



Scottish Child Abuse Inquiry  
Foster Care Case Study – Report

**Part C Prevention & Identification**

## 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. Relevant key national policy/guidance included:

1991: UN Convention on the Rights of the Child 1991

1998: Protecting Children – A Shared Responsibility: Guidance on Interagency Cooperation

2003 (revised in 2005): National Care Standards for Foster Care and Family Placement Services

2003: Children Affected by Parental Substance Misuse and Child Protection

2003: Managing allegations against foster carers and approved kinship carers - How agencies should respond

2005: Protecting Children and Young People; Child Protection Committees

2007: Looked After Children and Young People: We Must and Can Do Better (2007)

2008: Child Trafficking: Safeguarding Children in Scotland who may have been Trafficked

2008: Getting It Right for Every Child, Scottish Government

2008: Getting it Right for Every Child; Guidance on Overnight Stays for Looked After Children and Accommodated Children, Scottish Government

2009: Guidance on Looked After Children (Scotland) Act 2009

2010 (revised in 2014): The Guidance for Child Protection in Scotland

2010: Underage Sexual Activity and Child Protection

2014: Guidance on Part 11 (Continuing Care) of the Children and Young People (Scotland) Act 2014

- b) If so, to what extent was the organisation aware of such?

Scottish Child Abuse Inquiry, Section 21 Notice. Foster Carer Case Study – Part C

With reference to Swiis electronic archive, Swiis had a high level of awareness of the relevant national policy/guidance detailed above and it was understood that the Care Commission (now known as Care Inspectorate) would be measuring the service against a specific set of standards outlined in the National Care Standards (2003/2005) but would also ensure that Swiis were meeting their legal obligations.

- 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 organisation aware of such?
- i. Child welfare (physical and emotional)

**Child Welfare (physical and emotional)** - Child Welfare has been given paramount consideration within all national policy/guidance documents relevant to the provision of foster care and Swiis were and continue to be fully committed to safeguarding the welfare of all children and young people. This was given affect to in Swiis' vision outlined in the Statement of Purpose (2006) which said it was '*To create the best opportunities for young people in foster care that adhere to principles of dignity, privacy, choice, safety, realising potential and equality, and diversity*'. It goes on to say '*All young people deserve the best services possible. We want to provide safe, caring and stable placements and ensure that young people, their carers and others responsible for them receive all the support they need to achieve success. We aim to meet or exceed all the requirements of the National Care Standards for foster care and family placement services and we believe that our service represents both quality and value.*'

- ii. The child's views

**The Child's Views** – Swiis' awareness of the need to listen to a child's views and provide them ways to express them can be seen in a variety of Swiis policy and procedures documents dating back to when the organisation was created in 2005. Swiis Participation Strategy and Complaints and Representations Policy (2006) set out the fundamental right of children and young people to have their views heard and taken notice of in the development of the service. Swiis Foster Carer Review Procedures (2004) which was adopted from our English Counterparts stated that Swiis would seek to hear children's views in a formal way using what methods seemed most appropriate to the child. Swiis had a range of feedback forms to enable children/young people to contribute in a formal way. The Care Commission referred to how Swiis enable children to express their views in their 2006 inspection report and made it a requirement that the views of young people, placing social workers and birth parents were presented to a foster carer's review panel to be compliant with the Fostering of Children (Scotland) Regulations 1996 regulation 10.2. It can be assumed that this was addressed satisfactorily by the agency as was not raised again in future inspections.

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

**Reviewing a Child's Continued Residence in a Foster Care Placement** – The responsibility for reviewing a child's continued residence in a foster care placement lay with the Local Authority however there was an expectation within Swiis that both the foster carer and their Supervising Social Worker would attend and contribute to these review meetings. Preparing a foster carer for these meetings and attending them with the foster carer is outlined in Swiis' Role of the Supervising Social Worker guidance document (2006). The National Care Standards did outline the requirements for the organisation to have the necessary review systems in place to ensure the foster carer continues to be suitable to foster and we can see that Swiis gave affect to this care standard in The Foster Care Review Procedure (2004). The requirement to review carers annually was also specified within contracts with individual local authority and the National Scotland Excel Framework Agreement. Please refer to 1.7 I for further information

iv. Child protection

**Child Protection** –Swiis gave affect to the range of national policy/guidance in relation to Child Protection from since at least 2006 according to the policies/procedures held within the electronic archive including Swiis Child Protection Policy (2006), Protection of Children and Young People Policy and Procedures (2011), Protection of Children and Young People Policy and Procedure Document (2014) and the Protection of Adults Policy and Procedures (2014). These policies offered guidance to staff in how to recognise possible signs of abuse and clear guidance on how they must respond to this with a clear focus on good interagency/ partnership working and the importance of a timely response. The later policy documents of 2011 and 2014 provides some guidance about abuse that might take place out with the home or in specific circumstances including children who are left unattended, disability and abuse, domestic abuse and female genital mutilation. Many of these policies clearly reference and link staff and carers to the range of national policy/guidance documents available to them.

v. Discipline

**Discipline** – The Looked After Children (Scotland) Regulations 2009, Schedule 6 states the foster carer's obligation to not administer corporal punishment to any child placed with them and defines corporal punishment as '*any intentional application of force as punishment including slapping, punching, squeezing, shaking, throwing objects and rough handling*'. Swiis gave affect to this in policy in both their Policy on Physical Restraint & Control and Discipline (2006) and later and in their Self-Regulation and Sanction Policy (2011). These documents clearly set out that no form of corporal punishment was to be used on any child/young person and no measure of control, restraint or discipline which is excessive or unreasonable was permissible. It also highlighted that the use of physical restraint being only restricted to situations where a child or young person's actions were harming them or other people, if they were in immediate danger or where there was a real likelihood of serious damage to property.

vi. Complaints handling

**Complaints Handling** – The National Care Standards Standard 1, Standard 4, Standard, 7 & Standard 13 outlined the requirement to ensure that all children/young people and foster carers were given a copy of the organisation’s complaints procedure, knew how to make a complaint to the organisation and that everyone involved in the complaint would receive a report on the outcome within a time limited period. Another expectation was that all children/young people and foster carers were given information on how to complain directly to the Care Commission. Swiis gave affect to this in policy in their Complaints and Representations Policy (2006) which laid down how complaints would be dealt with by the organisation, in what time frame and when the Care Commission would be informed. It also provided details of how a person would contact the Care Commission directly to make a complaint. This policy was made available to foster carers as part of the Foster Carer Handbook. The Care Commission Inspection 2006 made a requirement that Swiis must ensure that information regarding making a complaint about the service to the Care Commission was made available to all children and young people who were using their service, and this was addressed by Swiis and included in the Swiis Young Person’s Welcome Guide thereafter.

vii. Whistleblowing

**Whistleblowing** –Swiis policies/procedures do not make direct reference to any national guidance documents related to Whistleblowing however they do reference The Public Interest Disclosure Act 1998 and how this provided protection for workers who raised legitimate concerns about specific matters. Swiis gave affect to this legislation with their Malpractice and Whistle Blowing Policy (2006) where set out that all people involved with Swiis should feel able to raise concerns, make observations or lodge a complaint/grievance without fear of reprisal or any form of unreasonable response and that if it appears to them, that an individual or the organisation generally is conducting itself in a way that seriously detracts from the welfare of children.

viii. Record retention

**Record Retention** – The Fostering of Children (Scotland) Regulations 1996 specified that foster carer records were retained for at least 10 years form the date on which approval had been terminated or until his death if earlier. Swiis gave affect to this requirement in their Records and Confidentiality Policy (2006) and in terms of custom and practice. Swiis have retained all foster carer records since the organisation begin in 2005. This Records and Confidentiality Policy detailed how information was stored electronically and protected by using individual user password in accordance with the Swiis Data Protection Policy the Swiis’ licence. It also details that all handwritten records were kept in locked filing cabinets within the Swiis Office and carers were provided with lockable files, boxes or cabinets to store all records and confidential material held in their homes. Swiis held records in relation to the children placed in Swiis foster placements and these records were returned to the Local Authority when this placement ended.

ix. Recruitment and training of foster carers

**Recruitment and Training of Foster Carers** – The National Care Standards (Standard 8) required the organisation to be committed to developing, preparing and training foster carers and making sure they worked within its standards, policies and guidance. Swiis gave effect to this requirement in Swiis Training Policy (2006) where it outlined a 4-stage training programme for all carers which included initial training, post approval – first stage, post approval – second stage and SVQ (Scottish Vocational Qualifications). Swiis identified 7 training courses that carers would be required to complete within the first two years after approval and a programme of additional training courses that would be offered thereafter. There was an expectation that carers would update their Child Protection and Safer Caring Training every year and First Aid every two years. This evolved over time and mandatory training was required to be completed within the first year after approval and then repeated at 2- or 3-year intervals depending on the subject matter. The Training Policy outlined the expectation that Swiis had regarding both parties in a fostering household completing all the required training and that attendance at training and support groups would be discussed at their annual review. It highlighted that Swiis reserved the right to defer re-approval at annual review if the carer had not attended the necessary training.

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

**Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the organisation** – The National Care Standards outline what is required in terms of assessing and approving foster carer and sets out that the agency will make all necessary checks to determine suitability. Recruitment, Assessment and Approval Policy (2011) sets out that an employment reference was to be sought for all prospective foster carers being assessed and if any of their previous work has involved working with children, a reference should be sought for that position also.

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

Yes.

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

All policies and procedures were held on the Swiis electronic server so easily accessible to staff and a Foster Carer Handbook containing relevant policies and procedures was issued to all carers. A resource worker spends time with all new carers going through the Foster Carer Handbook to ensure the foster carer is familiar with the contents.

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?

Yes.

h) If so, please give details.

As legislation, national guidance and knowledge of good practice has developed, so has how Swiis have given affect to this in policy and procedure. Please see 4.3 (M) for a list of policies and procedures Swiis currently have in place to clearly set out for staff and carers what the expectations are and also offer them advice and guidance.

**Recent National Guidance and how Swiis have gave affect to this -**

The National Foster Care Review (commissioned by the Scottish Government in 2013) introduced a set of national 'placement descriptors' to be used consistently by all agencies to enable local areas and the national government to build up a detailed picture of foster care across Scotland and the types of placements that were being made available and track 'permanence' in particular. Swiis began to use National Placement Descriptors in 2015/2016 and as the terms of each carer's approval was reviewed, consideration was given to the types of placements they had capacity to offer. The National Foster Care Review also recommended an amendment was made to the Looked After Children (Scotland) Regulations 2009 that set a maximum foster care placement limit of three unrelated children, with exemptions for sibling groups and emergency placements from 2014. This was thereafter embedded in Swiis policy and procedure.

The Guidance for Child Protection in Scotland which was first published in 2010 and revised in 2014 highlights indicators of abuse both in the home and outside the home and in specific circumstances. Swiis are increasingly aware of such risks and have a suite of Child Protection Policies and Guidance Documents to reflect this including those on child trafficking, child sexual exploitation, online and mobile child safety, children and young people who are missing, female genital mutilation, forced marriage, breast ironing and anti-radicalisation. Swiis staff and carers are also supported to understand and respond to these issues better through the training that is provided to them. Swiis have in house Child Protection Training and carers are expected to undertake this as mandatory but also repeat it at various intervals and Swiis also arrange for Police Scotland to deliver training WRAP (Workshop to Raise Awareness about PREVENT), Child Exploitation and Internet Safety Training to carers and staff at regular intervals. Swiis have also commissioned training to support staff and carers to provide care to children and young people who display harmful or problematic sexual behaviour.

Courses staff and carers can also apply to attend training facilitated by other organisations.

The Scottish Government's Guidance on Part 11 (Continuing Care) of the Children and Young People (Scotland) Act 2014 provides a framework for enhanced and improved personal support for Scotland's young people when they cease to be looked after. Swiis are in the process of registering with the Care Inspectorate as an adult service with the sole purpose of being able to support a young person already in an existing foster care placement to remain there until their 21<sup>st</sup> birthday if that is deemed to be in that young person's best interests. Swiis has given effect to this guidance in the Swiis Continuing Care Policy (2019).

Following the Fatal Accident Inquiry of Mrs Dawn McKenzie, Swiis circulated the findings report dated August 2015 and held individual staff development sessions to consider this and the recommendations that were made. As a result, some changes to practice were made. Swiis induction of carer's became more robust and attending Carer Induction Training within 3 months of approval became part of the core training programme. Behaviour Management became a core element of this. In addition to this, the recording of the matching process was revised to ensure that full explanations of matches were given and at assessment and approval stage and thereafter at annual reviews, more focus was given to ensuring that a carer's approval was determined by their strengths, abilities and any perceived weaknesses rather than personal preference.

#### 4.2 Local authority

##### Past

- i) Was there local authority policy/guidance relevant to the provision of foster care for children?

Swiis archive does not retain a formal record of local authority policy/guidance regarding the provision of foster care for children. Swiis had their own suite of policies and procedures that staff and carers were expected to adhere to. There is some reference and hyperlinks to certain local authority policy/guidance documents that were in existence within the time frame in question within Swiis Policy/Procedures. These include Interagency Child Protection Procedures and Local Authority Runaway and Missing from Home and Care (RMFHC) protocols.

Since 2009, Swiis have tendered for contracts with local authorities to deliver fostering care on their behalf. Prior to this, local authorities spot purchased placements or Swiis were included on a list of approved providers and placements were purchased in that way. Terms and conditions were set out within the Scotland Excel Framework Agreement or individual contracts and it was necessary that Swiis ensured that their policies met these contractual obligations.

- j) If so, to what extent was the organisation aware of such?



Swiis were aware of Interagency Child Protections Procedures and Local Authority Runaway and Missing from Home and Care (RMFHC) protocols and this can be demonstrated by the inclusion of hyperlinks to these documents within the policies and procedures within the archive. Swiis also demonstrated their awareness of local authority policy/guidance and this can be demonstrated by the successful delivery on the contracts.

- k) If there was local authority policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the organisation aware of such?
- xi. Child welfare (physical and emotional)
  - xii. The child's views
  - xiii. Reviewing a child's continued residence in a foster care placement
  - xiv. Child protection
  - xv. Discipline
  - xvi. Complaints handling
  - xvii. Whistleblowing
  - xviii. Record retention
  - xix. Recruitment and training of foster carers
  - xx. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the organisation

k) xi. to xx. As stated above 4.2, Swiis do not retain copies of local authority policy/guidance in relation to the above however there was an expectation that local authority policy and guidance and Swiis policy/procedures would comply with all legislation and guidance applicable to fostering and Swiis policies and procedures and as such, Swiis will have demonstrated an awareness of this to a considerable extent.

- l) If the organisation was aware of such, did they give effect to that policy/guidance?

Refer to 4.2 (i) (b)

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

Swiis referred to there being Interagency Child Protection Procedures and Local Authority Runaway and Missing from Home and Care (RMFHC) protocols that should be adhered to. Hyperlinks were contained within policies and procedures to these documents so staff and carers could access these easily.

- n) If not, why not?

Not applicable.

Present

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

Yes.

- p) If so, please give details.

The Scotland Excel Framework Agreement and individual local authority contracts requires Swiis to comply with all laws and guidance applicable to the service including the Health and Social Care Standards required for registration with the Care Inspectorate. The framework agreement and each individual local authority sets out the practice requirements for Swiis and these are given affect in Swiis policy/guidance.

When developing policy and procedures within Swiis, we do refer to local authority policy and procedures, national guidance and legislation to ensure we are reflecting their content within our own. An example of this is our Child Sexual Exploitation Policy which states *'The work of the: the Scottish Government; London, Sheffield; South Tees; North Yorkshire & Leeds Safeguarding Children Boards; Glasgow and Perth & Kinross Child Protection Committees; and, the University of Bedfordshire has been drawn upon in creating this document.*

Within our Policies and Procedures section on Swiis' shared drive which staff can readily access, we do hold relevant local authority guidance. Examples of this this would be Glasgow City Council's Guidance on Dual Approval and Transfer of Purchased Foster Carers to Glasgow City Council Supported Carers – Leaving Care Services. This guidance documents makes direct reference to The Fostering Network Transfer of Foster Carers Protocol Scotland 2015 which offers best practice guidance to local authorities and independent fostering providers and this is also available to Swiis staff and there is an expectation that this is referred and adhered to.

#### 4.3 Organisation

##### (i) Policy

Past

- a) Did the organisation have its own policies/guidance in relation to the provision of foster care?

Swiis Foster Care Scotland had a range of written policies, procedures and guidance documents in relation to the provision of foster care.

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

Swiis policies, procedures and guidance documents were created to give guidance to staff and foster carers and ensure that there was a consistent approach to practice across the agency based upon best practice.

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

Each policy/procedure was a stand-alone document that was held on Swiis secure server where staff could access these easily. Relevant policies and guidance documents were collated electronically and in paper form in the Foster Carer Handbook. A copy of the Foster Carer Handbook was provided to each carer household on approval.

d) What did the policies and/or procedures set out in terms of the following:  
i. Child welfare (physical and emotional)

Swiis were fully committed to safeguarding the welfare of all children and young people and this is given affect to in Swiis' vision outlined in the Statement of Purpose (2006) which said it was 'To create the best opportunities for young people in foster care that adhere to principles of dignity, privacy, choice, safety, realising potential and equality, and diversity'. It goes on to say 'All young people deserve the best services possible. We want to provide safe, caring and stable placements and ensure that young people, their carers and others responsible for them receive all the support they need to achieve success. We aim to meet or exceed all the requirements of the National Care Standards for foster care and family placement services and we believe that our service represents both quality and value.'

ii. The child's views

The need to listen and take account of the children's views in decisions which affect them was threaded through many Swiis Policies and Procedures. Examples of this include the Swiis Complaints and Representations Policy (2006) which set out the fundamental right of children and young people to have their views heard and taken notice of in the development of the service and the Swiis Foster Carer Review Procedures (2004) which stated that Swiis would seek to hear children's views in a formal way using what methods seemed most appropriate to the child. Swiis Participation Strategy states that the organisation is committed to giving our stakeholders opportunities to participate and have a real say in the planning, delivery and evaluation of our services and decisions that affect them.

iii. Placement of siblings

The Swiis 'Sharing a Bedroom' Policy (2004) refers to the placement of siblings together. It stated that it is Swiis' preference for each child to have their own bedroom however acknowledged that siblings, on occasions were accustomed to and preferred to share a bedroom. The indicated that if Swiis were to permit this to happen, regard was to be given to the ages of the children, their gender and provided there were no known risks, the child's wishes were to be given sympathetic consideration. There were some caveats regarding siblings sharing bedrooms.

The policy stated that children of the same gender may share a room up to the oldest child attaining the age of 8 years and children of opposite genders may share a room up to the older child attaining the age of 5 years.

iv. The placement of a child in foster care

Prior to any placement being made, it had to be agreed that it was a suitable match. Swiis had a Matching Procedure (not dated) which set out what was expected in relation to this. This included the completion of a Child Placement Form (2006) to ensure that sufficient information was gathered to determine whether it was a suitable match. This form sought information regarding the needs of the child, the reason for the placement, the child's legal status, background information, care plan, contact arrangements, any relevant health or education information and any known risks. All matches had to be agreed by an Operational Team Manager. Where there was an existing child in placement, staff were to complete the Swiis checklist when making an additional placements (2004) and this set out that consideration needed to be given to the existing child placed wishes needed to be taken into account alongside the views of their parent or any other significant person or person who held parental rights and responsibilities and that of that child's local authority before the placement could proceed.

A Placement Agreement Form (2006) and Safer Placement Risk Assessment for Children and Young People (2005) was required to be completed at the Placement Agreement Meeting which where possible, took place before the placement began. Introductions between the carer and the child/young person was also considered good practice however it was acknowledged that this was not always possible as placement could be made in an emergency.

v. The particular placement of a child with foster carers

4.3 d) (iv) above.

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

Swiis had a Promotion of Family Contact Policy (2004) which demonstrated the agency's commitment to the promotion of positive, safe contact between looked after children and their families. It set out the importance of family contact, the need to work in partnership with the local authority in establishing and maintaining family contact and how any issues arising from contact will be discussed/monitored through supervision, periodic reviews of the child's care plan and within the foster carer's annual review. It states 'Family contact is vital to each child/young person's wellbeing and sense of identity. It enables knowledge and understanding of their family background, history and relationships. It provides a key to the past and is a resource for the future'.

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

4.3 d (vi) above.

viii. Information sharing with the child's family

Swiis' 'Promotion of Family Contact Policy (2004) highlights that importance of sharing basic care routines, recreational activities and up to date information about the children with a child's birth family. It also underlines the importance of birth family involvement in a child's health and educational care/development.

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

Swiis Fostering Panel Policies and Procedures (2010) set out that the composition of the panel was in keeping with the Looked After Children (Scotland) Regulations 2009. There was a requirement that the panel consisted of at least 6 people and when Swiis set up their panel in 2005, 8 independent panel members were appointed including a medical and legal advisor. No business was conducted unless 3 or more of the panel members were present. Before a panel member commenced their duties, their suitability was established through an interview process and by the uptake of Disclosure Scotland Checks, Local Authority Checks and two references. The skills and experience of the panel members included representatives from social work, education, those who had used fostering service themselves whether that be through being foster carers themselves or having experienced care themselves. A record in the form of a Panel Minute was taken of each panel and there were timescales laid out in which to follow. The minute had to be read and signed by Swiis' Agency Decision Maker within 14 days of the panel taking place and the prospective foster carer/foster carer had to be advised in writing of the decision that had been made within 7 days thereafter.

x. Recruitment and training of foster carers

Swiis Fostering Panel Policies and Procedures (2010) set out how Swiis carried out an assessment of any person they considered might be suitable to act as a foster carer using the BAAF Form F Template. All information contained in Schedule 3 of the looked After (Scotland) Regulations 2009 was presented to panel relating to the prospective foster carer and other members of the household alongside evidence that statutory references and checks were undertaken. Once the panel considered all the information presented to them and met the applicants at panel, they made a recommendation to the Agency Decision Maker who in turn made a decision on behalf of the organisation within 14 days. Swiis set out in their Protecting the Vulnerable by Safer Recruitment' Policy what was expected in terms of correct handling, holding and destroying of Disclosure Scotland information when assessing applicant's suitability to ensure we were meeting the legal requirements set out in Part V of the Police Act 1997. The Swiis Training Policy (2006) outlined a 4-stage training programme for all carers which included initial pre-approval 'Skills to Foster' preparation training, post approval – first stage, post approval – second stage and SVQ (Scottish Vocational Qualifications).

