



Scottish Child Abuse Inquiry
Foster Care Case Study – Report

Part A & B Background & Current Statement

APPENDIX

Part A – Background

1. Characteristics

1.1 History of the Organisation

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

- a) When and how did the organisation become involved in the provision of foster care for children in Scotland?

Dev Dadral, an experienced social worker founded and is Chairman of the Swiis group of companies. In his own words:
*“Having held senior management positions in local authority social services departments, I founded Swiis in 1988 to initially respond to the need of Local Authorities for quality experienced qualified social workers.
Due to the development of many successful and productive professional relationships with social services departments across London, Swiis has since been able to expand its range of services in both social and health care. As part of this development, in 1999 I established Swiis Foster Care into the Swiis portfolio. Swiis Foster Care Scotland followed and has been providing placements since 2005.
My vision for setting up Swiis Foster Care was, and remains, to meet the growing need for quality assured placements, offering the highest standards of care for children and young people whilst providing real placement choice for local authorities. My expectation of Swiis Foster Care is that in addition to exceeding all of the National Standards, our foster homes should be places where I would be happy for my own children to stay.”*

- b) How has the involvement of the organisation in the provision of foster care changed/developed over time?

From the outset the aim was to provide foster placements for some of Scotland's most complex children and young people as a direct alternative to residential or secure accommodation. Most of the children placed were aged 10 or older and had endured significant adverse childhood experiences. To support carers and meet the children's needs a multidisciplinary staff team consisting of qualified social workers, educationalists, health professionals, therapists and support workers were employed.

The following timeline outlines how our provision of foster care has changed and developed over time:

2005 – ‘enhanced’ foster care service to provide placements for complex children supported by an **integrated multi-disciplinary** staff team to support carers and children placed was established and operational from an office in Dunfermline.

2006 – our second office opened in Dundee

2008 – our third office opened in Glasgow

2008 - Successfully bid to provide 'specialist' fostering placements on behalf of Aberdeenshire Council

2009 – SQA Centre set up to initially to provide SVQ Health and Social Care (Children & Young People) 3 to support the development of our carers to meet the needs of children placed.

2009 – Investors in People Bronze accreditation achieved.

2009 - Successfully bid to provide 'specialist' fostering placements on behalf of Aberdeen City and North Lanarkshire Councils

2010 – Our Permanence Service (operational from our Dunfermline office) started in 2010 and was set up in response to the national shortage of carers for children generally aged between 4 and 12 years, who cannot return to their birth family and for whom adoption is not considered appropriate and therefore require a 'Family for Life', in which they can settle, feel secure and develop their potential.

2010 - Successfully bid to provide 'specialist' fostering placements on behalf of Fife, Moray and Dundee Councils.

2011 - Successfully bid to provide 'specialist' fostering placements on behalf of the City of Edinburgh, East Ayrshire and East Lothian Councils.

2012 – Successfully bid to provide 'specialist' fostering placements on behalf of Glasgow City and Falkirk Councils.

2012 – Investors in People Silver accreditation achieved.

2012 - In response to the economic downturn, resultant budgetary constraints and listening to what local authorities were telling us they wished to commission Swiss undertook a full restructuring of the organisation to ensure the fostering business was robust enough to continue to flourish within this current climate. The restructure resulted in:

- a flatter, leaner management structure led by social work rather than jointly by social work and education personnel
- a review of all processes in order to identify areas of duplication or other wastage
- a strategic decision to diversify and provide a continuum of placement options. Significantly it was decided to introduce a new Standard service in order to allow us to bid to provide services via the national Scotland Excel Framework Agreement. Successfully introducing this service required a cultural 'mind-shift' as rather than the range of multi-disciplinary supports being automatically available to sustain and strengthen placements such services required to be negotiated as required.

2013 – Successfully bid to provide 'standard' fostering placements via the national Scotland Excel Framework Agreement.

2014 – Kate Cameron, Director of Scotland retires and Sam Arnett, who had been Assistant Director appointed as Kate's replacement.

2015 – Our SQA Centre expanded the range of accredited awards provided for staff, foster carers and young people.

2015 - Successfully bid to provide 'standard' and 'specialist' fostering placements on behalf of the City of Edinburgh and Fife Councils.

2015 – Investors in Young People Good practice award accreditation –demonstrating our commitment to supporting young people to achieve their potential.

