

## APPENDIX

### Part A – Background

#### 1. Characteristics

##### 1.1 History of the Local Authority

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

North Lanarkshire Council was formed in 1996 under the Local Government etc. (Scotland) Act 1994. The Council was founded as one of the 32 unitary authorities in Scotland with the responsibility to deliver public services in the area.

North Lanarkshire is one of 12 Council areas that previously fell within the boundary of the former Strathclyde Regional Council between 1975 and 1996. The area is largely made up from the Districts of Cumbernauld and Kilsyth, Monklands, Motherwell and the area around Chryston, previously a part of Strathkelvin District.

Strathclyde Regional Council was formed as one of nine local government regions in Scotland under the Local Government (Scotland) Act 1973 and came into operation in May 1975.

Prior to 1975, the area of North Lanarkshire fell within Lanarkshire, Dunbartonshire and Stirlingshire County Councils as created by the Local Government (Scotland) Act 1929.

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

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

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

North Lanarkshire Council has a statutory responsibility to deliver a wide range of public services. This includes social work services and the provision of foster care for children who reside in the local authority area.

North Lanarkshire Council assumed the statutory responsibility for the delivery of foster care for children from the former Strathclyde Regional Council. Likewise, Strathclyde Regional Council assumed the statutory responsibility from its predecessors, the former County Councils.

There are records held in archive that highlight in 1930 children were in foster care in North Lanarkshire Council area. This is documented in the Bothwell Parish Minutes in accordance with the Children Act 2008, under Part 1 – Infant Life Protection, Register of Guardians.

There are records held in archive that document the involvement of North Lanarkshire Council and its predecessors in the provision of foster care in the local authority area from this time to the present.

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

The information related to how the provision of foster care has changed and developed from 1930 is limited to the information contained in the minutes of the Burgh and County Councils prior to the formation of Strathclyde Regional Council.

Records held in archives highlight that in 1930 the local authority held a register of children boarded out and there are details of where children were residing and visits undertaken to these placements. There are entries in Burgh minutes which also highlight a role of the local authority was the provision of financial and practical support to children boarded out under the public assistance responsibilities held by the authority.

There are records which highlight the Committees of the Burgh and County Councils took account of the legislative and regulation changes which informed and shaped practice over time. This includes the Children Act 1948, the Children (Boarding-Out etc) (Scotland) Regulations 1947, the Children Act 1958 and the Boarding-Out of Children (Scotland) Regulations 1959. There are entries in the minutes in line with the legislative and regulatory changes, such as the appointment of Children's Officers, the formation of Children's Committees and the unification of matters related to children boarded out through the local authority being governed through these Committees. There appears to be an increased number of children boarded out in family placements from the middle of the century, a possible reflection on the recommendations from the Clyde Report in 1946 and family placements being identified as the preferred option and a move away from children being cared for in institutions.

It is noted in the minutes of the Lanark County Council from 1964 that there is an increased focus on debts, with specific details of the rent arrears which families in the area had accrued. This indicated those at risk of eviction and the council's consideration of support and co-operation between agencies to prevent eviction. Similarly, there are details of funding sought through the Committee to support the rehabilitation of children back to the care of their parents. This is a possible reflection of the enhanced duties on local authorities through the Children and Young Persons Act 1963 to take preventative action and make available advice, guidance and assistance to families to reduce the likelihood of children coming in to or remaining in the care of the local authority where rehabilitation was feasible.

The duties on local authorities to satisfy themselves that on the suitability of prospective foster carers also appears to have increased over time from the assessment of the physical environment to also including the assessment that prospective foster carers were of "good character" and also requiring all members of the foster family to be seen prior to placement. This is indicated in the Lanark County Council Minutes from 1967 which refers to communications about, and the adoption of procedures involving the supply of Police information to Children's Officers related to prospective foster carers.

Following the implementation of the Social Work (Scotland) Act 1968 foster care remained the responsibility of local authorities under the newly formed Department of Social Work and Social Work Committees which replaced the Children's Committee. This legislation also evidenced the formation of the children's panel, the legislative forum for children requiring statutory orders to govern their care arrangements. The focus of the authority appeared to continue to be on supporting families to enable children to remain in the care of their parents and if removed, consider and support where feasible children to be rehabilitated back to the care of their family. Supporting families to address underlying issues remained a focus through the provision of advice, guidance and assistance.

Records received from the archives for Strathclyde Regional Council indicate the council's stated prime objective in 1975 was to tackle the problems of multiple deprivation in its area and central to its vision was child-care.

A major and immediate challenge was bringing together children's services across what was the largest local authority of its kind in Europe. Its first priority was foster care.

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

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

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

In the same year the Social Work Department established a major initiative in Glasgow to establish sound and competent levels of service for children. This initiative included:

- concentration on in-service training
- development of sound child-care expertise in all area teams, and
- maximising the resources of major child-care agencies like the National Children Bureau.

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

Strathclyde Regional Council's vision of tackling the problems of multiple deprivation in its area and in particular its vision on child care was articulated in its strategic vision to transform the west of Scotland in a policy document - 'Social Strategy for the Eighties'. Central to the review was child-care and the recognition that some young people would require to be helped, supported and treated in a residential setting. This was followed by a review which spelled out the detailed policy implications for services, including child care. These were supported by various implementation strategies.

The Social Strategy was preceded by a 'Member/Officer' report on Child Care (1978) which considered the methods by which children in care are assessed as eligible for substitute family care and examined arrangements for the recruitment, assessment, support and deployment of foster parents.

The Officer and Member report led to a new strategy 'Home or Away': Residential Child Care for the Eighties' which highlighted the broad aims of residential care emphasising the rights of children 'to the best possible quality of care while in residential care'. The report looked at residential care within the context of a coherent set of values upon which all child-care facilities rely.

The values influenced a 'Homefinding' strategy which was based on the right of all children to family life – if not in their own family then with another.

The Home and Away strategy was followed by a number of supporting and implementation plans. These included:

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

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

- An outline of a forthcoming presentation on the needs of Strathclyde Regional Council, with respect to foster carers and the children in their care and the department's work in recruiting, supporting and retaining carers, and the concerns of foster carers
- A report on a draft Child Care Plan intended to form the basis of discussion and debate within the Department, with other statutory and voluntary agencies; with the consumers of departmental child care services and with elected members. Two main aims were to set a template for the identification of need and the development of services, and to provide an agreed set of criteria for the measurement of the quality of child care services. The need for services is addressed in four main areas
  - Support for children and families
  - Children and young people in care
  - Young people leaving care or supervision
  - Child protection

There are various documents that identified that within Strathclyde Regional Council there were a range of family based placements which were assessed, approved and monitored through the council. These included:

- Temporary and permanent Foster Carers who provided care to children who were not able to be cared for in their own family.
- Shared Carers, a scheme which appears to have been launched in some districts within the North Lanarkshire area throughout 1993 and 1994 as a service to support children and families where there were additional support needs through the provision of respite.
- Supported Carers who were a resource to support the region's Supported Accommodation Strategy for young people who had previously been in the care of the Regional Council.
- Link Carers Scheme, to support children to remain in the care of a relative when the child cannot be supported within the immediate family and to prevent the child being accommodated by the council. This was to provide assistance to children and families within the existing levels of preventative resources.

The child care provision and strategy from the former Strathclyde Regional Council transferred to North Lanarkshire Council and was adopted at the outset. The provision of foster care in North Lanarkshire has changed and developed over time in accordance with changes in legislation, statutory regulations and guidance, and local policy and procedures.

The North Lanarkshire Children's Services Plan for 2000 indicated that from the late 1990's the recruitment, training and support of foster carers was a focus for the council and this continued to be the case. This appeared to be within the existing structural arrangements whereby the assessment and support to carers was provided through the local teams and services across the council. The main objectives identified were:

- Increasing the numbers of approved carers and ensuring carers were offered adequate support

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- Continuing the development of a training programme for approved carers and encourage participation
- Ensuring placements were local to meet the particular needs of children as specified in their individual care plan.

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Prior to 2004 the regulation of fostering and adoption services were monitored internally through social work departments. Since 1 April 2004, in line with the Regulation of Care (Scotland) Act 2001 and associated subordinate legislation, the Council's fostering and adoption services have been regulated and registered with the Care Commission and successor organisations through to the current arrangements under the Care Inspectorate.

Following a review of the council's provision of fostering and adoption services, proposals were put to the Housing and Social Work Services Committee in 2007 regarding the redesign of children and family services, with a particular focus being on children's carers services and associated training and development. The review took account of the legislative development, national care standards, and recommendations made by the Care Commission following inspection of both registered services in August 2006. This review resulted in three separate teams within the council being brought together in a centralised service to oversee and manage the council's Corporate Parenting Services.

In 2008 the vision in North Lanarkshire for all children was in line with the national vision for children that underpins the implementation of Getting it Right for Every Child, namely children should be; confident individuals, effective contributors, successful learners and responsible citizens. Improving and achieving positive outcomes for children and the use of the SHANARRI indicators informed the assessment and planning framework for child care services.

Corporate Parenting Services included residential care services, fostering and adoption services with the aim of providing children and young people with a stable home, to help them develop appropriately, return home where this is an available option or to achieve their full potential and prepare for independent living if a return home is not a suitable option.

Corporate Parenting Services aimed to;

- Provide a nurturing home environment for all children and young people to ensure healthy development.
- Encourage healthy development through age appropriate approaches to children and young people
- Encourage children in care settings to experience as ordinary a life as possible
- Maintain family contacts and friendships for children and young people in their care
- Encourage learning and achievement for children and young people in areas appropriate to their interest and abilities
- Work to increase the engagement of children and young people in school, including out of school activities

In 2002, to support children's educational achievements and emotional health, LAAC (Looked After and Accommodated Child) teachers were appointed and there was the creation of a specialised health team within CAMHS (Child and Adolescent Mental

Health Services) for looked after children. There were also improved links with housing services to support transitions for young people.

It is recognised that there has always been the use of extended family members and close family friends to support children when they have not been able to be cared for by their parents, through what is known today to be formal and informal kinship care. There is evidence dating back to 1930 of the council's involvement in such caring arrangements as previously noted. There has been the provision of practical and financial support provided in certain circumstances to the carers of children boarded out, albeit the arrangements around this are not clear until more recent times, such as through the provision of link carers allowances and financial assistance to kinship carers.

North Lanarkshire Council implemented new Kinship Care Guidance in 2010. This took account of the national strategy 'Getting it right for every child in kinship and foster care' which was launched by the Scottish Government in December 2007 and the Looked After Children (Scotland) Regulations 2009. The purpose of the guidance was to advise staff of the procedures in respect of:

- approving kinship carers
- assessing the need for support and/ or financial assistance

The guidance sought to reflect the national strategy, ensuring kinship carers were:

- recognised as equal members of the team responsible for the child or young person
- provided with training and development opportunities
- provided with improved status
- provided with short breaks from caring

Although the new guidance was implemented in 2010, financial support was backdated to relevant kinship carers to 1 April 2008.

This guidance also evidenced the first multi-agency kinship care approval panel in the council. Assessment and approval at panel was required for all kinship carers where social work was instrumental in placing the child and there was a statutory order in place naming the placement. If the child was resident on a voluntary basis under S22 or S23 of the Children (Scotland) Act 1995, local teams would ensure the suitability of the placement, unless regular financial support was sought and in such instances, these assessments would also go to the kinship care panel for approval.

The guidance has since been reviewed to reflect legislative changes and associated policy and procedural changes. For example, updates to reflect the Children and Young People (Scotland) Act 2014 and the introduction of the "new rules" in October 2015, whereby a person can be considered as qualifying for kinship care assistance where they have obtained a residence order (kinship care order) in respect of an "eligible child", and associated policy and procedural changes, such as achieving parity of financial and practical support for kinship carers to that received by foster carers. The council's kinship care procedures have been updated April 2014, November 2016, May 2017, and September 2019.

## 1.2 Funding of Foster Care

### Past

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

The provision of foster care and the associated operations and activities were funded solely through North Lanarkshire Council and the organisational predecessors.

North Lanarkshire Council and Strathclyde Regional Council funding was derived from National Government which provides a block grant to Local Authorities. This amounts to the vast majority of the funding, around 85% of the net revenue expenditure, with the remainder funded largely from local taxation. Social Work Services, including foster care was funded from the organisation's general budget.

Prior to Strathclyde Regional Council, foster care services were funded through the relevant County Councils in a similar manner.

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

During the time of the County Councils and until Strathclyde Regional Council, there is limited information held in archive to inform what, if any funding was provided by the local authority to other organisations for the purposes of the provision of foster care.

In April 1976 the Social Work Committee of Strathclyde Regional Council approved recommendations of the Convention of Scottish Local Authorities (COSLA) regarding the supervision of children placed in other regions. Due to the lack of staff resources, it is noted that many authorities were unable at the time to accept responsibility for the supervision of Strathclyde Regional Council children. The Western Isles Council offered to do it for a fee of £100 a year. The same arrangements were to be made with other receiving authorities when they were in a position to accept similar responsibilities. Due to the lack of staff resources, many authorities were unable at the time to accept responsibility for supervision of Strathclyde Regional Council children in their area.

In 1985 a report on the Emergency Foster Care Scheme records that the Department was spending £360,000 of the Fostering Budget on Special Fostering Placements with voluntary bodies. There is no additional information regarding these placements held in North Lanarkshire Council archives, however, there may be additional information held in the Strathclyde Regional Council archives retained in the Mitchell Library.

In addition to North Lanarkshire Council directly providing registered fostering services to children in the area, the local authority has purchased the provision of fostering services from independent and voluntary sector fostering services. Records indicate that independent foster placements were purchased in 1999 and continue to be used by the local authority at present. The figures for purchased placements vary through

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time dependant on need. In March 2020, there were 66 children from North Lanarkshire who were in the care of independent sector foster carers, at a weekly cost of £58,700.31.

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

There is limited information held in archives prior to 1976 to inform of any details around the provision of funds or any criteria applicable to other organisations for the provision of foster care services on behalf of the County Councils.

North Lanarkshire Council holds limited information in archives relating to the time of the former Strathclyde Regional Council, these records are retained by the Mitchell Library, the record keeper for the former regional council.

Information provided from the Mitchell Library suggests that in April 1976 the Social Work Committee of Strathclyde Regional Council approved recommendations of COSLA regarding supervision of children placed in other regions. It was agreed that Strathclyde Regional Council would continue to be responsible for fostering allowances for children out with their area, paying it either directly or on an agency basis as per the receiving authority.

The arrangements for supervision were that:

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

During the time of North Lanarkshire Council, Service Contracts were set up between service providers and the council through the council's Quality Assurance team. This contract are supported by Independent Placement Agreements / letter which details the specific placement arrangements for the children being placed. The Quality Assurance team would be involved in the monitoring of services provided through the independent or voluntary sector and would receive a quarterly return around independent placements to support the monitoring process.

In 2008, Scotland Excel was established as a centre of procurement expertise funded by the 32 local authorities in Scotland. Scotland Excel established a Framework Agreement for Fostering and Continuing Care Services. Progressively, the majority of the council's independent fostering services have been purchased in accordance with this framework and monitored in accordance with the associated monitoring framework.

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As noted above, independent placements have been purchased from registered fostering services by North Lanarkshire Council since at least 1999. This includes services purchased from the following providers; Bernardo's, Carevisions Fostering Ltd, Foster Care Associates Scotland, Foster Plus, Fostering Relations Ltd, National Fostering Agency (Scotland) Ltd, Quarriers, SWIS Foster Care Scotland Ltd and The Adolescent and Children's Trust (TACT).

Independent foster care services have been purchased by North Lanarkshire Council when there have been no suitable placements available to meet demand or when there has been a specific identified need which was not able to be met through the council's approved foster carers. Placements would only be purchased through approved and registered service providers. The care plan for the child and matters related to the placement would continue to be the overseen through the child's social worker and their looked after and accommodated reviews, this remaining the responsibility of North Lanarkshire Council.

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

No information has been located in relation to the extent financial state support was available to foster carers, how they were made aware or accessed such financial support prior to 1975.

It is documented that advice was given to foster carers in relation to state support available to them and the affect of the fostering role and allowances on any entitlement to benefits. This is noted in the foster parent handbook published by Strathclyde Regional Council in 1976.

Foster carer's financial circumstances are understood to have been discussed during the foster care assessment from the time of Strathclyde Regional Council onwards. Financial circumstances and stability are considered in the ongoing support role between social workers and carers. This included the entitlement to state benefits.

Within the time of North Lanarkshire Council foster carers have been able to access advice and support from the council's financial inclusion team to clarify benefits entitlements and ensure income maximisation. In line with the councils tackling poverty strategy, and to enhance this support and encourage take up, from 2018/19 social workers in the council's carers team started to offer all foster carers a financial assessment as standard practice on an annual basis.

If a child placed with a foster carer was entitled to state benefits, such as Disability Living Allowances or Personal Independence Payment, this would be applied for through a combination of the foster carer and/ or the child's social worker. This may open up an entitlement to the associated carer allowance and again foster carers would be supported to make an application if appropriate.

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

It is documented that there have been arrangements in place in relation to financial support to carers of children boarded out from the North Lanarkshire area since 1930. The County Council and Burgh minutes for the area evidence the role of Committees and Children's Officers in the financial and practical support for children boarded out in family placements. There is less clarity around the specific criteria and arrangements of financial support the further back in time the archives are reviewed.

There are entries noted in the Bothwell Parish records dated 1930 in the Register of Guardians which details financial payments for children boarded out. This is noted under "terms agreed upon". The amount of money recorded is varied for each child and there is no further information regarding the basis for the sum stated or the arrangements around payments.

Similarly, in the minutes of the Burgh of Motherwell and Wishaw, under Public Assistance – Scales of Relief, Ordinary Poor dated 1930, there are entries regarding children boarded out with relatives and boarded out with strangers, whereby weekly financial support was provided through the council. There are additional entries for children boarded out between 1930 and 1934 for whom responsibility for financial support was "chargeable" to the Burgh of Motherwell and Wishaw, for children placed both within and out with the area. There are further entries detailing support to children boarded out for the provision of clothing and footwear.

In the 1952 Motherwell and Wishaw Town Council minutes there is an entry detailing the weekly rate of financial allowances to be paid to foster parents for children in their care. There are subsequent entries in the minutes that suggest the weekly rate of allowances were reviewed regularly through the Town Council. This is documented in a similar manner in the minutes viewed from the Burgh of Airdrie throughout the 1950's and 1960s. In addition, there are entries noting that each child boarded out and "chargeable" to the Town Council should receive a Christmas gift funded through the council.

It is evident in the Burgh minutes that legislative and regulation changes were being taken in to account by Committees to inform local practice. There are entries related to the Children Act 1948 and the appointment of Children's Officers, the Children (Boarding Out etc) (Scotland) Regulations 1947, the Children Act 1958 and the Boarding Out of Children (Scotland) Regulations 1959. It is apparent from the minutes that following the appointment of Children's Officers in each area, this post provided a crucial link between practice and governance in the Burghs, reporting at each meeting on the boarded out children from the area.

It is unclear what criteria was used for payments made to carers, but there appears to have been a scale operated based on the age of the child boarded out. There is an entry in the minutes from the Burgh of Airdrie in 1959 whereby the Children's Officer raised the issue of continuity of payments for boarded out children. It is unclear if this was a drive to seek continuity in the county or nationally through a proposal made by the Association of Children's Officers and their communications with the Scottish Home Department which is referenced in the entry.

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The Lanark County Council Minutes highlight that on 20 April 1961 the Children's Officer had written to the Children's Committee recommending an increase in the weekly flat rate payment made in respect of each child boarded out with foster parents. This was approved with the recommendation of the continuation of the existing arrangements for pocket money and costs of school meals.

There are some manual records of the Boarding Out Register for the Burgh of Airdrie held in North Lanarkshire Council archives related to some children who were in the care of the Burghs, including those boarded out with foster parents. This also highlights regular payments that were made for children in an area from 1966 – 1970.

The Lanark County Council minutes from 14 January 1971 document details in a report submitted to the Social Work Committee by the Director of Social Work regarding the boarding out of children allowances. This seeks a review of the rates of payment made with recommendations. It is noted that there are different rates paid dependant on the age of the child. The Director sought that in addition to the increase in the rate of payment made, that a fee be paid to foster carers when their accommodation was not in use. These proposals were approved along with a range of additional financial support allocations for the following; weekly pocket money, annual clothing grants, special items, school meals, travel expenses for school, birthday and Christmas gifts, incidentals and holiday expenses.

The Strathclyde Regional Council Foster Parent Handbook (undated) states the general principle in which fostering allowances (sometimes called boarding out allowances) are based is that they should cover the cost of maintaining a foster child and these are increased each year by the council to take account of inflation. This handbook also outlines how foster parent allowances affect state benefits and entitlements related to the child being cared for and foster parent's own family.

The foster care handbook from Strathclyde Regional Council in 1976 stated that foster parents have the right to a weekly maintenance allowance for children in their care, and other financial help to minimise out of pocket expenses.

The child's social worker would explain the procedure for receiving extra help where this was an identified need. This might be in the form of enhanced allowance for difficult children or in special circumstance. There were also discretionary payments which were paid on application. Allowances to which foster parents had a right include payment for school uniforms, extraordinary travelling expenses for attending a hospital, and allowances which help the child develop any special interests or talent. An example of the latter was documented in 1975/6 when it was agreed that a boarded-out/foster child was awarded a place at the London School of Ballet. The fees of £12000 were paid by the Education Department.

Other grants include Christmas; birthdays, holiday grant, also other costs; travel to hospital; provision of tools for work; playgroup fees, sports or youth club.

Strathclyde Regional Council foster guidelines 1985/6 confirm details of a revised approach to allowances:

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- standard fostering allowances are all inclusive, and as well as maintenance, they include a sum for clothing, holidays, birthdays and Christmas expenditure
- enhanced allowances, Director of Social Work has authority to pay up to double the weekly fostering allowance for children with special needs
- discretionary allowances for special purchases, e.g. music lessons or instruments, dancing lessons, horse riding club uniforms (e.g. Girl Guides)

North Lanarkshire Council adopted the scheme of allowances from Strathclyde Regional Council until review in 1998. Proposals were made and approved by North Lanarkshire Council Social Work Committee for implementation of a new scheme from 1 April 1998. The allowances scheme made changes to address inequalities observed in the existing allowance scheme, which required many carers to make requests for enhanced or discretionary payments. The new scheme sought to standardise the method of paying foster carers in recognition of the more complex tasks involved in caring for children of all ages, particularly noting the complexities in caring for children over 12 years. There were subsequent increases sought for allowances and approved through Committee in line with COSLA recommendations and inflation. Annual reviews of allowances continued on this basis until 2006/2007 when COSLA stopped making recommendations. After this time, the council identified increases in allowances taking account of recommendations made through The Fostering Network.

There was a significant change to the scheme of allowances in North Lanarkshire in 2006. The council implemented a competency scheme for foster carer at that time and this remains in place to date. Approved foster carers receive a weekly allowance to cover the cost of caring for the child and a fee, based on competency level in recognition of the service provided. Supported carers receive a set allowance in recognition of their carer role.

In addition to the above allowances and fees, foster carers receive financial support to purchase the necessary equipment and items required to care for children and travel expenses. In addition, discretionary payments can be requested by either the social worker for the carer or the child for additional payment to support the placement or the child directly. Foster carer membership to The Fostering Network is encouraged and the council pays for the membership of carers.

To support the recruitment and retention of foster carers there have been local and national campaigns which have run and been supported in North Lanarkshire. For example, a three year initiative supported by the Scottish Executive funding to improve fostering services from 2006 – 2009. This made available additional funds to the council to support improvement in three areas:

- Recruitment of foster carers
- Retention of foster carers
- Increased placement choice

The strategy developed in the council targeted these priorities. This included a review of the allowance scheme for foster carers and access to additional funds to purchase larger items that would support their caring role.

A memo from Strathclyde Regional Council in December 1994 referenced the Child Care Sub Committee of 1 December 1994 and discussion related to the council's Link Carers Scheme. This highlights that approval was given to implementation a Link

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Carers Scheme by the Committee on 4 March 1993. It is noted that due to financial constraints the scheme was not fully implemented and the Committee were asked to introduce the scheme with effect from 11 December 1994 and approve the revised method of determining payments, further details were not provided in the report.

A North Lanarkshire Council Social Work (Operations and Services) Sub Committee report from 10 August 2004 was tabled to update the Committee on the position in relation to the link carers scheme and advise on developments in relation to kinship care. The background to the scheme described that some children and young people were not able to be safely cared for by their parents and would continue to have the opportunity to family life in the community, living with extended family. It states that North Lanarkshire Council adopted the link carer scheme which was previously in operation under Strathclyde Regional Council. It is noted that the Association of Directors of Social Work and Scottish Executive were reviewing support and payments to related carers. Kinship care was on the political agenda and there was a recognition that there was significant variations across the country in how relatives caring for children were recognised and supported. Change was being sought to ensure continuity of response and financial support via relevant agencies.

A further report from 22 February 2005 was tabled to advise Committee of the work being undertaken to review the department policy in respect of Link Carers and Kinship Care. This noted that there were 93 children who were regarded as residing with link carers at an annual cost of £172,600.00.

North Lanarkshire Council Kinship Care Procedures were implemented in 2010. Kinship care allowances in 2010/ 2011 were paid to formal kinship carers at 50% of the allowance paid to foster carers, minus child benefit. Payments were back dated to April 2008 for existing carers. It is noted that there continued to be informal kinship carers supported financially by the council at that time. Subject to application for Legal Aid, financial support could also be made available to kinship carers to support their application for a Residence Order when permanent care was sought for a child.

Following agreement being reached between the Scottish Government and COSLA in August 2015 for the alignment of kinship care allowances to that of foster care allowances, minus relevant benefits, the council adopted this rate of payment to formal kinship carers from October 2015.

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

Financial support was provided to foster carers through local government. As previously noted in 1.2 (a) and (c) this was provided to foster carers in the form of allowances paid in respect of the fostering role and children placed with carers.

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

Although there is documentation regarding the financial support made available to foster carers prior to Strathclyde Regional Council, it is not clear how foster carers were made aware of this.

It is understood that during the time of Strathclyde Regional Council foster carers were made aware of financial support through the application and recruitment process, publicity campaigns, and foster care handbooks. A leaflet on the fostering allowance scheme was sent out at every change of levels or levels of allowances paid through the council. The foster parent handbook (undated) has sections which details the financial support and items required to support the foster carer in their caring role.

Similarly, North Lanarkshire Council made foster carers aware of available financial support during the application, preparation and recruitment process. There are details of the practical and financial support available to foster carers from the council and state benefits in the Foster Care Handbook issued to carers. The handbook contains a section on allowances, feed and expenses. There are further sections on the effect of allowances and fees on tax credits and benefits and entitlements to state benefits for the child. Any changes to the foster carer allowance scheme would be discussed verbally by the allocated social worker and in formal communications to foster carers. Foster care allowances are paid on a regular basis to carers directly to their bank account. Requests for additional financial support would be paid to the foster carers account alongside their regular allowances, unless required more urgently.

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

As noted in 1.2, foster carers could access financial support for set up costs or to purchase and update household items and equipment to support a child coming in to placement. In addition, discretionary payments to support the foster carer in their role and/ or support children in placement were available.

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

There is no information to suggest that the funding provided through the council to foster carers was not adequate to properly care for the child. It is noted that the financial support made available to foster carers has been in line with the recommendations made by COLSA and inflation for a number of years and until 2006/2007. Since this time, account was taken of the recommendations made by The Fostering Network and inflation when reviewing the rates of allowances paid. In addition, there has been the availability of additional financial support available to carers on a discretionary basis to supplement the standard allowances paid.

- j) If not, why not?

N/A

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Present

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

Yes

- l) If so, please give details.

“Continuing Care” is a legal term established by section 67 of the Children and Young People (Scotland) Act 2014. It inserts a new section 26 (A) into the Children (Scotland) Act 1995 and places local authorities under a duty to provide continuing care.

If a young person is eligible, they can remain in their foster care placement up to 21 years. Financial support is available to foster carers in accordance with the council’s Continuing Care Procedures. Similarly, if the young person continues to reside with their kinship carer, there is an eligibility of ongoing financial support to the kinship care up to 21 years.

### 1.3 Legal Status

#### (i) Local authority

Past

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

Poor Law (Scotland) Act 1845  
Youth Offenders Act 1901  
Children Act, 1908  
Mental Deficiency and Lunacy (Scotland) Act 1913  
Education (Scotland) Act 1918  
Local Government (Scotland) Act 1929  
The Children and Young Persons (Scotland) Act 1932  
Poor Law (Scotland) Act 1934  
Children and Young Persons (Scotland) Act 1937  
Mental Deficiency (Scotland) Act 1940  
Children Act 1948  
National Assistance Act 1948  
Education (Scotland) Act 1946  
Children Act 1948  
Criminal Justice (Scotland) Act 1949  
Children Act 1958  
Mental Health (Scotland) Act 1960  
Education (Scotland) Act 1962  
Social Work (Scotland) Act 1968  
Children Act 1975  
Education (Scotland) Act 1980

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Foster Children (Scotland) Act 1984  
Children (Scotland) Act 1995  
Adoption and Children (Scotland) Act 2007  
Children's Hearings (Scotland) Act 2011  
Children and Young People (Scotland) Act 2014

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

In addition to the requirements of the legislation identified 1.3 (i)(a) above, North Lanarkshire Council was required to meet the requirements of the following:

The Children and Young Persons (Scotland) Care and Training Regulations 1933  
The Children (Boarding Out etc.) (Scotland) Rules and Regulations 1947  
The Boarding Out of Children (Scotland) Regulations 1959  
Access (Notice of Termination and of Refusal) (Forms) (Scotland) Order 1983,  
Boarding-out and Fostering of Children (Scotland) Regulations 1985,  
Foster Children (Private Fostering) (Scotland) Regulations 1985,  
Social Work (Representations Procedure) (Scotland) Order 1990,  
Arrangements to Look After Children (Scotland) Regulations 1996,  
Emergency Child Protection Measures (Scotland) Regulations 1996,  
Fostering of Children (Scotland) Regulations 1996,  
Refuges for Children (Scotland) Regulations 1996,  
Children (Reciprocal Enforcement of Prescribed Orders etc. (England and Wales and Northern Ireland) (Scotland) Regulations 1996,  
The regulation of Care (Scotland) Act 2001  
The Regulation of Care (Requirements as to Care Services) Scotland Regulations 2002  
Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003.  
Looked After Children (Scotland) Regulations 2009,  
Adoption Agencies (Scotland) Regulations 2009,  
Children's Hearings (Scotland) Act 2011 (Child Protection Emergency Measures) Regulations 2012  
Children's Hearings (Scotland) Act 2011 (Compulsory Supervision Orders etc.: Further Provision) Regulations 2013,  
Children's Hearings (Scotland) Act 2011 (Movement Restriction Conditions) Regulations 2013,  
Children's Hearings (Scotland) Act 2011 (Transfer of Children to Scotland - Effect of Orders made in England and Wales or Northern Ireland) Regulations 2013,  
The Looked After Children (Scotland) Amendment Regulations 2014  
The Support and Assistance of Young People Leaving Care (Scotland) Amendment Regulations 2015  
Aftercare (Eligible Needs) (Scotland) Order 2015

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

Yes, there are occasions when the local authority was required to accommodate children following decisions made through proceedings at Court or a Children's

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Hearing and there were occasions when children would be accommodated on a voluntary basis with the consent of the child's family.

**Present**

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

**No**

- e) If so, please give details.

**(ii) Foster carers**

**Past**

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

Foster carers were approved in North Lanarkshire Council in accordance with Section 22 of the Looked After Children (Scotland) Regulations 2009. Prior to this foster carers were approved under similar provisions such as the Fostering of Children (Scotland) Regulations 1996, Boarding Out and Foster Children (Scotland) Regulations 1985 and Children (Boarding Out etc.) (Scotland) Rules and Regulations 1947.

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

**N/A**

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

The legal basis that authorised foster carers to become responsible was through their approval as foster carers in accordance with the statutory regulations.

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

Yes, the Looked After Children (Scotland) Regulations 2009 outlines the matters and obligations to be covered in the foster placement agreement between the carer and fostering service, the council. The 1985 and 1996 Regulations contained a similar provision.

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

Yes

Present

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

No

g) If so, please give details.

#### 1.4 Legal Responsibility

(i) Local authority

Past

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

Yes

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

The legal responsibilities are those set out in the relevant statute and regulations that pertained to the time and are as detailed above in section 1.3 (i)(a) and (b).

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

The parents of children who were in the care of the local authority retained their parental responsibilities unless were removed by order of the Court. Similarly, any other person who by court order had obtained and retained parental responsibilities for a child prior to them becoming looked after and accommodated by the local authority, would continue to hold these responsibilities.

If the local authority purchased a foster care placement through an independent registered foster care service, there would be responsibilities on the foster carer and the registered fostering service as the provider.

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

Dependant on the legal route that a child came in to the care of the local authority, parents or other people who hold parental responsibilities would retain all or some of these responsibilities.

If a child was accommodated on a voluntary basis, with the consent of the parent, the parent would retain full parental responsibilities and parental rights.

If a child was accommodated subject to a compulsory supervision order or child protection order under the Children's Hearing (Scotland) Act 2011, parents would retain their parental responsibilities, but could not exercise their rights, except within the terms of the relevant order. Prior to 24 June 2013 when the Children's Hearing (Scotland) Act 2011 came into force there was a similar provision under the Children (Scotland) Act 1995 and the Social Work (Scotland) Act 1968.

If a child was accommodated in terms of a parental rights resolution under the Social Work (Scotland) Act 1968 or a parental rights order, which replaced the resolution under the Children (Scotland) Act 1995, all parental responsibilities and rights would be removed from parents and transfer to the local authority. Through the enactment of the Children's Hearing (Scotland) Act 2011, parental rights order was replaced by a permanence order. This transferred the responsibility and right of parents to determine where the child would reside to the local authority. The remaining responsibilities and rights could remain with the parents, or may in part, or whole be removed from the parents and be transferred to the local authority and/ or another individual, such as a foster carer. This would be determined through the decision of the Court.

When the local authority purchased foster placements from the independent sector, placement are required to be from a registered fostering service and the service and it's foster carers would have responsibilities, in accordance with the individual placement agreement and the Looked After Children (Scotland) Regulations 2009.

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

N/A

Present

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

No

g) If so, please give details.

N/A

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(ii) Foster carers

Past

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

Yes

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

Foster carers have legal responsibilities as outlined above in section 1.3 (ii)(d).

The Adoption and children (Scotland) Act 2007 introduced permanence Orders for children when it was assessed the children were not returning to the care of their parents. Local Authorities could apply for a permanence order, transferring the mandatory provisions of parental right and responsibilities to the council. There are occasions when ancillary provisions could be shared with the foster carer for the child.

Present

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

No

- d) If so, please give details.

N/A

1.5 Ethos

Past

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

The council's functions, ethos and/ or objectives in relation to the foster care service provided for children were strongly linked with the relevant statutes and regulations that pertained at the time.

The information that pre dates Strathclyde Regional Council is very limited to be able to provide a definitive answer from the era of the County Councils on any wider perspective of function/ ethos and objectives.

It is apparent however from the Burgh and County Council minutes that the council recognised the evolving function, ethos and/ or objective regarding foster care services.

In the 1930s there are records which indicate the council's role in the registration of children boarded out, the provision of financial support and inspection visits to placements undertaken by council officers.

In accordance with the Children's Act 1948 child care services came under the responsibility of the Children's Committee. In the late 1940s and in to the 1950s there are details in the Children's Committee minutes of the Burgh and County Council that indicate adherence to legislative and regulatory developments in 1947 and 1948 which were designed to raise the standard of care that was provided to children, including foster care. Similarly, in the Committee Minutes of the Burgh of Airdrie in 1967, there is reference to a circular reminding local authorities of their responsibility to ensure foster carers are of "good character" to be able to look after children before they are placed.

At that time, there appeared to be a preference for children to be accommodated in family placements as opposed to large residential establishments. There are entries in the minutes which indicate children moving from residential establishments to foster placements, as well as children being boarded out from the outset with foster parents.

There are entries in the minutes viewed which indicate various local developments in line with legislation and regulation, such as;

- Greater scrutiny to ensure the suitability of foster carers.
- Continued review and setting of foster parent allowances.
- Ongoing regular financial support in the form of foster parent allowances.
- Increased co-ordination of visits undertaken by children's officer and Councillors to check the ongoing suitability of placements for boarded out children placed within and out with the County and report to the Children's Committee.
- The appointment of children's officers to implement the requirements of legislation and regulations in to practice and report to the Children's Committee.
- Children's plans were overseen by children's officers who reported to the Children's Committee on plans and any changes.
- The children's officers also oversaw the financial and practical support of young people transitioning into adulthood and into employment or training.
- The Children's Committee, with the support of the children's officer oversaw the collection and enforcement of parental contribution for a child in the care of the County Council.
- The Children's Committee, with the support of the children's officer made decisions about the longer term plans for children, including assumption of parental rights for children, the approval of plans for adoption and considering requests made to adopt by a child's foster carer.

Towards the late 1950s and progressing through the 1960s there was increased emphasis placed on prevention and the provision of support to families to assist addressing underlying issues to prevent the need for children being accommodated and where feasible, if this did occur to support children to return to the care of their

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parents. There are entries that indicate this occurred, not only through the support of Children's Department, but through the Children's Department working across services and other agencies, such as housing, social security and utility providers to address practical and financial issues impacting on family unification. There is a notable increase in entries in the minutes from 1963 to indicate the increased emphasis on child welfare at home, prevention and rehabilitation where feasible with practical and financial support.

There was an apparent focus on improving the standard of foster care through both vetting and supervision by the Burghs and County Council. A Committee minute from the Burgh of Airdrie 1959 (p.334) stated the need for assessments to be undertaken about the child's suitability to be boarded out, including medical and dental examinations for the child. Also, the suitability of foster parents and foster homes highlighted the expectations for visits and reports thereon, supervision and termination of boarding out and records to be maintained and information to be exchanged by responsible authorities. This is also evident in the Children's Committee minute for Lanark County in 1968 (p.1908) when reference is made to the increased checks in relation to the council assessment of the suitability of prospective foster parents and their family and seeing all household members prior to placement. It was acknowledged that this was not possible in all circumstances. To support children's officers to be satisfied that in all practicable ways as to the suitability of prospective foster parents that they were of "good character", and in all respects suitable to look after children a procedure was noted to have been endorsed for the supply of Police information to children's officers for the purpose of assessment. The Motherwell and Wishaw Burgh minutes (1969 p.449), details that the Committee sought reassurance of appropriate checks in response to a Social Work Services Group circular referring to a foster father who had been convicted of the abuse of a child in his care. The children's officer and medical officer confirmed adherence to regulation.

From the 1960s some boarding out registers have been located that cover the Airdrie area of the county and document the details of children in accordance with regulation. These also appear to demonstrate a correlation to boarded out children referred to by their reference number in communications documented in the Children's Committee minutes.

The introduction of Children's Panel through the Social Work (Scotland) Act 1968 detailed the role for the local authority in providing information and reports to children's panels for children considered to be in need of compulsory measures of care, including for children in foster care. Similarly, if children were considered to require compulsory measures of care, children's panels could make a supervision requirement, naming a foster placement as a child's placement amongst other measures. The local authority where the child was deemed ordinarily resident had responsibility for the supervision and implementation of such supervision requirements. The provision of such information and reports, and the implementation of supervision requirements were core to child care practice, including for children in foster care.

During the time of the former Strathclyde Regional Council, there is information in a report to Committee: Child Care Action Plan in 1994 and within the introduction states the remit of the council's work with children and their families in accordance with its legal responsibility and "duty to promote social welfare by making available, advice,

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guidance and assistance on such as scale as may be appropriate for their area and in that behalf to make arrangements and to provide or secure the provision of such facilities (including the provision or arranging for residential and other establishments) as they may consider suitable and adequate”.

This report also reflected on the legislative framework from 1975 which founded the principles of the previous child care policy in the council. This included, to safeguard and promote the welfare of the child throughout childhood; and as far as practicable ascertain the wishes and feelings of the child regarding decisions and give due consideration to them, having regard to their age and understanding.

The organisation identified a number of principles for practice from the above legislative principles, including;

- A child's needs and welfare are usually best met within its own family within its own community
- Only when community resources have been tried and failed will consideration be given to reception into care. Children and families should continue to be supported to promote a return home as soon as practicable. When in care there should be reviews in timescale to prevent drift in care.
- The care provided should be of a consistently good standard, physically, emotionally and should be in a part of a continuum of care, including residential, fostering, adoption and supported care.
- When rehabilitation is not feasible, permanent plans for the long term care of the child should be determined.
- There should be a clear strategy for residential care incorporating the quality and standards of staff and buildings.
- Young people should be prepared, advised and assisted in their preparation for leaving care, and should have access to a range of resources.
- There should be a multi-disciplinary approach to supporting children.

The council recognised the crucial role that the individual 'child care review' process had in supporting children's needs and plans and this appears to have been particularly apparent in the early 1990s. In 1994 Strathclyde Regional Council revised the operational procedures for their child care review system. This highlighted that the council's previous review arrangements, introduced in 1981 was inadequate to meet the demands of child care services in the late 1980s and early 1990s. This review detailed the legislative framework, national and local research, council policies and procedures that were considered in the review. It highlighted the most important single issue in child care was the management of the "care career" of children in care, this being the vehicle for the child care review.

The 1994 review states that the council's previous systems for reviews went further than the statutory requirements implemented in September 1984, highlighting that the statutory requirement was restricted to a six monthly review and did not cover all categories of children in care. For example, children in care solely on supervision requirements under Section 44 (1)(a) or 44 (1)(b) of the Social Work (Scotland) Act 1968, which could include children in foster care. The scope of the new procedures was stated to go further than the statutory requirements and ensure that children in the physical care of the social work department and on the above supervision requirements would be included in the new review system.

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There were some exclusions noted, such as children who are subject to a supervision requirement under Section 44 (1)(a) with a condition of residence with relatives or friends who was not approved by the social work department as foster carers. The review highlighted that although these children are technically in care, they were not physically in the care of the department. It was suggested that these children be reviewed in supervision, particularly where financial assistance was given in accordance with provisions through the Social Work (Scotland) Act 1968. Carers who received regular financial support were regarded as link carers.

Following the disaggregation of Strathclyde Regional Council, North Lanarkshire Council adopted the principles and ethos for children in care, including foster care as set out by its predecessor.

In 1998 the local authority continued to see the recruitment, retention and training of foster carers as a critical function to increase the standards and widen the provision of foster care available for children of all ages, but particularly for teenagers who otherwise tended to be placed in residential care. It was recognised from research and practice that the fostering task for all carers had changed over time, with carers working more closely with the department's plans for rehabilitation, family contact and children who display high levels of need.

In the following period North Lanarkshire Council continued to review and modernise the service provision for children and families, including fostering services. Given the increasing focus on supporting and maintaining children at home and in their own community, the provision of foster care services was considered within the audit and redesign of all children's services and later under the organisations Corporate Parenting service planning. In January 2007 and 2008 Committee reports provide an update on the redesign of children's services, including the consolidation of adoption, fostering, shared care and respite services into one Children's Carers Service. Some advantages considered through the consolidation of the various services assessing and supporting carers were;

- a single approach to the assessment of carers
- improved opportunities for child centred decision making
- improved sharing of staff skills and knowledge

In 2008 the vision in North Lanarkshire for all children was in line with the national vision for children that underpinned the implementation of Getting it Right for Every Child (2005), namely children should be; confident individuals, effective contributors, successful learners and responsible citizens. Improving and achieving positive outcomes for children and the use of the SHANARRI indicators informed assessment and planning in the local authority.

The local authority recognised the need for partnership working across local authority services and wider associated agencies to improve the outcomes of the looked after children, young people and care leavers. The concept of corporate parenting was made statutory through the Children and Young People (Scotland) Act 2014 and this saw a requirement for corporate parents, such as North Lanarkshire Council to publish and review a Corporate Parenting Plan, which details how they will exercise their

corporate parenting duties under the Act. North Lanarkshire Council published its first Corporate Parenting Strategy for 2015 - 2018.

Corporate Parenting Services included residential care services, fostering and adoption services and kinship care. The services had the aim of providing children and young people with a stable home, that could help them develop appropriately, return home where this was an available option and if not, achieve their full potential and prepare for independent living.

The local authority's continuing care and after care services were designed to support young people in their transition into adulthood. The duties on the local authority were extended through the Children and Young People (Scotland) Act 2014 in relation to Continuing Care, through the continued provision of accommodation and support by the local authority, the same as was available to the young person immediately before they ceased to be looked after. Similarly, the eligibility for after care support was extended for care leavers up to 26 years old.

The local authority has responded to the formalising of kinship carers as defined in the Looked After Children (Scotland) Regulations 2009. The regulations further defined the process of assessment and approve kinship carers and the support measures that should be implemented to assist kinship carers fulfil and sustain their caring role for children. This evidenced a closer alignment between the assessment, vetting, approval, monitoring and support akin to that which the local authority had in place for foster carers governed under the same regulations.

Strathclyde Regional Council arranged for the appointment and composition of a fostering panel in accordance with the duty on local authorities under the Boarding Out and Fostering of Children (Scotland) Act 1985 to consider and the assessment and approval of prospective foster carers. The local authority also had responsibility for the matching and placing of children, ensuring foster carer agreements, monitoring and reviewing of foster carers in accordance with the associated schedules in the regulations. Strathclyde Regional Council and North Lanarkshire Council retained similar responsibilities and arrangements as updated in the subsequent regulation in 1996 and 2009 and the National Care Standards.

In accordance with the Regulation of Care (Scotland) Act 2001, the registration and inspection of fostering services transferred from any local authority approaches to that of the independent body of the Scottish Commission for the Regulation of Care, the Care Commission. The local authority had a duty to comply with the requirements for both registration and inspection by the Care Commission and its successor through to the current requirements under the Care Inspectorate.

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

As detailed in 1.5 (a) above, the foster carer's function, ethos and/ or objectives in terms of the service that the foster carer provided to children placed with him or her evolved over time.

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It is apparent that the foster carer role progressively became more formal and detailed in the specific expectations.

Following the introduction of the Care Commission in April 2002 independent scrutiny commenced and new requirements were introduced, including the compliance of all foster care agencies with the National Standards revised 2005 which are set out with a clear aim of ensuring a quality service. All care agencies must provide a statement the function and purpose of the service to apply and register the service.

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

Yes

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

The changes in terms of what the local authority saw as its function, ethos and/or objective in terms of the foster care service it provided for children are as detailed in 1.5 (a) and (b) above.

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

Yes

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

The changes in terms of what the local authority saw as the foster carer's function, ethos and/or objective in terms of the service that the foster carer provided to children placed with him or her are as detailed in section 1.5 (a) and (b) above. The legislative developments that underpin changes are as detailed in section 1.3 above.

Present

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

No

- h) If so, please give details.

N/A

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## 1.6 Numbers

### (i) Local authority

#### Past

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

The numbers of children the local authority accommodated at a time in foster care and in how many placements cannot consistently be ascertained for the full period from 1930 from the historical records reviewed.

The earlier Burgh and County Council Committee minutes contain details about specific boarded out children, however, do not differentiate the type of placement in which children were boarded out, whether with a foster parent or in an establishment. This can only be determined in some instances based on the content of the entry. There are no consistent figures presented for children accommodated by the local authority or identifying those in foster care.

An additional factor that impacts on the accuracy of any figures is the boundary of North Lanarkshire Council, which has changed and therefore the areas covered in the minutes from the County of Lanark refer to a wider area, which now includes areas within the boundary of South Lanarkshire Council. Similarly, there are some areas now within the boundary of North Lanarkshire which previously fell within Stirlingshire and Dunbartonshire County Councils.

Although limited, some information has been extracted from the historical records from the minutes of Lanark and Dunbartonshire County Council and the Burgh of Motherwell and Wishaw. This has been detailed in the appendices listed below:

Appendix 1 - Lanark County Council – Nov 1952 – Jul 1953

Appendix 2 - Dunbartonshire County Council – Oct & Nov 1933, & Oct 1948

Appendix 3 - Motherwell & Wishaw Burgh – 1948

The Committee minutes for the County of Lanark indicate that by 1960 the Children's Officer produced a report submitted to each meeting of the Committees outlining the following information:

- a. children committed and admitted to care
- b. transfer etc., of children
- c. children in care of Committee
- d. fieldwork

It would appear that any breakdown of the numbers of children in the care of the local authority, boarded out or otherwise were likely contained in these reports. Unfortunately, these reports are not appended to the minutes to ascertain the contents.

Similarly, there is reference in the minutes of the Children's and Social Work Committee of Dunbartonshire County Council to "annual reports" being provided regarding children in care, but unfortunately, these were not appended.