The policy highlighted that carers would be required to complete 7 training courses within the first two years after approval and a programme of additional training courses that would be offered thereafter. There was an expectation that carers would update their Child Protection and Safer Caring Training every year and First Aid every two years. This evolved over time and mandatory training was required to be completed within the first year after approval and then repeated at 2- or 3-year intervals depending on the subject matter. The Training Policy outlined the expectation that Swiis had regarding both parties in a fostering household completing all the required training and that attendance at training and support groups would be discussed at their annual review. It highlighted that Swiis reserved the right to defer re-approval at annual review if the carer had not attended the necessary training.

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

Recruitment, Assessment and Approval Policy (2011) set out that an employment reference was to be sought for all prospective foster carers being assessed and if any of their previous work has involved working with children, a reference should be sought for that position also.

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

Reviewing a child's continued residence in foster carer or in a particular foster care placement fell under the remit of the Local Authority as part of their care planning responsibilities. As such, Swiis did not have a specific policy for this. Having said that, Swiis do have responsibility for reviewing the suitability of the foster carer and this is highlighted in the Swiis Foster Carer Review Policy (2004). This procedure set out the frequency of these review meetings (annually or more frequently if certain circumstances required this) and the process of gathering third party views to inform this meeting which include those of the local authority worker and the child in placement themselves.

Swiis Foster Care Supervision Policy (2004) also gives attention to the review of a child's residence in a particular foster placement when it set out the areas that should be explored as part of supervision and this includes providing advice on placement issues and how the carer can best support the child's care plan.

Swiis Disruption of Placement Policy (2004) sets out that if a placement seems to be in danger of disrupting, Swiis will arrange additional supports until a placement planning meeting is able to take place and a review of that child's continued placement in that fostering household can be undertaken.

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

Swiis' Role of the Supervising Link Worker (2006) set out that the supervising link worker/support worker will visit carers at least twice per month with contact by telephone between visits and from time to time will see all members of the family to offer support and guidance. One visit every month will be formally recorded as a supervision session.

This was also reflected in the Swiss Foster Carer Written Agreement (2004) which stated that '*The supervising link worker will assist carers to develop their skills in caring for looked after children and will provide a formal supervision period once a month*'.

A record of this meeting was made, and a copy was given to the carer to agree and sign. (Supervision Record for Carers 2006).

The purpose of supervision was set out in the Foster Carer Supervision Policy (2004):

- *Giving carers feedback on their work*
- *Reporting significant Events – for monitoring and possible notification.*
- *Carers giving the Link Supervising Social Worker feedback on issues of support both positive and where gaps are identified.*
- *Discussions on carers role in developing Swiss Foster Care*
- *Understanding of policies and procedures of both Swiss Foster Care and relevant Placing Local Authorities.*
- *Providing advice to carers on placement issues or on wider issues of concern to carers.*
- *Enabling carers to discuss development of their skills and identifying ways of meeting their developmental needs through formal training, or other methods. Check their individual training profile.*
- *Carers contribution to children/young people care plans*
- *Working relationships with Therapeutic/Direct work input and Educational input.*

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

. Whilst it is believed that guidance did exist the archive of policies and procedures does not contain a policy which specifically dealt with the transfer of a child from one foster placement to another. This process was referred to within the Swiss' Role of the Supervising Link Worker (2006) however this did not link to preparation for the child or carer or support. It was related to the transfer records related to the specific child in placement. The Swiss Financial Guidance (2014) sets out that 'no young person should ever arrive at or leave a placement with their belongings in bin bags or plastic carriers. Whatever the circumstances of a placement coming to an end, it is essential that you equip the child with suitable suitcases and/or holdalls.', The Swiss Disruption of Placement Policy (2004) also gave due attention to this significant change for children and young people. It set out that a planning meeting must be arranged as early as possible once a placement is identified as being at risk of disruption.

This allows additional supports to be agreed however also allows discussion to be had regarding a carer's role and responsibility in relation to moving a child from one foster placement to another, how they might support introductions and identify any ongoing contact they may have afterwards.

Swiis did have a Respite Resource Pack (2013) which provided guidance to staff, main foster carers and respite foster carers regarding how to facilitate these respite breaks in the best interests of the child. It ensures that key information is shared with regards to the child with each carer including health/medical needs, dietary requirements, known allergies, likes and dislikes, routines and boundaries, hobbies and interests, self-regulation techniques used and any contact that is planned.

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

See (xiv) above.

- xvi. Child protection

Swiis gave affect to the range of national policy/guidance in relation to Child Protection from since at least 2006 according to the policies/procedures held within the electronic archive including Swiis Child Protection Policy (2006), Protection of Children and Young People Policy and Procedures (2011), Protection of Children and Young People Policy and Procedure Document (2014) and the Protection of Adults Policy (2014). These policies offered guidance to staff in how to recognise possible signs of abuse and clear guidance on how they must respond to this with a clear focus on good interagency/partnership working and the importance of a timely response. The later policy documents of 2011 and 2014 provides some guidance about abuse that might take place out with the home or in specific circumstances including children who are left unattended, disability and abuse, domestic abuse and family genital mutilation. Many of these policies clearly reference and link staff and carers to the range of national policy/guidance documents available to them.

- xvii. Complaints handling

Swiis had a Complaints and Representations Policy (2006) in respect of any complaint or representation made by or on behalf of a child/young person using our placement services or by the foster carer themselves. It set out a clear process to follow for a first stage complaint (informal) and a second stage complaint (formal), the recording of such complaints and how they will be monitored and evaluated.

Swiis also had a Young Person's Guide that informed and encouraged children and young people to report their concerns either directly to Swiis, to their local authority or to other external bodies such as the Commissioner for Children and Young People and/or the Care Commission. The guide is clear that all concerns, allegations are taken very seriously, shared as appropriate with other organisations and investigated in accordance with relevant legislation, guidance and agency procedures.



xviii. Whistleblowing

Swiis had a Malpractice and Whistle Blowing Policy (2006) in place which reflected The Public Interest Disclosure Act 1998 providing protection for workers who raised legitimate concerns about specific matters. It sets out that all people involved with Swiis should feel able to raise concerns, make observations or lodge a complaint/grievance without fear of reprisal or any form of unreasonable response, if it appears to them, that an individual or the organisation generally is conducting itself in a way that seriously detracts from the welfare of children.

xix. Record retention

Retention Policy - Record Retention – The Fostering of Children (Scotland) Regulations 1996 specified that foster carer records were retained for at least 10 years from the date on which approval had been terminated or until his death if earlier. Swiis gave affect to this requirement in their Records and Confidentiality Policy (2006) This policy details how information was stored electronically and protected by using individual user password in accordance with the Swiis Data Protection Policy the Swiis' licence. It also details that all handwritten records were kept in locked filing cabinets within the Swiis Office and carers were provided with lockable files, boxes or cabinets to store all records and confidential material held in their homes. These records have since been scanned and returned on Swiis Secure Server in line with Swiis Data Protection Policy and Procedure (2019) to ensure we are operation in accordance with General Date Protection Regulations.

e) Who compiled the policies and/or procedures?

A range of Swiis staff compiled the policies and procedures. A range of relevant stakeholders were then consulted before they are finalised and endorsed by the management team. This may have included foster carers, children and young people, staff, managers and panel members.

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

Many of our original policies and procedures were adopted from our English Counterparts and revised to take account of the differences in Scottish Legislation and National Guidance. Many were in place when Swiis Foster Care Scotland began and as time passed and regulations, national guidance, knowledge regarding good practice has developed and contractual obligations changed, more policies/procedures were compiled.

g) Were such policies and/or practices reviewed?

Yes, all policies and procedures were reviewed periodically. When a policy was created, a review date was scheduled to take place every 2 or 3 years.

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

When a policy was created, a review date was scheduled for 2 or 3 years later. Policies and Procedures were and still are reviewed every three years or more frequently if there are changes to legislation, national guidance, what constitutes good practice or in response to recommendations and requirements from the Care Inspectorate. They were and still are also reviewed periodically to ensure they remained in line with contractual requirements from local authorities.

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

No substantive changes were made. Policies were created and revised as legislation, national guidance, what constitutes good practice and contractual requirements changed or in response to any recommendations and requirements made by the care inspectorate.

j) Why were changes made?

No substantive changes were made. See (i) above.

k) Were changes documented?

Changes made to policies and procedures were not formally documented however we did retain copies of previous policies on our secure server. Given there was no formal audit trail, it is impossible to determine whether other versions existed.

l) Was there an audit trail?

See (k) above.

Present

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

Swiis continue to have a range of policies, procedures and guidance documents to ensure a consistent approach to practice across the agency. Please see a comprehensive list below:

Section	Folder Name	Policy
1.1	Administration	Closed Placements - Returned Documents Process
1.1.1	Administration	Sheet A – Closed Placement – Returned Documents to LA
1.1.2	Administration	Sheet B – Closed Placement – Remain with Swiis
1.2	Administration	Ice Trak - Text Messaging Guidance
1.3	Administration	Confidential Mail Policy
1.4	Administration	Community Benefits

Section	Folder Name	Policy
2.1	Assessment of carers	Pet Policy & Guidance
2.1.1	Assessment of carers	Pet Questionnaire
2.2	Assessment of carers	Obesity Policy
2.3	Assessment of carers	Assessing a new partner
2.4	Assessment of carers	When Carers Separate Policy
2.4.1	Assessment of carers	When Carers Separate Interim Report
2.5	Assessment of carers	Smoking, drugs & alcohol
2.6	Assessment of carers	Carer Review - Varying a permanent carer's approval to provide mainstream placements
2.7	Assessment of carers	Carer Review – Varying approval to provide permanent placements
2.8	Assessment of carers	Assessment & Approval Policy
2.8.1	Assessment of carers	Quality Assurance Checklist for Form F Assessments Scotland
2.8.2	Assessment of carers	Second Assessor Report
2.8.3	Assessment of carers	Mid-Point Review
3.1	Enquiries	Enquiries process
3.1.1	Enquiries	Initial Enquiry Form
3.1.2	Enquiries	Initial Visit Request Form
3.1.3	Enquiries	Initial visit Form
3.1.4	Enquiries	Contact Details Form
4.1	Finance	Foster Carers Financial Guidance
n/a	Finance	Financial Agreement Template (only used by Referral & Enquiry Team)
5.1	Health & Safety	Health & Safety Policy
5.1.1	Health & Safety	Health & Safety Checklist
5.1.2	Health & Safety	BOAT Health & Safety Checklist
5.1.3	Health & Safety	Static Caravan – Health and Safety Risk Assessment
5.1.4	Health & Safety	Hot Tub Risk Assessment
5.1.5	Health & Safety	Quad Bike Safety Checklist
5.2.1	Health & Safety	Fire marshals & the process of evacuation (Glenelvan House)
5.2.2	Health & Safety	Fire marshals & the process of evacuation (Unit 1115 Springhill Parkway)
5.2.3	Health & Safety	Fire marshals & the process of evacuation (Gateway West)
5.3	Health & Safety	Swiis Scotland Health Booklet
5.4	Health & Safety	Swiis Scotland Household Safety Booklet 2014
6.1	Misc.	Adverse weather

Section	Folder Name	Policy
6.2	Misc.	Complaints, Concerns & Compliments policy
6.2.1	Misc	Monitoring complaints form v3
6.2.2	Misc	Swiis_FC_Complaint & Compliments_Scotland
6.3	Misc	Staff recruitment policy
6.3.1	Misc	Staff Requisition Form
6.4	Misc	Recruiting foster carers resource pack
6.5	Misc	Business Continuity Plan
6.7	Misc	Disclosure Scotland Policy
6.8	Misc	Best Practice Transfer Protocol_Scotland_Sept2015
6.9	Misc	Professional writing guidance
6.1	Misc	Swiis Scotland Education / Achieving Booklet 2014
6.11	Misc	Staff Supervision record
6.12	Misc	Writing awards submissions
7.1	Panel	Panel Member Handbook TEMPLATE
7.2	Panel	Swiis_Scotland_Appeals Process_A4
7.3	Panel	Panel Update Report
7.4	Panel	Carer Resignation Policy
7.4.1	Panel	Foster carers exit interview form
7.4.2	Panel	Offer of exit interview letter
7.4.3	Panel	Offer of exit interview email
7.4.4	Panel	Post Exit interview letter
7.4.5	Panel	Post Exit interview email
7.5	Panel	Panel Deregistration Report
	Panel	Panel Paperwork - Document List
8.1	Parent & Child	Draft - Practice Guidance
8.1.1	Parent & Child	Draft - Five to Thrive - guidance for parents and carers on My baby's brain
8.1.2	Parent & Child	Draft - Graded Care Profile
8.1.3	Parent & Child	Draft - Information for parents
8.1.4	Parent & Child	Draft - Parent and Baby-Child Weekly Report
8.1.5	Parent & Child	Draft - Placement Agreement Form
8.1.6	Parent & Child	Draft - Checklist
8.1.7	Parent & Child	Draft - Working Agreement Parent and Foster Carer
9.1	Participation	Participation strategy, guidance and toolkits
9.1.1	Participation	Participation Strategy
9.1.2	Participation	Participation Standards
9.1.3	Participation	Participation guidance
9.1.4	Participation	Promoting participation

Section	Folder Name	Policy
9.1.5	Participation	Encouraging Under 11s
9.1.6	Participation	Involving children
10.1	Quality Assurance	DRAFT-QA
10.2	Quality Assurance	Operational Plan Update
11.1	Referrals	Carer Profile Template
11.1.1	Referrals	Carer Profile Guidance
11.2	Referrals	IPA Process
11.3	Referrals	Referrals Process
11.3.1	Referrals	Matching Proforma Form
11.3.2	Referrals	Referral Checklist
11.4	Referrals	Swiis Family Book Creation Guide_v3
11.4.1	Referrals	Family Book template
11.5	Referrals	Therapy Service - Record of Referral
12.1	Short Break	Short Break Resource Pack
12.1.1	Short Break	Short Break- Information Sheet
12.1.2	Short Break	Short Break- Form A
12.1.3	Short Break	Short Break- Form B
13.1	Review	Carer review policy
13.1.1	Review	Carer review report (Social Work)
13.1.2	Review	Staff Guidance- Carer review report (Social Work)
13.1.3	Review	Foster Carer Review Minute
13.2	Review	Temporary / Emergency Alteration to Approval
13.2.1	Review	Temporary / Emergency Alteration to Approval Form
14.1	Risk Assessment & Management	Swiis Risk Assessment Procedure
14.1.1	Risk Assessment & Management	14.1.1 Swiis Risk Assessment Procedure - Appendix A Risk Assessment Form
14.1.2	Risk Assessment & Management	Swiis Risk Assessment Procedure - Appendix B Outings Activities Risk Assessment
14.1.3	Risk Assessment & Management	Holiday Risk Assessment
15.1	Record Keeping	Staff case recording
15.1.1	Record Keeping	Practice guide to chronologies 2017
15.2	Record Keeping	Foster carer record keeping resource pack
16.1	Safeguarding	Protection of adults
16.2	Safeguarding	Protection of children & young people
16.3	Safeguarding	Child protection, internet & new technology
16.4	Safeguarding	Safeguarding
16.5	Safeguarding	Safer Caring Policy
16.5.1	Safeguarding	Safer Caring Plan (Blank)

Section	Folder Name	Policy
16.6	Safeguarding	Criminal convictions, Investigations & significant life events
16.6.1	Safeguarding	Criminal convictions, Investigations & significant life events - Form
16.6.2	Safeguarding	Criminal Conviction Risk Assessment Form
16.7	Safeguarding	Bedroom Policy & Guidance
16.7.1	Safeguarding	Bedroom Sharing Risk Assessment Form
16.8	Safeguarding	Bullying
16.9	Safeguarding	Self-regulation & sanctions
16.1	Safeguarding	Foster Carers Supervisions Policy & Guidance
16.10.1	Safeguarding	Foster Carer Supervision pro-forma
16.10.2	Safeguarding	Supervision Toolkit for supervisors
16.11	Safeguarding	Concerns, complaints & Allegations regarding Swiss carers
16.12	Safeguarding	Identifying & Assessing potentially harmful sexual behaviour
16.13	Safeguarding	Missing from placement
16.14	Safeguarding	Sensory Processing - Guidance
16.15	Safeguarding	Reporting & Management of incidents
16.15.1	Safeguarding	Incident Form (All)
16.16	Safeguarding	Swiss Supporting Children & Young People to be active
16.17	Safeguarding	Female Genital Mutilation
16.18	Safeguarding	Child Sexual Exploitation Guidance
16.18.1	Safeguarding	Child Sexual Exploitation Risk Identification form
16.19	Safeguarding	Unannounced Visit guide
16.2	Safeguarding	Human trafficking
16.20.1	Safeguarding	Trafficking Assessment Matrix
16.21	Safeguarding	Record of observation during contact
16.22	Safeguarding	Safeguarding children & young people from Extremism and Radicalisation - Guidance
16.23	Safeguarding	Breast Ironing
16.24	Safeguarding	Forced Marriage
17.1	Placement Ending	Placement Ending Policy & Resource pack
17.1.1	Placement Ending	Placement Ending SSW Report
17.1.2	Placement Ending	Placement Ending Meeting Your Views - Swiss Team
18.1	Volunteers	Volunteer policy
19.1	Children's Rights	Children's Rights
19.1.1	Children's Rights	Additional Support

Section	Folder Name	Policy
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_Campaign
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_Diary
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_Improtate
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_Monologue
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_Rights_Factor
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_Role_Play
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_Storyboard
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_Vox_Pop
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12-Newspaper
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12-Problem-Page
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_At_Home
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_My_Community
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_My_Learning
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_My_Rights
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 12_My_Scotland
19.1.2	Additional Resources & Workshops Over 12s	19.1.2 How_much_do_you_know_workshop?
19.1.3	Participation 7 golden rules	19.1.3 Golden-Rules-children
19.1.3	Participation 7 golden rules	19.1.3 symbol_conversation_cards
19.1.3	Participation 7 golden rules	19.1.3 Symbol_rules_cards
19.1.3	Participation 7 golden rules	19.1.3 Symbols-Information-Sheet
19.1.4	Recognising & realising children's rights	19.1.4 IntroductionRRCR_tcm4-815033
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Advert

Section	Folder Name	Policy
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Brochure
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Campaign
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Chat_Show
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Illustration_Cards
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Newspaper_Front_Page
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Problem_Page
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Role_on_the_Wall
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Superhero_Comic_Strip2
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Support_material
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Vox_Pop
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_At_Home
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_My_Community
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_My_Learning
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_My_Rights
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_My_Scotland
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 11_Rights_Factor
19.1.5	Additional Resources & Workshops Under 11s	19.1.5 How_much_do_you_know_workshop
19.1.6	Worksheets	19.1.6 Manifesto-part-1
19.1.6	Worksheets	19.1.6 do-the-right-thing-resources-part-2a-new-logo
19.1.6	Worksheets	19.1.6 do-the-right-thing-resources-part-2b-new-logo
19.1.6	Worksheets	19.1.6 do-the-right-thing-resources-part-2c-new-logo
19.1.6	Worksheets	19.1.6 do-the-right-thing-resources-part-2d-new-logo



Section	Folder Name	Policy
19.1.6	Worksheets	19.1.6 Hot-or-Not-Resources-new-logo(1)
19.1.6	Worksheets	19.1.6 maybe-aye-maybe-no-resources
19.1.6	Worksheets	19.1.6 uncr-articles-new-logo
19.1.6	Worksheets	19.1.6 uncr-illustrated-articles-part-1
19.1.6	Worksheets	19.1.6 uncr-illustrated-articles-part-2
19.1.6	Worksheets	19.1.6 uncr-illustrated-articles-part-3
19.1.6	Worksheets	19.1.6 uncr-illustrated-articles-part-4
19.1.6	Worksheets	19.1.6 take-a-chance-on-me-resources
20.1	On-Call	On Call protocol
20.1.1	On Call	On Call Alert Form
20.1.2	On Call	OOH Claim Form
21.1	Data Protection	Data Protection Policy
21.1.1	Data Protection	Appendix 1-Subject Access Request Guidance for Staff ~ Scotland
21.1.2	Data Protection	Appendix 2-Subject Access Request Form ~ Scotland
21.1.3	Data Protection	Appendix 3-Subject Access Request Monitoring Form ~ Scotland
21.1.4	Data Protection	Appendix 4-Foster Carers Responsibilities ~ Scotland
21.1.5	Data Protection	Appendix 5-Panel Member Responsibilities ~ Scotland
21.1.6	Data Protection	Appendix 6-ISW responsibilities ~ Scotland
21.1.6	Data Protection	Appendix 6-Sessional Workers GDPR Responsibilities
21.1.7	Data Protection	Appendix 7-Closed Placement Document Checklist
21.1.7A	Data Protection	Appendix 7A - Closed Placement Document Checklist
21.1.8	Data Protection	Appendix 8 - Data Breach Reporting Form ~ Scotland
21.1.9	Data Protection	Appendix 9-Privacy Notice Foster Carers ~ Scotland
21.1.10	Data Protection	Appendix 10 - Privacy Notice Contractors ~ Scotland
21.1.11	Data Protection	Appendix 11-SAR template letter
21.1.12	Data Protection	Appendix 12 Staff Leaver Checklist
22.1	Continuing Care	Continuing Care Policy
22.1.1	Continuing Care	Continuing Care Living Together Agreement
22.1.2	Continuing Care	DRAFT Guidance - Moving to Continuing Care Placing Authority GCC

These policies can be made available to the inquiry on request. All policies are readily available to staff on the Swiis intranet and relevant policies continue to be collated and shared with carer's as part of their Foster Carer Handbook. This is available to them either electronically or in paper form if this is their preference. If a policy/procedure is created or revised, the new version is uploaded to the intranet and shared with the carers if relevant. Swiis are working towards having all policies/procedures available to carers on a Carers Zone on the Swiis Website which will make them even more accessible than they already are. Swiis review all policies every three years or more frequently if there are changes to national guidance, legislation or good practice under the umbrella of 'continuous improvement'. The policies/procedures continue to be formulated by a range of Swiis staff however relevant stakeholders are consulted before these are finalised. This might include foster carers, staff, management team and on occasions, children and young people themselves. Swiis now have a Compliance Coordinator who oversees the reviewing of all policies, ensuring that this happens as and when required. Swiis have now introduced an audit trail to record when policies are introduced and changes are made, this is formally documented.

n) If so, please give details.