2016 – Investors in People Gold accreditation achieved

2016 – Successfully bid to provide 'standard' and 'specialist' fostering placements on behalf of Glasgow City Council

2017 – Successfully tendered to provide both 'standard' and 'specialist' foster placements via the national Scotland Excel Foster and Continuing Care Framework Agreement. All Scottish local authorities apart from Glasgow and Falkirk Council who elected to continue to tender to meet their specific needs utilise this contract. In recognition of the increasing complexity of the children and young people being referred for Standard placements and from listening to our foster carers we decided to increase the level of support automatically available for such placements to include educational and therapeutic advice and up to 14 nights short break provision as well as social work supervision and resource workers providing placement support. The range of accredited Awards available for staff, carers and young people to undertake via our SQA Centre was further increased and the range of direct issue based 1:1 and group-work interventions was increased.

2018 – Investors in Young People Gold Level Good Practice award achieved

2018 – Shortlisted for the Customer Service Award and winners of the Value for Money category of the Scotland Excel Provider Excellence Awards.

2018 - Shortlisted for the Investors in People Excellence in the Third Sector Award.

2019 – Shortlisted for the Investors in People Excellence in the Third Sector and Leadership & Management Awards categories.

2019 – Shortlisted for the Customer Service, Workforce Development, Value for Money and the Small Business/Third Sector Scotland Excel Provider Awards. Winners will be announced in February 2020.

2020 – Registration as a Continuing Care Provider pending. This will allow us to introduce continuing care placements for those aged 16 – 21 years in accordance with the Children & Young People (Scotland) Act.

2020 – We were delighted to be announced as Scotland Excel Provider Excellence Award winners in two categories, namely, Value for Money and Workforce Development!

1.2 Funding of Foster Care

Past

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

Swiis Foster Care Scotland is exclusively funded by local authorities purchasing our services.

Initially agreements between Swiis Foster Care Scotland and local authorities were subject to 'spot purchase' with some local authorities introducing more formal 'approved providers' arrangements or formalising arrangements via procuring fostering services via competitive tenders. The Terms and Conditions for each foster care placement is therefore dependent upon the contractual basis of the placement.

- b) To what extent, if any, did the organisation receive funding from central government or local authorities for the purposes of provision of foster care?

Whilst Self Directed Support or private purchase of our services is possible to date our funding has exclusively been derived from local authorities purchasing our service.

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

Foster carers are made aware of other possible sources of funding e.g. State Benefits such as Disability Living Allowance (DLA), Personal Independence Payment (PIP) and Carer Allowances from Swiis financial guidance documents provided to all our foster carers. State benefits are accessed via completing the prescribed application forms. Assistance regarding applying for state benefits on behalf of a foster child can be provided by the placing local authority and Swiis.

Swiis also pays for all our foster carers to be members of the Fostering Network (tFN) which runs a helpline and produces a variety of guides including information about State Benefits and HMRC. Foster carers have direct access to all tFN resources.

The Financial Guide given to our foster carers highlighted situations e.g. child arriving with inadequate clothing, purchase of sporting or musical equipment where additional funding may be available to support a child in placement. If such funding was agreed the norm would be for Swiis to directly pay the foster carer the sum agreed and for Swiis to then invoice the placing local authority.

- d) Did the organisation provide any financial support to foster carers directly? If so, what was the extent of that support and what criteria were applied to the distribution of funds?

Yes, all payments made to Swiis approved foster carers were made directly to them from Swiis. A weekly carer fee and a weekly child maintenance allowance were made whilst a child was in placement. The amounts paid varied according to the age of the child. Payments were made per child with reduced fees paid for younger siblings looked after by the same foster carers. Some additional payments such as a 'start-up fee,' retainers and a bonus were also paid.

