Director of Law and Administration Sections 16(8), 33(3), 79, 90, 81 and 82 of the Social Work (Scotland) Act, 1968;
- (2) To the Director of Social Work Sections 12, 13, 15, 17(3), 20(1), 20(2), 20A, 21, 22, 23(1), 24-29, 37(1A), 39(4), 44(5), 47(1), 67(2), 48(2), 67, 68 and 76(3) of the Social Work (Scotland) Act, 1968; Rules 11(1), 11(2), 12(1), 12(2) and 13(1) of the Reporter's Duties and Transmission of Information etc. (Scotland) Rules, by the Social Work (Scotland) Act, 1968, and Section 7 of the Children's Act, 1958; Regulations 2, 7, 11-17 of the Boarding Out of Children (Scotland) Regulations, 1959; Sections 7(1)(b), 25(3)(a), 34, 35, 37, 46, 48, 91 and 91(2) of the Mental Health (Scotland) Act, 1960; and the duties of a local authority under the Mental Health (Guardianship) (Scotland) Regulations, 1962;
- (3) To the Reporter of the Children's Panel Rule 29(1) of the Children's Hearings (Scotland) Rules, 1971

And (b) that future legislation be reported to the Social Work Committee for decision as to delegation.”

These excerpts show that the Council acted on the requirements of national legislation, and that particular aspects of this could be delegated to particular individuals. For example, Section 12 of the Social Work (Scotland) Act, 1968 puts the following legal requirement on the authority in respect of children in its care:

“It shall be the duty of every local authority to promote social welfare by making available advice, guidance and assistance on such a scale as may be appropriate for their area, and in that behalf to make arrangements and to provide or secure the provision of such facilities (including the provision or arranging for the provision of

residential and other establishments) as they may consider suitable and adequate, and such assistance may be given to, or in respect of, the persons specified in the next following subsection in kind or in cash, subject to subsections (3) and (4) of this section.” (Note: the ‘following subsection’ does specify “a person, being a child under the age of eighteen, requiring assistance in kind, or in exceptional circumstances in cash, where such assistance appears to the local authority likely to diminish the need”.)

The following excerpt demonstrates that the Council appears to have recognised its statutory duty to carry out regular reviews of children in their care.

“Grampian Regional Council Minutes 1984/85, p.297

19. Reviews of Children in Care – Section 20A of the Social Work (Scotland) Act 1968

The Committee noted for their interest a circulated report by Director of Social Work and SWSG Circular SW9/1984 regarding section 20A of the Social Work (Scotland) Act 1968 which placed a new statutory duty on local authorities to carry out regular reviews of children in their care with effect from 1/9/84. It was agreed (a) that the Social Work Department continue to develop their practice of regular reviews of children in care (b) that further reports be submitted to the Social Work Committee on resource implications of implementing the requirements of the legislation and (c) that representation be made to the Scottish Office regarding the increasing burden of work being placed on Local Authorities at a time when government spending was being restricted.”

The following excerpt demonstrates the Local Authority appeared to have had regard to its obligations “a) to make rules to be observed by Guardians of boarded out children (b) to ensure that selected houses are approved by the Committee, and (c) requiring regular visitation of all boarded out cases.”

Moray and Nairn Joint County Council Minutes 1942, p.285

“Sub-committee re Boarding Out of Children

In a meeting of the Sub-Committee appointed by the Public Assistance Committee of the Joint County Council of Moray and Nairn to consider and review the arrangements for boarding out of children in the area.

Remit

Reference was made to paragraph 11 of minute of the Public Assistance Committee dated 2nd February last when it was remitted to this sub-committee to review the arrangements made for boarding out children in the County.

Poor Relief Regulations, 1934

The Clerk laid on the table the Poor Relief Regulations 1934 made by the Department for Health for Scotland and the Sub-Committee noted the obligations devolving on the Local Authority (a) to make rules to be observed by Guardians of boarded out children (b) to ensure that selected houses are approved by the Committee, and (c) requiring regular visitation of all boarded out cases.

The Sub-Committee noted that under the Regulations the Public Assistance Officer, when making his visitation, might be accompanied by not more than two members of

the Local Authority and were of the opinion that it would be in the best interests of the children if the Public Assistance Officer, when making his annual visit, was accompanied by a member from the district concerned so as to maintain contact with the children as well as the guardians.

Rules to be prepared

It was further noted that Rules in terms of the Regulations had not been made by this Authority and it was considered by the Meeting that this should be done. The lines of the proposed Rules were generally discussed, and it was remitted to the County Clerk to prepare a draft for submission to the members at a future meeting."

The following excerpts seem to show that national legislation sets out requirements relating to children in care and that the Local Authority takes measures to meet these requirements.

"Grampian Regional Council Minutes 1986/87, p.70

17. The Boarding-Out and Fostering of Children (Scotland) Regulations 1985

The Committee noted the new regulation provisions of the Boarding Out and Fostering of Children (Scotland) Regulations 1985 as outlined in a report by the Director of Social Work and delegated authority to carry out the requirements of the regulations to the Director of Social Work. It was agreed that a further report be submitted to the Committee in six months on the resource implications."

As an example, Section 11 of these 1985 regulations state that the Local Authority may only foster the child if certain conditions are met (e.g. "it had satisfied itself that placement of the child with the particular foster parent is in the child's best interests").

"Grampian Regional Council Minutes 1987/88, p.1146

Young people leaving care – new ways of assistance

With reference to Minute of Meeting of 14 January 1988 (Branch 2 P825), the committee considered a report by the Working party on the motion from Councillor Ironside in the following terms:-

"That this Council look at alternative ways to assist young people leaving care in the light of new Social Security legislation which comes into effect from April 1988".

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

We understand that historic legislation did place an increasing duty of care on Local Authorities between 1930 and 2014. Please see responses to 1.1 b), 1.1 c) and 1.3 for summaries of the implications of historic legislation.

(ii) Foster carers

Past

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

As far as we have been able to discover, foster carers did not have a special legal, statutory or similar status up until 1948. At this point we understand that the Local Authority had specific duties towards children in their care, and had to agree terms with foster carers to board out children to them.

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

We have not discovered evidence that states exactly how the Local Authority classified foster carers. While various terms have been used to refer to those acting as foster carers in the council minutes (as examples, 'guardian' and 'foster parent' have both been used) we have been unable to discover if this reflected any formal classification system that the Local Authority may have used.

Prior to 1948 our understanding is that individuals would have advertised as being able to board out children, but initially for children under 7 and then 9 they required to give notice of this to the Local Authority. It is not until the 1948 Act and, specifically, the Boarding Out of Children (Scotland) Regulations 1959 that we have discovered detailed requirements regarding who a child could be boarded out with, and which required checks on those persons.

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

We understand that the boarding out/fostering of children may have once been unregulated. The 1908 and 1933 Acts put requirements on those providing placements for boarding out children to notify the Local Authority that they were doing so, however as far as we can discover this is not necessarily equivalent to providing a legal basis for the 'foster carer' to look after those children.

It is our understanding that while this may or may not have been the first time that such a legal basis was set out in law, that any other legal bases enforced following the 1908 act was based on the legislation applicable at the time and on the regulations made thereunder. Please see responses to 1.1 b), 1.1 c) and 1.3 for summaries of the implications of historic legislation.

As far as we have been able to discover, at some point the use of 'boarding out' seems to have been replaced by 'fostering', and persons offering placements to boarded out children began to be known as foster carers. The earliest use of the word 'foster' that we have been able to discover in legislation is the Children Act 1958 (in relation to children who were not looked after), which was a UK act

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.

As detailed in the responses to the above questions, the 1948 act put certain requirements on foster carers. In general, we understand that this was based on the legislation applicable at the time and on the regulations made thereunder. Please see responses to 1.1 b), 1.1 c) and 1.3 for summaries of the implications of historic legislation.

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

The 1908 Act states that "A person controlling a young person or child shall have control of the young person or child as if they were his parent." However, there are no obvious sanction and limited checks (if any). It is dubious whether this could be classed as having a legal duty of care to any children in their care. In general, we understand that any legal duty of care would have been based on the legislation applicable at the time and on the regulations made thereunder. Please see responses to 1.1 b), 1.1 c) and 1.3 for summaries of the implications of historic legislation.

Present

- a) With reference to the present position, are the answers to any of the above questions different?**
- b) If so, please give details.**

i) Local authority

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 authorises and enables The Moray Council to become responsible for the provision of foster care for children is The Children (Scotland) Act 1995, The Children and Young People (Scotland) Act 2014, The Looked After Children (Scotland) Regulations 2009, Foster Children (Scotland) Act 1984

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.

This legislation requires fostering agencies to be registered with The Care Inspectorate. The legislation also requires The Moray Council to provide a care services consistent with Section 17 of The Children (Scotland) 1995 Act.

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

The Moray Council has a legal duty of care for each child.

(ii) Foster carers

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

Foster carers are authorised to undertake a specific role in relation to the care of children and at times can become Relevant Persons within the Children's Hearing (Scotland) Act 2011. For children for whom The Moray Council has secured a permanence order under The Looked After Children (Scotland) Regulations 2009, the foster carer may formally hold ancillary provisions consistent with that permanence order.

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

They must be approved at The Moray Council Fostering Panel under the Children and Young People (Scotland) Act 2014, Looked After Children (Scotland) Regulations 2009, The Children (Scotland) Act 1995

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

A local authority may make a decision to approve a person as a suitable carer for a child who is looked after by that authority in terms of section 17(6) of the 1995 Act which carer shall be known as a "foster carer".

Where a local authority make a decision to approve a person as a foster carer that authority must enter into a written agreement with the foster carer regarding the matters and obligations in Schedule 6 and any other matters or obligations as the authority consider appropriate.

The Moray Council maintain written agreements with all foster carers that are consistent with Schedule 6 of the Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007.

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

The legal basis requires foster carers to comply with the written agreement with The Moray Council, with the foster carer providing care on behalf of the Local Authority. For children for whom The Moray Council has secured a permanence order under The Looked After Children (Scotland) Regulations

2009, the foster carer may formally hold ancillary provisions consistent with that permanence order.

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

Whilst there is no legal duty of care enshrined within legislation for Foster Carers to a child in their care, duty of care is conferred by the Local Authority through the Foster Carer Agreement. This is covered within section 11 of Guidance on the Looked After

Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007. The Moray Council ensure Foster Carers enter a written agreement noting they will care for any child placed with them in line with the local authorities policies and expectations. The Moray Council retain the duty of care to each child and confer this to Foster Carers through the written agreement.

Where ancillary provisions for a permanence order are shared with Foster Carers the legal duty of care can be transferred as part of this, depending on ancillary provisions agreed upon.

1.4 Legal Responsibility

(i) Local authority

Past

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

As far as we can ascertain from historic records and law, the Local Authority had some duties towards children in its care, however prior to 1948 they did not have children directly in their care. Whilst they boarded out children under such legislation as the Poor Laws and under court orders from the Juvenile Courts, it is dubious as to whether or not they were legally responsible for those children. Following the 1948 Act coming into force, the Local Authority did have specific duties to provide for children under 17 and to keep the child in care as long as their welfare required it. Consequently, it appears that the legal duties of the Local Authority stem primarily from 1948. For more details on what we understand to be the key duties imposed under historic legislation see responses to 1.1 c) and 1.3.

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

The 1948 Act – duty of Local Authority to provide for the child and secure his welfare, and to discharge their duty to provide accommodation and maintenance for a child in their care, in the first instance by boarding him out on such terms as to payment by the authority and only thereafter to look at alternative measures of accommodation.

Children's officers were appointed to supervise and visit children who were cared for by the Local Authority.

Subsequent legislation both tightened and added to the primary duty of the Local Authority to secure the welfare of looked after children. Excerpts we have discovered in the council minutes which demonstrate an apparent concern with such additions and modifications are given below:

Grampian Regional Council Minutes 1983/84, p.1001

"Health and Social Care Services and Social Security Adjudications Act 1983

Access to Children in Care – Code of Practice

With reference to provisions of the Health and Social Care Services and Social Security Adjudications Act 1983, relating to access to children in care, the Committee considered a report by the Director of Social Work and a Code of Practice setting out the principles to be followed in dealing with questions of access and agreed (a) to note the Code of practice and its implications (b) to authorise each Divisional Officer to refuse or terminate access subject to his advising parents in such cases that they might, in addition to their legal right of appeal to the Sheriff, approach the Social Work Committee through the Director of law and Administration, the Director of Social Work or a Regional Councillor and (c) to request the Director of

Social Work in consultation with the Director of Law and Administration to draw up detailed procedures for the Committee to deal with such cases”

Grampian Regional Council Minutes 1984/85, p.139

“Health and Social Services and Social Security Adjudications Act 1983

Assumption of parental Rights and Access to Children in Care

With reference to Minute of Meeting of 29 March 1984 (Branch 7 p1001) the committee considered a circulated report prepared by the Director of Social Work with consultation with the Director of Law and Administration regarding the procedures for the assumption of parental rights and the Code of Practice dealing with questions of access to children in care. After consideration, the committee agreed:-

- (i) To delegate to a Children Sub-Committee its powers to (a) consider and make resolutions in connection with the assumption of parental rights under section 16 of the Social Work (Scotland) Act 1968 as amended and to rescind such resolutions, under section 18 of the said Act, and (b) to consider representations by parents against decisions of Divisional Officers refusing or restricting access to children in care and to confirm, amend or rescind such decisions.
- (ii) That the membership of the Sub-Committee comprises the Chairman, Vice-Chairman, Councillors Cohen, Henry, Salter and Wright.
- (iii) That details of all cases should be circulated to the Sub-Committee
- (iv) That the social worker/senior social worker involved in the case should be available for interview by the Sub-Committee and
- (v) That parents should not be present at the Sub-Committee but would be advised of the Sub-Committee meetings and be given an opportunity to make representations in writing to the Sub-Committee.”

Grampian Regional Council Minutes 1983/84, p.1001

“Health and Social Care Services and Social Security Adjudications Act 1983

Access to Children in Care – Code of Practice

With reference to provisions of the Health and Social Care Services and Social Security Adjudications Act 1983, relating to access to children in care, the Committee considered a report by the Director of Social Work and a Code of Practice setting out the principles to be followed in dealing with questions of access and agreed (a) to note the Code of practice and its implications (b) to authorise each Divisional Officer to refuse or terminate access subject to his advising parents in such cases that they might, in addition to their legal right of appeal to the Sherriff, approach the Social Work Committee through the Director of law and Administration, the Director of Social Work or a Regional Councillor and (c) to request the Director of Social Work in consultation with the Director of Law and Administration to draw up detailed procedures for the Committee to deal with such cases.”

Grampian Regional Council Minutes 1984/85, p. 297

“Reviews of Children in Care – Section 20A of the Social Work (Scotland) Act 1968

The Committee noted for their interest a circulated report by Director of Social Work and SWSG Circular SW9/1984 regarding section 20A of the Social Work (Scotland)

Act 1968 which placed a new statutory duty on local authorities to carry out regular reviews of children in their care with effect from 1/9/84. It was agreed (a) that the Social Work Department continue to develop their practice of regular reviews of children in care (b) that further reports be submitted to the Social Work Committee on resource implications of implementing the requirements of the legislation and (c) that representation be made to the Scottish Office regarding the increasing burden of work being placed on Local Authorities at a time when government spending was being restricted."

Grampian Regional Council Minutes 1986/87, p.70

"17. The Boarding-Out and Fostering of Children (Scotland) Regulations 1985

The Committee noted the new regulation provisions of the Boarding Out and Fostering of Children (Scotland) Regulations 1985 as outlined in a report by the Director of Social Work and delegated authority to carry out the requirements of the regulations to the Director of Social Work. It was agreed that a further report be submitted to the Committee in six months on the resource implications."

Grampian Regional Council Minutes 1987/88, p.1146

"Young people leaving care – new ways of assistance

With reference to Minute of Meeting of 14 January 1988 (Branch 2 P825), the committee considered a report by the Working party on the motion from Councillor Ironside in the following terms:-

"That this Council look at alternative ways to assist young people leaving care in the light of new Social Security legislation which comes into effect from April 1988".