The policy, procedural and guidance documents that are currently operational are listed in M) above.

(ii) Practice

Past

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

Information was not collated centrally documenting if policy and procedure were adhered to however this can be seen documented on an individual basis within supervision records, foster carer review report and minutes, panel minutes, placement ending meeting minutes, on call records and incident reports. We have examples of where the adherence of policy and procedure was called into question and there was a range of responses by the agency dependent on the extent in which they were not followed and the consequences of this. This ranged from action plans agreed within supervision to revisit the policy/procedure in question to deregistration of carers or disciplinary proceedings and referral to SSSC for registered staff members.

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

- i. Child welfare (physical and emotional)
- ii. The child's views
- iii. Placement of siblings
- iv. The placement of a child in foster care
- v. The particular placement of a child with foster carers

- vi. Contact between a child in foster care with his or her family
- vii. Contact between a child in foster care and other siblings in foster care
- viii. Information sharing with the child's family
- ix. Fostering panels (including constitution, remit, frequency and record keeping)
- x. Recruitment and training of foster carers
- xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the organisation
- xii. Reviewing a child's continued residence in foster care or in a particular foster care placement
- xiii. Visits to a foster care placement (including frequency, purpose, content, follow up and record keeping)
- xiv. Transfer of a child from one foster placement to another (including preparation and support)
- xv. Transfer of a child between foster care and residential care (including preparation and support)
- xvi. Child protection
- xvii. Complaints handling
- xviii. Whistleblowing
- xix. Record retention

b) i. to xix. Please refer to 4.3n (ii)(a) above.

c) How was adherence demonstrated?

Adherence can be evidenced by reviewing case files which include supervision records and foster carer review reports, foster carer review minutes, fostering panel minutes, incident reports, placement ending reports, audit records, care inspectorate inspection reports, contract monitoring reports, staff meeting minutes.

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

The inquiry can request access to individual case files which will include supervision records, foster carer review reports and minutes, fostering panel minutes, incident reports and placement ending reports. The inquiry can also request access to audit records, care inspectorate reports, contract monitoring reports and staff meeting minutes.

e) Were relevant records kept demonstrating adherence?

Swiis had various mechanisms in place which highlight if certain compliance areas were and were not being adhered to. For example, audits took place to track supervision, unannounced visits, health and safety checklists, safer caring plans, annual review meetings and training requirements. Annual reviews were also important in ensuring that statutory checks had been undertaken as and when required and were satisfactory.

Swiis have retained all carer's records since the organisation began in 2005. Care Inspectorate Inspection Reports can be accessed via the Care Inspectorate website and staff meeting minutes and contract monitoring reports can be accessed via Swiis

secure IT server and would be available on request.

f) Have such records been retained?

Please refer 4.3 (e) above.

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

There was no formal record collated regarding the reasons why policies and procedures were not adhered to however it will be able to be seen on an individual basis in relation to carers within carer logs, supervision records, foster carer review reports and minutes, fostering panel minutes and placement ending meeting reports/minutes and for staff members within supervision records, appraisals and any record of a performance plan or disciplinary proceedings. It is likely that policies and procedures were not adhered to due to lack of awareness to which policies and procedures were available to them, a potential of feeling overwhelmed with the role of being a foster carer or suffering from compassion fatigue or secondary trauma from caring for children who have suffered significant trauma themselves.

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

There was no formal record collated of when policy and procedure was not adhered to however if a significant incident took place where the adherence of policy and procedure was called into question and there were consequences to this, particularly if this was detrimental to a child's health and wellbeing, formal procedures would be followed. This might have included disciplinary proceedings for staff members or a review of a carer's continued capacity in relation to foster carers. Consideration would be given in both cases as to whether these people remain suitable to undertake regulated work with children and consideration would be given to referrals to Disclosure Scotland or SSSC for registered workers. Carers would be deregistered if it was determined that they did not remain suitable to foster.

Present

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

Yes.

j) If so, please give details.

Swiis compliance in relation to policies and procedures is more robustly monitored than it was previously. The audits that were in place previously remain in place but the systems we have in place to undertake these checks are more efficient. We have a Compliance Coordinator in place who ensures that policies and procedures are regularly reviewed and undertakes audits to ensure we are meeting requirements in various key areas.

The Panel and Review Team and the Learning and Development Team also prepare quarterly reports which provide detail of compliance in relation to annual reviews and meeting statutory timescales, placement ending meetings, carer de-registrations and whether carers are meeting the training requirements or not with action plans to address any deficits.

#### 4.4 Children

##### (i) Policy

###### Past

- a) What policies and/or procedures did the organisation have in place in relation to the care of children in foster care?

Swiis had a range of policies, procedures and guidance documents in place in relation to the care of children in foster care.

The contents page from the Swiis **Foster Carer Handbook (2006)** documented them as follows:

STATEMENT OF PURPOSE  
ROLE OF SUPERVISING SWIIS LINK WORKER  
TRAINING  
SUPERVISION  
UNANNOUNCED VISITS GUIDE  
FOSTER CARER REVIEW  
FAMILY SAFE CARING POLICY  
EDUCATION  
EDUCATIONAL EXPECTATIONS OF SWIIS CARERS  
PERMISSION FOR SCHOOL REFERENCES  
HEALTH PROMOTION  
INVASIVE HEALTH CARE POLICY  
RECORDS OF MEDICATION  
CONTINUOUS RECORDS OF MEDICATION – SAMPLE  
OCCASIONAL RECORDS OF MEDICATION – SAMPLE  
PLANNING FOR A HEALTHY & FIT LIFESTYLE - SAMPLE  
HEALTH RECORD SHEET – SAMPLE  
ACCIDENTS & ILLNESS RECORD - SAMPLE  
DISRUPTION OF FOSTERING PLACEMENTS  
END OF PLACEMENT FORM - SAMPLE  
FULLTIME PROFESSIONAL CARERS  
APPLICATIONS FROM EXISTING FOSTER CARERS

**POLICIES**  
**PROTECTION**

**&**

CHILD PROTECTION POLICY  
PROTECTING THE VULNERABLE BY SAFER RECRUITMENT

CRIMINAL OFFENCES & SIGNIFICANT LIFE EVENTS  
EQUAL OPPORTUNITIES POLICY  
RESPITE POLICY  
RESPITE INFORMATION SHEET  
HEALTH & SAFETY POLICY  
MALPRACTICE & WHISTLEBLOWING  
SAFEGUARDING POLICY  
SAFER CARING  
SCOTTISH EXECUTIVE NATIONAL CARE STANDARDS (PINK BOOK)

**GUIDANCE**

OVERNIGHT STAYS  
SCOTTISH GOVERNMENT BOOKLET – (GIRFEC) GUIDANCE ON OVERNIGHT STAYS FOR THE LOOKED AFTER & ACCOMMODATED CHILD  
SHARING OF BEDROOMS  
SMOKING POLICY  
BAAF SMOKING GUIDE  
PROMOTION OF FAMILY CONTACT  
CONTACT ARRANGEMENTS RECORDING - SAMPLE  
DOMESTIC PETS  
BAAF FORM  
SAFE USE OF COMMUNICATION TECHNOLOGY  
MAKING A FAMILY BOOK  
ACTIVITIES, OUTINGS & HOLIDAYS  
PROMOTING POSITIVE LIFE CHANCES & ADDING VALUE  
PREPARING CHILDREN/YOUNG PEOPLE FOR INDEPENDENCE  
WATER, POND & TRAMPOLINE SAFETY

**RECORDING & CONFIDENTIALITY**

RECORDS & CONFIDENTIALITY  
RECORD KEEPING FOR FOSTER CARERS  
GUIDELINES FOR RECORDING SIGNIFICANT INCIDENTS  
SECURITY & ACCESS TO FILES

**BEHAVIOURAL ISSUES**

POLICY ON PHYSICAL RESTRAINT  
CHALLENGING BEHAVIOUR  
CHILDREN/YOUNG PEOPLE MISSING OR 'NOT IN THEIR PROPER PLACE'  
REPORTING TO THE POLICE  
BULLYING

**COMPLAINTS**

ALLEGATIONS AGAINST FOSTER CARERS  
DISCLOSURE/ALLEGATIONS - SAMPLE  
COMPLAINTS & REPRESENTATIONS

CARE COMMISSION BOOKLET HOW TO COMPLAIN

**FINANCIAL**

FOSTER CARER FINANCIAL INFORMATION  
INSURANCE NOTES FOR CARERS  
GUIDANCE DISABILITY LIVING ALLOWANCE  
TFN INFORMATION ON DLA  
ALLOWANCES & INCOME TAX BOOKLET  
POCKET MONEY & ALLOWANCES  
BANK DETAILS FORM - SAMPLE  
SELF EMPLOYMENT AND FOSTER CARE RELIEF

**FOSTERING PANEL**

FOSTER PANEL GUIDELINES  
FOSTER PANEL INFORMATION LEAFLET

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

Swiis policies, procedures and guidance documents were created to give guidance to staff and carers and ensure that there was a consistent approach to practice across the agency that promoted best practice.

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

Each policy/procedure was a stand-alone document that was saved and available on the Swiis secure IT server. Relevant policies and guidance documents were collated electronically and in paper form in the Foster Carer Handbook. A copy of the Foster Carer Handbook was provided to each carer household on approval and updated when changes were made.

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

Swiis were striving to develop foster care services for children/young people which promoted and safeguarded their welfare, protecting them from all forms of abuse, neglect, exploitation and deprivation.

Swiis Safeguarding Policy (2004) specifically set out how Swiis would achieve this:

- Ensuring all policies, procedures, training and development specifically addressed the application of principles and practices designed to safeguard children/young people.
- Having a robust recruitment and selection procedures whereby Disclosure Scotland Checks were completed before an appointment was offered and then renewed every 2 years. This was later reinforced in Swiis Protecting the Vulnerable – Safer Recruitment Policy (2005)
- Assessing Foster Homes for suitability and ensuring that each child has their own bed and adequate space and privacy. This was later reinforced in Swiis

- Health and Safety Policy (2008)
- There being specific guidance being in place regarding the sharing of bedrooms. (Sharing a Bedroom Policy 2004)
- Any transport that is provided being safe and appropriate. (Health and Safety Policy 2004)
- All staff and carers receiving a high level of support, regular individual supervision at specified intervals which is carefully recorded. This was later reinforced in the Swiss Foster Carer Supervision Policy (2006)
- All staff receiving a robust induction and ongoing training which will specifically addresses awareness of child abuse and appropriate responses;
- Having a written safe care policy for each foster home. Later reinforced in Safer Caring Policy (2011)
- Having a procedure to be followed in the event of any allegation of abuse or neglect. This was later reinforced in Allegations Against Foster Carers Policy (2006)
- Having a clear behaviour management policy and foster carers being aware that no form of corporal punishment may be used on any child/young person and that no measure of control, restraint or discipline should be excessive or unreasonable. Later reinforced in Physical Restraint & Control and Discipline Policy (2006) and Challenging Behaviour Policy (2006)
- Arrangements being in place to ensure all significant events are notified to the responsible local authority and Care Commission/Care Inspectorate. Later Reinforced in Swiss Guidance for Recording Significant Incidents (2006)
- All children/young people having The Children's Guide which informs and encourages children/young people to report their own concerns, either to Swiss, their placing authority or other external bodies including The Care Commission.
- Having a written procedure for the consideration of any complaint by or on behalf of children/young people or by foster carers and a whistle blowing policy whereby any person could raise concerns re individual or organisational conduct which appears to detract from the organisations commitment to promoting the welfare of children. Later reinforced in both Malpractice and Whistleblowing Policy (2006) and Complaints and Representations Policy (2006)
- Reviewing all policies, procedures and training programmes and evaluated from a safe care perspective.

Senior management would periodically collate and evaluates information on the circumstances, number and outcome of any allegation of abuse or neglect of children/young people in foster care. The conclusions together with up to date external information and guidance will continue to inform the development of safeguarding good practice.

## ii. Child Protection



Swiis gave affect to the range of national policy/guidance in relation to Child Protection since at least 2006 according to the policies/procedures held within the electronic archive. These include Swiis Child Protection Policy (2006), Protection of Children and Young People Policy and Procedures (2011), Protection of Children and Young People Policy and Procedure Document (2014) and the protection of Adults Policy and Procedures (2014). These policies offered guidance to staff in how to recognise possible signs of abuse and clear guidance on how they must respond to this with a clear focus on good interagency/partnership working and the importance of a timely response. The later policy documents of 2011 and 2014 provides some guidance about abuse that might take place out with the home or in specific circumstances including children who are left unattended, disability and abuse, domestic abuse and female genital mutilation. Many of these policies clearly reference and link staff and carers to the range of national policy/guidance documents available to them.

The Guidance for Child Protection in Scotland which was first published in 2010 and revised in 2014 highlights indicators of abuse both in the home and outside the home and in specific circumstances. Swiis became increasingly aware of such risks and produced a suite of Child Protection Policies and Guidance Documents to reflect this including those on child trafficking, child sexual exploitation, online and technologies child safety, children and young people who are missing, female genital mutilation, forced marriage, breast ironing and anti-radicalisation. Swiis staff and carers were also supported to understand and respond to these issues better through the training that is provided to them. Swiis have in house Child Protection Training and carers are expected to undertake this as mandatory but also repeat it at various intervals and Swiis also arrange for Police Scotland to deliver training WRAP (Workshop to Raise Awareness about PREVENT), Child Exploitation and Internet Safety Training to carers and staff at regular intervals. Swiis have also commissioned training to support staff and carers to provide care to children and young people who display harmful or problematic sexual behaviour.

### iii. Medical care

The policies and procedures Swiis had in place which set out expectations regarding a child's health have changed over time. Swiis Health Promotion Scotland Guidance Document (2006) set out that a foster carer should register any child placed with their own GP and dentist as soon as was practicable unless otherwise agreed at the Placement Agreement Meeting. If the child was having on-going appointments with a health specialist, there was an expectation that these appointments would be kept and that the carers would take the child to any such appointments. If a child arrived in placement with prescribed medication or treatment in progress, there was an expectation that carers would ensure that full details of the medication, dosage etc are clearly explained and recorded on the forms provided. If carers required additional input, support and training to care for a child with a disability, this would be provided. This policy clearly stated that children should never be given medication that was prescribed for someone else and that children under 16 should not be given Aspirin or any products containing Aspirin. Although carers are encouraged to exercise a 'common sense' approach in responding to minor illnesses or complaints, there were not allowed to

give non-prescription medication to children or young people for more than 24 hours without seeking appropriate professional advice. This could either be from the G.P, NHS Direct or the Swiis Health Advisor depending on the situation. If a child was prescribed a course of medication, the carer was advised they should not make decisions about discontinuing the treatment without consulting the appropriate people. Carers were expected to record any accidents or illness and the treatment given and there was an expectation that this was read and signed by their Supervising Social Worker.

Swiis also had an Invasive Health Care Policy (2006) that staff and carers were expected to refer to in the absence of a placing local authority policy. This policy covered any action required which involved a puncture or invasion of the skin, insertion of an instrument or medication into the body. It also included physiotherapy and similar treatments which raised the same issues as invasive practices. This policy set out that carers had to have the appropriate training to carry out the task required, and that specific training could only be given by a qualified health professional responsible for the child's nursing care. It also stated that written evidence of the carer receiving specific training and authorised the carer to carry out the task was required and consent to any such practice was to be obtained in writing from the placing authority and the person with parental responsibility. The policy highlighted that foster carers were not required to make medical judgements and should only be expected to carry out procedures which would be reasonable to expect a non-medical person to do. In all circumstances, foster carers were expected to consult with the Swiis Health Advisor when required to perform any invasive health procedure and advise the Health Advisor of any child with a pre-existing health condition. In any unforeseen medical emergency, the foster carer was advised that they must seek the advice and intervention of qualified health professionals.

In 2014, Swiis introduced a Health and Looked After Children Booklet which provided staff and carers with guidance about consent, age of legal capacity, carer immunisations, child immunisations, sun awareness, diet and exercise, health needs assessments and common childhood illnesses.

All Swiis Foster Carers were required to complete a recognised First Aid Course within 12 months of their approval as carers and this was to be updated every 3 years. General Awareness training on matters such as epilepsy, asthma (including the use of inhalers) and allergies could be accessed as part of core training for approved Swiis foster carers and this could be supported on an individual basis by the Swiis Health Advisor.

#### iv. Children's physical wellbeing

Swiis Health Promotion Policy (2006) set out how many children arriving in placement may have missed out on health appointments or treatment that they have required and how important it is to obtain as full a record as possible of each child's health background. The policy documents that a Swiis Health Advisor will assist in gathering background information and supporting carers with any appointments or treatment that become necessary. The Swiis Health Advisor and other members of the team will provide specific support and information regarding physical and emotional health issues or concerns about any child or young person in placement. This policy also advises that Swiis provided a Child Health Record for all children

over 5 and this should be kept up to date by the carers throughout the placement. This policy continues by set out the expectations of carers to ensure a healthy lifestyle for all children placed and for them to act as positive role models and set a good example in relation to healthy diet, exercise, regular routines and smoking and drinking. Specific therapy sessions were arranged according to a child/young person's care plan. Carer's Training in in relation to ensuring optimum physical and emotional health and wellbeing was also detailed which included the expectation that carers would complete First Aid Training as soon as possible after approval and additional training being provided regarding health and hygiene, infection control, stress and relaxation, drug and alcohol awareness, healthy diet, sexual health and therapy and counselling.

Swiis produced a 'Health and Looked After Children' Booklet which aimed to provide foster carer's with key information related to child health and services, including those specific to looked after children. It sets out information about consent to medical treatment, age of legal capacity, child development, common childhood illnesses, diet and exercise and safety in the sun.

v. Children's emotional and mental wellbeing

Please refer to 4.4. D part (iv) above

vi. Schooling/education

Swiis placed great emphasis on the importance of education and recognised that many looked after children may have had disruptions and difficulties in their school careers. Swiis recognised that where children and young people were able to settle and receive appropriate support in education, other aspects of their lives would improve too, and this would contribute towards stable placements and successful outcomes for children. For this reason, Swiis appointed Education Case Workers and Education Support Staff who were experienced, qualified teachers or had considerable knowledge and experience of education.

Their role was set out clearly in Swiis' Education Document (2006) where it said they would:

- Research a suitable school placement.
- Work with the child and carer in placement with educational activities.
- Supply the carer with educational activities to do with the child.
- Contribute to the assessment of the child's educational needs.
- Assess the child to see if there any gaps in their education.
- Plan a detailed reintegration back into school
- Support the child back into school.
- Support the child in school lessons.

- Support the child with homework.
- Liaise with carers, school, social workers, education authorities and birth parents.
- Request education planning meetings.
- Help to facilitate the development, co-ordination and implementation of the Education Plan.
- Write reports for statutory reviews
- Research and write an Educational History, if required.
- Be an advocate for the child
- Write a termly progress report
- Advise on choice of school, coursework, options, careers etc.
- Contribute to the assessment of Special Educational Need
- Attend parent's evenings if necessary
- Be available during school holidays to facilitate out of school activities or revision before return to school.

This policy document also provided guidance to carers regarding how to respond if a child/young person was out of school whether that be due to changing placement, not attending school for a long time before placement or whether they had a permanent or fixed exclusion. It highlighted the significant role that carers play in support a child/young person back into an educational placement.

Swiis again outlined the expectations of a carer in respect of a child's education in their document 'Educational Expectations of Swiis Carers' (2008) where it stated that Swiis carers should value education and have high aspirations for the young people in their care and be ambitious for the young people, encouraging them to develop their talents. There was an expectation that carers would promote a young person's attendance at school by:

- Establishing a clear expectation of school attendance
- Supporting them to start school punctually
- Supplying them with the correct uniform
- Ensuring that attendance is supported, particularly if the young person is reluctant to attend. This may involve taking the young person to school.
- Keeping a record of absences
- Making sure that the young person has all the equipment necessary to participate fully in the life of the school
- Organising family holidays during school holidays
- Informing school of any absences

There was also an expectation that Swiis carers would:

- Participate in any training aimed at improving the education attainment of the young people
- Contribute to a child/young person's IEP/PEP.
- Provide an appropriate place for a child/young person to complete their homework
- Access out of school hours learning for a child/young person such as sport, performing arts, visual arts or a uniformed organisation.

In 2014, Swiis developed a booklet for staff and foster carers that focussed one aspect of children and young people's wellbeing as defined by GIRFEC – Achieving. This booklet provides advice and guidance for staff and carers on all aspects of a child's education including school placement and admissions, choosing a school, visiting a school, children's concerns about school, contact with school, school planning meetings and reviews and additional support for learning. This document also highlights that Swiis are an approved centre for delivering a range of youth achievement and sports leaders awards which are recognised by the SQA.

#### vii. Discipline

Swiis' policies on physical restraint & control and discipline (2004) set out that the organisation was committed to the use of non-physical intervention to establish the management of challenging child behaviour. It also stated that measures of control and discipline must be age appropriate, respectful to the child and consistent with best childcare practices. The use of physical punishments was not acceptable under any circumstances. There was an expectation that all incidents involving the use of restraint were to be recorded as soon as was practical and carers should notify their Supervising Social Worker or Swiis Duty Worker within one working day. Swiis would ensure that the placing authority were notified as soon as possible. If any incidents arose when the police had to be called to the foster home, the local authority were notified by Swiis. The policy was clear that all forms of corporal punishment and any treatment of a child/young person that humiliates them or deprives them of normal, food, drink and or contact with their family would not be accepted.

