

Section 21 Notice – Moray Council

Part C – Prevention and Identification

Explanatory note:

We have answered Part 4 in the following way. We have combined questions 4.1 & 4.2 and broken them into the following key:

Key: National Policy
Local Policy
Moray Practice
Supporting Evidence

Historic information relating to the questions has been populated where information has been available. Further historic information relating to fostering is within Appendix 2.

The timeline is broken into timeframes with the following rationale:

1996-2002: 1996 saw the establishment of The Moray Council and its policies.

2002: National Care Standards for Foster Care and Family Placement which set national parameters for practice in Foster Care – we have tracked Morays compliance with this through the inspection frameworks.

2009: Looked After Children (Scotland) Regulations 2009 which provided a clear legal framework pertaining to all aspects of foster care provision.

2014: Foster Care Review in Scotland and the amendments of the above regulations, and also the National Child Protection Framework.

Appendices

Appendix 1 – Timeline of legislation, National Policy and Moray Policy in the colour key outlined above

Appendix 2 – The past

Reference document

4. Policy and Practice

4.1 National

Key: National Policy
Local Policy
Moray Practice
Supporting Evidence

- a) Was there national policy/guidance relevant to the provision of foster care for children? If so, to what extent was the local authority aware of such?
- b) If the local authority was aware of such, did they give effect to that policy/guidance?
- d) If so, how was effect given to such policy/guidance?
- e) If not, why not?

In answer to the questions above there was national policy and guidance relevant to the provision of foster care in effort to track this we created a timeline to show where Moray policy and practice developed against the national frameworks. Please see Appendix 1.

4.1/4.2 Specific Questions relating to National, Local policy/guidance and Moray practice

- c) If there was national policy/guidance in reflect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?
- d) Did the local authority adhere in practice to its policy/procedures in relation to the provision of foster care?

1996-2002

As part of setting up the local authority frameworks in Children Services the Moray Adoption and Fostering teams were formed and foster carers were moved from generic social work allocations into the fostering team. Fostering and Adoption panels were established on 4th March 1996 to meet the council's responsibilities as a fostering service and an adoption agency. Three key pieces of legislation came into force on 1st April 1997 which changed Morays approach and provided clear structure in practice. As set out within The Fostering of Children (Scotland) Regulations 1996 and The Adoption Agencies (Scotland) Regulations 1996 and The Arrangements to Look After Children (Scotland) Regulations 1996. On 1 April 1997 Separate Fostering and Adoption Panels were established in Moray. In 1997 Moray Fostering team set about writing clear guidance for foster carers (DOCUMENT 19) which policed for their practice. Evidence of this is answered throughout.

2002-2014

The National Care standards for Family placement were established in 2002 (revised in 2005) (DOCUMENT 200) which standardised national expectation for practice in foster care until they were replaced by the Health and Social Care standards in 2017 (DOCUMENT165). Moray commissioned an independent audit of our fostering service by the Fostering Network. Recommendations for change were made to align the service with meeting the standards required by the Care Commission at the time. All policy and practice form this time was untaken by the National Care standards and the Fostering Networks code of practice for foster carers in Scotland.

2014- Present

The Fostering Scheme in Moray is mainly underpinned by the following legislations and practice approaches underpinned by the following best practice frameworks:

- Children (Scotland) Act 1995
- Looked after children (Scotland) Regulations 2009
- National Health and social care standards 2017
- Foster Carer learning and development Framework 2018

The service follows and complies with the legislation and the whole scheme while in its infancy has been set up to evidence the outcomes for children and young people using the service through the best practice documents above.

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

All National, Local policy/guidance and Moray practice responses:

i. Child welfare (physical and emotional)

1996-2002

Section 8 of the Guidance for Foster Carers (DOCUMENT 19) covers welfare aspect of childcare. Consideration of both the child's physical and emotional welfare is taken into account throughout the files. We see it raised and discussed within their meetings, in discussions with their foster carers in their supervision and in visits by their social workers.

2002-2014

The welfare of children, and care they received in foster care, was directed by the National Care Standards until 2017 where they were replaced by the Health and Social Care Standards. Both such standards provide a framework of best practice for all local authorities/agencies in the care they provided. These are service user based and service specific and it's clear that services must be driven influenced by the views of the service user. Within Moray, the standards have influenced practice with such practice being evident throughout the file read.

2014-Present

Children Services across Moray work within the principles of GIRFEC using the national integrated assessment framework. Moray children care services work by way of a multi-agency team around the child model which meets regularly to consider all aspects of the child wellbeing. The foster carer handbook 2019 ed (DOCUMENT 178) provides policy for carers across a range of welfare care and expectations of their practice.

ii. The child's views

1996-2002

The Moray Childcare Strategy statement is reference under 3.1 of the foster carer guidance (DOCUMENT 19).

1.1 Child care values and Principles

The council and its partner organisations subscribe to a set of values that will underpin services and also reflect the principles and philosophy embodied in the Children (Scotland) Act 1995 and United Nations Convention on the Rights of the Child. These values and Principles can be summaries as follows:

- The child's welfare is paramount

- Parents should normally be responsible for the upbringing of their children.
- Every effort should be made to maintain a child within his/her family home unless there are unacceptable safety risks.
- Any intervention by a public authority in the life of a child should be properly justified and based on collaboration between all the relevant agencies.
- Children have the right to be protected from all forms of abuse, neglect and exploitation.
- Every child should be treated as an individual, have the right to express view on any aspects of his or her care and on decision affecting or worrying him/her.
- In providing services, due regard must be given to a child religious persuasion, racial origin and background.
- We must listen to the views and wishes of children and their families and actively involve them in all choices and decisions affecting their lives.

Section 3.2 states the social work service recognises that foster care is a partnership between four main parties:

- The child
- The child's family
- The foster carers
- Moray Council Social Work Department

Within the 2019 foster carer handbook Section 3 on Carer Placements gives carer guidance on when children are placed. (DOCUMENT 178)

Files show that in Moray the main focus of childcare work is around working alongside families to keep children at home with their families where it has been safe to do so. Where children have been placed in foster care, this has happened in both planned ways and in emergency situations.

Both children and their parent's views are clear and recorded well within files. Files show that children were regularly spoken with their views gathered, listened to and considered. Where appropriate the children's views have been acted upon as much as possible. Children have been offered regular opportunities to be spoken to on their own. Children and young people also access their social worker if they wish too.

Children 1st were established in Moray as part of the Moray childcare strategy in 1998 to provide support and advocacy service for children and young people and their families.

2002-2014

The National care standards (DOCUMENT 200) provide a clear policy steer about children views: Expressing your views: Standard 4

You and your family and foster carer are encouraged to express your views on any aspect of the work of the agency.

- 1 You and your family and foster carer know how to make a suggestion or complaint to the agency
- 2 You know that the agency allows your foster carer to make representations or complaints on your behalf and also on his or her own behalf

- 3 You and everyone else involved in a representation or complaint receive a report on the outcome within a time limit that is clearly set out in the agency's representations and complaints procedure
- 4 You are given information about how to make a complaint directly to the Care Commission
- 5 If you are disabled or if your first language is not English, you have access to translation, interpretation and communication support that you need to help you make your representation or complaint. These services are also available to your foster carer or your parents
- 6 You know that independent advice and support can be made available

Child's views are clearly outlined and evidenced within children's files, the integrated assessment and GIRFEC frameworks lend themselves to ensuring that children's views are gathered and the outcomes from this recorded. Children have been encouraged to attend their reviews and children's hearings are keen to hear from children and we can see that they have been central in the decision making in these forums. In Moray records show that children have often attended fostering panel and given their views about their situations in person. The panel still welcome this practice today.

In 2009 the fostering service commissioned Children 1st to audit and develop an action about how they better consult with carers and young people using the service – (DOCUMENT 96)

2014-Present

The Health and Social Care Standards (2017) frequently reference the importance and value of gaining views and having service user participation within decision making.

Within Moray, the Who Cares? Scotland Advocacy service was established in 2014 to support children and young people to receive independent advocacy.

The foster carer handbook 2019, section 1.7 is specific to children's rights and section 3.7 refers to independent support for children and young people in foster care. We are currently reviewing how the service can better gather children's views about the care they receive from their foster carers to feed into both the children and their carer's reviews.

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

1996-2002

The looked after children regulations from 1996 required the local authority to review the case of each child being looked after by them, within six weeks of placement, then three months thereafter and then at six-monthly intervals.

Children subject to Supervision Orders requiring them to live in foster carer were reviewed annually or as often as a parent or professional felt that the order needed to be reviewed.

In Moray, policy for practice was underpinned by the Good Parenting Good Outcomes framework, introduced by the Scottish Executive, the legislation set out the reviewing timescales which adhered to those outlined above.

Files from this time period tell us that that children and young people were, overall, being regularly reviewed and that practice followed legal guidelines. Files demonstrate evidence that children's hearing process were being followed and that children's orders of residence were regularly reviewed within the hearing system.

2002-Present

Children continued to be reviewed under The Arrangements to Looked After Children (Scotland) 1996 Regulations and the Fostering of Children (Scotland) Regulations 1996, following the frequency set out within this. Such guidance was updated in 2009 with the publication of the Looked After Children (Scotland) Regulations 2009. Within Moray, children's living arrangements are consistently reviewed to ensure their residence within foster care continues to be necessary and in an appropriate placement that meets their needs. From 2009 children have consistently been reviewed within 72 hours or being accommodated, or moving placement, 6 weeks following this then on a 3 monthly then 6 monthly basis. Whilst these guidelines are in place, children can have a review within the LAC Review process at an increased rate depending on need. This is reflected within the files read.

Children subject to a legal order through the Children's Hearing (Scotland) Act 2011 were also reviewed within the children's hearing system minimally annually. This continues within current practice.

Foster Carers are subject to annual reviews of their registration that takes into account the children that are in their care, skill base, and level of need the children require. The Fostering Panel, since 2019 for annual reviews, within Moray considers detailed assessments and will consider approval ranges, for example, on an annual basis. This would take into account the needs of individual children and whether their placement could continue to be the best place for them. Further to this, in the longer term, regulation 4 requires assessment to address the sustainability of the foster placement for such children and consider what arrangements need to be in place when the child will no longer be looked after by the local authority.

Policy for practice remained underpinned by the Good Parenting Good Outcomes framework until the Integrated Assessment Framework was introduced with the implementation of GIRFEC which remains the assessment model for children and young people today.

Files have minutes of reviews and children's hearings which we can note from their reviews that for children and young people in foster care this always includes their place of residence.

iv. Child protection

1996-2002

The care and protection of children is enshrined within the Children (Scotland) Act 1995 and for children who become looked after in foster care within The Arrangements for Looked after Children (Scotland) Regulations 1996. This was further progressed in Scotland at the time by several key papers which review and recommend change which underpin national approaches to policy. Moray was part of Grampian Child Protection Committee which governed child protection practices in Moray. We are unable to access the minutes from these meetings due to the building where they are stored being closed due to pandemic at this time. What we can report on is that there are many aspects of child protection policy and guidance for staff who are supporting foster carers at this time through the code of practice for foster carers (DOCUMENT 204) We can see from the files that child protection procedures were consistent with the expectations laid out within national and local policy from this time.

2002-2014

Moray Council established the Moray Child Protection Committee in recognition of the requirement for local policy and practice to reflect local issues. The shift towards a child centred approach within policy and legislation during this period culminated with the publication of Getting it Right for Every

Child and the Children and Young People (Scotland) Act 2014. This shift focused professional attention on children being at the centre of assessment and decision making and strengthened child protection practices. Moray Council adapted their process to reflect this as noted within the Local Agency Integrated Partnership Framework (DOCUMENT 154).

2014 - Present

Whilst child protection in Scotland continues to be enshrined within the Children (Scotland) Act 1995, a number of significant case reviews and reports into social work practice have influenced practice. In addition, the National Guidance for Child Protection in Scotland was published in 2014 providing a framework for local authorities and agencies in working together to safeguard children and promote their welfare.

2016 – Key event - Joint inspection of services for children and young people in Moray community planning partnership area. Areas for improvement arising were:

- Improve standards of operational practice by setting clear expectations for staff and strengthening approaches to quality assurance and staff supervision.
- Improve initial risk assessment of, and response to, vulnerable children and young people at risk of, or experiencing neglectful parenting or cumulative harm.
- Implement a framework of joint self- evaluation, ensuring a clear focus on improved outcomes for children and young people, including those in need of protection.
- Strengthen the governance, leadership and accountability of the child protection committee.
- Strengthen the approach to corporate parenting, participation and children’s rights to deliver improvements at pace.
- Strengthen collective vision and collaborative leadership to direct the delivery of integrated children’s services. It should be underpinned by strategic needs assessment and robust performance information, and demonstrate measurable improvements in outcomes for children, young people and families.