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

We believe that the following organisations and/or individuals may have had a degree of legal responsibility:

- Parents
- Children's hearings, initially established under the 1968 Act, played a key role in supervising children in foster care placements.
- Prior to 1948, Juvenile Courts, e.g. the Local Authority was unable to remove a child from unsuitable accommodation and instead was required to petition the court for the child's removal.
- We understand that the Police and the Local Authority had a duty to bring children at risk to the Court.
- The Scottish and UK Governments may have carried out inspections of foster care arrangements, and also appear to have carried out reviews into the state of foster care nationally.
- From 1948 the Children's Officer had specific responsibilities as an officer of the Council to visit children in the local authority's care.
- From 1968 the Chief Social Work officer has distinct legal responsibilities as set out in the 1968 Act (and as subsequently amended).
- Foster-carers may have legal responsibility by virtue of being given ancillary provisions under a Permanence Order (Adoption and Children

(Scotland) Act 2007) which has given them some the parental responsibilities.

- Local Authorities will have mandatory provisions given to them by virtue of the child being subject to a Permanence Order.

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

See response to question 1.4 c)

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

It is our understanding that prior to 1948, legal responsibility predominantly lay with the Juvenile Courts. For more detail see answers in previous section.

(ii) Local Authority

Present

a) Does the local authority have a legal responsibility for children in its care?

Yes.

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

The nature and extent of that legal responsibility is set out in the main in Section 17 of the Children (Scotland) Act 1995 which sets out the duties of a local authority to child(ren) looked after by them.

In addition the Children & Young People's Act 2014, gave local authorities additional responsibility in terms of reporting every 3 years on what they have done to improve the rights of children and young people in their area, brought in Continuing Care and introduced the Child's Plan. The Scottish Social Services Council (SSCSC) also revised the Codes of Practice for Employers and Employees in 2016 and here were new Health & Social Care standards introduced in 2018 which formed an integral part of the new Fostering Scheme introduced in 2019.

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

The child's parents (if they hold parental rights and responsibilities) and a relevant person (Children's Hearing (Scotland) Act 2011). Foster-carers may have legal responsibility in terms of ancillary provisions given to them under a Permanence Order (Adoption and Children (Scotland) Act 2007) which has given them some the parental responsibilities.

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

The nature and extent of that responsibility is set out in legislation. All persons must ensure the welfare of the child is the paramount consideration as set out in The Children (Scotland) Act 1995. The extent of a persons or organisations responsibility is dependent on the role they play, and relate to every child in the local authority area: Unless parental rights and responsibilities have been removed from a parent, they retain legal rights and responsibilities for their child/ren.

- e) **If the local authority has no legal responsibility for children in its care, where or with whom does legal responsibility lie?**

The local authority has legal responsibility for children in its care as do parents unless their parental rights and responsibilities have been removed.

(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?**

Our understanding is that prior to 1968 the foster carer was considered to have the same powers over the child as if they were the child's parent. After 1968, we are not aware of any separate legal responsibilities other than a common law duty of care, a civic responsibility not to commit any offence and (where applicable) a contractual agreement with a Local Authority as to the care to be provided. Note: from 1985 it was a statutory requirement for the foster carer to have a contract with the Local Authority, and there may have been contracts in place at an earlier date.

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

See response to previous question.

(ii) Foster carers

Present

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

Legal rights and responsibilities can be secured through a court process as part of a permanence order through allocation of ancillary provisions.

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

Ancillary provisions can specifically enable foster carers to give authorisation on behalf of a child as set out by the court.

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?**

We have not discovered any items in the council minutes which state what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided for children.

The following excerpt appears to show what the Chief Inspector for Child Care, Scottish Education Department considered to be the main duties of the local authority's Children's Committee. While no comment is made on whether or not these local authority also considered this to be their main duties, there is a suggestion that the Chief Inspector was satisfied with the manner in which the local authority carried out their work.

Moray & Nairn Joint County Council Minutes 1960

"19th February 1962

Children's Committee (Joint)

Child Care (c) Address by Mr Corner (Chief Inspector for Child Care, Scottish Education Department)

Mr Corner addressed the Meeting on the subject of child care. He stated that the main duties of a Children's Committee so far as relating to Child Care were as follows:-

- (i) The Prevention of children from coming into care by providing an adequate child care service;
- (ii) The rehabilitation of children in care
- (iii) To ensure that adequate arrangements are made for receiving children into care
- (iv) The assessment of the type of care that a child requires

He stated that from the records of the Scottish Education Department there were at 30th November 1961 6.5 persons per thousand in care in Moray and Nairn as compared with a National Average of 5.9 persons per thousand and that 61% of the children were boarded-out as compared with a National average of 64%. He stated that it was preferable to have children in care boarded-out with foster parents rather than being placed in a home although there were homes, such as Aberlour Orphanage, which were doing exceptionally fine work with difficult children. He also emphasised the value of a periodic and regular review of each case in the care of the Committee.

In conclusion, he stated that so far as Moray and Nairn was concerned the Department were satisfied with the manner in which the child care work was being carried out by the Children's Officer and his staff.

The Chairman expressed thanks to Mr Corner for his address."

The following excerpt appears to set out at least one of the aims of the Social Work Committee in relation to caring for children in children's homes (either to return them to their own family or to provide an alternative permanent family; note that 'temporary foster placement' is not among these desired options, however it should be noted that temporary foster placements could become a permanent arrangement through the adoption process.)

Grampian Regional Council Minutes 1984/85, p. 40

"8. Children's Homes

With reference to Minute of Meeting of 10 May 1984 (Branch 18 p27) the Committee considered a report by the Director of Social Work on Children's Homes in the region. It was noted that since 1978, when the Committee had agreed that their aim should be either to return a child in care to his own family or provide an alternative permanent family, the number of children in the Councils Children's Homes and Voluntary Homes had dropped from 364 to 133. Ten of the Councils Children's Homes had been closed in that period. There was discussion of the occupancy rate of the Councils Homes and it was agreed that a further general report on Children's Homes in the Region showing the usage of the homes and the number of staff at each of the homes should be submitted to a future meeting of the Committee."

- 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?

We have not discovered any items in the council minutes which state what the local authority saw as the foster carer's function, ethos and/or objective in terms of the foster care service it provided for children.

- 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?

The extent of what we have discovered in the minutes as being relevant to this question is listed in response to question 1.5 a). Aside from any changes/similarities between the two quoted excerpts we have not discovered sufficient evidence to demonstrate changes in functions, ethos and/or objectives over time.

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

The extent of what we have discovered in the minutes as being relevant to this question is listed in response to question 1.5 a). Aside from any changes/similarities between the two quoted excerpts we have not discovered sufficient evidence to demonstrate changes in functions, ethos and/or objectives over time.

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

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

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

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

Present

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

b) If so, please give details.

Please see answers below:

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?

Moray council aim to recruit, retain, train and support a wide and varied range of fostering families for children and young people who require care on a short and long term basis. Our objective is to meet the needs of the children who are temporarily or permanently separated from their families. We strive to promote a high level of safety and security, care, guidance and encouragement, for children placed with our fostering families.

We:

- Provide a fostering family for children and young people in safe family homes.
- Where assessed as safe to do so, work with the Team Around the Child to support the return of children and young people back to their families.
- Prepare the young people in our care for adult life and living.
- Prepare our children for moving on to a permanent home when they cannot return to their families.
- Provide short breaks to our children and young people when they need them.
- Ensure that the children in our care know why they are in our care and what the plan for their future is.

Moray Council aim to provide services aimed at protecting and promoting the welfare of children and young people in need in Moray in partnership with themselves, their families, communities and others providing services.

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?

All carers are expected to work in the best interests of the child or young person they are caring for and in the following ways:

- To promote the children and young people's rights, listen to and hear them and advocate for them where they need them to.
- To promote their health, education, personal and social development of children and young people in their care.
- Evidence a high level of emotional strength, resilience, and enthusiasm to care for children with complex social, emotional, and behavioural difficulties. Foster carers are required to be patient, tolerant, consistent, thoughtful, and empathic. Carers need to demonstrate that they are secure, resilient people who can maintain effective functioning through periods of stress.
- Demonstrate an ability to set boundaries and manage children's behaviour which is rooted in the unique needs of the child.
- Demonstrate an understanding of the impact of trauma, loss abuse and neglect on a child's development, and on the child's ability to develop trust and form attachments to others.
- Have the capacity to accept, and celebrate, the individual child and place emphasis on recognising potential, and building on strengths, rather than focusing on difficulties. - Working as part of a team around the child alongside health, education and social work professionals. Carers need to demonstrate that they are well organised and able to attend frequent appointments and meetings, communicate effectively, and understand complex information.
- Carers also need to demonstrate that they can sustain working relationships with professionals, advocate for their foster-child, and accept and use the supports available to them when it is needed.
- Carers need to demonstrate that they are able to learn and apply new information and skills. They will need to attend generic training and training specific to the needs of the child/children they care for. Furthermore using the SSSC learning and development framework for foster carers to undertake and evidence what can be a very complex and demanding.
- It is important that carer's are able to discuss, and reflect upon, how personal experiences, past and present, may impact on their role as foster carer's.

The foster carer has the same functions as above and are a vital part of the team around each child which ensures that care provided is in line with legislative requirements and regulations.

- 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?**

There have been significant changes over time, as legal duties and regulations change as well as knowledge and skill and learning from Significant Case Reviews. Complementing this are the Moray Council's internal audits, Practice Reflection and Improvement Short Module (PRISM) events and outcome of unplanned ending process where children have moved in crisis from foster care. Each of these processes offers further opportunity for the voice of children to shape practice development for a shared ethos. The care provided to children in Moray is be subject to continuous improvement and following the Independent Care Review, the Council

will continue to improve on areas around providing quality safe foster care on the basis of listening to children, young people and their families.

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

As new information, legislation and regulations are produced, Moray Council responds in a timely way to ensure changes guidelines, policies, procedures and practice are implemented.

Identifying, assessing, promoting, meeting and supporting the needs of the children in care has always been and remains at the centre of the functions, ethos and objectives in Moray. Presently the foster care service has been shaped in Moray by emerging legislation and national policy. Since 2014 the main changes to the fostering scheme have been largely shaped by the vision of the Foster Care Review: Scottish Government Response (published 23 Jan 2014). The report put forward six recommendations on the issues of placement descriptions, a national foster carer database, placement limits for fostering households, learning and development of foster carers and changes to allowances and fees.

The report also stressed the need for foster carers to be able to provide both reparative care to help children be rehabilitated within their families, or when this was not possible to provide a permanent home. The Scottish Government reported that an agreed terminology on the type of placements as well as a unified learning and development pathway for foster carers based in the wider environment of child care and pedagogy are important steps towards achieving these.

From this review Scottish Ministers made an amendment of the Looked After Children (Scotland) Regulations 2009 through SSI No:310 which set out fostering placement limits. Moray responded by adapting our panel policy and approval recommendations to panel to reflect this. The review also saw the develop of the learning development standard for foster care produced by the SSSC and published in April 2017 and this was complemented by the National health and Social Care Standards published by the Scottish Government in June 2017. Moray responded with the redevelopment of a rights based fostering scheme which offers a wide range of multi-skilled fostering families who work in an evidenced based way to promote the rights and the needs of the children and young people they care for. The new scheme was approved at committee in January 2019 and is continuously being embedded and improved as the learning culture grows.

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

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

The main role for foster carers has not changed significantly in that they are expected to promote, meet and supporting the needs of the children in their care in the ways outlined under section 1.5 (b). However changes in foster carers practice

and culture in Moray has shifted into an evidence base that supports a clear learning and development framework for our foster carers that is principally based in children's rights. The learning portfolio framework to provide foster carers with opportunities to evidence their practice supporting their level of knowledge and skills. A training program identifies the learning standards within SSSC learning and development framework that training courses meet support and supervision have been redesigned to enhance and develop a learning culture.

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?

Reports on the number of children in care are given intermittently throughout the council minutes, although there are significant gaps (e.g. we have not found such figures in the Grampian Regional Council Minutes). Because of this, we cannot give any indication of how many children the local authority accommodated in foster care/how many placements outside of brief snapshots.

As part of the Social Welfare Committees (Banffshire County Council) and Children's Committee (Moray & Nairn Joint County Council) reporting at meetings, the return on boarded-out children are delivered intermittently. Examples of the reports given by each committee are given below:

Banffshire County Council Minutes, 1944-45. p.29

"30th June 1944

Social Welfare Committee

Returns of Poor

Expenditure on able-bodied poor:-

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	22
Banff	27
Buckie	38
Cullen	34
Dufftown	13
Keith	24
Total	158
Out with County Claims	17
Total	175

Moray and Nairn Joint County Council Minutes, 1955

"7th February 1955

Children's Committee (Joint)

The Children's Officer submitted a Return in regard to children in the care of the Local Authority as at 30th November 1954. The Meeting noted that there were 153 children under supervision:

	Boys	Girls
Boarded Out in Moray & Nairn	57	47
Boarded Out in Other Areas	3	7
Accommodated in Voluntary Homes	15	13

In residential employment	1	4
Accommodated in Institutions for mental defectives	1	1
In Armed Forces (Boys' Service)	4	

In some cases it appears that the committee were aware o

The following example appears to show that the way in which figures were recorded were modified after the implementation of the Children and Young Persons Act 1963, breaking down the type of case work involved rather than just numbers of children.

Moray & Nairn Joint County Council Minutes, 1960. No page numbers

"25th April 1966

Children's Committee (Joint)

Children and Young Persons Act 1963 – Cases dealt with

5. A report was submitted by the Children's Officer from which it was noted that cases dealt with under Section 1 of the Children and Young Persons Act 1963 during the year until the 30th November 1965, were as follows:-

	Families	Children
Numbers Involved	21	79
Dealt with as follows:		
Case-work not involving reception into or committal to care	20	75
Case-work involving reception into or committal to care	1	4
Case-work resulting in return of children in care to parents or relatives	-	-
Case-work in conjunction with voluntary organisations	2	6
Assistance (cash or kind) from charitable sources	4	16
Assistance (cash or kind)	<u>Expenditure</u> Nil	

In general, it appears that the numbers of cases coming in were recorded at each Children's Committee meeting, for example in 1950 and 1952:

Moray and Nairn Joint County Council Minutes, 1950 Vol.3

"4th December 1950

Children's Committee (Joint)

Boarding-out

(a) Initial Cases boarded out since last meeting

8. The Children's Officer reported that there had been seven initial cases of boarded-out children dealt with since last Meeting and that there were now 136 children being supervised by the Local Authority as against 134 on 4th September last (1949). This was noted."

Moray and Nairn Joint County Council Minutes, 1952.

"4th February 1952

Children's Committee (Joint)

Initial Cases boarded out since last meeting

4. Details of cases of 13 children dealt with since last Meeting of the Committee were given by the Children's Officer. These were noted."

The following example from 1959 appears to give an indication of numbers of children in care nationally, and how the Local Authority compares to other local authority figures.

Moray & Nairn Joint County Council Minutes 1959

"7th September 1959

Children's Committee (Joint)

Children in Care of Local Authorities in Scotland

3. There was submitted report prepared by the Scottish Home Department in regard to children in care of local authorities in Scotland on 30th November 1958. The meeting noted that the number of children in care in the Combined County amounted to 6.5 per 1000 of estimated population as compared with an average of 5.9 for Counties and 6.7 for Burghs in Scotland and that the cost per child per week in the Combined County for year 1957-58 amounted to £2:7:11 as compared with an average cost of £3:9:1 for Scotland. The Meeting agreed that copies of the report be obtained for distribution to members."