The Looked After Children (Scotland) Regulations 2009, Schedule 6 states the foster carer's obligation to not administer corporal punishment to any child placed with them and defines corporal punishment as '*any intentional application of force as punishment including slapping, punching, squeezing, shaking, throwing objects and rough handling*'. Swiis gave affect to this in policy in both their Policy on Physical Restraint & Control and Discipline (2006) and later and in their Self-Regulation and Sanction Policy (2011). These documents clearly set out that no form of corporal punishment was to be used on any child/young person and no measure of control, restraint or discipline which is excessive or unreasonable was permissible. It also highlighted that the use of physical restraint being only restricted to situations where a child or young person's actions were harming them or other people, if they were in immediate danger or where there was a real likelihood of serious damage to property.

viii. Activities and holidays for children

Swiis expected that carers would take children and young people on family holidays and the 'Educational Expectations of Swiis Carers' document highlight that these should be organised during school holidays. Promotion of Family Contact Policy (2004) stated that in addition to family contact children/young persons also value friendships and activities established either before their placement or in their new environment. Swiis would seek to promote and sustain these relationships and experiences in every way. Children and young people were not to participate in activities that are of a hazardous nature until discussions and permissions have been sought from the agency via the supervising/link workers and/or the child/young person's parents or those with parental responsibility.

There was an assessment of the risk or dangers involved which took account of health and safety safeguards, a child/young person's age, understanding and capacity, monitoring arrangements and emergency arrangements should an accident occur.

In 2014, Swiis developed a booklet for staff and carers that focussed one aspect of children and young people's wellbeing as defined by GIRFEC –Active. This booklet acknowledged that activity should be thought of in the broadest sense and should consider children and young people's involvement in play, recreation and hobbies. It acknowledged that children and young people need to be supported to be active but also need a safe environment where they can take acceptable risks in a controlled way. This booklet also sets out clearly that it was an expectation that foster carers would include children and young people in their holiday arrangements unless otherwise agreed in the Individual Placement Agreement. A holiday risk assessment was to be undertaken prior to a holiday taking place.

ix. Sharing a bedroom

The Swiis 'Sharing a Bedroom' Policy (2004) refers to the placement of siblings together. It stated that it is Swiis' preference for each child to have their own bedroom however acknowledged that siblings, on occasions were accustomed to and preferred to share a bedroom. The indicated that if Swiis were to permit this to happen, regard was to be given to the ages of the children, their gender and provided there were no known risks, the child's wishes were to be given sympathetic consideration. There were some caveats that siblings sharing bedrooms. The policy stated that children of the same gender may share a room up to the oldest child attaining the age of 8 years and children of opposite genders may share a room up to the older child attaining the age of 5 years

x. Contact with family members

Swiis had a Promotion of Family Contact Policy (2004) which stated the agency's commitment to the promotion of positive, safe contact between looked after children and their families. It set out the importance of family contact, the need to work in partnership with the local authority in establishing and maintaining family contact and how any issues arising from contact will be discussed/monitored through

supervision, periodic reviews of the child's care plan and within the foster carer's annual review. The policy stated that before any arrangement was put into place, Swiis would explore issues of risk to identify the nature of the supervision required, the most appropriate location, support and guidance for the carer and ongoing feedback/review details. Foster Carers were expected to record dates, observations and outcomes of any form of contact. Swiis had a Contact Recording Form for this purpose.

xi. Contact with siblings

There was no specific policy that addressed contact with siblings however the Promotion of Family Contact Policy (2004) referenced in 4.4 D section (x) above is applicable as siblings are family members.

xii. Celebration of birthdays and other special occasions

There was no specific policy that addressed the celebration of birthdays and other special occasions specifically however in the Financial Guides which were issued annually reference is made to carers receiving a birthday allowance and Christmas/Religious Festival Payment in respect of each child in addition to the maintenance allowance and fee they received.

xiii. Information sharing by the foster carer with family members

Swiis Promotion of Family Contact Policy (2006) set out that foster carers were required to cooperate and support meaningful contact arrangements and part of this will be for them to interact with birth families via the sharing of basic care routines, recreational activities, sharing of up to date information about the children and involving them in the child's health and development. Foster carers were supported in their understanding of this through induction, supervision and training.

e) Who compiled the policies and/or procedures?

A range of Swiis staff compiled the policies and procedures. A range of relevant stakeholders were then consulted before they are finalised and endorsed by the management team. This may have included foster carers, children and young people, staff, managers and panel members.

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

Many of our original policies and procedures were adopted from our English Counterparts and revised to take account of the differences in Scottish Legislation and National Guidance. Many were in place when Swiis Foster Care Scotland began and as time passed and regulations, national guidance, knowledge regarding good practice has developed and/or contractual obligations changed, more policies/procedures were compiled.

g) Were such policies and/or practices reviewed?

Yes, all policies and procedures were reviewed periodically. When a policy was created, a review date was scheduled to take place every 2 or 3 years.

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

When a policy was created, a review date was scheduled for 2 or 3 years later. Policies and Procedures were and still are reviewed every three years or more frequently if there are changes to legislation, national guidance, what constitutes good practice or in response to recommendations and requirements from the Care Inspectorate. They were and still are also reviewed periodically to ensure they remained in line with contractual requirements from local authorities.

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

No substantive changes were made. Policies were created and revised as legislation, national guidance, what constitutes good practice and contractual requirements changed or in response to any recommendations and requirements made by the care inspectorate..

j) Why were changes made?

No substantive changes were made. See above

k) Were changes documented?

Changes made to policies and procedures were not formally documented however we did retain copies of previous policies on our secure server. Given there was no formal audit trail, it is impossible to determine whether other versions existed.

l) Was there an audit trail?

See (k) above.

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.

Swiis continue to have a range of policies and procedures to ensure a consistent approach to practice across the agency. Please refer to Section 4.3(m)(i) for a comprehensive list. The list is subject to on-going development with new topics added e.g. extremism and radicalisation in response to situations that have arisen



in foster care in England. Any policies and associated guidance documents can be made available to the inquiry on request.

All policies available to staff on Swiis intranet and relevant policies continue to be collated and shared with carer's as part of their Foster Carer Handbook. This is available to them either electronically or in paper form if this is their preference. If a policy/procedure is created or revised, the new version is uploaded to the intranet and shared with the carers if relevant. Swiis are working towards having all policies/procedures available to carers on a Carers Zone on the Swiis Website which will make them even more accessible than they already are.

Swiis review all policies every three years or more frequently if there are changes to national guidance, legislation or good practice under the umbrella of 'continuous improvement'. The policies/procedures continue to be formulated by a range of Swiis staff however relevant stakeholders are consulted before these are finalised. This might include foster carers, staff, management team and on occasions, children and young people themselves. Swiis now have a Compliance Coordinator who oversees the reviewing of all policies, ensuring that this happens as and when required. Swiis have now introduced an audit trail to record when policies are introduced and changes are made, this is formally documented.

(ii) Practice

Past

- a) Did the organisation adhere in practice to its policy/procedures relating to the care of children in foster care?

Information was not collated centrally documenting if policy and procedure were adhered to however this can be seen documented on an individual basis within supervision records, foster carer review report and minutes, panel minutes, placement ending meeting minutes, on call records and incident reports. We have examples of where the adherence of policy and procedure was called into question and there was a range of responses by the agency dependent on the extent in which they were not followed and the consequences of this. This ranged from action plans agreed within supervision to revisit the policy/procedure in question to deregistration of carers or disciplinary proceedings and referral to SSSC for registered staff members.

- b) Did the organisation adhere in practice to its policy/procedures in terms of the following?
- i. Safeguarding
  - ii. Child Protection
  - iii. Medical care
  - iv. Children's physical wellbeing
  - v. Children's emotional and mental wellbeing
  - vi. Schooling/education
  - vii. Discipline
  - viii. Activities and holidays for children

- ix. Sharing a bedroom
- x. Contact with family members
- xi. Contact with siblings
- xii. Celebration of birthdays and other special occasions
- xiii. Information sharing by the foster carer with family members

b) i. to xii. Please refer to 4.4 n (ii) (a) above.

c) How was adherence demonstrated?

Adherence can be evidenced by reviewing case files which include supervision records and foster carer review reports, foster carer review minutes, fostering panel minutes, incident reports, placement ending reports, audit records, care inspectorate inspection reports, contract monitoring reports, staff meeting minutes.

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

The inquiry can request access to individual case files which will include supervision records, foster carer review reports and minutes, fostering panel minutes, incident reports and placement ending reports. The inquiry can also request access to audit records, care inspectorate reports, contract monitoring reports and staff meeting minutes

e) Were relevant records kept demonstrating adherence?

Swiis had various mechanisms in place which highlight if certain compliance areas were and were not being adhered to. For example, audits took place to track supervision, unannounced visits, health and safety checklists, safer caring plans, annual review meetings and training requirements. Annual reviews were also important in ensuring that statutory checks had been undertaken as and when required and were satisfactory.

Swiis have retained all carer's records since the organisation began in 2005. Care Inspectorate Inspection Reports can be accessed via the Care Inspectorate website and staff meeting minutes and contract monitoring reports can be accessed via Swiis secure IT server and would be available on request.

f) Have such records been retained?

Please refer to 4.4 e) above.

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

There was no formal record collated regarding the reasons why policies and procedures were not adhered to however it will be able to be seen on an individual basis in relation to carers within carer logs, supervision records, foster carer review reports and minutes, fostering panel minutes and placement ending meeting reports/minutes and for staff members within supervision records, appraisals and any record of a performance plan or disciplinary proceedings. It is likely that policies

and procedures were not adhered to due to lack of awareness to which policies and procedures were available to them, a potential of feeling overwhelmed with the role of being a foster carer or suffering from compassion fatigue or secondary trauma from caring for children who have suffered significant trauma themselves.

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

There was no formal record collated of when policy and procedure was not adhered to however if a significant incident took place where the adherence of policy and procedure was called into question and there were consequences to this, particularly if this was detrimental to a child's health and wellbeing, formal procedures would be followed. This might have included disciplinary proceedings for staff members or a review of a carer's continued capacity in relation to foster carers. Consideration would be given in both cases as to whether these people remain suitable to undertake regulated work with children and consideration would be given to referrals to Disclosure Scotland or SSSC for registered workers. Carers would be deregistered if it was determined that they did not remain suitable to foster.

Present

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

Yes.

j) If so, please give details.

Swiis compliance in relation to policies and procedures is more robustly monitored than it was previously. The audits that were in place previously remain in place but the systems we have in place to undertake these checks are more efficient. We have a Compliance Coordinator in place who ensures that policies and procedures are regularly reviewed and undertakes audits to ensure we are meeting requirements in various key areas. The Panel and Review Team and the Learning and Development Team also prepare quarterly reports which provide detail of compliance in relation to annual reviews and meeting statutory timescales, placement ending meetings, carer de-registrations and whether carers are meeting the training requirements or not with action plans to address any deficits.

#### 4.5 Foster carers

(i) Policy

Past

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

Swiis Foster Care Scotland had a range of written policies and procedures in relation to foster carers. Approved foster carers were provided with a comprehensive handbook which included policies, procedures and guidance documents. Question 4.4(i)(a) provides the contents of the Swiis Foster Carer Handbook (2006). This handbook has been updated as policies and procedures have been revised to ensure they are in keeping with legislation and good practice guidance

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

Swiis policies, procedures and guidance documents were created to give guidance to staff and carers and ensure that there was a consistent approach to practice across the agency that promoted best practice.

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

Foster carers policies, procedures and guidance documents were recorded and stored on the Swiis IT server. Either a printed copy or a copy saved on a USB stick was provided for each carer household. Foster carers who were newly approved also had the opportunity to work through their personal copy of the Foster Carer Handbook with resource staff, ensuring that there was a clear understanding of their roles and responsibilities.

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

Swiis Recruitment, Assessment and Approval Policy (2011) set out the range of recruitment methods Swiis could use to attract prospective carers. These included newspaper adverts, advertorials, radio, internet, information events and word of mouth. This policy also set out that any assessment of a prospective carer will take approximately 6 months from receipt of application to completion of assessment report and detailed what would be involved in the assessment process; a series of home visits, attendance at Skills to Foster Training and a number of statutory and policy checks and references which included:

- Verification that the application has a right to live and work in the UK.
- Birth Certificates, Marriage/Divorce Certificates, National Insurance Numbers, Driving Licences and Passports verified.
- Disclosure Scotland Check for any prospective foster carer. All applicants were required to share any criminal history or significant life event at the early stage of the application process. The importance of disclosing such information was emphasised throughout the recruitment process and applicants were required to sign a Declaration of Understanding to evidence they understood this expectation.
- Local Authority Checks from the local authority in which any prospective foster carer lives or has lived.
- Overseas checks if applicants have lived and worked abroad.
- Employers Reference from current employer and any former employers/voluntary work where this work related to working with children and/or vulnerable adults.

- A minimum of two unrelated personal references that can make comment regarding the character and suitability of the applicant.
- If prospective foster carer had school aged children, references were sought from relevant educational establishment and if children were below school age, references were sought from health visitors.
- Former partner references where this has been a long term, significant relationship.
- Full medical examination supported by a report from the agencies medical advisor highlighting any health issues that might impact on capacity to foster.
- Health and Safety Check on the suitability of the household including firearms and motoring checks.
- Financial Check to ensure their financial situation is stable and sound.
- Reference sought from any other fostering provider that prospective foster carers had previously made application to or been approved by.
- Pet Assessment

Swiis Fostering Panel Policies and Procedures (2010) set out that all information contained in Schedule 3 of the looked After (Scotland) Regulations 2009 would be presented to panel alongside evidence that statutory references and checks had been undertaken. Once the panel considered all the information presented to them and met the applicants at panel, they would make a recommendation to the Agency Decision Maker who in turn would make a decision on behalf of the organisation within 14 days.

Swiis set out in their Protecting the Vulnerable by Safer Recruitment' Policy what was expected in terms of correct handling, holding and destroying of Disclosure Scotland information when assessing applicant's suitability to ensure we were meeting the legal requirements set out in Part V of the Police Act 1997. See 4.3 (i)(d)(x) for more information.

## ii. Standard and size of accommodation

Swiis Safeguarding Policy (2004) set out that each foster home must be comfortable and able to accommodate all who live there. It stated that the home should be *'warm, adequately furnished and maintained to good standards of cleanliness and hygiene'* and that *'any transport provided by the foster carers is safe and appropriate to a child's needs.'* Swiis Sharing a Bedroom' Policy (2004) states that it is Swiis' preference that each child has his or her own bedroom and The Swiis Health and Safety Checklist (2014) required that each fostering bedroom was assessed regarding suitability and it made reference to the household having sufficient indoor space to allow children to complete quiet activities (e.g. reading or homework) and sufficient outdoor space for children to play/engage in boisterous activities within the perimeter of the home

Swiis Health and Safety Policy (2004) set out that a full health and safety check would be carried out on all applicants' homes as part of the assessment process and carers will also be asked to write their own "Family Safe Caring Policy". The completed Health and Safety Checklist and Safe Caring Policy were then to be included in the appendices of the Form F for examination by panel members and

placing authority social workers as required. The policy goes further to say that once approved, Supervising/Link workers would carry out a check of home safety equipment including a review of the household safe caring and fire plans as part of regular supervision. These checks were to take place three monthly or more often if required. The Swiss Foster Carer Review Policy (2006) states that one of the functions of review is to consider the annual health and safety check.

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

The carer's experience, capacity, preferences and the physical space available all informed the recommendation made regarding the number, age and gender of children that prospective carers should be approved to look after. Other factors such as a carer being a smoker were also considered, the Smoking policy being that smokers will not be approved to look after a child younger than 6 years of age. Whilst there was no policy that stated there to be a maximum number of children foster carers could be approved for in practice the maximum number any Swiss foster carer was approved to look after was three, with the majority being approved to look after one or two children.

iv. Pre-approval/registration checks

Swiss Recruitment, Assessment and Approval Policy 2011 set out the various pre-approval/registration checks that Swiss carried out as part of their assessment process. See 4.4 (d)(i) for details. These were reflective of Schedule 3 of the Looked After Children (Scotland) Regulations 2009.

v. References

The protection of children was and still is Swiss' paramount concern. Therefore, references and checks took was and still are a priority in the recruitment of foster carers. All prospective foster carers were and are subjected to comprehensive checks and references as required by the Looked After Children (Scotland) Regulations 2009. Swiss Recruitment, Assessment and Approval Policy (2011) set out the references that were required as part of the Form F assessment process as follows:

- A minimum of two unrelated personal references that can make comment regarding the character and suitability of the applicant.
- Employers Reference from current employer and any former employers/voluntary work where this work related to working with children and/or vulnerable adults.
- If prospective foster carer had school aged children, references were sought from relevant educational establishment and if children were below school age, references were sought from health visitors.
- Former partner references where this has been a long term, significant relationship.
- Reference sought from any other fostering provider that prospective foster carers had previously made application to or been approved by.

Swiss Assessment and Approval Policy (2017) sets out that heightened awareness

of the need to protect children has led to more rigorous checking of applicants' histories and details the additional references that are now expected to be undertaken as follows -

- Personal References (with interviews where possible) for all applicants – 2 personal character references and 1 reference from a family member
- Former Partner Reference (particularly where relationship involved care of children and/or grown up children living elsewhere)
- Current Employer (if self-employed this should be co-owner, co-worker, regular client)
- Previous Employer where if this has been regulated work with children and/or protected adults
- Education Reference if child of school age
- Health Visitor Reference if child below school age
- Landlord References if in a rented property.
- Reference from Fostering/Adoption Provider if previously been registered elsewhere.
- Transfer of Foster Care Reference if currently registered with another provider.

If applicant has sought approval elsewhere and been refused, reasons from this provider provided in writing.

#### vi. Foster care agreements

Swiis Panel Member Policies and Procedures set out the requirement for a Foster Care Written Agreement. It stated:

*'When the decision-making process is completed, including after a review, the Scottish Director will, in respect of approved carers, arrange for the Foster Carer Written Agreement, setting out the terms of approval, to be signed by the carers and Swiis, using the framework in Schedule 4.'*

The Foster Carer Written Agreement itself set out that it was issued in accordance with Standard 7 of the National Care Standards and Regulation 9 of the Children (Scotland) Act 1995 Regulations and Guidance. It states that all Swiis are required to provide all carers with this document and the documents must be accepted and signed prior to any placement of a looked after child. It also states clearly that carers should understand that in signing the agreement, they are undertaking to comply with all that is required in it and failure to do so may result in a review of their status as a registered foster carer and this could lead to termination of registration. Any serious breach of the agreement would also be report to The Care Commission.

#### vii. Induction

Swiis did not have a policy or procedure specifically in relation to carer induction. How a carer will be supported following approval is laid out in the Sample Approval Letter where by it states that their named Supervising Social Worker will be arranging a visit and the purpose of this visit will be to explain their role and provide them with a fostering pack which will include the agencies policies and procedures. It also advises that they should purchase a metal locking filing box to store confidential information and that Swiis will reimburse them for this.

The Swiis Training Policy (2006) outlined a 4-stage training programme for all carers and this included the initial pre-approval 'Skills to Foster' preparation training and post approval – first stage training that carers will complete in their induction period. The Training Policy outlined the expectation that Swiis had regarding both parties in a fostering household completing all the required training and that attendance at training and support groups would be discussed at their annual review.

Further to this, a Mentoring Resource Pack was introduced in January 2014 with the aim of supporting less experienced foster carers on a one to one basis. The objectives of this initiative were to:

1. To offer one-to-one practical advice and support from experienced foster carers for all new foster carers and others who might benefit from the provision.
2. To enable and encourage experienced foster carers to further develop their own skills and professional careers.
3. To enhance the quality of care provided as a result of the above, where foster carers are increasing their knowledge and skills.
4. To improve retention of foster carers as a result of their increased confidence and motivation.

This formal mentoring programme is no longer in place however carers are matched with a buddy if this they would find helpful.

Newly approved foster carers were also supported by Resource Workers, previously called placement support workers, to become familiar with their carer handbook which outlined policies and procedures. This remains in place to date.

viii. Transfer of foster carers to or from other organisations or local authorities

Swiis 'Application from Existing Foster Carers Policy and Procedure (2010) set out best practice if an application was received from a carer who was an existing foster carer with a local authority or another fostering provider. It highlighted that it was not Swiis' intention to 'poach' existing carers from established agencies and makes reference to the Independent and Voluntary Providers Forum Best Practice Statement. The policy goes on to say that the applicant would be advised their interest was welcome but would not be pursued whilst they had more than one young person placed with them on a long-term basis. There was an expectation that Swiis staff would discuss the needs of any child in placement with the carer's current fostering agency and the local authority responsible for the young person's care to ensure that no detriment or disruption to the child's care plan.

The Foster Care Written Agreement (2006) also referenced the transfer of one foster carer to another when it states 'Where carers are wishing to transfer to another agency the Fostering Network protocol will be used. A copy of this can be obtained from Fostering Network or through Swiis. Swiis will not agree to the transfer unless arrangements to the satisfaction of the placing authority and Swiis are in place to ensure the continuing care of the child. (See BAAF Guidance re Fostering Panels 2002).' A copy of the protocol was included in the foster carer handbook from at least 2006.

ix. Review/supervision



Foster Carer Supervision Policy (2006) described supervision as '*A formal arrangement for meetings between carers and their allocated link/supervising worker. It is an opportunity to discuss wider issues than just immediate placement issues. Supervision should be both supportive and enabling for carers and should be a two-way process allowing both parties to raise any issues they wish to discuss.*' The policy provided a list of possible matters that might be discussed during these sessions including placement issues, carers understanding of policies and procedures and learning and development. It set out a useful model of supervision as being to consider key functions such as '*managerial, educative and supportive*'. The expectation was that a record of this meeting was kept and a copy of this record was shared with the carers within a few days. It referred to this being a useful in terms of recording discussions and actions agreed but also evidence of a more transparent relationship between carer and the agency.