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Information obtained from the archivist at the Mitchell Library, the records manager for the former Strathclyde Regional Council highlights the number of children accommodated in the areas and due to be the responsibility of the authority as at 31 December 1974. The following numbers have been extracted for children in foster care, covering the areas now within North Lanarkshire:

- Burgh of Airdrie – 18
- Burgh of Coatbridge – 25
- Burgh of Motherwell & Wishaw – 44
- Lanark County – 298 (includes areas out with North Lanarkshire boundary)
- Dumbarton County - 63 (includes Cumbernauld area of North Lanarkshire)

The numbers of children in foster care from June 1975 until October 1977 are presented in Appendix 4, for which the division of Lanark is shown. It is noted that this division previously covered areas that are now within the boundary of both North and South Lanarkshire Council.

Appendix 5 provides the total numbers of children in foster care extracted from Annual reports for Strathclyde Regional Council from 1978 until 1995. There is no breakdown of these figures to extract the relevant numbers for the area now covered by North Lanarkshire Council.

A report produced in October 1990 provided an analysis of children in care in the former Strathclyde Region from 1986 until 1990 as at 31 March each year. A breakdown is provided in 1990 of the children in each district, enabling information to be extracted for that year for the areas within the boundary of North Lanarkshire, albeit the Motherwell / Clydesdale district is noted to include figures that will be in the current area of South Lanarkshire. The table below summarises the relevant information.

Area & Date	With Relatives	Temporary Foster Care	Permanent Foster Care	Community Parent	Children Other Establishment/ Institution/ Home	In or	Total Children in Care
Monklands/ Cumbernauld (31/3/90)	20	50	20	3	87		180
Motherwell/ Clydesdale (31/3/90)	28	22	34	4	51		139
Strathclyde Region Total (31/3/90)	356	788	436	34	1430		3044
Strathclyde Region Total (31/3/89)	374	736	496	29	1500		3135
Strathclyde Region Total (31/3/88)	461	687	585	26	1671		3430

Strathclyde Region Total (31/3/86)	612	506	912	21	1808	3859
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The statistical information gathered and retained by North Lanarkshire Council for children looked after and accommodated has varied through time and is reflected in the CLAS Returns to the Scottish Government. The full breakdown of the type of placements accessed for children, including foster care have been detailed from 1992 until 2019 in appendix 6. The numbers of children in foster care has been detailed from 1996. The numbers of children placed with friend or relative, in formal kinship care have been specified from 2009. The numbers of children in foster care under the inquiry definition have been extracted and detailed below.

31.3.1996	31.3.1997	31.3.1998	31.3.1999	31.3.2000	31.3.2001
117	134	130	124	152	176

31.3.2002	31.3.2003	31.3.2004	31.3.2005	31.3.2006	31.3.2007
174	183	140	122	135	144

31.3.2008	31.7.2009	31.7.2010	31.7.2011	31.7.2012	31.7.2013
165	264	134*	348	319	356

\*figures for children in placement with friends/ relative (Kinship Care) thought counted in Looked After at Home statistics and unable to be extracted.

31.7.2014	31.7.2015	31.7.2016	31.7.2017	31.7.2018	31.7.2109
390	392	434	440	471	482

It is noted that there are currently no children registered as being in a private foster care arrangement in North Lanarkshire Council. There is a significant increase in the figures from 2011, primarily due to the inclusion and growth in numbers of kinship care arrangements.

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

There is extremely limited information available to be able to comment on the numbers of foster carers approved/ registered with the local authority prior to the time of Strathclyde Regional Council. The information available from that era is also very limited.

Whilst it is apparent from the minutes viewed for the Burgh and County Councils for the area that there was progressively an increased duty for screening prior to children being placed with foster parents and monitoring throughout the placements, there are no details of how many foster parent were within the area.

During the time of Strathclyde Regional Council, there is limited information available. Appendix 7 provides a breakdown of foster parents in the local authority as at July 1977.

The number of foster carers approved and registered by North Lanarkshire Council was also not historically collated in a manner that provides accessible figures throughout the full duration of the local authority.

A Family Support Strategy report from June 1998 indicates that in North Lanarkshire there were 47 temporary foster carers and 21 permanent foster carers as at 31 March 1998.

A report submitted to the Social Work Committee on 30 March 1999 detailed that there were 30 temporary foster carers and eight permanent foster carers registered in the authority. In addition, there were reportedly a number of community foster carers providing care to older children, however, the number was not specified.

On 18 May 2006 a report submitted to the Social Work Committee identified that there were 46 foster carers registered in the authority and 14 respite carers.

A report completed by the Care Commission following an inspection of the local authorities fostering service in August 2006 indicated that there were:

- 17 permanent foster carers
- 35 temporary foster carers (inclusive of carers who provided respite to families and children with disabilities)
- 13 Overnight respite carers

The table below shows the number of foster carers approved and registered in North Lanarkshire Council from 2007 until 2019. The numbers presented include those registered as temporary and permanent foster carers (inclusive of those providing short breaks/ respite care and carers who provide respite to families and children with disabilities).

Year	Total Foster Carers
1.4.07 – 31.3.08	85
1.4.08 – 31.3.09	86
1.4.09 – 31.3.10	86
1.4.10 – 31.3.11	86
1.4.11 – 31.3.12	96
1.4.12 – 31.3.13	97
1.4.13 - 31.3.14	82
1.4.14 - 31.3.15	90
1.4.15 – 31.3.16	90
1.4.16 – 31.3.17	85
1.4.17 – 31.3.18	83
1.4.18 – 31.3.19	83

Information obtained April 2020 confirmed that there were 70 foster families in the authority and providing placements to children. In addition to this, there are 38 supported carers providing a capacity of 28 placements in the local authority.

There are currently no private foster care placements registered with North Lanarkshire Council.

Where information has been available, the number of registered foster carers in the local authority have been detailed above. The total number of placements this represented is information that is not easily available given the fluid nature of foster carer registration, personal circumstances which can impact on availability and governance issues which can result in placements not being used.

At the time of writing, there were 70 foster carers in North Lanarkshire who provide a potential availability for 126 placement for children. Of those placements, there were only 2 unused placements available for children. There are 38 supported carers, with 1 unused placements.

In relation to formal kinship care, in April 2020 there were 216 kinship carers providing placements to 295 children and young people. In addition, there are 70 kinship carers providing placements to 92 children for whom the full assessment process and/ or rehabilitation plans have yet to be progressed and concluded.

Again, it is very difficult to extract the historical figures regarding how many placements were in use at any given time. However, it is noted that throughout the time of North Lanarkshire Council, the majority of available foster placements have been in use. Recruitment and retention of foster carers is an ongoing challenge for the local authority to meet the demands of the service and provide a level of placement choice. Whilst the data is scarce from prior to North Lanarkshire Council, information in documentation from Strathclyde Regional Council suggests a similar position.

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

There is limited information available in relation to the categorisation of the specific type of care provided by foster parents prior to Strathclyde Regional Council. The records keeper for the former Strathclyde Regional Council had identified figures from 1977 that indicates placements were differentiated as long term foster parents and short term foster parents. The number of placements provided at that time are detailed in appendix 7.

Information available from Strathclyde Regional Council suggests that foster placements were divided into two main groups, temporary and permanent placements. Within each of these, there were a range of placement types, with families having different qualities and resources to offer to meet the needs of children in care.



A temporary placement was one where the decision to foster was taken with the objective that the child was cared for temporarily in a family setting, and there was a definite plan to either rehabilitate the child back to the care of their family or to an alternative placement. The range of temporary placements included:

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

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

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

There has been documentation identified that also indicated that there was a shared care scheme introduced in Strathclyde Regional Council in 1994. The documentation related to the launch and recruitment campaign. Shared carers were carers who provided support to families and children with a disability through the provision of respite. It is not clear if those assessed and approved as shared carers were included in the temporary foster carer registrations within the authority.

There is also documentation which suggests that as a part of Strathclyde Regional Council's supported accommodation strategy in the 1990's, the authority introduced supported carers for young people as a part of their support plan towards independent living and leaving care. It is not clear if these carers were included in the temporary foster care registrations for the authority or separately.

After the disaggregation of the former Strathclyde Regional Council, North Lanarkshire Council adopted the overarching status of carers as implemented under the former council, namely temporary and permanent foster carers.

Permanent foster carers are those who have been assessed and approved to provide a permanent placement to a child. The carer would be formally linked through the permanency planning for the child and the proposed linking would then be presented for approval through the local authority fostering, adoption and family placement panel.

Temporary foster carers provide temporary placements for children in accordance with their registration. Temporary carers in the local authority include carers who provide respite and shared care.

The local authority currently has one carer who is registered as a temporary foster carer who provides shared care to a family and child who has a disability.

It is noted that some temporary foster carers may also have approval as a permanent foster carer for a specific child, usually a child who has been in placement and subsequently has been formally linked to that carer.

The table below provide a breakdown of the types of placement carers provided for the period noted.

Year	Temporary Foster Carer	Permanent Foster Carer	Respite Carer/ short Breaks	Shared Care	Total Foster Carers
August 2006	35	17	13		65
1.4.07 – 31.3.08				12	85
1.4.08 – 31.3.09	54	18		14	86
1.4.09 – 31.3.10	54	18		14	86
1.4.10 – 31.3.11	54	18		14	86
1.4.11 – 31.3.12	62	31		3	96
1.4.12 – 31.3.13	63	31		3	97
1.4.13 - 31.3.14			7	1	82
1.4.14 - 31.3.15					90
1.4.15 – 31.3.16					90
1.4.16 – 31.3.17					85
1.4.17 – 31.3.18					83
1.4.18 – 31.3.19					83
April 2020					70

The local authority has also had a number of supported carers who provide supported care to young people as a part of their pathway plan to support their transition into adulthood and independence.

In accordance with the legislative changes under Section 67 of the Children and Young People (Scotland) Act 2014 and the right to continuing care, young people can remain in their foster placement up until they are 21 years. The foster carer's registration would be reviewed through the local authority fostering, adoption and family placement panel to change their status to a supported carer for the young person beyond 18 years.

In relation to kinship care, this information has been provided above under section 1.6(i) (a) and (b). Prior to 2008, those currently considered formal kinship carers were regarded as link carers in North Lanarkshire Council.

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

There is insufficient information to determine any specific material changes in the numbers of children, placements or foster carers, and the reasons for those changes, however, there are some identifiable themes.

Throughout the 20 century there has been a shift from institutional/ residential care to family based care for children. It is noted that increasingly family based placements were seen as the preferred placement option for children as opposed to institutional/ residential care.

The scrutiny of foster care has increased through formalisation of assessments, approval and registration of non-familial foster carers. This includes the standardisation of assessment and approval of foster cares though the local authority fostering panel. Similarly, the monitoring and review of placements and the competency of foster carers has increased through legislative and regulatory developments through to the 2009 regulations. There are clear expectations on the local authorities as a registered fostering service for adherence and compliance with the national standards and regulations as a fostering service and for registered foster carers in that service.

Whilst kinship carers would always appear to have had a role in caring for children when their parents were not able to do so, the increased recognition and formalisation of kinship care over recent years has seen clarity over who is regarded as a kinship carer and the children who are recognised as in formal kinship care. This has evidenced a corresponding increase in the numbers of children regarded as looked after and accommodated in kinship care, the right and need for support of kinship carers and support requirements placed on local authorities. This is evident in the North Lanarkshire figures from 2008 onwards, for which there has been an increase in the children looked after and accommodated in kinship care.

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

The total number of children accommodated by the local authority is not consistently able to be ascertained from 1930 onwards. Prior to North Lanarkshire Council the figures available have been presented above in answer 1.6 (i) (a) and the associated appendices.

From 1992 onwards the numbers of children accommodated and the breakdown of placements as available have been detailed in appendix 6 (47). The total numbers of children accommodated away from home by the local authority for this period have been extracted and detailed below.

year	1992	1993	1994	1995	1996	1997
Total Children in Care	244	260	262	251	244	230

year	1998	1999	2000	2001	2002	2003
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<b>Total Children in Care</b>	222	220	236	263	257	245
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<b>year</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>Total Children in Care</b>	205	171	183	198	220	308

<b>year</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Total Children in Care</b>	166*	389	357	392	424	431

\*It is thought that some of the children living with Relatives/ Friends were counted as children looked after at home impacting the accuracy of this figure

<b>year</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Total Children in Care</b>	473	480	507	521

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

There is insufficient information to indicate whether the main service provided by the local authority was residential care for children in establishments or the provision of foster care from 1930. It is noted that there was a shift over time in the balance of care towards a preference for family based placements and this is evident in the information presented by the records manager for the former Strathclyde Regional Council. Appendix 4 (36) highlights that between June 1975 and October 1977 that there were more children in family based placements. It is noted that the number of children presented includes children looked after at home by their parents and those in family based care placements. Unfortunately, there is no further breakdown of the numbers presented.

From 1996 the breakdown of family placements for children in the care of the local authority are presented in appendix 6. This highlights that in 1996 there were 127 children in residential care and 117 children in foster care, resulting in 10 more children in residential care. It is noted however, that these figures do not include children who were in formal kinship care placements at that time and up until 2009. In 1997 the number of foster care placements exceeded the number for residential placements by 48 and that trend continues. From 2009 onwards there is a considerable increase in the numbers of children looked after and accommodated and in family based placements through local authority foster care and kinship care, for which in 2009 there were 264 family based placements. The current figure is 482, whilst the figure for residential care has remained steady at approximately 40 placements. From this it can be concluded that during the time of North Lanarkshire Council more children have been looked after and accommodated in family based placements through a combination of foster care and formal kinship care.

Present

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

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No

h) If so, please give details.

Not Applicable

### 1.7 Children's Background/Experience

Past

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

The children who were looked after and accommodated and placed in foster care had a range of background experiences, for which there are some noted similarities. The reasons for admission included one or a combination of the following;

- Child at risk/ in need of protection
- Lack of parental care
- Parental or familial physical, sexual or emotional abuse and/ or neglect
- Parental alcohol and/ or substance misuse
- Parental mental health
- Parental overdose
- Parental ill health/ hospital admission
- Parental imprisonment/ detention
- Out with parental control
- Breakdown of family relationships
- Absconding
- Desertion/ marital breakdown
- Relinquished for adoption
- Truancy
- Offending
- Respite from family or existing placement
- Transfer from residential care establishment/ residential school

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

Children were admitted in to the care of the local authority and placements were identified by the local authority. It is noted that some kinship care placements were identified by family in response to emergency / protection needs for a child and

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retrospectively recognised as formal placements by the local authority in accordance with the child's needs and safe care plan.

**c) Who placed children with the local authority?**

Children were historically either placed in the care of the local authority by their parents or their care was assumed by the local authority if parents were missing or unable to fulfil their parental responsibilities and meet their children's needs. Additionally, children could be placed in the care of the local authority through the Court. The legal basis for this has been outlined in section 1.1 (b) & (c) and section 1.3 above.

More recently, children were placed in the care of the local authority under the Social Work (Scotland) Act 1968, on a voluntary basis in terms of Section 15 with parental consent; through the organisation fulfilling its responsibility under Section 16; and through the Children's Hearing as a condition of compulsory measures of supervision under Section 44 or through a place of safety warrant under Section 40 of the Act.

After the implementation of the Children (Scotland) Act 1995, children were voluntarily received into the care of the organisation with parental consent under Section 25.

Alternatively, through the Children's Hearing as a condition of a supervision requirement under Section 70, or through a Child Protection Order obtained under Section 57, or a place of safety warrant under Section 66 of the Children (Scotland) Act 1995. Following the implementation of the Children's Hearing (Scotland) Act 2011, the equivalent provisions for an Interim or Compulsory Supervision Orders under Section 86 or Section 83 of the Act, a Child Protection Order under Section 37, or a Police removal of a child under Section 56 of the Act would be the legal methods by which a child would be received in to the care of the local authority.

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

A definitive view is not able to be provided for the full period of Strathclyde Regional Council due to the limited information available. A presentation from Association of Directors of Social Work, Annual Conference 1994 titled, The Reception of Children Into Public Care: What Do We Really Know? Provides an analysis of information from 1985 – 1992. During that period 46% of children were reported to have been received into the care of the local authority on a voluntary basis and 54% through statutory orders. Of these children, 4% were received into care under compulsory legislation for committing an offence and 50% on non-offence grounds.

The statistics from the CLAS returns for North Lanarkshire Council from 1995 onwards indicate that the majority of children received into the care of the local authority have statutory orders through the Children's Hearing with a condition of residence. There are occasions when a child would be received in to the care of the local authority on a voluntary basis with parental consent and such arrangement have subsequently been

formalised through a statutory order from the Children's Hearing, specifying the child's placement as a condition of the order.

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

Not Applicable

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

There is insufficient information available prior to 1995/ 96 to provide details about how long children typically remained in the care of the local authority. The information below has been extracted from the CLAS returns provided to the Scottish Government for the period covered. It is noted that the return was provided annually covering the period up to 31 March each year until the 2010 return which changed to 31 July each year from that point onwards.

Length of Time Children Were in Care (collated from CLAS return at end of period - stats for children who ceased to be looked after – number of children by duration in care)							
Duration in Care	0-4wks	5 - 12wks	13 - 26wks	27wks - 1yr	1 - 3yrs	3 - 5yrs	5yrs +
Year							
1995/96	38	12	11	34	26	13	5
1996/97	25	13	15	20	27	6	3
1997/98	23	15	11	16	36	9	5
1998/99 NK							
1999/00 NK							
2000/01 NK							
2001/02 NK							
Duration in Care	< 6wks	6wks - <6mth	6mth - <1yr	1yr - <3yrs	3yrs - <5yrs	5yrs - <10yrs	10yrs +
2002/03	23	10	38	106	56	21	0
2003/04	44	53	66	59	70	16	0
2004/05	22	43	35	32	17	9	0
2005/06	32	57	46	52	29	13	1
2006/07	21	51	47	56	21	11	0
2007/08	5	19	28	118	69	48	11
2008/09	5	13	50	102	36	26	3
2009/10	8	41	80	189	68	48	4
2010/11	3	12	50	133	59	26	4
2011/12	2	17	544	125	36	24	4

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2012/13	2	13	48	96	33	18	5
2013/14	6	6	48	102	37	21	8
2014/15	4	8	25	69	37	26	14
2015/16	0	11	31	75	26	21	3
2016/17	6	12	28	72	28	20	9
2017/18	0	1	27	103	41	30	12
2018/19	3	16	37	67	26	21	23

NK – Figures are not known for this period

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

Prior to Strathclyde Regional Council it is unclear who made the decisions as to whether a child would be placed in foster care due to the limited information available.

The Proposals for the Revised Structure of the Social Work Department, 1985 indicates that the decisions about placements, including foster care placements were made at a District level. The document states that placements for children received into care should generally be allocated at the District level. However, acknowledged that no District will have the resource to meet all requirements, and at the Regional Headquarters there will be a central, computer based, information bank on available resources. It will be managed by a team of professional and administrative staff.

The district manager was responsible for the control over admissions to care. The report stated that either singly or jointly, District Managers will establish admissions groups, which will control all admissions to substitute care, including the screening of recommendations for placements to List "D" and List "G" school. Those groups will consider all planned admissions prospectively and all emergency admissions retrospectively. The admissions levels will be monitored by the Regional Headquarters, whose representative may attend admissions groups from time to time, but the primary responsibility for their operations rests with the district manager.

In 1994 there are two documents; a memo detailing 'Levels of Decision Making in Child Care' and 'District Child Care Team'. These outline the decision making and the team composition at a District level. These also outline the roles and responsibilities and levels of decision making within child care. The details in these documents appear to be consistent with the structure set out in 1994 as detailed above.

North Lanarkshire Council Looked After and Accommodated Procedures implemented in 1997 state that the area service manager will be responsible for ensuring that a care plan is in place prior to admission or immediately after admission in consultation with the senior child care worker who will be able to satisfy him or her that all community supports and or resources have been considered. If it is established that a child or young person requires to be accommodated in a residential unit for children and young people or a foster placement then the senior child care worker will have information on hand of available resources across North Lanarkshire.

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A similar process since has remained in place for local approval/ recommendation of the need for a child to become looked after and accommodated and identify the type of placement considered best to meet the child's needs.

The 2017, Looked After and Accommodated Child procedures states that if as part of the planning process, the social worker and senior social worker agree that a child or young person may require a planned accommodation, the senior social worker must present and discuss the child or young person's most recent assessment, plan, chronology and most recent review minute to the locality social work manager for their consideration.

Where the locality social work manager supports the assessment that a planned accommodation may be required, including foster care, they should authorise a request being made. The relevant placement request and risk assessment paperwork is then completed and forwarded to headquarters for a placement request to be agreed and a placement identified. The manager for children and families has an overview of the placement requests, particularly when external placements are required.

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

There is insufficient information held in archives from the time of the County Councils to provide any information on admission criteria, including for foster care.

There are understood to have been a range of Strathclyde Regional Council policy and procedures that guided the operational arrangements of foster care services and the practice for admissions to care placements, including foster care. The Mitchell Library, as the record keeper for the former Council remains the primary source of any records in archives. Limited documentation has been identified within North Lanarkshire as a successor authority.

Details of some records as relevant to this report request and the Inquiry have been identified by the archivists at the Mitchell Library. North Lanarkshire Council has been in communication with the archivist and it is apparent that there is limited specific information regarding any criteria used to inform admissions to the range of placement types, including foster care. There are documents identified relating to policy and procedures around the reception of children in to the care of the authority, such as the paperwork to be completed to support the admission to care and review policies and procedures. It is noted that throughout the time of the authority, there was an increased move away from children being accommodated in large residential institutions towards supporting children in family based placements, including foster care. The recruitment and retention of foster carers has been indicated as a factor that impacted on the availability of placements and choice, particularly for older children. A Committee Report in the Monklands/ Cumbernauld District, Child Care Action Plan from 1994 indicated that there were difficulties in accessing preferred foster placements for children due to lack of availability. This report highlights particular difficulties accessing placements for sibling groups over 2, placements for children over 8 years old and permanent placements.

[APG]

It is understood as detailed above in section 1.7 (g) that there were admissions groups set up in each District to consider admissions to care, including the screening and recommendations of placements.

The information available would suggest the child's needs, placement matching and availability were factors that founded some, if not the main criteria for admission to foster care.

North Lanarkshire Council adopted the policies and procedures of its predecessor until the authority implemented its own policies and procedures. North Lanarkshire Council's The Children (Scotland) Act 1995 Implementation, Staff Information Pack, Procedures and Guidelines, dated 1997 details the Looked After and Accommodated Child procedures, including procedures for admissions and the associated documentation. This contains the paperwork which social workers completed when recommending that a child requires to be accommodated in a local authority placement and should be completed prior to admission or retrospectively when there has been an emergency admission. The LAA1 initial admission documentation indicates that the plan for the child and placement needs inform the initial consideration of placement type. This would suggest that if placement sought was available, the criteria would be based on assessed need and this would be approved via the management structure as outlined in 1.7 (g) above.

A similar principle and process remains in place at this time, although there have been some changes in personnel, structures and documentation over time. The current Looked After and Accommodated procedures outline the need for a placement request form to be completed, which outlines the child's needs and the proposed plan, including the placement considered best to meet the child's needs and achieve outcomes. If the preferred placement option is with foster carers, a risk assessment report should accompany the request to enable this to be taken into account when foster placements are being considered. These documents are then used to identify potential foster carers that could meet the needs of the child. The criteria therefore remains focused on seeking a placement from the outset that matches the child's needs.

The recruitment and retention of foster carers remains a factor for the local authority that can impact on the availability of foster placements for children. The local authority tries to match children with available foster carers, however, the limited availability can often result in the preferred placement options being limited and at times unavailable, both from local authority foster carers and external fostering services. Whilst a foster placement may still be accessed as the primary placement option and deemed most suitable, there can be compromises, such as large sibling groups being split and geographic issues that can impact on community connections for a child.

i) Were children moved between different foster care placements?

Yes, although some children only experienced one placement whilst in care, some children were moved between different foster care placements.

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j) If so, in what circumstances?

There is insufficient information available to give any view about the circumstances by which children were moved between foster placements during the time of the County Councils.

It is difficult to provide a definitive view on the circumstances by which children were moved between different foster care placements during the era of Strathclyde Regional Council or North Lanarkshire Council. This information is contained in individual case records and documented through the review process for children, although would not appear to be collated as specific data in isolation.

It is currently the local authority vision that where a child cannot remain with their family, they should achieve a permanent home as quickly as possible with the minimum number of placements, taking account of their individual needs and views. To achieve this, the local authority has been working in partnership with CELCIS and the Scottish Government's Permanence and Care Excellence Programme (PACE).

The following are some of the reasons known to account for children to move between different foster care placements or between kinship care and foster care;

- Unplanned admission/ emergency placement requiring subsequent move to longer term and more sustainable placement
- Placement breakdown
- Allegations / CP investigation in placement
- Change of circumstances for carer, such as ill health or retirement
- Planned move in accordance with child's plan, such as move to permanent placement, to reunite siblings, to meet individual needs, such as geographic, cultural or religious needs.

A number of individual case files for children who have experienced foster care have been reviewed for the purpose of this study. There were 198 children's files included in the audit. This highlighted that the majority of the children had one episode in care, a number of children experienced up to three episodes in care and a small number more than this. The majority of children experienced three placements during their time in care, with some children requiring more placements. The reasons indicated for moves are rehabilitation, planned move to alternate placement (permanent or adoptive placement), breakdown of placement, investigations or the ill health/ death of a carer.

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

As detailed in section 1.7(j) the majority of the case files reviewed indicated that children had one episode in care, with just under half of them experiencing one placement. There were a number of children who experienced two or three episodes in care and they had generally experienced between two and five placements. There

are a small number of children who experienced more episodes in care and up to ten moves of placement.

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

Prior to the time of Strathclyde Regional Council there is no information available to inform of the review process that was in place to consider children's continued residence in foster care, in terms of whether they continued to be in foster care and/or in that particular placement.

During the time of Strathclyde Regional Council there were review procedures in place to consider the child's care plan, including their continued residence in foster care and/or that particular placement. Full details of procedures throughout the existence of the Council are limited. It is understood that the records keeper for Strathclyde Regional Council is the Mitchell Library and any relevant documentation will be retained in archive there.

It is understood that both the 1976 and 1986 foster guidelines laid down processes for 'review of the child'. The guidelines outline areas of interest in the review, including;

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

It was Strathclyde Regional Council policy to invite everyone interested in the care of the child to a review. This would include the child/ren and birth parents who were encouraged to attend. The social worker and senior social worker for the child would attend. Sometimes a school teacher, doctor or child psychologist.

The timetable for the frequency of reviews was:

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

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

The 1986 guidelines detail the main function is to review the child, their circumstances and needs, and will include the following:

- Review of the original plan, monitoring how effectively the recommendations of any former reviews have been implemented and reassessing the appropriateness of any decisions
- Exchanging and coordinating information on the child's physical, emotional, intellectual and social development for all with all invitees
- Child's legal situation and whether this continues to be appropriate to present needs

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- Agreeing a plan for the future, for example rehabilitation, permanent care, and detailing tasks to promote its implementation
- Formal recording of decisions regarding child's future care, which would become an integral part of the child's case file

Composition of review team would vary depending on needs of the child, but the following must always be invited;

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

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

The frequency of reviews were detailed as follows; decision meeting prior to reception in to care; initial review held within 4 weeks in care; child's progress must be reviewed 3 months later and then at 6 monthly intervals.

One document from 1994 titled Child Care Review System (revised Nov 94) has been located. This identifies amongst other things the frequency of reviews as follows;

- Initial Review to be held within 4 weeks of reception into care
- Second Review to be held within 3 months of the date of initial review
- Further Review to take place within 6 months of previous review

This document contains a significant details in relation to who was expected to attend and/ or contribute to the review, the reports and information that should be presented, and the discussion that should take place in the review. This included "Care Plan Objectives" with sub headers of rehabilitation, alternative plans to rehabilitation, and placement. The areas for discussion under the placement header are;

- Appropriateness of existing placement
- Consideration of preferred alternate placement.

It is understood that North Lanarkshire Council adopted the procedures of Strathclyde Regional Council until the local authority devised its own procedures.

North Lanarkshire Council produced a document, The Children (Scotland) Act 1995 implementation, Staff Information Pack Procedures and Guidelines in April 1997. This document was written to meet legislative requirements under the new legislation and updated many of the local authority's associated procedures, including those for children looked after and accommodated and in foster care. The procedures at that time did not include children in kinship care, who were reviewed under the services general review process for children in need. The procedures and guidance for children in the care of the local authority outlined the procedures for admissions and reviews, as follows;

- Post Admission Planning Meeting after Emergency Admission to take place within 1 day

Initial Review of Child and Family Arrangements;

- If an unplanned admission, review to take place within 2 weeks
- If a planned admission for which a planning meeting took place in advance, review to take place within 4 weeks.

The subsequent review timescales were as adopted from Strathclyde Regional Council procedures, within 3 months and then within 6 months of the previous review.

The procedures noted that the reviews should be chaired by a senior child care worker or another independent person responsible for the child or young person. It was expected that the following review forms were completed prior to the review for discussion;

- Looked after and accommodated children review report (LAA8)
- Foster carer/ befriender report (LAA10)
- Consultation paper for child (LAA11)
- Consultation paper for parent/ person with parental responsibility (LAA12)
- Report residential worker (LAA13)
- Report Education Department (LAA14)

The local authority also looked after and accommodated child procedures and associated frequencies of reviews section have been updated to take account of legislative and practice developments. The local authority service wide Assessment and Planning Policy, Procedures and Practice Guidance, volume 2, updated in 2014. This sets out the local authority and social work service vision, values and principles to delivering support to the people of North Lanarkshire. The local authority produced an additional practice guidance focusing on children and families to enhance the existing assessment procedures and practice guidance. This was called Practice Guidance for Assessing the Needs of Children, Young People and their Families. In 2014, the local authority also implemented a Looked After and Accommodated Children and Young People Contact Arrangement; Contact Guidance to support staff in the key elements of contact and the process of assessing contact for children, young people and their birth families.

The local authority developed and implemented an outcome focused approach in assessment and planning in social work services, including within children's services. This took account of the GIRFEC framework, the Scottish Governments approach to supporting children and young people and the Children Hearing (Scotland) Act 2011 and the formalising of kinship care under the Looked After Children (Scotland) Regulations 2009. Operationally, the Outcome Focused Reviews (2013) included Looked After and Accommodated Child Reviews, Kinship Care Reviews and Pathway Planning Reviews.

The timescales for the reviews were set out in the Frequency of Reviews documentation (2014), as follows;

Looked After Away from Home Children:

- Initial planning meeting within 3 days of placement
- Initial review within 6 weeks of placement commencing
- Review within 3 months of initial review occurring
- Reviews 3 monthly thereafter

#### Permanence Orders:

- In respect of permanency planning, reviews should continue on a 3 monthly basis until the PO is granted. Following this where the child is now in their permanent placement reviews can be a minimum of 6 monthly

#### Kinship Care:

- Initial planning meeting within 3 days of placement
- Initial review within 6 weeks of placement commencing
- Review within 3 months of initial review occurring
- Once the kinship carer has been formally approved at the multi-agency kinship care panel, reviews 6 monthly thereafter
- For the kinship carer, reviews should be annually.

#### Pathway Plans:

- Pathway plans should be completed in respect of all children, aged 15 years, who are currently looked after away from home (i.e. foster care, residential and kinship care)
- Pathway plan replaces looked after away from home report
- Whilst accommodated, Pathway Plan Reviews will be the same timescales as per children looked after away from home

The local authority subsequently streamlined the review process for all children looked after and accommodated. The Kinship Care Procedures, April 2014 reflect the same review timescales as all other children in care and this has been maintained through subsequent updated procedures in 2016, 2017 and 2019. Accordingly, the looked after and accommodated children procedures were applicable for all children who are placed with agency based foster carers and those who are placed with relatives/friends in kinship care. The procedures document use for reviews where a child or young person requires to be placed with:

- any person approved as a children's carer
- in a residential establishment or children's house.

The following timescales for reviews apply:

- the initial planning meeting of the child or young person's plan must be convened within **3** working days of the placement having been made
- the initial LAAC review must be convened within **6** weeks of the placement commencing in order to review the child's plan
- a further review must be convened within **3** months of the first review occurring
- Thereafter, reviews of the plan must be convened no less frequently than on a **3** monthly basis
- Where permanency planning is being considered/progressed LAAC reviews should be as required (but again no less than **3** monthly)

- Where a child or young person becomes subject to a permanence order ongoing reviews, where assessed as appropriate, can be 6 monthly.

Using the policy and procedures above, the assessment of the child's continued residence in their placement and in care would be informed by the assessment of needs and risks, the potential for rehabilitation, need for permanence and ongoing suitability of placement. The local authority seeks to support children to remain in the care of their parents/ carer when it is safe to do so and the child's needs can be met. If a child cannot be supported to remain at home and becomes looked after and accommodated, a priority is the consideration of permanence, whether that be returning to the care of parents or alternative care.

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

Prior to the time of Strathclyde Regional Council there is no information available to inform what the process was for when children left foster care.

It is understood that the Strathclyde Regional Council review procedures referred to above in 1.7 (l) were the procedures that would support the planning for children leaving foster care and oversee the process for discharge.

The 1994 Child Care Review documentation refers to children being returned home from care on a trial basis as falling into these procedures.

The document also refers to young people who leave the physical care of the local authority, but remain in legal care or who continue to require social work support or supervision. It states that these young people residing in supported care/ independent living should remain in the review system until 18 years old. It notes that other young people, dependant on circumstances will continue to remain in the review system, this would include where the organisation hold parental rights.

There is a section of the document that are titled, Preparation for Leaving Care Independent Living. This stated that a "Through Care Plan" must be in place by the 15<sup>th</sup> birthday of any young person in care. There are two sub sections which highlighted the focus for consideration of reviews relating to this, firstly, 'Social Skills Training', to include practical, social and personal skills development for independent living and secondly, 'The Plan for Leaving Care', which should consider the arrangements for leaving care, accommodation, employment, education, income and continuing social work support.

The discharge procedure for Strathclyde Regional Council were adopted by the North Lanarkshire Council at the point of disaggregation. These procedures were updated by the local authority in the staff information pack, The Children (Scotland) Act 1995 implementation, Procedures and Guidelines produced in April 1997.

The above procedures have since been updated to reflect legislative and practice developments as detailed in section 1.7(l) above. When children left foster care, their circumstances and the plan for discharge would be devised and reviewed through the multi-agency looked after and accommodated review, kinship care review or pathway

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planning review as appropriate to the child's circumstances. If children or young people were rehabilitated back to the care of their parents, their welfare plan would be reviewed through outcome focused reviews in accordance with their legal status. If young people were discharged from care into independent living, their plans would continue to be reviewed in accordance with the local authority's pathway planning process.

In relation to young people who are looked after and accommodated, there was and is an expectation in the local authority that pathway plans should be completed in respect of all children, aged 15 years, who are currently looked after away from home (i.e. foster care, residential and kinship care). The guidance stated that the following should occur for young people who are in care;

- Pathway plan should be completed at aged 15
- Pathway plan will replaces looked after away from home report
- Whilst accommodated, Pathway Plan Reviews will be held in the same timescales as per children looked after away from home

When children left foster care, the review process as outlined above and in section 1.7 (l) was used to review and oversee the plan for a child or young person's discharge. It is noted that if a statutory orders was in place via a Children's Hearing or Court that stipulated residence as a condition of the order, this would have required to be considered in the discharge planning process, and for appropriate authority sought for variations or terminations of such a legal order or condition within.

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

There is limited information available about the range and extent of any support provided to young people boarded out and leaving foster care during the time of the County Councils. It appeared that there were reports submitted to the Children's Committee by children's officers related to children boarded out. Some of the specific information related to these children and the support which they would have received in preparation for and after leaving care may have been detailed in these. Unfortunately, these reports have not been located to ascertain the contents. The information held regarding young people in their preparation and when leaving care is limited to entries noted in the Committee Minutes viewed.

It is apparent that there continued to be visits to placements and a level of ongoing contact with young people, both in a monitoring and support role. This appeared to continue until young people were 18 years old. Some young people are noted prior to the age of 18 years to be regarded as self-sufficient, in employment and with accommodation, and contact visits remained in place. There are a range of entries which note visits to placements and young people attaining the age of 18 years when they were regarded as self-sufficient and no longer the responsibility of the Children's Committee. There are no details of what happened if a young person was not self-sufficient upon attaining that age.

From the information available, it would appear that a primary focus of the support for young people was accessing training, education or employment and the practical and

financial supports to assist, such as accommodation and financial support. Some of the support that is indicated through the entries viewed included the following;

- Financial support to guardians or lodgings to support retain accommodation, pocket money or clothing allowances when young people were either not earning, between employment or pending a first wage.
- Financial support to buy clothes for employment.
- Financial support to supplement young person when in an apprenticeship.
- Financial support for young person who had temporary reduced wage due to an injury.
- Supporting young people in considering employment or college options and movement between both through liaison between guardian, head teacher and teacher.
- There are references to eligibility or ineligibility to access various benefits, such as non-entitlement to support through National Assistance Board and financial support provided through the Children's Committee to supplement. This indicated income maximisation and support to access benefits as appropriate.
- Support between Children's Officer and Youth Employment Officer to assist young people gain employment.
- Support with references to assist a young person access H.M. Forces, noting accommodation secured for times when on leave.
- Support young people move when employment not agreeable, such as young person who had employment in residential factory in a neighbouring town and sought their return to local area which was supported.

There is limited information or details about children leaving foster care and returning home. The details about the circumstances in which this occurred or the supports for children when leaving care are limited. The only entries identified are in relation to children where parental ill health and hospitalisation, or destitution and abandonment have been stated as the underlying reasons for the child being boarded out. The entry detailed that the child had returned to their parents care subsequently, but there is no other information.

During the time of Strathclyde Regional Council there was a range of supports made available for young people leaving care, including those in foster care. The full details of the policy, procedures and support available for young people are not clear, but there may be some documentation held in archive at the Mitchell Library which outlined the authorities approach to supporting children and young people leaving foster care. It is understood that support would vary and be dependent on the individual young person's throughcare plan, which would take account for their individual circumstances. Examples of support would include leaving care services, housing and employment support. From records retained in archive, the records manager at the Mitchell Library informed that in 1995 young people leaving care or supervision was one of the 4 target areas in Strathclyde Regional Council's Child Care Plan.

The local authorities foster parent handbook (undated) had sections titled "Leaving School – Into Work" and "Leaving Care". The section on leaving school highlights that the Careers Officer should be involved with child and their foster carer to explore the child's interests and options prior to leaving school, whether that be to remain at school

and take additional qualifications, leave school and continue further education at college or university, or to leave school and hopefully find work.

It is documented that if a young person in foster care moved on to further education at college or university than the foster carer can seek for the child to remain in their care beyond 18 years and make application to the Council for consideration of an extension of payment of allowances to support that arrangement.

The section on leaving care highlights that most young people were automatically discharged from care at 18 years old. It stated in most situations the child will continue to live with the foster carer, but social work will only provide financial assistance in special circumstances, such as to support further education as detailed above.

The handbook noted the availability of support through welfare rights officers to ensure income maximisation for the young person and/ or foster carer.

A memo from 1994 highlights that as a part of the Council's supported accommodation strategy, there were a number of supported cares who provided care and support to young people who were previously in the care of the Council. At that time, supported care was seen as a strategic part of the future planning in the child care teams. The memo noted this support was provided in accordance with provisions of accommodation and maintenance through Section 24 of Social Work (Scotland) Act 1968.

It is noted in a memo from October 1994 headed, 'Who Cares? Organisation and Care Leavers', that there were liaison meetings between the Council and the organisation about young people who leave care and subsequently seek social work support. To ensure ease of access to support, each district had to identify a member of the district child care team to be the main contact in their area. This indicated that there was access to support for young people after leaving care through Who Cares? However, the specific nature of Who Cares? support at that time was not detailed.

The Council had a Charter of Rights and Responsibilities for Young People in Care, indicative date, 1994. This charter outlines a full range of rights and responsibilities under eight key areas;

- Individuality and development
- Participation (rights)
- Good basic care
- Education
- Health
- Partnership with parents
- Working together for you (child centred collaboration)
- A feeling of safety

There is a sub section in the document that focused on the rights of young people leaving care, including the right of young people to be offered appropriate preparation before leaving care, the right to leave care by agreement, the right to advice and information after leaving care, the right to undertake employment according to the law.

The Strathclyde Regional Council Child Care Review System document, dated 1994 highlights that there are many children who are rehabilitated back home to the care of their parents. It stated that it is vital that detailed plans for rehabilitation and the steps and actions that have to be taken to allow the successful return home of children are considered in detail at every review. The document outlines a range of considerations from the child and parent's perspective that should inform the plan. The supports would be individualised based on each child and families circumstances.

During the early period of North Lanarkshire Council, there was a Throughcare Team which provided advice, guidance and support to young people who were previously in the care of the local authority. This was initially an authority wide support team which subsequently was disbanded through the 2007 restructure of social work services, with the staff and support being relocated to the six social work locality teams in the six main towns in the local authority. This aimed to provide easier access to support for young people in their own area and locality support networks to be established across partner agencies in each locality.

There continued to be the provision of financial and practical support including accommodation, employment and training, finances and access to benefits. Support continues to be co-ordinated and provided to care leavers directly through social workers, social work support workers and support assistants based in locality children and families teams. In addition, there were circumstances where support was accessed from the wider social work service dependant on the young person's needs and circumstances, including from Justice Services and Adult Services and from other services including third sector supports.

The North Lanarkshire Partnership Guidance: Pathway Planning for Young People Leaving Care, outlines the planning considerations to support young people in the transition into adulthood and independent living. This was implemented 2013 and updated 2016. There are three distinct elements of this transition for young people highlighted. These are;

- The school to work transition
- The independent living transition
- The relationships transition

The range of supports available to young people when they left foster care included the following;

#### Accommodation

There has been a Homeless Strategy in place for young people leaving care to consider accommodation options and the support young people may require to sustain their accommodation and respond to emergency needs since at least 2002. This was in recognition of the vulnerability of young people leaving care and to prevent homelessness. From this there is a protocol that has been in place since at least 2006. There is an expectation that housing staff should be involved in the pathway planning and reviews to consider housing options and associated supports, even if the young person is still in care or utilising another interim support prior to moving into their own tenancy. The protocol indicates the housing options available for care leavers on a planned and emergency basis, and those not considered appropriate due to the potential issues given the underlying personal circumstances of other tenants.

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There have been a range of potential accommodation options for young people leaving care or care experienced young people in North Lanarkshire that have evolved over time. This included the potential of access to supported carers who provide supported lodgings to young people, which is a support that continues to be available; supported accommodation such as the Muirhead Project, YMCA in Cumbernauld and Young People's Project in Viewpark; temporary and permanent tenancies; and more recently the availability of a training flat supported through Barnardo's.

To support young people maintain their accommodation, there have been various supports to provide advice, guidance and practical support that have again evolved through time. In addition to social work staff, there has been the availability of supports through housing support services to assist young people in their tenancy; supports have been contracted through other 3<sup>rd</sup> sector organisations, such as in the past Sustayn and the current provider, Barnardo's who have been providing this support since 2010. These supports sought to assist young people build on and develop independent living skills, to develop the ability to budget, shop and prepare meals, build and maintain relationships with neighbours and in the community, and access leisure activities.

To support young people in advance of leaving care, the local authority sought to ensure young people had a bank account, National Insurance numbers, Passport and when moving accommodation, ensure registration with GP and other health care providers as required.

#### Financial Support

Young people have an entitlement to financial support in cash or kind through the local authority. In North Lanarkshire this has included set up costs for the transition from care to independent living to ensure that young people can move in to their own accommodation and have all the necessary furnishings and items to make this a homely environment. Young people have been supported to purchase and replace larger household items if other income has been insufficient to meeting the costs.

Prior to the removal of welfare benefits for 16 and 17 years old care leavers through the Department of Works and Pensions (DWP) in 2000, young people were supported to make and update benefits claims to ensure income maximisation. Subsequently, the local authority had arrangements in place for young people to receive their benefits entitlement. The local authority Basic Living Allowance Scheme was paid at the equivalent rate of the DWP benefits entitlement. In addition, to encourage young people to be involved in further education or training, they had access to an enhanced allowance. Care leavers were also supported through additional financial support as assessed on an individual basis for items at their request, such as funding to undertake driving lessons, buy particular equipment for employment, training or college, such as computers, clothing and tools. Financial support would also be provided pending wages or benefits claims being processed as assessed on an individual basis.

#### Employment, Training and Further Education

Social work staff directly provide support or assist young people to prepare or access training, employment or further education choices. There are a range of supports and services that have been available to care leavers, which are aligned with the wider

local authority supports. This included assisting young people to access further education establishments, careers services or training providers, such as Skills Development Scotland and supported employment services. Young people were supported to ensure that they receive grants and benefits they are entitled to in order to support their education or training, such as the educational maintenance allowance and enhanced basic living allowance. Financial support was available through the local authority to assist care leavers to purchase essential items to support them into training and employment.

#### Health

Supporting young people whilst in care and subsequently in relation to their health has been a key priority in children's services planning and corporate parenting strategy. This includes children's physical, emotional and mental health. There has been a Health Liaison Nurse in the local authority since approximately 2002, linking in with looked after and accommodated children's nurses and wider local health services with a specific remit in relation to the health and wellbeing of looked after children and young people and the support and preparation of young people when leaving care. Some of the practical supports to young people leaving care include ensuring GP Registration and awareness of other health services, such as dental, optical and specific services accessibility as required. This includes access to counselling support through Child and Adolescent Mental Health Services or specific service for young people looked after and accommodated, CAYP, and support or signposting for sexual health, smoking cessation, drug and alcohol use/ misuse. The identification of health needs should occur through the looked after and accommodated child and pathway planning reviews for young people on an individual basis prior to leaving care through identification in the Health Needs Assessment, CEL 16 undertaken. In addition, health personnel are involved in many groups and programmes for young people and their carers.

#### Listening

Children and young people's views are recognised as central to the assessment and care planning undertaken. There have been many tools adopted to seek to engage and capture views and ensure these are articulated and reflected in the assessment and plans. Some of the tools used in the local authority include Having Your Say documentation or Your View: Review Form for Young People in Foster Care, and the viewpoint programme, recently replaced by the MOMO (Mind of My Own) App. Children have had the access in the past to a children's rights officer and advocacy support services, which continue to be available and contracted by the local authority to support children and young people in care. There have been opportunities for care experienced young people to participate in range of forums to and services to have their views heard. This not only provides a peer support to young people about their care experience but to inform and shape future services and supports within the authority. In addition to such opportunities accessible through the children's rights officer and advocacy support through Who Cares Scotland (and previously Your Voice), there are other groups specifically set up to support and promote the involvement of care experienced children and young people. Examples of these groups include the Corporate Parenting Group, now the North Lanarkshire Looked After Children and Young People Group and Today Not Tomorrow (TNT), a group of care experienced young people who have driven forward the local Champion's Board.

It is recognised that many children and young people who leave foster care or kinship care return home to the care of their parents. There are a range of supports accessible to support children remain at home. This includes support through social work services Intensive Services or Families First or Community Alternatives, and a range of parenting support programmes on an individual and/ or group basis to support parents develop the skills care for and meet their child's needs as they grow and develop. There is a parenting support strategy to provide a level of consistency in the parenting support offered in the local authority through a range of statutory and voluntary agencies. Family group conferencing has been offered to families in the local authority to improve the outcomes for children and their families, focusing on problem resolution at home, to prevent accommodation or to sustain rehabilitation. In addition, there are a wide range community based supports through Community Centres and the voluntary sector, such as CSV befrienders to support children experience positive social activities.

The reviews for the child or young person prior to leaving care should set up the foundations of the multi-agency support plan in advance of leaving care. For young people in the transition from care in to independent living, this would be the pathway plan which would then be reviewed. For a younger child returning to the care of their parents, this would be an outcome focused review to review the child's plan.

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

As detailed in section 1.7 (m) and (n) above, the child's plan would be reviewed through the looked after and accommodated reviews and pathway plans process in accordance with the frequency of reviews outlined.

The child's views would be taken in to account through this process and their direct participation would be sought. There have been supports available to assist participation and support children and young people to ensure their views were heard or advocated on their behalf. For example, previous support through a children's rights officer, advocacy support services, such as Your Voice and the current service provider, Who Cares Scotland. In addition to the support of those involved with the child or young person, there have been various tools used to support children and young people get their views across at their reviews and to inform their plan, including Having Your Say documentation, Your View: Review Form for Young People in Foster Care, electronic tools, such as Viewpoint and MOMO. When young people were making the transition from care to independent living, the young person would be central to identifying the supports actively pursued, such as in relation to accommodation and careers, based on their aspirations for their future.

- p) Was such information retained and updated?**

As detailed in section 1.7 (m) and (n) above, the child's plan would be reviewed through the looked after and accommodated reviews and pathway plans process in accordance with the frequency of reviews outlined.

Information would be retained in the child's records in accordance with the local authority archiving and retention schedule at the time of social work services involvement.

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

As detailed in section 1.7 (n) above, there were a range of supports accessible to young people after they left care and these would be reviewed through the pathway planning process.

Strathclyde Regional Council retained statutory responsibility for children leaving foster care. The responsibilities changed over time in line with regulations, policy and practice. The nature of the after-care would be specific to the individual child's personal requirement.