This led to a review and subsequent restructure of these services. The changes were comprehensive and had considerable positive impact on the service delivery within children services. (DOCUMENT 155) The redevelopment of these services allowed for one senior social worker to assume responsibility, when an allegation against a foster carer is made, who has knowledge of the National Framework for Managing Allegations against a Foster Carer. Section 2 of the foster carer handbook covers all aspects of working with children in Moray including child protection and allegations. Section 6.10 covers developing a safer caring plan and the service is currently developing our approach to practice in this area.

v. Discipline

1930-1996

Grampian Regional Council Minutes 1983/84, p.464

Corporal Punishment

The Committee considered a circulated report by the Director of Social Work regarding correspondence with the Social Work Services Group on the subject of the use of corporal punishment within Social Work premises. The Committee agreed to inform the Social Work Services Group the corporal punishment had not been permitted in Children’s Homes (including the educational provision within Children’s Homes) and day care centres provided by the Social Work Committee since 1 May 1979.

1996-2002

Section 8.5 of the guidance for foster carer's notes that policy at the time was:

8.5 Care and Control

a. Disciplines, sanctions and alternative to corporal punishment

Managing difficult behaviour in foster placements is one of the most daunting tasks which carers face. Even experienced carers with tried and tested methods of disciplining their own children can find themselves at a loss with a child who provokes a strong reaction from the carers. Under such circumstances it is important that foster carers are clear about the law and the agency policy in relation to discipline, and what support and guidance is available for carers to help them manage the behaviour of children and young people in a more positive way.

The law states that 'a person aged over 16, who has custody, charge or care of a child or young person under 16, and who ill-treats him or her, assaults, abandons or neglects him or her or causes him or her to be ill-treated by someone else in a manner likely to cause unnecessary suffering is guilty of an offence' – (Section 12, Children and Young Persons (Scotland) act 1937).

The following guidance applies to disciplining children who are accommodated and for whom the Department provides services, whether placed in foster, residential or day care.

It is not acceptable for any child placed in day care or accommodated in residential or foster carer, whether in the care of The Moray Council Social Work Service or not, to be subject to corporal punishment or mental cruelty.

The following are considered to constitute corporal punishment:

Smacking, hitting, pushing or shaking a child; or using an implement such as a belt, slipper, and hairbrush with which to hit the child.

The following actions are examples of unacceptable mental cruelty:

Depriving a child of food, or forcing him or her to eat; being locked in or out; humiliating a child by belittling or ridiculing the child or his or her family; using threats such as police, or having to leave the placement, which can cause severe stress to the child; or depriving him or her of any necessities of life which make him or her feel secure and safe.

It is important for carers and workers to bear in mind, that although it is a part of the carers' duties to exercise appropriate controls on the foster child's behaviour, the carers do not have the same freedom in deciding how to do this, as they have their own children.

The reasons for such guidelines are:

- i. The local authority is responsible for the welfare of children looked after and for whom it provides services, and it has a duty to lay down guidelines.
- ii. Children looked after may have had many experiences in the past, which we may not be aware of; abuse, neglect, being locked in, extreme forms of punishment, or no controls at all. Such children may over-react to any punishment, or ignore punishment unless it is extreme and abusive.
- iii. When children require to be looked after away from home, they are vulnerable and may have little self-respect and support.

Carers should try to manage the child's behaviour in ways which make the child feel better about himself or herself and supported and protected from further harm. Disciplining a child should not be a negative act.

Because of the very difficult nature of the task of carers, the Social Work Department recognises the need for carers to learn through training about positive methods of control. Children in care must be protected from further negative experiences.

As a general guidance, it is important for carers, the child's social worker and the link worker to have a heightened awareness of care and control issues. These must be discussed, and difficulties shared openly in each placement.

It is important that a record is kept of the child's behaviour, methods used to control it, and child's reaction to the control for discussion with the child's social worker. Such a record is important in helping to identify if there are any patterns in the child's behaviour, and to work out what methods are most effective in managing his or her behaviour.

Keeping a record of incidents requiring discipline also helps carers to protect themselves against false allegations.

Material from the NFCA Training Pack "A Problem Solved" is in Appendix 8.

We can see that chiefly foster carers adhered to practice in this area with children and young people however, where this was not the case, processes were followed – as outlined in Part D of this inquiry.

2002-2014

2002 saw the introduction of some significant national frameworks such as 'It's Everyone's Job To Make Sure I'm Alright' which laid the ground work for the implementation of 'Getting it Right for Every Child' and the 'Integrated Assessment Framework for Social Work Services in Scotland' in 2006. Across Fostering Services came the introduction of the Care Commission and the National Care Standards for Foster Care and Family Placements (NCS). This document set out expectations for best practice within the overarching principles within it. The NCS ensures that children living in foster care were made aware of their rights and, importantly, their right to make a formal complaint through the care inspectorate. Professional terminology shifts during this time towards care and protection and safeguarding and promoting the child's welfare. Furthermore we see a greater understanding of the impact of trauma on our children and young people. Moray responded to this by buying courses to support foster carers. Self-Regulation Behavior Management was the main framework for support for foster carers. This is still the main framework foster carers are trained in Moray today. The course provides the following outcomes:

The course will help participants:

- To identify and discuss acceptable behaviour that is appropriate to a child or young person's age and their circumstances
- Respond calmly, appropriately and safely to challenging behaviour
- Find ways to better manage the child or young person's behaviour and to look at their own responses
- Get support when they need help, information or advice
- Record information on agreements, incidents and solutions

A further course to support foster carers was introduced in 2013, PROACT-SCIPr-UK® outlined below:

Course description – this course is designed to provide the learner with the practical skills and knowledge to enable them to apply the PROACT-SCIPr-UK® approach whilst supporting individuals with challenging behavior.

Course aim – upon completion of the course participants will have acquired sufficient skills and knowledge to use PROACT-SCIPr-UK® in their practice.

Objectives & learning outcomes – this course is a certified course and is designed to comply with the Restraint Reduction Network (RRN) Standards.

On completing the course learners will be able to:

- identify that behavior serves a purpose.
- name the four functions of behavior.
- identify the elements of the PROACT-SCIPr-UK® whole approach.
- identify the health & safety issues associated with the use of audit-based physical interventions.
- demonstrate competence in the physical interventions taught in a training environment.
- identify how relevant legislation and guidance influence working practice.
- describe the difference between behavior support and behavior control.
- identify and define active interventions that will reduce the risk of behavior escalation.
- identify proactive, active & reactive strategies as part of the PROACT-SCIPr-UK® whole approach.
- describe their responsibilities when implementing PROACT-SCIPr-UK®.

2014 – Present

The fostering service have used a Self-Regulation Behaviour Management approach to supporting children and children young people for some years. This training and subsequent support to carers is provided through an external provider. Section 6 of the foster carer handbook provides advice and guidance to carers on how to manage challenging situations. Moray Council felt that this was a course which supported the care and protection of children and put their welfare at the forefront of any behaviour management strategy.

With the introduction of the new fostering scheme (DOCUMENT 178) carers have been encouraged to engage in reflective practice discussions encouraging them to work on developing their approaches to practice with our children and young people.

vi. Complaints handling

1996-2002

Social Work Policy and Procedure would have been required as directed by Circular SWSG5 1991 (DOCUMENT 9) and came into force on 1 April 1996. Section 5B of the Social Work (Scotland) Act 1968 provides for Scottish Ministers by order to require local authorities to establish a procedure allowing a person to make representations or complaints about social work functions. Such an order was made - The Social Work (Representation Procedure) (Scotland) Order 1990 (SI 1990/2519). Section 5 and 5B of the 1968 Act also provide Scottish Ministers with guidance and direction making powers in respect of local authority complaints procedures. Circular SWSG 5/1996 (attached) contains such guidance and directions.

A statutory complaint is one that falls within the scope of the Social Work (Scotland) Act 1968 Section 5B as amended by NHS and Community Care Act 1990 Section 52 and the Social Work (Representations Procedure) (Scotland) Order 1990. Circular SWSG5/1996 (DOCUMENT 201)

consisting of Directions and Guidance, gives comprehensive information on this and is attached for information.

A non-statutory complaint is one that is not a statutory complaint as defined in paragraph 7 above.

Nationally outlined within the 1996 Code of Practice code of practice for the recruitment assessment, approval training, management and support of foster carers (DOCUMENT 204) it Part 6.18 and 6.19 are sections relating to Representations and Complaints and Investigations into allegations. Moray guidance for foster carers has correlating sections under section 12.5 which echoes national guidance at the time.

We are unable to track practice in complaints handling at this time as there is no accessible archive through which we can do so.

2002-2014

23 October 2002 - Scottish Public Services Ombudsman (SPSO) was established by the Scottish Public Services Ombudsman Act 2002.

2006 – Crerar Review proposed the introduction of standardised complaint systems across local authorities.

Public Services Reform Act 2010 gave SPSO authority to produce a model Complaint Handling Procedure (MCHP). Complaint Standards Authority (CSA) were SPSO branch responsible to implement this.

SPSO published MCHP published in 2011 and Moray Council introduced two policies in 2012. A Complaints Policy and a Social Work Complaints Policy (DOCUMENT 130)

Accompanying the Social Work Complaints Policy was a Complaints Handling Procedure and this included how social work complaints should be recorded on a database.

In 2012/13 The Local Authority Complaint Handlers Network (LACHN) was set up where complaint representatives from all councils meet quarterly with the CSA to discuss improvement of complaint handling across Scotland.

2014 - Present

The LACHN and CSA agreed a set of 8 Performance Indicators that each council should report against. (2016-17 Annual Report)

Changes to social work complaints handling were brought about through the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016

The SPSO published the new Social Work MCHP on 15 December 2016 for adoption by all organisations under the SPSO's jurisdiction that deliver social work services by 1 April 2017.

16 January 2018 – Policy and Resource Committee approved new Moray Council's new Social Work Policy and Procedure (DOCUMENT 202)

2018 – New Lagan complaints database introduced (DOCUMENT 172) – Previous database archived in January 2020 for ICT reasons.

The 2019 fostering handbook outlines the moray council complaints procedure and also who children and young people can make a complaint.

We cannot track if practice follows policy as complaints database was archived early 2020, and we have not been able to access this to date due to COVID-19 restrictions.

vii. Whistleblowing

1996-2002

The concept of whistleblowing was not laid out in national or local policy for social services during this time period. We see the emergence of this practice within social care services being encouraged across Scotland in organisations around 2001. However local guidance issued to foster carers covered aspects of ethical practice but it did not specifically address expectations of whistleblowing.

2002 - Present

Section 2.14 provides guidance for foster carers about confidentiality. Whistleblowing is not currently explicitly outlined within the foster carer handbook but is on the list for the 2020 update. This has been delayed due to COVID-19. To support our practices in this area late 2019 Moray developed a Practice Concern process. (DOCUMENT 192)

The general child protection advice and guidance that anyone should raise concerns about a child applies across the foster carer cohort.

viii. Record retention

1996-Present

Files were kept and destroyed according to the relevant file retentions periods of the time.

Retention of Foster Carer Records

Regulation 32 The Looked After Children (Scotland) Regulations 2009 states that records on approved and prospective foster carers should be retained for **25 years**. There is a requirement for keeping them in an accessible form; and they are confidential, with access only through the relevant legislation, the Data Protection Act 1998 or a court order.

Appropriate children's records have to be kept, until the seventy-fifth (under the 1996 Regulations) or the hundredth (under the 2009 Regulations) anniversary of the child's birth (or twenty-fifth anniversary of his or her death before the age of 18). We have now extended the timeframes for which foster carer files are kept to 50 years.

ix. Recruitment and training of foster carers

1996-2002

Frameworks for recruitment of foster carers was driven by the Fostering of Children (Scotland) Regulations 1996. This led to the Code of Practice for the recruitment, assessment, approval, training, management and support of foster carers from which Moray worked and based the main frameworks.

From Foster carer files we can see that comprehensive assessments were undertaken and foster carers were taken to a fostering panel for approval.

2002-2014

Recruitment

Recruitment of Foster Carers was previously driven by the Fostering of Children (Scotland) Regulations 1996 was superseded by the Looked After Children Regulations 2009. The fostering network continued to provide a Code of Practice for recruitment, assessment, approval, training, and the management and support of foster carers in Scotland (2002). This continues to be the most relevant regulations and best practice document in place for the present time period and continues to influence Moray practice. Foster carer files evidence that robust assessments are undertaken with clear structures in

place for training and support. Regular information and recruitment events were planned in Moray to encourage a healthy applicant pool throughout this period – (DOCUMENT 193)

Training

The Scottish Government, following the National Care Review (2013) commissioned a National Learning and Development Framework for foster carers. This was in recognition of the increasing demand for foster carers to provide a therapeutic and reparative environment whilst acknowledging the requirement to standardise training across fostering providers. The SSSC developed a Standard for foster carers in 2017 which identified 3 key requirements for training, pre-approval, post approval and continuous professional development. **Moray Council's Fostering Scheme (2019) has been heavily influenced by the National Learning and Development Framework and includes a portfolio for continuous professional development.**

2014-Present

Foster carers continue to be difficult to recruit and retain nationally. Moray has continued to recruit steadily but lose foster cares at the same rate. Over the past 5 years. Moray has consistently lost foster carers mainly due to retirement but there have been a number of deregistration's. Moray Council don't have a sufficient contingent cohort and recognised the need for a recruitment strategy for our new foster carer scheme, launched in 2019 (DOCUMENT 178) where an independent marketing consultant was commissioned to provide a 3 year strategy to support higher number of foster carer recruitment. Unfortunately this campaign her been delayed by the Covid-19 pandemic.