The following excerpts, generally similar in nature to all of the above, have also been found in council minutes:

Banffshire County Council Minutes, 1943-44. p.15

7th March 1944

Social Welfare Committee

Returns of Poor

As at 15th January 1944

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	23
Banff	27
Buckie	38
Cullen	34
Dufftown	13
Keith	25
Total	160
Out with County Claims	15
Total	175

As at 15th February 1944

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	23
Banff	27
Buckie	38
Cullen	36
Dufftown	13
Keith	25
Total	162
Out with County Claims	10
Total	172

Banffshire County Council Minutes, 1943-44. p.27

4th April 1944

Social Welfare Committee

Returns of Poor

As at 15th March 1944

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	22
Banff	27
Buckie	38
Cullen	36
Dufftown	13
Keith	24
Total	160
Out with County Claims	19
Total	179

Banffshire County Council Minutes, 1944-45. p.26

"5th September 1944

Social Welfare Committee

Returns of Poor

As at 15th November 1944

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	25
Banff	29
Buckie	27
Cullen	31
Dufftown	15
Keith	26

	Total	153
Out with County Claims		11
	Total	164

As at 15th December 1944

	Boarded-out children incl. ordinary poor (number of cases)	
Aberchirder		25
Banff		28
Buckie		29
Cullen		31
Dufftown		16
Keith		26
	Total	155
Out with County Claims		11
	Total	166

Banffshire County Council Minutes, 1944-45. p.26

“5th September 1944

Social Welfare Committee

Returns of Poor

Expenditure on able-bodied poor:-

	Boarded-out children incl. ordinary poor (number of cases)	
Aberchirder		23
Banff		31
Buckie		29
Cullen		34
Dufftown		15
Keith		23
	Total	155
Out with County Claims		12
	Total	167

Moray and Nairn Joint County Council Minutes 1945

“3rd September 1945

Public Assistance Committee

Report by Chief Public Assistance Officer on the question of Boarded-Out Children, including rates of Payment thereof.

The number of boarded-out children chargeable to, and boarded in, Moray and Nairn at 15.5.45 was as follows:-

Elgin District	27
Forres District	26
Nairn District	12
Duffus & Drainie District	11
Fochabers District	18
Roths District	7
Cromdale District	2

Total 103

In addition, there are about 36 children now receiving assistance who were originally placed by the mothers c/o relatives, and are not reported to the Department of Health as "boarded-out children".

In so far as my present personal knowledge is concerned I can say that the children are in good homes and well cared for.

...

According to latest information available, children boarded in the County by other areas are located as follows:-

Elgin	13
Forres	19
Nairn	9
Duffus & Drainie	4
Fochabers	3
Roths	5
Cromdale	16

Total 69

Twelve of these children are in Roman Catholic Homes, a type of home we are rarely called on to find. Forty-nine of them are accommodated in 19 homes.

Rate of payments known are as follows:-

Dundee Burgh	11/- and 12/-
Glasgow mainly	12/6d (but some cases 7/6d and 10/-)
Falkirk	10/6d to 12/6d
Aberdeen Burgh	11/6d
Paisley Burgh	13/-
West Lothian County	10/-
Lanark County	12/6d

It should perhaps be noted here that the rate of 15/2d said to be paid by Glasgow is not the rate paid to guardians, but the rate charged by Glasgow against other areas in respect of boarded-out children and is inclusive of boots, clothing, medical attention and school books and meals"

Banffshire County Council Minutes, 1945-45. p44
4th September 1945
Social Welfare Committee

Returns of Poor
As at 15th July 1945
Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	28
Banff	25
Buckie	26
Cullen	30
Dufftown	17
Keith	25
Total	151

Claims received during month from other Authorities 8

As at 15th August 1945
Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	28
Banff	25
Buckie	26
Cullen	31
Dufftown	17
Keith	25
Total	152

Claims received during month from other Authorities 10

Banffshire County Council Minutes, 1946-47. P41
12th November 1946
Social Welfare Committee
Returns of Poor

As at 15th September 1946
Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	19
Banff	26
Buckie	18
Cullen	35
Dufftown	15
Keith	30
Total	143

Claims received during month from other Authorities 10

As at 15th October 1946

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	19
Banff	24
Buckie	18
Cullen	35
Dufftown	15
Keith	31
Total	142

Claims received during month from other Authorities 10

Banffshire County Council Minutes, 1946-47. P19

14th January 1947

Social Welfare Committee

Returns of Poor

As at 15th November 1946

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	19
Banff	25
Buckie	20
Cullen	35
Dufftown	13
Keith	31
Total	143

Claims received during month from other Authorities 5

As at 15th December 1946

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	19
Banff	24
Buckie	21
Cullen	35
Dufftown	14
Keith	31
Total	144

Claims received during month from other Authorities 10

Banffshire County Council Minutes, 1947-48. P37

27th June 1947

Social Welfare Committee

Returns of Poor

As at 15th May 1947

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	18
Banff	22
Buckie	20
Cullen	34
Dufftown	12
Keith	30
Total	136

Claims received during month from other Authorities 13

As at 15th June 1947

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	23
Buckie	20
Cullen	37
Dufftown	13
Keith	29
Total	139

Claims received during month from other Authorities 7

Banffshire County Council Minutes, 1947-48. P31

2nd September 1947

Social Welfare Committee

Returns of Poor

As at 15th July 1947

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	24
Buckie	20

Cullen	37
Dufftown	13
Keith	29
Total	140

Claims received during month from other Authorities 15

As at 15th August 1947

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	24
Buckie	20
Cullen	37
Dufftown	13
Keith	28
Total	139

Claims received during month from other Authorities 10

Banffshire County Council Minutes, 1947-48. P25

11th November 1947

Social Welfare Committee

Returns of Poor

As at 15th September 1947

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	24
Buckie	20
Cullen	37
Dufftown	13
Keith	28
Total	139

Claims received during month from other Authorities 15

As at 15th October 1947

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	24
Buckie	20
Cullen	37
Dufftown	13
Keith	28

Total	139
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Claims received during month from other Authorities 12

Banffshire County Council Minutes, 1947-48. P26

21st January 1948

Social Welfare Committee

Returns of Poor

As at 15th November 1947

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	23
Buckie	20
Cullen	37
Dufftown	13
Keith	29
Total	139

Claims received during month from other Authorities 10

As at 15th December 1947

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	23
Buckie	20
Cullen	36
Dufftown	13
Keith	29
Total	138

Claims received during month from other Authorities 11

Banffshire County Council Minutes, 1947-48. P13

2nd March 1948

Social Welfare Committee

Returns of Poor

As at 15th January 1948

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	23
Buckie	17
Cullen	36

Dufftown	13
Keith	29
Total	135

Claims received during month from other Authorities 12

As at 15th February 1948

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	25
Buckie	17
Cullen	36
Dufftown	13
Keith	29
Total	137

Claims received during month from other Authorities 11

Banffshire County Council Minutes, 1947-48. P35

15th April 1948

Social Welfare Committee

Returns of Poor

As at 15th March 1948

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	24
Buckie	17
Cullen	36
Dufftown	15
Keith	29
Total	138

Claims received during month from other Authorities 16

Banffshire County Council Minutes, 1948-49. P30

2nd July 1948

Social Welfare Committee

Returns of Poor

As at 15th April 1948

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	24

Buckie	17
Cullen	36
Dufftown	15
Keith	29
Total	138

Claims received during month from other Authorities 9

As at 15th May 1948

Able Bodied Poor

	Boarded-out children incl. ordinary poor (number of cases)
Aberchirder	17
Banff	25
Buckie	15
Cullen	38
Dufftown	15
Keith	29
Total	139

Claims received during month from other Authorities 13

Moray and Nairn Joint County Council Minutes, 1952

"28th April 1952

Children's Committee (Joint)

Initial Cases boarded out since last meeting

9. Details of cases of 11 children dealt with since last Meeting were given by the Children's Officer and noted by the Committee."

Moray & Nairn Joint County Council Minutes, 1953

"2nd March 1953

Children's Committee (Joint)

Return of Children in care of Local Authority

The Children's Officer submitted a Report in regard to children in the care of the LA as at 30th November 1952. The meeting noted that there were 188 children under supervision as follows:

	Boys	Girls
Boarded-out in Moray & Nairn	79	60
Boarded-out in Other Areas (under direct supervision)	-	2
Accommodated in Voluntary Homes	13	15
Accommodated in Hostels for working boys & girls	2	1
Maintained in private lodgings	-	1
Accommodated in premises provided under National Assistance Act, 1948 (Craigmoray)	-	1
In residential employment	3	5
Accommodated in Institutions for Mental Defectives	1	1
In Army or Navy (Boy's Service)	4	-

	102	86
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Moray and Nairn Joint County Council Minutes, 1955

"25th April 1955

Children's Committee (Joint)

Initial Cases Boarded Out since Last Meeting"

"Details of ten cases of children who had become the responsibility of the LA during the period since last Meeting were given by the Children's Officer. The Meeting approved the action taken in each case by the Children's Officer."

Moray and Nairn Joint County Council Minutes, 1957

"7th January 1957

Children's Committee (Joint)

Return of Children under care of Local Authority

3. The Children's Officer submitted a Return in regard to children in the care of the Local Authority as at 30th November 1956.

The Meeting noted that the total number of children under supervision as at 30th November, 1955 was 134 – 71 boys and 53 girls – and that the children under supervision as a 30th November 1956 were as follows:-

	Boys	Girls
Boarded-out in Moray & Nairn	38	37
Boarded-out in Other Areas	5	4
Accommodated in Voluntary Homes	14	8
Accommodated in Voluntary Hostels	1	-
In residential employment	2	4
In Boy's Service (Royal Navy)	1	-
	61	53

The Meeting further noted that in addition 37 children – 27 boys and 10 girls – were being supervised under the Child Life Protection provisions of the Children Act."

Moray and Nairn Joint County Council Minutes, 1960

11th January 1960

Children's Committee (Joint)

Return of Children in care of Local Authority

"The Children's Officer submitted a Return required by the Scottish Home Department in regard to children in the care of the LA as at 30th November 1959

The meeting noted that the total number of children under supervision at 30th November 1958 was 114 – 57 boys and 57 girls – and that the number of children under supervision at 30th November, 1959 was as follows:-

	Boys	Girls
Boarded-out in Moray & Nairn	32	25
Boarded-out in Other Areas	-	2
Accommodated in Voluntary Homes	15	11
Accommodated in Registered Voluntary Hostels	1	-
In private lodgings	2	1

In residential employment	5	3
In Boys' Service (Royal Navy)	2	-
In Mental Deficiency Institutions	-	-
	57	43

Moray & Nairn Joint County Council Minutes, 1960

"19th February 1962

Children's Committee (Joint)

Child Care (a) Return of Children in Care of Local Authority

The Children's Officer submitted a Return required by the Scottish Home Department in regard to children in the care of the Local Authority as at 30th November 1961.

The meeting noted that the total number of children under supervision at 30th November 1960 was 90 – 51 boys and 39 girls – and that the number of children under supervision at 30th November, 1961 was as follows:-

	Boys	Girls
Boarded-out in Moray & Nairn	28	26
Boarded-out in Other Areas	2	6
In Local Authority Homes	-	-
In Registered Voluntary Childrens Homes	20	8
In registered Voluntary Hostels	-	-
In private lodgings	2	-
In residential employment	-	-
In Military Service (Boys)	5	-
In Mental Deficiency Institutions	2	1
	59	41

The Meeting noted that in addition, 13 children – 9 boys and 4 girls – were being supervised under the Child Life Protection provisions of the Children's Acts and that 6 children – 4 boys and 2 girls – were being supervised under the Adoption Act, 1958."

Moray & Nairn Joint County Council Minutes, 1960

"5th July 1960

Children's Committee (Joint)

Return of Children in care of Local Authority

Reference was made to para. 4 of Minute of Meeting of this Committee dated 11th January 1960. A letter was submitted from the Scottish Education Department requesting particulars of the average number of children provided for under various heads during the financial year 1968-59.

The Children's Officer reported that the information, which had been forwarded to the Scottish Education Department, was as follows:

	Local Authority's Own Children	Other Authorities' Children
Boarded-out	69.8	12.2
Local Authority's Children Homes	1	-
Local Authority's Hostels	-	-
Voluntary Homes	25.9	-
Other Accommodation	5	
Total	101.7	12.2

Banffshire County Council Minutes, 1965 p58

"20th January 1965

Children's Committee (Joint)

Return of Children in Care of Local Authority

As 30th November 1964

	Boys	Girls
Boarded out in Moray and Nairn	32	24
Boarded out in other areas	2	8
In other Local Authority Homes	-	1
In Registered Voluntary Children Homes	20	14
In Registered Voluntary Hostels	-	-
In Private Lodgings	1	1
In Residential Employment	-	1
On Military Service (Boys')	3	-
In Hospitals	-	1
Total	58	50

Moray & Nairn Joint County Council Minutes 1960

"19th February 1962

Children's Committee (Joint)

Child Care (c) Address by Mr Corner (Chief Inspector for Child Care, Scottish Education Department)

Mr Corner addressed the Meeting on the subject of child care. He stated that the main duties of a Children's Committee so far as relating to Child Care were as follows:-

- (i) The Prevention of children from coming into care by providing an adequate child care service;
- (ii) The rehabilitation of children in care
- (iii) To ensure that adequate arrangements are made for receiving children into care
- (iv) The assessment of the type of care that a child requires

He stated that from the records of the Scottish Education Department there were at 30th November 1961 6.5 persons per thousand in care in Moray and Nairn as

compared with a National Average of 5.9 persons per thousand and that 61% of the children were boarded-out as compared with a National average of 64%. He stated that it was preferable to have children in care boarded-out with foster parents rather than being placed in a home although there were homes, such as Aberlour Orphanage, which were doing exceptionally fine work with difficult children. He also emphasised the value of a periodic and regular review of each case in the care of the Committee.

In conclusion he stated that so far as Moray and Nairn was concerned the Department were satisfied with the manner in which the child care work was being carried out by the Children's Officer and his staff.

The Chairman expressed thanks to Mr Corner for his address."

Banffshire County Council Minutes, 1969-70, p.447

"8th October 1969

Social Work Sub-committee

Appendix – p.447

Banff County Council

Children's Probation and Welfare Departments:

Current Services

RESIDENTIAL CARE Children's Department	
Foster homes	59
Clydeville (Home)	15
Other L.A. Home	1
Family Group	4
Voluntary Homes	4
Home on trial	8
Hospital	1
Lodgings	2
Adoption Placing	3
Total	97

Banffshire County Council Minutes, 1969-70, p.47

"19th January 1970

Case Sub-Committee

Statistical Review

1. The Sub-Committee noted a statistical survey of the services currently provided by the Social Work Department, a copy of which is appended to this minute. (below)

CASE COMMITTEE STATITICAL REVIEW: 19.1.1970

1. Child Welfare

(a) Children in care and under Supervision Orders:-

On 1.1.70 there were:

91 children in the care of Banff County Council
17 were in Local Authority Children's Home
4 were in Voluntary Homes

1 was in H.M Forces
3 were at home on trial
66 were boarded-out

Banff Social Work Department also supervised a further 7 children who are in the care of other Local Authorities but are living in Banffshire.
10 Children were being supervised under court orders

(b) Preventative Work with Children

In an attempt to prevent the breakdown of family life, considerable effort is directed toward identifying those families at risk and offering assistance with personal problems before the removal of the children is necessary.

On 1st January 1970, 57 families were being helped in this way, a total of 200 children being involved."

From when Moray became a unitary authority the numbers are as follows, in terms of children/placements.

- 1997/1998 37 children – no duplicates – 37 placements
- 1998/1999 98 children – 10 duplicates – 108 placements
- 1997/2000 111 /126
- 2000/2001 99/104
- 2001/2002 97/123
- 2002-2003 93/137
- 2003-2004 87/111
- 2004-2005 90/134
- 2005-2006 87/121
- 2006-2007 92/108
- 2007-2008 90/111
- 2008-2009 82/107
- 2009-2010 86/93
- 2010-2011 89/97
- 2011-2012 104/109
- 2012-2013 93/99

How many foster carers were approved/registered by the local authority at any given time?

This information was taken from fostering panel minutes, and shows the number of new registrations. The following reflects the numbers of carers approved at panel in the years 1998 – 2005.

1998	12
1999	11
2000	7
2001	2
2002	2
2003	6
2004	5
2005	7

This table shows the number of approved registered carers by The Moray Council at a period in time, this information is taken from annual returns submitted to The Care Inspectorate.

	2006	2007	2008	2009	2010	2011	2012	2013
Temp & Perm				10	9	12	16	17
Temp	22	25	27	20	20	19	18	18
Perm	12	6	12	10	15	10	12	23
Pre Adopt				4		7	3	5
Respite	7	5	4	4	6	5	3	2
Other		12	10			3	6	4
Total FC	41	48	53	49	50	56	58	71

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?