In the original Foster Carer Agreement (2004) issued to foster carers upon approval part 10 provides financial information about funds paid. The Agreement states:

10.1 *"SWIIS Foster Care has developed a package of support and financial security designed to enable carers to consider fostering as a worthwhile full time career.*

- *The main carer in a fostering household must be available full time in order to meet the demands of the professional fostering role including attendance at meetings, training courses etc. We therefore provide a weekly fee to carers in recognition of this for the duration of any placement. Swiis is unable to guarantee a placement will be made in your household.*
- *All day-to-day expenses associated with caring for a child or young person are also met through the payment of a weekly maintenance allowance*
- *Swiis provides paid respite or 'short breaks' for young people throughout the year to enable carers to 'recharge their batteries'.*
- *Swiis offers two weeks holiday retainer pay per year and pays carers a significant retainer fee for a time-limited period between placements.*
- *Swiis makes an annual bonus payment to each carer household which carers are encouraged to invest in a pension scheme. Access to a pension scheme can be provided for those who do not have their own arrangements in place.*
- *An annual financial record is provided for each carer for tax purposes giving details of all taxable and non-taxable payments made by the agency during the financial year.*
- *In the event of overpayment, Foster Carers will be liable to pay back any such monies. Overpayments or underpayments for whatever reason are normally adjusted through the pay-roll in subsequent weeks.*

Full written details of current payments are provided for carers on appointment and all carers are informed in writing of any changes to financial arrangements or payment levels."

Supplementary to the Foster Carer Agreement, foster carers also received a Financial Guide which outlined all of their financial entitlements. This Financial Guide was updated most years, 2009 and 2018 being exceptions where an updated version was not created as there were no changes to report.

When Swiis expanded the range of placement options to include 'standard' in 2013 the carer fee paid was then determined by the both the age of the child placed and whether the contractual basis of the placement was for the traditional multi-disciplinary model or the 'standard' package. With regards to the child's maintenance allowances the same weekly amounts were paid regardless of the contractual basis of the placement. The allowances paid being inline with the Fostering Network's recommendations. The 'standard' scheme did not however pay additional amounts during the school holiday periods to fund additional activities. The Financial Guide clearly outlined all entitlements. To support the introduction of the 'standard' service foster carers were written to with the changes outlined. They were also invited to attend briefings held in each locale.

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

As per the answer to 1.2.c) recorded above foster carers are made aware of other possible sources of funding e.g. State Benefits such as Disability Living Allowance (DLA), Personal Independence Payment (PIP) and Carer Allowances.

f) Was the funding adequate to properly care for the children?

Yes.

g) If not, why not?

Not applicable.

Present

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

All of the above is still applicable but as we continue to evolve further means of sharing information and providing clarity have been introduced. These are listed in answer 1.2 i) below.

i) If so, please give details.

Our foster carers may look after children who are subject to different contracts attracting differing packages of support and remuneration which can be confusing for staff and carers alike. As such we introduced a new Carer Financial Agreement form in May 2017 which extrapolates the information pertinent for the specific placement from the information contained within the Financial Guide provided to all carers. This Carer Financial Agreement form is signed by carers and staff.

It outlines the contractual basis and supports provided (including financial) for each new placement and for placements novating between contracts, thereby providing clarity and a point of reference for all parties. If staff or carers have queries regarding the contractual basis of the placement and package of support provided, then they can consult with the Business Manager who is available to provide advice and clarify about any financial queries that arise. To aid understanding of the payments made and how to claim these the Business Manager also regularly facilitates finance training sessions with staff and foster carers.

Other changes include:

- During 2019 our website was re-designed and updated. It now includes more extensive information regarding carer finances than previously.
- In 2019 the Carer Financial Guide and DLA/PIP policies were merged to create one document to make it easier for carers to find information pertaining to finances in one place rather than held in multiple documents.
- Our foster carers are self-employed and are responsible for registering with HMRC and submitting their own tax return. The need for foster carers to have a Unique Tax Reference (UTR) number is emphasised during their initial assessment with receipt of this number expected prior to any payments being made.
- In addition to core training induction sessions for newly approved foster carers were introduced during 2016. A session facilitated by an Administrator with financial responsibilities is devoted to Carer Finances. This covers topics such as how to claim their fees, allowances and additional payments such as for mileage. This supplement the information provided by Resource Workers visiting and going through the key elements of the Carer Handbook with new carers.

1.3 Legal Status

(i) Organisation

Past

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

This was **Regulation 48(2) of the Looked After Children (Scotland) Regulations 2009**. This lists the functions which the Local Authority may delegate to registered fostering services and this includes **Part VII Fostering, Regs 21 – 32**. Regulation 21 allows the Local Authority to approve carers for looked after children, to be known as foster carers. They can also delegate this function to registered fostering services.

References to local authorities and their duties for Part VII includes reference to registered fostering providers, unless the reference relates directly to those local authorities looked after duties which cannot be delegated.