In accordance with the Children (Scotland) Act 1995 and associated local authority staff information pack, procedures and guidelines produced in 1997, the North Lanarkshire Council Housing and Social Work Services Practice Guidance - Pathway Plan outlined the duty on the local authority to provide advice, guidance and assistance to prepare young people for ceasing to be looked after, known as "throughcare" and to provide advice, guidance and assistance for young people who have ceased to be looked after over school age, known as "aftercare". The statutory duty became a power based on eligibility for young people who sought after care support between 19 and 21 years.

Present

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

Yes

- s) If so, please give details.

The Children and Young People (Scotland) Act 2014 places additional duties and responsibilities on the Local Authority, in relation to continuing care and after care.

"Continuing Care" is a legal term established by section 67 of the Children and Young People (Scotland) Act 2014. Continuing care means the continued provision of accommodation and support by the local authority the same as was available to the young person immediately before they ceased to be looked after. In keeping with the principles of the 2014 Act, from April 2015 any looked after away from home young person born after April 1999 (and have not reached the higher age as specified by ministerial orders) will be eligible for continuing care if they cease to be looked after on or after their 16<sup>th</sup> birthday. Therefore, all young people who are in foster care/kinship care/residential care are entitled to remain in those care placements up

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to age 21, where it is deemed appropriate to do so and where they meet this criteria. There are some noted exceptions to the criteria. The aim of this provision is to provide these young people with a more graduated and supported transition out of care. Accordingly, the local authority has updated policies and procedures around the provision of continuing care (March 2019) to young people in care, including foster and kinship care and there are a number of young people supported through continuing care.

This legislation also changes the definition and extends the right to aftercare support up to a young person's 26<sup>th</sup> birthday. Eligibility applies to all care leavers including those who have been cared for in kinship care. Therefore, the local authority provides advice, guidance and support to care leavers in accordance with this.

This legislation also provides an updated definition and expectation of corporate parents. Schedule 4 specifies the public bodies and groups that are regarded as corporate parents and who have a duty to deliver supports and services to looked after children and young people and care experienced young people. There is an expectation that local authority services, public bodies and groups which have a corporate parenting responsibility will work together to meet the needs of looked after children and young people and care leavers. There is a requirement under section 59 of the Act that a corporate parent must create a plan outlining how it meet its responsibilities and that this should be reviewed. The North Lanarkshire Corporate Parenting Strategy 2015 – 2018 was produced and subsequently updated for 2019 – 2022.

The North Lanarkshire Corporate Parenting Strategy outlines five pledges which the Children's Services Partnership Board members made to support all children and young people who are or who have been looked after in North Lanarkshire. These pledges are based on the key themes of Home, Health, Listen, Leisure and Employment and Work and sit alongside the consideration of the wellbeing indicators for each child or young person.

## 1.8 Local authority staff and foster carers

### (i) Local authority

#### Past

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

No information has been identified in archives to inform how many people were employed by the local authority who had some responsibility for foster care services in the time of the county councils. The only information identified in committee minutes, indicated that the role of **Children's Officer** appeared to include responsibilities for foster care services to children in that era.

The information related to how many people were employed in the time of Strathclyde Regional Council is limited to details extracted from a small number of documents

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identified in the local authority. As the records keeper for the former regional council, the Mitchell Library may have further records held in archive.

Exact numbers of employees who had some responsibility for foster care services for child are not available and can only be estimated from the structure and job remits. Documentation from July 1985 relating to the 'Proposals for the Revised Structure of the Social Work Department', outline the proposed structure for both regional headquarters and districts within the council, which are understood to have been subsequently implemented. This report documented the existing establishment and identified the following structural arrangements, with the role and responsibility of the posts that would entail some responsibility for foster care services for children detailed.

#### **Director Social Work Services**

Responsibility for the delivery and performance of all social work services.

#### **Senior Depute Director Social Work Services**

Would have responsibility for the co-ordination of the social work department's operations and of regional headquarters business.

#### **Depute Director Social Work Services Child Care Services**

There were 5 posts, one with specific responsibility for all services to children and their families, including fieldwork and residential services, and services to the Children's Hearing. Foster care services to children would have come within this remit.

#### **Assistant Director and Principal Officer**

There were a number of assistant directors and principal officers under each depute director to assist the depute director in reviewing the service, monitoring standards of practice, assessing changes in the demand for services, formulating proposals for improved policies and procedures and overseeing their implementation.

#### **District manager**

Responsible for the management and co-ordination of all social work services within their district. They would liaise with other sub regional departments, such as housing authorities, housing departments, health boards and voluntary organisations on operational issues. They would be accountable to the regional headquarters for the use of resources and standards of practice throughout the district.

#### **Two Assistant District Managers**

These managers were liable to deputise for the district manager. They had responsibility for the co-ordination of all work of the district officers and, through them, all operational activities of the district.

#### **District Officer Child Care**

The duties of the district officer included all services to children and their families, on the model of integrated "through-care" services, understood to include fieldwork and residential services and responsibility for services related to the Children's Hearing.

#### **Area Managers**

Responsibility to manage and deliver all local social work services, including those related to foster care for children.

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### **Fieldwork Teams**

Field work teams delivered social work services on a generic basis. The teams consisted of **senior social workers** and **social workers** to deliver front line services. This included social work services to children and families, which would include children placed in fostering and the link work role to foster parents.

In the illustration of the new structure, there is a section that outlines the range of child care services as outlined below. Further details has been extracted and included in the summary below for those areas which are most relevant to foster care/ fostered children:

- **Day care services**
- **Children's Homes**
- **Foster Care** – It is noted that the district officer will manage its foster care resources, including temporary foster parents, respite carers and permanent foster families and that the district will be responsible for maintaining continuous support to foster parents, during and between placements. These district responsibilities were reflected and qualified also by other service responsibilities outlined below.
- **Assessment Centres and list "D" schools**
- **Control of admissions to care** – It is noted that either singly or jointly, district managers will establish admissions groups, which will control all admissions to substitute care, including the screening of recommendations for placements to list "D" schools, These groups will consider all planned admissions prospectively and all emergency admissions retrospectively. The level of reception into care will be monitored by regional headquarters, whose representative may attend admissions groups from time to time, but primary responsibility for the operations rest with the district manager.
- **Allocation of Placements** – It is noted that placements for children received in to care should generally be allocated at a district level. However, no district will have the resource to meet all requirements, and at regional headquarters there will be a central, computer based, information bank on available resources. It will be managed by a team of professional and administrative staff.
- **Reviews of Children in Care** – District managers will be responsible for ensuring that reviews of children in care are held and that review meetings are chaired and have a minute. Minutes of reviews will require to be endorsed by district managers or assistant district managers, who will also hear appeals against decisions taken at reviews. The regional headquarters will oversee the operation of the district review system.
- **Access Arrangements** – Area offices will undertake the initial arrangements for access, including written notification to parents. The district manager will oversee the operation of access arrangements and will authorise temporary restrictions on access, as well as resolving problems of dissent or appeals.
- **The Assumption of Parental Rights** – The responsibility of the district office will be to provide specialist guidance, to control standards, to submit papers to legal section and thence to regional headquarter, and to maintain co-ordination between procedures for the assumption of parental rights and review procedures. The regional headquarters will continue to monitor the level of assumption of parental rights, and authorise "home on trial" applications and requests for rescissions.

- **Child Care Information Systems and Registers**
- **Child Abuse**
- **Baby Adoption** – Area teams will retain their responsibilities for the assessment and the support of mothers of adoptive children. It is proposed, however, that the following process be centralised: the approval of couples, the maintenance of a single, regional waiting list, the allocation of assessments, the matching of applicants and babies, and the establishment of a regional, baby adoption panel, subject to further discussion by the chairperson of the fostering and adoption panels and by the social work committee.
- **Fostering and Adoption Panels** – The coverage and the composition of these panels will be a matter for decision by the social work committee. Their remit will include the approval of temporary, as well as permanent families; all adoptive and foster placements; approved adoption allowances; “freeing for adoption” applications; the review and possible de-registration of approved couples. The size of the panels’ workload will probably be sufficient to warrant one panel per district.
- **Home Finding Register** – District officers will maintain a register of children requiring permanent family placement and couples offering such placements. Registers will be linked to the districts new function. Other district and area responsibilities, in relation to fostering and adoption, will include the organisation of recruitment meetings for foster families; the allocation and monitoring of referrals for assessment; the issuing of handbooks and letters of approval to new fostering and adoptive parents; the preparation of the agendas of Fostering Panels; the approval of applications for enhanced allowances, discretionary payments, expenses and claims for furniture, etc.

The document details the specific structure and staffing as noted above for regional headquarters and each district. The staffing structure above was consistent across the regional council’s geography through the levels of Director to the district manager. Below this there was a variance to reflect size and demographics of the specific area. For example, in the Monklands/ Cumbernauld District, there were three district officers, one with responsibility for child care and three area managers; in the Motherwell / Clydesdale District there were four district officers, one with responsibility for child care.

Appendix 8 captures the information presented under Appendix N of the report which provides an outline of the existing and proposed restructure and staffing numbers at that time. Appendix 9 is an extract of table 1 and 2 of Appendix O from the document that provides details of each district population, workload and staffing.

There is a subsequent document that has been located from approximately 1994 for the district of Monkland / Cumbernauld. This indicated that the establishment of the district child care team consisted of district officer child care; three assistant district officers child care; two resource workers and a social worker (adoption and fostering). This details the roles and responsibilities of the post holders, which are in line with the structure detailed above.

It is understood that there was an inspection unit established in Strathclyde Regional Council in 1990 that operated arm’s length from the direct services and reported to the relevant committee. Information regarding this is limited and there may be further

related records held in archives at the Mitchell Library, the record keeper for the former council.

During the time of North Lanarkshire Council the exact numbers of employees who had some responsibility for foster care services for child are not available for the duration and can only be determined from the structure and job remits.

In 1996, following the formation of North Lanarkshire, a paper was presented to the Social Work Committee which outlined the finalised management structure of the social work department. This structure would include the personnel employed with some responsibility for foster care services for children. The structure is detailed in appendix 10.

At that time, the overall responsibility for all social work services rested with the **Director of Social Work Services** and with the **Head of Social Work Services**, who would deputise for the director of social work. This responsibility was exercised through the **Social Work Services Manager** being responsible for co-ordinating all such services. There were care group **Principal Officers**, one with a specific remit for child care who had responsibility for a range of child care services, including foster care services. There were three **Senior Child Care Officers**, who dependant on functional responsibilities, would also have a responsibility for foster care services for children.

There were six **Area Managers** who had responsibility for the delivery of social work services within their area, including for looked after and accommodated children. Within each area team there was an **Area Service Manager**, a **Senior Child Care Officer**, a number of **Senior Social Workers**, **Social Workers** and **Social Work Assistants** who would also have a responsibility and involvement in the delivery of foster care services for children in care who were resident from each area. The full remit of each of these post would be detailed in job descriptions. The number of staff in each locality would vary dependant on need and is therefore not available due to the flexible nature of staffing.

There was a Headquarters Planning, Registration and Inspection Structure outlined within this paper. It is understood that this unit would have carried a level of internal oversight of social work services, including foster care services to children prior to the introduction of external registration and scrutiny through the Care Commission. This would include the performance of services, oversight of complaints and contract for any services purchased from external organisation.

In August 2001 there was a restructuring of the social work department proposed and approved at the social work committee. This detailed the following structure where there would be a responsibility for foster care services to children:

**Director of Social Work**

**Head of Social Work Services**

**Manager for Children and Families and Justice Services**

**Children and Families Service Manager**

2 x **Co-ordinator Children and Families**

4 x **Senior Child Care Officer**; 1 with responsibility for family placements and 1 Senior Children's Rights Officer

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The above were Headquarters based personnel who provided centralised oversight, support and services across all area teams. The following structure was in place for the local delivery of social work services;

There were 3 **Operational Managers**, each with responsibility for 2 local area teams

There remained 6 area team, which consisted of;

1 **Area Service Manager** with responsibility for local delivery of social work services

2 **Senior Child Care Officers**

**Senior Social Workers** (varied numbers dependant on size of team)

**Social Workers and Social Work Assistants** (varied numbers dependant on size of teams)

There continued to be a role and responsibility for the performance, monitoring and standards, registration and inspection, and contracts through the social work resources and social work development sections within the social work department. The external inspection of foster care services was assumed by the Care Commission in accordance with the Regulation of Care (Scotland) Act 2001.

The remit of each post would be contained in the specific job description. The structure at this time is detailed in appendix 11.

In 2007 there was a re-design of social work services to children, young people and their families. This followed an audit of services which commenced in 2005 and took account of the Scottish Executive policy document "Getting it Right for Every Child" which set out the vision for all children in Scotland.

This re-design consolidated locality social work teams for children and families having a lead role for all children and young people with sub teams focusing on either supporting children or young people under or over 12 years of age, albeit there was recognised need for flexibility to meet the needs of families. Children and young people in need of foster care services continued to be a responsibility of both children and young people's teams in the localities. The support for young people leaving care and after care would generally be provided through the staff working in the young people's team. The staff in the Throughcare Team (**Senior Social Worker, Social Workers and Social Work Assistants**) were dispersed from an authority wide service and moved to be based in the six locality team to deliver services locally.

A review of fostering service in the local authority commenced in 2005 and concluded with the re-design of the service in 2007. Until 2007 there were three services which delivered the local authority fostering services, namely, the fostering and adoption team, the shared care team and the parent and child support team. These services were centrally managed with some aspects of work undertaken in the six locality social work teams, such as the link social work role to foster carers. Phase 1 of the re-design of social work services concentrated on the consolidation of these service in to the one children's carers service. This witnessed the children's carers services undertaking responsibility for all assessments of prospective carers, training, ongoing monitoring and the link work support role. Whilst the focus for the locality teams was the child's needs and planning for them.

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The staffing compliment in the three team at the time of the audit was as follows:

Parent and Child Support Team

1 **Senior Social Worker**

1 **Project Co-ordinator**

1 **Social Work Assistant**

Shared Care Team

4 **Social Workers**

Fostering and Adoption Team

1 **Senior Child Care Officer**

7 **Social Workers**

3 seconded **Social Worker** posts

The newly consolidated children's carers team consisted of;

2 **Senior Social Workers**

14 **Social Workers**

1 **Children's Carers Co-ordinator**

The second phase of the redesign evidenced the consolidation of a range of support services and their realignment with the support structure in the social work locality team, focusing on support to children or young people. Accordingly, this saw the development of authority wide intensive services for children, namely Families First and Community Alternatives for young people. There would be times when social workers and support workers in these teams would be involved and supporting the care plans for children in foster care.

The management arrangements for Housing and Social Work Services was reviewed in 2007, resulting in the following staff having some responsibility for foster care services for children;

**Executive Director Housing and Social Work Services**

**Head of Social Work Services**

**Manager Children & Families**

3 x **Service Manager Children & Families**; 1 corporate parenting, 1 children and family support and 1 young people

10 x **Senior Officers** (responsibility for foster care services, dependant on remit)

6 x **Community Social Work Managers**

6 x **Locality Social Work Manager** children & families and justice

Locality based **Senior Social Workers, Social Workers, Support Workers** and **Support Assistants** (varied numbers dependant on size of team)

The full staffing composition at the point of this restructure is documented in appendix 12.

The staffing outlined from this re structure has largely remained, although there have been some variations in the numbers of posts. Community Social Work Manager roles being replaced by Health and Social Work Managers posts in 2016. Some further changes to the overarching management structure will be implemented in 2020 in line

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with the integration of Children, Families and Justice Services with Education Services.

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

The information about how many people were employed by the local authority at any one time who had some responsibility for foster care services for children has been outlined in section 1.8(i)(a) above.

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

There is limited information available regarding the personnel involved and in relation to the roles and responsibilities of personnel from time of the County Councils. There is no documentation regarding job specification, role and responsibilities. As noted above, records of committee minutes from this time indicate the position of Children's Officers was pivotal in reporting on the circumstances of boarded out children and foster parents to committee. From the information available, the role and responsibilities of personnel in the position of children's officers included meeting with both children and foster carers. Records viewed suggest that children's officers provided a support role to boarded out children, recommended and commented on the suitability of placements with foster parents and provided an ongoing monitoring role. Children's officers appear to have had a responsibility to undertake regular visits to boarded out children and their placements to report to committee.

The roles and responsibilities for personnel during the time of Strathclyde Regional Council are as detailed in Section 1.8 (i)(a) above. It is apparent that staff from the district manager through to the front line staff had a range of roles and responsibilities for delivering support and services to both foster carers and/ or children. All posts under the district manager and in certain circumstances the district manager would have had direct contact with foster carers and / or children. The management structure above the district manager would also have had a role and responsibility for the delivery of foster care services to children given the overall responsibility for the delivery and standards of all social work services.

During the time of North Lanarkshire Council, in addition to the details provided in section 1.8(i)(a) above, the specific roles and responsibilities of staff as detailed in job specifications are as detailed below;

**Operational Manager Job Description and Person Specification (prior to 2007) stated:**

Contribute to the modernising of the Councils Social Work provision. Departmental management team and this will include fieldwork, day care, residential care and some areas of specialist provision. Lead responsibility for the strategic management of social work service provision within an agreed geography. Professional or academic qualification in a relevant discipline as well as a minimum of three years senior management experience within Social Work or other relevant discipline along with



experience of inter-agency liaison and knowledge of social work agenda and statutory framework's as well as enjoying working under pressure were essential.

**Head of Social Work Services (pre 2016) Job Description and Person Specification stated:**

The post holder will be responsible to the Executive Director of Housing and Social Work Services, the Head of Social Work Services will contribute to the development of the Council's overall corporate strategy and ensure that it is implemented in line with the priorities agreed by the Council and the Community Planning Partnership. The Head of Social Work Services will deputise for the Chief Social Work Officer. The post holder has specific responsibility for the strategic direction and operational management of children and families and justice services, as well as for designated locality management structures and arrangements. Educated to degree level, with a relevant professional social work qualification. Extensive experience (more than 7 years) of working at a senior level in local government or related organisations and able to demonstrate a successful track record of achievement at senior management level in Social Work, in particular Children's and Justice Services and Public Protection. SSSC and PVG required.

**Head of Children and Families, and Justice Social Work Services (current from 2016) who is the Chief Social Work Officer, Job Description and Person Specifications states:**

Post holder will contribute to the development of the Council's overall corporate strategy and ensure that it is implemented in line with the priorities agreed by the Council and the Community Planning Partnership. Has specific responsibility for the strategic direction and operational management of children and families and justice services, as well as for designated locality management structures and arrangements. Educated to degree level, with a relevant professional social work qualification. Extensive experience (more than 7 years) of working at a senior level in local government or related organisations and able to demonstrate a successful track record of achievement at senior management level in Social Work, in particular Children's and Justice Services and Public Protection. SSSC Registration and PVG required.

**Manager Children & Families Job Description and Person Specification from 2008 - current states:**

Lead on the continuing modernisation of social work children's services. In recent years we have made significant investment in developing our workforce, have a small number of purpose built children's houses, invested in children's carers and in supporting young people in their communities. A professional qualification in Social Work with substantial management experience within Social Work or other relevant discipline at a senior level, a proven track record in leadership and development of modern services and knowledge of the Social Work agenda, statutory framework are essential. A relevant Post Graduate or Management qualification and experience of managing Social Work Services within a Local Authority are desirable. PVG and SSSC registration essential.

**Service Manager– Children & Families Job Description and Person Specification states:**

Lead and contribute to the development and implementation of legislation, policy and procedures in line with national and council policies and plans, with particular emphasis on the themes of child protection, disability, mental health, parental substance misuses, early years and parenting support to families. Responsibility for performance, quality and continuous improvement of these services. A professional or academic qualification in a relevant discipline combined with a minimum of 3 years management experience in Social Work, including supervisory experience, is essential. A relevant post graduate or management qualification, experience of managing social work services within a local authority and experience of managing children and families is desirable. PVG and SSSC Registration essential.

**Senior Officer – Children & Families Job Description and Person Specification from 2008 – current states:**

Progressing developments to ensure the successful implementation of the new Children and Young People (Scotland) Act 2014, implementation of quality assurance processes to ensure that service provision achieves good outcomes, and the writing of reports, policies and guidance as required. The duties of the post will be informed by and will progress GIRFEC principles. Significant post qualifying experience is essential including experience in a relevant discipline. A track record of successful inter agency working, leadership skills together with knowledge of risk assessment and risk management frameworks are essential as are excellent verbal and written skills. CQSW/DipSW or equivalent, SSSC and a criminal conviction check through Disclosure Scotland (PVG).

**Community Social Work Manager – Job Description and Person Specification (2007 – 2016) stated:**

Lead and facilitate the delivery of high quality services at locality level through effective business planning and quality assurance programmes in designated areas of Social Work service activity have authority wide responsibility for strategic planning and implementation. Ensure and report on the delivery of best practice in the field of public protection in accordance with organisational policy, procedure and national standards. Lead and facilitate the development of an open, constructive organisational culture which fosters creativity, innovation and the exercise of appropriate professional autonomy in partnership with other colleagues ensure the effective delivery of support functions within the locality specifically in relation to Human Resources, Financial Management and Information Technology, work force planning through joint work with the training and human resource management functions to foster a competent, confident workforce. Set, monitor and review on a regular cycle qualitative and quantitative service delivery standards. CQSW/DipSW or equivalent, SSSC and a criminal conviction check through Disclosure Scotland (PVG) essential and Relevant Post Graduate or Management qualification desirable.

**Locality Social Work Manager – Job Description and Person Specification 2007 – current states:**

Contribute to the promotion of social work values and ethos as represented in the Changing Lives agenda, provide day to day operational management and leadership across designated service areas within the locality, have a day to day responsibility for assessment and care planning and service provision including quality assurance functions, promote service improvement through partnership networking with other agencies, support the delivery of North Lanarkshire Council's corporate policies and

services strategies including in their field of operation and contribute to general social work service delivery across care groups as a member of the locality management team as well as deputise for other managers as appropriate. Promote the principles of person centred practice in social work service delivery. Support development and maintenance of best practice in the field of public protection through compliance with organisational policy and procedure and national standards. Implement effective monitoring and measurement of assessment and planning ensuring that locality services are provided within the Service's quality assurance framework. Promote appropriate targeting of resources and the principle of minimum intervention through joint working with partners in universal services. Support staff through promotion of staff development, monitoring implementation of the supervision policy and effective workload management. Contribute to the formulation of operational and strategic plans for their area of service delivery, working with colleagues across the organisation and partners. CQSW/DipSW or equivalent, SSSC and a criminal conviction check through Disclosure Scotland (PVG) essential and Relevant Post Graduate or Management qualification desirable.

**Senior Social Worker – Job Description and Person Specification states:**

To contribute to promotion of social work values and ethos as represented in the Changing Lives agenda. To provide day to day operational management and leadership across designated service areas for an identified group of staff. Ensure delivery of high quality services within their area of responsibility. To work in partnership with other sections of the Service and Council and with other agencies. To contribute within their field of responsibility to compliance with North Lanarkshire Council's corporate and Social Work's policies, services and strategies. Contribute to general social work service delivery across care groups as a member of the locality management team. Deputise for other senior managers as appropriate. Delivering quality services through promote the principles of person centred practice in social work service delivery. Support development and maintenance of best practice in the field of public protection through ensuring that staff are aware of and operate within organisational policy and procedure and national standards. Report on specified areas of responsibility utilising the Social Work performance management framework. Promote appropriate targeting of resources and the principle of minimum intervention through joint working with partners in universal services. Support staff through promotion of staff development, monitoring implementation of the supervision policy and effective workload management. Contribute to the effective implementation of operational and strategic plans for their area of service delivery, working with colleagues across the organisation and with partners in their locality. CQSW/DipSW or equivalent, SSSC and a criminal conviction check through Disclosure Scotland (PVG) essential and Relevant Post Graduate or Management qualification desirable.

**Social Worker – Job Description and Person Specification states:**

As a member of a designated team to contribute to the provision of the Service's assessment and care management services within National and Council policies, procedures, practice and service standards and to contribute to service developments. To contribute to the provision of the Service's assessment and care management services consistent with National and Council policies, procedures, practice and service standards and to contribute to service development. To contribute to the development and implementation of relevant statutory plans, including Council policies and procedures. To participate in the Service arrangements for managing

performance and providing quality services. To participate in Service arrangements for supervision and workload management and to ensure that all work is recorded in accordance with Council procedures. To undertake training and personal development programmes as may be necessary. To liaise with other Service's, agencies, service users and carers to contribute to the identification of need and assist with service development. To supervise students where appropriate. To comply with statutory and corporate health and safety standards. To promote meaningful user/carer involvement in service provision. To undertake other duties as required. It is a requirement of the post to be registered with the Scottish Social Services Council. Comply with North Lanarkshire Council's Health & Safety at Work procedures and any relevant legislation and to ensure that safe systems of work are used at all times. CQSW/DipSW or equivalent, SSSC and a criminal conviction check through Disclosure Scotland (PVG) essential.

### **Children and Families Support Worker – Job Description and Person Specification states:**

Main duties and responsibilities include to work within existing legislative, policy and procedural requirements. To work as part of a team to ensure that all work undertaken adheres to the vision for children, young people and their families, and complies with the overall aim, objectives and core function of the service. To ensure that work undertaken is focussed on achieving improved outcomes for children, young people and their families. To develop a positive professional relationship with children, young people and their families, with a strong focus on effective communication methods. To undertake individual assessments and to develop plans, based on a care co-ordination approach as outlined in the service guidance on assessment and planning with individuals. To work with other agencies to identify, assess and manage risk. To develop and implement programmes of interventions on an individual, group and family basis. To monitor and review the effectiveness of individual planning, ensuring that objectives and outcomes are being achieved. To liaise, communicate and work in partnership with other professionals / agencies. To engage positively with children, young people and families, encouraging their active involvement and participation in all aspects of work. To record all work undertaken in compliance with procedures and guidance. To prepare reports regarding assessments, plans and interventions as required, within specific timescales. To facilitate, organise and support children, young people and their families to take part in inclusive, meaningful, appropriate activities / pursuits, including travel arrangements. To participate pro-actively in team meetings, and other team arrangements e.g. development days. To participate pro-actively in supervision, training and staff development opportunities consistent with policies / procedures. To take personal responsibility for his / her own continuous professional development. Subject to the needs of the service / team, to take on a lead role for an area of innovative practice, and to undertake a peer mentoring role. Comply with North Lanarkshire Council's Health & Safety at Work procedures and any relevant legislation and to ensure that safe systems of work are used at all times. To undertake other duties as required. SVQ Level 3 in Social Care and HNC in Social Care or equivalent is essential, SSSC and a criminal conviction check through Disclosure Scotland (PVG) essential.

### **Children and Families Support Assistant – Job Description and Person Specification states:**

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Main duties and responsibilities include to work within existing legislative, policy and procedural requirements. To work as part of a team to ensure that all work undertaken adheres to the vision for children, young people and their families, and complied with the overall aim, objectives and core function of the service. To ensure that work undertaken is focussed on achieving improved outcomes for children, young people and their families. To provide information, advice and support to children, young people and their families. To engage positively with children, young people and their families using effective communication skills e.g. listening, encouraging and supporting. To work intensely with children, young people and their families in a range of settings to manage crisis or to develop an understanding of strengths and capacity. To implement agreed plans with children, young people and their families, in partnership with colleagues and other agencies. To implement agreed interventions on an individual, family or group basis as part of the overall plan. To provide support to children, young people and families who may have additional needs. To provide practical support and assistance as necessary. To support the development of new skills and approaches e.g. budgeting, cooking, domestic care, self-care etc. To facilitate contact arrangements, between children, young people and their families. To undertake assessment work in specific circumstances or in respect of specific tasks / activities e.g. contact. To support children, young people and their families to be involved / participate in developing and implementing their own plans, and to help them express themselves in key processes e.g. reviews, conferences. To record all work undertaken in compliance with service procedures and guidance. To facilitate, organise and support children, young people and their families to take part in inclusive, meaningful, appropriate activities / pursuits, including travel arrangements. To provide verbal and written reports to the lead worker / professional in respect of incidents of concern and work undertaken and progress. To take responsibility for managing his / her workload, and to prioritise appropriately. To participate in formal consultation and reflective learning opportunities. To participate in team meetings and other team arrangements e.g. development days. To participate pro-actively in supervision, training and staff development opportunities, consistent with service policies / procedures. To comply with North Lanarkshire Council's Health & Safety at Work procedures and any relevant legislation and to ensure that safe systems of work are used at all times. To undertake other duties as required. Qualification in Social Care e.g. SVQ Level 3 in Social Care / HNC in Social Care or equivalent, SSSC and a criminal conviction check through Disclosure Scotland (PVG) essential.

Prior to 2007, social workers within local area teams provided the link work support role to foster carers. Therefore, locality staff would have been in contact with allocated foster carers in this capacity. Locality social workers would ordinarily have regular contact with any children on their caseload who were looked after and accommodated and in foster care to provide support and to assess and review the child's circumstances and plan, facilitate contact and seek their views.

Following the redesign of children and families social work services in 2007, the assessment, reviewing and support to foster carers was consolidated and brought under the one central service of the Carers Team. Accordingly, the social workers in the carers team undertook all roles and responsibilities for foster carers. The carers team had two senior social workers based in the team. The service manager for corporate parenting from headquarters would have management responsibility and oversight of the team. The social workers from the carers team would be responsible

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for the assessment and support of carers and would therefore be the main contact for foster carers from this time. In exercising these responsibilities they would also have a level of contact with children in placement.

The review of foster carers have been independently undertaken within the local authority for a number of years, this resulting in senior social workers from the six locality teams and senior officers from headquarters undertaking the reviews of foster carers.

Children in fostering and kinship care would be seen through the support, assessment, planning and reviewing role and responsibilities held by allocated social workers in the locality teams. The child's plan could be supported by other social work staff dependant on needs, such as support workers, social work assistants or support from staff in the intensive services. Looked after and accommodated child reviews were previously undertaken by a senior social worker in the same team, but not the senior social worker with line management responsibility. Therefore these senior social workers would be in contact with children to fulfil the role of chairperson to review the child's plan. To provide an increased level of independence, the looked after and accommodated reviews for children have been undertaken independently of the locality for a number of years. Children are seen by a designated senior social workers or senior officer from elsewhere in the local authority in the capacity of independent chairperson to their review.

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

The information about the experience and qualification of staff that is known has been detailed in the preceding sections for 1.8 above.

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

Foster Panels were set up by Strathclyde Regional Council in 1986/7 in response to the Boarding-out and Fostering of Children (Scotland) Regulations 1985.

In February 1996, the director of social work presented a paper to the social work committee in relation to the establishment of a North Lanarkshire Adoption and Foster Panel and a North Lanarkshire Adoption and Foster Review Group.

This paper outlines the primary functions are to consider and recommend to the council:

- Whether adoption is in the best interest of the child and whether an application under section 18 of the 1978 Act (Freeing a Child for Adoption) should be made to free the child for adoption or whether custody is a more appropriate alternative,
- Whether a prospective adopter or prospective foster parent is suitable to be an adoptive parent or foster parent, and
- Whether a prospective adopter or prospective foster parent would be a suitable adoptive or foster parent for a particular child.

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The purpose and remit of the panel has been updated through time to take account of changes in the local authority and regulation, such as through The Looked After and Accommodated Children (Scotland) Regulations 2009.

The panel subsequently became known as the Fostering and Family Placement Panel and the duties and function of the panel are in accordance with those as set out in the 2009 regulations.

The functions of the Fostering and Family Placement Panel were stated as:

- To consider whether a prospective foster carer is suitable or continues to be a suitable foster carer and
- whether the panel's recommendation is in respect of:
  - a) a particular child
  - b) any child
  - c) certain categories of child
- To determine the maximum number of children a particular foster carer may have in their care at any one time.

The regulations gave agencies discretion to seek panel's advice on other relevant matters. These are regarded as the supplementary functions of the panel, such as:

- To review the approval of foster carers. Foster carers should be reviewed at panel within a year of their approval and then every three years after that.
- Any change in a foster carers approval following a foster care review will be presented to the panel for considerations of
  - a) change in approval
  - b) termination of approval
- To review and change the approval of other children's carers such as those who provide short breaks to children.

These functions are reflected within the operation of the Fostering and Family Placement Panel in North Lanarkshire.

The North Lanarkshire Kinship Care Panel was set up in response to the Looked After Children (Scotland) Regulations 2009. The local authority Kinship Care Guidance 2010 identified that all new statutory kinship care arrangements made in respect of looked after children or young people, regardless of whether or not financial assistance was being sought, must be assessed and approved by the multi-agency kinship care approval panel. The local authority kinship care guidance was reviewed in 2014, 2016, 2017 and 2019, with the approval of kinship carers continuing to be the responsibility of the multi-agency kinship care panel.

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

At its inception in 1986/7, the Foster Panel in Strathclyde Regional Council consisted of:

- 4 Elected Members of the Social Work Committee, one of whom must be Chairman, a Medical Adviser,
- an Educational Psychologist, and

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- the Divisional Organiser (Community and Field Work) or the Divisional Adoption and Fostering Adviser.

The composition of the Adoption and Foster Panel following the formation of North Lanarkshire Council was stated in 1996 to be:

- Three elected members of North Lanarkshire Council with a maximum of two members asked to attend.
- A medical advisor.
- A psychologist nominated by Director of Education.
- The Principal Officer (child care)
- The Senior Child Care Officer

One of the elected members shall be chairperson. In the event of an elected member not being present, the panel will proceed with the Principal Officer (child care) acting as chairperson.

Subject to the foregoing the quorum, excluding the medical advisor shall be three.

Minutes from each meeting would be submitted to the Head of Social Work Services to enable them to take decisions on the matters presented as Agency Decision Maker.

The Fostering and Family Placement Panel Constitution has been regularly updated to take account of changes in regulation and the organisational, including The Looked After Children (Scotland) Regulations 2009.

The constitution of the Fostering and Family Placement Panel since 2007 includes the following:

#### Membership

The Panel shall consist of no less than six persons, including at least one man and at least one woman. Membership shall include:

- Manager, Children and Families or Service Manager, Corporate Parenting.
- An elected representative
- A medical adviser who is a qualified medical practitioner preferably a paediatrician
- A legal adviser who is a solicitor or advocate who will provide legal advice (*not legally required on fostering panels*)
- A carer representative, who may be a foster carer, shared carer, supported carer or adoptive parent.
- An educational representative who preferably is an educational psychologist who has knowledge of child development/education, and experience of working with children who are looked after and accommodated
- A social work representative who will be at senior social worker level or above
- An independent member who may not be employed by the authority but who will have relevant experience of the issues effecting looked after and accommodated children.
- The panel adviser, Senior Officer, Corporate Parenting. The panel advisors role is to offer advice to the panel and is not a voting member of the panel.



A quorum shall consist of no less than three persons, excluding the medical adviser, legal adviser and panel adviser.

### **Chairperson**

The Panel shall be chaired on a rotational basis by a senior manager from North Lanarkshire Council.

### **Term of Office**

All panel members will undergo checks as required by the National Standards. This will include Disclosure checks, employee reference and departmental checks.

Apart from the medical and legal advisors, those panel members appointed onto the panel shall service for period of three years with an option of renewing for a period of a further three years thereafter.

### **Confidentiality**

All panel members will be given a written statement to read and sign in order to comply with confidentiality requirements.

### **Frequency of meetings**

The panel shall meet at least monthly with extra panels being organised when necessary. In exceptional circumstances additional panels can be scheduled in consultation with the Manager, Children and Families.

Business meetings will take place quarterly. The business meeting will:

- Consider developments in the service.
- Have an overview on the work completed by the panel
- Receive feedback on the outcome of individual recommendations.
- Consider training and development issues.
- Consider the impact of any complaints received.
- An annual report will be provided.

### **Decision making**

Every effort will be made to reach a consensus on all recommendations. In the case of unresolved differences, a decision on the recommendations may be reached by vote. All panel members will be voting members except the legal adviser and panel co-ordinator. The chairperson will have the casting vote. The result of any decision put to a vote will be clearly recorded in the minute for the attention of the agency decision maker.

### **Minutes**

A minute of the meeting will be typed and forwarded to the panel adviser within five working days. The minutes will then be forwarded to the chairperson for signing and then passed to the agency decision maker.

Timescales must be adhered to and if adoption is being recommended as the plan for the child, the decision must be made by the agency decision maker, within 14 days of the panel recommendation. This will also be adhered to in the fostering and family placement panel.

The Chief Social Work Officer, currently also lies the Head of Children, Families and Justice Social Work Services undertakes the role of Agency Decision Maker in respect of all recommendations made by the Fostering and Family Placement Panel.

The Kinship Care Guidance 2010 identified the kinship care approval panel as a multi-agency panel that would consider the kinship care assessment undertaken by the allocated social worker and information gathered from associated checks, including:

- Disclosure Scotland Checks regarding criminal conviction
- Medical Checks and
- Financial Assessment

This paperwork is submitted to the multi-agency kinship care approval panel along with the appropriate assessment detailing the child's circumstances and their personal outcome plan.

The Panel would consider the information presented and make a recommendation regarding approval of kinship care arrangements, however final approval would be decided by the Agency Decision Maker.

### **Decision**

The local authority kinship care procedures 2014, identified that the panel can make the following recommendations:

- Approval of the proposed kinship carer, placement and any identified supports
- Non approval of the proposed kinship carer and placement as appropriate to meet the child's needs.
- Defer approval, pending further assessment or information.

### **Membership**

The 2014 procedures identified the following members of the multi-agency kinship care approval panel:

- Community Social Work Manager (chair- alternating)
- Service Manager
- Locality Social Work Manager
- Education representative
- Health representative
- Senior Social Worker (alternating)
- Senior Officer

### **Frequency**

The multi-agency kinship care approval panel will be scheduled monthly, with additional panels being arranged as required.

### **Agency Decision Maker**

In the 2014 procedures, the agency decision maker is noted to be the Manager, Children and Families. In addition to the final consideration and approval of recommendations made by the panel, the Manager, Children and Families has responsibility to oversee the panel.

## Present

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

No, whilst there have been some changes in local authority structure for social work services, the staff with some role and responsibility for foster services and the arrangements for foster care services are as set out above.

- h) If so, please give details.

N/A

## (ii) Foster carers

### Past

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

There is limited information held by the current local Authority in relation to its predecessors and how foster cares were identified, approved and registered.

The only information identified from the time of the County Councils is that which is retained in archives, such as records of committee minutes. Whilst it is apparent that there were reports and communications about the suitability of foster parents, the full details of how foster parents were identified and any assessment prior to approval is unclear.

There is information in archives which suggest recognition was taken over legislation, policy and procedure. For example, the Committee Minutes from the Burgh of Airdrie from January 1947, p514 noted that there was submitted a Scottish Home Office Circular No 6663 dated 9<sup>th</sup> Inst. Intimating that the Secretary of State had, in light of the recommendations in the Report on Homeless Children by the Clyde Committee, revised and consolidated the existing rules and regulations relating to boarded out children and enclosing a copy of the Children (boarding-out, etc.)(Scotland) Rules and Regulations, 1947, under Section 10 of the Poor Law (Scotland) 1934, and Section 88(2) of Children and Young Person (Scotland) Act 1937. The Town Clerk was instructed to obtain copies of these for circulation. There is a similar reference to the Committee minutes of the Burgh of Motherwell and Wishaw, which noted the Regulations and the revision and consolidation of existing rules and regulations in regard to boarded-out children. Whilst it is understood that these regulations increased the responsibility on councils for the selection and inspection of foster parents, the details of how this was put into practice are not specified in the minutes.

There is an entry in the Committee Minutes of the Burgh of Airdrie, 1959 P334 & 335 regarding a Scottish Homes Department Circular No.9421, which was accompanied with a copy of the Boarding-out of Children (Scotland) Regulations 1959. This was noted to replace the existing rules applied to local authorities for boarded-out children. It stated that this included the provisions as to the consideration of a child's suitability

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for boarding-out, the medical and dental examination of children, suitability of foster parents and foster homes, visits and reports thereon, supervision and termination of boarding out and records to be maintained and information to be exchanged by responsible authorities.

There is a reference in the Committee Minutes of the Burgh of Airdrie, 1969 p44 (B.O.C.1061) which documents that the children's officer reported that a boy, who was resident in a children's home was now placed with suitable foster parents after they had received satisfactory reports and references. Although an indication of checks and references taking place, there are no further details of the checks and references that were undertaken.

The records for the former Strathclyde Regional Council are held in archives in the Mitchell Library and there may be additional information retained there. It is understood that during the time of Strathclyde Region Council concerted publicity campaigns were run and outreach activities took place in the 1970s to seek applications of prospective foster carers.

The process of assessment and preparation of applicants included:

- Group meetings
- Individual interviews
- That they undertake contact with existing foster carers
- Formal enquiries of applicants: departmental records; police enquiry; Area health board enquiry; personal references; medical reports and x-rays
- Enquiries regarding other residents
- Outwith the Region enquiry
- Presentation of assessment report

Reports and documentation related to the assessment of prospective foster carers would be presented for consideration and approval by a Divisional Fostering Panel. This documentation and minute of the Panel would be passed to Divisional Director who would make the final decision on approval and registration of foster carers.

Strathclyde Regional Council had a Link Carers Scheme established in the early 1990's, which was set up to recognise and support extended family members who were caring for children who were not able to remain in the care of their birth parents. There is no details in relation to the assessment process around those included in the Scheme and the associated placements. This information may be held in archives at the Mitchell Library, although has not been located to be able to include in this report.

Following the formation of North Lanarkshire Council, foster carers were identified from a range of sources. The initial enquiries were identified from the following sources:

- Recruitment campaigns which the local authority run on a regular basis through local and national media.
- North Lanarkshire News which would feature standard advertisement and press release when space available (at least twice per year).
- Features were area team led and with focus on local needs (each team would run a feature at least once per year).

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- Rolling programmes of open nights.
- Enquiries from current carers' friends, neighbours, family members.

All **initial enquiries** would be followed up in accordance with the process set up in the local authority and involved the child care team and senior child care officers. The initial enquiry would be followed up with an **initial interview** and then if potential applicants wish to proceed, they would be invited to a series of **preparatory groups**. The preparatory groups covered a range of topics and would take place over 4 consecutive weeks. Where numbers permitted, a separate group would be set up for temporary and permanent carers. At the end of the preparatory groups, a report would be completed by the group leaders on each applicant. A home visit would be undertaken to discuss the report, which would comment on the participants understanding of the fostering role prior to and after the preparatory group, the resource they were offering and the group leader's assessment on whether the participants should proceed to assessment. It was recognised that there were some occasions when it was necessary to counsel out the participants at this stage and this would be done sensitively by the senior child care officer or senior social worker.

Once completed, the report from the preparatory group would be sent to the senior child care officer, adoption and fostering. Applicants would be invited to make formal application at the **post preparatory group interview**. The applicants would then be allocated to a social worker for **full assessment** and reporting to the Fostering and Family Placement Panel for consideration.

The application detailed the requirement for agency checks through police, the local authority inter departmental checks, family doctor, area health board and three personal references. Previous employers, where the applicant was in a caring role would also be approached. These checks would support the information gathering about the health and character of the applicants. The assessment report would be completed on the BAAF form F paperwork (assessment of prospective adopters and foster carers), now Corum BAAF form F.

In addition to the assessing social worker completing a range of interviews with the applicants and enquiries through the agencies detailed above, references would be undertaken through a combination of written reports and face to face interviews. The senior social worker would also undertake a visits to the applicants with the assessing social worker.

Assessments would be presented to the Fostering and Family Placement Panel along with all the supporting information, including the application and all correspondence related to the assessment. The assessment would include the recommendation in relation to approval or not and if being approved, any associated recommendation, such as number and age of children that could be placed and post registration considerations.

The Fostering and Family Placement Panel would be attended by the applicants, the assessing social worker, their senior social worker, the panel members and panel advisors. Having considered all information presented, the panel would either:

- Agree with the recommendation that was being made
- Defer for further information to be provided, or

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- Disagree with or oppose the recommendation.

All recommendations made by the Fostering and Family Placement Panel were then considered by the agency decision maker, who is the Chief Social Work Officer and would decide to approve or not approve the panel's recommendation. The final decision would be communicated to the applicants in writing.

Whilst the above remains the framework for assessment and approval of foster carers, there have been updates to take account of national and organisational changes over the time of North Lanarkshire Council.

The local authority has undertaken a range of advertisement campaigns and updated the associated recruitment paperwork to seek suitable applicants to become foster carers. This includes the following advertisement campaigns:

1996 – 1998 Sharing and Caring in North Lanarkshire.

2005 – Fostering & Adoption North Lanarkshire

2006/ 2007 - Why Me?

2009/ 2010 – You Can Put The Colour Back Into A Child's Life

2014/ 2015 – Everyday Heros Wanted: An introduction to fostering and adoption in North Lanarkshire.

Current – What It's All About

As previously noted, the local authority centralised its services for children's carers in to the one children's carers team in 2007. Following this, all assessments of prospective foster carers have been undertaken through the social workers based in the children's carers team.

The previous requirement for police checks to ascertain any criminal convictions of prospective foster carers have been updated in accordance with legislative changes, initially to include enhanced disclosure checks undertaken via Disclosure Scotland and more recently criminal convictions checks being undertaken on foster carers with their inclusion in the Disclosure Scotland Protecting of Vulnerable Groups (PVG) scheme. These checks would be updated at least every three years. In addition, the local authority undertakes enhanced disclosure checks on the adult children of foster carers who continue to live in the home.

To enhance the assessment of the home environment of prospective foster carers a health and safety check would be undertaken. There would be a check to ensure household insurance was appropriate. If the prospective foster carers have a dog, a dog questionnaire is also completed to assist on considerations about the compatibility of the dog if the applicant was approved as a foster carer. More recently, a general pet questionnaire has also been included in the assessment process.

The exploration of prospective foster carers financial stability and ensuring income maximisation has been a part of the assessment. In recent years this has been enhanced to include access to a full financial assessment of all prospective foster carers and access to the welfare rights team for associated advice and support on an ongoing basis.

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Previously, the local authority followed the BAAF recommendations as they evolved regarding foster carers. For example, in relation to exposure to tobacco smoke and this not being appropriate for children, particularly those under 5 years to be placed in a smoking environment or for an older child that had any relevant health issues that could be impacted. This recently culminated in the local authority concluding that foster carer applications would not be considered if either applicant was a smoker, defined as a smoker or someone who has not abstained from smoking for 12 months or more. Prospective applicants would be given advice, guidance and signposting to receive the support to stop and sustain a smoke free lifestyle prior to any consideration of assessment.

Employee references have progressed and now include references being sought from most employers. References are also sought from the past partners of applicants. If the applicants have children who are of school age, references are sought from the children's school.

North Lanarkshire Council adopted the Link Carers Scheme from its predecessor and this remained in place until 2008 when this was renamed and updated to the local authority kinship care scheme, with the associated guidance and procedures being implemented in 2010.

Kinship carers would usually be identified by a child's birth family/ family network or through social work exploring alternate care options in the child's family network. A potential kinship carer would often be identified prior to a child being accommodated. This could be on a planned or emergency basis. If identification was on an emergency basis, initial checks would be undertaken to clarify the immediate suitability of the proposed kinship carer. This would include home visit and an environment check, discussion with the kinship carer and police checks regarding criminal convictions. A full assessment would then be undertaken in relation to the kinship carer for presentation at the local authority kinship care panel.

If the proposed move of a child from their birth parents or another placement to a kinship carer was being considered on a planned basis, the kinship care assessment would be fully complete and presented to the kinship care panel for approval in advance of the proposed move.

Prior to the local authority kinship care procedures being implemented, the assessment of link carers included, checks on the suitability of the home environment, caring role and relationship, health checks and police checks. The assessment over the suitability and sustainability of the caring arrangement would be through the child's planning and review process and any formal proceedings, such as Children's Hearings or Court proceedings.

In 2010 the local authority kinship care guidance was implemented with retrospective approval of the assessment and placements from prior to this date. The procedures stated that the assessment of kinship carers should be presented to the multi-agency kinship care panel within 12 weeks of the placement commencing. The procedures state that the kinship care assessment is principally about the suitability of the kinship carer to care for the child or young person, to consider the future plan for the child or young person and the carer's ability to support and progress the plan with the parent/s

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and workers. The relevant family members and the child's views would be sought. All assessments must include enhanced disclosure checks, more recently inclusion of kinship carers in the Disclosure Scotland PVG Scheme, health checks via GP and a financial assessment. Other adults in the family home, including adult children would also be subject to Disclosure Scotland enhanced checks. The procedures have been updated to take account of legislative and policy change in 2014, 2016, 2017 and 2019.

The multi-agency kinship care panel will receive the kinship care assessment report; medical report; the child's chronology, assessment and plan; and additional associated paperwork, such as financial assessment and where available child's views and ecomap documentation. The panel would be attended by the assessing social worker and the social worker for the child. After all information is considered, the panel would either:

- Agree with the recommendation that was being made
- Defer for further information to be provided, or
- Disagree with or oppose the recommendation

The recommendation of the multi-agency kinship care panel would then be presented to the agency decision maker, the chief social worker officer for consideration of the recommendation made for final approval. This sign off changed in the 2014 procedures to the agency decision maker being the manager of children and families services.