We have not found any returns in the minutes detailing the number of foster carers in the local authority.

It could be inferred that each child is placed with one foster carer, however it appears that there are examples of foster carers caring for more than one child at a time, relevant example given below:

Banffshire County Council Minutes, 1969-70, p.239

"17th June 1969

Children's Committee

Boarded-out children – Payment to Foster Parents

6. The Committee considered the financial position of Mr and Mrs [REDACTED], Grange, who were acting as foster parents to ten boarded-out children of whom three were from Aberdeenshire and seven from Banffshire. It was agreed to increase the allowance paid to these foster parents to £6 per week per child with effect from 4th July 1969, this arrangement to be reviewed after six months or earlier if a material change of circumstances should take place."

How many placements for children did this represent? How many placements were in use at any given time?

This table shows how many placements were in use at a period in time, taken from annual returns submitted to The Care Inspectorate

	2006	2007	2008	2009	2010	2011	2012	2013
Temp & Perm				3				17
Temp	30	30	34	31	34	35	37	26
Perm	20	20	22	21	28	29	32	23
Pre Adopt				6		7	5	6
Respite	2	2	4	4	7	11	4	10
Total FC	52	52	60	67	69	82	78	82

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.

No examples have been identified in the Minutes which demonstrate foster carers providing different types of care, e.g. respite care, short-term foster care, and long-term foster care.

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

As noted above, numbers were recorded intermittently and were subject to change - for examples see the responses above. There are no entries in the minutes which describe a “material” change in numbers of children, placements or foster carers.

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

The figures given in the minutes do not encompass the entire time period from 1930 to 2014, nor do they account for every method by which the local authority could accommodate children, nor are they available for every local authority (e.g. the Grampian Regional Council minutes do not record these numbers at all). As such we do not know the total number of children to be accommodated by the local authority.

- 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?

There are insufficient statistics available for the time period being considered for us to comfortably justify a general comment on whether children were cared for primarily in establishment or through the provision of foster care.

Present

(i) Local Authority

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

2013/2014	111/111
2014/2015	112/112
2015/2016	98/99
2016/2017	111/117
2017/2018	98/101
2018/2019	98/101
2019 / to date	18/23

- b) How many foster carers were approved/registered by the local authority at any given time? -

How many foster carers were approved/registered by local authority at any given time.

	2014	2015	2016	2017	2018	2019
Temp & Perm	15	15	17	18	29	23
Temp	23	23	18	28	16	16
Perm	12	12	14	12	7	9
Pre Adopt	8	8				
Respite	1	1				
Other	11	11	11	3		
Totals	70	70	60	61	52	48

How many placements for children did this represent? How many placements were in use at any given time?

	2014	2015	2016	2017		2018	2019
Temp	41	37	52	37	Perm	28	25
Perm	40	41	25	32	Long Term	10	2
Respite	5	1			Emerg		12

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

Detailed above

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

Numbers for children looked after and accommodated remained fairly consistent. Numbers of foster carers have been reducing which was part of the reason for the new foster care scheme introduced in 2018

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

2014	2015	2016	2017	2018	2019
198	186	237	226	228	44

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?
Foster Care

1.7 Children's Background/Experience

Past

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

The following excerpt from the Council minutes suggests that in at least this one case it was decided to board a child out as they were in circumstances similar to their siblings who had also been boarded out:

Moray and Nairn Joint County Council Minutes 1937 Vol.2, p.19

"Maternity and Child Welfare and c., Sub-Committee

Case of Girl, ██████████ ██████████

The Meeting had under consideration the correspondence remitted to this Sub-Committee in the case of ██████████ residing with her parents in a tent at ██████████ Elgin. It was reported that this was one of the children of ██████████ sometime of ██████████ New Elgin, put under the supervision of the Education Authority by order of the Sheriff, but that this child, with approval of the Scottish Education Department, had been allowed to remain temporarily with her mother owing to her youth. After discussion, it was agreed that this child should be boarded out the same as her brothers and sisters, and instructions were given accordingly."

We have not discovered further information in Council minutes that states whether or not children in foster care generally had a shared background and/or shared experiences.

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

The following two excerpts from the council minutes appear to show children being admitted to the care of the authority.

Banffshire County Council Minutes 1944-45, p38

"4th April 1945, 2.45pm

Schools Sub-committee

3 (e) Children Act Cases

████████ family: ██████████ Family

Reports by the Inspector of the RSSPCC relating to the conditions under which the ██████████ family, ██████████ Buckie, and the ██████████ Family, ██████████ Knock, are being brought up. Resolved to recommend that no action be taken meantime as regards the ██████████ children, but that in the case of the ██████████ children a Petition be presented to the Sherriff with a view to having them committed to the care of the Authority."

Moray and Nairn Joint County Council Minutes, 1945

"10th October 1945

Maternity and Child Welfare &c. Sub-Committee

Special Cases (c) [REDACTED] (8) and [REDACTED] (5) Findhorn

Dr MacLaren reported that these children had been committed by the Sheriff to the care of the Education Authority on [REDACTED] 1945. He also reported that [REDACTED] had been transferred to a foster parent at Portessie today and that [REDACTED] had been sent to Aberlour Orphanage on [REDACTED] 1945."

c) Who placed children with the local authority?

Information gathered from file reading regarding placement of children between 1930 and 1996 suggests children were placed with the local authority at the request of parents ill health , or not being able to care for their children or due to neglect being identified and children being placed in foster care by the courts..

Children were placed with the local authority, not only by family members, but by the courts and the Children's Hearing system following 1971.

The two excerpts quoted above (Banffshire County Council Minutes 1944-45, p38 4th April 1945, 2.45pm; and Moray and Nairn Joint County Council Minutes, 1945 10th October 1945) appear to suggest that the Sheriff court placed children with the local authority.

Excerpts from the minutes appear to suggest that children from other local authorities were sent to area (see minute referred to in response to 1.2 a), Banffshire County Council Minutes, 1946-47, p.68, 2nd October 1946). The following minutes appear to explain give further details as to this sort of arrangement may have worked:

Moray and Nairn Joint County Council Minutes 1958

"6th January 1958

Children's Committee (Joint)

Boarded-out children – Letter from Colonel K. Mackessack.

3. A letter was submitted from Colonel K. Mackessack enquiring as to the procedures adopted by Authorities of other areas who boarded-out children in the Combined County in view of the fact that in one particular case a boy had been boarded-out in a home which appeared to be unsuitable with the result that the boy had got into trouble with other children in the area.

The Children's Officer explained that under the Children's Act 1948 the local authority responsible for the maintenance of children was entrusted with the supervision and boarding out of such children, that in general local authorities who proposed to board out children in the Combined County did so after prior consultation with the Children's Officer and that certain authorities also arranged for their boarded-out children being supervised by the Children's Officer."

The following excerpt appears to suggest that a distinction as made between the local authority having "financial responsibility" for a child and the local authority have "direct responsibility" for a child. We have not discovered details in the Council minutes telling us what exactly "direct responsibility" means, including whether or not this equated to legal responsibility for the child. While this may appear to suggest

that the 'norm' for a child originating from another local authority being boarded out in this local authority was for this authority to assume "direct responsibility", we have not discovered information in the Council minutes that would confirm or deny this.

Moray and Nairn Joint County Council Minutes 1952

"8th July 1952

Childrens Committee (Joint)

Special Cases

(3) [REDACTED] (d. of b. [REDACTED] 41)

The Children's Officer reported that this girl who has always resided in this District and has been in the care of Mrs [REDACTED] [REDACTED], Alves, since she was 5 years of age is the financial responsibility of Aberdeen Town Council who wish to assume direct responsibility for the girl. He stated that in the best interests of the girl Aberdeen Town Council should be discouraged from assuming direct responsibility as this would mean a change of "visitor" with possibly a detrimental effect on the girl. The Meeting agreed that the Children's Officer should inform Aberdeen Town Council of the circumstances."

For more information on Children's Panels and their potential role in placing children with the local authority, see the answers below.

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?

The following excerpt appears to suggest that elsewhere within the Grampian Region the Children's Panel put in "referrals" to the local authority:

Grampian Regional Council Minutes 1988/1989, p69

"3. Unallocated Cases

The Sub-Committee noted a letter from the Reporter to the Children's Panel on the number of referrals from Children's Hearings in Aberdeen City Division still awaiting initial enquiry on 31 March, 1988."

The minutes do not state if this also happened in Moray, or whether a referral equated to a child being 'received' by the authority.

We have not discovered further information in Council minutes on whether or not the local authority received children via Children's Hearings.

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

We have not discovered further information in Council minutes that would relate to this question.

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

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

Files reading for children in foster care indicates that placed in the 1930's-1960's remained until adulthood. This was usually at a time where they had secured employment and accommodation or became 18.

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?

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

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

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

i) Were children moved between different foster care placements?

The following excerpts appear to show examples of children being moved between foster care placements:

Moray and Nairn Joint County Council Minutes 1952

"8th July 1952

Childrens Committee (Joint)

Special Cases

8. The following report was submitted by the Children's Officer in regard to the undernoted special cases:-

(1) [REDACTED] (d. of b. [REDACTED] 40)

The Children's Officer reported that his girl who was committed to the care of the County Council in [REDACTED] 1941 had been in several foster homes since that date due to no fault of her own and was now under the guardianship of Mrs [REDACTED] [REDACTED] Buckie. This was noted."

Moray and Nairn Joint County Council Minutes 1952, no page numbers

"1st September 1952

Childrens Committee (Joint)

Special Cases

6. The following report was submitted by the Children's Officer in regard to the undernoted special cases:-

(1) [REDACTED] (d. of b. [REDACTED] 40)

Reference was made to para. 8(1) of Minute of Meeting of this Committee dated 8th July 1952. The Children's Officer reported that this girl had been removed to the guardianship of Mrs ██████████ ██████████ Buckie. He stated that as she was now a resident in Banffshire he had arranged for her supervision by the Children's Officer of that Authority and that in future she would be dealt with as a boarded-out child in the care of Banff County Council. This was noted."

j) **If so, in what circumstances?**

The examples from the minutes quoted above provide as much information about the circumstances around the apparent moving of those children as we have been able to discover in Council minutes.

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

There is insufficient evidence available for the time period being considered for us to comfortably justify a general comment on whether children typically stayed in one, or 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?**

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

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

The following excerpt appears to show that the local authority discussing financial support for a boarded-out child intending to attend a course in Glasgow. Note that the minute does not confirm whether or not this child was leaving foster care at this time, although it may be a reasonable supposition to make.

Moray and Nairn Joint County Council Minutes 1957

"2nd September 1957

Childrens Committee (Joint)

Scottish College of Commerce – Girl Student

6. A letter was submitted from the Children's Officer stating that he had received an application from a boarded-out girl who was the responsibility of this Authority to attend a three year Commercial Teacher's Diploma and Associateship Course at the Scottish College of Commerce, Glasgow, and that having been assured by the Director of Education that the girl was likely to complete the course successfully, he had, after consultation with the Chairman of this committee, registered the girl for the above course. He stated that annual fees for the course would amount to £45, the cost of books from £10 to £15 and that in addition there would be a sum of £2:5/- per week to pay for board and lodging plus an allowance for pocket money. After

discussion the meeting approved arrangements made and it was left to the discretion of the Chairman to authorise any additional expenditure required by the girl.”

The following excerpts from the Grampian Regional Council minutes appear to relate to discussions on the support to be offered to children “leaving care”. Note that no distinction seems to be made between “leaving care” and “leaving foster care” – while we have not discovered information in the minutes that confirm this, it might be reasonably supposed that “leaving care” does include “leaving foster care” and that, to at least some extent, these arrangements may also have applied to children leaving foster care.

Grampian Regional Council Minutes 1987/88, p.1146

“Young people leaving care – new ways of assistance

With reference to Minute of Meeting of 14 January 1988 (Branch 2 P825), the committee considered a report by the Working party on the motion from Councillor Ironside in the following terms:-

“That this Council look at alternative ways to assist young people leaving care in the light of new Social Security legislation which comes into effect from April 1988”.

The committee noted that young people living independently were expected to be particularly disadvantaged by the new legislation. The Council had powers under Sections 24 and 26 of the Social Work (Scotland) Act 1968, which could be used to assist young people leaving care. Although the Social Fund Legislation made provision for community care grants up to a maximum of £500 for a young person leaving care it was suggested that £750 would be a more realistic figure.

After discussion, the Committee agreed (1) that the operation of Regional Council Children’s Homes be examined to find ways of enabling young people preparing to leave care to be introduced to budgeting and shopping shops, (2) to recommend to the Manpower Committee that they consider a process of positive discrimination in terms of employment within the Regional Council in favour of young people who had formerly been in the care of the Regional Council, recognising the difficulties these young people had in finding and keeping employment and the difficulties imposed by the Income Support System, (3) to top up the community care grant paid to young people leaving care with the sum of £250, (4) to use its powers in terms of Section 26 (1) to guide and assist young people between 16-18 years who were formerly in the care of a local authority or a voluntary organisation, including assistance in cash. It was further agreed to suggest to the Regional Council that the Joint Working Party in Children and Young People in Difficulty or at Risk should also consider the availability of Youth Training Scheme places in Grampian for young people who had been in care and the associated difficulties.”

Grampian Regional Council Minutes 1988/89, p.475

“3. Who Cares? Scotland

There had been circulated a report by the Director of Social Work intimating that “Who Cares? Scotland” was an independent organisation whose aim was to help young people in care and those who have already left care. A Charter of Rights for young people in care which had been prepared by that organisation was also submitted.

Ms Pauline Omond of Who Cares? Scotland was present during discussion of this item and presented the case for adopting the Charter of Rights. The Sub-Committee noted that many of the points in the Charter were in line with the Social Work Committee's policies and agreed that further discussion of the contents of the charter should take place at a future meeting." *(Note: we have been unable to discover this Charter of Rights in our records, and while "many of the points in the Charter were in line with the Social Work Committee's policies" we have not been able to discover which points in particular these might be.)*

Grampian Regional Council Minutes 1988/89, p.647

"46. Young People Leaving Care – Social Security changes

With reference to a circulated report by the Director of Social Work the Committee noted that the recent changes in the Social Security regulations had created problems for young people, and that in particular those under 18 who did not fall into certain "at risk" categories were not entitled to income support and were expected to obtain YTS places. Many young people leaving care who might have a range of problems might find it difficult to obtain YTS places.

The Committee agreed (1) to continue the supplementation of young people in care who were preparing for independence, (2) to assist in an appropriate way young people who were or had been in care but were no longer in children's homes, (3) to request the Personnel Committee to look urgently at the position of the Council in relation to the provision of YTS places, and (4) that the Director of Social Work meet with voluntary bodies concerned to ascertain the full extent of the problems for young people to monitor the situation and report to a future meeting."

Grampian Regional Council Minutes 1988/89, p.885

"Joint working party on Children and Young People in difficulty or at risk

Appendix D

1. Minute of meeting of 31 October 1988 was submitted and approved
2. Final Draft Report – With reference to paragraph 6 of the Minute of the Meeting 31 October 1988, there was circulated a draft final report by the Directors of Education and Social Work outlining the matters which the Working Party had previously considered and collating the various recommendations made. After discussion the Working party approved the report for submission to the Education and Social Work Committees and agreed to make the following additional recommendations:-

a) that the Working Party meet annually to monitor the progress made in carrying out its recommendations

b) that reports be submitted regularly to the Education and Social Work Committees on the position regarding Youth Training Scheme placements and the numbers of young people leaving care and requiring supplementation, and

c) that the Education Committee formulate a system for primary/secondary schools liaison.

3. Next Meeting - The Working Party agreed that a further meeting be held on 14 February 1989 at 2.15pm to provide an opportunity for discussion with the Guidance Advisor and to consider any observations made on the Working Party's report by the Education and Social Work Committees." *(Note: while a supposition could be made that Youth Training Scheme appears to be meant for young people leaving care we have not discovered information in the council minutes that would confirm this.)*

While the following minute does not state the exact support to be given, it appears to show that the issue of support for young people leaving care was considered by the relevant committee:

Grampian Regional Council Minutes 1989/1990, p.356

“Appendix E

Minute of Joint Co-ordinating Committee on Housing and Social Work between Gordon District Council and Grampian Regional Council held at Gordon House, Inverurie on 25th May 1989

3. Accommodation for Young People Leaving Care

The committee had before them a report by the Divisional Social Work Officer relating to problems of young people leaving care and requiring assistance when adjusting to an independent lifestyle within the community. It was agreed that community support was extremely important when dealing with the problem. Officers of respective departments of Region and District would continue to monitor the situation. Encouragement should also be given to Housing Associations specialising in this field.”