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

1996-2002

References were taken up from employers as directed by the Code of Practice. We found evidence this was practice within the file read.

2002-2014

References continue to be required from employers as part of the robust assessment process in Moray. This has been evidenced by the file reading undertaken.

2014-Present

Since 2014, foster care applicants are required to provide 3 references each as directed by BAAF and now Corram- BAAF who set the parameters for best practice in assessments. Files demonstrate that practice is consistent with policy.

i. Placement of siblings

1996-Present

In Scotland the law is defined in the Children (Scotland) Act 1995 and the supporting regulations. This guidance states that siblings in care should be placed together: "except where this would not be in one or more of the children's best interests" (p. 5, para 19). This applies to present day.

Lord, J. and Borthwick, S. (2001) Together or Apart? Assessing brothers and sisters for permanent placement. London: British Association for Adoption and Fostering (BAAF) was produced as a practice guide for assessing sibling in foster care. The most recent guidance being issued in 2018 supporting practitioners to continue to consider sibling relationships in the longer term. In 2017 School of Social

Work and Social Policy research briefing no. 1 led to the launch of the Stand up for Siblings campaign and put the sibling agenda firmly on the map in Scotland.

We can see from practice that siblings were kept together in Moray as far as was practicably possible. Until the introduction of placement limitations, file reads have evidenced that often there were large sibling groups accommodated together. Currently practice position is that siblings should always be placed together unless there is significant evidence to support them being apart. Recently the fostering team have piloted a test of change in that the fostering team undertook a sibling assessment and subsequently found a match between the children's needs and the carer's skills in effort to keep the sibling group together and promote their relationship. We have been able to be flexible and are looking at the ways we can innovate our practices in better supporting sibling groups. The policy approach for practice will develop from the test of change.

ii. The placement of a child in foster care

1996-2002

Children were accommodated in foster care by way of The Children (Scotland) Act 1995 which outlined the various legal routes that children could be accommodated.

1996-Present

Children were accommodated in foster care by way of The Children (Scotland) Act 1995 which outlined the various legal routes that children could be accommodated. For children who become accommodated through the child protection or children's hearing routes this legislation was superseded by the Children's Hearing (Scotland) Act 2011. [There is guidance for foster carers \(2019\) about when a new placement begins. \(DOCUMENT 194\)](#)

iii. The particular placement of a child with foster carers

1996-2002

Foster carers were approved at fostering panel with consideration to their skills and abilities and the practicalities of what they were able to provide at this time. There were no national placement limitations at this time and so we see much higher numbers of children being able to stay with one family at any time.

Through file reads, we can see that there is evidence of consideration of matching in practice i.e. birth children and other children in placement are considered along with the potential impact of this on the family unit as a whole but matching is not overtly laid out in policy at this time.

2002-2019

With the invention of the 'Choices' fostering scheme, careful and considered matching based on risk became very apparent in Moray, carers cared for one child only and were provided with wrap around support to the placement. Carers were specifically recruited to provide this kind of placement. [\(DOCUMENT 55\)](#) Choices was disbanded with the introduction of the new scheme.

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

1996 -2014

Within the guidance given to foster carers, family time is set out as below. [\(SEE DOCUMENT 19\)](#)

Section 8.2 identifies

Contact with the child's family

- Why contact with the child's family is so important
- The legal aspects of contact

- Terminating parental contact
- Carers' role in promoting contact

Files show that children generally had a set pattern of seeing their family and the parameters for this were set out and rationale was given within their care plan, meeting the national care standards for family placements.

2014 - Present

Within the 2019 guidance (DOCUMENT 195) family time is outlined under section 3.10 Supporting children to see their family and friends. Children's files demonstrated that family time is actively promoted in Moray where this is in the best interests of the child.

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

1996-2002

Guidance around contact between siblings is minimal at this time. The guidance for foster carer's states: (SEE DOCUMENT 19)

- Arrangements for contact should be discussed at the planning stage of the placement or in the case of emergency placements, as soon as the placement has been made. These arrangements should be written down in the Foster Care Placement Agreement which should specify who will have contact with the child, when this will happen and where this will take place. Consideration should be given to the importance of members of the wider family to the child. Contact with grandparents, uncles, aunts, sister and brothers can be beneficial to the child who is separated from his or her parents. Agreement should also specify if there are parents who are not to have contact with the child. Parents must be notified in writing of contact arrangements. Contact arrangements should be kept continuously under review to make sure that they meet the needs of the individual child's situation.

It is hard to clearly track a practice framework for sibling contact at this time. Files show that when they are not placed with each other siblings groups are not clearly recorded and will at times seemingly randomly pop up in recordings etc. In these recordings it would show that practice was to keep siblings in contact, however there is no significant policy or practice focus on this to note.

2002-present

No evidence was found of a policy around sibling contact. File recording of this is sporadic and family contact focused generally on relationships between children and their parents. Practice in Moray is generally to keep siblings together as outlined above. Where children cannot remain together we ensure that foster carers are linked up to support a more natural family contact with each other. This has been identified by the fostering team as an area for improvement and is outlined within our fostering development plan.

vi. Information sharing with the child's family

1996-present

Information sharing expectations have not changed greatly over the years – by the very nature of social work we should work alongside families and share assessments with the people within them. Opportunities for information sharing were offered to families on a regular basis through children's planning and looked after reviewing processes. Children who were subject to a legal order through the children's hearing system were reviewed annually and parents had rights of appeal and recalling a review. Files for children who were accommodated reflect regular and good communication with

the child's family. However some files and complaints advise of unhappiness at the levels of communication.

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

1996-2002

Prior to the formation of Moray Council in 1996 the fostering and adoption panel met as Grampian North Adoption and Fostering Panel. Whilst we cannot find a copy of the panel constitution at this time we can see from the (DOCUMENT 8) that there was one. Minutes from the panel's from 1995 leading on to establishment of the Moray Fostering and Adoption panel show the change in panel formation but panel constitution (as far as we can see through functioning), remit, frequency and record keeping remain of the same standard.

The panel was convened and arranged by a divisional officer and it sat bi-monthly between Elgin and Banff. Panel sat with quorate numbers and evidence shows that business included the consideration and recommendation of approval, review and consideration of foster carers and adopters. The panel also considered child's plans and placement matching.

2002- Present

The national care standards define national best practice in fostering panels and standardise practice across the Scotland in relation to this.

Panel remit, frequency and the high standard of record keeping remained the same throughout these years, although the constitution was regularly reviewed.

Moray fostering panel has submitted an annual report to the committee about the constitution, remit, frequency and record keeping. (See appendix 1)

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

1996-2002

Visiting patterns are outlined within the foster carer guidance (DOCUMENT 19 section 7) the guidance sets out the frequency for the child's social worker visiting placement as:

- A visit as soon as is possible from the placement being made but not less than one week
- Minimum visiting frequency to be no more than three monthly after the first week
- Expectations are laid out being that the social worker will visit the family home regularly
- Notes that the foster carer can request a home visit anytime

There are clear expectations (DOCUMENT 19 Section 4/9) laid out about the role and purpose of visits and supports provided to foster carers and to children including purpose, content, follow up's and the expectations around record keeping. Placement agreement were drawn up which outlined agreed visiting patterns and files show placing social workers visited and supported placements. Files show that foster carers were visited in their home regularly by their link workers. There is no specific frequency laid out at this time.

Records reflect a good standard of record keeping and files that are easy to follow. Foster carer views would indicate that they are happy with the level of visiting and support provided to placements at this time.

2002-2014

Foster carers were visited informally monthly and were given monthly supervision during this time. The recording of this is sporadic, but consistent enough that we can track it. We also looked for unplanned visits as directed by the Looked after Children Regulations (Scotland) 2009 and appear to be happening at this time.

2014-Present

The fostering network direct service to provide monthly supervision for foster carers. Moray changed its approach to this in 2019 when we moved to monthly supervision of foster carers. Unannounced visits are currently set as bi-annually.

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

1996-2002

Guidance outlined in section 11 (DOCUMENT 19) guidance was given to foster carers about expectations of moving between placements including practical and emotional support in planning for moves, managing introductions, timescales and supports available etc.

It is evidence from the foster carer files that when children were moving on a planned basis information sharing and preparatory work was undertaken to support transitions. Unplanned endings frameworks were in place and in these instances we can see that whilst there may have been little time to move children information was provided and support to the child and carer during the transition and after the placement commenced.

2002-Present

Where possible pre placement planning takes place whereby children and carers meet discuss and plan for a move. This happened at the child's pace and supported by the team around the child. It's not a situation that Moray has policies specifically for – the exception being in the event of short breaks where there is an information template which is shared with carers.

There may always be situations where foster carer placements break down irretrievably. In these instances emergency moves can happen and children can be moved without much warning. In Moray we link carers and have them share information as soon as is practicably possible and there is a 72 hour Looked After Children's review to ensure that this happens.

The unplanned endings process as outlined above is still in place and has policy (DOCUMENT 205).

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

1996-2002

Section 4.d of the guidance for foster carers (DOCUMENT 19) gives some policy support around what to expect if a child moves on to residential services.

B. Role of Residential Worker

Some children and young people move into a foster placement from a residential home. Where a keyworker system operates in the residential home, the keyworker may be the appropriate person to assist with the transfer of the child into placement. Accordingly, many of the keyworkers tasks will be similar to those of the child's social worker. Specifically, however, the residential worker will:

- Work with the child and the child's social worker to bring about an understanding of the differences between residential and foster care and to decide on the rightness and ability to make use of their foster placement.
- Assist the child with emotional issues which may have a bearing on the child's willingness and ability to make use of their foster placement.
- Provide information and assistance with assessing the needs of the child prior to placement and helping the child to provide information about himself / herself.
- Provide opportunities for the child to share feelings with regard to the placement and to communicate these to the child's social worker.
- Monitor and recording the child's attitude prior to and returning from visits during the introductory period, where appropriate.
- Take part in Link Meetings and Agreement Meetings between the child, carers and social workers and assist in identifying objectives for the placement.
- Provide information and consultation to carers on the needs of the child and on appropriate handling methods.
- In some instances, visit the child after placement in order to provide support and continuity.

2002-2014

Similar to moving children between fostering placements there is no specific policy in relation to these transfers. This happens at the child pace and supported by the team around the child in a way that best supports the individual needs of the child.

2014-Present

Local Policy 1996 - Present

a) Who compiled the policies and/or procedures?

Senior managers and service leaders compiled policies. Procedures were developed alongside teams and generally by operational management.

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

Policy development began in this timeframe when Moray become a council in its own right. Local policy is clearly linked to national frameworks of practice and it would appear that Moray responded quickly to implementing policy and practices at this time.

c) Were such policies and/or practices reviewed?

There is evidence to suggest that policy and practice moved with the changing national picture or in response to certain events in practice.

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

Local policy was reviewed regularly and new policy developed as national frameworks developed or in response to practice events, for example the unplanned endings framework.

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

Since the establishment of Moray Council we can see that trends of local policy have followed national practice. The Moray Childcare Strategy came from Legislative direction in the Children (Scotland) Act 1995 which directed local authorities to better connect with third sector agencies.

f) Why were changes made?

Changes were made to support and drive new and best practice as it emerged across Scotland and Moray.

g) Were changes documented?

Larger policy changes such as new strategies, schemes or approaches to practice all went through Moray committee for approval. Annual reports for all aspects of integrated children's services including fostering and adoption services are reported on to committee.

h) Was there an audit trail?

Policy was not routinely audited at this time rather it was adjusted and grew from national frameworks and practice outcomes.

Practice

a) How was adherence demonstrated?

Practice was directed by procedures. We can see that national frameworks underpinned processes. For example: foster carer practice was directed by the Fostering of Children (Scotland) regulations 1996 which required such things as the establishment of a fostering panel, foster carer annual reviews, placement agreements etc. Children were reviewed regularly and as directed by legislation.

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

Please see timeline (appendix 1) of national and local references, review minutes, minutes of children's meetings, panel papers – both fostering and SCRA.

c) Were relevant records kept demonstrating adherence?

Yes files were kept in accordance with file retention policies of the time. We have staff who have worked for the authority for a long time and who have been able to provide us with documents for practice which they have kept.

d) Have such records been retained?

The majority records have been retained. Those that we have been able to gather are in the evidence made available for the inquiry.

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

Overall we can see that policy and procedure was adhered to within social work practice, corrected and redirected where appropriate.

We have found some instances where our expectations of practice have not met the standard. This has generally been through human error, staff not having all of the information they have needed to inform decisions for practice.

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

It is difficult to evidence this, as it is not clear at times from recordings what actions took place.