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

Although there is no explicit list of experience and / or qualifications required for someone to be a foster carer, this would form a crucial element of the assessment process to inform on the suitability of the applicant to fulfil the role of a foster carer. No formal qualifications are required by applicants. There would be consideration of any matters that would support or preclude the applicants from being considered suitable, such as criminal convictions, barred from working with children under the PVG scheme, health and lifestyle issues, or personal circumstances.

The full assessment would explore the knowledge, skills and experience that prospective foster cares bring to the role, including;

- the motivation to become a foster carer,
- parenting /caring experience and understanding of child development / children's needs
- insight with respect to the experiences and needs of a looked after and accommodated child and how this may appear in a child's presentation,
- ability to work with the team around the child and the system and process, such as birth parents and contact, and Children's Hearings,
- the stability of applicants personal circumstances, their support network and resilience to support and sustain a child in placement.



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

There is very little information regarding the specific checks undertaken of a prospective foster parent in the time of the County Councils. There are some references made to checks and the regulations, which suggest that there was cognisance taken of the requirements on the local authority.

For example, the entry noted in section 1.8 (ii)(a) above regarding the Committee Minutes of the Burgh of Airdrie, 1959 P334 & 335 regarding a Scottish Homes Department Circular No.9421, which was accompanied with a copy of the Boarding-out of Children (Scotland) Regulations 1959. This highlights the Committee recognised the expectations in relation to the updated Regulations and their application for boarded out children and foster parents. There is a subsequent entry in 1959, p483 in relation to a booklet issued by the Scottish Home Department with the particulars related to the arrangements to be made for the boarding-out of children and setting out the various factors which had to be kept in mind in selecting suitable foster homes. Unfortunately, there is no additional information contained.

Similarly, in the committee minute of Motherwell and Wishaw 1967, pg449 there is a section on fostering arrangements. This noted a letter received from the Social Work Services Group, St. Andrews House, referring to a recent court case wherein a foster father had been found guilty of cruel treatment of a foster child placed by a local authority. As a result of the case, consideration was being given to the need to strengthen the regulations. The communications sought for local authorities to satisfy themselves that all requirements were observed. The children's officer reported that all the requirements of the Regulations and of good child care practices were observed. It is noted that the Medical Officer for Health clarified that the suggestion that health visitors undertake visits to see children under 5 years and placed with foster parents was a practice already the current practice of the Children's Department.

There is limited information held about what specific checks were carried out in relation to prospective foster carers from the time of Strathclyde Regional Council. There may be documentation held in archives in the Mitchell Library, this being where the former Council's records are held in archive. Policies, handbooks and guidelines etc., 1975-1996, show the following:

Checks included departmental records; police checks; and Area Health Board enquiry Initial interview, plus at least 2 others, with both partners present. All members of household should be seen at some time in the assessment.

Personal references to be sought

Medical reports and x-rays

The checks undertaken during the time of North Lanarkshire Council are as outlined in section 1.8 (ii) (a) above.

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

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There is no information available about the checks carried out in relation to other persons residing with prospective foster carers from the time of the County Councils or Strathclyde Regional Council. Such information may be held in archives, but has not been identified to include in this report.

During the time of North Lanarkshire Council, the checks carried out in relation to other persons residing with prospective foster carers is as detailed above in section 1.8 (ii) (a) above. This includes criminal convictions checks for adults through enhanced disclosure checks from Disclosure Scotland, inter departmental checks and health checks. There would be interviews of children and other adults residing with prospective foster carers in relation to the fostering role the prospective carer would be undertaking.

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

There is no information available about the checks carried out in relation to other family members and friends of prospective foster carers from the time of the County Councils or Strathclyde Regional Council. This information may be held in archives, but has not been located to be able to be included in this report.

During the time of North Lanarkshire Council, in addition to those outlined above for those residing in the same household, the checks carried out in relation to other family members and friends of prospective foster carers would be in line with the local authority Guidelines for Assessing a Natural Support Carer, April 2014, which stated:

A natural support carer requires to be assessed by the foster carers link social worker and a recommendation made to the senior social worker, children's carers team as to their suitability to be approved as a natural support carer.

The assessment will include:

- At least one interview with the proposed natural support carer.( the natural support carer must sign a consent to checks form)
- A health and safety check of the natural support care's home.(if the child will be looked after there)
- Medical Information.
- Social work services checks, within North Lanarkshire and outwith authority checks where appropriate.
- Insurance checks as appropriate.

Natural support carers are not able to be checked in relation to criminal convictions via Disclosure Scotland as they do not meet the criteria. However, natural support carers can apply themselves for a basic disclosure check and can advise of the outcome of this, although they are not obliged to do so.

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

The extent to which checks undertaken were reviewed during the time of the County Councils is unclear and the details regarding this are restricted to the information obtained in the Committee minutes. The committee minutes highlight that visits were undertaken to foster placements and reports were provided to the Committee regarding the outcome of these. However, there are no details relating to any formal checks undertaken or reviews of these. This may be held in archives and records not located for the completion of this report. As previously noted in section 1.8 (ii)(a) & (b) there is reference in the Committee minutes highlighting the increased expectations on local authorities for the regulation and monitoring of foster parents, although full details are not documented.

Information has not been located to outline the review arrangements of any of the checks undertaken during the time of Strathclyde Regional Council. This may be held in archives at the Mitchell Library as the records keeper for the former Regional Council.

Foster carers in North Lanarkshire are expected to have a review of their role as a foster carer undertaken on an annual basis. This includes reviews of health and safety checks, medical information and criminal convictions/ PVG scheme. At the annual review of the foster carer, there would be consideration of any adult children living in the home of the foster carer and the circumstances of their natural support network. The Guidelines for Assessing a Natural Support Carer, April 2014 states:

Following approval, a natural support carer's continued involvement with the service will be monitored as follows:

- Through link work visits to the foster carer and natural support carer as required
- The Foster care review procedures. The natural support carer's role and individual trainings needs should be discussed and agreed in the foster carer review.

All foster carers registration would be reviewed through the Fostering and Family Placement Panel after the first year of registration and on at least a three yearly basis thereafter. This could be earlier dependant on certain circumstances, such as consideration of a change of registration, change of circumstances or following allegations.

The North Lanarkshire Council Kinship Care procedures 2009 identified that the kinship carer review should consider matters related to the carer and their ability to continue to meet the needs of the child. As previously noted, these procedures have been updated, although the principles remains. Reviews should occur annually and include a review of the financial assessment and criminal convictions checks/ inclusion of kinship carers in the Disclosure Scotland PVG scheme.

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

During the time of the County Council, there is very limited information been identified related to what checks were carried out by the local authority of the available accommodation and the frequency of visits. The only information identified relating to this is from minutes of County Council Committees held in archive.

There are entries noted from the Bothwell Parish Register of Guardians, 1930 which noted children boarded out and visits undertaken to them and that "everything satisfactory".

In the Committee Minutes of the Motherwell and Wishaw Burgh there is an entry in 1937 p478 that indicated the need for checks and reporting on children boarded-out in another area and noted the information sought, including a visiting report and an update on 16 year old who was no longer chargeable. This indicating that the Committee sought information regarding children who were boarded-out and placed out with the area.

In the Committee Minutes of the Motherwell and Wishaw Burgh 1939 p690 and p720 there are entries which stated that there were visits/ regular visits undertaken to boarded-out children at the home of their foster parents and they were reported to be well cared for.

In response to the Children (boarding-out, etc.)(Scotland) Rules and Regulations, 1947 the Committee Minutes from the Burgh of Airdrie from January 1947, p514 specified that boarded-out children should be visited twice per year by a Social Welfare Officer.

Similarly, in the minutes of the Burgh of Coatbridge, 1945 p453 there is a reference to a D.H.S circular No 93/1945. The circular brought to the attention of authorities the report by Sir Walter Monckton and the circumstances of two boarded out children at a farm in Shropshire and asking for the review of their arrangements to satisfy themselves that the existing Regulations were being observed and that all possible steps were being taken to ensure the wellbeing of children in their care.

There are a number of references in the Committee Minutes for area which noted schedules of visits to boarded out children. These visits appear to have been undertaken by children's officers and committee members. There are also numerous entries relating to specific children and visits undertaken to them and their foster placements, noting if satisfactory. There are some boarding out children where there is additional information noted about details of the child's proposed or actual care plan and supports.

During the time of Strathclyde Regional Council, it is understood that there would be a requirement of both the social worker for the child and the link social worker to the foster carer to be undertaking placement visits, which would include an assessment of the accommodation and physical environment of the placement, the specific

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requirements of such visit and any formal assessment or review documentation is not clear from the information available.

Likewise, during the time of North Lanarkshire Council there has been an expectation that children are seen by their allocated social worker in their placement on at least a monthly basis. It is expected that the social worker for the child would observe the accommodation for the child and raise any concerns observed or raised by the child. Link social workers are expected to undertake a supervision visit to their allocated foster carer's home on a monthly basis and undertake at least one unannounced visit per year. It is expected that any issues relating to the accommodation would be raised and addressed through this. In addition, there is the formal health and safety check which is undertaken and reviewed annually to coincide with the foster carer review which specifically focuses on the accommodation.

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

No information has been identified to suggest the gender of the foster carer was of any relevance to the approval as a foster carer. The gender of the foster carer may be a factor which would be taken into consideration in the matching considerations of a child in need of a placement.

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

The gender of other persons, including children residing in the same household is not known to have had any relevance to the approval of the foster carer and would be taken into consideration in the assessment of the carer and the resource they are able to offer as a foster carer. The composition of the foster carers' family / household would be taken into consideration in the matching considerations of a child in need of a placement.

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

There is no documentation from the time of the County Councils that outlines the expectations of foster carers and the services they were expected to provide for children in their care beyond accommodating them. However, there are entries noted in the minutes of the Committee meetings from the time of the County Council which indicate an expectation to provide the material provisions to support a child, such as clothing. For example, there are entries noted in the Committee minutes of the Burgh of Airdrie in 1957 (pg533) and 1962 (pg699) regarding the provision of clothing allowances and annual rates of allowances. Additionally, there are entries that generally indicated the role of foster parents to support children in relation to their

health and education. There are entries which highlight support to older children in relation to employment options.

The Strathclyde Regional Council 1976 foster carer handbook laid down the following services to be provided by the foster carer to:

- care for the foster child
  - This means dealing with the day-to-day caring – food, clothing, warmth; encouraging interests or hobbies. Foster parents will do many other things, including reading bedtime stories (with a goodnight cuddle, changing the sheets after an accident, attending open days at schools, seeing teacher at school etc.
- watch over health and well-being
  - Consulting doctor/dentist when necessary. Arranging periodic check-ups and allowing the child to be medically examined.
- bring up foster child in his own religion
- let Social Work Department know immediately of any serious incident effecting the child
- permit any person authorised by Strathclyde Regional Council to see the child
- notify Social Work Department of any change of address, before actual move

The Strathclyde Regional Council Handbook for Foster Parents (undated), indicates a range of expectations on foster parents in relation to children in their care, including:

- Support the child's physical and emotional Health needs
- Support the child in relation to their education, or for older children, their careers options
- Advocate child's needs and identify additional supports required
- Support and/ or facilitate family contact between the child and birth family
- Parenting, behaviour management and support
- Attend reviews and meetings in relation to the child and their plan.

The North Lanarkshire Council foster carer handbook which is regularly updated outlines the role of the foster carer and is issued to all foster carers upon approval. Foster carers in the local authority have awareness of the SHANARRI wellbeing indicators under the Getting It Right For Every Child approach adopted to improve the outcomes of children, including those in foster care. The foster carer is seen as crucial, along with the team around the child and they are expected to consider how the child's outcomes are being met and supported. In addition to the provision of accommodation, the foster carer provides many supports to children in placement, including the following areas of support:

- The child's health and wellbeing – assisting the child to access appropriate support in relation to their physical and emotional health and wellbeing.

- Leading a healthy lifestyle – supporting the child to develop healthy eating and exercise.
- Education – advocate and supporting children and young people to achieve their potential in school with the appropriate supports.
- Supporting the child regarding birth family contact – this can be through direct support to facilitate contact or the emotional support around contact or no contact requirements.
- Attending reviews and meeting – the foster carer can be crucial in supporting a child or young person at their review and meetings, or advocate on the child's behalf at such meetings that consider the plans and legal provisions around the child.

The Foster Carers handbook for North Lanarkshire Council also highlights the role of the foster carer in recording information about the child when in placement, such as reports to reviews and about their time in the placement. This helps to inform the child's planning, any associated formal proceedings and also ensures there is a record of their time in the placement, should this be sought by the child in later life.

Dependant on any legal orders in place, there may be conditions such as ancillary provisions through a Parental Responsibility Order that place specific rights and responsibilities on the foster carer for a specific child.

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

There is no information identified from the time of the County Councils in relation to if children worked manually in the placement or externally, and the circumstances surrounding this. There have been some limited entries notes, as follows:

In the Airdrie Burgh minutes for 1968, p708 (B.O.C 643) noted that a boy was admitted to an agricultural college and had to leave due to poor mental health, for which arrangements were being made for an appointment with a psychiatrist. In the interim period, arrangements were made for him to be boarded out on a farm in order that he may continue his training in farming. The age and circumstances of the boy are not noted.

There are a range of other entries, which from the information presented would suggest that the information related to young people in the transition from school or having left school and moving in to employment. For example, the following has been noted in the Committee minutes from the Burgh of Airdrie:

- 1957, pg265 (BOC.2) – accessed supported lodgings with view to seeking work in the mines as requested by young person.
- 1957, pg264 & pg322 (BOC.24) – young person asked to continue training as domestic servant until 16 ½ years. Has since asked to be placed in employment as a hospital orderly. Subsequent updated that young person remains as domestic servant in meantime.

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- 1957, pg414 & pg470 (BOC.21) – Young person began work on farm with basic pay and lodgings over summer holiday period and if successful would be offered full time employment with standard pay. Subsequent entry to advise now in employment with standard pay.
- 1960, pg319 (BOC.20) – Highlights young person seeking to join HM Forces.

There is no information to suggest that children placed with foster carers worked manually in the placement or externally from the time of Strathclyde Regional Council.

During the time of North Lanarkshire Council it has not been considered appropriate for children to undertake manual work in the placement or externally. Whilst it is recognised that there may be occasions when children in placement may be asked to undertake tasks in the placement or seek and undertake employment, this would be age and stage appropriate, such as a child tidying their room or be in relation to a young person, such as wanting to take on a paper round. These tasks would not be placement dependant and instead be about the child's development and outcomes.

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

There is no information about what if any agreement were entered into with foster carers from the time of the County Councils. Whilst there are expectations of foster parents indicated in the minutes of the Committee meetings in the County Council, it is unclear how formal such arrangements were and if in a written format.

During the time of Strathclyde Regional Council, as detailed above in section 1.8(ii)(j) there were clear expectations of the care to be provided and access to the child and placement outlined in foster carer handbooks. After the legislative change in the Boarding –Out and Fostering (Scotland) Regulations 1985, came in to force in 1986, the Regional Council is understood to have formally entered into agreement in accordance with the Regulations.

North Lanarkshire Council has a foster carer agreement which is completed upon approval of foster carers at the Fostering and Family Placement Panel. There is also a natural support agreement undertaken for those formally identified and approved in the natural support network of the foster carer.

There is a kinship carer agreement which is completed following the approval of a kinship carer at the Kinship Care Panel.

The agreements entered into for foster carers are formal agreements in accordance with the Fostering of Children (Scotland) Regulation 1996 and subsequently, The Looked After Children's (Scotland) Regulations 2009.

The areas covered in the current Carers Agreement are:

Carers details

Link Social Worker details

Support and Training for Foster Carers

Review Procedures

[APG]



Placement Procedures  
Placement Agreement  
Changes in Circumstances  
Confidentiality  
The Foster Carer's Obligation  
Declaration

#### Present

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

#### Yes

n) If so, please give details.

“Continuing Care” is a legal term established by section 67 of the Children and Young People (Scotland) Act 2014 (the 2014 Act). Continuing care means the continued provision of accommodation and support by the local authority the same as was available to the young person immediately before they ceased to be looked after.

In keeping with the principles of the 2014 Act, from April 2015 any looked after away from home young person born after April 1999 (and have not reached the higher age as specified by ministerial orders) will be eligible for continuing care if they cease to be looked after on or after their 16<sup>th</sup> birthday. Therefore, all young people who are in foster care/kinship care/residential care are entitled to remain in those care placements up to age 21, where it is deemed appropriate to do so and where they meet this criteria. There are some exceptions to the criteria.

The aim of continuing care is to provide young people with a more gradual transition out of care whilst maintaining supportive and positive relationships. It is strongly advisable that young people remain “looked after” until eighteen years of age and benefit from the gradual transition from before their 16<sup>th</sup> birthday. The responsibilities of the local authority in respect of continuing care are outlined in Part 11 of the Children and Young People (Scotland) Act 2014 and reflected in the local authority Continuing Care Procedures.

Prior to a young person's 16<sup>th</sup> birthday, the looked after and accommodated child (LAAC) review should consider the appropriateness of the continuation of the placement for young person. The supervising social worker for the foster carers will assess the foster carer's ability/willingness to continue the placement and this will inform the next foster care review. The foster care review will make a recommendation on the foster carer's ability/willingness to provide a continuing care arrangement. This recommendation will be included in the pathway planning process and welfare assessment of the young person that should be presented to the LAAC review.

Following agreement by the LAAC review that the young person meets the criteria for continuing care the young person will cease to be 'looked after' if not before, at their 18<sup>th</sup> birthday and will be regarded as supported by the local authority in continuing

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care under Part 11 of the 2014 Act. The young person can potentially be supported to live in their placement under continuing care up until their 21st birthday.

Following the decision to move to continuing care the supervising social worker will arrange for the foster carers status to be reviewed at the Adoption, Fostering and Family Placement Panel. The foster care approval ends when the young person moves into a continuing care arrangement and is discharged from care. The panel will acknowledge the foster carer is now providing continuing care to the young person.

The carer providing continuing care will be reviewed annually by the children's carers team. The following checks will continue to be required where the carer is only offering a continuing care arrangement:

- PVG- to include adult placements
- Disclosure (other adults in household)
- Medical information (significant adult)
- Insurance
- Health and safety

Training and support to foster carers undertaking a continuing care role will continue to be offered by the children's carer's team.

The young person in continuing care does not count towards the number of foster placements permitted in the placement. Consideration will however be given in decision making to the needs of all children and young people in the placement.

In relation to foster care placements for children that are in the independent sector, continuing care would be considered as follows.

Through pathway planning (at least 6 months before young person's sixteenth birthday) when a young person indicates that they would wish to remain in their foster placement which is provided by an independent agency continuing care can proceed either:

- Through the carer remaining with the independent agency or
- Through the carer agreeing to transfer to North Lanarkshire as offering a continuing care arrangement or as a supported carer

The local authority continuing care procedures outlines the process to be taken in such circumstances.

In relation to Kinship Care, there is a similar process of considering the appropriateness of continuing care for a young person with their kinship carer.

Following the agreement to provide continuing care in kinship the allocated social worker will arrange for the kinship carer's status to be reviewed at the kinship review meeting undertaken by the locality senior social worker.

The plan and placement will be reviewed 6 monthly. The meeting will be chaired by the senior social worker (locality). An updated pathway plan will be available which will include reference to the criteria for continuing care as considered in the welfare assessment.

[APG]

The continuing kinship carer will be reviewed annually. The following checks will continue to be required:

- PVG- to include adult placements
- Medical information
- Updated financial assessment (FA1)

Young people who are in kinship care placements under a kinship care order (the order being in place prior to the young person's 16th birthday) are not looked after young people and have no entitlement to continuing care. Currently, NLC kinship care procedures state that these kinship care placements will be supported until the young person reaches 18 years of age only. Thereafter, if the young person requires any additional support, this should be considered on an individual basis by an assessment of need.

## 2. Organisational Structure and Oversight

### 2.1 Culture

#### Past

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

Information from the organisation prior to the formation of North Lanarkshire Council is limited therefore a definitive answer about the nature of the cultural within the local authority has not been available for the duration of the period covered. The nature of the culture of the local authority would be in line with the relevant statutes and regulation of the time, as well as the function, ethos and or objectives as outlined in section 1.5 above.

Information reviewed in the Burgh and County Council minutes would suggest that the local authority in the 1930s there were records maintained of the children boarded out and there was a visit undertaken to check the suitability of the placement and a note regarding the provision of financial support. This is evident in the extract of the Bothwell Parish minutes and the minutes from the Burgh of Motherwell and Wishaw.

In accordance with the developments in statute and regulations in 1947, there are records held in the Committee minutes of the Burghs and Lanark County Council which indicate a recognition of the increased responsibility on the Council to scrutinise the suitability of foster parents and the monitoring of placement for boarded out children. This suggesting a recognition of the role of council officers to ensure the ongoing suitability of the placement to meet the child's needs. This included ongoing regular visits to see children boarded out and their placement and if in an out of area placement, sought such checks from the area in which the child resided. The appointment of children's officers appear to be central to these roles and responsibilities and reporting to the Children's Committees. The Children's Committee appear to have had a role in the regular visits to boarded out children and were involved along with the children's officer in undertaking the placement visits.

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In the Coatbridge Burgh minutes in 1956 there was noted correspondence from the Scottish Home Department and indicating a local recognition of the national findings that it was preferable that children were boarded out with foster parents as opposed to being placed in institutions.

There is indications that a desire to support the welfare and protection of children, preventing children coming in to the care of the local authority became increasingly evident through supporting families in relation to poverty and the underlying issues, such as debt and homelessness. After the Children and Young Persons Act 1963 there are noted entries in the Committee Minutes of the County Council in relation to debts and housing status and joint working between departments to address such issues. There are also entries which suggest consideration of rehabilitation of children back to the care of parents become more notable with support to assist.

Throughout the time of Strathclyde Regional Council, supporting children at home remained the main focus of the Council and only if the welfare and protection of a child at home could not be supported they would require to be received in to care of the local authority. Foster placements were the preferred option for children, but it was recognised that there were a limited placements, particularly for older children. The Strathclyde Regional Council Fostering Guidance 1985 moved away from the definition of foster care as substituting parenting, to children being cared for in a family setting in the community. Placements were seen as temporary where there was a plan to rehabilitate a child back to the care of their parent or if there was a further planned move to another placement. The Fostering Guidelines identified four types of temporary placements

- Emergency placement
- Pre-adoption placement
- Respite Holiday placement
- Task-centred placement (with specific tasks being identified to support the child's plan)

If a child was in their long term placement, with no planned movements, this was regarded as their permanent placement.

Throughout the 1970s and 1980s there is increased evidence of the exchange between parents, children and local authority in relation to the rights of parents and children through involvement of the children's hearings, reviews and children's rights.

North Lanarkshire Council has produced a children's services plan since 1998 in co-operation with relevant partner agencies. Early plans highlights the link from the children's services plan to the corporate plan and the plans and strategies for other services. The values and principles at the centre of service delivery were stated to be in line with the local authority adoption of the UN Convention on the Rights of the Child in 1997, including non-discrimination, best interest and the child's views. The 2000 Children's Service Plan indicated the two main elements of the plan as "promoting the well-being of children and young people", which covered services and universal issues for all children and young people, and "children in need" which was concerned with the smaller number of children and young people who have a need for care, attention and support due to their individual circumstances. This continued to highlight the emphasis in supporting children at home and in their community and that a small number of children required to be looked after and accommodated to promote their

welfare and protection. This document also referred to some young people who are in need of support aged up to 21 years, the throughcare support to young people. Under the section children and young people who need to be looked after, fostering and adoption services, the main objectives included:

- To increase the numbers of approved carers and ensure that approved carers are offered adequate support
- To continue to develop a training programme for approved carers and encourage their participation
- To ensure that placements be local and meet the particular needs of children as specified in their individual care plans.

In 2006 the Social Work Committee agreed that a review group would consider and report on the practice, strengths and areas for development within the adoption and fostering services in the local authority. The objectives of the group included:

- To consider the legislative and policy context of both services
- To review the current practice within North Lanarkshire in respect of
  - Initial Information/ recruitment
  - Preparation
  - Assessment
  - Approval
  - Support
  - Financial Allowances
- To identify best practice
- Map out existing resources and arrangements for service provision
- Identify current and future needs of both fostering and adoption resources
- Undertake research and literature review of “what works”
- Identify staff training and development needs
- Develop an action plan to ensure better outcomes for children and young people, and effective advice, information and support to foster carers and adoptive parents.

This concluded in 2007 in the formation of an authority wide single carers team to assess, recruit and support foster carers.

There was a recognised need for an increased number of skilled carers to care for children and young people with complex needs and challenging behaviours. Accordingly, in 2006 the local authority adopted a competence based scheme for foster carers. When the scheme was implemented, the skill level of the carer was identified based on their competency and carers signed their contract which agreed:

- The resource offered by the carer
- The payment level
- Support offered by the local authority

Whilst the role of family or extended family has been recognised and supported under the link carers scheme within North Lanarkshire, the formalisation of kinship carer in relation to the assessment, approval and support of carers has progressed with legislation and national policy.

North Lanarkshire Council recognised the role of the local authority in relation to private fostering and raises awareness of this within the local authority area to seek awareness of children who are cared for under private fostering arrangements. There is a procedural guidance document in relation to children who are in a private foster care arrangement.

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

Yes

- c) How can that be demonstrated?

There are entries noted in the minutes of the Committees in the Burghs and Lanark County Council which reflect the apparent nature of the culture of the local authority in relation to the provision of foster care.

There is information held in the minutes from the Bothwell Parish from 1930 which notes children boarded out and that visits were undertaken to the placement. There is a noted financial arrangement for the child. Details are limited to the entries held in the log. Similarly, there are entries noted of children boarded out in the Committee minutes of the Motherwell and Wishaw Burgh in 1930 (pg.2 & 20). The minutes also include entries noting children boarded out in other areas for which visiting reports were sought in 1937.

The Committee Minutes of the Burgh and County Council of Lanark contain entries which highlight the change in statute and regulation and the implementation of the Children (Boarding Out etc) (Scotland) Rules and Regulations 1947. This is noted in the minutes, including the Burghs of Motherwell and Wishaw (1947, pg.28), Coatbridge (1947, pg.55) and Airdrie (1947, pg.514) which also noted the frequency of visits to boarded out children to be twice per year.

There is an entry noted in the Burgh of Motherwell and Wishaw which references the Clyde report, the Children Act 1948 and the appointment of children's officers. The entry details the number of children boarded out for the period of July 1947 – July 1948, broken down to those boarded out with relatives, with strangers, or placed in voluntary or local authority institutions.

There are entries noted in the minutes of all the Committees relating to visits undertaken to children boarded out. This includes entries in the Minutes of Motherwell and Wishaw Burgh regarding checks to be made in relation to children boarded out in other areas (1952, pg.259) and Airdrie (1963, pg.364) of checks being made for a child who was boarded out in the London area.

In addition to the Scottish Home Department correspondence noted in 1956, in 1957 there is a report from the welfare officer in 1957 highlighting the advantages of otherwise of children boarded out against having them maintained in a local children's home.

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The Committee minutes for the County of Lanark indicate that by 1960 the Children's Officer produced a report submitted to each meeting of the Committees outlining the following information:

- a. children committed and admitted to care
- b. transfer etc., of children
- c. children in care of Committee
- d. fieldwork

This indicating the range of roles and responsibilities for the welfare and protection of children boarded out in the care of the Committee and for those who were at home for which fieldwork support was provided in the community.

The research study from Strathclyde Regional Council, covering the period of 1985 – 1992 highlights that there were 46% of children accommodated on a voluntary basis, 50% were accommodated on a compulsory basis for non-offence grounds and 4 % on offence grounds.

In 1994 the Charter of Rights and Responsibilities for Children in Care was updated and approved by management and Committee. This took account of the UN Convention on the Rights of the child and the findings from Another Kind of Home and Scotland's Children. The Regional Council appointed a senior resource worker (children's rights) in 1993 and they had a remit to revise the local authority charter in light of the above documentation and take account of the views of children in care.

The Strathclyde Regional Council Child Care Action Plan 1994, for the Monklands / Cumbernauld District highlights the children in care, those requiring foster care placements and the proposed plans to recruitment, support and training to increase the fostering resource to meet the placement needs. The Regional Council had home finding strategy to Support this goal.

North Lanarkshire Council sought to recruit, train and support foster carers. This was progressed through a range of measures, including recruitment campaigns which have been in place since the initial campaign in 1996 "Sharing & Caring in North Lanarkshire" and have been continued with updates since this time.

At the time of the formation of North Lanarkshire Council, although there was a centralised role in the identification and recruitment of foster carers, the ongoing support and monitoring was undertaken by social workers across the local authority. Following a review and redesign of children and families social work services throughout 2005 and 2006, the recruitment, assessment and approval of all foster carers in North Lanarkshire have been undertaken through the local authority carers team since this time. This consolidated all services for foster carers in to the one service and managed through the one team with a view to improving both the support for carers and the quality offered to children requiring care. The social workers in the team are allocated to foster carers to fulfil the link worker role of ongoing monitoring and support. The team has developed a wealth of knowledge, skills and resources to support carers with their ongoing development and placement needs. In addition to individual support provided through link social workers, there are a range of development events and resources available for foster carers at the carers centre, such as the North Lanarkshire foster carer handbook and access to a library of resources and foster carers' access to The Fostering Network. These training and

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development opportunities can contribute towards the foster carer competency portfolio in accordance with the local authority competence scheme for foster carers.

The local authority has in place Kinship Care Procedures and guidance from 2010 and this has been updated to support changes in legislation, policy and practice. This outlines the local authority assessment, approval, monitoring and support framework. There are also kinship care groups which have emerged through the voluntary sector and which are run by the local authority's Community Learning and Development staff in the main towns of North Lanarkshire.

North Lanarkshire Council has produced documentation highlighting the definition of private fostering and the associated role and responsibilities. There is a document; Private Fostering - Procedural Guidance for Social Work staff. The local authority produced a leaflet with these details and has information on the local authority web site.

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

Yes, for the large majority of carers and children.

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

Link workers and children's social workers would routinely address and minor concerns in contact with carers. Where more significant concerns have arisen about a foster carer acting against the local authority's culture, policy and procedures and in particular where this have a negative impact on a child/children within the placement a range of actions may be considered. Examples of this include when there have been concerns raised and these have been considered to be a practice issue and contrary to culture, policy or procedure, support and training has been provided to address concerns, with monitoring via the link social worker and a foster carer review. If there are more significant concern, such as allegations of abuse, these would result in a review of the continued suitability of the foster carer, a foster care review and review of approval at the Fostering and Family Placement Panel. This could result in the withdrawal of foster carer approval.

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

Changes in the culture of the local authority in relation to the provision of foster care have largely been in accordance with changes in statute, regulation and practice developments as outlined above and in sections 1.3 and 1.5 of this document.

[APG]



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

As detailed in sections 2.1 (a) and (C) and section 1.5, the redesign of children's services in North Lanarkshire Council in 2005 and 2006 evidenced the consolidation of services that provided respite, shared care, fostering and adoption services in to the one service.

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

Yes

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

The Strathclyde Regional Council Child Abuse Procedures were introduced in 1983. These were revised in response to lessons learned from a range of enquiries in to child abuse deaths and serious incidents both nationally and in Strathclyde. The national enquiries and reflection on practice in Strathclyde was described as a constant process of learning and reflected the updated procedures. It was recognised in the Strathclyde Regional Council Child Abuse Procedures for Staff of the Social Work Department 1989 that allegations and abuse can occur in foster care. This is reflected in the inclusion of Chapter 11 which is specific to allegations of physical and sexual abuse of children in foster care. The procedures stated that allegations of abuse against foster carers would be dealt with under the procedures after consultation with amongst others, the Strathclyde Foster Care Consultation Group.

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

Strathclyde Regional Council established groups to look at all the Inquiry Reports regarding abuse across the UK, e.g. Fife, Orkney; Cleveland. Where the recommendations were relevant to legislative practice in Scotland or not already in place in Strathclyde Regional Council, policies and procedures were altered to reflect this.

During the time of North Lanarkshire Council changes in the culture of the local authority in relation to the provision of foster care have been in accordance with changes in statute, regulation and practice developments as outlined above and in sections 1.3 and 1.5 of this document. There is evidence in policy and procedural changes that recognition was taken to legislation, research and notional policy developments, such as Getting it Right for Every Child, National Fostering and Kinship Care Strategy 2006, Looked After Children & Young People: We Can and Must Do Better 2007, National Care Standards Foster Care and Family Placement 2005.

[APG]

Present

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

No

- l) If so, please give details.

N/A

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

The welfare and protection of children in foster care is central to the provision of foster care services in North Lanarkshire. In addition to the assessment, planning and review for the child, for foster carers this includes;

- The assessment and associated checks undertaken and approval of foster carers
- The ongoing monitoring of foster carers and the home environment in which children are placed.
- The assessment of the formal support network identified to support the registered foster carer.
- The ongoing support and training offered to foster carers to support them in the fostering role.
- The review of foster carers and feedback from the social worker for the child placed.
- Any complaints or allegations in relation to a foster carer are dealt with under the complaints procedure or investigated under the local authority child protection procedures.
- There is a review of the foster carer held after any allegations or investigations and this may result in a review or withdrawal of foster care registration.
- In addition to seeing children in their foster care placement, opportunities are made to see and speak to children on their own.
- Children in foster care can access independent advocacy support through Who Cares Scotland.
- Children are encouraged to make use of a range of tools to capture their views.
- Children are actively encouraged to participate in the meetings to review their care plan which are independently chaired.

The local authority policy and procedures have been influenced by national learning from previous abuse enquiries, case reviews and the experience of children and young people who have suffered abuse in care.

## 2.2 Structure, leadership and accountability

[APG]

## Past

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

The structure of responsibility within the local authority prior to Strathclyde Regional Council has not been located in the archives viewed. Information has been obtained from the minute of Committee for the Lanark County Council and the Burghs in the area.

The Committee minutes of Lanark County Council and the Burghs indicate that the responsibility for children boarded out sat with the Children's Department with the governance and oversight by the elected member and with the Committees. For example in the Lanark County Council minutes, information related to boarded out children is documented primarily the Children's Committee and associated sub committees, including the Children (Case) Sub Committee. The minutes suggest that reports appear to have been received from the Children's Department in the area through welfare officers and later, through children's officers in relation to the operations and services of the children's department, including for children boarded out. The children's officer submitted reports in the following format:

- e. children committed and admitted to care
- f. transfer etc., of children
- g. children in care of Committee
- h. fieldwork

As noted throughout this document, the Committees would receive documentation in relation to legislative and national policy for implementation at a local level.

Following the implementation of the Social Work Scotland Act 1968 and the formation of social work departments, there is noted to be a Social Work Committee in the minutes from the County Council from 1969, which appears to have operated alongside the Children's Committee. The Social Work Committee minute from 27 October 1969 highlighted that a Director of Social Work had been appointed by this time and had submitted a report to the Committee setting out proposals for the organisation and establishment of the new social work department. This report detailed:

- a) Outline proposals for organisational structure;
- b) Role and staffing of district teams;
- c) Location of offices;
- d) Head office staff;
- e) District organisation – Delegation of powers;
- f) Appointment of Depute Director.

The Committee minute documents the agreement of proposals and outlined that the overall structure of the Department as described in the Director of Social Work's report, consisting of four divisions viz:-

- 1. Advisory and casework
- 2. Social Administration
- 3. Management, and

[APG]

#### 4. Public Relations and Development be adopted

The Committee endorsed the proposal that there would be two districts identified in the area, effectively one north and one south of the River Clyde with each served by two multi-disciplinary teams, and that the number of district teams be increased as circumstances permitted.

Following the formation of Strathclyde Regional Council, the Regional Council had responsibility for the delivery of all social work services, including those related to the provision of foster care services. For the discharge of their functions they established various Committees, including the Social Work Committee.

The Regional Council retained the right to take many decisions at full council level, but there were arrangements for the allocation of duties to Committees and Sub-Committees. For the most part, the decisions were taken by the Social Work Committee. Appendix 13 details the committee structure for Strathclyde Regional Council from 1977 until 1982. The proposal for the revised structure of the social work department, 1985 highlights the structure of the social work department in appendix 14.

Similarly, following the formation of North Lanarkshire Council, the local authority had responsibility for the delivery of all social work services, including foster care services. The local authority retains the right to make decisions at full council level, with arrangements for the allocation of duties to Committees and Sub Committees. There have been some changes in the committee structures throughout, in accordance with structural changes, but the principle governance and oversight has remained. In the main, decisions have been made through the Social work Committee from 1995 until 2007, the Housing and Social Work Committee from 2007 until 2017 and following a period of children and families social work being included within the Health and Social Care, from 2019 main decisions are now taken under the Education and Families Committee.

The structure within social work services as known for the former Strathclyde Regional Council and North Lanarkshire Council have been details under section 1.8(i)(a) and section 1.8(i)(c) above.

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

There is limited information available regarding the oversight and supervisions arrangements by senior management prior to Strathclyde Regional Council. As noted in section 2.2(a) above, there was the children's department, with children's officers, but no details of the structure within to indicate the oversight or supervisory arrangements.

During the time of Strathclyde Regional Council and North Lanarkshire Council, the oversight and supervision arrangements are in accordance with the organisational structure as set out in 2.2 (a), section 1.8(i)(a) and section 1.8(i)(c) above.

[APG]

c) What were the lines of accountability?

The lines of accountability were in line with the hierarchy and structure as detailed above in section 1.8(i)(a) and section 1.8(i)(c) above.

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

Prior to the formation of Strathclyde Regional Council, the details of the senior/corporate/organisational responsibility for the managers/management teams/leadership teams who had responsibility in relation to the children in foster care is not clear from the information obtained in archives. It is apparent from the records viewed that welfare officers and children's officers within children's departments had a responsibility in relation to children in foster care. The children's officers would report to Committee regarding the circumstances of children boarded out in foster care and visitations to children boarded out in the area. However, little other details have been obtained in this regard from the information held in archive.

Following the implementation of the Social Work (Scotland) Act 1968, as detailed in section 2.2(a) above, a Director of Social Work was appointed and there was a structure proposed to the Children's Committee for the newly formed social work department, which would have included the services to children boarded out and in foster care.

During the time of the former Strathclyde Regional Council, the Chief Executive of the Regional Council was the Chief Officer and the social work department was led by the Director of Social Work. Following the formation of North Lanarkshire Council, the Chief Executive of the Council would hold responsibility for all local authority services, with social work services devolved to the Director of Social Work. In accordance with structural changes within the local authority, the responsibility for children in foster care subsequently was held by the Director of Housing and Social Work Services and the Chief Social Work Officer/ Head of Social Work Services. Structural changes in 2016 saw responsibility transfer to the Chief Accountable Officer of the Health and Social Care Partnership and Chief Social Work Officer/ Head of Children and Families and Justice Services in 2019 to the latter's reporting line change to the Executive Director Education and Families.

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

The decision making in relation to matters of policy, procedure and/or practice in relation to foster care would be taken in accordance with the organisational structure as outlined above and in section 1.8(i)(a) and section 1.8(i)(c) above and following presentation and approval at the relevant Council Committee.

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f) To whom were foster carers accountable?

Foster carers were accountable to the local authority representative who was allocated to support and oversee them in relation to their role and responsibilities as a foster carer. This would be the Children's Officer in the time of the County Council or link social worker in the time of Strathclyde Regional Council and North Lanarkshire Council.

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

The responsibility for the implementation of, and compliance with, the local authority's policies, procedures and / or practice in foster care both by local authority staff and by foster carers would be in accordance with the organisational structure as set out in section 2.2(a) and section 1.8(i)(a) and section 1.8(i)(c) above.

h) To whom were fostering panels accountable?

The Fostering Panel within Strathclyde Regional Council would be accountable to the Director of Social Work with the delegated responsibility being with the Divisional Director who made the final decision on each application presented to the panel, taking into account the panel's recommendations.

During the time of North Lanarkshire Council, responsibility for fostering panels sits with the Chief Social Work Officer, who is the agency decision maker and makes the final decision on all applications and cases presented to the fostering panel, taking account of the panel's recommendations.

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

There is limited information known regarding the oversight and supervision arrangements of the Fostering Panel in Strathclyde Regional Council. It is known that there was a level of oversight within the management structure through the role of the Divisional Director as Agency Decision Maker.

In North Lanarkshire Council there is oversight of the Fostering and Family Placement Panel through the Panel Adviser who sit on the panel and is there to offer advice. The Panel Adviser attends Adoption and Fostering Alliance Scotland meetings and Social Work Scotland Fostering and Adoption Subgroup. This enables the Panel Adviser to consider national developments and local practice. There is also a Legal and Medical Adviser on the panel who will oversee and advise on legal and medical related matters.

In addition to the Chairperson of the Panel facilitating proceedings, they have a responsibility to raise any issues identified in during the panel. Any issues raised regarding panel members would be addressed within their own organisational structure.

The Agency Decision Maker has a level of oversight through the documentation received from the panel and the associated recommendations made through the panel.

There has been feedback sought from people who attend the panel and this is used to review practice and inform any future developments. The feedback from the panel is ordinarily discussed at panel business and development meetings.

There is a mini business meeting held prior to each panel and there are full business and development meetings held throughout the year. The agenda for the business and development meetings would include any identified themes from the local panel and national research and developments.

Present

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

No

- k) If so, please give details.

N/A

### 2.3 External Oversight

Past

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

There has been no information located regarding the arrangements for external oversight of the local authority foster care services from the time of the County Councils.

During the time of Strathclyde Regional Council it is noted from the information obtained for the organisational structure that there was some oversight within the service and this would have been in relation to compliance with the statutory and regulatory requirements for foster care services.

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In 1990 an Inspection Unit was established in Strathclyde Region. Although arms-length, it did report to the Social Work Committee and to the Director of Social Work. This followed the identification that there was a need for there to be a clear distinction between inspections and local authorities' management of mainstream social work services. It is understood that the Strathclyde Regional Council inspection unit started operating in April 1991.

Documentation has not been located about the operating procedures and how inspections were conducted by the inspection unit to enable comment in this regard. There may be some documentation related to this held in archives at the Mitchell Library, the records keeper for the former Strathclyde Regional Council.

Under the Regulation of Care (Scotland) Act 2001, the Scottish Commission for the Regulation of Care, termed the Care Commission came into operation in April 2002 as the independent regulator of care services, including foster care services. The external oversight of foster care services in North Lanarkshire has been undertaken by the Care Commission until 2011. At that time, this responsibility was taken over by Social Care and Social Work Improvement Scotland and following a subsequent variation to the statutory external regulator for care services in Scotland, the Care Inspectorate has undertaken inspections of foster care services and is responsible for the registration of fostering services.

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

Prior to the Strathclyde Regional Council Inspection Unit being set up and coming in to operation in April 1991, it is unclear what external visits were undertaken to the local authority foster care services in an official or statutory capacity and for what purpose. Following the formation of the Inspection Unit, it is understood that there would have been visits to the local authority foster care services in an official capacity to inspect the standard of the service provision and that the governance around the service was in accordance with the statutory and regulatory requirement.

During the time of North Lanarkshire Council, the Care Commission, Social Care and Social Work Improvement Scotland and Care Inspectorate have visited to undertake statutory inspections.

**c) How often did this occur?**

There is no information that has been located to identify the frequency of visits from the Strathclyde Regional Council Inspection Unit to the foster care services. There may be information regarding this held in archives at the Mitchell Library, the records keeper for the former Regional Council.

The care inspectorate and its predecessors have undertaken inspections of North Lanarkshire Council foster care services on the following dates;

- 7 August 2006
- 17 April 2009

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- 11 February 2010
- 19 March 2012
- 14 November 2013
- 12 January 2016
- 20 December 2017

d) What did these visits involve in practice?

The inspections of North Lanarkshire Council foster care services have been undertaken through a combination of announced and short notice inspection visits. Although there have been variations in how the inspections have been conducted, there have been similarities in the inspection format, which has involved a combination of the following;

- Completion of a self-evaluation and submission of annual returns
- Questionnaires completed by
  - Foster Carers
  - Social Workers and Admin staff
  - Foster Panel members
  - Medical Adviser to Foster Panel
- Meetings and discussion between the inspectors and range of staff from across all levels of social work services involved in foster care services
- Discussions with foster panel members
- Discussions with foster carers
- Discussions with children and young people using the service
- Observations of children and young people interacting with their carers
- Discussions with Health and education personnel
- Observation of a fostering panel
- Examination of a range of policy, procedures and records, including foster carer records and the records of children in foster care.

Each year there would be an Inspection Focus Areas (IFAs) that they would focus on during the inspections. These were extra checks that would be made for a specific reason and undertaken in addition to the standard inspection process.

Present

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

No

- f) If so, please give details.

N/A

**Part B – Current Statement**

[APG]

### 3. Retrospective Acknowledgement/Admission

#### 3.1 Acknowledgement of Abuse

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

Yes

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

The local authority is not able to provide a definitive view on the extent and scale of abuse of children in foster care from 1930 to 17 December 2014. It has not been feasible to review all records from this period. It is apparent that there are gaps in the information held in archives, particularly the further back in time records are sought.

It is recognised that some victims of abuse find it very difficult to talk about their experience at the time or subsequently and may never disclose their abuse. It is also recognised that professional awareness of children's experience of and response to different types of abuse has evolved over time. There are some allegations which the local authority has awareness of as they have been disclosed at the time of the abuse or shortly thereafter. However, there may be some historic allegations of abuse in foster care that the local authority was not aware of and for which there are no details in individual records from the time of the abuse.

It is acknowledged by the local authority that children have been abused in foster care. A small number of children are known to have been abused by their foster carer or a foster carer's family member. Further details are provided in Part D of this study.

There are other complaints and allegations that have been made by children in foster care. These have been investigated and have not been considered to be abuse at their conclusion. Some complaints and allegations have been unsubstantiated. Some of these and others concluded with concerns being identified, which were considered practice issues and responded to on that basis.

Whilst there is no information to suggest that the abuse of children in foster care was common place in the local authority, it is likely that there are other children who have been abused.

- c) What is the basis of that assessment?

There is one foster carer who has been convicted of physical abuse of a child who was in their care and one family member of a foster carer who has been convicted of sexual abuse of children in foster care.

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There are two civil actions which have been raised against the local authority in relation to historical abuse in foster care. One action concerns sexual abuse and is related to the family member of the foster carer noted above who has been convicted. There is a second claim of physical, psychological and sexual abuse against two kinship carers and another family member of a kinship carer. These are current claims for which full details are not yet known.

There are three further foster carers who the local authority regards as having abused children in their care. Two of these are related to issues of physical abuse and one of neglect.

Appendix 15 provides further information regards these matters.

### 3.2 Acknowledgement of Systemic Failures

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

Whilst there is an acknowledgement of the abuse of some children in foster care and that therefore for these children safeguards within organisational systems did not prevent abuse, there is no evidence identified to date which suggests systemic failings. There is evidence contained in children's case records that when a complaint or allegation was made, the local authority responded to this. There is also evidence of a range of actions and controls aimed at promoting a quality of care and mitigating the risk of abuse for children and young people in foster care, although this evidence is less strong for the earlier period reviewed. There is also no evidence from the records reviewed that there been a pattern or underlying theme of abuse, or identified failing in the local authority systems that contributed to such abuse. Similarly whilst there is some evidence that practice, for example frequency or reviews and contact, at times fell below expected standards, there is no evidence of a culture or systemic practice failings which supported abuse or created conditions where this was more likely.

It is recognised however that safeguards, including levels of contact with children in foster care, appear to have been more limited in the earlier part of the period reviewed and that the lack of information on complaints or abuse during this period does not mean no further abuse happened.

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

As detailed in section 3.2(a) above, there is no evidence to suggest that local authority's systems failed to protect children.

- c) What is the basis of that assessment?

There are specific allegations of abuse as set out in section 3.1(c) above, which do not indicate systems failure.

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

N/A

### 3.3 Acknowledgement of Failures/Deficiencies in Response

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

The records viewed for the purpose of this study demonstrate that when a complaint or allegation has been made as detailed in appendix 15, the local authority has responded in accordance with the policy and procedures of the time. Action was taken to investigate allegations, either internally through social work or jointly with police. There were occasions when children required to be removed from the placement at the time of the allegation or thereafter.

It is evident in the two cases where there was the conviction of the foster carer and the conviction of the family member of the foster carer that children were removed from the placement quickly after the allegations were made. On one of these occasions a criminal injury compensation claim was made on behalf of the children. Whilst it is not always clear from the case records and will be dependent on who made a claim, this has been a consideration following abuse.

There are a number of complaints and allegations that have been investigated and have either been denied and/ or unsubstantiated, although indicating a level of concerns about practice and how matters have been dealt with by the foster carer. These are judgement calls that have been made at the time based on nature and seriousness of the allegation. In many instances, these matters appear to have resulted in a response on a welfare basis, with the child often remaining in the placement.