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

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

p) Was such information retained and updated?

We have not discovered indications in the minutes as to whether this information, if it was collected at all, was retained and updated.

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

Generally the findings submitted in response to 1.7 n) do not give an indication of an ‘end date’ for any discussed assistance – therefore it may be possible that this assistance continued for long enough after the child/young person left care to be considered as ‘after care’. We have not been able to determine through the minutes whether or not this the case, nor have we found other information that would answer this question or would otherwise be directly relevant.

Present

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

b) If so, please give details.

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

Children are matched to potential foster carers taking into account their cultural, religious and racial backgrounds along with many other factors as well as looking at sibling relationships and how these can be maintained in a way that is in the best interests of each child or young person. There are commonalities and broad themes in children's background and experiences such as neglect or abuse but all children experience and respond to their history differently so we try to see the child and their family as individuals unless it is helpful to understand this from the perspective of family groups who become accommodated together. However, we now understand that all children experience a significant trauma by the nature of living away from their families and their communities and there is a shared commonality in this.

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

Moray's mainstream foster carers are assessed and approved to provide care for children of a specific age range. This is based on a comprehensive assessment which supports the areas of the carer's knowledge and skills and identified resilience. Children are matched with carers based these criteria. All carers in Moray are recruited and trained to provide a high level of care to children and as part of their basic training they are provided with child protection, trauma and recovery, first aid, safer caring and self-regulation behaviour management along with other programs which support carers to respond to children sensitively. At times children must be placed in an emergency and sometimes out with carers approval ranges. We ensure that we provide a high level of training to ensure that our carers are equipped to respond to all children well in the short term and until a longer term carer can be found for them if needed.

Where required foster carers are recruited for specific children. The current Moray recruitment strategy is seeking to recruit carers with more specific ranges of skills. This is to increase choice for children and to offer a service that meets the needs of children and their families in a range of highly informed ways.

c) Who placed children with the local authority?

The Moray Council, Police Scotland and the Children's Panel may all place children into the care of the Local Authority, along with parents who may agree a Section 25 Children (Scotland) Act 1995 agreement.

d) From the 15th April 10971 (the date on which the Children's Hearing system was introduced) did the local authority receive children mainly through the children's hearing system? And

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

Children are mainly received into care in Moray by the use of Section 25 of the Children (Scotland) Act 1995 as this would be the least intrusive order for the family. Where we can work with families we do and the aim from the outset is to sustain the care within the family or rehabilitation to the care of the family. Where we can children are supported to remain with the family by way of kinship and the hope is the family will gain a Section 11 order of the Children's (Scotland) Act 1995 residence order to secure the child out with the looked after system.

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

Depending on their circumstances children can stay in the care of The Moray Council for however long they need it. Placement descriptors (outlined below) allow for the Local Authority to be as flexible as the child and their family needs us to be. However the aim of the council is always to return children to their families, if, or as soon as it is safe to do so.

Permanent

A placement secured by a Permanence Order. (Section 80 of The Adoption and Children (Scotland) 2007)

For a child this means that the care planning process has concluded that they will thrive best if they are cared for away from home on a permanent basis. A Permanence Order, which is applied for by the local authority through the courts, can provide the local authority, child and their carer with the legal security, the stability and the time for strong relationship bonds and a sense of belonging to develop.

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. Agencies must differentiate between long-term placements where:

- an Adoption order is being sought
- a Permanence Order with authority to adopt is being sought
- a Permanence Order is being sought
- the child's care plan indicates that the placement will be maintained into adulthood (18+ years of age) without a Permanence Order being sought
- the child's care plan indicates that alternative placements are being sought (including with birth family)
- the child's care plan gives no indication of the placement's objective or expected duration and therefore requires close scrutiny

Interim

A placement which has been in place for less than 24 months, not secured by a Permanence Order. Agencies must differentiate between interim placements which are:

- part of a concurrency plan
- working towards rehabilitation with birth parents or other carers (not part of a concurrency plan)
- working towards Permanence Order with a different foster carer
- working towards Adoption Order or Permanence Order with current carer (see definition above)

For a child this 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 three 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).

For a child this will mean that because of special circumstances they and their carer will benefit from therapeutic services or periods of respite.

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?

There are 4 routes to children being received into foster care:

This can be by agreement between Social Work department and the people who have parental rights and responsibilities for the child, Police use of emergency powers, by way of a children's hearing making an order or a Sheriff making an order.

Foster care is always the first alternative care provision considered for a child where it is clear that the child cannot live within a family for whatever reason,

although this happens it is not common that a family would not be considered in the first instance.

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

The child was at significant risk of immediate harm.

The child was at risk of or deemed subject to:

Physical Abuse: where children's bodies are hurt or injured by, for example, hitting, kicking and beating. It can cause pain, cuts, bruising, broken bones and sometimes even death.

Emotional Abuse: includes degrading punishment, sarcasm, threats and not giving love and attention. All of these can undermine a child or young person's confidence.

Sexual Abuse: describes when children are forced or persuaded into sexual acts or situations by others.

Neglect: is when children's basic needs, such as food, warmth, medical care, clothing and hygiene, are not met.

Children are accommodated in foster care under the following legislations:

Section 25 of the Children's (Scotland) Act 1995

Section 37 of the Children (Scotland) Act 1995

Section 38 of the Children's Hearing's (Scotland) Act 2011

Section 83/85/86 of the Children's Hearing's (Scotland) Act 2011

i) Were children moved between different foster care placements?

Children can be moved for a range of reasons. Moray council try to ensure that children remain in the same foster placement so far as this is in their best interests to do so.

j) If so, in what circumstances?

The most common reason for a move in care is for a short-break. Better matching for the child when permanent decisions are made about their care is common although in Moray we encourage that children can stay where they are and the carer change approval if the relationship works well. At times things don't work out for a variety of reasons that can be unpredictable and this can result in the child moving to another carer.

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

The nature of foster care means that the aim for children is always to return home to their family in the first instance. Before children's plans are approved they can be placed in an emergency or interim placements

(outlined in 1.7(f)). Where their plan changes and they cannot return to live at home this may mean that we need to find carers who can care for them in the longer term. As outlined above often we encourage that carers change their approval at a panel if the relationship works and the match is a feasible one.

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?

Children's plans are reviewed every 6 months in compliance with the Looked After Children (Scotland) regulations 2009. The child's care needs are reviewed in full at this time. Children subject to Compulsory Supervision Orders have their plan reviewed in every instance of a move of accommodation. Reviews of the child's plan can be requested by the social worker for the child at any time.

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

Children can leave foster care onto a variety of different destinations. The process depends on their choice and destination.

It is anticipated or planned that a through care worker is allocated to all young people from the age of 15. Young people's reviews are held 6 monthly and our number one aim would be to keep people in continuing care.

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

As Part 10 Children and Young People (Scotland) Bill 2014 Young people and young adults are entitled to throughcare services up until the age of 21 years and aftercare services up until the age of 26 years.

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

Pathways planning supports young people to explore their options for the future and looks at what supports they might need to achieve this.

p) Was such information retained and updated?

All information is now retained for 100 years

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

As Part 10 Children and Young People (Scotland) Bill 2014 Young people and young adults are entitled to throughcare services up until the age of 21 years and aftercare services up until the age of 26 years.

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?

While we have included excerpts from the minutes throughout 1.8 that show examples of roles undertaken within the local authorities, it is unknown how large a proportion of the total staff employed by the local authority at a given time this represents as we have not discovered notes of the total numbers of relevant staff employed in the council minutes. Even among these examples there are occasions we are only given the name of an individual that may or may not be a member of staff in the first place as no job title is given. As such, given the relative lack of information on the exact roles and responsibilities of staff employed by the council it is difficult to state how many staff had "some responsibility" for foster care services.

The Children's Officer is mentioned frequently in the minutes during certain time periods. While this member of staff often brings issues to the attention of the committee, the degree of responsibility that the Children's Officer had for the provision of foster care services is not clear as we have not discovered a specification of this in the minutes.

The following excerpt appears to show an occasion where responsibility for foster care services appears to be delegated directly to an individual, in this case the Director of Social Work:

Grampian Regional Council Minutes 1981, p.176

"13. DELEGATION OF AUTHORITY

There had been circulated a joint report by the Directors of Social Work and Law and Administration and the Reporter to the Children's Panel recommending that there should be specific delegation to officials of certain statutory powers and duties to obviate the possibility of decisions being challenged in court of technical grounds. After consideration, the Committee agreed (a) that the authority's powers and duties contained in the following legislation be delegated to the Director of Social Work or the Director of Law and Administration of the Reporter to the Children's Panel as stated:

- (1) To the Director of Law and Administration Sections 16(8), 33(3), 79, 90, 81 and 82 of the Social Work (Scotland) Act, 1968;
- (2) To the Director of Social Work Sections 12, 13, 15, 17(3), 20(1), 20(2), 20A, 21, 22, 23(1), 24-29, 37(1A), 39(4), 44(5), 47(1), 67(2), 48(2), 67, 68 and 76(3) of the Social Work (Scotland) Act, 1968; Rules 11(1), 11(2), 12(1), 12(2) and 13(1) of the Reporter's Duties and Transmission of Information etc.

(Scotland) Rules, by the Social Work (Scotland) Act, 1968, and Section 7 of the Children's Act, 1958; Regulations 2, 7, 11-17 of the Boarding Out of Children (Scotland) Regulations, 1959; Sections 7(1)(b), 25(3)(a), 34, 35, 37, 46, 48, 91 and 91(2) of the Mental Health (Scotland) Act, 1960; and the duties of a local authority under the Mental Health (Guardianship) (Scotland) Regulations, 1962;

(3) To the Reporter of the Children's Panel Rule 29(1) of the Children's Hearings (Scotland) Rules, 1971

And (b) that future legislation be reported to the Social Work Committee for decision as to delegation."

In particular, Section 17 of the Social Work (Scotland) Act, 1968 states:

"...a local authority shall discharge their duty to provide accommodation and maintenance for a child in their care—

(a) by boarding him out on such terms as to payment by the authority and otherwise as the authority may, subject to the provisions of this Act and regulations thereunder, determine; or

(b) by maintaining the child in a residential establishment."

Section 17 is one of the duties delegated to Grampian's Regional Council's Director of Social Work.

The following excerpt seems to suggest that certain responsibilities of the Children (Boarding-Out etc.)(Scotland) Rules and Regulations 1947 were delegated to particular staff:

Banffshire County Council Minutes, 1947-48, p.42

"11th November 1947

Social Welfare Committee

6. Boarding out of Children

There was submitted Scottish Home Department Circular No. 6663 dated 9th October 1947, and the Children (Boarding-Out etc.)(Scotland) Rules and Regulations 1947 dated 1st October, together with a report thereon by the Director and the further report by him on difficulties encountered in the boarding out of children, copies of Director's reports having been circulated among the Member of the Committee. After due consideration the Committee agreed that the Director of Social Welfare Services be the Officer appointed under Article 17 of the Regulations, to assist them in their duties under the Regulations, and that the District Social Welfare Officers be the Local Officers appointed in their various Districts under article 14. The Director was instructed to arrange with Local Authorities in whose areas Banffshire children are boarded for the supervision of the children in accordance with Article 15 of the Regulations. In regard to the examination of and reporting on children by medical practitioners as laid down in Article 19 of the Regulations it was remitted to the Medical Officer of Health to have the matter raised with the Medical Practitioners Society and thereafter to report. The Committee further agreed that as an initial step towards resolving the difficulty in finding suitable foster-parents a general increase of 2/- weekly in the allowances payable in respect

of children boarded-out in Banffshire should be given with effect from 19th December 1947, being the first pay day following the next County Council Meeting. The necessity for the provision of a Children's Home at the earliest possible date was acknowledged and agreed to in principle by the Committee."

The following excerpts from the minutes mention a "Social Work Manager", however the degree of responsibility this individual had for the provision of the foster care service (if any) is not clear as we have not discovered a specification of this in the minutes.

Grampian Regional Council Minutes 1984/85, p.580

"10. Children's Act 1975 – Resource Implications

The Committee noted a report by the Director of Social Work regarding the resource implications of the implementation of certain sections of Children's Act 1975 affecting the assumption of parental rights, access by parents to children in care, reviews of children in care, the creation of Panels of Curators ad litem and Reporting Officers and the introduction of the adoption agency regulations

After discussions the Committee (a) agreed to note the following posts required to service the legislation for inclusion in the budget for 1985/96 at a cost of £68,000 per annum:-

- 1 Social Work Manager, Moray
- 1 Senior Social Worker, Aberdeen
- 3 Social Workers (1 for each area)
- 3 Clerical Assistants

And (b) approved the additional costs to be incurred in the fees for Curators ad litem and Reporting Officers estimated at £9,000 per annum."

Grampian Regional Council Minutes 1984/85, p.640

"Manpower Committee

4. Social Work Department

(a) Residential Child care – Staffing Implications

There was circulated a report dated 14 November 1984 by the Director of Social Work on provision of the residential child care within the region.

The Committee concurred in the decision of the Social Work Committee of 22 November 1984 (Branch 7 of the Minute), that the Director of Social Work be requested to submit a further report on:

1. A possible review of the statement of child care policy accepted by Social Work Committee in 1978
2. The implications of a proposed 1:4 staffing ratio in certain children's homes
3. The situation of children from children's homes truanting from school
4. The suggested provision of small highly staffed unit for disruptive girls within existing social work accommodation
5. Result of consultations with residential staff and agreed that Director of manpower services participate in completion of the report

(b) Evaluation of Fraserburgh Children's Home

There was circulated and noted an evaluation of Fraserburgh Children's Home which had been prepared by Dr Philip Seed of Aberdeen University, funded by Economic and Social Research Council.

The Committee also noted that Social Work Committee on 22 November 1984 (Branch 9 of Minute) had referred the document to the Working Party established to review procedures and provisions for children with behavioural difficulties for its comments and that a further report would be submitted to a future meeting of that committee

c) Children's Act 1975 – staffing implications

There was circulated a report 13 November 1984 by the Director of Social Work on staffing implications of implementing certain sections of the Children Act 1975.

As recommended by Social Work Committee 22 November 1984 (Branch 10 of the Minute), the committee noted that provision would require to be made in the 1985/86 budget for additional posts:

- 1 Social Work manager – Moray
- 1 Senior Social Worker – Aberdeen City Division
- 3 Social Worker – 1 in Aberdeen, Gordon and Kincardine and Deeside Divisions
- 3 posts – Clerical Assistants – 1 in Aberdeen, 1p/t in each Banff and Buchan, Moray, Gordon and Kincardine and Deeside division”

Grampian Regional Council Minutes 1984/85, p.1048

“Manpower committee

5. Social Work Department

a) Children Act 1975 - Increases in Establishment

Reference was made to Branch 4(4)(c), page 461, of the Minute of Meeting of the Committee dated 6 December 1984, when it was noted that provision would require to be made in the 1985/86 budget for the following additional posts which were needed for the implementation of certain sections of the Children Act 1975:-

- 1 Social Work Manager in Moray
- 1 Senior Social Worker in Aberdeen City Division
- 3 Social Workers (1 Aberdeen, 1 Gordon, 1 Kincardine and Deeside)
- 3 Clerical Assistants

There was then circulated a report dated 8 April 1985, by the Director of Manpower Services indicating that the necessary financial provision had been made in the 1985/86 budget and that, since the appointments were urgently required, that Chairmen of the Social Work and Manpower Committees had approved the establishment of the eight new posts subject to homologation by this committee.

The Committee homologated the action of the Chairmen of the Social Work and Manpower Committees.”

The following excerpts from the minutes mention a “Senior Social Worker (Special Duties Post)” post replacing a “Social Work Managers” however the degree of responsibility this individual had for the provision of the foster care service (if any) is not clear as we have not discovered a specification of this in the minutes.