4.3 Children

Answers for Local policy and Moray Practice

- a) What policies and/or procedures did the local authority have in place in relation to the care of children in foster care?
- b) Was there a particular policy and/or procedural aim/intention?
- c) Where were such policies and/or procedures recorded?
- d) What did the policies and/or procedures set out in terms of the following?

See Appendix 1 – timeline

1996-2002

The only way we can track this time frame in terms of policy guidance is through the policy aim and intentions which are laid out through the Guidance for Foster carers as we cannot locate a copy of the Moray child care strategy to see what direction this gave the operation staff at the time. We can take much from the guidance and we refer the Inquiry to part 3: Value base for foster care practice in Moray and part 8 Child in placement. (SEE DOCUMENT 19)

- e) Did the local authority adhere in practice to its policy/procedures relating to the care of children in foster care?

1996-2002

We can see from file reading that practices were consistent with the national expectations and subsequent local policy frameworks. We don't see the Moray child care strategy fully embedding into practice in terms of outcomes until roughly 1998 when we see the focus from the childcare teams becoming much more statutory focussed with our third sector partners taking forward non-statutory aspects of childcare practice.

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

- i. Safeguarding

1996-Present

Safeguarding is not an active term that is used across Moray. Safeguarding children from abuse is covered in national policy within the foster carer code of practice (DOCUMENT 19 chapter 1). The guidance for foster carers looks at what the child's needs are what the expectations of the foster carers for proactive practice. When we consider safeguarding as the active promotion of children's needs and prevention of risk we can see from children's care plans that there is consistently consideration of need and risk.

- ii. Child Protection

1996-2002

Moray was part of Grampian Child Protection Committee which governed child protection practices in Moray. We are unable to access the minutes from these meetings due to the building where they are stored being closed due to pandemic at this time. What we can report on is that there are many aspects of child protection policy and guidance for staff who are supporting foster carers at this time through the code of practice for foster carers (DOCUMENT 204) We can see from the files that child protection procedures were consistent with the expectations laid out within national and local policy from this time.

2002-2014

The death of [REDACTED] (16 years) in 1999 in Glasgow led to child protection review and training within Moray. Moray Council, in 2013, prepared training that was heavily influenced by the significant case review into the circumstances of [REDACTED]. Notably, foster carers from the Choices Scheme, carers who provided specialist support to children with increased need, attended this session. This evidences the ability of Moray Council to consider the implications of the national agenda and provide relevant training to support foster carer understanding.

Moray Council established the Moray Child Protection Committee in recognition of the requirement for local policy and practice to reflect local issues.

The shift towards a child centred approach within policy and legislation during this period culminated with the publication of Getting it Right for Every Child and the Child and Young People (Scotland) Act 2014. This shift focused professional attention on children being at the centre of assessment and decision making and strengthened child protection practices. Moray Council adapted their process to reflect this as noted within the Local Agency Integrated Partnership Framework (DOCUMENT 154).

2014-Present

As noted above, Child Protection practice continues to be influenced by the statutory duties under the Children (Scotland) Act 1995 with the National Guidance for Child Protection 2014 providing a clear national framework. The national guidance provided clear structures regarding assessment, intervention and processes concerning child protection practices. Moray Council fully complied with the guidance above and have created local processes to reflect and build upon this.

Moray Council has experienced a number of changes with regarding to child protection throughout this period. This included the creation, and subsequent disbandment, of a Protecting Children team that focussed on IRDs and child protection investigations. Significant learning was gained from this, and from the joint inspection of services for children and young people in Moray community planning partnership area discussed above. Moray Council has evolved their service to allow for joint governance structures to be in place, children to be considered within robust risk assessment frameworks, and by reviewing the supervision policy ensuring this provides adequate support and quality assurance.

Child protection investigations, IRDs, and necessary outcomes of these are established within Moray Council allowing for allegations of abuse, by anyone whether this would be foster carers or not, to be appropriately and timeously investigated.

Moray Council published their Child Protection and Wellbeing: Reporting Concerns Procedure in 2016 that reflected, and built upon, the national agenda at the time. This procedure noted that all staff, elected members, and volunteers must have adequate child protection training. Further to this, clear and appropriate procedure is provided for circumstances where a child makes a disclosure of abuse. This includes reporting channels.

iii. Medical care**1996-2014**

Medical care and the health of looked after children has limited place within legislative frameworks. However, the Children (Scotland) Act 1995 stipulated that children must be examined by a registered medical practitioner prior to be placed whilst the Looked After Children Regulations 2009 note that written health needs assessments are required.

Those who hold parental rights and responsibilities for children have the legal right to attend medical appointments and be informed of medical care regarding their children. Parents continue to have the legal right to consent where medical treatment, such as immunisations, are required and can participate in this process where there is no exclusion regarding contact. Within Moray Council, when a child is accommodated, parents are asked to provide consent to emergency and general medical examinations and treatment in order to ensure no delay in the provision for children.

Within Moray Council it is common practice for children to be registered with a local GP, dentist and optician when accommodated if it is not possible to attend their regular provision. Continuity of care is strived for in these circumstances as reflective of the Looked After Child Regulations 2009.

Since 2009, Scottish Health Boards have been legally required to ensure looked after children receive a health assessment within 4 weeks of being accommodated. The Looked After Children Regulations 2009 replaced this and noted that the local authority must obtain a written assessment of the child's health needs.

2014-Present

Operationally within Moray, there is currently a LAC Nurse in place to represent and support the health needs of looked after children. Looked after children receive regular medical reviews, and permanence medicals are also in place. Subsequent to this, foster carer's health is considered during the assessment, approval, and review process as guided by the Looked After and Accommodated Children (Scotland) regulations 2009 and with the introduction of Getting it Right for Every Child and clear child planning processes within Moray, children have their health needs regularly considered and reviewed.

With regards to medical care in a child protection context, the National Guidance for Child Protection 2014 provides clear guidance regarding when medical assessments are required and the process for completing these with the child at the centre of decision making.

The importance of medical care for looked after children was emphasised to foster carers in 2013. Training was provided by the Fostering Network and Moray Health in March 2013 that focused on promoting good physical health and recognised the need for mental health awareness. Local foster carers attended this training.

iv. Children's physical wellbeing

2014-Present

The Moray Council Looked After Child Procedures 2019 provide a clear framework for ensuring the physical wellbeing of a child following accommodation away from home. This includes the creation of a clear plan, which their needs inform, completion of a Day to Day agreement with foster carers to ensure they are aware of medical, developmental, and needs regarding their routine. Such documents have been recorded within the files read.

v. Children's emotional and mental wellbeing

1996-2002

Please see section 8.3 of the guidance for foster carers (DOCUMENT 19) which outlines local policy expectations. Our files would suggest that children and young people had good access to health care and that their physical and emotional needs were being met and reviewed regularly.

2002-2014

The National Care Standards and Health and Social Care Standards set out the expectations for care providers regarding the emotional and physical wellbeing of children. This is discussed more fully in section 4.2.

Moray's frameworks have been trauma informed, or attempted to be, in that over the years we have worked alongside independent consultants such as Sally Wastle and Susanne Zeedyk. These consultants have offered training for the whole staff teams over the years and also independent consultations for working with families.

Children's emotional wellbeing is at the heart of the new fostering scheme in Moray. The scheme aims to be trauma informed and rights based. The current practice model is looking at how we support trauma informed reflective practice with children and young people. This is underpinned by the new learning and development framework for foster carers and the National health and social care standards. All staff and carers will be supported to access a training framework has trauma focus.

vi. Schooling/education**1996-2002**

Please see section 8.3 of the guidance for foster carers (DOCUMENT 19) which outlines local policy expectations. Our files would suggest that children and young people had good access to education and that their educational needs were being met and reviewed regularly.

2002-2014

The Education (Additional Support for Learning) (Scotland) Act 2004 and update to this in 2009 made stipulations for looked after children whereby they should be considered as having additional need just because they are looked after even if there is no other reason. This allows focus to be provided to looked after children who, as research highlights, are significantly disadvantaged compared to their non-looked after peers. For local authority responsibility for meeting the educational needs of looked after children is stipulated within the Looked After Children (Scotland) Regulations 2009.

Education and schooling needs are explicitly detailed within child planning frameworks in Moray and are influenced by the attention Getting it Right for Every Child places on education and schooling for children.

2014-Present

Corporate Parenting responsibilities are clear in respect of education of looked after children. Moray Guarantee 4 from this strategy states: We guarantee to support and guide you in learning and to help you develop your skills, confidence and self-esteem to ensure you have every opportunity possible to achieve in education and further education, training or work. From the reading of children's files it is clear this guarantee is met.

Foster carers within Moray are active participants in the formation of child's plans and encouraging children and young people to attend school. Foster carers readily support with homework and contribute to the attainment of looked after children. Foster carers often play an important role in respect of looked after children within schools and attend, in conjunction with parents, parents evenings etc.

Looked after children within Moray have individual education plans and can have coordinated support plans where required. The ethos of GIRFEC ensures for joint working where the focus is on the child.

vii. Discipline

1930-1996

Grampian Regional Council Minutes 1983/84, p.464

Corporal Punishment

The Committee considered a circulated report by the Director of Social Work regarding correspondence with the Social Work Services Group on the subject of the use of corporal punishment within Social Work premises. The Committee agreed to inform the Social Work Services Group the corporal punishment had not been permitted in Children's Homes (including the educational provision within Children's Homes) and day care centres provided by the Social Work Committee since 1 May 1979.

1996-2002

Please see section 8.5 of the guidance for foster carers ([DOCUMENT 19](#)) which outlines local policy expectations. Our files would suggest that, with the exception of what we are reporting under section D, foster carers had and followed the guidance in relation to care and control at this time.

2002-Present

2002 seen the introduction of some significant national frameworks such as 'It's Everyone's Job to Make Sure I'm OK' which laid the ground work for the implementation of 'Getting it Right for Every Child' and the 'Integrated Assessment Framework for Social Work services in Scotland' in 2006. Across our Fostering Services seen the introduction of the care Commission and the National Care Standards for Foster Care and Family Placements (NCS). This document set out expectations for best practice within the overarching principles within it. The NCS ensure that services supported services to ensure that children living in foster care were made aware of their rights and most importantly their right to make a formal complaint through the care inspectorate. Professional terminology shifts during this time towards care and protection and safeguarding and promoting the child's welfare. Furthermore we see a greater understanding of the impact of trauma on our children and young people. Moray responded to this by buying courses to support foster carers.

Self-Regulation Behavior management was the main framework for support for foster carers. This is still the main framework for support to foster carers in Moray today. The course provides the following outcomes.

The course will help participants:

- To identify and discuss acceptable behaviour that is appropriate to a child or young person's age and their circumstances
- Respond calmly, appropriately and safely to challenging behaviour
- Find ways to change and manage the child or young person's behaviour and to look at their own responses
- Get support when they need help, information or advice
- Record information on agreements, incidents and solutions

A further course to support foster carers was introduced in 2013, PROACT-SCIPr-UK® outlined below:

Course description – this course is designed to provide the learner with the practical skills and knowledge to enable them to apply the PROACT-SCIPr-UK® approach whilst supporting individuals with challenging behavior.

Course aim – upon completion of the course participants will have acquired sufficient skills and knowledge to use PROACT-SCIPr-UK® in their practice.

Objectives & learning outcomes – this course is a certified course and is designed to comply with the Restraint Reduction Network (RRN) Standards.

On completing the course learners will be able to:

- Identify that behavior serves a purpose.
- name the four functions of behavior.
- identify the elements of the PROACT-SCIPr-UK® whole approach.
- identify the health & safety issues associated with the use of audit-based physical interventions.
- demonstrate competence in the physical interventions taught in a training environment.
- identify how relevant legislation and guidance influence working practice.
- describe the difference between behavior support and behavior control.
- identify and define active interventions that will reduce the risk of behavior escalation.
- identify proactive, active & reactive strategies as part of the PROACT-SCIPr-UK® whole approach.
- describe their responsibilities when implementing PROACT-SCIPr-UK®.

2014 – Present

The fostering service have used a self-regulation behaviour management approach to supporting children and children young people for some years. This training and subsequent support to carers is provided through an external provider. Section 6 of the foster carer handbook provides advice and guidance to carers on how to manage challenging situations.

With the introduction of the new fostering scheme carers have been encouraged to engage in reflective practice discussions encouraging them to work on developing their approaches to practice with our children and young people.

viii. Activities and holidays for children

1930-1996

Banff, December 1954, p30

“The Committee considered the provision of a holiday camp for approximately sixty children in their care in the summer of 1955. After hearing a report by the Children’s Officer it was agreed to consider the matter further at the next meeting when more details would be available as to the arrangements and costs.”

1996-Present

Please see section 8.12-8.15 of the guidance for foster carers (DOCUMENT 19) which outlines local policy expectations. Our files would suggest that foster carers followed the guidance in relation to activities and holidays.

The Foster Carer Handbook for Moray provides guidance regarding activities. This recognises the importance of children attending activities, including family activities, for their wellbeing and sense of belonging. However, this also recognises the potential increased risk for looked after children and requirement for appropriate judgements to be made in conjunction with the child’s social worker where necessary. In addition to the risk assessment and planning, children’s activities are covered within the fostering allowance to ensure no barriers to this are in place.