Part XIII makes provision for the local authority to delegate certain duties and functions (in relation to these Regulations) to a 'registered fostering service'. This allows local authorities to make arrangements with bodies who are registered under the Regulation of Care (Scotland) Act 2001. In practice this means that providers must operate under the principle of 'not for profit' in respect of providing fostering services in Scotland, as the Regulation of Care (Scotland) Act states that in order to register, a person providing an adoption or fostering service must be a 'voluntary organisation'.

In addition, Social Care and Social Work Improvement Scotland (SCSWIS), now known as "the Care Inspectorate", was established under Part 5 of the Public Services Reform (Scotland) Act 2010, which remains in force today. The range of care services subject to regulation by the Care Inspectorate includes Local Authority functions under the Foster Children (Scot) Act 1984 (private fostering) – now in S.47 and Schedule 12 of the Public Services Reform (Scot) Act 2010. In terms of S.59 thereof, all providers of care services are to be registered with the Care Inspectorate. The information which must be included in the application is set out in the schedule to the Social Care and Social Work Improvement Scotland (Applications) Order 2011.

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

Yes. The Regulations introduced a number of new measures and some new duties on local authorities. These were set out in Regulations 21 – 32. These regulations cover the approval of carers, including derivative approval; agreements with foster carers; reviews and terminations of approval; placement with foster carers; death or absence of a foster carer; notification of placement with foster carers; short term placements and case records for foster carers. They are set out as follows:

Foster carers

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

(2) A decision to approve a person as a foster carer must be made in accordance with regulation 22.

Approval of foster carers

22.— (1) Where a local authority are considering whether to approve a person as a foster carer they must refer the case to a fostering panel.

(2) The local authority must so far as reasonably practicable provide the fostering panel with—

(a) the information in Schedule 3; and

(b) such other information or observations as they consider appropriate.

(3) Where a local authority receive a recommendation from the fostering panel under regulation 20(2) they must make a decision on whether the prospective foster carer is suitable to be a foster carer within 14 days from the date the recommendation was made.

(4) Where the local authority makes a decision that a person is suitable to be a foster carer they must be satisfied that—

(a) the prospective foster carer has been interviewed by or on behalf of the authority;

(b) the authority has taken into account the recommendations made by the fostering panel; and,

(c) the prospective foster carer is a suitable person with whom to place a child or children.

(5) A decision that a person is suitable to be a foster carer shall specify whether the approval is in respect of—

(a) a particular child or children;

(b) any child;

(c) certain categories of child;

(d) the number of children each foster carer may have in their care at any one time.

(6) Where the local authority make a decision that is contrary to the recommendation of the fostering panel the authority must record in writing the reasons for that decision.

(7) The local authority must notify in writing the prospective foster carer of the decision made under paragraph (3) within 7 days of making that decision.

Derivative approval of foster carers

23.— (1) A local authority may make a decision to approve a person as a foster carer where—

(a) that person has been approved as such following a decision (“the original approval”) made by another local authority in accordance with regulation 22(3) or 26(8); and

(b) the original approval has not been terminated under regulation 25(3), 25(4) or 26(8).

(2) A decision to approve a person as a foster carer under paragraph (1) must correspond to the same terms as the original approval or any variation thereof made under regulation 25(3) or 26(8).

(3) Where a local authority make a decision to approve a person as a foster carer under paragraph (1) they must notify in writing the local authority which made the original approval.

Agreements with foster carers

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

Reviews and termination of approval

25.— (1) Where a local authority has made a decision to approve a foster carer that authority must, by complying with the requirements in paragraph (2), carry out a review of the foster carer's approval—

- (a) within 12 months of the day the decision to approve the foster carer was made under regulation 22(3), 23 or 26(8);
- (b) thereafter subsequent reviews within 3 years of the previous review; and
- (c) whenever paragraph (8) applies.

(2) The requirements are—

- (a) to refer the case to the fostering panel for a recommendation on whether the foster carer continues to be a suitable person with whom to place a child or children;

(b) to consider—

- (i) whether the foster carer continues to be a suitable person with whom to place a child or children;
- (ii) the development of the foster carer during the appropriate period; and

(c) to consult and take into account the views of—

- (i) the child, taking account of their age and maturity;
- (ii) the foster carer;
- (iii) any local authority which placed a child with the foster carer within the appropriate period or at any time where that placement has not been terminated.