Grampian Regional Council Minutes 1976/77, p.264

“Manpower Committee - Social Work Department

Social Work Department Structure – On a circulated report by the Director of Social Work the committee noted that a continuing review of the structure of the Social Work Department was being carried out and agreed to recommend to the manpower committee the following changes in the Social Work Department staffing structure:-

- (a) The deletion of the Assistant Divisional Officer's post (currently vacant) in the Aberdeen City Division and its replacement by two posts for Social Workers
- (b) The deletion of the Social Work Managers post and its replacement by the post of Senior Social Worker (Special Duties Post)
- (c) The non-requirement of the following residential staff as a result of restrictions in the capital development programme – 5 officers-in-charge, 5 depute officers-in-charge, 30 caring staff and 19 domestic staff,
- (d) The relegation of Crimmond Childrens Home from a priority to a non-priority project and the establishment of two Social Worker posts for further development of Fostering Service in Aberdeen City and Banff and Buchan Divisions."

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

The issues highlighted in the response to the previous question also apply to this question, as such we have not discovered information that would provide a response to this in the council minutes.

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

As mentioned in the response to 1.8 a), the following excerpts from the council minutes appear to give at least partial detail on the roles and responsibilities of individuals who are presumed to be members of staff. Staff titles are typically not given, as such the excerpts below are the extent of information that we have discovered in the Council minutes which appear the roles and responsibilities of individuals even where their job title is unknown.

We have also included examples where "members" (understood to be elected representatives, particularly local councillors) appear to have roles and responsibilities described. We do not know whether these members were considered to be employees of the local authority (even partially so) as elected representatives are considered to be today, and the inclusion of these excerpts as part of this response should not be taken as confirmation that members were considered to be employees of the local authority.

This is true – so this isn't a case of "we have not discovered any entries in the council minutes", because this isn't something we were looking for

The first list (immediately below) is of excerpts apparently relating to individuals who may have been council staff who, based on the content of the minutes themselves, appear to have met with children and/or foster carers:

Moray and Nairn Joint County Council Minutes 1935 Vol.2, p.170

"Fifth Annual Report on the Medical Inspection of Schoolchildren for the year ending 31st July 1935

3. New Regulations regarding Boarded-Out Children under the Children and Young Persons (Scotland) Act, 1932

During the year two families have been committed to the care of the Education Authority under this Act, and the children have been placed in foster homes in the area. Under the new regulations drawn up by the Scottish Educational Department the School medical Officer must visit these children in their foster homes every six months, and the Education Authority have appointed Miss Cockburn, County Health Visitor and Superintendent of Queens Nurses, to carry out the statutory quarterly visits (Sect. 50 of Regulations)."

Moray and Nairn Joint County Council Minutes 1935 Vol.2, p.170

"Fifth Annual Report on the Medical Inspection of Schoolchildren for the year ending 31st July 1935

3. New Regulations regarding Boarded Out Children under the Children and young Persons (Scotland) Act, 1932

During the year two families have been committed to the care of the Education Authority under this Act, and the children have been placed in foster homes in the area. Under the new regulations drawn up by the Scottish Educational Department the School medical Officer must visit these children in their foster homes every six months, and the Education Authority have appointed Miss Cockburn, County Health Visitor and Superintendent of Queens Nurses, to carry out the statutory quarterly visits (Sect. 50 of Regulations)."

Moray and Nairn Joint County Council Minutes 1942, p.37

"Public Assistance Committee

Boarded –Out Children n- Review of Arrangements

11. Arising out of the Case of ██████████ in para. 10(d) of this minute (see below), the meeting considered that it was desirable to review the arrangements made for boarding out children in the County, and to this end the following Sub-Committee was appointed to make enquiries into this matter throughout the area and report, viz:-

Bailie Nora Mackay
Miss Wharton-Duff
Miss Murray
Mrs Cook"

Banffshire County Council Minutes 1944-45, p.37

"22 June 1945

Social Welfare Committee

7. Boarded-out children

In connection with boarded-out children the Committee, after hearing a report by the Director, agreed that:-

- (1) Visiting books should be obtained and placed in the homes of the guardians so that visits of the officers concerned could be recorded therein;
- (2) The annual visitation by the Convener and local members in each District should be resumed at an early date; and
- (3) Where necessary the Director should increase the allowances in payment to a sum not exceeding 12s 6d per week.²

Moray and Nairn Joint County Council Minutes 1946

"2nd September 1946

Public Assistance Committee

Visitation of Boarded-out children

9. The Chairman stated that along with Mr Donaldson she had recently visited all boarded-out children in the Elgin District and confirmed that all of these children were in very satisfactory homes and on her motion the Meeting congratulated Mr Donaldson on the care taken by him to find suitable homes for boarded-out children. It was agreed that Mr Donaldson should make arrangements for District Public Assistance Officers to visit the boarded-out children in their areas along with a representative of the local Committee, if possible."

Moray and Nairn Joint County Council Minutes 1948, Vol.2

"2nd February 1948

Public Assistance Committee

The Children (Boarding out & c.) (Scotland) Rules and Regulations 1947

11. With reference to para. 10 of Minute of the Maternity and Child Welfare Sub-Committee dated 27th January 1948, the Clerk submitted a copy of the Children (Boarding-out & c.) (Scotland) Rules and Regulations 1947.

The Meeting agreed to the following recommendations which had been approved by the Maternity and Child Welfare & c. Sub-committee, viz:-

1. That the Chief Public Assistance Officer should be responsible for the visitation of all children boarded-out by the Public Assistance Department and that the present Poor Law Medical Officers should provide the reports on such children subject to payment of fees to be agreed with the Doctors concerned.
2. That the existing arrangements regarding the visitation by the County Health Visitor of children boarded out by the Education Authority and by other Authorities in this area should be continued and that the School Medical Officer should continue to visit and report on such children.
3. That it was desirable that this authority either alone or in co-operation with neighbouring authorities should endeavour to arrange for the provision of a home where children would be prepared for boarding-out and where difficult children could be accommodated.

The Meeting further agreed that the fees payable to Poor Law Medical Officers for the reports on children referred to in para. (1) above should be as follows:-

For visit and report:-

7/6d for first case and 4/- for each subsequent case seen at the same time

Travelling:-

1/- per mile or part of a mile (each way) beyond a radius of two miles of the Doctors residence provided that no charge shall be made in respect of any distance travelled for which an allowance is payable under this or any scheme."

Moray and Nairn Joint County Council Minutes 1950 Vol 3

"25th February 1950

Welfare Committee – Sub-Committee re Children Act 1948

Children's Officer

3. With reference to para. 4 of last mentioned minute a letter was submitted from the Joint Under Secretary of State for Scotland, stating that after careful consideration, and bearing in mind that the number of children boarded out in Moray and Nairn, he could not find any grounds which would justify the Secretary of State giving consent to the appointment of an Officer to carry out the joint duties of Welfare Officer and Childrens Officer in Moray and Nairn.

The Meeting noted that at present the Childrens Officer and the County Nursing Superintendent are responsible for visiting different categories of children boarded-out in this area and recommend that the Childrens Committee referred to in paragraph 5 below should give consideration to the functions of the Childrens Officer and the arrangements which should operate in the future as regards all boarded out children in the combined county.

Childrens Committee

(a) Constitution

5. With reference to para 6. Of minute of this Sub-committee dated 14th September 1948, the meeting resumed consideration of the functions devolving on the County Council under the Children Act 1948 and recommended to the Joint County Council that a Children's Committee should be appointed and constituted as follows:-

The Chairman of the Joint County Council;
The Vice-Chairman of the Joint County Council
13 Members representing the County of Moray
4 Members representing the County of Nairn
1 Member appointed by the Health Committee
The Chairman of the Education Committee

The Meeting expressed the view that for the co-ordination of the work of the Children's Committee with that of the Welfare Committee the County Council members might be those appointed to the Welfare Committee and arrangements made to have meetings of the two Committees arranged to succeed each other.

(b) Functions

The Meeting agreed to recommend that there stand referred to the Children's Committee –

- (a) Functions under the Childrens Act 1948
- (b) Functions under the Adoption of Children Act 1949

And that said functions be delegated to the Childrens Committee other than:-

- (i) Functions specifically referred or delegated to any other Committee;
- (ii) The appointment and dismissal of the Children's Officer and staff, and the terms and conditions of such appointments;
- (iii) That the Committee shall act in accordance with any instruction of the County Council on matters of principle or policy."

This second list (immediately below) is of excerpts apparently relating to individuals who may have been council staff, and where no indication is given in the minutes themselves that they visited with children and/or foster carers:

Moray and Nairn Joint County Council Minutes 1942, p.182

“Maternity and Child Welfare & c. Sub-Committee

Boarding Out Arrangements

8. A letter submitted from Miss Bulloch enquiring as to the extent of her duties with regard to the boarding out of children under the Education Authority. Miss Bulloch called attention to the time occupied in finding foster homes for these children, calling at shops to give authority for supplies, and also in some cases finding positions for children when they attained the age of 14 years, and pointed out that these duties were not included in her agreement with the County Council when appointed as Health Visitor. The Meeting were quite in sympathy with Miss Bulloch's position, but it was agreed to defer further consideration until the Sub-Committee's report on boarding out arrangements was forthcoming.”

Moray and Nairn Joint County Council Minutes 1945

“14th February 1945

Maternity and Child Welfare & c. Sub-Committee

Special Cases (n) [REDACTED] (Born [REDACTED] 41) Boarded-out child

A letter was submitted from the Public Assistance Officer at Forres to the effect that the guardians with whom this child has been boarded out since 10th August 1942, desired to adopt the child on the understanding that the adoption charges would be paid by the council. Mr Blair reported favourably on the guardians of the child and it was unanimously agreed to approve the application. It was also agreed to recommend that the Council should meet up to £5.5/- of the costs of the adoption.”

Moray and Nairn Joint County Council Minutes 1945

“14th February 1945

Maternity and Child Welfare & c. Sub-Committee

Special Cases (h) [REDACTED] previously inmate at Balblair Home.

With reference to para 3(a) of Minute of 12th January 1944, the clerk stated that this child who had been committed to the care of the Education Authority had previously been an inmate of Balblair Home, Nairn, and was presently boarded out. Dr Bower stated that the facts of the case had been given to a Child Guidance Clinic in Glasgow for an expert opinion and it was hoped that a reply would be received shortly. The case was left in the hands of Dr Bower and Dr MacLaren for necessary action when a reply is received from the Glasgow Clinic.”

Moray and Nairn Joint County Council Minutes 1945

“14th February 1945

Maternity and Child Welfare & c. Sub-Committee

Special Cases (d) [REDACTED] previously inmate at Balblair Home.

Dr MacLaren reported that this child now appeared to have settled down in his foster home and that he was hopeful that the case would not cause further difficulty.”

Moray and Nairn Joint County Council Minutes 1945

“11th July 1945

Maternity and Child Welfare & c. Sub-Committee

Special Cases (b) [REDACTED] previously inmate at Balblair Home.

Dr MacLaren stated that unfortunately this boy was giving trouble at the house where he had been boarded out, and that the foster parent desired the child to be removed. He stated that Mr Manson was endeavouring to find another suitable home."

Banffshire County Council Minutes, 1947-48, p.42

"11th November 1947

Social Welfare Committee

6. Boarding out of Children

There was submitted Scottish Home Department Circular No. 6663 dated 9th October 1947, and the Children (Boarding-Out etc.)(Scotland) Rules and Regulations 1947 dated 1st October, together with a report thereon by the Director and the further report by him on difficulties encountered in the boarding out of children, copies of Director's reports having been circulated among the Member of the Committee. After due consideration the Committee agreed that the Director of Social Welfare Services be the Officer appointed under Article 17 of the Regulations, to assist them in their duties under the Regulations, and that the District Social Welfare Officers be the Local Officers appointed in their various Districts under article 14. The Director was instructed to arrange with Local Authorities in whose areas Banffshire children are boarded for the supervision of the children in accordance with Article 15 of the Regulations. In regard to the examination of and reporting on children by medical practitioners as laid down in Article 19 of the Regulations it was remitted to the Medical Officer of Health to have the matter raised with the Medical Practitioners Society and thereafter to report. The Committee further agreed that as an initial step towards resolving the difficulty in finding suitable foster-parents a general increase of 2/- weekly in the allowances payable in respect of children boarded-out in Banffshire should be given with effect from 19th December 1947, being the first pay day following the next County Council Meeting. The necessity for the provision of a Children's Home at the earliest possible date was acknowledged and agreed to in principle by the Committee."

Banffshire County Council Minutes, 1946-47, p.42

21st January 1948

Social Welfare Committee

6. Boarded-out children – Medical Visitation

The Director reported that the Medical Officer of Health had, as instructed by the Committee, been in touch with the Parish Medical Officers in regard to the fees to be paid them by the Council for visiting and reporting on children boarded-out. The arrangement suggested to the Medical Officers and to which they had agreed, was – a fee of 7s 6d for the first case and 4s for each subsequent case examined at the same time, together with a payment for travelling at a rate of 1s per mile or part of a mile (each way) beyond a radius of 2 miles of the Doctors residence, and provided that no charge shall be made in respect of any distance traveling for which an allowance is received or claimed under this or any other Scheme. The Committee approved of the arrangement made, agreed that the Parish Medical Officers should be the Doctors appointed to have the medical care of the children boarded by the Council in their respective areas, and instructed the Director to make the necessary arrangements.

Banffshire County Council Minutes, 1948-49, p.34

"2nd July 1948

Social Welfare Committee

9. Childrens Bill 1948

The Director reported that this Bill was expected to be passed into law today (2/7/1948) and was operative from 5th July 1948. As the County Council had not yet had the opportunity of considering the measure and making the necessary administrative arrangements, the Director proposed that he should continue to make the necessary payments due and the supervisory arrangements. The Committee concurred."

Banffshire County Council Minutes, 1966, p.8

16th March 1966

Children's Department Sub-Committee

"1. The Sub-Committee considered the position arising on the resignation of the Children's Officer and the **desirability of continuing the present arrangement for the discharge of the Council's duties under the Children's Act, 1948, and had before them certain financial and other statistics.**" *(Note – it is only assumed that 'certain duties' relates to foster care.)* "After a full discussion it was unanimously resolved that applicant be invited by advertisement for the appointment of the Children's Officer on J.I.C A.P.T scale Grade VI. (£750 to £816 per annum) and remitted to the Children's Committee to draw a short list and make the appointment, with the power to give the successfully applicant placing on the scale. It was agreed that in making the appointment there should be kept in mind the desirability of obtaining someone capable and willing to act as Probation Officer.

The Sub-Committee agreed to request an extension of their remit to enable them to consider the staffing of the Children's Department and also the staffing of the Area Office, Buckie."

Banffshire County Council Minutes, 1970-71, p.376

"25th September 1970

Social Work Committee

Homes – Proposed Family Group Home – Use of Campbell Home, Cullen

7. The Director reported on the need for the establishment of a Family Group Home in the County, particularly since the closure of a foster home at The Haughs, Grange, which had accommodated up to eight children. The Committee agreed (a) that a Family Group Home to accommodate eight or nine children, be established; (b) that the Campbell Home, Cullen, be retained for this purpose; and (c) the House Parents be appointed after advertisement. It was noted that the establishment of the Home would involve an estimated net additional cost per annum of £1,170 and the committee remitted to the Homes Sub-Committee the appointment of House Parents and the consideration of proposed minor alterations to the Campbell Home." *(Note: we have been unable to discover if there were significant differences between this 'foster home' and a regular foster placement or a children's home – as such we have included this excerpt on the basis that it may or may not be relevant to the concerns of this Section 21.)*

Banffshire County Council Minutes, 1970-71, p.51

9th February 1971

Social Work Committee

Appointment of Houseparents, Campbell House, Cullen

20. With reference to para 9. Of the minute, it was reported that Mr and Mrs [REDACTED] Auchnagatt, had been appointed as Houseparents at Campbell House, Cullen, with effect from the [REDACTED] 1971. (Note: we have been unable to discover if there were significant differences between this 'foster home' and a regular foster placement or a children's home – as such we have included this excerpt on the basis that it may or may not be relevant to the concerns of this Section 21.)