Parental consent is required for looked after children when they go on holiday. Foster carers receive an additional allowance prior to the summer holidays to cover the cost of holiday trips. In addition to this, the cost of school trips will be covered by the department if this is in the best interest of this child. Such arrangements are in place to prevent disadvantage and encourage looked after children in Moray to fully participate in activities with peers and with their carers.

ix. Sharing a bedroom

1996-2002

There was no evidence of guidance in relation to sharing a bedroom at this time and we can often see children sharing their bedroom with other children around the same age during this timeframe.

2002-present

There continues to be a lack of guidance regarding sharing a bedroom. Considerations are set out within the Foster Carer Handbook noting:

“Where children are sharing rooms, consideration needs to be given to a number of issues, for instance:

- the age and gender of the children
- their need for privacy
- space for personal belongings and lockable storage for small belongings of each child
- issues of sexual vulnerability or possible behaviours that may be a risk to other children or carers.

If it becomes apparent that room sharing is not appropriate or no longer appropriate, this should be discussed with the children’s social worker at the earliest opportunity.”

Best practice is that children in foster care in Moray will have their own bedrooms where possible.

x. Contact with family members

Contact is discussed in section 4.2 above. No further information is available in respect of this.

xi. Contact with siblings

Contact with siblings is discussed in section 4.2 above. No further information is available in respect of this.

xii. Celebration of birthdays and other special occasions

1930-1996

Banffshire, Minute of Meeting of 18th December 1951, p29

“In connection with the Christmas Festivities the Committee directed that the sum of Five Shillings (5/-) should be sent to foster parents for each boarded out child in their care.”

1996-2002

Please see section 9.3 of the guidance for foster carers ([DOCUMENT 19](#)) which outlines local policy expectations. Our files would suggest that foster carers were encouraged to celebrate children and young people’s birthdays and special occasions.

2002-Present

Foster Carers receive a birthday allowance to provide presents and celebrate looked after children's birthdays. In addition to this, additional allowance is provided for Christmas.

xiii. Information sharing by the foster carer with family members

1996-2002

Please see section 12.2 of the guidance for foster carers (DOCUMENT 19) which outlines local policy expectations. We are not able to track practices as they are not recorded as being problematic or in need of recording for this section.

2002-Present

The Fostering Handbook notes the expectation on foster carers that interactions between professionals, foster carers or birth family are managed in a way that supports good working relationships.

(i) Local Policy

g) Who compiled the policies and/or procedures?

Senior staff and management. Some policy and procedure was specifically directed by national practice and legislation.

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

As changes come in.

i) Were such policies and/or practices reviewed?

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

There is no way to specifically track this within this time frame however we can see that changes were made and introduced as legislation and national policy approached developed – see timeline above.

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

Please see timeline above.

l) Why were changes made?

To introduce good and better practice and keep in line with national and legislative changes.

m) Were changes documented?

In as far as local policy and what was present to Moray council committee – yes we believe they were.

n) Was there an audit trail?

Not specifically. There were quality assurance parameters which were provided by Moray Council Committee, Grampian child protection committee and furthermore the Moray fostering and adoption panel which offered security and recommendations within their respective roles for the local authority.

(ii) Practice**a) How was adherence demonstrated?**

Through regular support and supervision of foster carers which is recorded in the files. Children's plans were reviewed within the statutory time scales and we can see children and young people were visited in placement often and their views and that their birth family were reported on.

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

Through file read evidence

c) Were relevant records kept demonstrating adherence?

Not specifically for these purposes. Records have been kept as good practice and in line with record retention frameworks. We have been fortunate to be able to access some of the old policies from the time due to staff having stayed within the council for long periods of time and having kept such documents.

d) Have such records been retained?

Files have been retained in accordance with the legislative timescales. Please see the evidence provided in support of Moray's submission.

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

There is no evidence of this not being adhered to other than what is recorded in Section D

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

There is evidence that some carers have not acted according to policy in Section D.

4.4 Foster carers

Answers for Local policy and Moray Practice

- a) What policies and/or procedures did the local authority have in relation to foster carers?
- b) Was there a particular policy and/or procedural aim/intention?

We have tracked all of the local authority policies and procedures within the timeline in Appendix 1.

- c) What did the policies and/or procedures set out in terms of the following?
- d) Did the local authority adhere in practice to its policy/procedures in relation to foster care?
- e) Did the local authority adhere in practice to its policy/procedures in terms of the following?

Recruitment

1996-2002

Moray used the code of practice on the recruitment, assessment approval, training, management and support of foster carers as a basis for recruitment. Practices followed expected assessment frameworks of the time and included initial home visits, gathering of checks and references medical reports and a Form F assessment was undertaken.

2002-present

During 2002 the fostering Network produced and updated code of practice on the recruitment, assessment approval, training, management and support of foster cares that was Scotland specific – this was to support the differing emergent legislative and national frameworks such as the National Care Standards etc. Similarly Moray used this framework and the BAAF Form F assessments until around 2007 when they made a move to using the fostering networks Skills Assessment Framework. We spoke with staff who note that the rationale for this was that it was thought that the Skills to Foster Assessment was more competency based and therefore a more robust assessment. Practices followed expected assessment frameworks of the time and included initial home visits, gathering of checks and references medical reports as above. All foster carers applicants go through a formal panel process where a recommendation is made and ratified by Moray Council's Agency Decision Maker.

i. Standard and size of accommodation

1996-Present

Local policies of this time required for home visits to be undertaken to see the suitability of both the physical and emotional quality of people's homes. Initial and subsequent home visits were undertaken and health and safety checks of the home were required. File show that standards for accommodation were discussed in assessment phases.

Practice in this area has not changed across the years. Moray has foster carers who live in many different types of accommodation. The only requirement to foster is that they must have spare room and the accommodation must be safe. Health and safety checks are still standard practice.

ii. Number, age and gender of children accommodated/in the household

1996-2002

There were no legal parameters around the number of children who could be accommodated with in foster carer at this time and no policies. Practice was based on an individual circumstances. Foster carers were approved at panel based on their skills and ability and the practicalities of caring for children in their accommodation. Approval was limited to age ranges, number of children and gender.

2009-2019

The Fatal Accident Inquiry of Foster Carer Dawn McKenzie (2011) led to the National Review of Foster Care in 2014. The Looked After Children (Scotland) Regulations 2009 were amended following the review, placing limits on all foster care placements. The review also laid out expectations of assessment and approval by fostering panels that better consideration is made of the ages that foster carers are approved for and that an evidence based is provided to support this. Blanket approvals were ended in Moray practice at this time and we moved to all foster carers being approved with an age range and a skills based that supported this recommendation.

iii. Pre-approval/registration checks

1996-Present

Police record and health checks were required by policy and were undertaken since 1996 – Practice in this area changed in 2011 with the introduction of The PVG Scheme, Moray Council has followed National practice in this area since its inception.

iv. References

1996-2009

Foster carers required 2 referees at this time and these were taken up and were in carer's files.

2009-Present

The Looked After Children (Scotland) Regulations 2009 Chapter 11.4 of the guidance states that – there should be no less than 2 references take up. Coram BAAF checks and references best practice document sets out best practice as one employment reference and two person references per applicant. This is the practice that Moray has adopted.

v. Foster care agreements

1996-Present

The 1996 fostering children (Scotland) regulations required there to be a foster carer agreement in place. Moray policy and practice reflected this and foster carer agreements were found in files. This has been a standard of Practice Since this time.

vi. Induction

1996-2002

Guidance for foster carers' handbook covered the majority of induction needs for foster carers. Supervision minutes within the file show ongoing support and discussion with carers as they move through their career.

2015-Present

An indication pack was developed for foster carers and we see reference made to this through care inspectorate reports. It appears that this worked as a reference guide in practice, although it doesn't appear to have been very well implemented.

All potential foster carers go through a skills to foster course which provides a comprehensive level of what to expect from fostering. Foster carers receive regular formal supervision and support in their first year.

vii. Transfer of foster carers to or from other organisations or local authorities**1996-Present**

There was no national or policy approach to transfers at this time. The fostering network protocol was first introduced in 2002 and updated in 2014. Moray has always followed this protocol.

viii. Review/supervision**1996-present**

Annual reviews happened regularly as directed by the Fostering Children (Scotland) Regulations 1996. Guidance for foster carers section 12.9 outlined the purpose, frequency and procedure for foster carer reviews. Files consistently hold minutes of reviews.

The 2009 regulations continued the requirement review foster carers annually but added that foster carers must be brought back to formal panel after their first year for review. Foster carers continued to be reviewed in this way in Moray, although reviews happened internally. The new introduction of the scheme in 2009 has reviewed this and all foster carers reviews are now heard as panel business or heard by our independent chair.

Foster carers were formally supervised 3 monthly up until the introduction of the new foster carer's scheme in 2019 which aligns with best practice to formally supervise foster carers monthly.

ix. Training**1996-2002**

See section 12.7 of the guidance for foster carers. We can see from the files that foster carers undertook a wide and varied amount of training at this time.

2002-2014

Moray provided a comprehensive and regular program of training throughout these years, evidence of this has been found in foster carer files and in training manuals (DOCUMENT 206)

2014-Present

Foster carers were provided with a regular training up until 2 years ago when the training calendar underwent a review and it has been slow to get restarted. We are now in talks with online agencies about training that can be provided during the pandemic.

x. Disciplinary actions**1996-2019**

Please see part (12.10 of DOCUMENT 19) regarding de-registration of foster carers, (DOCUMENT 19 section 12.5 parts D&E) regarding complaints against foster carers. The document makes reference to appendix 17 which is no longer available to the department however would suggest that there was an established framework for managing complaints and allegations against foster carers. Please see Part D for specific information regarding disciplinary action in allegations or complaints.

Present

During 2019, it became clear that it was increasingly difficult to track when something had become a matter for disciplinary with a foster carers. If it was not formal it was often overlooked. In light of this Moray introduced foster carer chronologies and a framework called the practice concern framework in order to track and formally record concerns raised in relation to foster carer practices. (DOCUMENT 192)

xi. Removal of approval/registration

1996

The following is the excerpt from the guidance for foster carers in 1996 – below is the excerpt from the 2019 handbook. Little has changed in the past 30 years in policy and practice in the deregistration process itself.

11.1. Leaving fostering

Becoming a foster carer is a lengthy process involving careful consideration on the part of the carers, their family and the Social Work Service. Consideration to de-register carers and the subsequent decision to end their status as approved and registered foster carers should be made with equal care and consideration.

De-registration from the list of current foster carers may be sought in two ways:

- By the foster carers, or
- By the Social Work Staff.

a. De-registration by the Foster Carers

A variety of circumstances lead to foster carers indicating to their link worker that they do not wish to continue fostering. Link worker service may be provided in a permanent placement by the child's social worker.

When the link worker is advised by the carers that they do not wish to continue fostering, the worker should discuss the reasons for this decision with them.

Such reasons may include changes in the carer's family or personal circumstances or dissatisfaction with their fostering activities and their involvement with the Social Work Service.

It is important that foster carers are offered an opportunity to discuss the reasons for their withdrawal with the worker and the appropriate manager. Carers may also wish to express these reasons in writing.

In circumstances where a foster carer indicates a withdrawal from the fostering register, the following procedures should be adhered to:

- i. After the initial indication and discussion, the link worker should visit the foster home timeously to confirm the carers' wish to withdraw and the reasons for it.

Carers should be offered a meeting with the appropriate manager to discuss any outstanding issues, for instance any dissatisfaction they feel with any aspect of the service provided to them, so that these can be recorded and action taken.

- ii. The link worker will usually prepare a report outlining the carers' reasons for wishing to withdraw and any discussion held with the carers. This report, together with a letter from carers indicating their wish to withdraw from fostering, if available, a copy of the original reports (Form F, Adoption and Fostering Panel minutes, the latest carer review minutes) should be forwarded to the appropriate Social Work Manager.

A formal acknowledgement of the acceptance of the withdrawal will be sent to the carers by the Social Work Manager / Chief Social Work Officer.

- iii. The link worker or the supervising social worker should arrange for copies of the above papers to be sent to the appropriate Adoption and Fostering Panel for their information.

Sometimes foster carers withdraw, indicating that they may wish to return to fostering some time later. In such instances carers will need to undergo an assessment and preparation process with updated reports being compiled and presented to the Adoption and Fostering Panel.

b. De-registration by the Social Work Service

In any circumstances where the Social Work Service is seeking to withdraw carers from the fostering register, no foster family should be unaware of concerns expressed and the action to be taken. Any concerns about a foster home should be raised with the carers during the ongoing link worker contact, during foster home reviews or as a result of a disruption meeting.