The records also highlight that following an allegation of abuse, there was a subsequent review of the foster carer through which their continued suitability to foster was considered. There have been times when this has resulted in the foster carer's approval to foster being varied or withdrawn. On both the occasions referred to above where there were convictions, the foster carer's approval was withdrawn through the fostering and adoption panel in response.

There are a further three foster carers that the local authority considers to have abused children in their care. Whilst the foster carers were not convicted in relation to any allegations, given the nature and seriousness of the concerns their foster carer approval was withdrawn following allegations of abuse.

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

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It is acknowledged that the sample of case files reviewed is only a small representation of the children cared for in foster care in North Lanarkshire from 1930 until 17 December 2014 and that available records for a substantial part of this period are limited. They are however considered to be a reflection of practice within the local authority, more so from the time of North Lanarkshire Council and the latter period of Strathclyde Regional Council.

As detailed in section 3.3(a), from the information available, the local authority appears to have responded to complaints and allegation of abuse by children in foster care and appropriately undertaken a review of the continued suitability of the foster carer where serious practice concerns or allegations of abuse have been made. Whilst not all investigations are recorded in sufficient detail to provide full reassurance on their quality, there is no evidence of deficiencies or a failure to respond to complaints or allegations.

**c) What is the basis of that assessment?**

Key to the role is ongoing development of models of service and practice with the purpose of delivering improved outcomes for children, young people and adults, to effectively support families and to empower communities in line with the Plan for North Lanarkshire.

This assessment is based on the review of records undertaken and the case files audited as detailed above.

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

N/A

**3.4 Changes**

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

There are no specific changes identified in policy, procedures and practice as a direct result of the acknowledgement noted above and local cases of abuse in foster care. The local authority has evidenced over time that it has implemented policy, procedures and practice which have been reflective of legislation, national reviews, policy/procedures, guidance and standards. Whilst it is acknowledged that there have been individual occasions when there have been local reviews of practice, reflection and learning, these do not appear to be any findings which have led significant authority wide changes.

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## Part C - Prevention and Identification

### 4. Policy and Practice

#### 4.1 National

##### Past

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

Yes, there was national policy/ guidance relevant to the provision of foster care for children, such as;

The Children (Boarding-Out, Etc.) (Scotland) Rules and Regulations 1947,  
Boarding Out of Children (Scotland) Regulations 1959  
Boarding-out and Fostering of Children (Scotland) Regulations 1985  
Foster Children (Private Fostering) (Scotland) Regulations 1985  
UN Convention on the Rights of the Child, 1989  
Looked After Children (Scotland) Regulations 1996  
Scotland's Children (Vol 1 – 4) and Supporting Young People Leaving Care 1997 & 2004  
Regulation of Care (Scotland) Act 2001 and The Regulation of Care (Requirements as to Care Services) Scotland Regulations 2002  
Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003.  
Protecting Children and Young People: Framework for Standards 2004  
National Care Standards, foster care and family placement services, 2005.  
Getting It Right for Every Child 2006  
National Fostering and Kinship Care Strategy, 2006  
Looked After Children and Young People: We Can and Must Do Better, 2007  
Getting it Right For Every Child, Guidance on Overnight Stays for Looked After and Accommodated Children, 2008  
Looked After Children (Scotland) Regulations 2009  
Staying Put Scotland: providing care leavers with connectedness and belonging, 2013  
The Looked After Children (Scotland) Amendment Regulations 2014  
Children and Young People (Scotland) Act 2014: Statutory Guidance on Part 9: Corporate Parenting  
The Support and Assistance of Young People Leaving Care (Scotland) Amendment Regulations 2015  
Aftercare (Eligible Needs) (Scotland) Order 2015

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

There is an awareness evidenced in the local authority where national policy/ guidance has been cited in the local minutes of the County Councils and more recent policy, guidance and procedures from the former Strathclyde Regional Council and North Lanarkshire Council. For example, reference in the County Council Minutes to Home Department Circulars and regulatory developments; from the time of Strathclyde

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Regional Council regulatory changes and Charter of Rights and Regulatory and national strategies and approaches cited in documentation in North Lanarkshire Council.

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

i. Child welfare (physical and emotional)

The organisation and its predecessors had awareness of national policy/ guidance in relation to child welfare, such as Getting it Right for Every Child framework and National Care Standards Foster Care and Family Placement Services, The National Fostering and Kinship Care Strategy, Early Years Framework and The National Parenting strategy, Looked After Children and Young People: We Can and Must Do Better. Documentation received from the archivist for the former Strathclyde Regional Council entries in Committee Papers highlights awareness prior to the former regional Council, such as developments in regulation to ensure the standards of care received by children; medical and dental checks to ensure physical health; visits to observe and check on children's welfare; there is reference to documentation such as the Clyde Report and Another kind of home: a review of residential child care, Children's Rights Charter and the Charter of Rights and Responsibilities for Young People In Care.

ii. The child's views

There is information held in the documentation from North Lanarkshire and the former Strathclyde Regional Council that highlights awareness of the UN Convention on The Rights of The Child and the importance of seeking children's views and in relation to children's rights. This is documented in various local policy, procedures and strategies, such as Charter of Rights and Responsibilities for Young People In Care and through the appointment of children's rights officers and tools used and services contracted to seek children's views and advocate on their behalf.

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

The organisation and its predecessor had awareness of the national policy/ guidance in relation to reviewing a child's continued residence in a foster care placement, such as the documents referred to in section 4.1(a) above.

There is limited information available to provide a definitive view about the awareness of the national policy/ guidance in relation to the review of a child's continued residence in a foster care placement the further back local authority records are reviewed. It is apparent in the time of Strathclyde Regional Council that there was awareness through social work circulars and reference to legislation and regulation that founded the operational procedures for the child care review system. Similarly, this is evident in the

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looked after and accommodated child review guidance and procedures for North Lanarkshire Council.

There is evident awareness of the role and responsibility of the local authority to Children's Hearings where children require compulsory measures of supervision. This includes the provision of reports and review reports, with recommendations to support decision making by panel members, including a child's need for residence or continued residence in foster care.

#### iv. Child protection

The local authority has awareness of national policy/ guidance in relation to child protection, such as National Guidance for Child Protection, National Action Plan on Child Exploitation, Getting Our Priorities Right, and National Risk Assessment Framework and It's Everyone's Job to Make Sure I'm Alright. This is reflected in the North Lanarkshire Council Child Protection Procedures, which include children in foster care and kinship care.

The organisation has viewed a copy of the Child Abuse procedures from the organisations predecessor, Strathclyde Regional Council, dated 1989, an update on the 1983 version. It is reflected in the introduction that the update is taking account of national and local research, reviews and developments. These procedures note that the update includes a section about investigations into allegations of child abuse of children by foster parents. Documentation received from the archivist for the former Strathclyde Regional Council also highlights awareness, such as reference to Lord Kearney's 'report on the Inquiry into Child Care Policies in Fife' and the organisation's report on Current Issues in Child Protection 1993.

#### v. Discipline

There is limited documentation in relation to the local authority awareness of national policy/ guidance in relation to discipline the further back in time records in archives are viewed. The records viewed from the time of the County Council do not enable a definitive view to be formed in this regard.

It is apparent from documentation viewed from the time of Strathclyde Regional Council, the there was a clear position taken in relations to discipline and corporal punishment in residential establishments, which specified that corporal punishment was against council policy. The underpinned the council's philosophy for caring for children. In relation to children in foster care the Strathclyde Regional Council Foster Parent Handbook (undated) stated that although it is recognised as unwise to impose strict instructions on foster families, the council would wish to convey its overall philosophy in respect of corporal punishment and seek co-operation of foster families in ensuring that other means of control and discipline are used.

The North Lanarkshire Council foster carer agreement contains a stated obligation that foster carers will not administer corporate punishment to any child placed. This obligation is followed by, a stated obligations to comply with the terms of the foster

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placement agreement and to care for the child placed as if the child was a member of the carer's family and in a safe and appropriate manner and to promote the child's welfare. This is reflective of the national policy/ guidance in relation to discipline.

**vi. Complaints handling**

The local authority and its predecessors had awareness of National policy/guidance in relation to complaints handling. This is evident in the reference to Scottish Work Services Group and Scottish Office circular (SW5/1991), Social Work Representation Procedures (Scotland) Directions 1990 and subsequent updates in line with requirements through the Scottish Public Services Ombudsman. These outlined and updated the requirement for local authority's to have complaints procedures in place for all their social work functions, accordingly, this included foster care.

**vii. Whistleblowing**

The organisation is aware of the national policy/ guidance in relation to whistleblowing to encourage and support employees to raise concerns.

It is unclear given that the organisations predecessors ceased operating in 1995 if it would have had a whistleblowing policy or if such matters would have been dealt with in their complaints handling procedure.

**viii. Record retention**

The organisation and its predecessor had an awareness of the national policy/guidance on the retention of records. The included documentation from Archivists of Scottish Local Authorities Working Group.

**ix. Recruitment and training of foster carers**

The organisation and its predecessor had an awareness of the national policy/guidance on the recruitment and training of foster carers. This is evident in the local authority records held in archives and other documentation which cites national regulation, care standards, research and policy as underpinning the local policy, procedures and guidance for the recruitment and training of foster carers.

The local authority and foster carers have accessed and utilised the support and training resource available through Corum BAAF and its predecessor BAAF, and The Fostering Network.

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

The organisation and its predecessor had an awareness of the national policy/guidance on requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the local authority and this is reflected in the assessment process.

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

Yes

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

National policy/ guidance has supported the local authority and its predecessors to inform the local policy and procedures related to the provision of foster care services and the children and young people who have been supported through these services.

- f) If not, why not?

N/A

Present

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

No

- h) If so, please give details.

N/A

#### 4.2 Local Authority

##### (i) Policy

Past

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

Yes

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

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Yes, the aim/ intent of these policy and procedures were to ensure that the actions taken by the local authority were in accordance with legislation, national policy and guidance. Secondly, to ensure there was consistency in understanding of the roles, responsibilities and tasks associated to the provision of foster care and in relation to children who experienced foster care.

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

The policies and/ or procedures related to the provision of foster care would be recorded in the local authority and retained in the area of the service that had responsibility for the provision of foster care services, such as previous child welfare departments, children's department and more recently, social work department/ services. It is noted that copies of previous policy, procedures and guidance were not routinely retained by the local authority, tending to be replaced with updated versions. However, some copies of past policy, procedures and guidance notes have been located in the searches undertaken.

**d) What did the policies and/or procedures set out in terms of the following:**  
**i. Child welfare (physical and emotional)**

There is little documented about the specific details of policy and or procedures prior to 1975. The main source of documentation from this era is from entries made in the former Burgh and County Council Committee Minutes. For example;

There were health checks undertaken in relation to the physical health of children boarded out, including those in foster placements. The full policy and procedures in relation to these have not been obtained. However, there is entry in the Children's Committee Minute of Lanark County Council 24 June 1964 regarding fees for medical recommendations. This noted the Committee had under consideration Whitley Council M.D.C Circular no50 with regards to the remuneration of medical practitioners undertaking part time work for local authorities and in particular the section of the circular relating to medical examinations of boarded out children. The recommendation was for an increase in the fees for initial and subsequent examinations undertaken from 1 April 1964. The committee approved. (24/6/1964, pg1732)

There are various references through Committee Minutes about allowances paid and the reviews of allowances paid to foster parents to support their care of children boarded out with them.

There is a copy of communications in the Motherwell and Wishaw Burgh Council Minutes between Inspectors of the Poor in relevant Counties dated 26 January 1937. This indicated the practice of allowances being paid to foster parents at that time. There are various entries noted in the minutes of the Lanark County Council Committee Minutes regarding allowances, such as 3 February 1971 and the associated appendix which noted the rates of payment, included a boarding out allowance, clothing and footwear allowance, and pocket money based on the child's age. (Motherwell and Wishaw Burgh Minutes, 3.2.1971, Pg283) & (Social Work

Committee, Lanark County Council 3/2/1971 pg285 and Appendix Pg298 and 24/10/1962, pg2179).

There is reference to a request for a young person in the care of the County Council seeking to emigrate to Australia under the sponsorship of his sister. Whilst the entry does not specify the policy or procedures related to children boarded out and seeking to emigrate, it is noted that "having satisfied themselves that the usual safeguards as respect the youth's reception into Australia would be ensured, the Committee approved, and directed that the application be referred to the Secretary of State". (Social Work Committee, Lanark County Council, 3/11/1971, pg2277)

There are entries which highlight that when rehabilitation of children to the care of parents was being considered, there could be a trial period for children at home prior to the Children's Committee agreeing to the child's discharge. This rehabilitation plan would be monitored, along with the child's care and welfare at home to inform the decision about the child's discharge, even if this involved cross boundary monitoring. There is an entry which highlights the Children's Committee's agreement to a trial period home for a child, in this instance this was in London and agreement was on the basis of that the trial period was under the supervision of the Children's Officer in London. (Lanark County Council Children's Committee, 24/10/1962, pg2178)

There are entries in the Lanark County Council Children's Committee minutes which suggest that as the 1960's progressed, prevention and rehabilitation were increasingly supported through the provision of practical and financial support to children and families in need. This is evident under the entries noted in the section of the minutes headed "Special Cases" and in 1964 after the implementation of the Children and Young Person Act 1963, there is a section of the minute highlighting support measures considered under this act. The minute of 23 September 1964 highlights two case examples, one of prevention and one to support children who have been returned to care of their parent. This minute also indicated that there had been a report tabled at the meeting and agreement regarding procedures for giving effect to the provisions under the 1963 Act, including material and financial support. (23/9/1964, pg2244)

There is reference in the Lanark County Council Children's Committee minutes which indicate that the County Council received from the Scottish Home and Health Department, Health and Welfare Services Circulars, which highlighted health related matters for all children, including those boarded out with foster parents. Such as reflected in the minute of 22 November 1967, a Circular No 32/ 1967 received in relation to the protection of organised groups of children against the risks of infection and adult suffering from tuberculosis. This noted the need for awareness raising across departments and routine x-ray examinations of children and relevant staff groups. (Lanark County Council, 22.11.1967, pg2553)

There is limited documentation from the time of Strathclyde Regional Council held in North Lanarkshire Council. There may be additional information held in archives at the Mitchell Library as the records keeper for the former Regional Council.

Strathclyde Regional Council Fostering guidelines had a section on health and medical issues. This was not confined to the statutory requirements for medicals both prior and during foster care. The 1986 guidelines include the observation that foster children are

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more likely to suffer from ill health and medical problems than other children and requiring the supervising Social Worker to pay particular attention to the identification and amelioration of those health related disadvantages.

The 1994 operational procedures for the Child Care Review System outlines the details of the information that should be covered in each child's review to promote their overall wellbeing.

North Lanarkshire Council gave effect to the policy/guidance in relation to child welfare as evidenced in core practice and procedures for the assessment and care planning for children in need in their area. In North Lanarkshire this is seen in the organisations assessment and planning policy, procedures and practice guidance for all children in need. In relation to children in the care of the local authority and in foster care, this can be seen in the Looked After and Accommodated Child procedures and guidance from those originating following the formation of the local authority and implementation of the Children's (Scotland) Act 1995. These procedures were set out in line with the key principles of the Children (Scotland) Act 1995 in that the welfare of the child is paramount, the views of the child must be taken into account and the no order principle. These procedures have been updated to take account of legislative, regulatory and procedural developments since. These procedures are complimentary to the procedures around placement request and risk assessments, matching consideration, and the assessment and approval of foster carers. The general child care and looked after children procedures are also aligned with the local authority pathway planning procedures and through care/ after care procedures to promote the welfare of young people as they leave care and subsequently.

In relation to children in kinship care North Lanarkshire Councils policy and procedures regarding the welfare of the child are in accordance with the assessment and planning policy and procedures and those set out in the local authority's kinship care procedures from 2010 and as subsequently updated.

When a child becomes looked after and accommodated, a medical booklet would accompany the child to monitor and progress any health related matter. In response to recommendations from the looked after and accommodated children and young people, 'we can and must do better report', NHS Boards were tasked to ensure a Health Needs Assessment is undertaken for all looked after and accommodated children within 4 weeks of notification. Accordingly, procedures were implemented in North Lanarkshire in 2010 to enhance the oversight of a child's physical, mental and emotional health.

There is a clear expectation that health and educational are central to the planning for a child who is looked after and accommodated and that there is appropriate representation at the reviews of the child's plan to inform future actions to support and promote the child's welfare. Other agencies or personnel may also be core to the planning for a child, such as housing for a young person where pathway planning has commenced.

ii. The child's views

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There are no details regarding how the child's views were obtained prior to the formation of Strathclyde Regional Council.

Whilst Children's Hearings are recognised as a forum where both children and their parents had more a voice through related proceedings, there is limited evidence in local guidance on how this was facilitated in practice during the initial years of the Hearing system.

As previously detailed in sections 1.7(n), 2.1(c) and 4.1(a)(ii) in 1994 Strathclyde Regional Council introduced a 'Children's Rights Service' which updated the 'Charter of Right Responsibilities for Young People in Care' (1991) and identified the further steps necessary to incorporate the Charter into the Council's approach to its Children's Right Service.

In 1996 the Council introduced a Charter of Rights for Children. The Social Work Department developed these proposals, with particular attention being paid to the need to complement such rights with clear procedural and practice guidelines and training for staff on their implication. Each child was given a copy of the guidelines on their admission to care. The 1996 policy included the commissioning of Child Line to act as an external auditor of the Council's Children's Rights section.

The North Lanarkshire Council Looked After and Accommodated child procedures and guidance have contained documentation to seek a child's views in preparation for their reviews in the LAA11, consultation paper. A child would ordinarily be invited to their review and encouraged to attend and participate. There is a clear expectation in the procedures for looked after and accommodated children that they should be seen by their allocated worker on at least a 4 weekly basis and this should involve discussion with a child and seeking their views. In addition, there has been various documentation and electronic portals developed and used at different times to support the engagement of children in various modes to seek their views, such as "having your say", "viewpoint" and more recently MOMO (Mind of My Own).

There has previously been a children's rights officer within the service and subsequently, an independent children's rights services contracted by the local authority to engage with young people looked after and looked after and accommodated. For a number of years an independent advocacy service for children who are looked after and accommodated has been commissioned with its use promoted through related guidance.

### iii. Placement of siblings

There are no specific details known for North Lanarkshire Council's predecessors in relation to procedures or policy relating to the placement of siblings. The records keeper for the former Strathclyde Regional Council indicated that there were procedures which varied over time. The details of such procedures may be in archives held in the Mitchell Library, but have been not been obtained.

During the time of North Lanarkshire Council, it has been considered best practice to place siblings together where ever possible and appropriate. This would be explored

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in the placement request and matching considerations. However, it is recognised that placement availability can be a determining factor in finding a suitable placement to maintain siblings together, particularly as the number of siblings increase and the age range of siblings widens. A corporate Parenting Document 'Practice considerations and procedures in making placement decisions for siblings who are looked after and accommodated' stressed that every effort should be made to place siblings together. If this is not possible due to an urgent unplanned placement, the first looked after and accommodated review should consider option to place the siblings together again.

The procedures state that when permanence plans are being discussed and decisions are being made, if for any reason there is a question over maintaining or placing siblings in separate placements, there is a requirement for a formal sibling separation meeting to be held. This meeting would be chaired by the locality social work manager. The Permanency Planning Guidance 2010 identifies considerations of siblings and their future placement and contact as an item for discussion on the agenda of a permanency planning meeting.

#### iv. The placement of a child in foster care

There is little documented about the specific details of policy and or procedures prior to 1975. The main source of documentation from this time has been entries observed in the former Burgh and County Council Committee Minutes. There are entries which suggest policy and procedures around children in the care of the County Council and this would include children in foster care. For example;

There is an entry in the Burgh of Coatbridge Committee Minutes from 21 June 1956 that highlights a letter received from the Scottish Homes Department regarding the desirability of boarding out children rather than children being retained in children's homes. This was noted by the Committee and there is a subsequent entry in 1957 where the treasurer sought a report from the welfare officer regarding the advantages or otherwise and comparative costs against children being cared for in a local home. There are entries throughout the committee minutes for the County which indicate the move of children from residential establishments to foster placements. (Burgh of Coatbridge, 1956, pg217 and 1957, pg396)

Although it is unclear when reporting started, there is evidence in the Lanark County Council, Children's Committee Minutes viewed from 1960, that a Monthly Report by Children's Officer was submitted providing an update to the committee under the following headings:

- Children committed and admitted to care;
- Transfer, etc. of children;
- Children in care of Committee; and
- Fieldwork.

Unfortunately, the actual reports are not appended to the relevant Committee minute to inform of the content. (Children's Committee, Lanark County Council, 24/2/1960 pg718)

There is a section of the Lanark County Children's Committee Minutes headed, "special Cases" from the earliest copies viewed in 1960. This section contains summary excerpts about cases of children for which assessments were being made regarding safety and wellbeing at home through the children's officer/ children's department and for which legal orders have/ were being considered. These appear to reflect communication with the Children's Committee about children being received in to care or advance notice of the potential future need. In addition, there are applications by parents who sought to resume the care of children and after consideration of the matters, the Committee expressed a view. There are three such examples noted in the Committee Minute 31 January 1962 highlighting there was a procedure in place for such communications and decision making about children in care and this would have included those boarded out in foster care. (31/1/1962 pg377)

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

During the time of North Lanarkshire Council, the request for a child to be accommodated, including the determination of the placement would be considered through the placement request, associated risk assessment and placement availability. It has been policy and practice in North Lanarkshire to place children where ever possible in a family placement. Consideration would first be given to a suitable alternative family member through kinship care and when there are no suitable family members identified, an alternative family placements through foster care would be considered unless there was reason to rule this out as a suitable option for a child, in which case a residential placement would be sought.

**v. The particular placement of a child with foster carers**

There is minimal details of specific policy and procedures around the placement of child in foster care or boarded out prior to 1975.

The Lanark County Council Minute dated 22 February 1967 makes reference to a memo submitted in relation to the rota of visits by the Children's Committee to children boarded out and residing outside the County. In this memo the Children's Officer noted that due to the developments of the Committee's policy of boarding out children in the County wherever possible, there had been a steady decrease in the number of children boarded out outside the County. (22.2.1967, pg597)

The 1976 and 1986 Strathclyde Regional Council Fostering guidelines laid down the following in relation to the particular placement of a child with foster carers:

Preparatory discussion to establish information about the information about child's background, which should be shared timeously with foster family  
Where possible, child to meet foster parents  
Details of previous schooling and discussions about which school child should attend (foster carer to meet Social Worker)  
Discussion about contact with natural parents

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Medical examination, preferably with own doctor and prior to going to foster home  
Arrives with sufficient clothing  
Check with foster parent what equipment is required  
Ensure have all the necessary information about child and share with foster parents  
Foster parents as well as the parents are aware of arrangements for next contact with the child, as prescribed in formal access agreement.

As detailed above in section 4.2 (d) (iv), during the time of North Lanarkshire, if a child required to be looked after and accommodated, the first consideration would be given to alternate family members who may be able to meet the needs of a child.

There may also be consideration given to placing a child with a particular foster carer, if for example the child had been with the carer previously, to join a sibling or if the foster carer is able to meet the specific needs of a child. These matters would be considered through a placement request and more likely to occur when there are planned moves of placement.

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

There is no information that has been accessed about policy and procedures related to contact between children in foster care and their parents prior to the time of Strathclyde Regional Council.

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

Policies, handbooks and manuals in the 1970s and 1980s all emphasise the importance of the continued involvement with natural parents and other members of their families. This included the Foster Policy and Guidelines introduced between 1975 and 1996.

The looked after and accommodated procedures for North Lanarkshire have contained paperwork which outlines the contact arrangements between a child in foster care with his or her family and this should be completed upon admission (LAA5). Consideration of contact would subsequently form a part of the discussion and decision making at a child's care plan review. Unless contact was forbidden or restricted as a result of an order through a Children's Hearings or a Court, contact would be arranged in accordance with the child's care plan.

North Lanarkshire implemented a Looked After and Accommodated Children and Young People Contact Arrangements: Contact Guidance in 2014 to support the assessment, planning and recording around contact. This included a contact agreement, assessment framework and was accompanied by a development session and documentation around purposeful contact.

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

There is no information that has been accessed about policy and procedures related to contact between a child in foster care and other siblings in foster care prior to the time of Strathclyde Regional Council.

Strathclyde Regional Council policies, handbooks and manuals in the 1970s and 1980s all emphasise the importance of the continued involvement with natural parents and other members of their families for all children in care.

As detailed in section 4.2(d)(vi) above, during the time of North Lanarkshire Council contact arrangements would be considered and determined for all family members, including other siblings in foster care at the time of admission to care and subsequently in the child's review of their care plan.

**viii. Information sharing with the child's family**

There is limited details about the policy and procedures around information sharing with the child's family from the time of the County Councils. It is noted in the Committee Minutes for the Burghs and Lanark County Council that there was a level of ongoing contact and communications with family, or there are times when a parents whereabouts is noted to be unknown. Some of the communications are noted to be in relation to parental contributions towards a child's care when they were in the care of the local authority. There are other entries, particularly as the 1960s progress when there are communication noted regarding requests and consideration of rehabilitation of children back to the care of their parents and children returning home. There are further entries which indicate subsequent requests for financial and practical support to support the maintenance of children at home. The primary communications to the Committees are relayed through written and verbal reporting by the children's / welfare officers. Unfortunately, there are no details of such reports to indicate reporting procedures or the communications with family that informed these reports.

In relation to the era of Strathclyde Regional Council, the policies, handbooks and manuals in the 1970s-1980s emphasised the rights of natural parents to information about their child. The 1986 Fostering Guidelines made the point that the shared-caring nature of fostering demanded clarity of roles, good communication and information-sharing and explicit goals for the placement of children.

The Child Care Review System paper from 1994 noted that parents were regarded as a member of the core group of participants in the child care review as a right, unless parental rights had been removed and it was noted that there may still be parental attendance in such circumstances. Any deviation from the procedure required to be approved in advance by the District Manager.

Similarly, since the formation of North Lanarkshire Council, parents have been considered to be core participants in the care planning and associated meetings for

children. Parents would receive copies of reports submitted to the looked after and accommodated child review, as well as submit a parental contribution form with their views. Minutes of reviews are produced and parent should receive a copy of these. There is an expectation that the child's allocated worker would meet with parents in between any formal meetings to update on any changes of circumstances for the child or regarding the child's plan.

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

In accordance with the Boarding Out and Fostering of Children (Scotland) Regulation 1985, the approval of foster carers were taken through formal Fostering and Adoption Panels. The details regarding the constitution, remit, frequency and record keeping for the panel during the time of Strathclyde Regional Council are limited. There may be additional information available from the archivist at the Mitchell Library as the record keeper for the former Regional Council.

The 1985 Proposal for the Revised Structure of the Social Work Department stated that the coverage and composition of the Fostering Panel would be a matter for decision by the Social Work Committee. Their remit will include the approval of temporary, as well as permanent families; all adoptive and fostering placements; approved adoption allowances; "freeing for adoption" applications; the review and possible de registration of approved couples. The size of the panels' workload will probably be sufficient to warrant one panel per district.

In 1985/6 the fostering guidelines includes details of decision-making process. Its membership; role in assessment and review processes. The guidelines also included details records to be created.

In the 1980s each Panel consisted of 4 Elected Members of the Social Work Committee, one of whom would be the Chair, a Medical Adviser, an Educational Psychologist and the Divisional Organiser (Community and Field Work) or the Divisional Adoption and Fostering Adviser.

A memo from the Assistant Director of Social Work to District Managers, titled Elected Members/ Adoption & Fostering Panels, dated 15 July 1994 contains an exert from the Social Work Committee of 16 March 1994 This highlights the remit and composition of the panel and indicated that in the event of an elected member not being able to chair the panels, this responsibility can be undertaken by the district manager or in their absence by an assistant district manager. The attachment is headed up as the Adoption Panel and it is unclear if this had the same composition as the fostering panel. It is noted in this attachment that the adoption panel was approved at Committee on 23 October 1983. It is unclear if this timeframe was the same for fostering panels.

Foster panels and kinship care panels in North Lanarkshire Council were set up, constituted with the remit and frequency as detailed in section 1.8(e) and (f) above. The retention of associated records is as detailed in section 4.9 below.

x. Recruitment and training of foster carers

There is very limited information and specific details regarding the policy and procedures around the recruitment and training of foster carers prior to 1975.

There is an entry noted in the Lanark County Council Children's Committee Minutes from 25 October 1967 which indicates that the County Council received communications from the Social Work Service Group in relation to the expectations on local authorities in relation to foster care. The entry noted a circular letter No 5/1967, Fostering of Children, together with the observations by Children's Officers. The Clerk reported that the purpose of the circular was to remind local authorities that the existing regulations placed a very wide duty on them to satisfy themselves in all practicable ways that prospective foster parents were of good character and in all respects suitable to look after a child. The Committee noted the Children's Officers observations and that these should be forwarded to the Social Work Services Group, pointing out that the County Council did not accept the inference contained in the circular that it was in all circumstances practicable for a child care officer to see all members of the foster family before placing a child with foster parents. (Lanark County Council, 25.10.1967, pg2397)

Further to the above noted communication between the County Council and the Social Work Services Group, it is noted in the Committee Minute of 4 September 1968 that a letter had been received, enclosing a circular to Chief Constables from the Scottish Homes and Health Department which stated that agreement had been reached on procedures for consultation between children's offices and chief constables. The details are not documented, but it is noted that after discussion the Committee agreed the procedures prescribed. (Lanark County Council, 4.9.1968, pg1908)

There is an entry in the Burgh of Airdrie Committee minutes which highlight that in 1969 there were checks that were required to be undertaken prior to children who were boarded out being placed with foster parents. The entry stated as a following up to previous discussion at Committee that "the children's officer reported that this boy has now been placed with suitable foster parents after he had received satisfactory reports and references". (Burgh of Airdrie, 1969 pg44 BOC1061)

In the 1970's child care was a priority for the newly formed Strathclyde Region and improving foster care was at the forefront of their programme. Together with new policies and guidelines, Strathclyde Regional Council had a number of campaigns to encourage the uptake in foster care. Increased public awareness of the children through the constructive use and co-operation of the media.

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

The 1986 guidelines for fostering outlines the following support:

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

- Strathclyde Foster Care Consultative Group

North Lanarkshire Council recruited foster carers in accordance with legislative and regulatory requirements. The recruitment procedures for foster carers and kinship carers are as outlined in section 1.8 (ii) (a)-(g) and (l) above.

To support the recruitment and retention of foster carers there have been local and national campaigns which have run and been supported in North Lanarkshire. For example, a three year initiative supported by the Scottish Executive from 2006 – 2009, funding to improve fostering services. This made available additional funds to the council to support improvement in three areas:

- Recruitment of foster carers
- Retention of foster carers
- Increased placement choice

The strategy developed in the council targeted these priorities. This included a review of the allowance scheme for foster carers and access to additional funds to purchase larger items that would support their caring role.

There was a significant change to the scheme of allowances in North Lanarkshire in 2006. The council implemented a competency scheme for foster carer at that time and this remain in place to date. Approved foster carers received a weekly allowance to cover the cost of caring for the child and a fee, based on competency level in recognition of the service provided. The competency level is based on the level of training the foster carer has undertaken and evidence of their practice and experience in fostering. The foster carer's portfolio evidences their competency and ongoing training and development. Supported carers receive a set allowance in recognition of their carer role.

There is a range of mandatory and optional training programmes for foster carers in North Lanarkshire, which is reviewed through the foster carers' links social worker and in their foster carer review. In addition, following the formation of the North Lanarkshire Carers Centre, there is a dedicated building where carers can meet for peer support, undertake training and development sessions and access the resources available in the team.

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

No information has been located about the policy or procedures that were in place for the local authority's predecessors requiring employers to divulge details of complaint etc. in relation to prospective foster carers. During the assessment of prospective foster carers in North Lanarkshire there were a range of checks undertaken as a part of the assessment process. In the past it was practice that a previous employer would be approached and requested to provide a reference where the applicant had been in a caring role. This check would support the information gathering about the health and character of the applicants. This has progressed and now the assessment includes references being sought from most employers.

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

Whilst there is limited documented about the specific details of policy and or procedures prior to 1975. There is limited information noted in such detail in the earlier Committee Minutes observed. There is some evidence in the Lanark County Council Children's Committee Minutes to suggest that there was policy and procedure about the review of a child's continued residence through the children's officer and the Children's Committee.

For example, there is an entry in the Lanark County Council Children's Committee Minute 27 December 1961 which details that a parent had made application to have her child, who was in the care of the Committee returned to her care. The children's officer reported on this matter to the Committee, which agreed the application should be granted. There is a further entry in the minute of 28 February 1962 which stated that after consideration of an application by a parent to have their child restored to their care, the Committee refused such an application. This highlighted a procedure that involved both the children's officer and Committee in the decision making about the continued care and rehabilitation of children. (27/12/1961, pg133) & (28/2/1962, pg600)

There is further references made to the Committee agreeing to children leaving placement/ being discharged home from the care of the children's department, such as following a trial return home. (Social Work Committee, Lanark County Council 2/9/1970 pg1825)

There is reference in the Lanark County Council Committee Minutes dated 25 October 1967 to a letter received from the Social Work Services Group dated 23 August, under the heading, Children's Department, Inspection by Child Care Inspectorate. This recommended the appointment of additional child care officers and stated that Children's Departments required additional office, waiting room and interview accommodation; drawing attention to the benefits of setting up the formal machinery for the review of children in care to ensure the needs of the individual children are given full consideration. These matters were agreed, and noted for intimation of the additional resource needs to the relevant Committees within the County Council. (Lanark County Council, 25.10.1967, pg2397)

There is reference in the Lanark County Council Committee Minutes which indicated ongoing monitoring of children's placements when boarded out with foster parents, including when placed with family members and that criminal convictions were checked. One example noted in the minutes of 13 November 1967 highlighted circumstances of two children received into care on 6 September that year and their uncle was caring for them in the family home. He was discovered to have a criminal conviction and advice was sought from the Children's Committee on action to be taken. The Committee considered the matter and that the uncle had had no convictions since 1958, determining that the situation should work closely with the family and allowances should continue to be paid. (Lanark County Council, 13.11.1967, pg2549)

There are regular references made throughout the minutes of the Burgh and County Council minutes under section headed, Assumption of Parental Rights, which indicate that the Children's Committee and reports received there by the Children's Officers informed the decision making in relation to the County Council seeking to assume parental rights, thus children remaining in the care of the County Council or progressing to subsequent adoption.

During the time of Strathclyde Regional Council, both the 1976 and 1986 Foster guidelines laid down the processes for review.

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

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

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

The timetable for reviews was set at:

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

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

The 1986 guidelines detailed the main function is to review the child, their circumstances and needs, and included the following:

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

Composition of review team would vary depending on needs of the child, but the following must always be invited as core participants;

- District Manager's representative, who will act as Chair
- Supervising Social Worker
- Senior Social Worker

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- Foster parents
- Natural parents (unless their parental rights have been removed)
- Child if age and understanding allows
- Divisional Adoption and Fostering Adviser who may attend, or send a representative

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

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

A paper has been located titled (draft) Operational Procedures: Child Care - Child Care Review System 1994 which appears to be a proposed updated the above procedures. It is unclear if this was fully implemented.

This paper proposed that the frequency of reviews as;

- First full review no later than 4 weeks after date of admission into care
- Second review to be held within 3 months
- Subsequent reviews to be held within 6 months of the previous review

This paper proposes the participants of reviews, similar to those detailed previously. The paper also details the roles and responsibilities of participants and their contribution towards the planning for a child.

There were looked after and accommodated child procedures in North Lanarkshire Council which set out the expectations for the review of a child's continued residence in foster care or in a particular foster care placement. This included the reason for review, the paperwork and reports to be tabled and participants who were expected to attend or contribute. In addition, there were timescales set for the frequency of reviews dependant on circumstances. Full details of these are set out in section 1.7(l) above.

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

Whilst there are no specific details of the policy and procedures around visits to foster care placements during the period prior to 1975, there is evidence throughout the Committee Minutes from the Burghs and Lanark County Council that visits were scheduled and undertaken by inspectors, and later a combination of members of the Children's Committee and welfare officers.

There are entries as far back as 1930 in the Bothwell Parish Register, noted under the Register of Guardians, Children's Act 1908, Part 1, - Infant Life Protection. This register is formatted with a section headed "Inspector's Visits, Reports, and Subsequent Proceedings". This suggests that there was a policy to undertake such visits and record this in the formatted register.



There is an entry in the minutes of the Motherwell and Wishaw Burgh Council from 1 October 1937 which indicated that there was policy and procedures in place around children who were the responsibility of the Council and who were boarded out and residing outside the County. This entry referred to the Inspector of Poor seeking clarity about children who were resident in another County; clarity about chargeability and seeking a Visiting Report from the responsible Inspector where the children were resident. (Motherwell and Wishaw Burgh Council Minutes, 1.10.1937, Pg478)

There is an entry noted in the Lanark County Council Children's Committee minutes dated 27 January 1960 which highlights recognition of the changes under the Boarding Out of Children (Scotland) Regulations 1959, which increased the frequency of visits to children boarded out and placed other additional duties on children's departments. The Children's Officer completed a report regarding this to the Committee, noting the additional resource required to comply. (27/1/1960, pg461)

There is an entry in the Lanark County Children's Committee Minutes on 5 July 1961, which contains an appendix headed Visits by members of the children's committee to boys and girls boarded-out in private foster homes and in voluntary homes for the years 1961 – 1963. This outlines the scheme of arrangements and general principles. There is a further entry noted in the Committee Minute of 24 June 1964 regarding the schedule of visit for 1964 – 1966. (Children's Committee Minutes, Lanark County Council 5/7/1961, pg1607 & 1608) & (24/6/1964, pg1732)

The Lanark County Council Minute dated 22 February 1967 makes reference to the above entry and a proposed rota of visits to children boarded out and residing outside the County for the following year, which was agreed. It is noted that there was a memo submitted, as detailed in section 4.2(i)(v) above, noting the steady decrease of children placed outside the County and it was suggested that the rota of visits should therefore be drawn up annually. (22.2.1967, pg597)

It is apparent from entries in the Committee Minutes that there was procedures in place for the visitation of children boarded out and residing out with the local area. One noted example is reference to a report submitted to Committee on 27 September 1961 in relation to visitation to children boarded out in Aberdeen, Banff, Morray, Nairn, Stirling, Angus, Glasgow and Renfrewshire over preceding months. (Children's Committee Minutes, Lanark County Council, 1961, pg2146)

There is entry which suggest liaison with local authorities in relation to the supervision of children who were in the care of the Children's Committee and resident in other areas. For example, there is an entry 28 March 1962 regarding a young person, 17 years who went to stay with family in London and the Committee agreed for her to remain and that the Children's Department of London County Council would supervise the girl. (28/3/1962, pg865)

The policy and procedures from the time for Strathclyde Regional Council in relation to the visits to foster placements, including frequency, purpose, content, follow up and record keeping would reflect the legislation and regulations listed previously. The functions etc. were as laid out in the relevant statutes and regulations that pertained at the time and highlighted in section 1.3(i)(a)&(b) above. There may be more specific

details of such held in archives at the Mitchell Library as the record keeper for the former Strathclyde Regional Council.

During the time of North Lanarkshire Council, there is an expectation under the local authority's assessment and planning procedures and looked after and accommodated child procedures for children who are in foster care to be seen on at least a monthly basis by their allocated social worker. This would be irrespective of the placement location. In addition, there is an expectation under the foster carer procedures that carers are seen on at least a monthly basis, with a further communication in the intervening period either face to face or by telephone. These visits would be with the purpose of ensuring the wellbeing of the child, the suitability of the placement and to pick up and address any issues arising. These visits would be recorded in the child or carers social work records.

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

As detailed under section 4.2(iv) above, there is evidence of monthly reports provided by the Children's Officer to the Children's Committee of Lanark County Council in relation to children that were the responsibility of the Committee. This included the transfer of children between placements and would have included children boarded out in foster placements.

The Fostering Guidelines, 1986, includes details on processes on transfer of child during the time of Strathclyde Regional Council. The guidelines highlight the Social Worker's responsibility to ensure that the child's transition from the foster home to his own home, or to another placement, is carried out as easily as possible.

The Social Worker was required to prepare all parties for the change and ensure that they understand the sequence of events and the reasons for the move. The following steps are required:

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

At the time of the formation of North Lanarkshire Council, the procedures from the local authority's predecessor were adopted. Subsequently, North Lanarkshire Council implemented its own looked after and accommodated procedures in 1997. These identify that the procedures for the transfer of a child from one placement to another should occur through the process of a formal review. The supports and specific plan would be identified on an individual basis dependant on the child's needs and the

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circumstances around the move. This could involve planned meetings and introductions that involve all relevant parties. However, when there is an emergency move or breakdown of placement, it is acknowledged that this would generally be less planned. In such circumstances consideration would be given to retrospective communications between relevant parties and ensuring a more suitable ending to the placement for the child, although this is not always feasible.

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

As detailed under section 4.2(iv) above, there is evidence of monthly reports provided by the Children's Officer to the Children's Committee of Lanark County Council in relation to children. This included the transfer of children and would have included children boarded out in foster placements, including those who transferred to residential care.

The Procedures for the transfer of a child between foster care and residential care during the time of Strathclyde Regional Council and North Lanarkshire Council were as detailed in section 4.2(i)(xiv) above.

xvi. **Child protection**

There is limited information about any child protection procedures related to children boarded out and in foster placements prior to 1975. The information held in archives from the Committee Minutes for the Burghs and Lanark County Council indicates that the boarding out of children, including in foster placements, founded part of the local authority response to the safety and wellbeing of children in the County. This is notable from the Bothwell Parish in 1930, when the register of guardians was noted to be recorded under Children Act 1908, Part 1 – Infant Life Protection.

Although there is limited reference to child protection procedures in the various Committee Minutes viewed, there is references to legislative and regulatory changes to which County Councils had a responsibility to adopt and implement locally. In addition to many of the legislative and regulatory references previously noted, there is reference to circulars received in response to particular circumstances or national reviews/ reports, emphasising responsibility to ensure the well-being of children in their care. One such example is an entry in 1945 in the Burgh of Coatbridge Minutes. A DHS Circular No 93/1945 was received drawing attention to Sir Walter Monckton's Report on the circumstances of two children boarded at a farm in Shropshire and the steps taken to supervise their welfare. This report was written following an inquiry in to the death of one of the children at the hands of the foster parents. Local Authorities were asked to review their procedures and satisfy themselves that the existing regulations were being properly observed and that all possible steps were being taken to ensure the well-being of children in their care. This suggesting that adherence to the Regulations were seen as an instrumental safeguard for children boarded out. (Burgh of Coatbridge, 1945 Pg453)

There is a further similar example noted in the minutes of the Burgh of Motherwell and Wishaw of a letter received from the Social Work Services Group on the 5 October 1967. This letter referred to a recent Court case wherein a foster father had been found guilty of cruel treatment of a child placed in his care by a local authority. At the time the Secretary of State questioned the need for a further strengthening of the Regulations and sought for local authorities to satisfy themselves that all regulations were observed. (Burgh of Motherwell and Wishaw, 1967, pg449)

In 1971 Glasgow Corporation had produced the first guidance notes for Social Workers which were revised in 1979 under Strathclyde Regional Council. There were new manuals updating the procedures regarding child abuse in 1979, 1983, 1989, 1993 (amended supplementary procedures).

It is noted that the Strathclyde Regional Council 1989 Child Abuse Procedures included a section to specifically deal with allegations of abuse by foster parents.

North Lanarkshire Council is known to have adopted the procedures of its predecessor and this included child abuse procedures as noted above. The local authority has subsequently updated these procedures, such as in light of the Children (Scotland) Act 1995 and subsequent legislative and policy/ procedural updates. There were Child Protection Procedures produced by local authorities in the West of Scotland in 2001 which were reflected in local procedures. North Lanarkshire Social Work Child Protection Procedures (children, young people and unborn babies) 2014 reflect these updates and continue to include a section relevant to allegations of abuse involving North Lanarkshire Carers. The procedures state:

- The term “carers” is used to describe both residential workers or children’s carers.
- The term “allegation” is used to refer to any claim or concern that a carer may have harmed a child or young person.
- Practice for invoking child protection procedures and involving the police should be the same for carers as for other families living in the community.

#### xvii. Complaints handling

There are no details of the complaints handling policy and procedures for prior to the time of Strathclyde Regional Council.

During the time of Strathclyde Regional Council, the 1986 Fostering guidelines outlines the processes for dealing with foster parent complaints, including those:

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

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

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

The complainant should be interviewed by the foster parents' Social Worker and the Senior Social Worker and details of the complaint, together with an assessment of the quality of that complaint should be carefully recorded. The Area Officer for the foster home should then discuss this with the Area Officer for the child. If the complaint is as serious as an accusation of non-accidental injury, the relevant Child Abuse Procedures must be followed.

If at all possible, the decision to remove the child should be taken at a child abuse Case Conference, if appropriate, or at a Disruption Meeting, which would be called in accordance with the relevant child care procedures.

Any decision as to whether or not to return the child to the placement, should be taken at a formal Disruption Meeting.

Following the formation of North Lanarkshire Council, the local authority implemented a Social Work Complaints Procedure: Operational Guidance in 1998. These procedures would be used for all complaints. The local authority complaints handling procedures have been updated to reflect legislative, policy and organisational changes. This included the Public Services Reform (Scotland) Act 2010 which gave the Scottish Public Service Ombudsman the authority to lead and develop a model of complaints handling that would be consistent across all local authorities. The complaints handling procedures clearly outlines the process by which the organisation will deal with a complaint and the process should the complainer feel the matter remains unresolved. The current procedures continue to be relevant for complaints related to children in foster care.

The Complaints Handling policy and procedure are intended for people using the services of the organisation, including children in the care of the local authority. Service users can raise concerns/complaints via the service, the provider and/or the Care Inspectorate, Scottish Social Services Council or Scottish Public Service Ombudsman. Complaints to the local authority can be made using a pro forma leaflet, the council's webpage, email, or be provided in a verbal or written format. All of the local authority policies are publicised on the council's web site and internal web pages for employees. The local authority management team and the service quality and assurance team have oversight of the complaints handling process within the service.

Children and young people can access the support of advocacy services to make a complaint or support through any communications regarding their complaint.

In addition to the local authority procedures covering all social work services, dependant on the nature of a complaint regarding a registered foster carer, there may be a requirement for internal investigation of the complaint within the procedures for foster carers and a requirement for the local authority to notify the Care Inspectorate as a register provider of foster care services.

There are certain circumstances when after the investigation of complaints, it may be appropriate for the local authority to notify Disclosure Scotland in relation to PVG requirements.

**xviii. Whistleblowing**

There is no information in relation to policy and procedures related to whistleblowing prior to the time of North Lanarkshire Council.

The local authority has a Whistleblowing Policy (Public Interest Disclosures), was adopted in 2003, updated in 2007, 2015 and 2017 to reflect organisational changes. This is also a mechanism for employees to disclose a concern they have that there is serious wrongdoing within the organisation. The Policy also accepts that a disclosure may be made to an external regulator, such as Audit Scotland, Care Commission etc.

**xix. Record retention**

There are no details of the records retention policy and procedures for prior to the time of Strathclyde Regional Council.

See section 4.9 below for details of record-keeping policies within Strathclyde Regional Council.

Many records were created before the policies and retention schedules described in section 4.9 below and were retained in line with statutory requirements.

At the point of disaggregation the North Lanarkshire Council and its predecessor retained records in line with national policy/ guidance and in accordance with the guidance set out by The Archivists of Scottish Local Authorities Working Group in 1995 in preparation for the disaggregation of the organisations predecessor. The organisation implemented its first corporate Record Management Policy in October 2007 and this was updated in 2013.

**e) Who compiled the policies and/or procedures?**

The policy and procedures for the local authority were compiled by officers of the local authority at the relevant time.

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

The Policy and procedures were put in place and have evolved in response to legislative, regulatory and practice developments and to take account of organisational change.

**g) Were such policies and/or practices reviewed?**

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Yes

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

The policy and procedures for the local authority, including those related to provision of foster care were reviewed to update them and take account of legislation and regulatory changes, practice developments and in response to organisational changes.

For example, the archivist for the former Strathclyde Regional Council indicated that the 1986 Foster parent guidelines, which replaced those in place in the 1970s, brought together the policies, practices and procedures relating to fostering in local authority. Their production and distribution to all social workers emphasised the importance placed on the foster care service and the need for continuing development. The guidelines brought together existing policies and procedures and introduced new ones. These include all fostering assessments being presented to Fostering and Family Placement Panel; the role of the link worker; a written report on every placement; Foster Homes Reviews and the further right of Appeal.

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

As detailed in section 4.2(i)(d)(h) above the 1986 foster parent guidelines brought together existing policies and procedures and introduced new ones. These include all fostering assessments being presented to Fostering and Family Placement Panel; the role of the link worker; a written report on every placement; Foster Homes Reviews and the further right of Appeal.