Grampian Regional Council Minutes 1981, p.176

13. DELEGATION OF AUTHORITY

There had been circulated a joint report by the Directors of Social Work and Law and Administration and the Reporter to the Children's Panel recommending that there should be specific delegation to officials of certain statutory powers and duties to obviate the possibility of decisions being challenged in court of technical grounds. After consideration, the Committee agreed (a) that the authority's powers and duties contained in the following legislation be delegated to the Director of Social Work or the Director of Law and Administration of the Reporter to the Children's Panel as stated:

- (1) To the Director of Law and Administration Sections 16(8), 33(3), 79, 90, 81 and 82 of the Social Work (Scotland) Act, 1968;
- (2) To the Director of Social Work Sections 12, 13, 15, 17(3), 20(1), 20(2), 20A, 21, 22, 23(1), 24-29, 37(1A), 39(4), 44(5), 47(1), 67(2), 48(2), 67, 68 and 76(3) of the Social Work (Scotland) Act, 1968; Rules 11(1), 11(2), 12(1), 12(2) and 13(1) of the Reporter's Duties and Transmission of Information etc. (Scotland) Rules, by the Social Work (Scotland) Act, 1968, and Section 7 of the Children's Act, 1958; Regulations 2, 7, 11-17 of the Boarding Out of Children (Scotland) Regulations, 1959; Sections 7(1)(b), 25(3)(a), 34, 35, 37, 46, 48, 91 and 91(2) of the Mental Health (Scotland) Act, 1960; and the duties of a local authority under the Mental Health (Guardianship) (Scotland) Regulations, 1962;
- (3) To the Reporter of the Children's Panel Rule 29(1) of the Children's Hearings (Scotland) Rules, 1971

And (b) that future legislation be reported to the Social Work Committee for decision as to delegation."

Grampian 1981, p277

Social Work Committee

The following functions of the Council shall stand referred or delegated to this Committee:-

- (1) To exercise the functions of the Regional Council under the Social Work (Scotland) Acts and the discharge of such functions in accordance with Section 161 of and Schedule 20 of the Local Government (Scotland) Act, 1973, including the care and welfare of children... provided that, following a division in the Committee on any matter arising under this paragraph, where one-quarter or more of the total number of members of the Committee have

voted against the successful proposal, then the decision of the of the Committee shall require the approval of the Council if 4 members of the Committee so require provided that the notice of intention is given at the time of the decision of the Committee is reached.

(2) To all matters relating to the Children's Panel"

(Note: the committee referenced above appears to have been constituted of elected representatives. This minute also mentions further duties which do not appear to be related to the provision of foster care and thus have been excluded from this excerpt.)

Grampian Regional Council Minutes 1986, p.70

"The Committee noted the new regulations provisions of the Boarding Out and Fostering of Children (Scotland) Regulations 1985 as outlined in a report by the Director of Social Work and delegated authority to carry out the requirements of the regulations to the Director of Social Work. It was agreed that a further report be submitted to the Committee in six months on the resource implications."

Note: below is a continuation of the second list. Much of the below refers to Working Parties. We have not been discovered the composition of these working parties in the council minutes – it may be that they are constituted entirely of counsellors, in which case the individuals on these committees may or may not be considered to be employees of the local authority in the first place

Grampian Regional Council Minutes 1987/88, p.259

"26. Children and Young People in difficulty or at risk

Joint Education/Social Work Strategy

There had been circulated a joint report by the Directors of Education and Social Work recommending the establishment of a joint strategy and liaison between the Education and Social Work departments in relation to children and young people in difficulty or at risk. The Committee (1) agreed to recommend to the Education Committee that a short life Joint Working Party of six member set up comprising members of the Education and Social Work Committees to consider a Regional Strategy and to establish joint co-operative working arrangements in each division throughout the Region to implement the regional strategy and (2) appointed Councillors Hutcheon, Slater and Urquhart as the Social Work Committee representatives on the Working Party." *Note: it is unknown whether "children and young people in difficult at risk formally included children in foster care; this is true in relation to the Grampian Regional Council minutes quotes below also.*

Grampian Regional Council Minutes 1987/88, p.432

"34. Children and young People in difficulty or at risk – Joint Education / Social Work strategy

With reference to Minute of Meeting of the Education Committee of 25th August 1987 (Branch 36 P315), the committee noted that the Education Committee had appointed Councillors Hossack, Middleton and Orskov to the working party established to consider a regional strategy in relation to children and young people in difficulty or at risk and had suggested that one of the teacher representatives also be appointed. The Committee approved the appointment of Dr J Merrilees to the working party."

Grampian Regional Council Minutes 1987/88, p.632

“Appendix C

Children’s Panel Consultative Committee

1. Regional Policy on Child Care

There had been circulated a report by the Chairman of the Children’s panel on the need for a regional policy on child care under which the Departments of Social Care and Education would act jointly in the supervision of a child in need of compulsory measures of care as determined by the decision made at a Children’s Hearing.

Mr Lunan supplemented this paper with an oral report, in which he suggested the following changes:-

- (1) At the initial stage of a hearing, it would be helpful to have a report from the child’s school and the attendance of an official from the Education department.
- (2) The ongoing supervision of a child placed in a home where schooling was provided or a child attending establishments such as Cordyce Residential School or the Reading Centre should be shared by the guidance/head teacher and social worker. Similarly, in cases where a child remained in the family home, the decision on whether a change of school was needed or special provision arranged should be made jointly by the Social Work and the Education departments.

Mr Sanders commented that there was already, to some extent, educational involvement in Children’s Hearings.

It was pointed out that many of the proposals in the Panel Chairman’s report would necessitate fundamental changes in legislation and Mr Pearson suggested that these might be appropriate for consideration by the child care law review committee currently being formed by central government.

There had also been circulated a joint report by the Directors of Social Work and Education which had been submitted to the Social Work and Education Committee in August 1987 on the need for a Regional Strategy for children at risk and an improved liaison arrangements at local level to facilitate co-operation in providing the appropriate measures of care and education for these children.

The Consultative Committee noted that a working party consisting of members of the social Work and Education Committees had been established to prepare a joint strategy and establish joint co-operative arrangements between the Social Work and Education departments in each Division.

After discussion, it was agreed to refer the report by the Chairman of the Children’s Panel to the Working Party with the request that it be given favourable consideration.”

Grampian Regional Council Minutes 1987/88, p.825

“Social Work Committee 14th January 1988

2. Notice of Motion

With reference to Minute of Meeting of the Regional Council of 17th December 1987, the Committee considered a Notice of Motion from Councillor L Ironside which had been referred to this committee by the Regional Council as follows:-

"That this Council look at alternative ways to assist young people leaving care in the light of the new social security legislation which comes into effect from April 1988".
Councillor Ironside addressed the committee in support of his motion which was seconded by Councillor Slater.

The Committee agreed that the officers Working Party which was to examine the detailed issues arising from the Social Security Bill (as agreed in Branch 18 hereof) should be asked to consider the question raised by Councillor Ironside and report."

Grampian Regional Council Minutes 1987/88, p.1146

"Young people leaving care – new ways of assistance

With reference to Minute of Meeting of 14 January 1988 (Branch 2 P825), the committee considered a report by the Working party on the motion from Councillor Ironside in the following terms:-

"That this Council look at alternative ways to assist young people leaving care in the light of new Social Security legislation which comes into effect from April 1988".

The committee noted that young people living independently were expected to be particularly disadvantaged by the new legislation. The Council had powers under Sections 24 and 26 of the Social Work (Scotland) Act 1968, which could be used to assist young people leaving care. Although the Social Fund Legislation made provision for community care grants up to a maximum of £500 for a young person leaving care it was suggested that £750 would be a more realistic figure.

After discussion, the Committee agreed (1) that the operation of Regional Council Children's Homes be examined to find ways of enabling young people preparing to leave care to be introduced to budgeting and shopping shops, (2) to recommend to the Manpower Committee that they consider a process of positive discrimination in terms of employment within the Regional Council in favour of young people who had formerly been in the care of the Regional Council, recognising the difficulties these young people had in finding and keeping employment and the difficulties imposed by the Income Support System, (3) to top up the community care grant paid to young people leaving care with the sum of £250, (4) to use its powers in terms of Section 26 (1) to guide and assist young people between 16-18 years who were formerly in the care of a local authority or a voluntary organisation, including assistance in cash. It was further agreed to suggest to the Regional Council that the Joint Working Party in Children and Young People in Difficulty or at Risk should also consider the availability of Youth Training Scheme places in Grampian for young people who had been in care and the associated difficulties."

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

Without the minutes providing overviews of staff roles and the experiences/qualifications of staff in each role it is difficult to provide definitive answers. Instead we've provided individual examples from the minutes where relevant.

The following excerpts from the Grampian Regional Council minutes appear to relate to a dispute between the council and Under Secretary of State as to the requirement of certain qualifications when appointing a new Director of Social Work. The bolded words are added for emphasis/clarity only.

Grampian Regional Council Minutes 1976/77, p.433

"Appointment of Director of Social Work

- (1) The Committee resolved in terms of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 to exclude the public from the meeting during discussion of this item due to its confidential nature.

With reference to Branch 2 of Minute of Committee meeting of 1st July 1976 (page 263) there had been circulated copies of (a) applications received for the post of Director of Social Work, (b) a letter of 11th August from Social Work Services Group intimating that the Secretary of State considered 11 of the 15 applicants qualified for the appointment in terms of Section 3 (3) of the Social Work (Scotland) Act 1968 and (c) confidential memoranda by the Chief Executive and the Director of Social Work in regard to the exclusion of that list of Miss M Urquhart, Deputy Director of Social Work and Mr A Robb, Assistant Director of Social Work. After consideration the committee agreed that the selection of a short leet be deferred. Councillor Bremner, seconded by Councillor Mrs Ewen moved that the committee make strong representations to the Secretary of State for inclusion of Mr Robb in the list of those qualified for the appointment and Councillor Mrs Lamb, seconded by Councillor Dr Lyall moved as an amendment, that strong representations be made to the Secretary of State for the inclusion in the list of those qualified for the appointment of both Miss Urquhart and Mr Robb.

On a division there voted:
For the motion - 11
For the amendment - 3

The Chairman declared the motion carried.

The Committee agreed to record that they were appreciative of Miss Urquhart's willingness to undertake the duties of this post and of her reasons for putting her name forward.

- (2) The Committee noted a report by the Chief Executive that the Convention of Scottish Local Authorities (COSLA) had received intimation that the Secretary of State had under consideration the prescribing of qualifications for the Post of Director of Social Work in terms of Section 3 (2) of the Social Work (Scotland) Act 1968. **After consideration, the Committee agreed to advise the Convention that if an academic qualification were to be prescribed for prospective Directors of Social Work it was their view that it should not be introduced immediately but that an introductory period of, say, three years should be allowed to pass before the qualification became essential and that even if an academic qualifications were to be introduced Officers currently serving at a senior level in Social Work Departments should be deemed to be qualified."**

Grampian Regional Council Minutes 1976/77, p.793

“Social Work Committee

2. Appointment of Director of Social Work

The Committee resolved in terms of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 to exclude the public from the meeting during discussion of this item due to its confidential nature.

With reference to Branch 3 Minute of Meeting of 2nd December 1976 (p.667) the Chairman reported that Councillors Aldridge, R A Robertson and Sim had met Mr Frank McElhone, Under Secretary of State, in Glasgow on 10th January and made representations for the inclusion of Mr Archibald Robb, Assistant Director of Social Work, in the list of those qualified for the post of Director of Social Work. In this connection there had been circulated and was noted a confidential report by the Chief Executive who accompanied the delegation and, after consideration, the committee agreed to await the decision of the Secretary of State on the points raised at the meeting before deciding on further action.”

Grampian Regional Council Minutes 1976/77, p.905

“Social Work Committee

2. Appointment of Director of Social Work

The Committee resolved in terms of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 to exclude the public from the meeting during discussion of this item due to its confidential nature.

(1) The Secretary of States List

With reference to Branch 2 of Minute of Meeting of 13th January 1977 (p793) there had been circulated a letter from Mr Frank McElhone, Under Secretary of State at the Scottish Office to Councillor HJ Sim, referring to the representations he had received for the inclusion of Mr Archibald Robb, Assistant Director in the list of those qualified for the post of Director of Social Work which reaffirmed the earlier decision by the Secretary of State that Mr Robb could not be included among the candidates considered for the appointment.

The Depute Director of Law and Administration explained that in terms of Section 3(4) of the Social Work (Scotland) Act 1968, the Council was required to appoint a person to the post of Director of Social Work who was named in the Secretary of States list but that there were no statutory provisions regulating the composition of any short list the Committee may wish to interview.

After consideration Councillor RA Robertson, seconded by Councillor Muir, moved that the Committee note the letter from Mr Frank McElhone regarding the Secretary of States list and select a short list of six candidates for the post of Director of Social Work including therein the name of Mr Archibald Robb. Councillor Mrs Ewen, seconded by Councillor Aldridge, moved as an amendment that the post of Director of Social Work be re-advertised and that existing applicants be advised that their applications would be considered with any others received.

On division, there voted:-

For the motion – 10
For the amendment – 6

The Chairman declared the motion carried.

a) The selection of Short Leet – after consideration the Committee agreed to interview the undernoted six applicants for the Post of Director of Social Work at a Special Meeting of the Social Work Committee on Wednesday, 30th March commencing at 10am to which all members of the Council will be invited.”

The excerpts below appear to show instances where opportunities were provided for staff to gain additional qualifications related to their role.

Moray & Nairn Joint County Council Minutes 1963, p.108

“4th March 1963

Children’s Committee (Joint)

Residential Course for Children’s Officers

3. A circular was submitted from the Scottish Education Department directing attention to a Residential Course for Children’s Officers to be held at Locheanhead, Perthshire, from 1st to 6th April 1963, and asking Local Authorities to allow Children’s Officers to attend. The Meeting authorised the Children’s Officer to attend.”

Grampian Regional Council Minutes 1987/88, p.470

“Training Course in Advanced Social Work (Child Abuse)

There had been circulated a report by the Director of Social Work recommending (1) that two members of her staff each year attend a one year training course being established by the University of Dundee in Advanced Social Work (Child Abuse) beginning in December 1988, (2) that a report be submitted to a future Committee on the replacement of staff during such training and (3) that negotiations take place with the university of Dundee to provide training, within the Region, for twenty members of staff. The Committee noted that the cost of each place on the one year course at the University of Dundee would be £578 and that this cost could be met from the Department’s training budget only by not seconding staff to the course leading to the Certificate in the Qualification in Social Work.

After discussion, Councillor Hutcheon, seconded by Councillor Robins, moved that the Directors recommendations be approved.

As an amendment, Councillor Balcombe, seconded by Councillor Dempsey, moved that the Director’s recommendations be accepted but that the Finance and General Purpose Committee be requested to allocate sufficient additional finance to the Departments budget to allow the Department to continue seconding staff to the course leading to the Certificate in the Qualification in Social Work.” *(Note: we have been unable to discover clarification in the minutes as to staff did attend or complete the course. Additionally, we have been unable to discover if the staff who attended this course had responsibility for social work training.)*

Grampian Regional Council Minutes 1988/89, p.470

“Training Course in Advanced Social Work (Child Abuse)

There had been circulated a report by the Director of Social Work recommending

- (1) that two members of her staff each year attend a one year training course being established by the University of Dundee in Advanced Social Work (Child Abuse) beginning in December 1988,
- (2) that a report be submitted to a future Committee on the replacement of staff during such training and
- (3) that negotiations take place with the university of Dundee to provide training, within the Region, for twenty members of staff. The Committee noted that the cost of each place on the one year course at the University of Dundee would be £578 and that this cost could be met from the Department's training budget only by not seconding staff to the course leading to the Certificate in the Qualification in Social Work.