There are a number of reasons why the withdrawal of foster carers may be considered. These may include:

- i. Where there have been complaints substantiated against the carers;
- ii. Where allegations or abuse have been made against carers and where it is not felt appropriate for further children to be placed in the foster home;
- iii. Where there is dissatisfaction with the standards and quality of care in the foster home;
- iv. Where carers do not adhere to the policies and practices outlined in the Foster Care Agreement and the Foster Care Handbook;
- v. Where there has been a placement disruption and it is not considered appropriate for the carers to continue fostering;
- vi. Where foster carers' circumstances have changed and it is no longer thought appropriate for them to continue fostering;
- vii. Where it is considered that the Department does not have suitable children for them to care for, for instance, very young children;

In circumstances where the Department wish to withdraw carers, the following procedures should be followed:

- i. The link worker and his or her senior should arrange a meeting with the foster carers to discuss concerns felt by the member of the Service, whether these originate from complaints made against carers, dissatisfaction expressed about their fostering activities or are the result of a disruption meeting.
- ii. Carers should be advised that a Foster Carer Review is planned. This should be undertaken timeously and in accordance with the procedures previously outlined.
- iii. The report of the carer review meeting should be presented to the appropriate Adoption and Fostering Panel for their consideration.
- iv. Carers should be invited to attend part of the Panel meeting. They may bring along a friend or a representative to give them support during this difficult time.
- v. The Panel recommendation is forwarded to the Agency Decision Maker who will inform the carers in writing of the agency decision.

2.5 De-registration

Becoming a Foster Carer is a lengthy process involving careful consideration on the part of the carers, their family and the fostering service. Consideration to de-register carers and the subsequent decision to end their status as approved and registered foster carers should be made with equal care and consideration. De-registration from the list of current foster carers may be sought in two ways:

- By the Foster Carers, or
- By Social Work staff.

De-registration by the Foster Carers

A variety of circumstances can lead to foster carers indicating to their supervising social worker that they do not wish to continue fostering. When the supervising social worker is advised by the carers that they do not wish to continue fostering, the worker should discuss the reasons for this decision with them. Such reasons may include changes in the carer's family or personal circumstances or dissatisfaction with their fostering activities and their involvement with the service. It is important that foster carers are offered an opportunity to discuss the reasons for their withdrawal with the worker and the appropriate manager. Carers may also wish to express these reasons in writing. In circumstances where a foster carer indicates their wish to deregister the supervising social worker will visit the foster home timeously to confirm the carer's wish to withdraw and the reasons for it.

Carers should then be offered a meeting with the appropriate manager to discuss any outstanding issues, for instance any dissatisfaction they feel with any aspect of the service provided to them, so that these can be recorded and action taken. The supervising social worker will prepare a report and together with a letter from carers indicating their wish to withdraw from fostering, if available, copy of the original reports (Assessment report, fostering panel minutes and latest carer review minutes) should be forwarded to the placement services team manager.

A formal acknowledgement of the acceptance of the withdrawal will be sent to the carers.

Sometimes foster carers withdraw, indicating that they may wish to return to fostering some time later. In such instances carers may need to undergo an assessment and preparation process with updated reports being compiled and presented to the fostering panel.

De-registration by the Moray Council

In any circumstances where the Moray Council is seeking to withdraw carer's registration no foster family should be unaware of concerns expressed and the action to be taken. Any concerns about a foster home will be raised with the carers during the ongoing supervising social worker contact. This may be as part of a practice concern that has been raised, foster carer reviews or as a result of a disruption meeting. There are a number of reasons why the withdrawal of foster carer's registration may be considered. These may include:

- where there have been complaints substantiated against the Carers;
- where allegations of abuse have been made against carers and where it is not felt appropriate for further children to be placed in the foster home;
- where there is dissatisfaction with the standards and quality of care in the foster home;
- where Carers do not adhere to the policies and practices outlined in the foster carers agreement and within the foster carer handbook;
- where there has been a placement disruption and it is not considered appropriate for the carers to continue fostering;
- where foster carers' circumstances have changed and it is no longer appropriate for them to continue fostering;

In circumstances where the fostering service wish to withdraw carer's registration, the following procedures should be followed:

- The supervising social worker should arrange a meeting with the foster carers to discuss concerns raised. This can take the form of a review meeting but would generally be an informal recorded discussion in the first instance. Whether these concerns originate from complaints made against carers, dissatisfaction expressed about their fostering activities or are the result of a disruption meeting it will be clear to you what the concerns are.
- Carers should be advised that a foster carer review is planned. This should be undertaken timeously and in accordance with the procedures previously outlined. A full formal panel review will be held following allegations made against carers or placement disruptions.
- Where changes of approval are recommended by the foster carer review the minute of the meeting should be presented to the appropriate fostering panel for recommendation to the agency decision maker together with relevant reports. iv. Carers should be invited to the fostering panel, where appropriate, and will be given support to do so if required. v. The agency decision maker who will inform the carers in writing of the agency decision.

(i) Local Policy

e) Who compiled the policies and/or procedures?

The team manager in consultation with the team and underpinned by national frameworks for practice at the time.

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

Developed in 1996 at the outset of Moray council and operational from 1997- 2002 when they were superseded by the national care standards.

g) Were such policies and/or practices reviewed?

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

Policy was reviewed as and when it was required to be. It is difficult to track these changes as we have one hard copy of the guidance for foster carers which we refer to within the attached timeframe. Discussions with the team manager from this time informs us that policy and practice was responsive and we can be certain of this by way of the approaches through the coming years. i.e. commissioning of independent audits of the service to ensure standards of practice etc.

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

j) Why were changes made?

k) Were changes documented?

l) Was there an audit trail?

Substantive changes would go through Moray committee for approval. Moves in child care practice would also have required an echo from fostering services and so the application of one is not without the response from the other. For example: Moray updated their child protection guidance in 1999 and the fostering service child protection policies are refreshed at this time also. There is evidence of these documents available.

(ii) Practice

a) How was adherence demonstrated?

Through files, recordings, panel minutes review minutes.

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

Please see evidence provided.

c) Were relevant records kept demonstrating adherence?

Not specifically for this purpose. Records have been kept as good practice and in line with record retention frameworks.

d) Have such records been retained?

Files have been retained in accordance with the legislative timescales. Please see the evidence provided in support of Moray's submission.

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

Please see section D.

4.5 Other members of the foster carer's household

(i) Local Policy

- a) **What policies and/or procedures did the local authority have in place in relation to other members of the foster carer's household?**
- b) **Was there a particular policy and/or procedural aim/intention?**
- c) **Where were such policies and/or procedures recorded?**
- d) **Who compiled the policies and/or procedures?**
- e) **When were the policies and/or procedures put in place?**
- f) **Were such policies and/or practices reviewed?**
- g) **If so, what was the reason for review?**
- h) **What substantive changes, if any, were made to the policies and/or procedures over time?**
- i) **Why were changes made?**
- j) **Were changes documented?**
- k) **Was there an audit trail?**

In relation to all of the above Moray worked from the code of practice for the recruitment assessment, approval training, management and support of foster carers (DOCUMENT 204 section 3.6) on checks directs the authority to undertake police checks as directed in the Children (Protection from Offenders) Regulations 1997 on all adults over the age of 16 years within the household. Moray followed this practice. These were updated on a three yearly rolling basis and were reviewed as part of foster carer reviews.

(ii) Moray Practice

- a) **Did the local authority adhere in practice to its policy/procedures in relation to other members of the foster carer's household?**
- b) **How was adherence demonstrated?**
- c) **How can such adherence be demonstrated to the Inquiry?**
- d) **Were relevant records kept demonstrating adherence?**
- e) **Have such records been retained?**
- f) **If policy/procedure was not adhered to in practice, why not?**

Practice in relation to police checks being undertaken for other member of the foster carer household were in line with the code of practice at time. There is evidence within files that was adhered to. No records evidenced where this has not been adhered to.

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

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

1930-1996

Moray and Nairn Joint County Council Minutes 1958 No page numbers

6th January 1958

Children's Committee (Joint)

Boarded-out children – Letter from C.

3. A letter was submitted from C 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 Meeting noted that draft Regulations under the Act of 1948 relative to boarding out had not yet been made by the Secretary of State and that local authorities were still working under Regulations made under the Children and Young Person's (Scotland) Act (1937). After discussion the Meeting agreed that the Clerk should write to the Local Authority responsible for the case referred to in C's letter requesting that he consider the suitability of the foster home and suggesting that if in future they propose to board out children in Moray and Nairn prior consultation should take place with the Children's Officer as to the suitability of proposed homes.

P.136 St Clair's Home for Girls – request for report on acceptance of girls from other areas

1996-2014

Local Authority

Moray had no policy or procedure for making foster placements with any other local authority: very recently, based on need and practice, placement of two children has been made with carers who foster for one of the neighbouring local authorities. Further, with one of Moray's foster carers placement is made from a differing neighbouring local authority.

Refer to "present" for context.

Organisations

Until the creation of the SXL National Framework for Independent Foster Care, Moray had the following policies in place: -

As part of the Moray Child Care Strategy 1996 (DOCUMENT 196) Moray contracted with a number of third sector providers who were part of the totality of service delivery in Moray for Children. Consistent with the 1995 legislation (The Children (Scotland) Act 1995) which directed partnership working – Moray formed specific contracts with, among others, Action for Children and with Aberlour Child Care Trust. Each of these providers offered foster care: Action for Children offered the Moray Alternative Placement Scheme and Aberlour Child Care Trust offered short breaks for children who have a disability.

Adherence to financial and procurement regulations – in place prior to 2010 but more noticeable from then given national changes in commissioning and auditing. Prior to 2010 Moray had a small number of placements made with independent providers.

Forming placements and individual contracts with independent providers were already in practice when the Reaching Higher Report by the National Institute of Residential Child Care was published. Together with These are Our Bairns/ We Can and Must Do Better (DOCUMENT 197) – these drivers shaped the development of Looked after Children’s Strategic Improvement Group.

Commissioning and oversight of what Moray was paying for and getting for the young people in placement became a sharper focus especially given that the National Framework with SXL for foster care was developed after the National Framework For Residential Care.

Prior to the SXL framework Moray had formed contracts with 5 independent foster providers, most of which remained out with the National Framework when it was originally developed by SXL. In later developments of the framework, two of the providers, with which Moray had specific contracts for the provision of care, did move onto the framework: two others have remained out with the framework (and one we no longer have a contract/ placement with).

Moray was part of supporting that process of development of the national contract with SXL, (DOCUMENT 117) given the benefits for children (in terms of assuring the quality of care) and for the organisations in terms of reducing duplication and in ensuring the number and quality of checks and processes.

Of interest, Moray did a presentation at Educating Through Care (ETCs) – a group of private providers of residential care and education - to explain the drivers: the policies and practice in Moray. The presentation had significance for foster care too: (ETCs – were one of the front runners of CCPS - Coalition of Care and support Providers in Scotland.

Following the creation of the SXL national framework Moray endorsed the framework and for those providers who are not on that framework Moray has specific contracts: Aberlour Child Care Trust.

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

In 2001 the Community Services Committee, 10 October 2001, item 24 (DOCUMENT 31) confirms the concept of spending to save and of trying to support families and children to remain in Moray - “total cost packages”.

In 2003 the aim and intention were detailed in the report to the Community Services Committee, 9 April 2003 item 23. (DOCUMENT 37) What was reported then is still the aim: -

It should also be noted that all decisions to place children and young people out with the area (apart from those made unexpectedly by a Children’s Hearing or the Sheriff Court) are only taken after detailed discussion with senior staff often in both

Education and Social Work. The primary consideration is always ‘the best interests of the child’ and there can be very good professional reasons why a child or young person cannot or should not be placed locally. It is therefore not just an issue of the inadequacy or non-existence of local resources. The Educational and Community Services Departments still, however, remain wedded to the principle of ‘local solutions to local problems’ and, in the main, these are consistently available and utilised.

2.7 Finally, it should be stressed that out of area placements are used to meet a variety of social, emotional and educational needs and not simply as a response to criminal activity.

Committee, 3.12.2003, (DOCUMENT 37) were asked to approve processes necessary to develop a new foster scheme for Moray given needs. This resulted in Moray developing a foster scheme that was launched in 2004. This was further developed to form Choices specialist foster service intended to have a team round the child working seamlessly together. In response to the specific needs of one young person, Community Services Committee, 23 November 2005 (DOCUMENT 198) approved Choices a Moray scheme to limit the need for placement with independent providers.

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

The policy would have been detailed in the 1996 Child Care Strategy – which is referred to in a number of committee reports and further documents however the strategy itself we have not sourced.

The thinking behind endorsing the drivers of ‘These are Our Bairns; We Can and Must Do Better’ and the streams within Looked After Children Service Improvement Group (LACSIG) are reflected in strategic and working group minutes; and service management meetings and training inputs for staff.

The Children and Young People’s Services Committee on 2nd December 2009 (DOCUMENT 199) did a number of things:

- Committed the frequency of reporting to the councillors given
 - (1) The needs of the children;
 - (2) The budget allocation and
 - (3) Their role as corporate parents.
- Established the process and practice that would agree placements with independent providers: the Service Manager Group. This later became the Placement Services Group and now is the Additional Resource and Allocation Group. (DOCUMENT 207)
- Advised of a number of key developments – which are detailed within that committee report.

d) Who compiled the policies and/or procedures?