The Role of the Supervising/Link Worker (2006) set out that a minimum of one unannounced visit would be undertaken per year and the Unannounced Visit Guide (2006) set out that the child was to be seen as being supervised appropriately, a cursory check of the house was required to ensure it met the required standards, the carer's logs were to be verified and feedback was to be sought from the children in placement and the carer's own children. This is also highlighted in The Foster Carer Written Agreement (2006).

The Foster Care Written Agreement (2006) also referred to to Swiis commitment to providing supervision once per month but visit at least one other time and have contact between visits. It stated 'One visit every month will be formally recorded as a supervision session'.

**See 4.3 (i)(d)(xiii) for more information regarding visits to a foster carer placement (including frequency, purpose, content, follow up and record keeping)**

Swiis Foster Care Review Policy (2006) and The Foster Care Written Agreement (2006) sets out Swiis' responsibility for undertaking foster carer reviews. They both set out the purpose of a review as being:

- To consider whether carer(s) are suitable to continue to act as foster carers.
- To consider and if necessary, revise the terms of appointment.
- To update references on all household members where necessary.
- To annually update the health and safety check.
- To terminate the appointment of a foster carer if she/he is no longer suitable or if she/he no longer wishes to act as a foster carer.
- To obtain feedback from the child/young person placed and ensure it is recorded.
- To obtain feedback from all parties concerned in the placement of children.
- To identify training/developmental needs of the carer and their household.
- To identify support mechanisms for the carer and their household.
- To inform the fostering agency of issues of importance to carers and influence the development of the agency.

The frequency of these reviews was also determined within this policy as being not more than a year after approval and thereafter at intervals of no more than a year which was in keeping with the National Care Standards at that time. Reviews were also to take place if there was a significant change of circumstances e.g. death, marriage break up, illness, allegation against carer, non-use or under use, unplanned placement ending.

The views of various stakeholders were taken up to inform this review and these included the foster carers themselves, the children/young people in placement, the views of the foster carer's own children, the birth parents or other relevant relatives of the children in placement and those of health, education and the placing authority. The review was then chaired by an independent person appointed by Swiis and the report and recommendations from this meeting were presented to the fostering panel with the carer's being given the opportunity to attend. The fostering panel would then make a recommendation to the agency regarding the carer's continuing suitability and status.

#### x. Training

The Swiis Training Policy (2006) outlined a 4-stage training programme for all carers which included initial pre-approval 'Skills to Foster' preparation training, post approval – first stage, post approval – second stage and SVQ (Scottish Vocational Qualifications). The policy highlighted that carers would be required to complete 7 training courses within the first two years after approval and a programme of additional training courses that would be offered thereafter. There was an expectation that carers would update their Child Protection and Safer Caring Training every year and First Aid every two years. This evolved over time and mandatory training was required to be completed within the first year after approval and then repeated at 2- or 3-year intervals depending on the subject matter. The Training Policy outlined the expectation that Swiis had regarding both parties in a fostering household completing all the required training and that attendance at training and support groups would be discussed at their annual review. It highlighted that Swiis reserved the right to defer re-approval at annual review if the carer had not attended the necessary training.

Swiis Foster Care Written Agreement (2006) also highlighted Swiis' commitment to providing training to foster carers and the expectations of carers to engage with this process to develop their knowledge and skills. It stated '*Swiis Foster Care has an established training programme for carers. Initial training is seen as an essential prerequisite for appointment. It is expected carers will attend at least 50% of post appointment training courses to further develop their skills and competencies. Within two years of their original approval they will have attended and completed training on Recording, Contact, Child Protection, Safe Caring, First Aid and Valuing Diversity.*' It goes on to say '*The impact of training input on practice will form a part of the supervisory process with the link social worker. Attendance at post appointment training courses will be recorded and discussed at each carer's annual review. Where particular training is identified as outstanding or recommended for particular circumstances, Swiis reserves the right to defer re-approval or to defer future placements until the training has been completed.*'

xi. Personal development

Please refer to (vii) regarding Induction to (vii), (x) regarding Training, (ix) regarding Supervision and Review and See 4.3 (i)(d)(xiii) for more information regarding how foster carers were supported in their personal development.

xii. Disciplinary actions

Swiis Complaints and Representations Policy (2006) set out what action was taken against a carer if they are found to have deliberately harmed or abused a child or young person or provided poor or neglectful care. Allegations of abuse were dealt with through the local child protection procedures and the police if necessary, however the policy sets out how Swiis should respond in terms of internal process and procedures. Such incidences were dealt with the process of review presented at panel with a recommendation to terminate the foster carer's approval. In these circumstances, the panel received a report detailing all the circumstances and any investigation that took place. The foster carer was given the opportunity to read this report and make comment on it before attending the panel. The carer could choose to be accompanied to panel by a friend or advocate. The panel would then make its recommendation to the agency regarding continued approval and the carer would be notified once the ADM had made their decision. The policy states that *'In the event of deregistration or serious allegation necessitating a review details will also be provided to the regional Scottish Commission for Regulation of Care and a record of the allegation and its outcome will be retained on the foster carer's file and on the central index.'*

Swiis Concerns, Complaints and Allegations About Carers Policy (2009) sets out the action taken when there were concerns expressed about a carer's practice but not to the level of serious concern. It outlined that a Workers Meeting should take place with all Swiis professionals who are supporting the placement being in attendance. The purpose of this meeting was to agree a plan as to how this could be best dealt with and agree a plan. A decision would also be taken as to how the carer should be informed if this had not yet occurred. This would then be monitored through the process of supervision and annual review with the carer being given an opportunity to develop in their practice. If this practice persisted and improvement was not noted, an early review would be called and deregistration would be considered.

This policy also sets out the action that Swiis were to take if an investigation concluded that a criminal offence had occurred or there was some other reason to suspect that the individual posed a risk to children/young people. It stated *'The agency will discuss with the Care Commission whether or not to refer the individual to the Disqualified from Working with Children List and/or the SSSC.'*

xiii. Removal of approval/registration

Within Swiis there are two routes for removal of approval/ registration. The first being when the foster carers themselves making the decision to no longer practice as foster carers and resign. Direction is given within Swiis Fostering Panel Policies and Procedures (2010) described a very straightforward process if this was the case.

*'A foster carer may give written notice to Swiis at any time that he/she no longer wishes to act as a foster carer, whereupon his approval will terminate 28 days from the date such notice is received by Swiis, provided there is no child then in placement. Receipt of notice will be confirmed in writing by Swiis. A brief report will also be submitted to the fostering panel for information and acknowledgement'*

The panel policies and procedures made reference to The Fostering Network's protocol for transferring to another fostering provider, and described how in any event, the reasons for terminating a carer's approval will be recording on file and the local authority who is responsible for any child that was placed with the carer would be notified and also their own area authority.

The Panel Policies and Procedures (2010) also set out the panels responsibility in relation to the deregistration of carers when there have been practice concerns, complaints or allegations made. It set out that when undertaking a foster carer review, after the panel have considered the information provided to them, they must make a recommendation to continue or terminate approval. A record of this meeting will be shared should them be shared the ADM who will, on this basis make a decision regarding registration within the required timescales underpinned in the Looked After Children (Scotland) Regulations 2009.

These policies and procedures also referred to situations whereby Swiis may wish to terminate approval prior to review if there have been serious events in the carers household or concerns about the quality of care offered. In this event, staff were directed to prepare a report for the fostering panel detailing the circumstances with a recommendation to terminate their approval and the same process described above would occur.

The foster carer had an opportunity to appeal any decision made by the ADM and this is outlined in the Panel Appeals Policy (2012).

e) Who compiled the policies and/or procedures?

A range of Swiis staff compiled the policies and procedures. A range of relevant stakeholders are then consulted before they are finalised and endorsed by the management team. This may include foster carers, children and young people, staff, managers and panel members.

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

Many of our original policies and procedures were adopted from our English Counterparts and were revised to take account of the differences in Scottish Legislation and National Guidance. Many were in place when Swiis Foster Care began and as time passed and practice developed, more policies/procedures were compiled.

g) Were such policies and/or practices reviewed?

Yes, all policies and procedures were reviewed periodically. When a policy was created, a review date was scheduled to take place every 2 or 3 years.

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

When a policy was created, a review date was scheduled for 3 years later. Policies and Procedures were and still are reviewed every three years or more frequently if there are changes to legislation, national guidance, what constitutes good practice or in response to recommendations and requirements from the Care Inspectorate. They were and still are also reviewed periodically to ensure they remained in line with contractual requirements from local authorities.

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

As stated in 4.5 h) above the policies and procedures have been updated to reflect changes in terminology, changes in practice, legislation but also reviewed and updated to reflect lifestyle and societal changes. Swiis and policies and procedures reflect changes in national guidance.

j) Why were changes made?

Changes were made in line with guidance, legislation, learning from serious case reviews, reflection of learning through practice and care inspectorate inspections and reviews to ensure that best practice was promoted. They also reflected changes within the agency structure, dynamics and specifics of referrals, and contracts with placing authorities.

k) Were changes documented?

Changes to policies and procedures were not formally documented.

l) Was there an audit trail?

Swiis did not have a formal audit trail of when policies were introduced and changes that were made however they did retain copies of some previous policies on our secure server. We cannot however be certain that either other policies/ procedures or versions of policies had also existed and been operational.

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.

References

Swiis Assessment and Approval Policy 2017 sets out that heightened awareness of the need to protect children has led to more rigorous checking of applicants' histories and details the additional references that are now expected to be undertaken as

undertaken as follows -

- Personal References (with interviews where possible) for all applicants – 2 personal character references and 1 reference from a family member
- Former Partner Reference (particularly where relationship involved care of children and/or grown up children living elsewhere)
- Current Employer (if self-employed this should be co-owner, co-worker, regular client)
- Previous Employer where if this has been regulated work with children and/or protected adults
- Education Reference if child of school age
- Health Visitor Reference if child below school age
- Landlord References if in a rented property.
- Reference from Fostering/Adoption Provider if previously been registered elsewhere.
- Transfer of Foster Care Reference if currently registered with another provider.
- If applicant has sought approval elsewhere and been refused, reasons from this provider provided in writing.

**Carer Reviews** are now carried out in a different way. Swiis now hold all statutory reviews at panel. There is an expectation that the carers will attend along with their Supervising Social Worker. We do however continue to do annual reviews and in the intervening years, these are undertaken internally. Swiis have recruited a Reviewing Officer who is a Swiis employee but does not have management responsibility or any direct involvement with the approved foster carers. This Reviewing Officer is not part of the 24 On Call Service to ensure she has complete objectivity when considering the foster carers at review and making a recommendation regarding continued suitability. In addition to this, we currently have one independent reviewing officer who is not an employee of Swiis. If an internal review recommends a change to a carer's approval, the panel are asked to consider this and make a recommendation regarding this change to the carer's approval. The panel recommendation is then taken into account by the ADM in reaching their decision about the carer's approval.

The National Foster Care Review (commissioned by the Scottish Government in 2013) introduced a set of national 'placement descriptors' to be used consistently by all agencies to enable local areas and the national government to build up a detailed picture of foster care across Scotland and the types of placements that were being made available and track 'permanence' in particular. Swiis began to use National Placement Descriptors in 2015/2016 and as the terms of each carer's approval was reviewed, consideration was given to the types of placements they had capacity to offer. The National Foster Care Review also recommended an amendment was made to the Looked After Children (Scotland) Regulations 2009 that set a maximum foster care placement limit of three unrelated children, with exemptions for sibling groups and emergency placements from 2014. This was thereafter embedded in Swiis policy and procedure.

Number, age and gender of children accommodated in the household

The National Foster Care Review (commissioned by the Scottish Government in

2013) recommended an amendment was made to the Looked After Children (Scotland) Regulations 2009 that set a maximum foster care placement limit of three unrelated children, with exemptions for sibling groups and emergency placements from 2014. This was thereafter embedded in legislation and in turn, within Swiss Carer Review Policy (most recently reviewed in 2019) and Swiss Carer Review Report Guidance for Staff (introduced in 2019).

Following the inquiry into the death of the foster carer Dawn McKenzie there has been a greater focus upon the age range in terms of approvals.

The way we think about gender in non binary terms is also reflected in the Swiss Carer Review Report Guidance for Staff. Previously we used to request that staff clarify terms of approval in terms of number, age and gender (male or female). Within our current guidance, scope is there to define gender in broader terms.

## (ii) Practice

### Past

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

Information was not collated centrally documenting if policy and procedure were adhered to however this can be seen documented on an individual basis within supervision records, foster carer review report and minutes, panel minutes, placement ending meeting minutes, on call records and incident reports. We have examples of where the adherence of policy and procedure was called into question and there was a range of responses by the agency dependent on the extent in which they were not followed and the consequences of this. This ranged from action plans agreed within supervision to revisit the policy/procedure in question to deregistration of carers or disciplinary proceedings and referral to SSSC for registered staff members.

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

b) i. to xiii. Please refer to A above.

c) How was adherence demonstrated?

Adherence can be evidenced by reviewing case files which include Form F assessment reports, supervision records and foster carer review reports, foster carer review minutes, fostering panel minutes, incident reports, placement ending reports, audit records, care inspectorate inspection reports, contract monitoring reports, staff meeting minutes.

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

The inquiry can request access to individual case files which will include BAAF Form F, supervision records, foster carer review reports and minutes, fostering panel minutes, incident reports and placement ending reports. The inquiry can also request access to audit records, care inspectorate reports, contract monitoring reports and staff meeting minutes

e) Were relevant records kept demonstrating adherence?

Swiis had various mechanisms in place which highlight if certain compliance areas were and were not being adhered to. For example, audits took place to track supervision, unannounced visits, health and safety checklists, safer caring plans, annual review meetings and training requirements. Annual reviews were also important in ensuring that statutory checks had been undertaken as and when required and were satisfactory.

f) Have such records been retained?

Please refer to 4.5 (e) above.

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

There was no formal record collated regarding the reasons why policies and procedures were not adhered to however it will be able to be seen on an individual basis in relation to carers within carer logs, supervision records, foster carer review reports and minutes, fostering panel minutes and placement ending meeting reports/minutes and for staff members within supervision records, appraisals and any record of a performance plan or disciplinary proceedings. It is likely that policies and procedures were not adhered to due to lack of awareness to which policies and procedures were available to them or a good understanding how they were to be used in practice.

Present



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

Yes.

- i) If so, please give details.

Swiis compliance in relation to policies and procedures is more robustly monitored than it was previously. The audits that were in place previously remain in place but the systems we have in place to undertake these checks are more efficient. We have a Compliance Coordinator in place who ensures that policies and procedures are regularly reviewed and undertakes audits to ensure we are meeting requirements in various key areas. The Panel and Review Team and the Learning and Development Team also prepare quarterly reports which provide detail of compliance in relation to annual reviews and meeting statutory timescales, placement ending meetings, carer de-registrations and whether carers are meeting the training requirements or not with action plans to address any deficits. In addition to this, we have developed a Quality Assurance Checklist for Form F's and a clear process for checking references at the midpoint review of the Form F Assessment.

#### 4.6 Other members of the foster carer's household

##### (i) Policy

###### Past

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

Swiis Foster Care Scotland had a range of written policies and procedures that referred to other members of the foster carer household.

The Role of the Supervising Social Worker Policy (2010) set out that each foster carer would have their own named supervising social worker who would be able to offer advice, support, supervision and guidance to all members of the household. It also stated they would address the issues of safe caring for all family members and this is referenced within the Safer Care Policy (2011) where it stated that the key message of the policy was that the whole family needed to be involved in drawing up an individual safer caring plan. The policy aims to ensure that the foster care homes provided by Swiis are safe places for everyone resident within them – carers, the children of carers, the children and young people who are placed there as well as any visitors to the home. The Unannounced Visit Guide set out that the carer's own children should be seen during this visit which would take place at least once a year and the Foster Carer Review Policy (2004) set out that feedback was sought from them which informed the review.

Swiis Recruitment and Assessment and Approval Policy (2011) set out that all children of applicants living in the household were to be interviewed as part of the Form F assessment process. An enhanced Disclosure Scotland Checks was to be made in relation to anyone who was 16+ that resided in the household. These checks were to be repeated every two years. Swiis Criminal Offences and

Significant Life Events Policy (2010) acknowledges that if applicants have extended family members with convictions or involvement in criminal behaviour, these would also need to be discussed in order to form a view of any potential risk to children. This policy also referred to family members and friends being provided with the opportunity to attend Skills to Foster Training to gain insight into the fostering task that would be undertaken by their family members/friends. Consideration of the training and support needs of not only the carers but other members of the household are also referred to in the Foster Carer Review Policy (2010)

Despite there being no policy document held within our archive that specifically addresses Swiis' commitment to working with Children Who Foster (CWF), it is known that groups were ran to support them. These groups were detailed on the website and in the enquiry pack given to those interested in fostering.

A CWF working group led the development and introduction of such groups across the service. To accommodate different support needs/ reflect the changing household compositions Young Adult, Pre-school and groups for Adult children were also facilitated when such a need was identified.

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

Swiis policies, procedures and guidance documents were created to give guidance to staff and carers and ensure that there was a consistent approach to practice across the agency that was in line with current legislation, national guidance and best practice.

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

Foster carers policies, procedures and guidance documents were recorded and stored on the Swiis IT server which was easily accessible to staff. Either a printed copy or a copy saved on a USB stick was provided for each carer household. Foster carers who were newly approved also had the opportunity to work through their personal copy of the Foster Carer Handbook with resource staff, ensuring that there was a clear understanding of their roles and responsibilities.

d) Who compiled the policies and/or procedures?

A range of Swiis staff compiled the policies and procedures. A range of relevant stakeholders are then consulted before they are finalised and endorsed by the management team. This may include foster carers, children and young people, staff, managers and panel members.

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

Many of our original policies and procedures were adopted from our English Counterparts and were revised to take account of the differences in Scottish Legislation and National Guidance. Many were in place when Swiis Foster Care began and as time passed and practice developed, more policies/procedures were compiled.

f) Were such policies and/or practices reviewed?

Yes, all policies and procedures were reviewed periodically. When a policy was created, a review date was scheduled to take place every 2 or 3 years. In relation to CWF groups these were reviewed by the working group with practices evolving over time.

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

When a policy was created, a review date was scheduled for 3 years later. Policies and Procedures were and still are reviewed every three years or more frequently if there are changes to legislation, national guidance, what constitutes good practice or in response to recommendations and requirements from the Care Inspectorate. They were and still are also reviewed periodically to ensure they remained in line with contractual requirements from local authorities.

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

No substantive changes have been made.

i) Why were changes made?

Please refer to 4.6 (g).

j) Were changes documented?

Changes to policies and procedures were not formally documented.

k) Was there an audit trail?

Swiis did not have a formal audit trail of when policies were introduced and changes that were made however they did retain copies of some previous policies on our secure server. We cannot however be certain that either other policies/ procedures or versions of policies had also existed and been operational.

Present

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

Yes.

m) If so, please give details.

Swiis have continued to develop their policies and procedures related to other members of the fostering household. Swiis Foster Carer Review Policy highlights that Swiis no longer undertake enhanced disclosures for looked after children who are 16+ and living in the

household. This change was made to meet contractual obligations of the Scotland Excel Framework Agreement. Swiis do however continue to carry out enhanced disclosures for any other adult in the household including young adults in receipt of continuing care. If they have any convictions, a criminal convictions risk assessment is required to be undertaken.

Swiis have monthly audits in place to ensure these checks are done in a timely fashion. Swiis also now undertake Local Authority Checks for any other adult living in the household whereas this previously was undertaken in respect on the prospective applicants.

Swiis Smoking, Drugs and Alcohol Policy recognises that in ensuring that children are placed in a household that supports a child's optimal health, consideration needs to be given to not only the lifestyle choices of the approved foster carers but of any other adult living in the household. Swiis Staff Guidance Document – Foster Carer Review Report highlights the need for the Supervising Social Worker to detail any person within the household who smoke and this includes foster carers and any other adults in the household.

Swiis introduced an 'Assessing New Partner Policy' (2016) which sets out the required references and checks that are required when an approved foster carer enters into a new relationship. These range from informing the local authority of any child placed, undertaking a basic disclosure and revisiting of the Safer Care Plan if this person becomes a regular visitor to the home to undertaking a full Form F assessment including statutory references and checks were this person have a plan to move into the fostering household.

(ii) Practice

Past

- a) Did the organisation adhere in practice to its policy/procedures in relation to other members of the foster carer's household?

Information was not collated centrally documenting if policy and procedure were adhered to however this can be seen documented on an individual basis within Form F assessments, supervision records, safer caring plans, foster carer review report and minutes, panel minutes, placement ending meeting minutes, on call records, incident reports and audit reports

- b) How was adherence demonstrated?

See 4.6 (a) above.

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

The inquiry can request access to individual case files which will include BAAF Form F, supervision records, safer caring plans, foster carer review reports and minutes, fostering panel minutes, incident reports and placement ending reports. The inquiry can also request access to audit records, care inspectorate reports,

contract monitoring reports and staff meeting minutes.

d) Were relevant records kept demonstrating adherence?

Swiis had various mechanisms in place which highlighted if certain compliance areas were and were not being adhered to. For example, audits took place to track disclosure checks, supervision, unannounced visits, safer caring plans, annual review meetings and training requirements. Annual reviews were also important in ensuring that statutory checks had been undertaken in relation to carers and any other adult in the household as and when required and that they were satisfactory.

e) Have such records been retained?

Please refer to 4.6 (d) above.

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

There was no formal record collated regarding the reasons why policies and procedures were not adhered to however it will be able to be seen on an individual basis in relation to carers within carer logs, supervision records, foster carer review reports and minutes, fostering panel minutes and placement ending meeting reports/minutes and for staff members within supervision records, appraisals and any record of a performance plan or disciplinary proceedings. It is likely that policies and procedures were not adhered to due to lack of awareness to which policies and procedures were available to them or a good understanding how they were to be used in practice.

Present

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

Yes.

h) If so, please give details.