(3) On the review of the approval of the foster carer the local authority may—

- (a) vary the terms of the approval;
- (b) terminate the approval; or
- (c) confirm the decision to approve a person as a foster carer.

(4) Where a foster carer notifies the local authority that they no longer wish to act as a foster carer or the local authority are otherwise satisfied that this is the case the authority must terminate the approval.

(5) Following a review the local authority must—

- (a) record in writing a report of the review which must include—
 - (i) information obtained in respect of the review;
 - (ii) details of the proceedings at any meeting arranged by the authority at which the approval of the foster carer is reviewed;
 - (iii) details of any decisions or arrangements made in the course of or as a result of the review; and

- (b) give notice of the decision made under paragraph (3) to–
 - (i) the foster carer;
 - (ii) any other local authority which have approved the foster carer.

(6) Where a local authority have approved a foster carer under regulation 23 they must, on receiving any notice under paragraph (5)(b)–

- (a) vary or terminate their approval in accordance with any revision or determination made under paragraph (3) or 26(8); and
- (b) give notice to the foster carer of any variation or termination of approval made under sub-paragraph (a).

(7) In paragraph (2) “appropriate period” means the period ending 12 months from the day the decision to approve the foster carer was made under regulation 22(3), 23 or 26(8).

(8) This paragraph applies where the local authority consider that a review of the foster carer’s approval is necessary or appropriate to safeguard the welfare of any child who has been placed with that carer.

Review of approval: further provision

26.— (1) Where a local authority approve a person as a foster carer under regulation 22(3), that person may request a review of the terms of the approval.

(2) Where a local authority make a decision–

- (a) not to approve a person as a foster carer under regulation 22(3);
- (b) to vary the terms of a foster carer’s approval under regulation 25(3)(a); or
- (c) to terminate a foster carer’s approval, that person may request a review of the decision.

(3) A request for a review under paragraph (1) or (2) must be made before the end of the period of 28 days beginning with the day on which notice of the decision was made under regulation 22(7) or 25(5).

(4) Where the local authority receive a request for a review under paragraph (1) or (2) they must refer the case to a fostering panel for a recommendation.

(5) A referral under paragraph (4) must be made to a differently constituted fostering panel.

(6) Where a referral is made under paragraph (4) the local authority must provide the fostering panel with–

- (a) a copy of the decision and reasons made under regulation 22(3) or 25(3);
- (b) the information provided to the fostering panel under regulation 22;
- (c) any further representations received by the local authority from the foster carer or the prospective foster carer; and
- (d) any other relevant information.

(7) The fostering panel shall consider the case referred to it under paragraph (4) and make a fresh recommendation to the local authority as to whether—
(a) the prospective foster carer is suitable to be a foster carer; or
(b) the terms of the foster carer's approval should be varied.

(8) The local authority must—
(a) make a decision ("the reviewed decision") within 14 days from the date the fresh recommendation was made under paragraph (7); and
(b) notify the foster carer or prospective foster carer of their decision within 7 days of making the reviewed decision.

(9) In making a decision under paragraph (8)(a) the local authority may—
(a) vary the terms of the approval;

(b) terminate the approval; or
(c) approve a person as a foster carer.

(10) The right to request a review under paragraph (1) or (2) does not apply to a decision made under paragraph (8)(a).

(11) Following a review under this regulation the local authority must record in writing a report of the review and give notice of their reviewed decision under paragraph (8)(a); and paragraphs (5) and (6) of regulation 25 apply as if—

(a) references to the review were references to the review under this regulation; and
(b) references to the decision under paragraph (3) were references to the reviewed decision under regulation 26(8)(a).

Placement of child with foster carer

27.— (1) A local authority must not place a child with a foster carer where—
(a) the placement is or would be contrary to the terms of any supervision requirement made or any order made or authorisation or warrant granted under Chapter 2, 3 or 4 of Part II of the 1995 Act or any permanence order in respect of the child; or
(b) the placement would return child to the care of a person where the child was, by virtue of any order, authorisation or warrant, removed from the care of that person.

(2) A local authority must not place a child with a foster carer unless they are satisfied that—

(a) placement is in the best interests of the child;
(b) placement of the child with that foster carer is in the best interests of the child;
(c) the person with whom it is proposed to place the child has been approved as a foster carer by the local authority;
(d) they have taken into account all information available to them relevant to the performance of their duties under section 17(1) to (5) of the 1995 Act;

- (e) they have given full consideration to the possibility of entering into an arrangement under regulation 8 or placing the child with a kinship carer;
- (f) the foster carer has entered into a written agreement with the local authority under regulation 24;
- (g) the foster carer has entered into a written agreement with the local authority as to the matters specified in Schedule 4; and
- (h) the terms of the foster carer's approval are consistent with the placement.