Following the national strategy "Getting it Right for Every Child in Kinship and Foster Care" launched in 2007 and the Looked After Children (Scotland) Regulations 2009, the definition and expectations for the process of approval and support of Kinship Carers has been formally clarified. This has been reflected in the North Lanarkshire Council Kinship Care procedures implemented in 2010 and updates since implementation.

**j) Why were changes made?**

Changes were made in response to updates in legislation and regulation, such as the development and evolution of the local authority kinship care procedures. There have also been changes in response to organisational changes and vision and through service developments, for example to underpin the development of the foster care services which had greater expertise in recruitment, assessment, preparation and continued support for foster families and the children placed.

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k) Were changes documented?

Yes. However, it is recognised that there are gaps in the historical documentation of changes, particularly the further back in time records are viewed.

l) Was there an audit trail?

Yes. However, it is recognised that there are gaps in the historical documentation and audit trail, particularly the further back in time records are viewed.

Present

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

No

n) If so, please give details.

N/A

(ii) Practice

Past

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

Yes, there is documentary evidence of a level of adherence in practice to the local authority policy/ procedures in relation to the provision of foster care.

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

i. Child welfare (physical and emotional)

There is documentary evidence that the local authority and its predecessor gave effect to the policy/guidance in relation to child welfare for children in need in their area, including children in foster care.

There is evidence of financial support being paid to foster carers to support meet the needs of children in their care from 1930. The records from the early period of the study are partial and there is little clarity over how financial support was determined and facilitated. There are details of boarding out allowances being paid to carers to ensure the material provisions for children in care throughout the time of the study. This appears to have become more formalised in relation to the criteria and

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arrangements for payment by the middle of the century. This is evident in the partial records viewed from the boarding out children register from 1966 - 1970 which documents routine allowances being paid in relation to specific children in accordance with the local authority criteria. The records demonstrate payments to carers who were identified as 'relatives' and 'strangers'. It is expected that this practice would have been replicated in other areas for which the records were not available. During the time of both Strathclyde Region and North Lanarkshire Council there are records of payments being made by the local authority in relation to children in foster care and the care of other family members on both a formal and informal basis. This is evident through payments made for children in need, and more recently through the link carers scheme of allowances and kinship carers allowances paid. The foster carers files viewed and audited for this study note fostering allowances and fees being paid in accordance with policy and additional payments being requested and paid when considered appropriate to the child's needs, such as for music lessons, sports activities, trips and holidays.

There is some evidence of a child's health being monitored and educational achievements being considered through the references noted by the children's officers at the Children's Committee, although the information is limited until the 1960s. The boarding out register viewed for the period 1966 - 1970 contains records of children's educational reports being routinely sought twice per year for children boarded out in some areas of the county council. Similarly, there are routine medical reports sought annually in these records. It is expected that this practice would have been replicated in other areas for which the records were not available. The children's case records viewed and audited for this study were primarily for children in foster care from the 1980s onwards with a small number dating back to children boarded out in 1963. The majority of the children's files audited had evidence of health needs in the form of assessments and correspondence related to the child's health, physical and emotional. RIC3 medical books or child in care medical books would have been with the child throughout placement to record their health appointments and needs and there are few of these documents in the files. It is expected that these may have remained with the child. Similarly, there were educational reports being routinely sought and in the records. In addition, health or educational representatives were routinely involved in the reviews held.

## ii. The child's views

There is evidence of children's views being sought. Many earlier case records viewed contain limited specific details of communications with children and capturing their views. However, capturing the child's views is progressively more notable in case records, particularly from the 1990s onwards. There is evidence in children's files through case notes and reports where children's views are documented. The children's files audited for this study evidence the use of children's rights officers and independent advocacy services to support children and advocate on their behalf. Many children are identified as participating in meetings and reviews of their care plan, including Children's Hearings and looked after and accommodated child reviews. There are a range of tool identified that workers have used to support children to capture their views, such as:

- LAA11, child's consultation report

- Having your say document
- Make sure your alright consultation document
- What I think tool
- viewpoint

### iii. Placement of siblings

The limitations of historical records related to the placement of sibling groups does not support clear conclusions to be made on policy or adherence in practice. In the period of North Lanarkshire Council there is evidence of placement requests made to the headquarters team and of searches for placements and attempts made to identify placements for sibling groups both within and out of authority. There is also evidence of siblings being placed together. However, it is notable that the larger the sibling groups or the older the children, placements are more limited or not available. Similarly, when siblings have been placed together, there have been occasions when this has not been sustainable for various reason, such as complexity of needs, competing demands and children have required separate placements to meet their individual needs. When sibling groups are separated, there is evidence of contact arrangements between the children in different placements, where possible facilitated by carers in a more natural way. When this is not appropriate or feasible, social workers have facilitated contact. The placement of siblings and contact to maintain sibling relationships when children are separated is reviewed in the looked after and accommodated reviews. At the permanency planning stage, if it is assessed that it is not in the best interest of siblings to be placed together or a placement cannot be found to keep siblings together, there is evidence of a sibling separation meeting to consider the attempts made and future options, including the need to permanently separate siblings to achieve permanence.

### iv. The placement of a child in foster care

There is insufficient information to evidence adherence to policy and procedures around the placement of a child in foster care from 1930. The shift in the balance of care from residential establishments towards a preference for family based placements is evidenced in the statistics presented under section 1.6 above. The policy of exploring suitable extended family members to provide care for children and formalising of kinship care assessment, approval and recognition has also evidenced an increased number of children being supported in kinship care in recent year. Again this is evident in the statistics presented in section 1.6 above for North Lanarkshire.

### v. The particular placement of a child with foster carers

If a child requires to be accommodated, the first consideration is alternate family members who could be assessed for their suitability to care for the child and meet their needs. As detailed in section 4.2(ii)(b)(iv) above, there are an increased number of children being placed in kinship care. It is evident in records that there are a number of children over the years who were in extended family care arrangements, generally regarded as informal kinship care and some did not have their carer status recognised.

Previously, the assessment, approval and monitoring of such placements was not as rigorous as it was for those who were approved as foster carers. Recent records evidence the increased formalising of the assessment, approval, monitoring and support of kinship carers, this being more aligned to that of approved foster carers.

In relation to children in foster care, the placement of a child with a particular foster carers is more evident when placements are made on a planned basis. If a child has previously been placed with a particular carer and they need to be accommodated again, consideration is given to the availability of the previous carer. Placements with particular carers have also been sought to unite sibling groups or when a younger sibling is born. There have also been situations when a pre-birth assessment which concluded that the child required a foster placement and the foster carer is identified pending the birth of a child. If a child is known to have specific needs, such as health needs, a particular carer has been sought who can meet these. The planned move a children to permanent foster carers is also done through a formal linking process. A particular foster carer would be sought to meet the long term needs of the child and any matches would be considered through a formal linking process. This is a standard process of linking children to permanent carers through the North Lanarkshire Permanency Planning Procedures.

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

There is insufficient information to evidence policy and procedures and adherence to these as they relate to contact between a child in foster care with their family from 1930. There are references made in Children's Committee minutes, more so around the 1960 onwards, indicating contact between a child in foster care and their family, but not the policy or procedures surrounding this.

During the time of Strathclyde Regional Council, it is apparent that birth family contact and involvement in the care plan for a child in foster care was promoted. The arrangements for contact were set up at the point of reception in to care and reviewed through the looked after and accommodated review. This has continued through North Lanarkshire Council. There is evidence of contact arrangement referred to and in paperwork in children's case files, such as LAA5 paperwork and review paperwork which outlines contact arrangements. Similarly, files contain copies of compulsory supervision orders through the Children's Hearing for which there are conditions of contact or no contact and as the responsible/ implementing authority there is compliance with such order. It is evident in the audit of children's files undertaken for this study that children had contact during their time in foster care with various family members. This included birth parents, other family members and/ or sibling who were not in care or in another placement. Contact has taken place in a range of locations including in family homes, locations in the community and family contact rooms. Foster carers and social work staff are involved in the facilitation of contact and when required, the supervision of contact.

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

As detailed in section 4.2(ii)(b)(vi) above, there is evidence of children having contact with siblings in other placement.

**viii. Information sharing with the child's family**

There is insufficient information to evidence adherence to policy and procedures around information sharing with the child's family from 1930. It is apparent from the entries in the Children's Committee that there was some contact between welfare officers and family, but the policy around this, focus and frequency is unclear. An early focus noted in the records was seeking financial contributions from parents towards the care of children's boarded out by the local authority.

There is evidence of increased communications and information sharing in the middle of the century. This may coincide with the increased prevalence of prevention and rehabilitation of children back to the care of parents, which would no doubt have formed a focus of communications. However, there is no details of specific policy and procedure to comment on adherence.

From the time of Strathclyde Regional Council and North Lanarkshire there is clear evidence of parents rights to information and participation in the planning around their child through looked after and accommodated review and associated proceedings. Parents and other key family members are regarded as key participants in the reviews of their child's plan. Foster carers would also participate in these meetings and this enables direct communications between the child's family and foster carers. Birth parents would have access to reports and information shared by all agencies involved. Dependant on circumstances, parents would also be considered to attend various appointments for their child, such as medical appointments and school parent's evenings that the foster carer is taking the child to.

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

It is understood that there was adherence to the policy and procedures for the running of the Strathclyde Regional Council fostering panel. The record keeper for the former Regional Council may be able to provide the documentary evidence to this.

North Lanarkshire Council has adhered to the policy and procedures for the running of the Fostering and Family Placement Panel in the local authority.

**x. Recruitment and training of foster carers**

There is insufficient information available comment on adherence to the policy and procedures around the recruitment and training of foster carers prior to North Lanarkshire Council.

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The review of foster carer files undertaken for this study has evidenced that there are files that indicate foster carers' approval during the time of Strathclyde Regional Council. The majority of the files appear to have appropriate documentation in the files regarding recruitment; assessment and checks, such as police checks, local authority checks, health checks and references. Either the documents or reference to them is in the file. There are some gaps in the documentation, which may be due to partial records being viewed and documentation not being retained in the file viewed. There is reference to training in the files from this era, but there is insufficient information to comment on adherence to the training requirement. This information may be available from the records manager for the former Strathclyde Regional Council.

There is evidence of adherence to policy and procedures for the recruitment of foster carers in North Lanarkshire from the initial enquiry and interview, through the preparatory groups, post preparatory group interview and the formal assessment. Checks are undertaken in accordance with policy. There is evidence of adherence in the foster carer files viewed in the audit undertaken for this study. It is noted that following the formation of North Lanarkshire Council foster carers were supervised across the child care teams in the local authority. It was recognised that to ensure robust recruitment, support, training and monitoring, all of the local authority fostering and adoption services were centralised under the one carers team in 2006. This helped to support foster carers, their training, the local authority training programme and monitoring of mandatory and non-mandatory training. There is evidence of this in the care files viewed through the supervision recordings for carers and the reviews undertaken and through the carers team training programme. There are occasions when carers have been out with timescales for certain training, the reason for this is explored and the link social worker supports the carer to resolve. There is evidence of communications in this regard in supervision and reviews. As detailed in section 5.4 below, the external inspection of the North Lanarkshire Fostering Service by the Care Inspectorate and its predecessors have evidenced a high level of adherence.

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

The policy and adherence to policy prior to North Lanarkshire Council is unclear. There is evidence in the assessment of prospective foster carers of adherence to policy in North Lanarkshire. Previously, it was policy that if a prospective foster carer was employed by a care sector employers, a reference was sought from them. This has changed to all employers being contacted and a reference is sought about suitability of the prospective foster carer. There is evidence in the audit of foster carers files undertaken for the purpose of this study of both care sector employer references and more recently all employer references being sought and considered in the assessment process. The carers case file audit undertaken for this study evidenced communications about a foster carer who was employed in a nursery and was dismissed. Communication took place to share the relevant information to enable a review of the suitability of the foster carer. They were subsequently deregistered.

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

There is insufficient information available about the review process for children in foster care or a particular foster placement prior to Strathclyde Regional Council to provide comment on adherence.

It is understood from the records keeper for the former Strathclyde Regional Council that there was adherence to the policy of reviews for children in foster care or a particular placement. The information underlying this may held in archives for the former council held in the Mitchell Library.

The case file audit undertaken for this study has evidenced a general compliance to the local authority policy for the review of children in foster care. There are some gaps identified in the frequency of reviews, with some being outwith expected timescales.

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

The information available from the time of the Lanark County Council is primarily based on the entries in the Children's Committee minutes. There is some information available regarding the frequency of visit and the schedule of visits undertaken by the local authority to children boarded out and placed both within and outwith the area. There is evidence of a level of adherence based on some entries in the records, but a definitive view cannot be drawn from this for the full time frame. There are entries relating to the visits undertaken by welfare officers, but again insufficient information to comment on adherence to policy. The purpose, content, follow up and recording of visits and the associated adherence is unclear. There are a number of children's files that have been audited for the purpose of this study. These files note a range of visits in the era, including visits to placement by Director of Social Work, Vice Convener, Councillors and welfare officers. The reasons appear to be around observing the child and carers in placement, placement moves, to provide advice and support, supporting contact.

The archivist for the former Strathclyde Regional Council identified from the records that in respect of policies for visits, these were adhered to over much of the time of the Inquiry. However, in the late 1960s until the mid-1970s some areas forming Strathclyde Region struggled to undertake the number of visits required. Remedying this was a priority for Strathclyde Region who immediately put into place the required policies/procedures etc. Further details may be available from the archivist.

There is evidence in the children's case files audited for the purpose of this study of a level of compliance with polices set out by the North Lanarkshire. Whilst there are a visits to placement, there are some identified gaps when visits have not taken place within expected timescales. The focus is noted in visits to include seeing the child and their carer, gathering views and information for reports/ meetings, individual work or support to the child and to facilitate contact. It is expected that visits to children in foster care would be recorded in the child's case notes in their file. It is unclear if all gaps observed are due to visits not taking place and/or gaps in recording.

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

The policy and procedures around the transfer of a child from one foster placement to another prior to 1975 is not known sufficiently to comment on adherence.

During the time of Strathclyde Regional Council and North Lanarkshire Council the procedures for a transfer of a child from one placement to another should occur through a formal review. There is good adherence to this for planned moves, but less so for emergency transfers of placement. The review to formalise emergency transfers of placements tend to occur retrospectively.

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

The transfer of a child between foster care and residential care is as detailed in section 4.2(ii)(b)(xiv) above.

xvi. Child protection

There is insufficient information regarding the policy and practice relating to child protection from the time of the Lanark County Council to comment on adherence.

It is known that the Strathclyde Regional Council Child Abuse Procedures for staff from 1989 included a section specifically related to allegations or abuse of children in foster care. There is limited information from the time of Strathclyde Regional Council to provide a definitive view on adherence. There is evidence in the children's case files audited for the purpose of this study that allegations have been considered and dependant on the nature and seriousness, these have been investigated under child protection procedures by social work and where there is suspected criminality a joint investigation has taken place by police and social work. Some complaints and allegations are noted to have been investigated on a welfare basis.

xvii. Complaints handling

There are no details of the complaints handling policy or practice records to comment on adherence prior to Strathclyde Regional Council. There is evidence through the audit of case files undertaken for this study of complaints and allegations being made by parents and children and these being investigated, sometimes solely as a complaint and other times using the complaints procedure and others, such as the child protection procedures. There is also evidence from 2007 through the complaints and significant incident log retained by the North Lanarkshire Council carers team.

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### xviii. Whistleblowing

There is no evidence of a whistleblowing policy or individual records to consider adherence to policy prior to the time of North Lanarkshire Council. The local authority has a whistleblowing policy which is provided to all staff. Whether under awareness of this policy or related to the culture in the authority, there is evidence of staff and other foster carers raising issues or concerns that they have about a foster carer or child's placement. These have been investigated through a combination of the locality for the child and the carers team dependant on the issue raised.

### xix. Record retention

There is insufficient information related to the policy for the retention of records prior to Strathclyde Regional Council to comment on adherence.

Strathclyde Regional Council and North Lanarkshire Council have policy and procedures for the retention of records. It is apparent that the further back in time records are sought, the more difficult it is to locate and access full records for children. There is a time when children's information was retained in a 'family file' sometimes making it more challenging to locate and identify an individual's information. Additionally, the change of local authority boundaries and the movement of children and family across areas complicates this further. Some documentation although evident in files, has degraded or faded, resulting in it being difficult or impossible to read. It is apparent from records viewed that since the late 1990s children's files are individually retained and the child's file follows the child, making this easier to locate. The contents of files are also more reflective of the information expected to be retained in the file. Ensuring the information retained about a child and their experience in care is an ongoing challenge to ensure documentation is retained in a manner that ensure longevity, particularly with the addition of electronic systems and filing.

### c) How was adherence demonstrated?

The level of adherence was demonstrated from the observations made from a number of individual case records viewed and local authority documentation, such as the contracted service for advocacy support and associated reporting of engagement with children and the documentation related to the operation of fostering panels. There is evidence of adherence through the external inspection of North Lanarkshire Foster Care Services and the inspections undertaken on the wider social work or child care services.

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

Adherence can be evidenced from the range of documents reviewed for this study. There is knowledge within the organisation of policy and procedures in practice.

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e) Were relevant records kept demonstrating adherence?

Yes

f) Have such records been retained?

Yes

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

N/A

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

N/A

Present

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

No

j) If so, please give details.

N/A

#### 4.3 Children

(i) Policy

Past

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

The local authority had a number of policy and procedures in place in relation to the care of children in foster care. It is acknowledged that there is not a comprehensive set of all such documentation across time, particularly the further back in history these are sought. As detailed throughout this report, there are references which suggest policy and procedure of a time, but without access to the actual documentation a definitive view about the contents is unable to be formed. The primary source of documentation prior to 1975 has been from entries made in the Committee Minutes for the Burghs and County of Lanark. Following the formation of Strathclyde Regional Council, there are some policy and procedures retained in archives held at the Mitchell Library as the records keeper for the former local authority. North Lanarkshire Council

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has retained any copies of policy and procedures for the local authority however it is noted that there are some gaps in the past copies of policies and procedures retained. It is apparent that when updated policies and/ or procedures have been implemented, past copies have been removed to prevent confusion and inappropriate use and there is no single system of archiving policy, procedures with the exception of committee reports.

Copies and definitive details of the policy and procedures for the period of Lanark County Council have not been identified in archive. The previous references noted in this report from Committee Minutes are the only records that have been identified. For example, there is references which appears to relate to the checks and evolution of the checks in place to consider the appropriateness of foster carers. There are references to the criteria and process by which children were received into foster care and review of their continued residence. There is reference to visiting schedules for the local authority to the placements for boarded out children, including those in foster placements within and out with the County. There is reference to health checks for children. There are references to the children's education and the employment status of young people. There is reference to payments for foster carers to support and maintain children in placement. There is reference the role of the welfare/ children's officer to provide formatted reports to the Children's Committee who had oversight and made a range of decisions for children in in the care of the local authority and boarded out in foster care, including a role in the decision making around certain legal proceedings being pursued, such as removal of parental rights and assumption by the local authority.

During the time of Strathclyde Regional Council, there was a range of policy and or procedures around children in foster care. A definitive list of these may be available through the records keeper at the Mitchell Library. This would include those identified, such as, the procedures for children looked after and accommodated by the local authority, the procedures around the review of children in care and their plans, permanency planning procedures and throughcare procedures. These procedures would be aligned with wider child care procedures, such as those related to proceedings through the Children's Hearing and Court, the approval of foster carers and the consideration and approval of plans through the Fostering and Family Placement Panel.

North Lanarkshire Council is understood to have adopted the policy and procedures of its predecessor until such times as new and/ or updated policy and procedures were implemented. There were a range of policy and/or procedures in North Lanarkshire Council for the care of children in foster care. These would also be aligned with the wider service policy and/or procedures for children in need and in receipt of social work services. These included;

- The Children (Scotland) Act 1995 Implementation Staff information pack procedures and guidelines 1997, which updated the looked after and accommodated child procedures and associated paperwork.
- Looked after and accommodated child procedures 1997 onwards
- Placement request, risk assessment and associated procedures 2012
- Placement agreement and Independent Placement Agreements 2008
- GIRFEC in North Lanarkshire 2006 onwards
- Assessment and Planning Policy, Procedures and Practice Guidance 2014

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- Assessment of the needs of children, young people and their families Practice Guidance 2014
- Looked After and Accommodated Children and Young People Purposeful Contact and Assessing Contact: Contact Assessment Framework 2014
- Frequency of Reviews Policy and Procedures 2014
- Private Fostering - Are you looking after someone else's child?
- Private Fostering: Procedural Guidance for Social Work Staff 2008
- Kinship Care Procedures 2010 and updates
- Throughcare/ aftercare policy and procedures various
- Practice Guidance for pathway plans various
- Continuing Care Guidance 2019
- Permanency Planning for Children Who are Looked After and Accommodated 1999 and 2008
- Practice considerations and procedures in making placement decisions for siblings who are looked after and accommodated 2017
- Procedures for the Adoption, Fostering and Family Placement Panel
- Children's Rights and access to advocacy support
- Policy and Procedures relating to the Children's Hearing
- Child Protection Procedures

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

Yes, the aim/ intent of these policy and procedures were to ensure that the actions taken by the local authority were in accordance with legislation, national policy and guidance. Secondly, to ensure there was consistency in understanding of the roles, responsibilities and tasks associated to the provision of foster care and in relation to children who experienced foster care. Policy and procedures also reflect the evolving vision for children's services including, addressing the impact of deprivation and disadvantage, preventative approaches to support children remain within their families and communities and ensuring good standards of care and opportunities for those children and young people cared for away from home, including in foster care. For a child experiencing foster care, these policy and/ or procedures set out to ensure the child's safety and wellbeing was promoted, monitor and support the placement, maintain contact with/ awareness of birth family as appropriate to circumstance and any legal orders, to achieve permanent care for the child wither through rehabilitation or through permanence.

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

The policies and/ or procedures related to the care of children in foster care would be recorded in the local authority and retained in the area of the service that had responsibility for the provision of foster care services, such as previous child welfare departments, children's department and more recently, social work department/ services. It is recognised that some policy and / or procedures were jointly written and

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implemented across services and may be retained in other services, such as education and housing services. It is noted that copies of previous policy, procedures and guidance were not always retained by the local authority, tending to be replaced with updated versions.

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

The details of what the policies and/ or procedures set out in terms of the following aspects have been detailed above in section 4.1 and 4.2 above. Additional information has been included below under areas relating to specific policy and/ or procedures.

**i. Safeguarding**

The policy and/ or procedures around safeguarding in North Lanarkshire Council are covered through the local authority child protection procedures and those set out to promote the welfare of children in a multi-agency framework, such as outlined in the GIRFEC Framework which has been adopted into many of the local authority policies and/ or procedures for assessment, planning and reviews.

**ii. Child Protection**

As detailed in Section 4.1 and 4.2 above

**iii. Medical care**

There is no specific details of the policy and/ or procedures in place regarding medicals for children in the time of Lanark County Council. However, as previously noted in section 4.2(d)(i) there is reference to medicals being undertaken for children boarded out in foster care.

During the time of Strathclyde Regional Council there was a medical booklet, RIC3 which would be signed with parental consent for the child to receive medical care. The foster parent handbook details that there would be a medical at the time of reception into care, subsequently within one month of placement and annually throughout placement, with additional needs responded to as required. Dental treatment should be sought routinely for a child as an expectation of the foster carer role. All medical treatment and assessments would be recorded in the RIC3 medical booklet.

North Lanarkshire Council continued the use of the RIC3 medical booklet until the implementation of the LAA6 medical booklet which was developed and replaced the RIC3 Booklet. This followed a similar format in use. It is noted that if circumstances were appropriate and it was feasible, birth parents could attend or would be updated on the outcomes of any medical care sought and provided to their child.

There are occasions when the consent for medical care of a child in the care of the local authority would be provided by the parent, or this could be determined through a Court Order, such as ancillary provisions through a Permanence Order or as a

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condition of a Children's Hearing Order. The North Lanarkshire Council Foster Carer Handbook highlights that young people under 16 years of age have a right to consent on their own behalf to any surgical, medical or dental procedures. In accordance with the Age of Legal Capacity (Scotland) Act 1991, a medical practitioner may accept the child's consent if in their opinion the child is capable of understanding the nature and possible consequences of procedures or treatment. For most young people this is likely to be around the age of 12 years.

In 2010, to ensure all children looked after, including those in foster care received a health assessment, there was a Health Needs Assessment (HNA1) CEL 16 procedure implemented. The aim of the procedure was to ensure this assessment was undertaken on all relevant children within 4 weeks of notification of a child becoming looked after to identify future needs and supports.

iv. Children's physical wellbeing

As detailed in Section 4.1 and 4.2 above

v. Children's emotional and mental wellbeing

As detailed in Section 4.1 and 4.2 above

vi. Schooling/education

The Strathclyde Regional Council Officer/Member Report on Child Care (1978) stressed the need to develop links with the school particularly with the class teacher, guidance teacher and head teacher. There was an expectation of education personnel to report and attend the reviews of children looked after and accommodated.

In the Draft: Operational Procedures: Child Care - Child Care Review System 1994, education staff are identified as a core member of the review meetings to consider the plan for a child looked after and accommodated.

The policy and/ or procedures in North Lanarkshire Council reflect that education are a core agency involved in the planning and provision of support for individual children to support them to achieve their full potential. Wherever possible children in foster care should be supported to remain at their own school to promote continuity in schooling. The child's needs would be assessed on an individual basis and child's plan as a looked after and accommodated child would sit alongside and compliment any education specific plans, such as those required for a child with a Co-ordinated Support Plan. Education would be invited to report and participate in the looked after and accommodated child reviews for a child to inform on the education support plan for the child.

Education are a key partner in the multi-agency GIRFEC assessment and planning framework in the local authority and the corporate parenting strategy.

If a young person is leaving school and progressing to further education, there are provisions to support the young person and / or their carer practically and financially under the local authority throughcare / after care provision.

#### **vii. Discipline**

The Strathclyde Regional Council Foster Parent Handbook has a section headed: Discipline, which stated that whilst it is recognised that there may be a need to set boundaries for children, smacking should be avoided. In relation to corporal punishment, the document stated that although the regional council recognised that it would be unwise to impose such strict instructions on foster families, the council nevertheless would wish to convey its overall philosophy in respect of corporal punishment and seeks the co-operation of foster families in ensuring that other means of control and discipline are used.

There is an expectation that children placed with foster carers or kinship carers in North Lanarkshire will not be disciplined through the use of corporal punishment. Parenting and management of children's behaviour forms a key element of discussion in the assessment of prospective carers. It is expected that carers have insight and awareness to the behaviour and presentation a child who is looked after and accommodated may display and that this is managed and dealt with in a non-physical manner through support and understanding using positive parenting strategies. The North Lanarkshire Council Foster Carer handbook stated the following;

Social work has a clear policy on certain types of sanctions that it regards as unacceptable.

- Physical chastisement or smacking should not be used by a foster carer. If physical restraint is necessary to prevent a child damaging himself, other people or property, it should be used with minimum force and for as short a time as possible - that is until the risk of damage has been contained. This policy and the reasons for it should have been discussed with the carer during assessment. Carers are approved on the basis that they agree with this policy statement and adhere to it.
- Other sanctions which would be unacceptable are the withholding of food, or shutting a child in their room for lengthy periods.
- We would not support a carer who used, or threatened to use, the prevention of agreed contact between a child and their family as a sanction.

The foster carer handbook also suggests that all carers should have a safer caring policy within their home which will help children and young people understand the importance of keeping themselves safe and any rules or boundaries. It is often appropriate to involve the child in making this policy.

#### **viii. Activities and holidays for children**

During the time of Strathclyde Regional Council, the 1979 Social Work Manual provides details of centres offering holidays to children in care of the authority.

Foster carers and kinship carers in North Lanarkshire received four additional weekly payments of the allowance during the year per child: for the child's birthday, Christmas and two for the summer holiday period. This is in recognition of the extra expenses at these times. Foster carers are encouraged to include children in family holiday plans and where appropriate support would be provided to assist with passport applications and parental consent where required.

Foster carers, kinship carers or the child's allocated worker are able to make requests for additional funding on a discretionary basis to support the individual needs of a child where additional expense is required. Each request would be evaluated on an individual basis.

It is expected that as a part of the child's plan for any child in foster care or kinship care that hobbies, clubs and activities are considered and the child's participation of promoted.

#### ix. Sharing a bedroom

The policy and/ or procedures regarding the sharing of a bedroom prior to North Lanarkshire Council are not clear. These may be detailed in documentation held in archive for Strathclyde Regional Council or records held in archive for the former Lanark County Council, however these have not been located.

In North Lanarkshire, the policy and/ or procedures relating to the sharing of a bedroom would be considered when managing placement requests and in the assessment and approval of foster carers. The foster carer approval would be informed by the bedroom space available within the foster placement.

The policy in North Lanarkshire Council in relation to the sharing of a bedroom details that it is acceptable for a baby being placed in foster care to share the same room as the foster carer until the child reaches the age of 18 months. At this time, it is expected that the child would move to their own bedroom. If it is anticipated that this is not feasible in the placement, this would be reviewed alongside the planning for the child. This may necessitate a move of placement given that when the child reaches 18 months their continued sharing a room with the foster carers would be contrary to the foster carer's registration.

Older children should have their own room in the foster placement and should not share their room with other children in placement or the foster carer's children. A foster child could share a room with their own sibling if they are placed together in the placement. There is no policy on siblings of different gender sharing a room, this would be assessed and considered on an individual basis.

#### x. Contact with family members

As detailed in Section 4.1 and 4.2 above

#### xi. Contact with siblings

As detailed in Section 4.1 and 4.2 above

- xii. Celebration of birthdays and other special occasions

As detailed in Section 4.3(i)(d)(viii) above

- xiii. Information sharing by the foster carer with family members

As detailed in Section 4.1 and 4.2 above

- e) Who compiled the policies and/or procedures?

The policy and procedures for the local authority were compiled by officers of the local authority at the relevant time.

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

The Policy and procedures were put in place at various times and have evolved in response to legislative, regulatory and practice developments and to take account of organisational change.

- g) Were such policies and/or practices reviewed?

Yes

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

The policy and procedures for the local authority, including those in relation to the care of children in foster care were reviewed to update them and take account of legislation and regulatory changes, practice developments and in response to organisational changes.

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

There have been a range of substantive changes since 1930 as reflected elsewhere in this report, two such examples are detailed below.

Strathclyde Regional Council formed a fostering panel to consider the approval, continued registration and de-registration of foster carers and this panel plans for permanence for children in care, including foster care.

Following the national strategy "Getting it Right for Every Child in Kinship and Foster Care" launched in 2007 and the Looked After Children (Scotland) Regulations 2009, the definition and expectations for the process of approval and support of Kinship

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Carers has been formally clarified. This has been reflected in the North Lanarkshire Council Kinship Care procedures implemented in 2010 and updates since implementation.

j) Why were changes made?

Changes were made in response to updates in legislation and regulation, such as the formation of the fostering panel and the development and evolution of the local authority kinship care procedures.

k) Were changes documented?

Yes. However, it is recognised that there are gaps in the historical documentation of changes, particularly the further back in time records are viewed.

l) Was there an audit trail?

Yes. However, it is recognised that there are gaps in the historical documentation and audit trail, particularly the further back in time records are viewed.

Present

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

Yes

n) If so, please give details.

There are minimal substantive changes to the responses above, although it is noted that there have been further service developments for looked after and accommodated children, including children in foster care. These are in accordance with the local authority corporate parenting strategy. North Lanarkshire Council's current corporate parenting strategy (2019- 2023) outlines five pledges to all children and young people who are or who have been looked after in North Lanarkshire. These pledges have key themes of Home, Health, Listen, Leisure and Employment and Work. This strategy builds on the progress of the previous 2015-2018 strategy. There are a range of development and service improvements being taken forward in accordance with the corporate strategy. For example, in relation to the council pledges to ensure that children and young people are given as much support as they need to do well at school and to move into the world of work or further education successfully. The local authority developed a programme called Family Firm (subsequently rebranded, Roots: Opportunities for Growth) to support young people in the transition from school to employment, training or further education in a child centred programme with individualised supports. The family firm approach was underpinned by the principles

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of GIRFEC and offers opportunities for work experience and work placements across the council, independent sector, 3<sup>rd</sup> sector and arm's length bodies and external organisations (ALEO's).

A further development in accordance with the corporate parenting strategy and to take forward the work of the care experience children and young people programme, the local authority established a Virtual Schools model for care experienced children and young people. The Virtual School will highlight the twin priorities the local authority has for improvement;

1. supporting children who are care experienced in improving attainment;
2. supporting families of children who are looked after at home or who are in kinship care arrangements, to enable young people to achieve.

The Virtual School is aligned with the stages of intervention in accordance with GIRFEC. Therefore support for care experienced young people is available on a universal, additional or intensive level. Virtual School interventions are available within a school setting, community setting and/or the young person's home.

There have also been some developments in response to legislative and regulatory developments. For example, in keeping with the principles of the 2014 Act, from April 2015 any looked after away from home young person born after April 1999 (and have not reached the higher age as specified by ministerial orders) will be eligible for continuing care if they cease to be looked after on or after their 16<sup>th</sup> birthday. Therefore, all young people who are in foster care, kinship care or residential care are entitled to remain in those care placements up to age 21, where it is deemed appropriate to do so and where they meet this criteria.

The local authority recognised the aim of continuing care is to provide young people with a more gradual transition out of care whilst maintaining supportive and positive relationships. It is strongly advisable that young people remain "looked after" until eighteen years of age and benefit from the gradual transition from before their 16<sup>th</sup> birthday. The responsibilities of the local authority in respect of continuing care are as outlined in Part 11 of the Children and Young People (Scotland) Act 2014. Accordingly, North Lanarkshire Council have developed Continuing Care Procedures in 2019 to formalise the local procedures around continuing care.

## (ii) Practice

### Past

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

Yes, there is documentary evidence of a general adherence in practice to the local authority policy/ procedures relating to the care of children in foster care.

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

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There is insufficient information available prior to the formation of Strathclyde Regional Council to comment on the policy and procedures in relation to safeguarding children in foster care and adherence in practice.

Strathclyde Regional Council and North Lanarkshire Council have sought to safeguard children in foster care through the use of a range of policies and procedure related to child circumstances in care, such as Child Protection Procedures, assessments, planning and review of children's circumstances and their plans. There is evidence of a level of adherence through the children's case files audited for the purpose of this study. There is evidence of assessed, planning and review of children's circumstances on a multi-agency basis in accordance with policy for looked after and accommodated children. There are some identified gaps, but it is unclear if this is due to practice and / or recording. There is evidence in the audit undertaken that when concerns have been raised, these have been investigated through the social work team for the child and/ or the link social worker for the foster carers. There are occasions when the nature and seriousness of a concern has resulted in child protection procedures being implemented and when there has been suspected criminality, a joint police and social work investigation has taken place.

There are a number of policies and procedures around the assessment, supervision and monitoring of foster carers, which all contributed towards the safeguarding of children in foster care. There is evidence in the carers files audited for this study that there is a high level of adherence in practice and this is reflected in the inspection of North Lanarkshire Council's fostering services.

## ii. Child Protection

There is insufficient information available prior to the formation of Strathclyde Regional Council to comment on the policy and procedures in relation to child protection for children in foster care and adherence in practice.

As noted in section 4.3(ii)(b)(ii) child protection procedures have been used to investigate allegations or abuse of children in foster care since the implementation of the Strathclyde Regional Council Child Abuse Procedures for staff in 1989. This is evident in the case audit undertaken for this investigation. There are a number of allegations that have been investigated under child protection procedures by social work, or jointly investigated by social work and police. Some of these investigations have resulted in foster carers being charged and in a very small number of instances convicted of the abuse of children.

## iii. Medical care

There is limited evidence of the policy and adherence to these for medical care for children during the earlier years of this study. It is noted in the Children's Committee for Lanark County Council that medicals and associated fees were a routine aspect in the care of children boarded out through the County Council in the 1960s. As detailed in 4.2(ii)(b)(i), there is evidence of annual medicals undertaken for children in one area

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that the boarding out register was viewed. This covered the period 1966 – 1970. It is expected that a similar practice was in place across the County.

There is evidence in the time of both Strathclyde Regional Council and North Lanarkshire Council that there was adherence to procedures in place for admissions medicals and annual medical reviews recorded in medical correspondence, RIC3 book or LAA6 medical books. There is evidence in recent years to the Health Needs Assessment policy being followed, whereby a medical report is sought upon any child becoming looked after. The majority of the case files audited had physical and emotional health reviewed through the child care review.

There is evidence of health professionals attending the looked after and accommodated reviews for children and the provision of health reports for these.

There is evidence in case files that there are occasions when there has been an additional identified need relating to a child's physical health, developmental progress, mental health or emotional wellbeing and other health professionals are consulted or actively involved in the treatment and support plan for a child. This ranges from the involvement of community paediatricians, Child and Adolescent Mental Health Service, or other counselling and support services through school nursing or other services.

#### iv. Children's physical wellbeing

As detailed in 4.3(ii)(b)(iii)

#### v. Children's emotional and mental wellbeing

As detailed in 4.3(ii)(b)(iii)

#### vi. Schooling/education

There is limited evidence of the policy regarding schooling/ educational for children in foster care during the earlier years of this study. As detailed in 4.2(ii)(b)(i), the boarding out register was viewed for one area in the County and there is evidence of the education progress reports being sought for children two times per year. This covering the period 1966 – 1970. It is expected that a similar practice was in place across the County. There is evidence in the majority of the case files audited for this study that the children's education and learning needs had been a focus of their care plan and review. An educational representative would be invited to attend the child's looked after and accommodated review and provide a report on the child's education.

#### vii. Discipline

There is insufficient information available prior to the formation of Strathclyde Regional Council to comment on the policy and procedures in relation to the discipline of children in foster care and adherence in practice.

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During the time of Strathclyde Regional Council the foster carer handbook noted that smacking should be avoided and corporal punishment was advised against with a preference for alternate more suitable means of discipline. It was a clear expectation in North Lanarkshire that children were not disciplined through corporal punishment. There is evidence of adherence to these policies by the majority of carers. There is evidence in the audit undertaken for this study that some children have been physically punished when in foster care. Dependant on the nature and seriousness, there are instances when this has been dealt with as a practice issue for the foster carer, a contravention of the policy and fostering agreement. There are other occasions when this has resulted in a child protection investigation and a review of the foster carer.

**viii. Activities and holidays for children**

There is insufficient information available prior to the time of Strathclyde Regional Council to comment on the policy and procedures in relation to activities and holidays for children in foster care and adherence in practice.

There is evidence in the case file audited for this study that children were supported in their placement to access sports clubs and activities, music lessons, attend camps and participate in holidays with their foster family. During the time of North Lanarkshire Council, all foster carers received an additional four weeks allowance each year, two weeks in summer to support summer holidays and activities and one week at their birthday and Christmas to support celebrations for the child.

**ix. Sharing a bedroom**

There is insufficient information available prior to the time of Strathclyde Regional Council to comment on the policy and procedures in relation to children in foster care sharing a bedroom and adherence in practice.

The case file audit undertaken for this study indicates that there is a level of adherence to this policy with a small number of children noted to have shared a room with someone other than a sibling for a period of time when in foster care. There are a small number of occasions when children are understood to have shared a room for a short period of time with a child from the foster family or another foster child in placement.

**x. Contact with family members**

As detailed in section 4.2(ii)(b)(vi) and (vii) above

**xi. Contact with siblings**

As detailed in section 4.2(ii)(b)(vi) and (vii) above

xii. Celebration of birthdays and other special occasions

There is insufficient information available prior to the time of North Lanarkshire Council to comment on the policy and procedures in relation to celebrations of birthdays and other occasions for children in foster care and adherence in practice.

There is evidence in the case file audited for this study that children experienced celebrations of their birthdays and other special occasions. There are some files where there is no record of such celebrations. It is unclear if this is a recording issue or that celebrations did not occur. During the time of North Lanarkshire Council, all foster carers received an additional four weeks allowance each year, two weeks in summer to support summer holidays and activities and one week at their birthday and Christmas to support celebrations for the child.

xiii. Information sharing by the foster carer with family members

As detailed in section 4.2(ii)(b)(viii) above.

c) How was adherence demonstrated?

The level of adherence was demonstrated from the observations made from a number of individual case records viewed and local authority documentation.

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

Adherence can be evidenced from the range of documents reviewed for this study. There is knowledge within the organisation of policy and procedures in practice.

e) Were relevant records kept demonstrating adherence?

Yes

f) Have such records been retained?

Yes

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

N/A

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

N/A

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Present

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

No

- j) If so, please give details.

N/A

#### 4.4 Foster carers

##### (i) Policy

Past

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

There are no specific details of the policy and/ or procedures in relation to foster carers from prior to the formation of Strathclyde Regional Council. The only information that is available is the entries noted from the Burgh and County Council Committee Minutes from Lanark. These do not contain details of specific policy and/ or procedures for foster carers, although there are references noted as previously indicated in section 4.1 and 4.2 above.

Strathclyde Regional Council introduced new policies/guidelines in relation to foster carers in 1975/6 and 1986, which included a foster carer handbook.

North Lanarkshire Council adopted the policy and procedures of its predecessor until such times as new or updated policy and procedures were devised and implemented. These include the following;

- Adoption and Fostering Procedures for Initial enquiries, preparation, assessment and approval of foster carers 1998, 2008 and updates
- Fostering allowances 1998 and updates
- Temporary Foster Care Review System 2002, 2008, 2010, 2012, 2014 and updates
- Training for Temporary Foster Carers 1999
- Training and Support for Temporary Foster Carers 2008
- Permanency Planning for Children Who are Looked After and Accommodated 1999 and 2008
- Linking Families and Children 1999
- The Disruption of Temporary/ Permanent Foster Placements and Adoptive Placements with Prospective Adopters. 1999, 2008 and 2013
- Purposeful Contact and Contact Assessment Framework 2014
- Guidance for assessing Support Carers 2014
- Foster Care/ Residential Care Placement Agreement 2008

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- Temporary Foster Carer Agreement 2008 and updates through to 2017
- Procedure for Outwith Authority Placements Updated August 2011
- Guidance for overnight stays for looked after and accommodated children 2009
- North Lanarkshire Council Competency Based Carers Scheme 2006 & 2018
- Foster Carer Handbook 2004, 2010 through to current
- Procedure for Temporary Foster Carers Requesting to Adopt a child in their care 2014
- Transfer of Foster Carers Protocol Scotland 2015
- Panel Paperwork Procedures (Foster & Adoption Panel) 2007
- Fostering, Adoption and Family Placement Panel Constitution 1996 and updates through to 2017
- Birth Parents Attendance at the Adoption, Fostering and Family Placement Panel: Practice Guidance 2011
- Procedure for a temporary foster carer requesting to permanently foster a child in their care 2017
- Practice considerations and procedures in making placement decisions for siblings who are looked after and accommodated 2017
- Smoking Policy for Foster Carers and Adopters 2018
- Private Fostering: Procedural Guidance for Social Work Staff 2008
- Kinship Care Procedures 2010 and updates through to 2019

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

Yes, the aim/ intent of these policy and procedures was to ensure that the actions taken by the local authority were in accordance with legislation, regulations and the national standards for foster care. The policies and procedures also ensured there was consistency in understanding of the roles, responsibilities and tasks associated to foster carers and the local authority as a fostering agency.

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

The policies and/ or procedures related to foster carers would be recorded in the local authority and retained in the area of the service that had responsibility for the provision of foster care services, such as previous child welfare departments, children's department and more recently, social work department/ services. It is noted that copies of previous policy, procedures and guidance were not always retained by the local authority, tending to be replaced with updated versions.

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

**i. Recruitment**

The local authority policies and/ or procedures set out the method by which prospective foster carers are sought through to their consideration of approval. This includes recruitment campaigns, the process of initial enquiries and the subsequent preparation groups, full assessment of prospective carers and presentation to the

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Fostering and Family Placement Panel for consideration of approval or otherwise. The details are as documented in section 1.8(ii)(a) above.

**ii. Standard and size of accommodation**

There are no details held regarding the policies and/ or procedures relating to the standard and size of accommodation for the local authority's predecessors. There may be relevant documentation held in archive, however, this has not been identified to be able to be included in this report.

The initial assessment of foster carers by North Lanarkshire Council would take into consideration the standard and size of accommodation available to inform the approval of any prospective carers. The standard of the accommodation would be assessed by the assessing social worker, including the use of a health and safety check and home insurance checks. This would identify any issues to ensure these are addressed prior to any approval. If there is a dog in the home, a dog questionnaire would be complete to assist considerations of the compatibility of the dog prior to approval and any subsequent placement if successful.

In relation to the size of the accommodation, it is accepted that a baby up to the age of 18 months can share a bedroom with the carer. Beyond this age it is expected that children in foster care would have their own bedroom space. Accordingly, the size of accommodation would inform any recommendation made to the Fostering and Family Placement Panel regarding the number and age of children that prospective carers are approved to care for in placement.

Following approval, the monitoring of the standards in the accommodation would be ongoing through the foster carer's link social worker and any issues identified through the social worker for a child in placement. Similarly, any changes in circumstances that would impact on the available bedroom space in the placement would be identified through the foster carer's link worker. These factors would be considered at the foster carer's formal annual review. Should circumstances warrant a formal change of registration, such matters would be referred to the Fostering and Family Placement Panel for consideration.

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

There are no details held regarding the policies and/ or procedures relating to the number, age and gender of the children accommodated in the household for the local authority's predecessors. There may be relevant documentation held in archive, however, this has not been identified to be able to be included in this report.

As detailed in section 4.4(i)(d)(ii) above, during the time of North Lanarkshire Council the number of children in placement and the age of the children would be informed by the size of the accommodation. In addition, the individual assessment of the foster carers would also inform the age and number of the children in placement. The number of children and their age range would be standard matters that would be

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recommended from the prospective foster carer's assessment and for which a decision would be made through the Fostering and Adoption Panel. These matters would be subject to ongoing review. Any changes to the number and age range of children a foster carer is approved to support would require to be reviewed and endorsed through the Fostering and Adoption Panel.

The gender of children in placement would be a matter for consideration at the matching stage.

#### iv. Pre-approval/registration checks

The pre-approval / registration checks undertaken on prospective foster carers are as outlined in section 1.8(ii)(a) and (c) above. For North Lanarkshire Council this would include;

- Local authority checks for any residence of the prospective carers,
- Police / criminal convictions checks that are updated at least every three years,
- Health checks via General Practitioner that would be passed to the medical advisor to the Fostering and Family Placement Panel for overview re any contraindications regarding prospective foster carers ability to care and promote healthy lifestyle for a child in placement
- Home and environmental checks would be undertaken, including home insurance
- A pet and/ or dog questionnaire would be complete if appropriate.

#### v. References

The references undertaken on prospective foster carers are as outlined in section 1.8(ii)(a) and (c) above and for North Lanarkshire Council would include;

Ex-Partner checks, if appropriate

References from family members

References from family friends

Reference from current employer

Reference from any past employer if a care provider

Reference from the school and health visitor if prospective carer has children seen by either of these agencies

There is an expectation that there would be a minimal of three references undertaken from family and friends, two of which should be non-familial. These references would be undertaken in a combination of written references, telephone call and face to face interviews.

#### vi. Foster care agreements

The policy and/ or procedures around Foster Care agreements are as detailed in section 1.8(ii)(l) above.

The North Lanarkshire Council Foster Carer Handbook states that the carer's agreement will be completed by the carer and the supervising social worker within the first month of the carer becoming approved.

The carer's agreement is the contract between the carer and the council and lays down the council's expectations of the carer. The agreement should be reviewed at each annual carer review meeting.

#### **vii. Induction**

There are no details held regarding the policies and/ or procedures relating to the induction process for foster carers undertaken by the local authority's predecessors. There may be relevant documentation held in archive, however, this has not been identified to be able to be included in this report.

North Lanarkshire Council's induction for foster carers commences from the outset of application to be considered and assessed as a foster carer. There are a combination of initial interviews, followed by preparatory groups and then further interview to confirm progression to the full assessment and at the conclusion, presentation to the Fostering and Adoption Panel. Following approval, there has been a time in North Lanarkshire Council when there was a specific induction group held for newly approved foster carers. This induction is now undertaken on an individual basis between the link social worker and newly approved foster carers.

#### **viii. Transfer of foster carers to or from other organisations or local authorities**

There are no details held regarding the policies and/ or procedures relating to the transfer of foster carers to or from other organisations or local authorities during the time of the local authority's predecessors.

In such circumstances, personnel would meet with the organisation or local authority for the foster carers who seek to transfer to North Lanarkshire Council. This would be to gain insight and understanding about the foster carers when registered with that fostering agency and around the reason for the request for transfer. Upon receipt of this information, unless there are any contraindications, essentially a full foster care assessment would be undertaken, with the associated checks and references.