Swiis compliance in relation to policies and procedures is more robustly monitored than it was previously. The audits that were in place previously remain in place but the systems we have in place to undertake these checks are more efficient. We have a Compliance Coordinator in place who ensures that policies and procedures are regularly reviewed and undertakes audits to ensure we are meeting requirements in various key areas. The Panel and Review Team also ensure that any statutory checks in relation to both carers and other adults in the household are highlighted as part of an action plan for the forthcoming year. In addition to this, we have developed a Quality Assurance Checklist for Form F's and a clear process for checking references at the midpoint review of the Form F Assessment.

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

(i) Policy

Past

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

Swiis did not place children with other organisations or local authorities. The placing of children is the responsibility of the local authority. Swiis did however receive applications and approve carers who have previously been approved foster carers with other local authorities and this is referenced within our policies and procedures. See 4.5 (d)(viii) for more information.

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

Swiis policies, procedures and guidance documents were created to give guidance to staff and carers and ensure that there was a consistent approach to practice across the agency that promoted best practice.

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

All policies, procedures and guidance documents were recorded and stored on the Swiis IT server which was easily accessible to staff. The Fostering Network's best practice Transfer of Foster Carers Protocol was included in the Foster Carer Handbook and available to staff on the server.

- d) Who compiled the policies and/or procedures?

A range of Swiis staff compiled the policies and procedures. A range of relevant stakeholders were then consulted before they were finalised and endorsed by the management team. This may have included include foster carers, children and young people, staff, managers and panel members. The Independent and Voluntary Providers Forum Best Practice Statement was established by the Scottish Independent and Voluntary Providers Forum facilitated by The Fostering Network.

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

Many of our original policies and procedures were adopted from our English Counterparts and were revised to take account of the differences in Scottish Legislation and National Guidance. Many were in place when Swiis Foster Care began and as time passed and practice developed, more policies/procedures were compiled. How Swiis dealt with applications from existing foster carers was referenced in the Foster Carer Handbook dating back to 2006.

- f) Were such policies and/or practices reviewed?

Yes, all policies and procedures were reviewed periodically. When a policy was created, a review date was scheduled to take place every 2 or 3 years.

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

When a policy was created, a review date was scheduled for 3 years later. Policies and Procedures were and still are reviewed every three years or more frequently if there are changes to legislation, national guidance, what constitutes good practice or in response to recommendations and requirements from the Care Inspectorate. They were and still are also reviewed periodically to ensure they remained in line with contractual requirements from local authorities

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

No substantive changes were made. Policies were created and revised as legislation, national guidance, what constitutes good practice and contractual requirements changed or in response to any recommendations and requirements made by the care inspectorate.

i) Why were changes made?

No substantive changes were made. See g) above.

j) Were changes documented?

Changes made to policies and procedures were not formally documented however we did retain copies of previous policies on our secure IT server. Given there was no formal audit trail, it is impossible to determine whether other versions existed

k) Was there an audit trail?

See (j) above.

Present

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

Yes.

m) If so, please give details.

In 2015, the Fostering Network developed 'The Transfer of Foster Carers Protocol and as previous stated the development of this was doing with the Independent and Voluntary Fostering Providers Forum and provide best practice guidance to be followed when a prospective or approved foster carers wished to transfer their application or registration from one registered fostering provider to another. This

transfer protocol is referenced in the Swiis Assessment and Approval Policy (2017) which states '*Where applicants are approved as foster carers by another agency or local authority, the TFN Transfer of Foster Carers Protocol Scotland (2015) should be referred to. Safeguarding the needs and welfare of any child currently in placement are paramount. These must be upheld in any transfer. A reference must be sought given that this experience will provide the best possible evidence of their ability to foster for Swiis.*'

(ii) Practice

Past

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

As previously stated, Swiis did not place children with foster carers approved/registered by local authorities or other organisations. As such this has always been adhered to.

Swiis did however receive applications and approve foster carers that were transferring from other fostering providers whether that be from a local authority or from another independent or voluntary provider and this was reflected in our policies and procedures. Whether our policies were adhered to in relation to this transfer process was not collated centrally however it can be seen on an individual basis within foster carer case records, references sought from and to other fostering providers, BAAF Form F reports and panel minutes.

- b) How was adherence demonstrated?

Please refer to 4.7 (ii)(a) above.

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

The inquiry can request access to individual case files which will include the references provided to and from other fostering providers, BAAF Form F Report and Panel Minutes.

- d) Were relevant records kept demonstrating adherence?

Please refer to 4.7(ii)(a) above.

- e) Have such records been retained?

Swiis has retained all foster carer records since the organisation began in 2005.



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

There was no formal record collated regarding the reasons why policies and procedures were not adhered in this area.  
Whilst there is no evidence to indicate that policy/procedure was not adhered to if the transfer protocol was not completely adhered to then it is likely that this was due to a lack of awareness and an understanding of how they should be used in practice.

Present

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

Yes.

h) If so, please give details.

Swiis compliance in relation to policies and procedures is more robustly monitored than it was previously. Staff have a greater awareness of the TFN Transfer Protocol and we have developed a Quality Assurance Checklist for Form F's and a clear process for checking references at the midpoint review of the Form F Assessment that acts as an aide memoir when ensuring that the correct process is followed.

#### 4.8 Complaints and Reporting

(i) Policy

Past

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

The policies and procedures which covered this area were :-

- Malpractice and whistleblowing policy – 2006
- Complaints and Representations policy 2006
- Policy on Physical Restraint & Control and Discipline 2006
- Complaints & Suggestions Policy & Procedure 2011
- Reporting significant Incidents procedure - 2011
- Concerns, complaints and allegations against foster carers 2011

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

The intention of the policies and procedures relating to complaints and reporting complaints was to promote the welfare of children. It was to ensure that staff, foster carers and young people felt able to raise concerns, discuss observations and lodge complaints or grievances without being apprehensive about the response.

Foster carer handbooks provided foster carers with copies of policies and procedures. It therefore enabled foster carers to be conversant and understand the policy and process in regard to complaints, how it worked and what would happen, it also served as a protection for everyone.

Foster carers with concerns or complaints about any aspect of caring were made aware that in the first instance they could raise this within supervision with their supervising social worker.

In respect of Swiis staff, they were provided with a staff handbook which detailed the grievance process and procedures.

The policies and procedures which covered this area were :-

- Malpractice and whistleblowing policy – 2006
- Complaints and Representations policy 2006
- Policy on Physical Restraint & Control and Discipline 2006
- Complaints & Suggestions Policy & Procedure 2011
- Reporting significant Incidents procedure - 2011
- Concerns complaints allegations against foster carers 2011

The aim and intention was to remain child focused and to ensure that those working for Swiis, foster carers and staff, provided and delivered safe and person centred services which promoted the outcomes for children. The intention was to provide Staff and carers with a policy and procedure which outlined their responsibility in continuing to provide best practice.

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

The policies and procedures were in the foster carer handbook and employee handbook. They were also held on the Swiis IT system. Older policies are now archived.

Newly approved foster carers were provided with a paper copy of their foster carer handbook which Swiis resource workers, in the past these staff were called placement workers, worked through with them. This supported the newly appointed carers in their knowledge of the handbook and time to learn and reflect on the policies and procedures there in.

d) What did the policies and/or procedures set out on the following:  
i. Complaints by children

Swiis created a Young Person's Guide that informed and encouraged children and young people to report their concerns, either directly to Swiis, to their local authority or to other external bodies such as the Commissioner for Children and Young People and/or the Care Commission. The Guide was clear that all concerns, allegations were taken seriously, shared as appropriate with other organisations and investigated in accordance with relevant legislation, guidance and agency procedures.

Swiis had in place in the policy and procedures 'Complaints and Representations Policy 2006' in accordance with The Children (Scotland) Act 1995 Regulations & Guidance and the National Care Standards Foster Care and family placement services Standard 1, Standard 4, Standard 7 and 13.

Swiis had developed a written procedure for considering any complaint or representation made by or on behalf of a child/young person using its placement services and by its foster carers.

It stated:

3.1 *'Any "Looked After Child" may complain re any aspect of their care to their placing authority whose complaints procedure will be available to the child via the social worker. However, if the complaint relates to an aspect of the service provided by Swiis agreement will be reached with the placing authority re which agency will investigate the complaint.'*

- *Complaints may be made by the child itself, foster carer, parent, social worker, friend, relative or Swiis staff. The complaint may concern any aspect of the service received from Swiis or its registered foster carers.*
- *Children will receive written information on how to make complaints including the availability of independent support and advice.*
- *When a complaint is made by or on behalf of a child to Swiis, the placing Authority social worker will be informed. Agreement will then be reached with the placing Authority re which Agency will investigate the complaint.*
- *Children will be assured that their complaints will be taken seriously, investigated thoroughly and they will receive written notification of the outcome.*

*Children will be reassured that by making a complaint they will not be subjected to any form of punishment or reprisal.'*

## ii. Complaints by foster carers

Within the 'Complaints and representation policy' (2006) held within Swiis, it is stated that Foster carers could/can make complaints about any aspect of the service.

These included :

- Lack of support
- Concern re a member of staff/management of the service
- Any form of harassment
- Racism or discrimination
- Training
- Financial issues

It was also recorded that the complainant would receive written acknowledgment of the complaint and details of the planned investigation. The complaint was investigated under the 'process for complaint' which offered a two-stage investigation process. The initial being an informal investigation, where the complainant was offered 28 days recourse if the complainant was dissatisfied with the outcome. The second stage was the more formal, with an independent person appointed to undertake the investigate. It is clearly noted within the policy timescales and the reportable nature of the complaint.

On conclusion of the investigation the process was clear that the complainant would receive written notification of the outcome and that there would be no recrimination or reprisals. Foster carers were and are still directed to approach the Fostering network for independent advice and support.

### iii. Complaints by family members of children

In respect of birth family members, the policy discussed above i.e. 'Complaints and representation policy' (2006) was also utilised, alongside the Malpractice and 'Whistleblowing' policy 2004.

### iv. Complaints by third persons

If an allegation was made in respect of a foster carer by third party persons the Concern, Complaints and Allegations about foster carers policy 2004 was followed. The policy sets out that Swiis would ensure that foster carers received appropriate and unbiased support. Through supervision and access to independent advice and representation (e.g. the Fostering Network if appropriate) during any investigation in which they are implicated.

In 2006 Swiis had a Complaints and Representations Policy (2006) in respect of any complaint or representation made by or on behalf of a child/young person using the service or by the foster carer themselves. It set out a clear process to follow for a first stage complaint (informal) and a second stage complaint (formal), the recording of such complaints and how they will be monitored and evaluated.

Swiis also had a Young Person's Guide that informed and encouraged children and young people to report their concerns either directly to Swiis, to their local authority or to other external bodies such as the Commissioner for Children and Young People and/or the Care Commission. The guide is clear that all concerns, allegations are taken very seriously, shared as appropriate with other organisations and investigated in accordance with relevant legislation, guidance and agency procedures.

### v. Whistleblowing

Swiis had a Malpractice and 'Whistleblowing' Policy (2006) in place which reflected The Public Interest Disclosure Act 1998 providing protection for foster carers or workers who raised legitimate concerns about specific matters. It sets out that all people involved with Swiis should feel able to raise concerns, make observations or lodge a complaint/grievance without fear of reprisal or any form of unreasonable response, if it appears to them, that an individual or the organisation generally is conducting itself in a way that seriously detracts from the welfare of children.

The Malpractice and Whistleblowing policy notes a three-stage approach for the purpose of investigation process. Complaints in regard to foster carers would be in regard to practice issues and would lead to a process of investigation.

In respect of the formal process a panel would be called within 28 days, to consider an end of placement and deregistration.

All complaints are recorded regardless of their outcome, the findings and responses logged. If a complaint progresses to the second stage an independent person and independent report would complete this investigation. Findings would be sent to the complainant, care commission and local authority. It furthers that Swiis will cooperate with all relevant agencies to prevent abuse of children and will endeavour to employ its resources to promote best practice.

vi. Support, including external support, for those who made the complaint or those who were the subject of complaint

In respect of complainants their information was treated with confidentiality and every care taken to ensure that they were in no way subjected to discrimination due to their reporting.

For foster carers they were supported within Swiis or an independent person was appointed. They were also offered the support of the fostering network.

If staff were subject to a complaint the investigation was undertaken through the Disciplinary, Complaints, Grievance and Whistleblowing procedures 2006

- Disciplinary and Dismissal policy 2006
- Grievance policy 2006

Staff can utilise the support of a Union or colleague during such formal processes.

Please also refer to answers to Part C number 4.9 regarding investigations and Part B number 2.1 (e) where a practise example is included.

vii. Response to complaints (including response by the organisation)

If an allegation was made in respect of a foster carer the Concern, Complaints and Allegations about foster carers policy 2004 was followed. The policy sets out that Swiis would

*'ensure that foster carers received appropriate and unbiased support. Through supervision and access to independent advice and representation (e.g. the Fostering Network if appropriate) during any investigation in which they are implicated. In line with the fostering regulations the policy then states that a foster care review would be held.*

*Should an investigation result in a finding or acceptance that any Swiis carer has abused, neglected or failed to adequately protect an adult placed with them their approval will be reviewed and the Swiis fostering panel will be informed with a view to withdrawal of their approval as carers. Any carer who wishes to challenge the agency decision under these or any other circumstances is entitled to appeal in accordance with Swiis policy as described in the Fostering Panel Appeals Policy.'*

In respect of complainants their information was treated with confidentiality and every care taken to ensure that they were in no way subjected to discrimination due to their reporting. For foster carers they were supported within Swiis or an independent person was appointed. They were also offered the support of The Fostering Network.

viii. External reporting of complaints

If an allegation was made in respect of a foster carer the Concern, Complaints and Allegations about foster carers policy 2004 was followed. The policy sets out that Swiis would ensure that foster carers received appropriate and unbiased support. Through supervision and access to independent advice and representation (e.g. the Fostering Network if appropriate) during any investigation in which they are implicated. In line with the fostering regulations the policy then states that a foster care review would be held.

Should an investigation result in a finding or acceptance that any Swiis carer has abused, neglected or failed to adequately protect an adult placed with them their approval will be reviewed and the Swiis fostering panel will be informed with a view to withdrawal of their approval as carers. Any carer who wishes to challenge the agency decision under these or any other circumstances is entitled to appeal in accordance with Swiis policy as described in the Fostering Panel Appeals Policy. Any carer who wishes to challenge the agency decision under these or any other circumstances is entitled to appeal in accordance with Swiis policy as described in the Swiis Appeal Policy.

In respect of complainants their information was treated with confidentiality and every care taken to ensure that they were in no way subjected to discrimination due to their reporting. For foster carers they were supported within Swiis or an independent person was appointed. They were also offered the support of The Fostering Network.

External reporting to bodies such as the Care Commission and SSSC were made in accordance with Reporting of incidents procedures. Practice example 3 included in part B 2.1 (e) evidences Swiis having done so.

e) Who compiled the policies and/or procedures?

A range of Swiis staff compiled the policies and procedures. A range of relevant stakeholders are then consulted before they are finalised and endorsed by the management team. This may include foster carers, children and young people, staff, managers and panel members.

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

Many of our policies and procedures were adopted from our English Counterparts and put in place in 2004, at the inception of Swiis Foster care Scotland. They were revised to take account of the differences in Scottish Legislation and National Guidance. Many were in place when Swiis Foster Care Scotland began and as time passed, more policies/procedures were compiled.

g) Were such policies and/or practices reviewed?

Yes, all policies and procedures were reviewed periodically. When a policy was created, a review date was scheduled to take place every 2 or 3 years.

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

There are a number of reasons for review of the policies:

- Date of issue and dedication to reviewing this at a certain time scale.
- Serious case reviews
- Guidance
- Legislative changes
- Inspection recommendations

- Development of consistent good practice across the agency

When a policy was created, a review date was scheduled for 3 years later. Policies and Procedures were and still are reviewed every three years or more frequently if there are changes to legislation, national guidance, what constitutes good practice or in response to recommendations and requirements from the Care Inspectorate. They were and still are also reviewed periodically to ensure they remained in line with contractual requirements from local authorities.

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

No substantive changes have been made.

- j) Why were changes made?

No substantive changes have been made.

- k) Were changes documented?

Changes were documented by the submission of these into the foster carers handbook and staff resources, IT system.  
All managers disseminated these with staff following ratification from the Scottish Director.

- l) Was there an audit trail?

Swiis did not have a formal audit trail of when policies were introduced and changes that were made however they did retain copies of some previous policies on our secure server. We cannot however be certain that either other policies/ procedures or versions of policies had also existed and been operational.

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.

All policies are now available to staff on Swiis intranet and relevant policies continue to be collated and shared with carer's as part of their Foster Carer Handbook. This is available to them either electronically or in paper form if this is their preference. If a policy/procedure is created or revised, the new version is uploaded to the intranet and shared with the carers if relevant. Swiis are working towards having all policies/procedures available to carers on a Carers Zone on the Swiis Website which

will make them even more accessible than they already are. Swiis review all policies every three years or more frequently if there are changes to national guidance, legislation or good practice under the umbrella of 'continuous improvement'. The policies/procedures continue to be formulated by a range of Swiis staff however relevant stakeholders are consulted before these are finalised. This might include foster carers, staff, management team and on occasions children themselves. Swiis now have a Compliance Coordinator who oversees the reviewing of all policies, ensuring that this happens as and when required. Swiis have now introduced an audit trail to record when policies are introduced and changes are made, this is formally documented.

(ii) Practice

Past

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

Swiis did not formally record whether policy or procedures were adhered to. It is likely that policy and procedure were not always adhered to in each individual case however there was an expectation that they should be. There is however evidence in recordings and a folder of complaints kept by the Scottish Director that shows formal complaints having been responded to appropriately with actions such as externally appointed social workers commissioned to investigate evidenced and feedback provided to complainants. Evidence of referrals being made to e.g. the SSSC also exist in staff files. In seeking to evidence this Swiis records held in respect of training, reviews, practice development sessions, staff external training, fostering panel minutes, case recordings these may provide evidence of such.

- b) Did the organisation adhere in practice to its policy/procedures on the following:
- i. Complaints by children
  - ii. Complaints by staff
  - iii. Complaints by family members of children
  - iv. Complaints by third persons
  - v. Whistleblowing
  - vi. Support, including external support, for those who made the complaint or those who were the subject of complaint
  - vii. Response to complaints (including response by the organisation)
  - viii. External reporting of complaints

In regard to the above Swiis did not formally record whether policy or procedures were adhered to. It is likely that policy and procedure was not adhered to in each individual case however there was an expectation that they should be. Any nonadherence to Swiis policy can be evidenced in the outcomes for foster carers.



Adherence can be evidenced by reviewing case files. The present Scottish Director has retained a file with all complaints saved within since taking her post in June 2014.

c) How was adherence demonstrated?

Swiis did not formally record whether policy or procedures were adhered to. It is likely that policy and procedure were not adhered to in each individual case however there was an expectation that they should be. This may be able to be demonstrated through individual case files held within Swiis.  
With reference to the example 3 provided in Part B 2.1 (e)

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

The inquiry can request access to individual case files which will include supervision records, foster carer review reports and minutes, fostering panel minutes, incident reports and placement ending reports. The inquiry can also request access to audit records, care inspectorate reports, contract monitoring reports and staff meeting minutes and staff records.  
The inquiry will be able to see the examples of evidence contained within Part D of this report. The inquiry may also be able to review individual case files.

e) Were relevant records kept demonstrating adherence?

Swiis had various mechanisms in place which highlight if certain compliance areas were and were not being adhered to. For example, supervision records, complaints process and Foster carers review reports and minutes. Swiis have retained all carer's records since the organisation began in 2005.

f) Have such records been retained?

Please refer 4.8 (e) above.

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

There was no formal record collated regarding the reasons why policies and procedures were not adhered to however it will be able to be seen on an individual basis in relation to foster carers within supervision records, foster carer review reports and minutes, fostering panel minutes and placement ending meeting reports/minutes and for staff members within supervision records, appraisals and any record of a performance plan or disciplinary proceedings. It is likely that policies and procedures were not adhered to in each individual case.

Present

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

Yes

i) If so, please give details.

Swiis compliance in relation to policies and procedures is more robustly monitored than it was previously. Audits of systems have been retained from the past, there is however a more efficient method of checks in place today and these are audited and monitored regularly. Swiis now also have a Compliance Coordinator in place who ensures that policies and procedures are regularly reviewed and that audits are undertaken to ensure Swiis are meeting requirements in various key areas. The Panel and Review Team and the Learning and Development Team also prepare quarterly reports which provide detail of compliance in relation to annual reviews and meeting statutory timescales, placement ending meetings, carer de-registrations and whether carers are meeting the training requirements or not with action plans to address any deficits.

#### 4.9 Internal Investigations

(i) Policy

Past

a) What policies and/or procedures did the organisation have in place in respect of internal investigations relating to abuse or alleged abuse of children in foster care?

The policies and procedures which Swiis had in place were:-

- Allegations against foster carers 2004
- Complaints and representations policy 2006
- Malpractice and 'whistleblowing' policy 2004
- Safeguarding policy 2004
- Concerns, complaints and allegations about foster carers policy 2011
- Reporting Significant Incidents 2011
- Disciplinary, Complaints, Grievance and Whistle Blowing procedure 2006 (staff handbook)
- Grievance policy and procedure 2006
- Disciplinary and Dismissal policy and procedure 2006
- Reporting & management of incidents Guidance

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

Swiis policies, procedures and guidance documents were created to give guidance to foster carers and staff and ensure that there was a consistent approach to practice across the agency that was in line with current legislation, national guidance and best practice.