The relevant service managers in discussion and consultation with key stakeholders compiled the policies and following agreement at strategic management group, the reports were presented to Committee for approval.

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

At various stages of development policies and procedures developed in response to drivers of legislation; Scottish Government research e.g. having heard the key messages and need to focus on the streams consistent with LACSIG. An example is that a report by Anne Black, Independent Consultant who advised ADSW, referred to actions that the Scottish Government would take not only in the key areas outlined as part of the work of LACSIG, but with focus on timing for those key areas. This presumably was the early thinking to the Permanence and Care Excellence (PACE) Programme. Moray started to engage in the PACE Programme with CELCIS (the government funded Improvement and Innovation Centre in Scotland, focussing on children's lives) from September 2017.

f) Were such policies and/or practices reviewed?

As noted above in 2009 – having been reporting to Committee frequently, the Committee of December 2009 set the frequency of reporting at twice per year. The reporting focussed not only on placement numbers; spend; nature of placements, it also referred to changes in process and practice that were recommended and those that had happened, referencing the basis for those changes.

The minute of Placement Services group (DOCUMENT 161) reflects the discussion around review. This was then consulted on – resulting in the process for ARAG (for which the flow chart is attached above – Nov 2016)

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

As noted – the reasons had a number of angles: the care planning; the key drivers; the budget allocation.

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

The group that has oversight of needs and spend has changed some elements of operation. This is often looked at. Change over the years has seen the following: -

- Membership – change from Child and Adolescent Mental Health Service (CAMHS) being present and 3rd sector, to increased education, including educational psychologist, and social work membership.
- Paperwork – sufficient to evidence need and intended outcomes but trying to ensure it's not just a bureaucratic exercise.
- Attendees - the lead professional being invited to attend ARAG: they did not attend earlier formats of the meeting.

i) Why were changes made?

Attendance by some was inconsistent or did not add to the robustness of discussion. Having one third sector provider present but not others, was considered to possibly place others, who might otherwise tender for a contract, at a disadvantage.

j) Were changes documented?

The minute attached evidences change. (DOCUMENT 161)

k) Was there an audit trail?

From December 2009 until 3 years ago there were reports to committee mid-year and at the end of financial year. This changed 3 years ago – when it was considered that annual reporting would be sufficient given the other reporting that is made to Committee e.g. audit; accounts; Chief Social Work Officer; Fostering and Adoption Panel; Children Services Plan; Performance.

Present

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

The responses above advise of policies and procedures to date.

What is more recent is the change in

- (1) Independent foster carers who become local authority carers
- (2) The implications for policy and practice arising from this.

The following examples apply in Moray.

- (i) Carer who had been with an independent provider is now a Moray carer. That carer had had in placement a child from a neighbouring authority and so Moray is now the provider for that authority. The implications of this are that we are now providers and there are new contracting arrangements needed.
- (ii) Foster carer for a different neighbouring authority had worked in a residential provision and following due process now cares for a Moray young person.
- (iii) Of that same neighbouring authority one of the independent foster providers' carers now is a carer for Moray Council.
- (iv) What had been achieved to some extent by the national framework with SXL – is changing.
- (v) The obvious aspect being in the need to create contracts and Individual Placement Agreements (IPAs). Further, rates made payable are variable and the logic that has applied either in known foster schemes/ or SXL framework – are resulting in variations.

Of note, policy is being developed to catch up with the practice that is in place.

m) If so, please give details.

As above.

Practice

- a) **Did the local authority adhere in practice to its policy/procedures in relation to placement of children with foster carers approved/registered by other local authorities or organisations?**

1930-1996

Moray and Nairn Joint County Council Minutes, 1959. No page numbers

5th January 1959

Children's Committee (Joint)

Boarded-out family in Lossiemouth – Letter from Lossiemouth Town Council

10. A letter was submitted from Lossiemouth Town Council complaining that without consultation or notification the Children's Officer had recently installed in a council house occupied by ■ a Mrs X and three of her children, one of them a young infant, notwithstanding that there were already in the house the tenant and his wife, a girl of 12 and a youth of 18 and two adult male boarders and that in their view the Children's officer should not have made arrangements for Mrs X and her family to reside at the property and asking that the matter be investigated.

A report was submitted by the Children's Officer stating that he was not responsible for Mrs X and her children taking up residence at the property, this arrangement having been made between Mrs X and the tenant's wife. Two children of Mrs X had been boarded-out in Forres but when Mrs X requested the custody of these two children, he had no alternative, in the absence of a statutory resolution, but return them to her care and that she had taken the children with her to live at aforementioned property. He further stated that Mrs X and her children, including two who had been boarded-out in Elgin, had gone to her mother's home in December 1958.

After some discussion the Meeting were satisfied with the acting's of the Children's Officer in this case and instructed that the facts as intimated by the Children's Officer should be reported to the Lossiemouth Town Council.

Local Authority

Moray had no foster placements with any other local authority until very recently – as above.

Organisation

The information to offer is as detailed above. Review would reflect where systems were working and where they weren't for practice in terms of social work and needs of children. In terms of financial practices internal audit had specific audit of the processes in place and made a report of the findings. (DOCUMENT 208)

- b) How was adherence demonstrated?**

There are minutes of meetings that detail what paperwork has been submitted for consideration. Expanding on this to include recent change, in terms of GDPR – the ARAG process does not retain the paperwork supplied. The minute lists which paperwork was considered as part of the process – and advises that the paperwork can be found in the child's file. Needs that are met at an immediacy or emergency basis can be approved retrospectively : this was an issue in the audit report that confirmed this as a process needed to be achieved to evidence and track the audit trail.

The “triangulation” with SXL processes for example with IPAs assist the evidence for process. The access to review minutes confirms, or otherwise, progress with intended outcomes.

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

Some of this information is attached in committee report / audit report. However specifically per child, minutes could be made available: so too IPAs and review minutes.

d) Were relevant records kept demonstrating adherence?

Records are as noted and advised within.

e) Have such records been retained?

Given financial retentions periods and then Looked After Children retention periods, records are retained. As noted specific paperwork, for the child, is retained on the child’s file and not as part of resource panel process. What is now retained is the detail of the request; record of what was considered; discussion; outcome.

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

As per internal audit – there are at times gaps in application to process which we seek to address as part of our working practices and processes.

4.7 Complaints and Reporting

1930-1996

Moray and Nairn Joint County Council Minutes, 1959. No page numbers

5th January 1959

Children's Committee (Joint)

Boarded-out family in Lossiemouth – Letter from Lossiemouth Town Council – AS ABOVE

Moray and Nairn Joint County Council Minutes, 1963. p.508

7th October 1963

Children's Committee (Joint)

Child Neglect – Alleged Cases in Moray

4. Attention was directed to a recent article in several national newspapers alleging that there was an increase in child neglect in Moray. The Children's Officer stated that recently the Royal Society for the Prevention of Cruelty to Children had carried out a country wide survey into the effects of Hire Purchase on families with whom the Society had had dealings which indicated that there was an increasing trend of families known to the Society to commit themselves deeply in Hire Purchase thus causing hardship within the family; that the result of the survey had been given to the press who had enlarged the problem, and that on enquiry the General Secretary of the Society had informed him that the increase in Moray due to this specific cause was not abnormal, nor was the increase in cases of child neglect due to other reasons. This was noted.

Social Work Policy and Procedure would have been required as directed by Circular SWSG5 1991 ([DOCUMENT 200](#)) and came into force on 1 April 1996.

Section 5B of the Social Work (Scotland) Act 1968 provides for Scottish Ministers by order to require local authorities to establish a procedure allowing a person to make representations or complaints about social work functions. Such an order was made - The Social Work (Representation Procedure) (Scotland) Order 1990 (SI 1990/2519).

Section 5 and 5B of the 1968 Act also provide Scottish Ministers with guidance and direction making powers in respect of local authority complaints procedures. Circular SWSG 5/1996 ([Document 201](#)) contains such guidance and directions.

- A statutory complaint is one that falls within the scope of the Social Work (Scotland) Act 1968 Section 5B as amended by NHS and Community Care Act 1990 Section 52 and the Social Work (Representations Procedure) (Scotland) Order 1990. Circular SWSG5/1996, consisting of Directions and Guidance, gives comprehensive information on this and is attached at *Appendix vii* for information.
- A non-statutory complaint is one that is not a statutory complaint as defined in paragraph 7 of the above legislation.

Answers for **Local Policy** and **Moray Practice**:

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

Social Work Policy and Procedure would have been required as directed by Circular SWSG5 1991 (DOCUMENT 200) and came into force on 1 April 1996.

Section 5B of the Social Work (Scotland) Act 1968 provides for Scottish Ministers by order to require local authorities to establish a procedure allowing a person to make representations or complaints about social work functions. Such an order was made - The Social Work (Representation Procedure) (Scotland) Order 1990 (SI 1990/2519).

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- A non-statutory complaint is one that is not a statutory complaint as defined in paragraph 7 of the above legislation.

Moray Councils complaints procedure from 1995-2002 follows the legislative framework from this time. (DOCUMENT 168)

Complaints procedures for foster care can be found in section 12.5 of the guidance for foster carers at that time. (DOCUMENT 19)

23 October 2002 - Scottish Public Services Ombudsman (SPSO) was established by the Scottish Public Services Ombudsman Act 2002.

2006 – Crerar Review proposed the introduction of standardised complaint systems across local authorities.

Public Services Reform Act 2010 gave SPSO authority to produce a model Complaint Handling Procedure (MCHP). Complaint Standards Authority (CSA) were SPSO branch responsible to implement this.

SPSO published MCHP published in 2011 and Moray Council introduced two policies in 2012. A Complaints Policy and a Social Work Complaints Policy (attached).

Accompanying the Social Work Complaints Policy was a Complaints Handling Procedure (DOCUMENT 170) and this included how SW complaints would be recorded on a database.

In 2012/13 The Local Authority Complaint Handlers Network (LACHN) was set up where complaint representatives from all councils meet quarterly with the CSA to discuss improvement of complaint handling across Scotland.

The LACHN and CSA agreed a set of 8 Performance Indicators that each council should report against. (Copy of 2016-17 Annual Report attached DOCUMENT 164)

Changes to social work complaints handling were brought about through the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016

The SPSO published the new Social Work MCHP on 15 December 2016 for adoption by all organisations under the SPSO's jurisdiction that deliver social work services by 1 April 2017.

16 January 2018 – P&R Committee approved new Moray Council's new Social Work Policy and Procedure ([DOCUMENT 202](#))

2018 – New Lagan complaints database introduced (attached) – Previous database archived in January 2020 for ICT reasons.

1 April 2020 – New Moray Complaints Handling Procedure to be introduced by 1 April 2021

We cannot see overall practice in responding to complaints at this time as these are stored in a closed archive. Please see part D for allegations made against foster carers at this time.

- b) Was there a particular policy and/or procedural aim/intention?
- c) Where were such policies and/or procedures recorded?

Please see document ([document Complaints procedure 1995 DOCUMENT 12](#))

- d) What did the policies and/or procedures set out on the following:
- e) Did the local authority adhere in practice to its policy/procedures in relation to complaints and reporting about foster care?
- f) Did the local authority adhere in practice to its policy/procedures on the following:

- i. **Complaints by children**

Complaints by children were mainly recorded by and processed by their social workers. There is evidence of children making complaints and these being investigated and followed through (see part D) there is some evidence of children making complaints and this not being formally followed – also see Part D.

- ii. **Complaints by foster carers**

Complaint's by foster carers are mainly logged either formally or these have been managed by way of front line resolution as outlined within section 12.6 of the guidance for foster carers ([DOCUMENT 19](#))

- iii. **Complaints by family members of children**
 - iv. **Complaints by third persons**
 - v. **Whistleblowing**
 - vi. **Support, including external support, for those who made the complaint or those who were the subject of complaint**
 - vii. **Response to complaints (including response by the local authority)**
 - viii. **External reporting of complaints**
 - ix. **When were the policies and/or procedures put in place?**

Please see section 12.5 of the guidance for foster carers ([DOCUMENT 19](#)) in relation to complaints and complaint handling – furthermore 12.6 included a section for consultation with management which provides a front line resolution option for expressions of dissatisfaction with the service. Please see document for the wider formal complaints process which is open to anyone who wishes to make a formal complaint.

The chief executive of the council and senior management responsible for complaints handling.

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

As national guidance came out and informed local policy and practices.

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

As and when required

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

Changes to the national requirements for complaints and complaints handling over time.

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

Changes as required by the law or policy developments – (DOCUMENTS 5, 12, 130, 158, 169)

(l) Why were changes made?

Social work policy changed from a historical process to the current process and is now to be incorporated in one Complaints Policy and Procedure

(m) Were changes documented?

(n) Was there an audit trail?

Yes, Policy and process changed as the law did. All changes were agreed by the Council at this time.