Recently, practice in this area has been reviewed to ensure robust but timeous assessments are undertaken. North Lanarkshire Council have taken into consideration the Transfer of Foster Carers Protocol Scotland (2015). This protocol was developed by The Fostering Network, the joint forum of Independent and Voluntary fostering providers Scotland and ratified by Social Work Scotland. The local authority would meet with the relevant foster agency that the foster carers were registered with in order to clarify background information. The degree of assessment/ update of assessment would be dependent on the circumstances around the request for transfer and whether this necessitated a change of registration or consideration of a child's plan. The individual circumstances would inform if a full assessment or

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updated assessment would be undertaken, this would include the required checks and make a recommendation to the North Lanarkshire Council, Fostering and Adoption Panel. It is noted that the Fostering and Adoption Panel may also give direction around particular aspects of assessment required.

#### ix. Review/supervision

The policies and/ or procedures around the review and / or supervision of foster carers for the local authority's predecessors have not been accessible for the purposes of this report.

It is understood that North Lanarkshire Council adopted the procedures of the former Strathclyde Regional Council until the local authority implemented its own update. In accordance with the National Standards for Foster Care, the North Lanarkshire Council procedures for the review of foster carers state that the review will be on at least an annual basis following approval. The procedures specify that the foster carer review will be conducted by a formally convened meeting, which foster carers will participate, relevant written information would be provided and the meeting would conclude with a recommendation about foster carers' continued registration. The procedures set out the roles and responsibilities, documentation expected to be provided for the review, and the checks to be undertaken/ updated.

The current foster carer handbook specifies that the purpose of a carers review is to allow an annual opportunity for a formal discussion about how foster carers and their family are experiencing the task of caring. It is a forum for consideration of any major changes there may have been in the foster family and how these changes may have affected the way in which foster carers do their job as a carer. The review will discuss how foster carers are meeting or needing to develop the competencies required of being a foster carer.

In addition to the annual reviews, there are other occasions that require the convening of a carers review. For instance, if a foster carer wanted to change from one kind of caring to another, or when there is a placement disruption or following a complaint or allegation.

In relation to the supervision of foster carers, information from the local authority's predecessors is not available. North Lanarkshire Council specifies that the link social worker will have contact with the foster care for the purpose of supervision on at least a monthly basis, with telephone contact in between these visits. There should be at least one unannounced visits to the placement on an annual basis. However, should circumstances necessitate additional unannounced visits, these would be conducted.

Newly approved Foster Carers are expected to return for review at the Fostering and Family Placement Panel after one year and then every three years thereafter. It is noted that foster carers can be reviewed at the Fostering and Family Placement Panel earlier than this timescale for various reasons, such as at the specification of the Panel for a stated reason, consideration of change of registration, allegations / complaints or de-registration.

#### **x. Training**

The policy and/ or procedures around the training of foster carers for the local authority's predecessors have not been accessible for the purposes of this report.

North Lanarkshire Council has a calendar of the mandatory and optional training scheduled each year for foster carers. Participation in training and completion of all expected training would form a part of the discussion with foster carers at their annual review and the supervisory discussion with link workers in the intervening period.

The foster carer handbook highlights that the Children's Carers Team provide a range of mandatory and additional training opportunities for all carers. It is an expectation that carers will complete the mandatory training within two years of being approved. Thereafter, ongoing attendance at training is required, and this will be discussed and monitored through link work visits, foster care reviews and reviews at the fostering panel. Sustained attendance at training is fundamental to the continued role and development as a foster carer.

North Lanarkshire Council introduced a competence scheme for foster carers in 2006, for potential and approved foster carers. This scheme was based on the Fostering Network's "Skills to Foster", and the local authority's recognition of the importance of quality foster placements and the valuable role of foster carers in supporting children and young people. The assessment and review process was based on carers being able to evidence their ability to care for children and promote their wellbeing, which leads to positive outcomes. All carers are expected to provide evidence that they are developing their skills and competence in varied ways, documented in a portfolio, which would be reviewed annually at the carer's formal review.

#### **xi. Personal development**

The policy and/ or procedures would be as detailed in section 4.4(i)(x) above in relation to the training and development of foster carers.

#### **xii. Disciplinary actions**

The policy and/ or procedures around disciplinary action of foster carers for the local authority's predecessors have not been accessible for the purposes of this report.

It should be noted that foster carers are not employees of the local authority and therefore actions with respect to concerns or complaints relating to conduct or practice are not guided by local authority's HR/Disciplinary processes.

In North Lanarkshire Council, if there is a complaint made in relation to a foster carer, this would be dealt with in accordance with the local authority complaints procedure. If a complaint involves actions or inaction impacting on the safety, care or wellbeing of a child, including potential child protection concerns, the local authority child protection procedures may be applicable. The local authority also references and utilises The

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Fostering Network guidance; Managing Allegations and Serious Concerns about Foster Carers' Practice or Standards of Care. The nature and seriousness of the complaint and/ or allegation would inform how matters were investigated and the associated procedures and documentation used.

Complaints or allegations may be investigated internally by social work services. This could involve an investigation by the link social worker from the carers team or by a combination of the social worker for the child and link social worker for the carer. Allegations that relate to a child and indicate potential criminality by the foster carer would be investigated under the local authority child protection procedures and involve a joint police and social investigation.

At the time of a complaint or allegation, consideration would be given to safety planning around any children in the carers home, including children in placement, the sustainability or if an alternative placement was required. If the investigation resulted in the breakdown of placement, a disruption meeting may be held for the child. Consideration would be given at this meeting to any recommendations regarding the continued role of the foster carers and any issues about their care of the child that needed to be addressed.

Upon notification of a complaint and / or allegation, consideration would be given to the role of the foster carer and if this was able to continue or needed to be suspended pending investigation. Placements may be ended and the foster carer may not be able to resume their fostering role until the conclusion of any investigation. Alternatively, if a child remained in placement pending the conclusion of an investigation, the outcome may result in the placement being ended.

In all circumstances, the outcome of an investigation is considered at a foster carer's review meeting, which could be called early following an investigation. The review would have responsibility to consider any complaint or allegation made, any investigations and make a decision about the requirement for a formal review of the foster carer's approval at the Fostering and Adoption Panel. This would be based on the nature and seriousness of the concerns raised, the potential impact on foster carer approval and the judgement made at a formal review. The outcome could result in the following actions;

- Foster care role resumed with no change
- Foster care role resumed with additional training, supports or actions to monitor and address identified issues
- Foster carer reviewed through the Fostering and Family Placement Panel, which could result in foster role resumed, resumed with change of registration, resumed with other stipulations made.
- Foster carer reviewed through the Fostering and Family Placement Panel with recommendation for de registration.

In addition to the above, the carers team have a log of complaints and significant incidents which has been maintained since 2007. This enables the team to monitor the progress of complaints and allegation and consider any emerging themes. The team also consider the nature and seriousness of any complaint and/ or allegation and the requirement to notify the Care Inspectorate or Disclosure Scotland, PVG Scheme.

### xiii. Removal of approval/registration

There is no details regarding the removal of approval/ registration of foster carers prior to Strathclyde Regional Council. It is noted that following the introduction of Fostering Panel's in Strathclyde Regional Council, this would be the forum where the removal of approval/ registration of foster carers would be undertaken.

The 1985 Fostering guidelines outlines the process for deregistration of foster parents, for reasons which may include:

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

The North Lanarkshire Council Fostering and Family Placement Panel would give consideration to any recommendation for the removal of approval/ registration of a foster carer. Following case discussion, if the recommendation of removal of approval/ registration of carers was endorsed, the paperwork and reason for the panel's recommendation would go to the agency decision maker, the chief social work officer for the formal decision on the matter. This would be communicated to the foster carers formally in writing.

#### e) Who compiled the policies and/or procedures?

The policy and procedures for the local authority were compiled by officers of the local authority at the relevant time.

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

The Policy and procedures were put in place at various times and have evolved in response to legislative, regulatory and practice developments and to take account of organisational change.

#### g) Were such policies and/or practices reviewed?

Yes

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

The policy and procedures for the local authority, including those in relation to the foster carers were reviewed to update them and take account of legislation and regulatory changes, practice developments and in response to organisational changes.

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

There is insufficient information available to clearly identify any substantive changes from the time of the Lanark County Council.

During the time of Strathclyde Regional Council, the 1986 fostering guidelines brought together existing policies and procedures and introduced new ones. These include all fostering assessments being presented to Fostering Panels; the role of the link worker; a written report on every placement; Foster Homes Reviews and the further right of Appeal.

As previously noted, North Lanarkshire Council initially adopted the policies and/ or procedures of its predecessor until updates and new policies and/ or procedures were implemented. These would have taken account and been in response to legislative, regulatory and organisational changes.

North Lanarkshire Council developed a Corporate Parenting section which overseen the audit and redesign of fostering and adoption services in the local authority. One outcome was the move in North Lanarkshire Council to form a dedicated Carers Team in 2006. This would bring together a qualified and experienced staff group in to the one team and build on the knowledge, skills and practice around fostering and adoption. This team would have lead responsibility for all operations around fostering and adoption, including the assessment, approval and monitoring of all temporary and permanent foster carers and pre adoptive parents. The team were located in a centre that would provide a space for carers to meet with link workers and other carers for personal and professional development and training sessions.

A further outcome was as detailed in section 4.4(i)(d)(x) above, North Lanarkshire Council adopted a Competency based Scheme for foster carers in 2006.

- j) Why were changes made?

To meet new legislative and regulatory requirements and in line with the local authority priorities for improving the service.

- k) Were changes documented?

Yes

- l) Was there an audit trail?

Yes

Present

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

Yes

n) If so, please give details.

The concept of corporate parenting was made a statutory one in the Children and Young People (Scotland) Act 2014 which placed new duties on identified public bodies to act in particular ways that support looked after children and young people. These public bodies are called 'corporate parents' and North Lanarkshire Council recognises its role and responsibilities as a corporate parent. Every corporate parent is expected to fulfil the duties contained in the new Act in their own way, consistent with their purpose and functions. All corporate parents must prepare, publish and review a 'corporate parenting plan', which details how they will exercise their 'corporate parenting responsibilities' and other corporate parenting duties of the Children and Young People (Scotland) Act 2014. Accordingly, North Lanarkshire Council has prepared and published a Corporate Parenting Strategy in 2015 and 2019.

"Continuing Care" is a legal term established by section 67 of the Children and Young People (Scotland) Act 2014. It inserts a new section 26 (A) into the Children (Scotland) Act 1995 and places local authorities under a duty to provide continuing care.

If a young person is eligible, they can remain in their foster care placement up to 21 years. Financial support is available to foster carers in accordance with the council's Continuing Care Procedures. Similarly, if the young person continues to reside with their kinship carer, there is an eligibility of ongoing financial support to the kinship care up to 21 years.

## (ii) Practice

### Past

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

Yes, there is documentary evidence of a level of adherence in practice to the local authority policy/ procedures relating to the care of children in foster care.

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

There is insufficient information available on the policy and procedures from the time of the Lanark County Council and supporting documentation of practice relating to the recruitment of foster carers to comment on adherence.

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From the time of Strathclyde Regional Council and North Lanarkshire Council there is evidence of the local authority adherence in practice to its policy/ procedures in relation to the recruitment of foster carers. This is evident in the case file audit undertaken for this study. There is evidence of initial enquiry, initial enquiry interviews, preparatory groups, post preparatory group interview and assessment using the relevant documentation. There is evidence of the checks required to be undertaken including, local authority checks; police SCRO, Disclosure Scotland and/ or PVG; GP / health check and medical adviser reports; references from family, friends, and employers in accordance with policy. There is evidence of assessments and supporting documents being considered at the local authority fostering and adoption panel.

In relation to kinship carers, there is evidence of previous assessment of the suitability of placements, albeit not in as formal a basis as currently assessed. There is evidence of the assessment and approval of kinship carers in accordance with the local authority's new procedures from 2010. This includes the formal assessment and range of checks required prior to case presentation at the local authority kinship care panel.

**ii. Standard and size of accommodation**

There is insufficient information available on the policy and procedures relating to the standard and size of accommodation and the supporting documentation of this in practice from the local authority's predecessors to comment on adherence.

There is evidence of adherence to policy and procedures regarding the size of accommodation through the approval of foster carers in North Lanarkshire Council. There is evidence that the size of accommodation was a factor taken into consideration in the assessment and contributed to any recommendation made for the number of children that a foster carer could be approved to care for. This is evident in the assessment and recommendations for approval that are presented to the fostering and adoption panel.

There is evidence in the initial assessment and review of foster carers regarding the standard of accommodation through supervision and reviews. This is also supported through the use of health and safety checks and the safer caring policy which is reviewed annually for foster carer review.

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

In relation to the number, age and gender of children accommodated/ in the household, there is insufficient information available on the policy and procedures and the supporting documentation of this in practice from the local authority's predecessors to comment on adherence.

In relation to North Lanarkshire Council, as detailed in section 4.4(ii)(b)(ii) the number of children in placement was dependant on the size of accommodation and ensuring that a foster child had their own bedroom, which was for their sole use or dependant on space, a room that could be shared between siblings. This was evident in the case

files audited for this study. It was policy that a baby could share a room with foster carers up to the age of 18 months. This was also evident in the assessment and approval of foster carers. The gender of children in placement was generally not specified on the records viewed and appeared to be a matching consideration. When prospective foster carers were presented to the fostering and adoption panel, if approved there was evidence of a clear statement of approval, specifying the number and age of children that the carer was approved to support. If there was a request for a change of approval, it is evident that this was reviewed and considered through a review of registration at the fostering and adoption panel. It is evident that there have been occasions when foster carers have been over their numbers and this has been endorsed on an emergency basis and for a short period. If this is prolonged foster cares have been reviewed.

#### iv. Pre-approval/registration checks

As detailed in section 4.4(ii)(b)(i) above there is adherence evidenced to the pre-approval / registration checks during the time of Strathclyde Regional Council and North Lanarkshire Council.

#### v. References

There is insufficient information available on the policy and procedures from the time of the Lanark County Council and supporting documentation of practice relating to the references obtained for foster carers to comment on adherence.

As detailed in section 4.4(ii)(b)(i) there is evidence of adherence to references being sought for foster carers during the time of Strathclyde Regional Council and North Lanarkshire Council. It is evident in the files viewed that there was a change in policy during the time of North Lanarkshire regarding employer checks. Previously, employer checks were sought from any care sector employer, but this changed and references were sought from any employer and this was evident in the case files audited for this study.

#### vi. Foster care agreements

There is insufficient information available from the local authority's predecessors on the policy and procedures for foster care agreements and supporting documentation of practice to comment on adherence.

The carers case file audit undertaken for this study has evidenced that foster care agreements were in the files of current foster carers and recently de registered carers. There are some gaps noted in the files viewed, particularly the further back in time carers were registered. It is unclear if this is due to copies not being stored in the files and/ or practice.

There is evidence of kinship care agreements in place for kinship carers following the implementation of the local authority's procedures in 2010.

#### **vii. Induction**

There is insufficient information available from the time of Lanark County Council on the policy and procedures around the induction for foster carers and supporting documentation of practice to comment on adherence.

Similarly, there is limited information from the time of Strathclyde Regional Council. There may be information held in archives at the Mitchell Library, the archive for the former Regional Council. The audit of foster carer files undertaken for this study, which does include some foster carers approved during the time of Strathclyde Regional Council, evidenced a level of adherence. The majority of foster carer files indicated that carers had attended either preparatory groups, undertook a specific induction programme, or induction was provided through individual session with the foster carers' link social worker. It is unclear if the files where there is no details of induction if this is a recording issue and/ or a practice issue.

#### **viii. Transfer of foster carers to or from other organisations or local authorities**

There are three sets of foster carers identified in the audit of carers files undertaken for this study who have transferred to North Lanarkshire Council as foster carers. There is evidence of adherence to the local authority policy and procedures for the transfer. This includes assessment, relevant checks being undertaken and case presentation at the Fostering and Family Placement Panel with a recommendation of their approval.

#### **ix. Review/supervision**

There is insufficient information available from the time of Lanark County Council on the policy and procedures around the review/ supervision of foster carers and supporting documentation of practice to comment on adherence.

The archivist for the former Strathclyde Regional Council identified that documentary evidence of non-adherence has been sighted in relation to the frequency of visits. The details around this will be held in archives at the Mitchell Library. The carers case file audit undertaken for this study highlighted that prior to 2006 and the formation of the carers team in North Lanarkshire that a level of non-adherence has also been evident. There was a small number of foster carer reviews identified that have not taken place in accordance with timescales and some gaps in paperwork stored in files. Other files audited for this study evidenced adherence to the supervision and review policy in relation to both announced and unannounced visits and reviews undertaken.

#### **x. Training**

There is insufficient information available from the local authority's predecessors on the policy and procedures for training for foster carers and supporting documentation of practice to comment on adherence.

The foster carers case file audit undertaken for this study highlighted that there are a significant number of carers where it is documented they have undertaken the required mandatory and non-mandatory training. There are some files identified where there is evidence of non-adherence and link social workers discussing this in both supervision visits and review to address this. There is evidence of communications with foster carers about maintaining the requirements of the North Lanarkshire competency framework and submission of the portfolio prior to review, which evidenced carers' competency.

#### **xi. Personal development**

There is insufficient information available from the local authority's predecessors on the policy and procedures for personal development of foster carers and supporting documentation of practice to comment on adherence.

As detailed in section 4.4(ii)(b)(x) above, North Lanarkshire Council operates a competency framework for foster carers. There is evidence of link social workers supporting and monitoring foster carers and the maintenance of their competency portfolio. The competency scheme is a scheme for foster carers to identify and evidence their training and personal development and progress made in both these areas.

#### **xii. Disciplinary actions**

There is insufficient information available from the local authority's predecessors on the policy and procedures relating to disciplinary action against foster carers and supporting documentation of practice to comment on adherence.

There is evidence of complaints and allegations being investigated during the time of North Lanarkshire Council. Dependant on the nature and seriousness, a range of procedures could be utilised to fact find and clarify the circumstances around the complaint or allegation, such as child protection procedures, complaints procedures or the Managing Allegations and Serious Concerns about Foster Carers' Practice or Standards of Care: guide for fostering services. At the conclusion, matters can be considered as a practice issues and dealt with by the link social worker in supervision, progressed to a foster carer review and progress to the fostering adoption panel. If concerns are such that the suitability of a foster carer is in question, this would be reported to the Fostering and Family Placement Panel for consideration of termination of approval and registration. There is evidence of adherence to this in practice. The carers team have a complaints and significant incident log from 2007 that evidences how matters are dealt with in addition to individual records held in foster carer case files.

xiii. Removal of approval/registration

There is insufficient information available from the local authority's predecessors on the policy and procedures relating to the removal of approval/ registration of foster carers and supporting documentation of practice to comment on adherence.

As detailed in sections 4.4(b)(xii) above, when there are circumstances that require consideration of the removal of a foster carer's approval and registration the relevant reports and documentation would be presented to the fostering and adoption panel. Any recommendation made by the Fostering and Family Placement Panel would be progressed to the agency decision maker for the final decision. There is evidence of this in practice, both within the carer's files and panel documentation.

c) How was adherence demonstrated?

The level of adherence was demonstrated from the observations made from a number of individual case records viewed and local authority documentation.

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

Adherence can be evidenced from the range of documents reviewed for this study. There is knowledge within the organisation of policy and procedures in practice.

e) Were relevant records kept demonstrating adherence?

Yes

f) Have such records been retained?

Yes

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

There is evidence of some non-adherence to supervision/ reviews policy noted by the archivist for the former Strathclyde Regional Council, the reason for this is unclear. The archivist may have additional information regarding this.

It is noted that there is a level of non-adherence evident in North Lanarkshire whereby some supervision visits are either not fully recorded to reflect visits undertaken in accordance with policy or they have not occurred. In some case files it is unclear, possibly a reflection of poor recording or some visits have not taken place. This is more notable in some older case files, prior to the formation of the carer team. There are some carers' files where there is a reason recorded, such as when the foster carer moved area and visits were in excess of the timescale stated in the policy. There is

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another when due to ill health of a child the family were in isolation or the child and carer were in hospital. In this instance, there is evidence of the network around the child and carers communicating and telephone contact was maintained. Another carer had taken up employment, had no children in placement and was not as available for supervision visits. A small number of the carer's files have gaps in the reviews undertaken. There are some older files where it is unclear if this is due to recording or that the review did not occur. Some reviews thought to be out with timescales, because the documentation is not in the file. There are a couple of files where the review is stated to be out with timescale, but no reason is documented.

When training has been noted to be outstanding, there is evidence of link social work communications related to this. Reasons presented are competing demands of caring role and / or work commitments and the availability of training at suitable times.

Present

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

No

- i) If so, please give details.

N/A

#### 4.5 Other members of the foster carer's household

(i) Policy

Past

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

The specific policies and/ or procedures that the local authority had in place in relation to the other members of the foster carer's household are unclear for North Lanarkshire Council's predecessors. However, Section 1.8(ii) above details the policy and/ or procedures for the assessment, approval and review of foster carers and the consideration about other members of the foster carer's household would be covered in these.

In addition to the policy and procedures around the assessment, approval and review of foster carers, North Lanarkshire Council guidelines for Assessing Natural Support Carers would be used to inform the support network around the foster carer and potentially include adults in the same household.

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The criteria for a natural support carer would be:

A natural support carer can look after the child on behalf of the approved foster carer on an emergency or planned basis. A natural support carer may care for the child for a short period of time on a regular basis or for overnights.

The natural support carer will be someone the carer knows well and has formed a trusting relationship with, such as a friend or relative. This person will also be a familiar adult to the child in placement.

Foster carers will be asked to identify appropriate natural support carers during the assessment to become a foster carer. A foster carer may change or identify new natural support carers. It is in the child's best interests to receive stable and consistent care and subsequently multiple natural support carers are not appropriate.

The guidelines for the Assessing of Natural Support Carers stated that a natural support carer requires to be assessed by the foster carers' link social worker and a recommendation made to the senior social worker, children's carers team as to their suitability to be approved as a natural support carer.

The assessment will include:

- At least one interview with the proposed natural support carer.( the natural support carer must sign a consent to checks form, appendix 3)
- A health and safety check of the natural support care's home.(if the child will be looked after there)
- Medical Information.
- Social work services checks, within North Lanarkshire and outwith authority checks where appropriate.
- Insurance checks as appropriate.

Following approval by the senior social worker at the carers team, a natural support carer will require to sign a written agreement with North Lanarkshire Council in their role as a natural support carer.

The agreement states they will:

- Care for the child as if s/he were a member of the carer's family in a safe and appropriate manner.
- Permit anyone authorised by North Lanarkshire Council to visit the child at any reasonable time as determined by the Council
- Allow the child to be removed at anytime by North Lanarkshire Council Social Work Services staff if the Council considers that it is no longer in the child's interest to remain with the natural support carer.
- Ensure that any information concerning the child/his or her family which is given in confidence remains confidential. (A separate Confidentiality Agreement requires to be signed).
- Allow regular contact between the child and anyone with parental responsibilities where this is agreed by NLC social work services.

Following approval, a natural support carer's continued involvement with the service will be monitored as follows:

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- Through link work visits to the foster carer and natural support carer as required
- The Foster care review procedures. The natural support carer's role and individual trainings needs should be discussed and agreed in the foster carer review.

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

Yes, the aim/ intent of these policy and procedures was to ensure that the actions taken by the local authority were in accordance with legislation, regulations and the national standards for foster care. The policies and procedures also ensured there was consistency in understanding of the roles, responsibilities and tasks associated to foster carers and the local authority as a fostering agency.

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

The policies and/ or procedures related to foster carers would be recorded in the local authority and retained in the area of the service that had responsibility for the provision of foster care services, such as previous child welfare departments, children's department and more recently, social work department/ services. It is noted that copies of previous policy, procedures and guidance were not always retained by the local authority, tending to be replaced with updated versions.

d) Who compiled the policies and/or procedures?

The policy and procedures for the local authority were compiled by officers of the local authority at the relevant time.

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

The Policy and procedures were put in place at various times and have evolved in response to legislative, regulatory and practice developments and to take account of organisational change.

f) Were such policies and/or practices reviewed?

Yes

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

The policy and procedures for the local authority, including those in relation to the foster carers were reviewed to update them and take account of legislation and

regulatory changes, practice developments and in response to organisational changes.

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

As detailed in Section 4.4(i)(i) above

- i) Why were changes made?

As detailed in Section 4.4(i)(j) above

- j) Were changes documented?

As detailed in Section 4.4(i)(k) above

- k) Was there an audit trail?

As detailed in Section 4.4(i)(l) above

Present

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

No

- m) If so, please give details.

N/A

(ii) Practice

Past

- a) Did the local authority adhere in practice to its policy/procedures in relation to other members of the foster carer's household?

There is insufficient information available from the local authority's predecessors on the policy and procedures relating to other members of the foster carer's household and supporting documentation of practice to comment on adherence. The archivist at the Mitchell Library may have information relating to the former Regional Council.

There is documentary evidence of good adherence in practice to the local authority policy/ procedures relating to other members of the foster carer's household during the time of North Lanarkshire Council.

[APG]

b) How was adherence demonstrated?

The level of adherence was demonstrated from the observations made from a number of individual case records viewed and local authority documentation.

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

Adherence can be evidenced from the range of documents reviewed for this study. There is knowledge within the organisation of policy and procedures in practice.

d) Were relevant records kept demonstrating adherence?

Yes

e) Have such records been retained?

Yes

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

N/A

Present

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

No

h) If so, please give details.

N/A

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

(i) Policy

Past

[APG]

- 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?

There have been no policies and/ or procedures located for the period of time prior to Strathclyde Regional Council. The main source of information identified for that period has been the minutes of Committee Meetings held in archives for the Burghs and County of Lanark. During this time, the minutes from the Burghs and County Council Committee Meetings indicate that there were visits undertaken to children boarded out and residing in other areas, outwith the Lanark area. These children are noted to remain the responsibility of the Burgh and County for financial support in terms of allowances due to foster parents whom the children were boarded out with and oversight of the plan for the children.

There are a range of references providing some indication of the policy and/ or procedures in place throughout that time as detailed in Sections 1.5(a), 1.7(n), 1.8(ii)(a) and (g), and particular reference in Section 4.2(i)(d)(xiii) above.

In April 1976 the Strathclyde Regional Council, Social Work Committee approved recommendations of the Convention of Scottish Local Authorities (COSLA) regarding the supervision of children placed in other regions. Due to the lack of staff resources, it is noted that many other local authorities were unable at that time to accept responsibility for the supervision of Strathclyde Regional Council children.

The arrangements for supervision were that:

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

During the time of North Lanarkshire Council, there is an expectation under the local authority's assessment and planning procedures and the looked after and accommodated child procedures for children who are in foster care to be seen on at least a monthly basis by their allocated social worker. This would be irrespective of the placement location or if the placement was an internal or externally purchased placement. In addition, there is an expectation under the local authority's foster carer procedures that carers are seen on at least a monthly basis, with a further communication in the intervening period either face to face or more generally, by telephone.

If a child is placed with a foster carer through another organisation, the specific policy and/ or procedures for this prior to North Lanarkshire Council are unclear. This information may be held in archives for the local authority's predecessors, although these have not been located to comment.

When children who are the responsibility of North Lanarkshire Council are placed in a foster placement where the foster carers have been assessed and approved by

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another organisation, such a placement would be made through the use of the local authority procedures for placement requests, the associated risk assessment and child's plan to inform any placement search and matching of the child to the placement. A child's placement could be a foster placement on an emergency basis, on a planned temporary or permanent basis, or on a fostering basis pending adoption proceedings being progressed.

In relation to children who are placed with pre adoptive parents, this would be through the Fostering and Family Placement Panel where dual approval and registration has been made as foster carers and adoptive parents for a specific child/ren linked through the panel. Placement searches for adoptive placements, would be conducted using the BAAF form F assessment and profile for prospective adopters and the Child's Profile and plan. The linking of the child to the prospective adopters would be undertaken using the local authority permanency planning procedures and progress to the Fostering and Family Placement Panel subsequently.

During the time of North Lanarkshire Council, Service Contracts were set up between service providers and the council through the local authority's Quality Assurance team. This contract would be supported by Independent Placement Agreements / letter which details the specific placement arrangements for the children being placed. The Quality Assurance team would be involved in the monitoring of services provided through the independent or voluntary sector and would receive a quarterly return around independent placements to support the monitoring process. (5) (6)

In 2008, Scotland Excel was established as a centre of procurement expertise funded by the 32 local authorities in Scotland. Scotland Excel established a Framework Agreement for Fostering and Continuing Care Services. Progressively, the majority of the local authority's independent fostering services have been purchased in accordance with this framework and monitored in accordance with the associated monitoring framework.

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

Yes, the aim/ intent of these policy and procedures was to ensure that the actions taken by the local authority were in accordance with legislation, regulations and the national standards for foster care as the purchaser or provider of foster care services. The policies and procedures also ensured there was consistency in understanding of the roles, responsibilities and tasks associated to foster carers, which would be equally applicable to the local authority as a fostering agency and any other organisation where foster care services were purchased.

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

The policies and/ or procedures related to the placement of children with foster carers approved/registered by other local authorities or organisations would be recorded in the local authority and retained in the area of the service involved in such arrangements, including children and families services, the local authority quality assurance team, and the carers team. It is noted that copies of previous policy,

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procedures and guidance were not always retained by the local authority, tending to be replaced with updated versions.

d) Who compiled the policies and/or procedures?

The policy and procedures for the local authority were compiled by officers of the local authority at the relevant time.

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

The Policy and procedures were put in place at various times and have evolved in response to legislative, regulatory and practice developments and to take account of organisational change.

f) Were such policies and/or practices reviewed?

Yes

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

As noted above, in April 1976 the Strathclyde Regional Council, Social Work Committee approved recommendations of the Convention of Scottish Local Authorities (COSLA) regarding the supervision of children placed in other regions.

North Lanarkshire Council, Service Contracts were reviewed on an ongoing basis by the Quality Assurance Team. In particular, in 2008 Scotland Excel established a Framework Agreement for Fostering and Continuing Care Services and this was adopted by the local authority.

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

As detailed in section 4.6(i)(g) above

i) Why were changes made?

As detailed in section 4.6(i)(g) above

j) Were changes documented?

Yes

k) Was there an audit trail?

[APG]

Yes

Present

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

No

- m) If so, please give details.

N/A

(ii) Practice

Past

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

There is insufficient information available from the local authority's predecessors on the policy and procedures in relation to placement of children with foster carers approved/ registered by other local authorities or organisations and supporting documentation of practice to comment on adherence. The archivist at the Mitchell Library may have information relating to the former Regional Council.

There is documentary evidence of general adherence in practice to the local authority policy/ procedures in relation to placement of children with foster carers approved/ registered by other local authorities or organisations during the time of North Lanarkshire Council. It is noted that there have been occasions when independent placement agreements have not been completed from the outset of placements in accordance with policy, this requiring to be completed out with timescale.

- b) How was adherence demonstrated?

The level of adherence was demonstrated from the observations made from a number of individual case records viewed and local authority documentation.

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

Adherence can be evidenced from the range of documents reviewed for this study. There is knowledge within the organisation of policy and procedures in practice.

[APG]

d) Were relevant records kept demonstrating adherence?

Yes

e) Have such records been retained?

Yes

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

In relation to the timescale for the completion of independent placement agreements, there are occasions when there has been drift and agreements have been completed out with expected timescales. This appears to have been an oversight in ensuring all relevant paperwork was in place.

There are occasions when the evidence suggests that visits placements have been out with expected timescales. There are times when this may be due to poor recording, although it is accepted that there are occasions when visits have not taken place due to visits not being scheduled and competing demands.

Present

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

No

h) If so, please give details.

N/A

#### 4.7 Complaints and Reporting

(i) Policy

Past

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

No details have been identified in relation to the policy and/ or procedures in place in relation to complaints and reporting from the time of Lanark County Council.

The Strathclyde Regional Council Home and Away strategy of 1983 details that there was a complaint procedures and the right of appeal. The strategy acknowledged that there would be times when a parent's rights and the social work department's role with children would come into conflict. The strategy sought to provide clarity of these rights

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and roles, and how these can be exercised to ensure that the rights of parents would not be arbitrarily removed without recourse to an appeal system. It is understood that whilst this strategy had a focus on residential care, this was also applicable to children in foster care.

The Children's Charter, which was structured according to the principles of "another Kind of Home" sets out young people's rights and responsibilities. This specifies the right to complain and included a leaflet advising of the complaints procedures. Details of the children's charter have been accessed, however, the complaints leaflet has not been located. If a copy has been retained, this may be held in the Mitchell Library as the archive for the former Regional Council. Documentation accessed from 1994 in relation to the Child Care Review System detailed the procedures for the right to appeal the decisions made at a review by any participant, this would include children and parents as core participants in reviews.

Documentation has been identified which includes the Strathclyde Regional Council complaints procedures, associated training material and a complaints leaflet. One document headed Complaints Procedures: Why? Indicated the reasons for the procedures;

In 1988, the reasons were;

- Need to address dissatisfaction with the service,
- Users have the right to a say in how the service was delivered
- Feedback leads to improvement of service

And in 1993, included the following;

- National Health Service and Community Care Act 1990
- Social Work Representation Procedures (Scotland) Direction 1990
- SWSG Circular SW5/1991 – Local Authority Complaints Procedure

The documentation identified that a review of the social work department's complaints procedures was approved by Committee in 1993 and as required by statute, the establishment of a Complaints Review Sub Committee. A copy of the procedures, a complaints leaflet and guide to the operation of the Strathclyde Regional Council's, Social Work (Complaints Review) Sub-Committee have been located. The procedure is noted to be applicable to all complainants, to be a discrete and self-contained process distinct from other existing disciplinary or grievance procedures. It is noted that complainants can also use existing means of redress, such as approaching a Councillor or the Commissioner for Local Administration.

A Social Work Committee report from 29 February 1996 highlighted that North Lanarkshire Council adopted the complaints procedures of its predecessor, Strathclyde Regional Council, pending updated procedures being implemented.

The local authority complaints procedures were implemented in accordance with statutory direction. The Secretary of State, in exercise of the powers conferred on him by section 5B(6) of the Social Work (Scotland) Act 1968 gave directions, cited as the Social Work (Representations Procedure) (Scotland) Directions 1996 to local authorities. The directions came into effect on 1 April 1996 and revoked previous directions from 1990.

A circular, SWSG5/ 1996 replaced circular SWSG5/ 1991, which set out the principles that should underpin the operation of a local authority complaints procedure. A report to the Social Work Committee on 26 November 1996, highlighted the Scottish Office guidance to improve the operation of local authority complaints procedures and particularly the arrangements for Complaints Review Committees.

The local authority subsequently implemented an updated complaints procedures in 1998 for people using the services of the local authority. The complaints procedures applied to all fieldwork services, day care, residential and foster care services provided by the department, as well as those provided by a third party on behalf of the department. The Procedure clearly outlined the process by which the local authority would deal with a complaint. The procedure noted an independent element, with a right of appeal through a Complaints Review Sub-Committee, which would examine objectively and independently facts as presented by a complainer and by the local authority and then to make a recommendation to the Social Work Committee.

People using the local authority services can complain using a pro forma leaflet, the council's webpage, email, or provide a complaint in a verbal or written format. The local authority's policies and procedures are publicised on the Council's website or in written format. They are on internal web pages for employees and any new policies/changes are emailed to all employees of the local authority.

The Complaints Handling Procedures were updated to take account of statutory and practice developments, and organisational changes.

The Policy and Resources Committee approved a new Complaints, Comments and Compliments Policy and Procedures at Committee on 28 February 2008 for all local authority services. This noted the importance of attempts to resolve complaints as close to source wherever possible. The procedure note the following stages of complaints handling:

Stage 1 – service investigation by manager or appropriate officer

Stage 2 – appeal non-statutory complaints by 3<sup>rd</sup> tier manager

Stage 3 – head of service review of decision

Stage 3 – social work services only - a complaint about social work services reaching this stage would allow the complainant the opportunity to request a Complaints Review Committee which will be convened.

In 2012, North Lanarkshire Council, social work services complaints procedures maintained a three stage complaints handling process:

Stage 1 - local response

Stage 2 – review by chief social work officer

Stage 3 – complaints review committee

In 2012, it was noted that a review of the process was deferred pending the outcome of the Scottish Public Services Ombudsman (SPSO) deliberations on the national procedures for social work. At that time, there was deliberation about the ongoing role of Complaints Review Committee's within each local authority. The complaints procedure were reviewed in 2014 and included the SPSO as a route for the independent review of complaints if dissatisfaction remained after Stage 3.

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A management memo from 5 November 2014 set out considerations and options for a complaints handling procedure compliant with the Integration Scheme for Health and Social Care Lanarkshire. This included all social work services for children and families. This documented that the Stage 3 process of complaints handling via the Complaints Review Committee remained in place pending this role being transferred to the SPSO. This transfer occurred by the implementation of the complaints procedures in 2017.

The North Lanarkshire Council complaints procedure for 2017 identify two stages:

**Stage one: frontline resolution**

The local authority aims to resolve complaints quickly and close to where we provided the service. If a complaint can't be resolved at this stage, an explanation will be given and next options discussed. This would include a suggestion that a complaint is progressed to stage two.

**Stage two: investigation**

Stage two deals with two types of complaint: those that have not been resolved at stage one and those that are complex and require detailed investigation. After a full investigation, if service users are still dissatisfied with the decision or the way the complaint was dealt with, service users can ask the SPSO to look at it.

It is noted that there are other agencies who may also be involved in matters being considered under the local authority's complaints procedures. This would include matters referred to the Care Inspectorate, Disclosure Scotland and Scottish Social Services Council (SSSC). Also, if a complaint related to an allegation of abuse, this would be investigated under child protection procedures and may require the policy and procedures around child protection and looked after and accommodated child procedures to be instigated regarding the child and/ or other children in placement.

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

Yes, the aim/ intent of these policy and procedures was to ensure that the actions taken by the local authority were in accordance with legislation and direction provided to local authorities regarding complaints handling. The policies and procedures were to enable service users, or their representatives to register a complaint about the actions or decisions of the social work department and to ensure these complaints were effectively examined. The policy and procedures would provide direction to staff and other providers on how to deal with complaints and the timescales involved. As a consequence of investigations in to complaints received, services would be more sensitive to the needs of services users.

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

The policies and/ or procedures related to complaints handling would be recorded in the local authority and retained in the area of the service involved in such arrangements, including children and families services, the local authority quality assurance team, and the carers team. It is noted that copies of previous policy, procedures and guidance were not always retained by the local authority, tending to be replaced with updated versions.

[APG]

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

The complaints handling process outlined in section 4.7(i)(a) above were applicable to all complaints received from children, foster carers, family members of children and third persons. These outline the support available to those involved and the expectations regarding responses and external reporting. There is a specific policy and procedure around whistleblowing and supports available to foster carers which will be detailed in the relevant sections below.

- i. Complaints by children
- ii. Complaints by foster carers
- iii. Complaints by family members of children
- iv. Complaints by third persons
- v. Whistleblowing

The Public Interest Disclosures, "Whistleblowing" Procedures in North Lanarkshire Council were implemented in 2003 and updated thereafter in 2007, 2015, 2017 to reflect updates and organisational changes. They provide a framework for an employee or someone working in the local authority to raise concern of illegality or malpractice.

The policy and procedures state, the public has a right to expect high standards of service. However, there may be occasions when, due to individual acts, omissions or failings, it may be necessary to bring certain matters which give cause for serious concern to the attention of your employer. If someone is concerned about an aspect of individual behaviour or Council practice it may fall under one (or more) of the following categories:

- a criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- danger to the health and safety of an individual;
- damage to the environment, and
- the deliberate concealment of information tending to show any of the matters above is being deliberately concealed.

Under the terms of this procedure an employee can report a matter which they reasonably believe to be in the public interest, on a confidential basis to their employer regarding any of these six categories.

The process of making a Public Interest Disclosure and how this will be dealt with is fully outlined in the policy and procedures.

- vi. Support, including external support, for those who made the complaint or those who were the subject of complaint

The Strathclyde Regional Council Foster Parent Handbook highlights the support role of the link worker and service. It is noted that the National Foster Care Association is highlighted as a support to foster parents in a range of matters relating to the fostering role. The specific details of accessibility and the support provided is unclear from the information viewed.

During the time of North Lanarkshire Council, particularly following the formation of the Carers Team in 2006, foster carers would be supported with any complaints. This could be through their link social worker, another member of the team and/ or another carer. Foster parents are encouraged to join and make active use of the support through The Fostering Network, who can provide legal advice. In addition, carers would have the right to access independent legal advice.

Children and families who wish to make a complaint are often supported by their social worker, advocacy worker or another professional.

**vii. Response to complaints (including response by the local authority)**

The response to complaints would be dealt with in accordance with the local authority complaints procedures, which outline the timescale and format of response dependant on the stage of the complaint.

When a complaint is received against a foster carer, the outcome of this will be considered at a foster carer review and dependant on the nature and seriousness of the complaint, the foster carer may require a formal review of their fostering role and a review of their registration at the Fostering and Family Placement Panel. Whilst the complaint was being investigated, the foster carer may be prevented from having any further children in placement. They would not be able to resume their foster care role until a formal review had taken place and any review required at the Fostering and Family Placement Panel had taken place. Dependant on the outcome of any investigations, a decision would need to be made about the suitability and appropriateness of the child returning to the placement or if they need a new placement. The support required for the child in any circumstances would be considered through the locality social worker for the child.

**viii. External reporting of complaints**

Dependant on the nature and seriousness of a complaint, this could be reported to police who may be involved in the investigation if there is suspected criminality, such as a complaint that involved an allegation of abuse. Such matters would be cross referenced with the organisations other procedures, such as the Child Protection Procedures.

Consideration would be given to the requirement to inform the Care Inspectorate at the outset or at any time thereafter if the threshold was met to warrant notification. Reporting matters to the Care Inspectorate would be a consideration in accordance with the Notification and Reporting Guidance.

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A referral could also be required to Disclosure Scotland. The local authority has a duty to report any harmful behaviour that might affect whether a person who is/ has been a foster carer for the local authority is allowed to work with children. This would enable Disclosure Scotland to review, assess and consider if the person requires to be barred from undertaking regulated work with children or vulnerable adults.

e) Who compiled the policies and/or procedures?

The policy and procedures for the local authority were compiled by officers of the local authority at the relevant time.

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

The Policy and procedures were put in place at various times and have evolved in response to legislative, regulatory and practice developments and to take account of organisational change.

g) Were such policies and/or practices reviewed?

Yes

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

As noted above in section 4.7(i)(a) and (d), policy and procedures were updated to take account of legislative changes, Scottish Office/ Government direction to the local authority or in relation to structural changes within the organisation.

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

It is understood that the Strathclyde Regional Council 1995 complaints procedures covered the entire Social Work function.

The external reporting of relevant complaints regarding foster carers to the Care Inspectorate.

The external reporting of relevant complaints regarding foster carers to Disclosure Scotland.

j) Why were changes made?

[APG]

The Strathclyde Regional Council 1995 complaints procedures were introduced with the 1001 SWSG Circular SW5/1551 "Local Government Complaints Procedure" and reflect those guidance notes.

The consideration of reporting to the Care Inspectorate was in accordance with the Records That All Registered Care Services (except Childminding) Must Keep and Guidance on Notification Reporting, 2012 and update 2015.

The consideration of notification to Disclosure Scotland is in accordance with the requirements under the Protection of Vulnerable Groups (Scotland) Act 2007.

k) Were changes documented?

Yes

l) Was there an audit trail?

Yes

Present

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

No, although there have been further updates to the local authority Complaints Handling Procedures in 2017 and there are further updates currently being implemented.

n) If so, please give details.

The Social Work Model Complaints Handling Procedure (CHP) was published on 1 December 2016 under section 16B of the (As amended by Public Services Reform (Scotland) Act 2010. Under section 16C of SPSO Act 2002, the Ombudsman notified all relevant authorities in Scotland that the Social Work Model CHP applied to them with effect from 1 April 2017. This applies to all organisations under the SPSO's jurisdiction who deliver social work services. These changes were reflected in the local authority procedures in 2017.

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The SPSO introduced an updated Model Complaint Handling Procedure (MCHP) in 2020, aligning all local authority complaint handling functions. The updated MCHPs have been published under section 16B(5) of the Scottish Public Services Ombudsman Act 2002 and on 31 January 2020 to give public sector organisations time to implement any changes by April 2021.

## (ii) Practice

### Past

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

There is insufficient information available from the local authority's predecessors on the policy and procedures in relation to complaints and reporting about foster carers and supporting documentation of practice to comment on adherence. The archivist at the Mitchell Library may have information relating to the former Regional Council.

There is documentary evidence of good adherence in practice to the local authority policy/ procedures in relation to complaints and reporting about foster carers during the time of North Lanarkshire Council.

- b) Did the local authority adhere in practice to its policy/procedures on the following:
- i. Complaints by children
  - ii. Complaints by staff
  - iii. Complaints by family members of children
  - iv. Complaints by third persons

Yes, during the time of North Lanarkshire Council, the complaints handling process outlined in section 4.7(i)(a) above were applicable to all complaints received from children, staff, family members of children and third persons. There is evidence of these being handled by council officers, as discrete complaint, or in some instances alongside other procedures, such as child protection procedures if the complaint involved an allegation of abuse about a foster carer. There is evidence of these being handled and responded to in accordance with policy and procedure.

The carers team implemented a complaints and significant incident log in 2007 to track and monitor such matters as related to foster carers. There is evidence of this being utilised within the team in accordance with policy.

There is evidence in the audit of case files undertaken for this study of complaints being made regarding foster carers and subsequent actions taken.

### v. Whistleblowing

There is no evidence of the whistleblowing policy in use.

[APG]



vi. Support, including external support, for those who made the complaint or those who were the subject of complaint

There is insufficient information available from the local authority's predecessors on the policy and procedures, and supporting documentation of practice related to support, including external support for those who made the complaint or those who were subject of a complaint to comment on adherence.

During the time of North Lanarkshire Council there is evidence of support, including external support for those who made a complaint or those who were subject of a complaint. This is evidenced through the foster carer and children's case files audited for the purpose of this study. There is evidence of information and signposting of support accessible to foster carers of children in foster care, such as through The Fostering Network, peer support through foster carers and group and advocacy support for children.

vii. Response to complaints (including response by the local authority)

There is insufficient information available from the local authority's predecessors on the policy and procedures, and supporting documentation of practice related to the response to complaints to comment on adherence.

During the time of North Lanarkshire there is evidence of general adherence to the policy and procedures relating to the response to complaints. It is evident that some complaints have been dealt with discretely as a compliant. Dependant on complexity and the availability of relevant people to investigate and conclude complaints, there are times when responses may be delayed beyond timescales, however this would be communicated to the complainant as would the conclusion.

When a complaint of alleged abuse has been made, this would be investigated by the locality for the child and dependant on the nature and seriousness this would be under child protection and investigated by social work or jointly with police and social work. The conclusion would be communicated to those entitled to be aware, such as the child, parents, foster carers and the network of support. There is evidence of complaints involving allegations of abuse in the case files audited for this study which demonstrate adherence. There are times when complaints are judged not to be of a child protection threshold, although require investigation. These would be investigated by the locality for the child or jointly with the link social worker for the foster carer dependant on the circumstances. There is evidence of such complaints being followed up in this manner. The conclusion to the complaint / allegation would be communicated to those entitled to be aware.

viii. External reporting of complaints

There is insufficient information available from the local authority's predecessors on the policy and procedures, and supporting documentation of practice related to the external reporting of complaints to comment on adherence.

North Lanarkshire Council has evidenced adherence to policy and procedures regarding the external reporting of complaints to the care inspectorate. There is evidence of communications with Disclosure Scotland in respect of the policy and procedures related to foster carers and vetting and barring considerations following any complaints or allegations.

c) How was adherence demonstrated?

The level of adherence was demonstrated from the observations made from a number of individual case records viewed and local authority documentation.

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

Adherence can be evidenced from the range of documents reviewed for this study. There is knowledge within the organisation of policy and procedures in practice.

e) Were relevant records kept demonstrating adherence?

Yes

f) Have such records been retained?

Yes

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

N/A

Present

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

No

i) If so, please give details.

N/A

[APG]

## 4.8 Internal Investigations

### (i) Policy

#### Past

- a) What policies and/or procedures did the local authority have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?

There is no documentary evidence identified regarding internal investigations in relation to abuse or alleged abuse of children in foster care prior to the formation of Strathclyde Regional Council.

There were various child protection policies and procedures produced in 1979, 1983, 1989, 1993 (amended supplementary procedures) and in 1996 (interim procedures). It is noted that the 1989 procedures were updated with the inclusion of a specific section to deal with allegations of abuse by foster carers.

The child protection procedures from 1996 were adopted by North Lanarkshire Council at the disaggregation of the former Regional Council. The local authority's procedures have maintained a specific section in relation to the investigation of abuse or alleged abuse of children in foster care. This is reflected in the 2000 and 2014 procedures. The local authority's child protection procedures are consistent with the Scottish Government's National Guidance on Child Protection 2010 and 2014 and the West of Scotland Child Protection Procedures.

Additional policies and procedures that would also be considered if there was a significant incident or death of a child, are the local authority's Reporting Requirements for the death of a child or significant incident involving a child or young person (2010).