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

Foster carers policies, procedures and guidance documents were recorded and stored on the Swiis IT server which was easily accessible to staff. Either a printed copy or a copy saved on a USB stick was provided for each carer household. Foster carers who were newly approved also had the opportunity to work through their personal copy of the Foster Carer Handbook with resource staff, ensuring that there was a clear understanding of their roles and responsibilities. A staff handbook was given to staff in paper form from 2004. The updated version of this document is now available to staff online within the 'People HR' system.

d) What did the policies and/or procedures set out on the following:  
i. Approach to/process of internal investigations

The **Allegations Against Foster Carers Policy 2004** set out in accordance with the National Care Standards services to foster carers standard 7 and the Children (Scotland) Act 1995 regulations and guidance. The process which it details is as follows:-

- *'Referred to child young person's placing authority and also host authority (where foster carer lived).*
- *Inform all other children in placements placing authorities.*
- *Investigation coordination by local authority*
- *Full cooperation from Swiis during investigation – providing full information, assessments, training log etc*
- *Attendance of Swiis professionals at all meetings*
- *Swiis to keep foster carer informed throughout investigation*
- *Swiis will address any issues raised following investigation against a foster carer*
- *Foster carers will be notified in writing of the outcome of the placing authority and investigation carried out by Swiis.'*

The **Complaints and Representations Policy 2006** also sets out that any allegation against a foster carer about neglect, abuse or ill treatment of a child will be referred to the placing authority for investigation/management under child protection procedures.

*'All complaints/allegations regardless of their outcome will be recorded and monitored by the head of foster care.'*

The **Malpractice and 'whistleblowing' policy 2004** sets out *'Swiis will not tolerate practice that knowingly, or by omission, places any child in its care at risk of harm or jeopardises their welfare. Swiis will cooperate with all relevant agencies to prevent abuse of children and will endeavour to employ its resources to promote best practice.'*

The **Safeguarding Policy 2004** sets out *'All concerns, allegations are taken seriously, shared as appropriate with other organisations and investigated in accordance with relevant legislation, guidance and agency procedures.'*

**The Concerns, Complaints and Allegations about Foster Carers Policy 2011**

sets out a clear distinction between

- Concern
- Serious Concern/complaint
- Allegations of abuse or criminality

This policy states that the investigation needs considerable co-ordination with a variety of agencies and will be established in line with local Protection Committee procedures. No attempts were to be made by SWIS staff to independently investigate the matter, without establishing multi-disciplinary agreement with the local police/protection unit responsible.

The **Reporting & Management of Incidents Guidance** offers:- *'The Scottish Director should be made aware of any incidents that are potentially life threatening, complaints and allegations against foster carers. This should be done verbally in the first instance and followed up in writing as soon as possible. In some circumstances, other agencies e.g. the Care Inspectorate must be notified. Appendix A outlines who should be notified and in what circumstances. The Registered Manager is responsible for doing so.'*

**Disciplinary and Dismissal policy 2006** sets out the approach taken with regards to staff disciplinary matters:- *'It is necessary for the proper operation of the Company's business and the health and safety of the Company's employees that the Company operates a disciplinary and dismissal procedure. The following procedure will be applied fairly in all instances where disciplinary action is regarded as necessary by the Company's management save to the extent that a minor reprimand is given for any minor act of misconduct committed by an employee.*

*Without prejudice to the above, the procedure does not apply to:*

- *termination during or at the end of a probationary period of service including any extended probationary period of employment where a basic procedure in line with the statutory dismissal and disciplinary procedure will apply instead; or*
- *termination by mutual consent.*

*The Company reserves the right to implement the procedure at any stage as set out below taking into account the alleged misconduct of an employee.'*

The investigation was undertaken by the employee's manager, when a breach of company policies or rules were cited. At this stage the employee would be informed that there was an investigation underway and would be told upon its conclusion. The procedure for this type of process was:-

*'Where, upon completion of an investigation, there are reasonable grounds to believe that an employee has committed an act of misconduct; he/she will be invited to attend a disciplinary hearing before his/her Manager or another Manager of a similar level to the employee's Manager or a more Senior Manager.*

*In the event of poor performance by an employee, disciplinary hearings will usually be undertaken only after performance improvement reviews, counselling of the employee, further training if appropriate and or oral warnings have failed to produce a satisfactory improvement to performance. In the event of a disciplinary hearing taking place the Company will:*

- *give the employee a minimum of two days' advance notice of the hearing;*
- *tell the employee the purpose of the hearing and that it will be held under the Company's disciplinary and dismissal procedure;*

- *explain the employee's right to be accompanied at the hearing by a fellow worker or trade union representative or trade union official;*
- *give the employee written details of the nature of his/her alleged misconduct; and*
- *provide to the employee all relevant information which should include statements taken from any fellow employees or other persons that the Company intends to rely upon against the employee not less than two days in advance of the hearing.*
- *The company would require the employee to provide documentation they intend to present during the disciplinary meeting to be given to the employer not less than two days in advance of the hearing.'*

**Grievance Policy and procedure 2006** sets out that any formal grievance in respect of staff should be concerned with the way in which they have been treated by the Company or managers acting on the company's behalf. In issues relating to bullying or harassment, the matter would be dealt with under the bullying and harassment procedure. Complaints that amount to an allegation of misconduct on the part of a member of staff would be investigated and dealt with under the disciplinary procedure with them informed of the outcome.

It states :- *'Grievances may be concerned with a wide range of issues, including the allocation of work, your working environment or conditions, the opportunities that you have been given for career development or the way in which you have been managed.'*

ii. Identifying lessons/changes following internal investigations

**Disruption of Fostering Placements Policy 2004** This policy offers how meetings in regard to the disruption of placements can provide lessons and changes. *'The process of reviewing why a placement has ended in disruption is essential in terms of all parties involved – achieving an understanding and assisting in the future planning for the child/young person and the carers. Additionally, reviewing disruptions helps to inform research in factors which aid and hinder successful foster placements, thus developing professional knowledge and practice in the complex areas of substitute family care.'*

Within the **Allegations Against Foster Carers Policy 2004**, it states that following the outcome of an investigation the case would be reported to the fostering panel and a review may be held. Reviews would consider if there were any training needs identified or if changes in approval were required. This Policy also states that *'all allegations will be monitored, and their outcomes evaluated'*. It then refers to the **Complaints and Representations Procedure** paragraph 8 which states under monitoring and evaluation that *'All complaints, representations and allegations against foster carers will be monitored by the Head of foster care. Their outcomes will be annually evaluated as a basis for informing future provision. Information from these processes will be shared with the fostering panel.'*

The **Reporting Significant Incidents Policy** sets out that all investigations offer the opportunity to learn and further improve on practice. The policy clearly states the purpose of reporting, recording and the practice which should be undertaken, alongside which it notes the learning which can be gleaned. This is contained within the section for senior management where it states:- *'Senior Manager Will monitor and review data regarding significant incidents for the purpose of identifying trends, care practice, determining appropriate interventions and targeting training and support.'*

Within this policy it states that when an incident occurred senior management would review training, practice and trends therefore demonstrating the learning which could be derived from such cases to protect and place children and their welfare as paramount.

**Disciplinary and Dismissal policy 2006** In respect of this policy, following the dismissal of a staff member in 2013, as discussed in question iii, the Foster Care Record Keeping Resource pack was created for foster carers and staff following the investigation and learning from this.

iii. Implementation of lessons/changes following internal investigations

As is detailed in the answers to the questions above Swiis are clear in their policies that any investigations offer the opportunity to learn and further improve on practice, however there is no specific policy which highlights past changes following internal investigations. This said Swiis can evidence changes which occurred an example being the 'Foster Carer resource Record Keeping Resource Pack' for foster carers and staff created in 2013. The creation of this pack followed an internal investigation which focused on recording keeping and supervision (Please see 2.1 (e) paragraph 7). The investigation thoroughly explored the way in which logs in respect of a young person had been written and the wording which was used. Foster carers daily logs were being overseen by the SSW and had been 'signed off'. The wording however in these logs, terminology used, and actions taken highlighted concerns which had not been addressed by the supervising social worker. This resulted in the member of staff being dismissed and referral made to the SSSC. The foster carer was also deregistered due to significant concerns about her practice.

iv. Compliance

In regard to compliance all policies and procedures relate to this area the policies which adhered to this specifically are 'Quality Control Mechanisms and Service Delivery Outcomes'. This sets out that Swiis were/are committed to the delivery of safe and child focused services in a manner which promotes positive outcomes for all young people in its service. This is undertaken through the independent reviewing system, placement reports gleaned from local authorities and the use of looked after children's documentation.

Swiis also developed a Malpractice and 'Whistleblowing' policy 2006 which encouraged and encourages feedback from children, young people and their birth families for foster carers reviews. The review also elicits views of children in placement. foster carers and the foster carers own children.

Swiis has a supervision policy for both staff and one for foster carers with staff and carers supported and supervised regularly (4/5 weekly). This also upholds the Foster Carer Agreement which is signed by all foster carers, following approval and thereafter following any changes to approval or to reflect new requirements.

As set out within the Disruption of Fostering Placements 2004 it states that such meetings will be held where placements have not achieved their desired time, span and aims. The minutes and records of the meetings are held within the Swiis IT system and evidence compliance with the policies and procedures.

All complaints and comments contribute to the quality assurance function and provide vital information to inform the future policy, planning and development of the service, as well as identifying the areas of the service which are successful and valued. They help to identify any gaps in service provision and should lead to the development of improved services.

- Swiis will keep a central record of all formally received comments, complaints and compliments and use these to inform practice and service delivery.
- Swiis will ensure that written information about its complaints procedures and how to access this is made available to all its service users.
- Swiis will ensure that individuals are aware of their right to comment or complain and are empowered to use this opportunity without fear of reprisal.
- Swiis will actively promote every child/young person's access to information about their right to complain, and will provide further information, support and guidance, if requested by the child/young person to do so.
- Swiis will apply a three-stage model to the investigation and resolution of complaints, and commission the services of an independent investigator, when the complaint reaches the second, formal stage.

All complaints/representations will be taken seriously and dealt with promptly to prevent their escalation.

All complaints will be dealt with in a timely manner and the timescales made known to all complainants.

Wherever possible there will be opportunity to resolve the matter informally.

Complainants will be kept informed of the progress of a complaint investigation at all stages and will receive written notification of its outcome.

No person who is the subject of a complaint will take part in its investigation other than at the informal stage.

All complaints will be monitored and notified to the Responsible Individual and any serious complaint regarding a foster carer will be notified to the Care Commission.

The outcome of all complaints and representations will be regularly evaluated to inform continuous service improvement and development.

#### v. Response (to child and abuser)

Swiis created a Young Person's Guide that informed and encouraged children and young people to report their concerns, either directly to Swiis, to their local authority or to other external bodies such as the Commissioner for Children and Young People and/or the Care Commission. The Guide was clear that all concerns, allegations were taken seriously, shared as appropriate with other organisations and investigated in accordance with relevant legislation, guidance and agency procedures.

Swiis had in place in the policy and procedures '**Complaints and Representations policy**' in accordance with The Children (Scotland) Act 1995 Regulations & Guidance and the National Care Standards Foster Care and family placement services Standard 1, Standard 4, Standard 7 and 13.

Swiis had developed a written procedure for considering any complaint or representation made by or on behalf of a child/young person using its placement services and by its foster carers.

It stated:

*3.1 'Any "Looked After Child" may complain re any aspect of their care to their placing authority whose complaints procedure will be available to the child via the social worker. However, if the complaint relates to an aspect of the service provided by Swiis agreement will be reached with the placing authority re which agency will investigate the complaint.*

- *Complaints may be made by the child itself, foster carer, parent, social worker, friend, relative or Swiis staff. The complaint may concern any aspect of the service received from Swiis or its registered foster carers.*
- *Children will receive written information on how to make complaints including the availability of independent support and advice.*
- *When a complaint is made by or on behalf of a child to Swiis, the placing Authority social worker will be informed. Agreement will then be reached with the placing Authority re which Agency will investigate the complaint.*
- *Children will be assured that their complaints will be taken seriously, investigated thoroughly and they will receive written notification of the outcome.'*

Children will be reassured that by making a complaint they will not be subjected to any form of punishment or reprisal.

In respect of foster carers the **Complaints and Representations policy 2006** offered under investigations that :- '6.1 Swiis provides individual membership to the fostering Network for all its foster carers. Membership entitles any foster carer subject to a complaint to contact Fostering Network helpline for independent advice and support. They will also continue to receive appropriate support from Swiis during any investigation. In some circumstances Swiis will also give consideration to appointing an independent person to support the carer.' It furthers in regard to the foster carer review, where terms of approval would be considered, and a recommendation made. '6.3 In serious cases where children have been deliberately harmed or abused have received poor or neglect quality of care, where children have been removed pending investigation or where there are other serious concerns Swiis may wish to terminate the foster carer approval without a specific foster carer review by referral direct to the fostering panel. In these cases, the fostering panel will receive a report detailing all the circumstances and the investigation. A recommendation re the termination of approval will be set out including the evidence for this'.

In regards to staff policies which would be utilised to guide the process would be

- Disciplinary, Complaints, Grievance and Whistle Blowing procedure 2006 (staff handbook)
- Grievance policy and procedure 2006
- Disciplinary and Dismissal policy and procedure 2006



vi. Response to complaints (including response by the organisation)

If an allegation was made in respect of a foster carer the **Concern, Complaints and Allegations about Foster Carers Policy 2004** was followed. The policy sets out that Swiis would 'ensure that foster carers received appropriate and unbiased support. Through supervision and access to independent advice and representation (e.g. the Fostering Network if appropriate) during any investigation in which they are implicated. In line with the fostering regulations the policy then states that a foster care review would be held.

Should an investigation result in a finding or acceptance that any Swiis carer has abused, neglected or failed to adequately protect a child placed with them their approval will be reviewed and the Swiis fostering panel will be informed with a view to withdrawal of their approval as carers. Any carer who wishes to challenge the agency decision under these or any other circumstances is entitled to appeal in accordance with Swiis policy as described in the **Fostering Panel Appeals Policy**. Any carer who wishes to challenge the agency decision under these or any other circumstances is entitled to appeal in accordance with Swiis policy as described in the Swiis Appeal Policy.

In respect of complainants their information was treated with confidentiality and every care taken to ensure that they were in no way subjected to discrimination due to their reporting. For foster carers they were supported within Swiis or an independent person was appointed. They were also offered the support of The Fostering Network.

vii. External reporting following internal investigations

If an allegation was made in respect of a foster carer the **Concern, Complaints and Allegations about Foster Carers Policy 2004** was followed. The policy sets out that Swiis would ensure that foster carers received appropriate and unbiased support. Through supervision and access to independent advice and representation (e.g. the Fostering Network if appropriate) during any investigation in which they are implicated. In line with the fostering regulations the policy then states that a foster care review would be held.

Should an investigation result in a finding or acceptance that any Swiis carer has abused, neglected or failed to adequately protect a child placed with them their approval will be reviewed and the Swiis fostering panel will be informed with a view to withdrawal of their approval as carers. Any carer who wishes to challenge the agency decision under these or any other circumstances is entitled to appeal in accordance with Swiis policy as described in the **Fostering Panel Appeals Policy**. Any carer who wishes to challenge the agency decision under these or any other circumstances is entitled to appeal in accordance with Swiis policy as described in the Swiis Appeal Policy.

In respect of complainants their information was treated with confidentiality and every care taken to ensure that they were in no way subjected to discrimination due to their reporting. For foster carers they were supported within Swiis or an independent person was appointed. They were also offered the support of The Fostering Network.

Senior Management ensure that all reporting to external regulatory bodies e.g. care Inspectorate, SSSC, Mental Welfare Commission is adhered too. The data for these is monitored and reviewed. The purpose of this is to examine issues their regulatory, to inform practice, determine appropriate interventions, target training and support needed Swiis has a duty to notify external agencies when specific events happen. The Events and notification section of the Safeguarding Policy provides guidance regarding who is required to be notified.

In respect of Swiis staff any investigation would investigate employees Fitness to Practice internally through the procedures and policies noted below:-

- Disciplinary, Complaints, Grievance and Whistle Blowing procedure 2006 ( staff handbook)
- Grievance policy and procedure 2006
- Disciplinary and Dismissal policy and procedure 2006

On conclusion of these investigations if appropriate a referral would be made to the SSSC.

e) Who compiled the policies and/or procedures?

A range of Swiis staff compiled the policies and procedures. A range of relevant stakeholders are then consulted before they are finalised and endorsed by the management team. This may include foster carers, children and young people, staff, managers and panel members.

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

Many of our original policies and procedures were adopted from our English Counterparts and were revised to take account of the differences in Scottish Legislation and National Guidance. Many were in place when Swiis Foster Care began and as time passed and practice developed, more policies/procedures were compiled.

g) Were such policies and/or practices reviewed?

Yes, all policies and procedures were reviewed periodically. When a policy was created, a review date was scheduled to take place every 2 or 3 years.

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

When a policy was created, a review date was scheduled for 3 years later. Policies and Procedures were and still are reviewed every three years or more frequently if there are changes to legislation, national guidance, what constitutes good practice or in response to recommendations and requirements from the Care Inspectorate. They were and still are also reviewed periodically to ensure they remained in line with contractual requirements from local authorities.

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

No substantive changes have been made.

j) Why were changes made?

In line with legislation, guidance, care inspection reviews, investigations and learning from serious case reviews.

k) Were changes documented?

Changes were documented by the submission of these policies into the foster carers handbook and staff resources, IT system and intranet. All managers disseminated these with staff following ratification from the Scottish Director.

l) Was there an audit trail?

Swiis did not have a formal audit trail of when policies were introduced and changes that were made however they did retain copies of some previous policies on our secure server. We cannot however be certain that either other policies/ procedures or versions of policies had also existed and been operational.

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.

All policies are now available to staff on Swiis intranet and relevant policies continue to be collated and shared with carer's as part of their Foster Carer Handbook. This is available to them either electronically or in paper form if this is their preference. If a policy/procedure is created or revised, the new version is uploaded to the intranet and shared with the carers if relevant. Swiis are working towards having all policies/procedures available to carers on a Carers Zone on the Swiis Website which will make them even more accessible than they already are.

Swiis review all policies every three years or more frequently if there are changes to national guidance, legislation or good practice under the umbrella of 'continuous improvement'. The policies/procedures continue to be formulated by a range of Swiis staff however relevant stakeholders are consulted before these are finalised. This might include foster carers, staff, management team and on occasions children themselves. Swiis now have a Compliance Coordinator who oversees the reviewing of all policies, ensuring that this happens as and when required. Swiis have now introduced an audit trail to record when policies are introduced and changes are made, this is formally documented.

(ii) Practice

Past

- a) Did the organisation adhere in practice to its policy/procedures in respect of internal investigations relating to the abuse or alleged abuse of children in foster care?

Swiis did not have a formal audit trail of when policies were introduced and changes that were made however they did retain copies of some previous policies on the secure server. Swiis cannot however be certain that either other policies/ procedures or versions of policies had also existed and been operational. Although we cannot categorically state that policies and procedures have always fully been adhered to. There is evidence of appropriate external reporting of alleged abuse of children in foster care.

- b) Did the organisation adhere in practice to its policy/procedures on the following:
- i. Approach to/process of internal investigations
  - ii. Identifying lessons/changes following internal investigations
  - iii. Implementation of lessons/changes following internal investigations
  - iv. Compliance
  - v. Response (to child and abuser)
  - vi. Response to complaints (including response by the organisation)
  - vii. External reporting following internal investigations

b) i. to vii. Swiis did not formally record whether policies and procedures were adhered to in the past. There was however an expectation that policies and procedures would be adhered to. Although we cannot categorically state that policies and procedures have always fully been adhered to there is evidence of appropriate external reporting following internal investigations taking place. For instance, with regards to the member of staff referred to in 2.1 (e) paragraph 7 and 4.9 d (iii). This member of staff who was dismissed and referred to the SSSC subsequently chose to refer her dismissal to an Employment Tribunal citing 'unfair dismissal'. However, the Employment Tribunal found Swiis processes to be robust and to stand up to scrutiny, therefore the Tribunal found in Swiis' favour. Although the former employee advised the SSSC that she no longer planned to undertake work that required her to be registered the SSSC hearing decided to withdraw her registration.

- c) How was adherence demonstrated?

Adherence can be evidenced by reviewing case files which include supervision records and foster carer review reports, foster carer review minutes, fostering panel minutes, incident reports, significant incident reports, placement ending reports, deregistration meetings reports and minutes, end of placement reports and minutes, audit records, care inspectorate inspection reports. **Section 5** of the inquiry questions will also provide evidence of investigations and compliance of policies and procedures. Refer to 4.9 b) above.

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

The inquiry can request access to individual case files which the above records. The inquiry can also request access to audit records, care inspectorate reports, contract monitoring reports and staff meeting minutes.  
Staffing records regarding the situation cited in 4.9 b) above are also available.

e) Were relevant records kept demonstrating adherence?

Swiis had various mechanisms in place which highlight if certain compliance areas were and were not being adhered to. For example, audits took place to track supervision, unannounced visits, health and safety checklists, safer caring plans, annual review meetings and training requirements. Investigations and complaints have been retained by the Scottish Director; these have been retained in a file kept by the now Scottish director since 2014.  
Swiis have retained all carer's records since the organisation began in 2005. Care Inspectorate Inspection Reports can be accessed via the Care Inspectorate website and staff meeting minutes and contract monitoring reports can be accessed via Swiis secure IT server and would be available on request.  
Staff records are kept for seven years. Staffing records regarding the situation cited in 4.9 b) above are therefore also available if required.

f) Have such records been retained?

Please refer to 4.9 (e) above.

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

There was no formal record collated regarding the reasons why policies and procedures were not adhered to, however, it will be able to be seen on an individual basis in relation to carers allegations and complaints. These can be viewed in case files which include supervision records and foster carer review reports, foster carer review minutes, fostering panel minutes, incident reports, significant incident reports, placement ending reports, deregistration meetings reports and minutes, end of placement reports and minutes, audit records, care inspectorate inspection reports. In most situations if policies and procedures were not fully adhered this was due to a lack of awareness regarding the contents of the policies and procedures that were available to them.  
In relation to the example cited in 4.9 b) above then the actions were a result of gross misconduct.

Present

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

Yes

i) If so, please give details.

Swiis compliance in relation to policies and procedures is more robustly monitored than it was previously. The audits that were in place previously remain in place but the systems we have in place to undertake these checks are more efficient. We have a Compliance Coordinator in place who ensures that policies and procedures are regularly reviewed and undertakes audits to ensure we are meeting requirements in various key areas. The Panel and Review Team and the Learning and Development Team also prepare quarterly reports which provide detail of compliance in relation to annual reviews and meeting statutory timescales, placement ending meetings, carer de-registrations and whether carers are meeting the training requirements or not with action plans to address any deficits.