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Grampian Regional Council Minutes 1986, p.603

"OPEN UNIVERSITY COURSE – CARING FOR CHILDREN AND YOUNG PEOPLE

There had been circulated a report by the Director of Social Work on the Open University course on caring for children and young people which was being used to offer training opportunities for staff who were unable to participate in a professional course of study. It was noted that the first three groups comprising 30 staff would complete their course by March, 1987. The Committee noted the progress of the course and agreed to request the Finance and General Purposes Committee to provide appropriate hospitality on the occasion of the presentation of the certificates on completion of the course." *(Note: we have been unable to discover clarification in the minutes as to if the staff who attended this course had responsibility for social work training.)*

Grampian Regional Council Minutes 1988/89, p.870

"19. Prevention and handing of violence training

With reference to Minute of Meeting of 14 April 1988 (Branch 16 p.1199) there had been circulated a report by the Director of Social Work which had been drawn up in consultation with the Regional Training Officer in the Department of Personnel Services, on the training required for staff who may face situations of violence and for staff providing counselling.

The Committee agreed:-

1. that a phased program of training in the prevention and handling of violence for all staff who meet the public or work with clients should be introduced.
2. That training in counselling skills be provided for all Social Work managers and first line managers who may be called upon to counsel staff involved in violent or potentially violent incidents,
3. That specific training be provided for reception staff,

4. That pilot training courses in physical restraint be undertaken so that suitable training for all staff in residential and day-care establishments is provided
5. That the sum of £10,000 proposed in the 1989/1990 revenue budget for training in prevention and handling of violence be used to appoint a half-time post of Senior Social Worker (Education and practice Development) Grad APV-POI for a three year period to concentrate on training functions related to the prevention and handling of violence, the post to be located at the Departments training section temporarily based at Brimmond,
6. To accept the need for training newly recruited staff in the prevention and handling of violence, and
7. That the report be remitted to the Personnel Committee for their approval."

(Note: we have been unable to discover clarification in the minutes as to staff did attend or complete the course. Additionally, we have been unable to discover if the staff who attended this course had responsibility for social work training.)

Grampian Regional Council Minutes 1988/89, p.871

20. Prevention and Handling of Violence – Strategies

With reference to Minute of Meeting of 14 April 1988 (Branch 16 p.1199) the Committee noted an interim report by the Director of Social Work outlining considerations to be taken into account in preparing strategies on the prevention and handling of violence against Social Work staff. The Committee also noted that the Working Party on the Prevention and Handling of Violence was to meet again in April or May of this year. *(Note: we have been unable to discover clarification in the minutes as to staff did attend or complete the course. Additionally, we have been unable to discover if the staff who attended this course had responsibility for social work training.)*

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

Fostering panels were introduced nationally under {Section X of 1985 legislation}. The following excerpt from the minutes appear to indicate that fostering panels as introduced under the 1985 Act had been active since 1st April 1986, the date on which the 1985 Act came into operation:

Grampian Regional Council Minutes 1987/88, p.434

"4. Grampian Adoption and Fostering panels

The Sub-Committee noted the reports of the Grampian North and Grampian South Adoption and Fostering Panels for the period 1 April 1986 - 31 March 1987."

There are many examples in the minutes of panels which appear to be concerned with foster care to some extent. These entries are found throughout the time period in question, not just from 1985 onward.

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

We have discovered very little information in the minutes that offer an indication as to how fostering panels as specified under the 1985 Act were constituted. The following excerpt appears to discuss the question of whether or not foster parents could become panel members, however this is as much detail on the constitution of the panels as we have discovered in the minutes:

Grampian Regional Council Minutes 1988/89, p.892
"Children's Panel Consultative Committee – Appendix G

2. Foster Parents Serving as Panel Members

There had been circulated a report by the Director of Social Work on the position of foster parents as panel members. The Committee endorsed the view of the Director that there should be no bar on foster parents' servicing as panel members but that the particular position of foster parents required to be addressed at the selection stage."

(ii) Foster carers

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

The following excerpt from the Council minutes appears to suggest that the Children's Officer made efforts to attract prospective foster parents, however it does not indicate whether the Children's Officer also identified and/or approved/registered those who they may have attracted.

Moray and Nairn Joint County Council Minutes 1954

"1st February 1954

Childrens Committee (Joint)

Publicity re foster homes – Letter from Scottish Home Department

6. A letter was submitted from the Scottish Home Department intimating that the Scottish Advisory Council on Child Care are considering the production of a leaflet designed to attract prospective foster parents and enquiring as to the Council's views. The meeting were of the opinion that it was unnecessary to publicise the need for foster parents in the area in view of the efforts made in this direction by the Children's Officer and agreed accordingly."

- 1930s - Children's Act 1908 was the primary legislation applicable to looking after destitute/neglected/offending children. This legislation required anyone looking after a child under 7 to inform the local authority that they were doing so and allowed them to claim a reward from the authority for this (first time there was a reward for doing this). Carers would therefore self-refer to claim payment.
- Boarding Out and Fostering of Children (Scotland) Act 1985 established the function of a "fostering panel" to consider the suitability of foster carers. Part III of the Act sets out many regulations and requirements around placing a foster child into care that are broadly comparable to current law. Previous Boarding Out of Children (Scotland) Regulations 1959 details unknown.

File reading consistent with self-referrals to local authority from period where files are still retained. Carers would be subject to Form F Assessment informing a Fostering Panel decision. Following the inception of The Adoption and Children (Scotland) Act 2007 the role of the Agency Decision Maker in approval was established.

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

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant. However, file reading, covering the 1980, 1990s, and 2000s highlighted a breadth of knowledge and experience of prospective foster carers. Attendance at pre-fostering training was recorded in the majority of cases, though it is unclear whether this was a requirement.

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

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant. However, our understanding is that the Monckton Report 1947 provided regulations on the boarding out of children, which included local authority accountability for preventing children being cared for by those with criminal convictions.

From the 1980s the following checks were consistently observed throughout file reading:

- Police Disclosure/PVG
- Medical (including GP reports and latterly medical examiner reports)
- Local Authority (including checks within prior resident areas)
- Personal references
- Employment checks
- Accommodation checks

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

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

During file reading we discovered that adult members of the household appeared to receive Police checks where applicants were subject to such checks. Additionally, school checks of birth children recorded in some file reading.

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?

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

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?

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

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?

While we have not discovered information in the minutes that directly answers the above, the excerpt below suggests that the authority may have been at least somewhat aware of the effects of accommodation on foster parents – however it is unclear whether this insight on the unsuitability of accommodation arose from checks or from some other method.

Grampian Regional Council Minutes 1986/87, p.781

“Joint Co-ordinating Committee on Housing and Social Work

6. Transfers of Foster Parent to more suitable accommodation

The Director of Social Work indicated that there are certain skilled foster parents who but for the unsuitability of their existing accommodation would be prepared to foster additional children and enquired whether it might be possible to accelerate the transfer of such persons to more suitable accommodation.

The Director of Housing having explained the present basis on which such persons are assessed for transfer it was agreed that the appropriate officials of the Regional and City Councils would discuss the possibility of more flexible arrangements and that if appropriate a report on the matter would be submitted to the Director of Housing to the Housing (Management) Committee.”

File reading highlights Health and Safety checks carried out at point of application/approval with reviews varying between file. Annual checks, bi annual checks and no review checks recorded within the file read.

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?

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

We have not discovered cases in files read where the gender of the foster carer appears to be of particular relevance to a given placement. All cases found so far have foster carers who were either a heterosexual couple or a single female.

- 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?

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

We have not discovered cases in files read where the gender of those living in the same house is of particular relevance.

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

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

- 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?

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

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

We have not discovered any entries in the council minutes which answer the above or are otherwise directly relevant.

Fostering of Children (Scotland) Regulations 1996 provides clear regulations as to the requirement for fostering agreements. Our understanding is that these were adhered to.

Present

(i) Local authority

- a) With reference to the present position, are the answers to any of the above questions different?
- b) If so, please give details.

Please see answers below:

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

Statistics reported to the Care Inspectorate from fostering services, show the whole time equivalent of staff below:

	2014	2015	2016	2017	2018	2019
WTE	14.3	14.3	12.3	13.5	11.3	10.4
Direct contact with children and carers	12.4	12.04	11.5	11.5	9.5	8.5

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

This varies according to staff retention, budgets and change processes within the council. In addition to the chart above, there is a structure of management that includes a service manager and the head of service. So, at any one time, there could be 12.4 whole time equivalent posts working within fostering services.

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

Most usually, the recruitment, assessment, training, support and supervision of carers is the remit of the senior and the supervising social worker of the Fostering team. The role of the supervising social worker is to both supervise and assist in the task of looking after children placed with foster carers and ensure safe caring practices are followed. They also support the review process and identify training needs. They ensure adherence to the national health and social care standards and the SSSC learning and development standard for foster carers.

The responsibilities of the supervising social worker are to:

- Visit regularly to discuss issues and concerns which arise
- Provide information and advice to enable a consistent, high quality care to the child or children in foster care
- Source any necessary equipment
- Attend meetings alongside foster carer
- Link in and negotiate with the child's social worker in discussing plans for the child
- Ensure foster carers have the necessary support if an allegation is made
- To prepare foster carers for annual review
- To ensure that learning and development needs are identified and supported.

There would also be a role for the child/ren's social worker to visit both carer and children within a placement.

Their role is to visit the child on a regular basis, including meeting alone with the child. The social worker also has responsibility for:

- Ensuring statutory requirements for a child's care and protection are met
- Promoting his or her welfare and development

- Monitoring and recording progress of the child's plan, in consultation with foster carers, the supervising social worker and the team around the child
- Undertaking direct work with the child
- Organising, coordinating and monitoring specialist support for the child when required
- Managing the child's time with their birth family and other significant contacts as set out in the child's plan.

There is a role for the foster care support worker.

Each Foster Carer is allocated a foster care support worker who will work alongside supervising social workers to make sure placements run as smoothly possible. They can help with childcare, if available. This can be to enable foster carers to attend meetings or training events, for example. Support workers can offer telephone support and can visit foster carers to check-in.

Support workers also keep in touch with birth children of foster carers and have a group called young people who foster which runs regular events or training for birth children.

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

Social work staff have a qualification in social worker. Some staff within the department are support workers who are required to be qualified in HNC in childcare or equivalent. There are also foster care support workers who need no formal qualification in childcare, but experience in working with children.

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

Fostering panels were originally set up in April 1986. Their remit and purpose changed in 2009 with the introduction of the Looked After Children (Scotland) 2009. Within this act the appointment and composition of fostering panels was enshrined in law.

The fostering panel's role includes but is not exhaustive of:

- Considering applications for approval to become foster carers.
- If recommending approval, the applicant being considered suitable, the Panel shall state whether its recommendation is in respect of: -
 - a particular child or children;
 - any child; or
 - certain categories of children; and
 - the number of children each foster carer may have in their care at any one time
- To consider plans for permanent placements for children through foster care.

- To consider permanent placement of particular children with approved foster carers (the match).
- To undertake Panel reviews for carers which must be carried out within one year of the original decision to approve; and every three years following that first review (regulation 25(1)(a) and (b)). In addition, the local authority must review a carer's approval at panel where they think it "is necessary or appropriate to safeguard the welfare of any child who has been placed with that carer" (regulation 25(1)(c) and (8)).
- The Panel can also be asked to advise and make recommendations in relation to any other matter relevant to the performance of functions under the Children (Scotland) Act 1995 and the Looked after Children (Scotland) Regulations 2009. These might include decisions in connection with reviews of foster carers, or specific concerns relating to an ongoing fostering assessment.

Further information regarding the role and remit of the fostering panel in Moray can be found in the fostering handbook accessible via the Moray Council website.

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

The Fostering and Adoption Panel is a joint fostering and adoption panel constituted in terms of the Looked After Children (Scotland) Regulations 2009 and the Adoption Agencies (Scotland) Regulations 2009. The Regulations respectively state that the Moray Council is required to have a Fostering Panel and an Adoption Panel. The two Panels can have the same membership and in Moray they do, minutes are combined.

The composition of the Panel provides a wide range of knowledge and experience necessary to assess prospective adopters or foster carers and consider the needs of children requiring permanent care away from home. There must be a minimum of 6 members appointed to the Panel and men and women must both be represented. Not all members of the Panel have to attend every meeting.

The membership of the Panel will be as follows:

1. An appropriate number of 'professional' members holding a professional qualification in a relevant discipline.
2. An appropriate number of 'lay' members of the local community to provide a more independent, robust perspective.
3. One Medical Adviser to advise on medical issues in relation to individual children and prospective foster and adoptive carers.
4. One Legal Adviser to be provided by the Moray Council to ensure that the rights of parents and children are fully addressed and that the appropriate legal procedures are followed.

5. A Panel Secretary to undertake the administrative tasks associated with the operation of the Panel including taking Minutes and keeping records of proceedings. The Panel Secretary is not formally a member of the Panel.

The Council's Chief Social Work Officer will make appointments to the Panel as necessary from time to time. Written terms of appointment will be issued to all members. The Council's Chief Social Work Officer will also appoint a Chairperson(s) more usually from the professional membership. The members will appoint one or more Depute Chairperson(s) to act on behalf of the Chairperson(s) in his/her absence.

Lay and Professional Members will be appointed for a period of three years and will be eligible for re-appointment. The period of appointment provides an opportunity for the Panel to develop a consistent approach and clear standards based on good practice. It allows time for members to develop a working knowledge of resources in Moray enabling maximum consideration in matching the needs of particular children with appropriate carers.

The Medical and Legal Advisers are standing appointments until rescinded or they resign. There is therefore no requirement to consider re-appointment.

The Chief Social Work Officer is required to maintain a list of current panel members and update this as required.

(ii) Foster carers

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

Foster carers are identified through self-referral and voicing an interest in the task of fostering. An initial home visit is undertaken to assess suitability of the home and the motivation of the foster carer.

There are three routes to progression:

- not progressing
- progressing to the preparation course to learn about fostering
- progressing to assessment, home study and preparation to foster course

Prospective foster carers assessment is then presented at fostering panel with the recommendation to approve. The foster carers attend this panel. The panel provide a recommendation to the Agency Decision Marker who has 21 days to make the decision.

Fostering of Children (Scotland) Regulations 1996 provides clear regulations as to the approval of carers, fostering panels, written agreements with foster carers, allowance payable, requirement for reviews, and decisions regarding placement of children. Mirrors current law.

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

A foster carer is not required to have any formal qualifications but is expected to commit to development of skills and knowledge in relation to children as they go through their fostering journey. A foster carer should have competence in certain areas and be able to evidence that they are reflective in their approach to caring for children.

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

Checks are carried out in relation to prospective foster carers are follows:

- Local authority checks are undertaken in every area a foster carer has previously resided
- Foster carers are registered with the Scottish PVG scheme
- Medicals assessments are undertaken
- Health and safety home checks
- MOT and Car insurance
- Pet risk assessments
- 3 references and interviews are undertaken per applicant one of these must be an employer reference, someone who is not blood relative and another – this may be part of the foster carer support network.
- Ex-partner references are undertaken and any birth children from these unions are interviewed
- Birth children interviews
- Health and education references for birth children

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

Disclosure Scotland checks are carried out on all people living at the carers address and are updated every two years. There are also interviews by the assessing social worker of family members of the prospective carer.

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?

Friends and family are not subject to any processes unless they reside in the family home or are providing care for the child.

f) To what extent, if any, were the checks referred to at paras c) and e) above reviewed? If so, how frequently and what checks were done? If not, why not?

Moray Council review all checks every 2 years or as required this is in accordance with best practice.

- 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?

Accommodation is checked on initial visits to ensure suitability and room availability. Home health and safety risk assessments are undertaken during the initial assessment process and thereafter no less than every 2 years.

- 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?

The gender of a foster carer would not be relevant in terms of approval but may be considered in terms of their match to specific children. The reasons for this would be specific to that match, for example, a child may have an opinion that they do not wish to stay with a particular gender of carer due to past experiences.

- 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?

As above – it would also be a consideration in terms of safer care.

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

The Moray Council expect that foster carers will provide more than simply accommodation to children and young people. Foster carers are expected to provide an elevated and reparative level of child care with the right physical and emotional environment to promote their wellbeing and offer a nurturing space in which they can recover from any adverse childhood experiences.

- 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?

Young people in foster care may take up paid employment when it is right for them to do so. This may include manual labour if the young person chooses this. No work or manual labour would be forced upon a child.

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

There is a formal fostering agreement in place for every foster carer with a child in their care.