The purpose of these procedures are to advise social work staff, partners (including residential schools) and children's carers of the reporting requirements that must be followed when:

- a child or young person's death occurs
- a child or young person is subject to a significant incident which has resulted in them being physically harmed

This also details for staff when multi agency reflective learning and single agency reflective learning reviews will be considered, and when the criteria is met for requesting the Child Protection Committee for North Lanarkshire to undertake a significant case review.

The carers team implemented a complaints and significant incident log in 2007. All complaints or significant incident, including allegations would be recorded on this log.

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

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The aim/ intention of the child protection procedures were to ensure a robust investigation in to abuse or alleged abuse of children. They provide the framework and procedures for the conduct of investigations. The procedures aim to find a balance between working in partnership with parents and carers where possible, while ensuring that a child's right to be protected from abuse remains paramount.

The aim/ intention of the Reporting Requirements for the death of a child or significant incident involving a child or young person was implemented to advise staff of the reporting requirements and ensure consideration of associated reflective learning or significant case review.

The carers team complaints and significant incident log was implemented as a specific log to record, track and follow up on all such matters recorded about foster carers. The log enables ease of access for monitoring and reviewing the progress of individual entries and provides a summary to reflect on practice.

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

The policies and/ or procedures related to internal investigation of abuse or alleged abuse were recorded in the local authority and retained in the area of the service involved in such arrangements, including children and families services, the local authority quality assurance team, and the carers team.

d) What did the policies and/or procedures set out on the following:  
i. Approach to/process of internal investigations

The child protection procedures for the former Strathclyde Regional Council included a section specifically related to abuse and alleged abuse by foster carers from 1989. From this time, there has been a clear recognition of the need for such allegations to be investigated under child protection proceedings. Chapter 11.3 of the procedures stated "although any referral alleging abuse by a foster parent should be investigated with the same thoroughness as other referrals, it is recognised that foster parents who are caring for other people's children can be particularly vulnerable to allegations of abuse. It is not uncommon for children in foster care to allege that they have been abused. This is not surprising given the nature of foster care which is often inherently stressful for all concerned, and where children from troubled backgrounds often have difficulty in adjusting to alternate family life. An effective balance must be achieved by safeguarding the foster child, and allowing the foster parents the opportunity to hear the allegations, and formally respond to them by giving their version of events".

The procedures stated that the foster parent's link worker should not be involved in the investigation, given the support role they would be required to provide. The investigation should be conducted by the social worker for the child and another social worker from the same area team. The procedures detail who within the council should be notified that an allegation has been made and investigation instigated. If a child protection case conference is scheduled, the procedures outline who should attend and the expected communications regarding the outcome of the investigation. Foster parents should be advised of the outcome of a child protection investigation, whether

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or not the allegation is substantiated. This should be communicated by the link social worker and senior social worker, and provided in writing from the district manager.

The procedures cross refer to the fostering guidance, such as the need for a disruption meeting if a child is required to be removed from the placement. This meeting would give consideration to the feasibility of the child's return to placement. There should be a formal foster home review scheduled thereafter to review the foster parent's status.

The procedures also note that if there are any allegations of abuse made involving a foster child and a natural child of the foster parents, such an allegation must be investigated thoroughly. A case discussion should be convened to consider such investigation.

The North Lanarkshire Council child protection procedures for 2000, section 11 stated that "It is important to emphasise that the expectations of staff or substitute carers are different from those of birth parents and that while the process of investigation may be similar, the range of outcomes is very different. It is important that consideration is given to the specific circumstances of the placement being investigated. One major difference between these procedures and those for investigating allegations of abuse of children in the community is that registration is not included within the process for dealing with allegations of abuse in residential or foster care".

"When a child makes an allegation a decision has to be made regarding whether it is in fact an allegation of abuse. If it appears that the child may have suffered or is at risk of suffering significant harm from a foster carer then it should be dealt with as an allegation of abuse".

The decision to investigate using child protection procedures should be made by the locality social work manager responsible for the child. The investigation should ordinarily be undertaken by the social worker for the child and another appropriately experienced member of staff. It is documented that the practice in terms of undertaking the investigation should follow the procedures and guidance set out for all child protection investigations.

The guidance set out in section 2 of the procedures highlight that where the level of concern is sufficient to warrant use of child protection procedures, the senior social worker should consult with police. Agreement should be reached on how the investigation should proceed. This may take the form of qualified social workers undertaking the initial stages of the investigation and thereafter collaborating with the police, or a joint investigation by police and social work.

The main task of the investigation is described as to protect children from future harm. This involves attempting to ascertain if a child has been abused, or is likely to have been abused, and if so to make plans to protect the child.

A change of placement for a child in foster care may be required at the outset or anytime during the investigation. If this is the case, the looked after and accommodated child procedures would be followed in relation to a change of placement, any disruption meeting and legal proceedings required to support such a move.

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The guidance for foster carers would be followed in relation to the requirement for a review of the foster carer role and the requirement for a review of registration at the Fostering and Adoption Panel.

In the 2014 child protection procedures, it is stated in the section relating to allegations against foster carers that the practice for invoking the child protection procedures and involvement of police should be the same for carers as for other families living in the community.

Albeit updated, these procedures have a similar format for the decision making and progress of the child protection investigation. There is an additional section noted in these procedures highlighting that when child protection procedures are instigated in relation to a foster carer, notification must be made to the Care Inspectorate. Details are provided in relation to what information should be notified.

At the conclusion of the investigation, those involved must be notified within three days of any outcome and decisions from the investigation.

The decision about whether foster carers should be suspended from caring for children and young people (whilst the matter is investigated) will be made in accordance with North Lanarkshire's agency procedures and in consultation with senior managers.

As previously noted, a foster carer review should be held to consider the conclusion to the investigation and any actions required. A review of the foster carer registration will be held at the Fostering and Adoption Panel.

The North Lanarkshire Reporting Requirements for the death of a child or significant incident involving a child or young person sets out the legal requirements for the local authority in relation to notifying Scottish Ministers and other people who should be notified in the event of the death of a child in care, including parents. These notifications should occur immediately, and the relevant notification document should be completed by the locality team within 24 hours and passed to the manager, children and families.

The procedures identify the internal reporting process and associated timescales for the completion of the relevant notification for a significant incident resulting in a child or young person being harmed. The relevant notification document should be completed by the locality team within 72 hours and passed to the manager, children and families.

The manager, children and families in consultation with the chief social work officer will agree whether a multi-agency or social work reflective review is required. Consideration will also be given to the Lanarkshire Significant Incident Case Review Protocol and the criteria to refer to the North Lanarkshire Child Protection Committee for consideration of a significant case review.

The complaints and significant incident log at the carers team is completed upon receipt of any complaint or allegation. This is monitored by the senior social workers

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in the team to track the progress of incidents through to conclusion, ensuring that internal reviews and external reporting is complete.

**ii. Identifying lessons/changes following internal investigations**

The formal review of a foster carers role and any review at the Fostering and Family Placement Panel may identify any lessons learned following an investigation. These would be incorporated in to the carer's learning and development plan and monitored through the review process. Any lessons identified for the service would be progressed through the service improvement plan. Similarly, any lessons identified for the service through a reflective review or significant case review would be progressed through the service improvement plan.

**iii. Implementation of lessons/changes following internal investigations**

As noted in section 4.8(i)(d)(ii) above the lessons for foster carers would be implemented through the review process and any learning and development plan. Any learning for the service, would be progressed through the service improvement plan.

**iv. Compliance**

Compliance of foster carers to undertake any learning and development activity in response to lessons following an internal investigation would be monitored through the foster carer's supervision, review process and the Fostering and Adoption Panel.

Compliance with service improvement plans are monitored through management within the carers team, headquarters, and through to the head of children and families and justice services, who is the chief social work officer.

**v. Response (to child and abuser)**

There is an expectation that throughout the investigation of an allegation of abuse and the child protection procedures that a child would be kept informed throughout, including regarding the outcome of any investigation. The child's social worker would be a key person in providing such communications.

The child protection procedures note that at the conclusion of an investigation consideration should be given to the eligibility of a Criminal Injury Compensation Claim. The social worker would be responsible for considering this matter.

It is expected that the link social worker would keep a foster carer updated, as appropriate throughout and at the conclusion of an investigation, whether or not the allegation is substantiated or not. Detailed communications continue to be required between the link social worker and the foster carer to provide support and discuss any implications for the foster carer, their family and their continued role and registration

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as a foster carer. The link social worker would be responsible for reporting to the foster carer review and making any recommendation to the Fostering and Adoption Panel. The conclusion and response to the investigation could ultimately result in a recommendation to the Fostering and Family Placement Panel for the de registration of the foster carer.

- vi. Response to complaints (including response by local authority)

The response to complaints are as detailed in section 4.7(i)(d)(vii) above.

- vii. External reporting following internal investigations

As detailed in section 4.7(i)(d)(viii) above, external reporting following internal investigations could include the Care Inspectorate and Disclosure Scotland, PVG Scheme. This would be dependent on the nature and seriousness of the allegations under investigation and the conclusion to any internal investigation.

- e) Who compiled the policies and/or procedures?

The policy and procedures for the local authority were compiled by officers of the local authority at the relevant time.

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

The Policy and procedures were put in place at various times and have evolved in response to legislative, regulatory and practice developments and to take account of organisational change.

- g) Were such policies and/or practices reviewed?

Yes

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

As detailed in section 4.7(i)(a) above, the child protection procedures were updated at various points. The updates took account of changes in legislation, organisational changes, research and various inquiries into child abuse deaths and case reviews. For example, the 1989 procedures noted developments were informed by the Jasmine Beckford, Kimberley Carlisle, Tyra Henry and Cleveland Enquiries. The 2000 child protection procedures referenced the Orkney Inquiry, the Kent Report and Rikki Neave Case Review as influential factors.

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

As detailed in 4.7(i)(a) above, child protection procedures have evolved through time since initial implementation in 1979. The 1989 procedures were updated with the inclusion of a specific section to deal with allegations of abuse by foster carers.

The external reporting of investigations of abuse involving foster carers to the Care Inspectorate.

The external reporting of investigations of abuse involving foster carers to Disclosure Scotland.

- j) Why were changes made?

The update to the child protection procedures in 1989 was in response to a recognition of allegations of abuse against foster carer required to be investigated with the same thoroughness as other child protection referrals. The procedures noted a range of inquiries that occurred in the preceding years to that informed the changes made to these procedures.

Under the Regulation of Care (Scotland) Act 2001, the Scottish Commission for the Regulation of Care, termed the Care Commission came into operation in April 2002 as the independent regulator of care services, including foster care services. Following subsequent variations to the statutory external regulator for care services in Scotland, the Care Inspectorate has responsibility for the regulation and inspections of foster care services. External reporting is made to the Care Inspectorate in accordance with Records That All Registered Care Services (except Childminding) Must Keep and Guidance on Notification Reporting, 2012 and update 2015.

The consideration of notification to Disclosure Scotland is in accordance with the requirements under the Protection of Vulnerable Groups (Scotland) Act 2007. The local authority has a duty to report any harmful behaviour that might affect whether a person who is/ has been a foster carer for the local authority is allowed to work with children. This would enable Disclosure Scotland to review, assess and consider if the person requires to be barred from undertaking regulated work with children or vulnerable adults.

- k) Were changes documented?

Yes

- l) Was there an audit trail?

Yes

Present

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

No

- n) If so, please give details.

N/A

(ii) Practice

Past

- a) Did the local authority adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?

There is insufficient information available from the local authority's predecessors on the policy and procedures and supporting documentation of practice in respect of internal investigations relating to the abuse or alleged abuse of children in foster care to comment on adherence. The archivist at the Mitchell Library may have information relating to the former Regional Council.

There is documentary evidence of general adherence in practice to the local authority policy/ procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care during the time of North Lanarkshire Council. The case files audited for this study contain some records covering the period of the local authority's predecessors and there is a level of adherence indicated from these.

- b) Did the local authority adhere in practice to its policy/procedures on the following:
- i. Approach to/process of internal investigations

There is insufficient information available from the local authority's predecessors to comment on adherence.

During the time of North Lanarkshire Council there is good adherence to its policy and procedures in the approach to internal investigations. These were conducted with consideration of the child protection procedures. If initial information was considered to be an allegation of abuse, the child protection procedures were followed. If it was not considered to be child protection, there would still be an investigation on a welfare basis. There is evidence of complaints being investigated through child protection procedures. This is evident in the audit of child care files undertaken for this study.

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ii. Identifying lessons/changes following internal investigations

There is insufficient information available from the local authority's predecessors to comment on identifying lessons/ changes following internal investigations.

During the time of North Lanarkshire Council this is not specified in the procedures for internal investigations, however the organisation uses information from both internal investigations and complaints to reflect on practice and identify lessons learned.

iii. Implementation of lessons/changes following internal investigations

As detailed in section 4.8(ii)(b)(ii) above, there is insufficient information available from the local authority's predecessors on identifying lessons/ changes following internal investigations to comment on implementation.

Consideration is given to any learning and reflection on practice, systems and process in all areas of the service, including children in foster care and investigations into allegations of abuse. These are evidenced in the children's service improvement plans and corporate parenting strategy however, these may not explicitly be articulated as learning from complaints and investigations.

iv. Compliance

There is insufficient information available from the local authority's predecessors to comment on compliance with the policy and procedures for internal investigations.

In North Lanarkshire Council it is expected that there is compliance with the local authority policy and procedures relating to the internal investigation in to abuse or allegation of abuse against foster carers. The oversight of compliance and performance of staff in adhering to policy and procedures is monitored via the management structure and through the information and performance management systems within the authority, led by the Quality Assurance section.

v. Response (to child and abuser)

There is insufficient information available from the local authority's predecessors to comment on the response to the child and abuser following internal investigations.

It is expected in North Lanarkshire Council that the social worker for the child would provide a response to the child regarding the outcome of any investigation and consider any supports required. It is evident that there are times when a child protection investigation has resulted in a child being required to move placement. The social worker would be responsible for supporting the child with such a move and considering the impact of a move for them and other aspects of their life, such as school, friends and contact. It is evident that such consideration are given in practice and from the case files audited for the purpose of this study.

The link social worker for the foster carer is expected to provide feedback in relation to the outcome of any investigation. They would also have the responsibility to consider the impact of any investigation on the continued role of the foster care and their ongoing suitability. This could result in no further action being taken or training needs being identified and the foster carer being monitored and supported via their link worker. When allegations are made there would be a review of the foster carer and their foster care approval could be reviewed at the fostering and adoption panel. When there are concerns over the suitability of the foster carer to continue to foster, a recommendation could be made to the Fostering and Family Placement Panel for withdrawal of registration. There is evidence of this in practice and in the case files audited for this study.

- vi. Response to complaints (including response by local authority)

As detailed in section 4.8(ii)(b)(v) above.

- vii. External reporting following internal investigations

There is insufficient information available from the local authority's predecessors to comment on the external reporting following internal investigations.

There is evidence during the time of North Lanarkshire Council of external reporting to the Care Inspectorate in relation to the reporting requirements for complaints and allegations related to foster carers. There is evidence of communications with Disclosure Scotland in relation to the vetting and barring scheme.

- c) How was adherence demonstrated?

The level of adherence was demonstrated from the observations made from a number of individual case records viewed and local authority documentation.

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

Adherence can be evidenced from the range of documents reviewed for this study. There is knowledge within the organisation of policy and procedures in practice.

- e) Were relevant records kept demonstrating adherence?

Yes

- f) Have such records been retained?

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Yes

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

N/A

Present

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

No

i) If so, please give details.

N/A

#### 4.9 Record keeping

(i) Policy

Past

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

No documentation has been located in relation to record-keeping in the period from 1930 – 1970, however the archivist at Mitchell Library may be able to provide further information relating to policies and/or procedures as they inherited the records management function in 1996 at the time of local authority reorganisation.

There is no evidence of corporate policies and procedures between 1974 and 1996, however a small number of meeting minutes and memoranda from the time 1984-1987 to Social Work managers and area offices indicate that procedures were in place for archiving documents of historic interest, listing conventions, storage and destruction of case records, defining access restrictions and standardised retention periods across Strathclyde Regional Council. Further information may be available from the archivist at the Mitchell Library.

The 1971 and 1979 Social Work manuals provide instruction on report writing and case files. This was updated by Strathclyde Regional Council in the early 1980s.

In 1979 Strathclyde Regional Council began a programme of records management for non-current records. Initially for Corporate Head Quarters, in 1981 it was extended to social work. In 1984, the department rolled out a project regarding storage and destruction of client-case records, agreed retention schedules, and procedures for transfer to the Regional Archives.

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The Archivists of Scottish Local Authorities Working Group (ASLAWG) produced "Records Guidelines for Scottish Local Authorities" and "Records Management: a guide for Scottish Local Authorities" in 1995 in preparation for re-organisation.

Social Work Services had an assessment, planning and recording guidance for staff which outlined the expectations of practice and care recording.

The first North Lanarkshire Council corporate Records Management Policy was approved in October 2007 and was revised in 2013.

Records management guidelines are held on a corporate level but there are also some specific pieces of guidance for staff within social work services. The local authority has a social work guidance on the retention and archiving of records.

**b) What policies and/or procedures did the local authority have on record keeping by foster carers?**

There are no details regarding the policies and/ or procedures the local authority had on record keeping by foster carers prior to Strathclyde Regional Council.

The archivist for the former Strathclyde Regional Council reports that in view of the emphasis that was required to be placed on record keeping in relation the Children Act 1975, there was a need to instigate a formal system for the storage and retrieval of records and in order to prevent any gaps in child care records. No additional material has been obtained and may be held in archive at the Mitchell Library.

The North Lanarkshire Council foster carer handbooks have a section which outlines the information about the child that should be received by the carer, stored, updated throughout the placement and returned at the end of the placement. The handbooks note that information is confidential and should be stored in a safe and secure place. Foster carer sign a carer's agreement and confidentiality agreement at the point of their approval which outlines the expectations for the receipt, storage and use of any information relating to a child and/ or their family. Similarly, any identified and assessed foster carer support network carer, will sign an agreement for their role and a confidentiality agreement.

**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?**

A memo from the 5 October 1987 noted one of the main function of the Strathclyde Regional Council Archives was the preservation of records of the activities of the Council and its departments. This memo references organisational documentation. There is a further memo from 14 May 1985 which related to the storage and destruction of case records, highlighting the need for retention and destruction of closed in accordance with retention schedule.

The stated aim of ASLAWG in 1995 was to “help ensure that the widespread destruction of records which occurred at the last re-organisation in 1975 will not happen this time” Strathclyde Regional Council participated in this working group.

North Lanarkshire Council sought to ensure information in individual case records is stored and retained in accordance with statutory retention periods. As a local authority providing vital services to the people of North Lanarkshire the aim is to create, store, maintain and dispose of a wide range of information & records. The Records Management team provide advice on how long to keep records. They also provide secure storage for paper records that meet certain criteria for long-term storage or permanent preservation.

Records management guidelines are held on a corporate level but there are also some specific pieces of guidance for staff within social work services. Accordingly, the policies and procedures are held at a corporate level, in records management and in social work services.

The foster carer handbook, associated carer and confidentiality agreements for foster carers and their support carers are stored in the carers team and foster carers files prior to archiving.

- d) What did the policies and/or procedures set out in relation to record keeping on the following:
  - i. Children in foster care

The social work service assessment, planning and recording guidance set out the expectations for staff about the records that should be kept for all service users, including children in foster care. This guidance sat along other care group specific procedures which identified specific information that should be recorded, such as through the looked after and accommodated child procedures and the child protection procedures.

In accordance with The Arrangements to Looked After Children (Scotland) Regulation 1996, the retention period for records relating to children in foster care was until 75 years or in the event of the death of a child (under 18years), retention for a period of 25 years.

The retention period increased to 100 years in accordance with The Looked After Child (Scotland) Regulations 2009.

- ii. Foster carers

In accordance with The Fostering of Children (Scotland) Regulations 1996 records relating to foster carers were retained for 10 years from the point of approval of de registration or until the death of the foster carer if earlier.

The retention period for foster carers was extended to 25 years in accordance with The Looked After Child (Scotland) Regulations 2009. The regulation also noted the same retention period for records relating to kinship carers.

iii. Visits to children and foster carers

The records relating to visits to children in the foster placement should be recorded in the child's case record and in accordance with the minimum schedule of visits under the regulations in force at the time.

The visits to foster carers in relation to the supervision of their fostering role should be recorded in the foster carer's file and be in accordance with the minimum visits under the regulations in force at the time.

iv. Complaints

Complaints would be recorded in the child and or foster carers record and retained in accordance with the retention period noted in section 4.9(i)(d)(i) above. In addition, there are social work systems that are used to track complaints, such as the electronic complaints module on SWIS and the complaints and significant incident log retained at the carers centre.

v. Investigations (both internal and external)

Records relating to investigations would be recorded in the child and or foster carers file and retained in accordance with the retention period noted in section 4.9(i)(d)(i) above.

vi. Discipline

Any action taken in relation to a foster carer would be recorded in their case file and retained in accordance with the retention period noted in section 4.9(i)(d)(i) above. Any matters reviewed through the Fostering and Family Placement Panel would also be retained in the minutes for the Panel.

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

The response to requests from former children in foster care for information and records would be dealt with in accordance with the local authority Subject Access Request Procedures. These have been updated in accordance with the Data Protection Act 1984, 1998 and 2018.

viii. Other issues relevant to foster care

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The archivist from the former Strathclyde Regional Council highlighted that policies on the 1970s-2001 were high level, but various procedures were established to compile and apply retention schedules in respect of Social Work activities, in particular those relating to statutory functions.

e) Who compiled the policies and/or procedures?

The archivist from the former Strathclyde Regional Council noted that the City Archivist, together with the relevant officers from other departments, compiled the 1980s and 2001 plan.

In North Lanarkshire Council, records management guidelines are held on a corporate level but there are also some specific pieces of guidance for staff within social work services. The policies and procedures were compiled corporately and social work department also has separate record-keeping policies and procedures which are specific to different aspects of the foster care.

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

It is unclear when policies and / or procedures were put in place prior to North Lanarkshire Council.

North Lanarkshire Council has had corporate record-keeping policies since at least 2007.

The keeper of the Records of Scotland approved the NLC records management plan, under the terms of the Public Records (Scotland) Act 2011, in June 2017.

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

Current versions of the policies and procedures remain in place.

h) Were such policies and/or practices reviewed?

Yes, there have been on-going reviews of the various policies and procedures in the 1980s-1990s. The policies have been reviewed regularly.

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

The archivist for the former Strathclyde Regional Council informed that the earlier policies and procedures, these were reviewed as a result of experience and the availability of professional guidance e.g. Retention Schedules produced by the then Society of Archivists for the UK in 1983 (England) and 1998 UK wide. The Scottish recommendations were based on those practices by Strathclyde Regional Archives.

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There have been reviews and updates to the policies and procedures related to retention of records for foster care and children in foster care in accordance with changes in legislation and regulation.

There was a major review as a result of the requirements of the Public Records (Scotland) Act 2011.

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

The substance of the policies and procedures remain with reviews and updates to reflect changes in legislation and regulation through time.

- k) Why were changes made?

N/A

- l) Were changes documented?

Changes have been documented in the related documents. It is noted that past copies are incomplete and do not always state the reason for review or updates made.

- m) Was there an audit trail?

There was no systematic process for recording changes in policies and procedures across the full period of this notice.

Present

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

Yes

- o) If so, please give details.

Current practice is to review corporate information policies every 2 years or sooner if required.

Changes to the retention schedule are now noted in an audit log by the Records Manager and superseded retention schedules retained for 100 years.

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(ii) Practice

Past

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

There is insufficient information available from the local authority's predecessors on the policy and procedures and supporting documentation of practice in relation to record keeping to comment on adherence. The archivist at the Mitchell Library may have information relating to the former Regional Council and the records retained there on behalf of the local authority's predecessors.

There is documentary evidence of general adherence in practice to the North Lanarkshire Council policy/ procedures in respect of record keeping. The case files audited for this study contain some records covering the period of the local authority and its predecessors and there is a level of adherence indicated from these. It is noted that the further back in time records are viewed, they appear to be partial or 'family files' and not specific to an individual. It is unclear if apparent gaps in records are related to record keeping or if information was not recorded or stored in family/ individual's case records, but elsewhere.

- b) Did the local authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?

There is insufficient information to comment on the checks undertaken by the local authority's predecessors in relation to the record keeping by foster carers. A level of adherence is evident in the role of the link social worker in North Lanarkshire is ensuring the adherence to the confidentiality agreement and that the information foster carers store related to children in their care. This is evidenced through supervision visits to foster carers and the review where any concerns would be highlighted.

- c) Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following:  
i. Children in foster care

Yes, general adherence to policy and procedures for record keeping relating to children in foster care is evident from the case files view for the purpose of this audit which cover the time of North Lanarkshire Council and some records from the local authority's predecessors. As detailed in section 4.9(ii)(a) above, there are apparent gaps in some of the records held for children in foster care the further back in time the records relate. It is unclear the reason for this. It is understood that recording practice and retention of information has evolved over the time of this study. The understanding of the information that should and is required to be retained has also evolved. It is unclear if the apparent gaps in records are related to these factors or the quality of recording and retention. It is apparent that there is greater adherence evident in more recent case records for children in foster care. There is evidence of the records that

are available for children in foster care being retained in accordance with retention schedules.

ii. Foster carers

There is insufficient information available from the local authority's predecessors on the policy and procedures and supporting documentation of practice in relation to foster carer records to comment on adherence. The archivist at the Mitchell Library may have information relating to the former Regional Council and the records retained there on behalf of the local authority's predecessors.

There are some records relating to foster carers who were registered in the time of Strathclyde Regional Council who lived in the area of North Lanarkshire Council and become the responsibility of the local authority. There are some files from this era that have been audited for the purpose of this study. The files audited evidence a level of adherence to policy and procedures.

iii. Visits to children and foster carers

As detailed in sections 4.2(ii)(xiii) and 4.4(ii)(ix) above

iv. Complaints

As detailed in section 4.7(ii) above.

v. Investigations (both internal and external)

As detailed in section 4.8(ii) above.

vi. Discipline

As detailed in section 4.4(ii)(xii) and (xiii) above

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

There is insufficient information available from the local authority's predecessors on the policy and procedures and supporting documentation of practice in relation to requests from former children in foster care for information/ records to comment on adherence. The archivist at the Mitchell Library may have information relating to the former Regional Council and the records retained there on behalf of the local authority's predecessors.

There is a good level of adherence to requests from former children in foster care for information/ records in accordance with policy and procedures for subject access requests. There are times when due to the size and complexity of processing subject access requests, there can be breaches of timescales. There are occasions when staff have supported children who have experienced foster care to access their records and gain an understanding of their childhood.

viii. Other issues relevant to foster care

There is a level of adherence evident to the policy and procedures in relation to the records for the fostering and adoption panel.

d) How was adherence demonstrated?

The level of adherence was demonstrated from the observations made from a number of individual case records viewed and local authority documentation.

e) Were relevant records kept demonstrating adherence?

Yes

f) Have such records been retained?

Yes

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

Where there has been non adherence of policy and procedure in practice, the reasons have been detailed in the relevant section above.

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

There is no awareness of any previous review or analysis of records to establish what abuse or alleged abuse of children cared for in foster care may have taken place by the local authority of its predecessors. It is noted however, that when an allegation is made and an investigation is started, consideration would be given to any other children in the placement who should also be included in the investigation.

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

N/A

[APG]

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

N/A

k) What changes have been made?

N/A

l) How are these monitored?

N/A

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

N/A

n) If so, how was that facilitated?

N/A

o) If not, why not?

N/A

Present

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

No

q) If so, please give details.

N/A

r) Please provide details of the types of any records currently held relating to the children in foster care in respect of the following:  
i. Children in foster care

Individual case records – paper records and/ or electronic records

[APG]

ii. Staff with responsibilities for foster care

Personnel files  
Supervision records  
Professional record of development

iii. Foster carers

Foster/s care records – paper and /or electronic record  
Fostering and Family Placement Panel paperwork

iv. Complaints

Complaint, investigation and response

v. Investigations (both internal and external)

The record relating to investigations of abuse or an allegation of abuse would be retained between the child and carer case records.

vi. Responding to requests from former children in foster care for information/records

The request, associated communication and response

**Part D – Abuse and Response**

The questions in Part D should be answered in respect of abuse or alleged abuse relating to the time frame 1930 to 17 December 2014 only.

For the purpose of this case study, it has not been possible to undertake a full audit of all relevant files and records for children who have been in foster care and foster carers in the local authority from 1930 – 17 Dec 2014.

An audit has been undertaken on a range of files for children who have been in foster care and foster carers across the timeframe of the study. It is noteworthy that there is no comprehensive list of children or foster carers covering the full duration of the study. The files audited have been identified and selected to try and give a representation of files available across the period.

Composition of the case file audit

Foster carer's case files were identified from:

The North Lanarkshire Council foster carer complaints and significant incident log (from 2007)

Current registered foster carers in North Lanarkshire Council

Historical foster carer's files identified from North Lanarkshire Council Social Work Information System and from records held in North Lanarkshire Council archives.

Case files/records for children in foster care were identified from:

The North Lanarkshire Council complaints and significant incident log for foster carers (from 2007)

North Lanarkshire Council Social Work Information System

The Boarding Out Register 1966 – 1970

North Lanarkshire Council archives

The records for all of the individuals identified in the complaints and significant incident log were reviewed. In addition, a set of the other files for foster carers and children who were in or have been in foster care were identified and reviewed.

There are two civil actions currently raised against North Lanarkshire Council in relation to historic abuse in foster care. Full details are not available for these claims, although some information has been obtained to include in this study.

The approach above resulted in a review of 96 foster carer files and 198 files of children who have experienced foster care.

The lack of a clear list of the children and young people placed in foster care through much of this period has inhibited the sampling of individual care records pre 1990. Some individual case records from prior to this time have been identified from archives, although these are fewer the further back in the period searches are made. Whilst some information has been extracted from earlier Burgh and County Council minutes and a Boarding Out Register, these do not identify complaints or allegations which could be linked with individual records.

From this audit, any complaint or allegation made have been detailed, which included allegations of abuse made against a foster carer. The information provided in this section of the study will be based on the findings from this audit, which have been detailed in appendix 15.

## 5. Abuse

### 5.1 Nature

- a) What was the nature of abuse and/or alleged abuse of children in foster care, for example, sexual abuse, physical abuse, emotional abuse?

There have been allegations of physical abuse, sexual abuse, emotional/psychological abuse, neglect and unacceptable practices.

[APG]



## 5.2 Extent

- a) What is the local authority's assessment of the scale and extent of abuse of children in foster care?

It is acknowledged by the local authority that there have been children abused in foster care. A small number of children are identified as having been abused by their foster carer or a foster carer's family member.

It is recognised that the local authority is not able to give a definitive position on the true scale and extent of abuse of children in foster care. Based on the information available it is acknowledged that there is likely to be other instances of abuse of children in foster care that are not known to the local authority.

The local authority is aware of one foster carers and one family member of a foster carer who have been convicted of abuse of children in foster care. There are three foster carers who are considered by the local authority to have abused children in their care.

There are other complaints and allegations that have been made by children in foster care. These have been investigated and have not been considered to be abuse at their conclusion. Some complaints and allegations have been unsubstantiated and others concluded with concerns being identified, which were considered practice issues and responded to on that basis.

There are two civil actions that have been raised against the local authority in relation to historical abuse in foster care. One action is of sexual abuse and is in relation to the family member of a foster carer who has been convicted. There is a second claim of physical, psychological and sexual abuse against two kinship carers and another family member of a kinship carer. These are current claims for which full details are not known.

Further details are included in appendix 15 and 16 for all sections below.

- b) What is the basis of that assessment?

This assessment is based on the audit undertaken of a number of case records for children and foster carers in the local authority and the civil actions raised against the local authority. It is acknowledged that based on the information known that there are likely to be other children who have been abused in foster care.

- c) How many complaints have been made in relation to alleged abuse of children in foster care?

The local authority is not able to provide a definitive account of the number of complaints made in relation to alleged abuse of children in foster care from 1930 – 17 December 2014.

From the audit undertaken, for which the details are provided in appendix \*\*\*, there have been 156 complaints and allegations made in relation to children in foster care. These are all the complaints and allegations documented in the records viewed, some of which are complaints and allegations of abuse.

The records reviewed revealed:

- one foster carer who was convicted of physical abuse of a child
- one family member of a foster carer who was convicted of sexual abuse of children
- Three foster carers who as a result of their conduct were considered to have abused children and their foster care approval was withdrawn.

In addition, there are two civil actions that have been raised against the local authority. One of these claims relates to the conviction of the family member of a foster carer. The second is related to an allegation of abuse against two kinship carers and another family member of a kinship carer. The full details of this claim are not known at this time.

- d) Against how many foster carers have the complaints referred to at (c) above been made?

The 156 complaints and allegation are in relation to 64 foster carers.

- e) How many foster carers have been convicted of, or admitted to, abuse of children?

There is one foster carer who has been convicted of abuse and one foster carer who has admitted abuse, but has not been convicted.

- f) How many foster carers have been found by the local authority to have abused children?

The local authority has identified four foster carers who are found to have abused children in their care.

One foster carers has been convicted of physical abuse of a child in their care.

Three foster carers have not been convicted however, given the nature and seriousness of the allegations made, the local authority considered that they have abused the children in their care. Two allegations were of physical abuse and one allegation was of neglect.

There are two civil actions raised against the local authority. One of these has been received shortly before this submission. The claim indicated alleged abuse by two kinship carers and a family member of a kinship carer. Case records indicate that an allegation of physical abuse was made, but it is unclear if there was a conviction. The full details of this claim are not known at this time.

- g) Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?

There have been seven complaints and allegations of any kind identified in the audit that are against other family members of foster carers. From these there is one family member who has been convicted of sexual abuse. This forms the second civil action raised against the local authority.

- h) How many family members of foster carers have been convicted of, or admitted to abuse of children?

As detailed in section 5.2(g) above, one family member has been convicted of sexual abuse of children in foster care.

- i) How many family members of foster carers have been found by the local authority to have abused children?

The local authority has found one family member of a foster carer who has abused children in foster care.

- j) Against how many other children placed in foster care in the same placement have complaints been made in relation to the alleged abuse of children?

From the audit undertaken, there have been five complaints and allegations made in relation to other children in foster placements. Of these, none have been considered to be of abuse.

- k) How many other children placed in foster care in the same placement have been convicted of, or admitted to abuse of children?

There have been no children convicted or admitted to abuse of other children in placement.

- l) How many other children placed in foster care in the same placement have been found by the local authority to have abused children?

There have been no other children placed in foster care in the same placement that have been found by the local authority to have abused children.

[APG]

### 5.3 Timing of Disclosure/Complaint

- a) When were disclosures and complaints of abuse and/or alleged abuse of children in foster care made to the local authority?

From the 156 complaints and allegations identified in the audit undertaken, 119 were made at the time or shortly thereafter and 37 were historical complaints and allegations. The dates of the allegations are noted in appendix 15. There is no identified pattern to the disclosure and complaints of abuse and/ or alleged abuse of children in foster care.

In relation to the two allegations that resulted in convictions, both allegations were historical. One of these is also one of the active civil action cases.

In relation to the three foster carers that the local authority found to have abused children, all allegations were made at the time of the abuse.

The second civil action case appears to have a current and historical element, although full details of this action are not known.

- b) To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?

As detailed in section 5.3(a) above.

- c) To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?

Of the two cases of abuse that were made historically, one allegation was made two years after the abuse and the other was 1 year after the abuse.

- d) Are there any patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse?

There is no identified pattern in terms of the timing/ disclosure of abuse and/ or alleged abuse.

### 5.4. External Inspections

- a) What external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children?

There has been no information located by North Lanarkshire Council in relation to any external inspections in the time of the local authority's predecessors.

North Lanarkshire Council foster care services have been inspected by the Care Inspectorate and its predecessors. These inspection considered all areas of the service and compliance with the national standards, and would include the local authority handling and response to complaints and allegations of abuse in foster care.

The local authority foster care services inspections and grading history is as detailed below:

<b>Date</b>	<b>Type</b>	<b>Grading</b>
20 Dec 2017	Announced (short notice) inspection by Care Inspectorate	Care and support 5 - Very Good Staffing not assessed Management and leadership 5 - Very Good
12 Jan 2016	Announced (short notice) inspection by Care Inspectorate	Care and support 5 - Very good Environment Not assessed Staffing 5 - Very good Management and leadership 5 - Very good

[APG]

14 Nov 2013	Announced Inspection by Care Inspectorate	Care and support 5 - Very good Environment Not assessed Staffing 5 - Very good Management and leadership 5 - Very good
19 March 2012	Announced (short notice) inspection by Social Care & Social Work Improvement Scotland	Care and support 4 - Good Environment Not assessed Staffing Not assessed Management and leadership 5 - Very good
11 Feb 2010	Announced by the Care Commission	Care and support 4 - Good Environment Not assessed Staffing 4 - Good Management and leadership Not assessed
17 Apr 2009	By the Care Commission	Care and support 4 - Good Environment Not assessed Staffing 4 - Good Management and leadership 3 – Adequate
7 Aug 2006	Announced by Care Commission	First Inspection Assessed as Requiring a Medium Level of Support

For each such external inspection please answer the following:

b) Who conducted the inspection?

The inspections were conducted by the Care Inspectorate or its predecessors as detailed in section 5.4(a) above.

c) Why was the inspection conducted?

These inspections were conducted in accordance with the legal requirement for the inspection of fostering services in Scotland.

d) When was the inspection conducted?

The inspections were conducted as detailed in section 5.4(a) above.

[APG]

- e) What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?

There have been various recommendations made through the inspections undertaken. These have documented in subsequent inspections to have been met, or been partially met, with further actions then taken to address these. Although not all recommendations made were directly related to the abuse or alleged abuse of children in foster care, below are details of relevant recommendations from the inspections.

The Inspection in 2006 recommended that the service should develop a recording system for both formal and informal complaints, which is accessible and readily allows for the information to be audited (later inspection noted this as met).

The 2010 inspection recommended that the provider must ensure each service user has a written placement agreement (later inspection noted this as met).

The inspection in 2012 recommended that a risk assessment document and monitoring system was in place (later inspection noted this as met).

- f) What was the local authority's response to the inspection and its outcome?

As detailed in section 5.4(e) above, the local authority has taken action to address the identified issues through the inspections.

- g) Were recommendations made following the inspection?

Yes, as detailed in section 5.4(e) above.

- h) If so, what were the recommendations and were they implemented?

Yes, as detailed in section 5.4(e) above.

- i) If recommendations were not implemented, why not?

N/A

## 5.5 External Investigations

- a) What external investigations have been conducted relating to children in foster care which have considered issues relating to abuse and/or alleged abuse of children?

[APG]

The have been no external investigations conducted relating to children in foster care which have considered issues relating to abuse and/ or alleged abuse of children.

Police Scotland have been involved in investigation into individual allegations of abuse and alleged abuse, many of which have been joint police and social work investigations in accordance with the local authority child protection procedures. Refer to section 5.12 below.

For each such external investigation please answer the following:

- b) Who conducted the investigation?
- c) Why was the investigation conducted?
- d) When was the investigation conducted?
- e) What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?
- f) What was the local authority's response to the investigation and its outcome?
- g) Were recommendations made following the investigation?
- h) If so, what were the recommendations and were they implemented?
- i) If recommendations were not implemented, why not?

#### 5.6 Response to External Inspections/Investigations

- a) What was the local authority's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?

As detailed in section 5.4 North Lanarkshire Council foster care services have been inspected by the Care Inspectorate and its predecessors since 2006. Any recommendations made are progressed through the service improvement plan and performance monitoring. The local authority has responded to any recommendations made as indicated at subsequent inspections.

As detailed in section 5.5 above there have been no external investigations relating to abuse and/ or alleged abuse of children in foster care.

- b) What was the local authority's procedure/process for responding to the outcomes of such external inspections and/or investigations?

As detailed in section 5.4 the local authority has responded to the recommendations made in service inspections by the Care Inspectorate. Any recommendations have

[APG]



been incorporated in to the service improvement plan to be addressed and monitored through performance monitoring in the service.

As detailed in section 5.5 above there have been no external investigations relating to abuse and/ or alleged abuse of children in foster care.

- c) What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?

As detailed in section 5.4 and 5.6(b) above, the local authority has addressed any recommendation made through external inspections by the Care Inspectorate. Any recommendations have been incorporated in to the service improvement plan to be addressed and monitored through performance monitoring in the service.

### 5.7 Impact

- a) What is known about the impact of abuse on those children in foster care who were abused, or alleged to have been abused?

The local authority has limited knowledge of the impact of abuse on those children in foster care who were abused or alleged to have been abused. It is recognised that each child's experience is individual to them.

It is recognised that when children are received into the care of the local authority they have often experienced early childhood trauma. It is accepted that these children would have been some of the most vulnerable children in society and it is regrettable that for some children they then experience further trauma when in foster care.

The investigation and any legal proceedings surrounding allegations of abuse are known to be difficult for victims, particularly when they are required to revisit past trauma.

In addition to the impact during any investigation of abuse or alleged abuse, there can be other factors that impact on children, such as moves of placement, breakdown of trusting relationships, changes in school, club and friends. It is known that many of the children identified in the case audit undertaken who made allegations of abuse were required to move placement temporarily or on a permanent basis. This is known to provide a level of upset and distress for children.

It is recognised that for some children who have disclosed abuse or allegations of abuse that the impact can be short term, for others this can be life long and impact all areas of life through adulthood.

- b) Where does the local authority's knowledge/assessment of that impact come from?

[APG]

The local authority does not have a sufficient information to provide a definitive assessment on the impact of abuse. There is a knowledge and general awareness from practice through working with children and young people in care and care experienced adults to provide insight as to the potential impact of abuse and alleged abuse on children in foster care.

There have been no impact assessments carried out in the local authority to provide a definitive position on the impact of abuse or alleged abuse in foster care in North Lanarkshire. There are two current civil actions, but these are at an early stage and such assessments have not been conducted to date.

Whilst the long term impact of abuse is not clear, it is acknowledged that there can be an impact on children and siblings at the time of investigations, either directly related to the allegation/ investigation or the implications on foster placements. There are two such examples from the case study undertaken. In one case the foster carer was convicted of physical abuse of a young person in a sibling group. Following assessment, one of the siblings initially remained in the placement and was very upset and distressed at subsequently having to leave the placement when the foster carer was convicted. The young person was supported to maintain contact with the foster carer after moving placement. It is recognised that this had an impact on the sibling who was the victim of the abuse, and the sibling who was subject to the investigation and had to move placement, and this may adversely impact the sibling relationship. The child who was the victim of sexual abuse by the family member of a foster carer is known in the months prior to disclosure to have experienced physical health issues described as psychosomatic and thought related to abuse. The victim received support in relation to disclosure work prior to the allegation being made and counselling afterward. The long term impact on this child is not known.

- c) What is known about the impact of abuse on the families of those children in foster care who were abused, or alleged to have been abused?

The local authority has limited knowledge of the impact of abuse on the family of those children in foster care who were abused or alleged to have been abused. As detailed in section 5.7(a) and (b) there is a knowledge and awareness from working with children in care and care experienced adults. It is recognised that impact can vary for each individual, whereby for some this can have a significant impact on lifelong relationships. There have been no impact assessments carried out in the local authority to inform of the impact on family.

- d) Where does the local authority's knowledge/assessment of that impact come from?

The local authority knowledge comes from practice and working with children and young people in care and care experienced adult. This includes day to day practice, advocacy services such as Who Cares Scotland and local forums that include care experienced young people and adults, such as Today Not Tomorrow.

## 5.8 Known Abusers and Alleged Abusers

- a) Does the local authority know of specific abusers, or alleged abusers, of children in foster care?

Yes, the local authority is aware of specific abusers or alleged abusers of children in foster care, namely:

1. one foster carer who was convicted of physical abuse of a child
2. one family member of a foster carer who was convicted of sexual abuse of children
3. Three foster carers who as a result of their conduct were considered to have abused children and their foster care approval was withdrawn.

In addition, the local authority received notification of a civil action shortly before submission in relation to a further allegation of abuse which indicates two kinship carers and another family member of a kinship carer. The local authority does not have full details at this time.

- b) If so, what are the names of the abusers, and/or alleged abusers?

The names of the abusers/ alleged abusers are detailed in appendix 15 and section 5.10 in appendix 16.

- c) For each of these persons, please provide as much as possible of the following information:
- the period (dates) during which they are known or alleged to have abused children in foster care

This information is detailed in appendix 15.

- if they were foster carers, or if not, their relationship with the foster carers or what other role they had during the period of abuse and/or alleged abuse

This information is detailed in appendix 15.

- the knowledge sought or received about them by the local authority at the point of approval/registration of foster carers and thereafter

This information is detailed in appendix 15.

- any information (including regarding abuse or alleged abuse) sought by, or provided to, third parties or future employers at any point after the allegation of abuse was made,

This information is detailed in appendix 15.

- d) Were known abusers, or alleged abusers, of children permitted to continue as foster carers?

The four foster carers identified in section 5.8(a) all had their foster care approval removed following the allegations made by the children that were in their care. The foster carer of the family member who was convicted of sexual abuse, also had their approval removed following the allegation being made.

Although limited information is available in relation to the recently received civil action noted in section 5.8(a) above, it appears that the child was removed from the care of a kinship carer following an allegation of physical abuse and therefore the caring role ceased at that time. Further details are not currently available regarding the full claim.

- e) If so, why was this considered to be appropriate?

No, the foster carers were all assessed as no longer appropriate to provide foster care to children. This assessment was based on the allegations and/ or convictions of abuse, the foster carer response to this and the local authority deemed that it would no longer be safe to place children in their care.

- f) If so, what process of monitoring/supervision followed?

N/A

### 5.9 Specific Complaints

- a. How many specific complaints of abuse of children in foster care have been made to the local authority?

The local authority audit has identified 156 complaints and allegations of any kind and there are allegations of abuse in these.

The full details requested below for each complaint have been provided in appendix 15.

For each specific complaint, please answer the following:

- b. Who made the complaint?  
c. When was the complaint made?

[APG]

- d. Against whom was the complaint made?
- e. What was the nature of the complaint?
- f. When/over what period was the abuse alleged to have taken place
  
- g. What was the local authority's process and approach in dealing with the complaint?
- h. What was the local authority's process and approach for investigating the complaint?
- i. What was the outcome of the complaint following that investigation?
- j. Did the local authority provide a specific response to the complaint?
- k. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?
- l. If there was no response, why not?
- m. Was the information/content of the complaint passed to police?
- n. If not, why not?

#### 5.10 Civil Actions

- a) How many civil actions have been brought against local authority relating to abuse, or alleged abuse, of children in foster care?

There have been two civil actions raised against the local authority, which are detailed in appendix 16.

For each such civil action, please answer the following:

- b) Who brought the action?
- c) When was the action brought?
- d) Against whom was the action brought?
- e) What was the nature of the abuse, or alleged abuse, to which the action related?
- f) What were the names of the persons said to have, or alleged to have, committed abuse?

[APG]

- g) When/over what period was the abuse said, or alleged, to have taken place?
- h) How did the action progress?
- i) What was the outcome?
- j) Was the action settled on a conditional basis of confidentiality?
- k) Who was/were the local authority's legal representative(s) in relation to the civil action?
- l) Did the local authority carry insurance for meeting civil claims at the time the action was live?
- m) How/where can copies of the court papers relating to the civil action be made available to the Inquiry?

#### 5.11 Criminal Injuries Compensation Awards

- a) Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?

The local authority is unable to provide information regarding criminal injury compensation awards to children in respect of abuse or alleged abuse of children in foster care. There has only been specific note for a child who was abused and a criminal injury compensation claim was made. The outcome of this is not known.

- b) If so, please provide details if known.

This information is not known to the local authority.

#### 5.12 Police

- a) How many complaints of abuse of children in foster care have been made to the police?

Of the 156 complaints and allegation identified in the case audit undertaken by the local authority, there were 47 investigations where it has been identified that there was police involvement. The majority of these have been joint police and social work investigations and a small number have been investigations led by police with social work involvement.

The full details requested below for each complaint has been provided in appendix 15.

In relation to each known complaint to the police, please answer the following questions:

- b) Who was the alleged abuser or abuser?
- c) Did the police conduct an investigation in relation to the complaint?
- d) If so, who conducted the investigation and when?
- e) What was the outcome of the police investigation?
- f) What was the organisation/establishment's response?

### 5.13 Crown

- a) To what extent has the Crown raised proceedings in respect of allegations of abuse of children in foster care?

It is understood the crown raised proceedings in relation to six investigations of which two resulted in convictions. The full details requested below for each time the Crown has raised proceedings has been provided in appendix 15.

In relation to each time the Crown has raised proceedings, please answer the following questions:

- b) What is the name of the person(s) against whom the proceedings were raised?
- c) What was the nature of the charges?
- d) What was the outcome of the proceedings, including disposal/sentence if there was a conviction?
- e) What was the local authority's response to the proceedings and outcome?