#### 4.10 Record keeping

(i) Policy

Past

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

Swiis had a range of policies and procedures that make reference to record keeping in relation to foster care. These include:

- Records and Confidentiality Policy (2006)
- The Role of the Swiis Supervising Social Worker Guidance Document (2010)
- Foster Carer Supervision Guidance Document (2010)
- Unannounced Visit Guide (2010)
- Foster Carer Review Document (2010)
- Record of Medical Guidance Document (2010)
- Security and Access to Files Policy (2006)
- Record Keeping for Foster Carers Policy (2006)
- The Record Keeping for Foster Carers Booklet (2014)
- Respite Policy (2008)
- Foster Care Review Policy
- Complaints & Suggestions Policy and Procedure (2011)
- Role of the Supervising Link Worker (2006)
- Staff Case Recording Policy (2014)

b) What policies and/or procedures did the organisation have on record keeping by foster carers?

Swiis had a Record Keeping for Foster Carers Policy (2006) which set out the value and purpose of record keeping and the expectations of the agency in this respect.

The Record Keeping for Foster Carers Booklet (2014) provided guidance to foster carers with regards to maintaining logbooks in respect of the children placed, compiling monthly summaries, contributing to unplanned placement ending meetings in writing and keeping a health passport for children and young people.

The Role of the Swiis Supervising Social Worker Guidance Document (2010) also makes reference to the carer's keeping a diary and written records.

- c) In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?

All Swiis policies, procedures and guidance documents were created to give guidance to staff and foster carers and ensure that there was a consistent approach to practice across the agency based upon best practice. Each policy/procedure was a stand-alone document that was held on Swiis secure server where staff could access these easily. Relevant policies and guidance documents were collated electronically and in paper form in the Foster Carer Handbook. A copy of the Foster Carer Handbook was provided to each carer household on approval.

- d) What did the policies and/or procedures set out in relation to record keeping on the following:
- i. Children in foster care

**Swiis Records and Confidentiality Policy (2006)** stated that Swiis retained full and comprehensive information regarding all children and young people referred for placement. This information was then shared with carers and copies of appropriate documentation, correspondence, reports were provided in the form of an individual placement pack for each young person placed with a carer. All carers were provided with locking storage boxes or cabinets and required to ensure that the placement packs and other confidential material relating to their role as foster carers were kept secure. Carers were expected to record details of significant events, behaviours or achievements on a regular basis as agreed in each young person's placement plan. This information was kept securely by carers and copies passed to social workers, link workers or others as appropriate.

This policy also stated that at the end of each placement all specific documentation relating to the child or young person including the carer's placement pack was to be returned by the Swiis supervising link worker to the child's social worker to file or pass on to the young person or their family as appropriate. Swiis retained basic details for management information purposes. Carers maintained a basic, anonymised record of each young person's details and the key features of the placement to assist with annual appraisal, foster carer review and any training or assessment processes - such as SVQ accreditation.

**The Role of the Swiis Supervising Social Worker Guidance Document (2010)** outlined that the supervising social worker was responsible for the recording/reporting of any significant events and it also for ensuring that placement confirmation forms and placement agreement forms were completed when placements were agreed.

**Record of Medical Guidance Document (2010)** set out to the foster carer the information was required to be recorded when they had administered medicine to a

child. The recording of this information was expected to have been done on either a Continuous Record of Medication Form or an Occasional Medication Form. There was also an expectation that foster carers completed a **Health Record Sheet (2010)** detailing all appointments/visits to GP, Optician, Dentist, Hospital and an **Accidents and Illness Sheet (2010)** detailing any treatment given and this is an expectation also outlined in **Protection of Children and Young People Policy (2011)**

**Swiis Respite Policy (2008)** set out expectations about record keeping in relation to respite care. Full time carers were expected to complete, with the child/young person where possible, an information sheet that contained a child/young person's details. Full time carers had the responsibility to hand over the information sheet to respite carers on the week leading up to respite and respite carers were expected in turn to take a record of the child's respite placement with them.

ii. Foster carers

**Records and Confidentiality Policy (2006)** set out that full and detailed records will be kept on individual foster carers files by their supervising link worker. Files were to contain copies of all statutory checks, references and other material relating to the assessment of the individual or couple and the original copy of the full assessment report as presented to Swiis Fostering Panel. A Foster Carer Agreement was signed by all carers following acceptance by panel and a copy of this also kept on the file. Copies of all correspondence between Swiis and the carer, material relating to annual review and any concerns, grievances or positive feedback will also be kept on file. It also stated that *'In accordance with the recommendations of the Children's Safeguards Review (Utting Report) supervising link workers will maintain a chronological record of any concerns or complaints raised about the carer at any time and the action or outcome from each situation. This record provides an initial overview of any patterns, which may emerge over the course of different placements or changes in link worker and also provides evidence for the carer that issues have been addressed or resolved satisfactorily.'*

This policy also set out that a record was also kept of details of attendance at training groups or courses were also be recorded by the supervising link to develop and maintain a profile of each carer's skills, interest and areas of expertise.

**Swiis Foster Carer Review Policy (2010)** refers to the report compiled by the Supervising Social Worker which considered the foster carer's continued suitability to foster and made a recommendation which reflected this assessment. A record of this meeting was taken alongside any meeting of the fostering panel meeting where they made their recommendation and the ADM decision.

iii. Visits to children and foster carers

**Swiis Foster Carer Supervision Guidance Document (2010)** sets out that a supervision record should be kept as a useful record of discussions and actions agreed. The record was structured into the two individual sections; issues concerning children placed and issues concerns the carer, their family and



of care.

This policy also refers to the supervision record being evidence of a more transparent relationship between the foster carer and the agency and particularly useful in case of an allegation. There was an expectation that carers would be given a copy of their supervision record and any changes to it as soon as possible. Carers must have a copy of the supervision record, and of any changes to it, as soon as possible.

**Swiis' Role of the Supervising Link Worker (2006)** set out that the 'supervising link worker/ support worker will visit carers at least twice per month with contact by telephone between visits and from time to time will see all members of the family to offer support and guidance and that one visit every month will be formally recorded as a supervision session'

Swiis Unannounced Visit Guide (2006) provides a proforma where staff are expected to record their observations of the children in placement, their discussion with the children regarding their experience of the placement, their observations of the health and safety within their household and details of the standard of the carer logs. There was an expectation that foster carers would detail any visitors to the household should be documented within the carer's daily log.

#### iv. Complaints

Swiis Complaints & Suggestions Policy and Procedure (2011) has a specific section regarding the recording of these incidents. It stated-

*All complaints/allegations regardless of outcome will be recorded:*

- *Name/address and status of complainant*
- *Nature of the complaint/allegation*
- *Person dealing with its investigation*

*For those complaints resolved informally the record will include details of the investigation, its findings and the response by the complainant.*

*For those referred to the second stage details will include:*

- *Independent Person*
- *Investigation report*
- *Response by Swiis*
- *Response by complainant*

The policy also set out that all complaints and representations were centrally recorded and that a summary of complaints and the actions taken over the preceding 12 months was also compiled and available at any time to SCSWIS.

Swiis Concerns, Complaints and Allegations Regarding Swiis Carers (2011) sets out a very similar process in relation to record keeping. It refers to the formal acknowledgement of the complaint being provided. Senior Manager will keep a log of all concerns and allegations and will ensure SCSWIS is notified.

v. Investigations (both internal and external)

Please see 4.10(i)(d)(iv) for information regarding record keeping in relation to internal investigations at both stage one and stage two level.

Child Protection Investigations are coordinated by Placing Authorities.

Staff Case Recording Policy (2014) states that any reports pertaining to abuse or protection issues will be recorded on CHARMS on the same day as received. All case recordings related to significant incidents should be recorded within 3 working days.

vi. Discipline

**Swiis Challenging Behaviour Policy (2006)** set out that foster carers should make written notes following any serious incidents of challenging behaviour and this was especially important where physical restraint had been necessary. It goes further to say that young people may have also wished to record or discuss their experiences and they should be encouraged to do so.

**Swiis Restraint Policy (2005 & 2010)** also refers to the recording of any incidents where restraint is used. It stated '*All incidents involving the use of restraint must be recorded as soon as is practical.*' There was an expectation that carers would notify their Supervising Social Worker or the Swiis Duty Social Worker immediately if possible or within one working day. Swiis would then ensure that the Local Authority was notified.

**Self-Regulation and Sanctions Policy (2014)** referred to the recording of any use of physical intervention as soon as possible after the incident and the expectation again that the carer would verbally advise Swiis or the child's social worker of the use of physical intervention immediately. This policy also reminds carers that all incidents must be recorded as soon as is practicable in either the child or young person's logbook or in a significant incident form.

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

There were two policies in existence that address how Swiis responded to requests from former children in foster care for information/records. Swiis Record Keeping Policy (2004) and Swiis Security and Access to Files Policy (2006).

Swiis Record Keeping Policy (2004) sets out that any young person seeking access to their information was advised to do this in consultation with their placing authority. Swiis staff were also expected to consult with the placing authority to ensure that the young person's welfare would not be compromised by having access to the records. As the lead, the local authority would have overall decision in this regard. 40-days-notice was required to allow staff to prepare the file for viewing. Prior to young people viewing their information all third party information would be sought from that individual. If permission was not granted this would be redacted. Any young person viewing their files would be supervised but that a reasonable quality of materials could be photocopied, free of charge by the agency'.

Swiis Security and Access to Files Policy (2006) set out that Swiis required 28-days-notice to prepare a file for access but the file was supplied to the person making the request sooner if reasonably possible. This policy also highlighted the expectation that access to the Swiis files would be undertaken in consultation with the placing local authority however acknowledged that these former children were entitled to this information. Children were encouraged to access the file held by the local authority or any file held by any other agency.

viii. Other issues relevant to foster care

Swiis Security and Access to Files Policy (2006) sets out other expectations with regards to record keeping. It states that records must be held securely, and reasonable steps taken to prevent unauthorised access. Files relating to children and foster carers were not to be removed from the office location unless there were exceptional circumstances and this had to be done with consent from the Head of Foster Care or their deputy. At times other than normal office hours, all files were expected to be stored in lockable filing cabinets and made secure. All written material of a personal nature (regarding children and their family) supplied to foster carers was returned to the agency on request or at the conclusion of the placement.

During the period of placement foster carers had access to a secure filing system and there was an expectation that all sensitive/confidential documents were filed accordingly.

Fostering Panel Members were expected to ensure safekeeping of panel papers at all times and return them to Swiis at the end of panel business. All staff, carers and fostering panel members were expected to sign a form of undertaking to keep information confidential.

e) Who compiled the policies and/or procedures?

A range of Swiis staff compiled the policies and procedures. A range of relevant stakeholders were then consulted before they are finalised and endorsed by the management team. This may have included foster carers, children and young people, staff, managers and panel members.

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

Many of our original policies and procedures were adopted from our English Counterparts and revised to take account of the differences in Scottish Legislation and National Guidance. Many were in place when Swiis Foster Care Scotland began and as time passed and regulations, national guidance, knowledge regarding good practice has developed and contractual obligations changed, more policies/procedures were compiled.

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

Swiis continue to have a range of policies and procedures that relate to record keeping.

- Staff Case Recording (2014)
- Foster Carer Record Keeping Resource Pack (2014)
- Complaints, Concerns and Compliments Policy (2016)
- Concerns, Complaints, Allegations Against Carers (2011)
- Foster Carer Supervision Policy (2018)
- Data Protection Policy (2019)

h) Were such policies and/or practices reviewed?

Yes, all policies and procedures were reviewed periodically. When a policy was created, a review date was scheduled to take place every 2 or 3 years.

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

When a policy was created, a review date was scheduled for 2 or 3 years later. Policies and Procedures were and still are reviewed every three years or more frequently if there are changes to legislation, national guidance, what constitutes good practice or in response to recommendations and requirements from the Care Inspectorate. They were and still are also reviewed periodically to ensure they remained in line with contractual requirements from local authorities.

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

In 2012, CHARMS was introduced as a secure online system where Swiis could manage our carer and child case records. This was a change procedurally to how made and stored records.

k) Why were changes made?

Swiis identified that they required a safer, more secure way of managing many aspects of the work Swiis were undertaking including carer recruitment, training, assessment and approval process.

l) Were changes documented?

Changes made to policies and procedures were not formally documented however we did retain copies of previous policies on our secure server. Given there was no formal audit trail, it is impossible to determine whether other versions existed.

m) Was there an audit trail?

See (l) above.

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.

Swiis continue to use CHARMS as a secure way of managing many aspects of the work they do. How we use the system has been developed further with many carers now, using the system to record their daily logs and we are in the process of moving towards sharing supervision records and reports with carers via this portal. Panel Members, Independent Reviewing Officers and the Swiis Medical Advisor can also log into CHARMS and access the panel papers in a much safer, more secure way to how they did this previously.

Swiis have introduced a Carer Financial Agreement which is a written record that is created when a child is first placed which details the foster carer's fee & allowance and other aspects of the support package. When a child leaves placement, carers are expected to sign an Appendix 7 form, confirming that they have returned all confidential records in relation to the child and this is then recorded on CHARMS.

Swiis introduced a range of documents in relation to the implementation of the General Data Protection Regulations which included a Subject Access Request Form and guidance for staff.

(ii) Practice

Past

- a) Did the organisation adhere in practice to its policy/procedures in relation to record keeping?

Although we cannot categorically state that all the policies and procedures in relation to recording have been adhered to at all times, Swiis ensure that foster carers and staff are aware of and have access to the various policies that address record keeping and they understand there is an expectation that these are adhered to. There is also an expectation that carers complete 'recording' training as part of the core training requirements and this is addressed within the foster carer's annual review.

- b) Did the organisation check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?

Foster carers within Swiis were directed to keep a daily log on any child in placement. For this reason, newly approved foster carers attended report writing training (*Training policy 2004 – details mandatory training*) which enabled them to focus on writing factual information about the child which could provide insight

into their daily life, any patterns of behaviour and transposing this to professional reports i.e. looked after reports. This also provided an account of life in the home in the event that any child protection matters were raised. It was, therefore, incumbent on supervising social workers to check logbook entries as part of their supervision with carers and to sign these as seen. These were also checked at the time of unannounced visits. If carers did not adhere to completion of undertaking their daily logs this was discussed within foster carer supervision and was raised at their foster carer review.

- c) Did the organisation adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following:
- i. Children in foster care
  - ii. Foster carers
  - iii. Visits to children and foster carers
  - iv. Complaints
  - v. Investigations (both internal and external)
  - vi. Discipline
  - vii. Responding to requests from former children in foster care for information/records
  - viii. Other issues relevant to foster care

c) i. to viii. There is no formal audit trail of adherence to policies and procedures however adherence regarding foster carer's record keeping was a feature of a foster carer's annual review and the Swiis Staff Case Recording Policy (2014) outlined the expectation that staff case recordings were regularly reviewed within their staff supervision process.

- d) How was adherence demonstrated?

See above.

- e) Were relevant records kept demonstrating adherence?

Adherence can be evidenced by reviewing case files which include supervision records and foster carer review reports, foster carer review minutes, fostering panel minutes, incident reports, placement ending reports, audit records, care inspectorate inspection reports, contract monitoring reports, staff meeting minutes.

- f) Have such records been retained?

Swiis have retained all carer's records since the organisation began in 2005. Care Inspectorate Inspection Reports can be accessed via the Care Inspectorate website and staff meeting minutes and contract monitoring reports can be accessed via Swiis secure IT server and would be available on request.

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

There was no formal record collated regarding the reasons why policies and procedures were not adhered to however it will be able to be seen on an individual basis in relation to carers within carer logs, supervision records, foster carer review

reports and minutes, fostering panel minutes and placement ending meeting reports/minutes and for staff members within supervision records, appraisals and any record of a performance plan or disciplinary proceedings. It is likely that policies and procedures were not adhered to due to lack of awareness to which policies and procedures were available to them, a potential of feeling overwhelmed with the role of being a foster carer or suffering from compassion fatigue or secondary trauma from caring for children who have suffered significant trauma themselves.

Please refer to Example 3 presented in Part A, 2.1 (e).

- h) Did the organisation 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?

A full review of all case recording was not undertaken until this request to submit this report for the inquiry. (See Section D). Swiis did however undertake a review of carer logbooks following Example 3 presented in Part A, 2.1 (e). Swiis also undertake regular Foster Carer Reviews and End of Placement Meetings which would allow an opportunity to review and analyse any allegation of abuse that might have taken place and what bearing this might have had carer's continued approval.

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

The review of carer logbooks took place immediately after the matters of concern referenced above came to light. All foster carer review reports and end of placement reports are retained on the carer's file and would be available to the inquiry on request.

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

Following the review of carer logbooks, Swiis created the Record Keeping for Foster Carers Booklet (2014) and there were briefings with staff and foster carers to remind them record keeping responsibilities. Alongside this, the Carer Recording Training was updated to reflect lessons learned.

- k) What changes have been made?

Foster Carer's now record their records on CHARMS, and these are readily accessible to staff for monitoring and review and this also allows management oversight.

- l) How are these monitored?

An audit is also undertaken on a quarterly basis to ensure that these are being completed in the required timescales by the carers. Further audits are also undertake

with regards to the completion of supervision visits and the uploading of records in relation to this, completion of safer caring plans, child specific risk assessments, health and safety reports and annual foster carer reviews. Swiis have now appointed a Compliance Coordinator to oversee the above to ensure a more robust process.

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

To date only one former child has requested access to their records. She was supported to do so by a member of staff who knew from her time in placement and with whom she had a positive relationship. She was advised of the records held by Swiis and that information had been returned to her placing local authority whom she could apply to directly for further information in compliance with our policy.

n) If so, how was that facilitated?

There were two policies in existence that addressed how Swiis responded to requests from former children in foster care for information/records. Swiis Record Keeping Policy (2004) and Swiis Security and Access to Files Policy (2006). It is not recorded as to whether these were adhered to.

o) If not, why not?

See (m) above

Present

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

Yes.

q) If so, please give details.

Foster Carer's now record their records on CHARMS, and these are readily accessible to staff for monitoring and review. An audit is also undertaken on a quarterly basis to ensure that these are being completed in the required timescales by the carers. Further audits are also undertaken with regards to the completion of supervision visits and the uploading of records in relation to this, completion of safer caring plans, child specific risk assessments, health and safety reports and annual foster carer reviews. Swiis have now appointed a Compliance Coordinator to oversee the above to ensure a more robust process.

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



Swiis retain a range of records in relation to children in foster care whilst a child is in placement. These are returned to the local authority when the placement ends. These include:

- **Child's Name, Age, Gender & Dob**
- **Child's Social Worker Details**
- **Child's School/Nursery Details**
- **Individual Placement Agreement**
- **Background Reports**
- **Matching Proforma**
- **Care Plan**
- **Child Specific Risk Assessment**
- **Looked After Review Reports & Minutes**
- **Case recordings**
- **Therapy consultations**
- **Details of Children's Hearings**
- **Health Record - Details of Health Appointments including CAMHS appointments & reports**
- **Details of Medicine administered**
- **Educational Outcomes including exam results**
- **Significant incidents**
- **On call alerts**
- **On call incidents**
- **Daily Logs – online and/or paper form**
- **Bedroom sharing risk assessment**
- **Holiday Risk Assessment**

ii. Staff with responsibilities for foster care

There are no staff records than relate directly to the children in foster care however Swiis to retain a range of records to ensure and evidence that appropriate checks have been carried out to ensure a staff member is suitable to undertake regulated work with children. Information regarding staff is held by our HR Department and on our 'People HR' secure system. This includes –

- Application Form
- Record of staff interview
- References from previous employer and all previous employment that has involved work with children and vulnerable adults.
- Copy of qualifications and registration with Scottish Social Services Council.
- Evidence of PVG check undertaken every 3 years.
- Contract
- Any changes to contract
- Driving documents (MOT/Car Insurance)
- Salary & Annual Leave Entitlement
- Pension/Salary Sacrifice Documentation
- Signed record that staff have read specific policies and procedures relative to the terms and conditions of their employment.
- Supervision Records
- Annual Appraisals
- Record of any disciplinary proceedings and/or performance plans.

iii. Foster carers

Swiis retain a range of records related to foster carers -

- Basic enquiry information & response
- Record of initial visit
- Application Form
- Feedback from attendance at Skills to Foster Preparation Training
- Health Assessments (supported by a medical advisor's report)
- Financial Checks
- Evidence that birth & marriage certificates have been verified.
- References from a minimum of 3 people per person including one family member
- References from former significant partners, all children and landlord.
- Evidence of Protection of Vulnerable Groups Checks – 3 yearly
- Details of all people living in the household
- Local Authority Checks
- Evidence of verification of driving documents (including MOT/Car Insurance)
- Form F Assessment Report
- Family Book
- Family Profile
- Supervision Records
- Health and Safety Checklist
- Pet assessment (if required)
- Unannounced Visit Report
- Safer Caring Plan
- Training Record
- Foster Carer Annual Review Reports & Minutes
- Fostering Panel Minutes
- Agency Decision Maker Letter detailing terms of approval

- Written Foster Carer Agreement
- Matching proforma
- Individual Placement Agreement
- Case Recordings – Case note, including telephone calls, emails, correspondence
- Significant Incident reports
- Complaints from or regarding the foster carer.
- On call alerts
- The Fostering Network Registration

iv. Complaints

The Scottish Director has retained a centralised record of all investigations and complaints since she began her post in 2014.

v. Investigations (both internal and external)

Significant Incident Forms are expected to be completed in relation to all allegations of abuse. These are uploaded on individual carer/children's case files on the CHARMS database.

A record of care inspectorate notifications is retained by the Scottish Director. She has also retained a centralised record of all investigations and complaints since she began her post in 2014.

See above (iv) complaints.

vi. Responding to requests from former children in foster care for information/records

A record of all subject access requests is maintained by the Scottish Director. A copy of a subject access request response monitoring proforma is also recorded on the relevant child/young person or carers file on CHARMS.