(ii) Moray Practice

- a) Did the local authority adhere in practice to its policy/procedures in relation to complaints and reporting about foster care?**
- b) How was adherence demonstrated?**
- c) How can such adherence be demonstrated to the Inquiry?**

Through annual reporting of complaints (publically, internally and to P&R Committee). SPSO referred matters to Audit and Scrutiny Committee

d) Were relevant records kept demonstrating adherence?

Yes

e) Have such records been retained?

The records are in an archive, the archive is currently inaccessible to staff. Relevant information has been retained in line with Moray council's retention policy.

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

Moray Council strived to adhere to policy/procedure and complied with SPSO recommendations where this wasn't the case. We report annually to Audit and Scrutiny Committee on any complaints referred to us from SPSO. We cannot evidence formal complaints practices were followed at this time as the archive is inaccessible. Where we have found evidence of allegations or formal complaints through our file reading processes this has been outlined within section D.

4.8 Internal Investigations

Answers for Local Policy and Moray Practice

- a) What policies and/or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?
- b) Was there a particular policy and/or procedural aim/intention?
- c) Where were such policies and/or procedures recorded?
- d) What did the policies and/or procedures set out on the following:
 - i. Approach to/process of internal investigations
 - ii. Identifying lessons/changes following internal investigations
- e) Did the local authority adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?
- f) Did the local authority adhere in practice to its policy/procedures on the following:
 - i. Approach to/process of internal investigations
 - ii. Identifying lessons/changes following internal investigations

1930-1996

Grampian 1988, p280

“INTERNAL AUDIT REPORTS

There was circulated and noted a report by the Chief Internal Auditor on internal audits carried out during the three month period ending 31 march, 1988, on a number of Social Work establishments and services.” **We are not told the details of the report or which establishments and services were audited.**

- iii. Implementation of lessons/changes following internal investigations
- iv. Compliance
- v. Response (to child and abuser)
- vi. Response to complaints (including response by local authority)
- vii. External reporting following internal investigations

Section 12.5 of the guidance for foster carers (DOCUMENT 19) discusses complaints made against foster carers. The document makes reference to an appendix (appendix 17) which was not part of the document we found. As a result of this we have isolated all allegations that we have found within our file reading and reviewed the files of the children who lived with these foster carers. With reference to part D we have followed a consistent process when concerns have been raised about carers.

Local policy

- g) Who compiled the policies and/or procedures?
- h) When were the policies and/or procedures put in place?
- i) Were such policies and/or practices reviewed?

The fostering team manager and the staff team.

The guidance for foster cares was developed in 1997

- j) Were such policies and/or practices reviewed?**
- k) Reviewed as national policy or practice review dictated**

As above

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

Nothing substantial within this time frame

- m) Why were changes made?**

As question (i)

- n) Were changes documented?**

They were written into new policy

- o) Was there an audit trail?**

Individual internal investigations were audited through foster carers reviews and where required taken to panel.

(ii) Practice

- a) How was adherence demonstrated?
- b) How can such adherence be demonstrated to the Inquiry?
- c) Were relevant records kept demonstrating adherence?
- d) Have such records been retained?
- e) If policy/procedure was not adhered to in practice, why not?

See above and Part D

4.9 Record keeping

Answers for **Local Policy** and **Moray Practice**

- a) **What policies and/or procedures did the local authority have on record keeping in relation to foster care?**

1930-1996

Prior to 1954, when cases of boarded-out children were discussed at Committee meetings, the details of individual cases would be recorded in the minutes. Post 1954 we see a change in the records of minutes. The individual special cases were discussed and decisions made, however the details for the individual cases were not recorded in the minutes.

Moray and Nairn Joint County Council Minutes, 1974, Vol1, p.272

10th May 1974

Finance Committee (Joint)

9. Local Authority Records

There was submitted a Scottish Home and Health Department Circular No. 17/1974 in regard to action to be taken by local authorities to safeguard local authority records with particular reference to the arrangements to be made on the reform of local government in May 1975. The Clerk stated that the local authority records of this County Council and Moray County Council had been catalogued under his supervision and were in a satisfactory condition. He also reported on discussions which he had had with the Grampian Local Government Consultative Committee on his subject and that his consideration was being given to the arrangements which should be adopted for the custody of local authority records on a regional and district basis.

It was agreed that the Clerk should submit a further report in connection with this matter when discussions with the Grampian Regional Consultative Committee are further advanced.

Grampian Regional Council Minutes 1974/75, p.269

Policy and Resources Committee

Distribution of Minutes – Libraries

There was submitted a letter of 24th February 1975 received from the City Librarian, Aberdeen, stating that he received the Minutes of Aberdeen City Council which were made available for consultation by the public on request before finally becoming material in the Local History Department. He asked if arrangement could be made to provide a set of the Regional Council minutes to date and copies of all future minutes.

The Committee agreed to recommend that Minutes be provided as requested to the City Library and to all main libraries in each District of the region.

Grampian Regional Council Minutes 1976/77, p.136 and every month

Social Work Committee

Statistical report – use of Children’s Homes

There was circulated and noted a statistical report by the Director of Social Work containing details of the accommodation situation in old people and children's homes.

Note: Monthly agenda item – later on decided to make this a quarterly agenda item

24th February 1977 – First recorded Quarterly report (report not submitted to minute)

Grampian Regional Council Minutes 1982/83, p.377

Grampian Regional Council Minutes 1984/85, p.142

17. Index Information Systems – Staffing Aberdeen City Division

The Committee considered a circulated report by the Director of Social Work stating that the implementation of the computerised Index/Information system has posed problems in deploying staff resources to meet the demands of the new system. After discussion the committee approved the appointment of 1.5 clerical typing staff for a period of six months at an estimated cost of £3,881 and recommended that the Manpower Services Department undertake a short study of the problem prior to the submission to the Manpower Committee and that the Finance Committee be requested to approve the transfer of funds in the budget from Care of Children to General Fieldwork and Administration.

Grampian Regional Council Minutes 1984/85, p.533

11. Access to information

There was circulated a letter dated 16 October 1984 from COSLA inviting comments by 16 November 1984 on the terms on an unsuccessful Private Members Bill entitled "Local Government (Access to Information) Bill".

After general discussion, the Committee agreed to inform COSLA that, while in general they were in favour as providing as much information as possible to the General Public about the Councils activities and allowing individual Council Members access to confidential information, they were opposed to particular provisions of the proposed Bill on the grounds that they lacked specification or that their implementation was likely to result in additional staff costs in making information available.

Grampian Regional Council Minutes 1986/87, p.769

9. Data Protection Act 1984 and Social Work Case recording

There had been circulated a report by the Director of Social Work on proposed changes in record keeping in the Social Work Department in line with recent thinking on the desirability of allowing clients open access to their records with restrictions only when absolutely necessary.

The Committee (1) agreed in principle, subject to adequate safeguards, to allow clients access to information held on them in the manual records systems in addition to their rights of access under Data Protection Act 1984 to information held in computer records, (2) approved the revision of the manual records system in line with the principles listed in the Directors report and (3) requested a report on the cost implications of these changes.

Grampian Regional Council Minutes 1987/88, p.634

6. Register of child care resources in Grampian Region

The Consultative Committee considered a report by the Chairman of the Children's Panel requesting that the Social Work and Education departments collate brief details of the child care resources within and out with Grampian Region to form a Resources Register which could be used by Panel Hearings and that this Register be updated periodically.

It was reported that a need for a national register had been raised by Children's Panels and Children's Panel Advisory Committees quite recently and the question was to receive further consideration by central government.

After discussion, the representatives of the Education and Social Work Departments undertook to pass descriptions of facilities for child care in the Region to the Chairman of the Children's Panel and to keep such information up-to-date.

Grampian Regional Council Minutes 1988, p274-275

Report circulated "indicating that the Access to Personal Files Act 1987 which required local authorities to allow members of the public access to personal information about them held on manually maintained Social Work or Housing records, was expected to be implemented in January, 1989. Pilot schemes for introducing a new recording system – Client Access and Ethical Recording (CASER) – had taken place in the Moray, Aberdeen and Gordon divisions and in the Health Care Division. Total costs for implementing CASER throughout the Region were estimated at £61,690 for the first year and £28,200 in each subsequent year. The committee approved the implementation of the new recording system subject to a final report on the legal requirement of the Act, and agreed 1) to instruct the Director of Social Work to report to the next meeting on whether some implementation costs could be met within the current year's budget, 2) to make provision in the 1989/90 revenue budget for implementation costs, 3) to make strong representations to COSLA that the cost of implementation be included in the Rate Support Grant settlement, 4) that a further report be submitted to the Committee after the first six months of operation of the system and 5) to request that a demonstration of the new recording system be given to the Committee at a future date."

Grampian Regional Council Minutes 1988/89, p.1316

8. Access to Personal Files Act 1987

With reference to Minute of Meeting of 18 August 1988 (Branch 25, p.274) there had been circulated a report by the Director of Social Work detailing the proposed policies and procedures by which her department would implement the requirements of the Access to Personal Files Act 1987.

After discussion the Committee approved the proposed policies and procedures, as contained within the report, pertaining to the recording system, access to personal files and the appeals procedure agreed,

- that the right to access to information recorded prior to 1 April 1989 should be granted only where such information was necessary to make intelligible the accessible personal information recorded on or after that date but that discretion should continue to be exercised to disclose information in appropriate circumstances,
- that a fee of £5 should be charged for processing formal requests for access and granted discretion to the Director of Social Work to waive the charge where appropriate, and
- That a report be submitted after one year on the numbers of applications and appeals made.

- b) **What policies and/or procedures did the local authority have on record keeping by foster carers?**
- c) **In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?**
- d) **What did the policies and/or procedures set out in relation to record keeping on the following:**

Section 8.7 – (DOCUMENT 209) keeping records in foster placements policies for why carers need to keep records and what should be recorded.

- a) **Did the local authority adhere in practice to its policy/procedures in relation to record keeping?**
- b) **Did the local authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?**
- c) **Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following:**
 - Staff had to keep good records of interaction with children and their families
 - Staff who worked with foster carers had to keep good and detailed records of their work with foster carers.
 - Foster carers had a folder issued called the diary and recording file within it they were expected to record the following: Appointments and planning for the child or young person, individual record which has various templates, financial recording and their training attended

The good practice in this area has allowed us to compile our response for the inquiry.

- i. **Children in foster care**
- ii. **Foster carers**
- iii. **Visits to children and foster carers**

Policy for visits to children and to foster carers are policed for within the legislation of this time and clearly cascades into local policy and practice. Files are well documented and clear to follow from this frame. Records clearly show that both children and their foster carers are being visited as expected in the policy.

- iv. **Complaints**

See 4.7 for complaints. Moray council cannot answer this in full as the practice documents are inaccessible.

- v. **Investigations (both internal and external)**

Files are well documented and investigations are evident and follow a process – see part D

- vi. **Discipline**

Policy for discipline is clear – where foster carers have deviated from this see above.

- vii. **Responding to requests from former children in foster care for information/records**

SAR and FOI requests are responded to promptly and within legal time frames.

viii. Other issues relevant to foster care

Local Policy

e) Who compiled the policies and/or procedures?

Team manager and the fostering team.

The first guidance we can track for Moray is 1997

f) Do such policies and/or procedures remain in place?

Yes but in an updated and contemporary form

g) Were such policies and/or practices reviewed?

As national policy and legislation changed.

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

As above

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

See timeline above

j) Why were changes made?

As per (h)

k) Were changes documented?

Yes. We have been able to track them in order to provide a response to this inquiry.

l) Was there an audit trail?

The expectations of what Moray Council expects in relation to record keeping has been clear.

Moray Practice

d) How was adherence demonstrated?

Through relevant record keeping processes.

e) Were relevant records kept demonstrating adherence?

Yes – as per file reads and reference document.

f) Have such records been retained?

In part, we have been able to access most practice frameworks from this time frame.

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

Overall files read well and demonstrate that policy was followed in relation expectation for practice.

h) Did the local authority undertake any review or analysis of its records to establish what abuse or alleged abuse of children cared for in foster care may have taken place?

As requested by the Inquiry. Individual reviews happened as expected.

i) If so, when did the reviews take place, what documentation is available, and what were the findings?

Foster carers were reviewed annually. At this time there was no overall audit of allegations of abuse.

j) How have the outcomes of investigations been used to improve systems, learn lessons?

k) What changes have been made?

l) How are these monitored?

This was not common practice for the authority at this time.

m) Did the local authority afford former children in care access to records relating to their time in foster care?

n) If so, how was that facilitated?

o) If not, why not?

Yes - former children have been able to access their records through the systems available – Moray Council has always offered a social worker to support people accessing their records. This person still works for Moray Council.

Please provide details of the types of any records currently held relating to the children in foster care in respect of the following:

- i. Children in foster care**
- ii. Staff with responsibilities for foster care?**
- iii. Foster carers**
- iv. Complaints**
- v. Investigations (both internal and external)**
- vi. Responding to requests from former children in foster care for information/records**

- i. Full child files
- ii. Staff details available
- iii. Foster carer files as far back as 1995
- iv. The complaints database was archived in and is currently inaccessible due to being archive on an instable platform.
- v. Records of investigations – see part D
- vi. As per policy