(3) The local authority must require the foster carer with whom a child is placed to notify the authority immediately if the child—

- (a) dies;
- (b) suffers any serious illness or injury; or
- (c) absents themselves or without lawful authority is taken away from the foster carer's home.

(4) On receiving notification under paragraph (3) the local authority must, so far as reasonably practicable, immediately notify the child's parents and any person who has any parental responsibilities or parental rights in relation to the child.

Death or absence of the foster carer: continuation of placement

28.— (1) This regulation applies where a local authority place a child with a foster carer in accordance with regulation 27 and that foster carer dies or ceases to live in the household following the placement.

(2) The local authority may allow the child to remain in the household where paragraph (3) applies until such time as a member of that household is approved as a kinship carer or foster carer or the local authority determine that the child should be placed with another carer in accordance with these Regulations or in a residential establishment.

(3) This paragraph applies where—

- (a) the local authority are satisfied that—
 - (i) it is in the best interests of the child to be cared for by another member of the foster carer's household; and
 - (ii) the household member should be considered for approval as a kinship carer or a foster carer; and
- (b) the household member has signed a written agreement to carry out the duties in regulation 36(3).

Notification of placement with foster carer

29.— (1) Where a local authority place a child with a foster carer in accordance with regulation 27 they must, as soon as reasonably practicable, provide notification of the placement to—

- (a) the local authority for the area in which the foster carer resides if different from the authority making the placement;

- (b) the Health Board which provides services in the area in which the foster carer resides;
- (c) each parent of the child; and
- (d) any person with any parental responsibilities or parental rights in relation to the child.

(2) The requirements under paragraph (1)(c) and (d) do not apply in respect of any parent or person with parental responsibilities or parental rights who has already received a written copy of the child's care plan under regulation 5.

(3) Notification under paragraph (1)(c) or (d) must not be given to a person—
(a) where the local authority are of the view that, taking into account their duties under section 17 of the 1995 Act, it would not be in the child's interests for notification to be given to that particular person;
(b) where a permanence order, a supervision requirement or an order or warrant granted under Part II of the 1995 Act specifies that the place at which the child is to reside must not be disclosed to that particular person.

(4) In this regulation "notification" means notification in writing and shall include particulars of the placement.

Short-term placements with foster carers

30.— (1) Where paragraph (2) applies a series of planned short-term placements with a foster carer made in accordance with regulation 27 may be treated as a single placement with a foster carer for the purposes of these Regulations.

(2) This paragraph applies where—

- (a) all the placements occur within a period which does not exceed 12 months;
- (b) no single placement is for a duration of more than 4 weeks; and
- (c) the total duration of the placements does not exceed 120 days.

Establishment of case records for foster carers

31.— (1) A local authority must compile a written case record, if one is not already in existence, in respect of each foster carer who has been approved by that local authority and with whom a child has been placed.

(2) The written case record referred to in paragraph (1) shall include any—

- (a) written agreement entered into under regulation 24;
- (b) review of approval made under regulation 25 or 26;
- (c) variation of the terms of approval;
- (d) termination of approval;
- (e) agreement entered into under regulation 36(3); and
- (f) information specified in paragraph (3) insofar as it is relevant to the case.

- (3) The information referred to in paragraph (2)(f) is—
- (a) a record of each placement with the foster carer including—
 - (i) the name, age and sex of each child placed;
 - (ii) the dates on which each placement began and terminated; and
 - (iii) the circumstances of any terminated placement;
 - (b) the information obtained by the local authority in respect of the decision to approve the foster carer; and
 - (c) the information obtained by the local authority in respect of any review, variation or termination of the foster carer's approval.
- (4) The local authority must compile a written case record for each prospective foster carer.
- (5) The written record referred to in paragraph (4) must include the information obtained as to—
- (a) the prospective foster carer;
 - (b) the members of the prospective foster carer's household; and
 - (c) the prospective foster carer's family.

Retention and confidentiality of case records for foster carers

32.— (1) A case record for a foster carer or prospective foster carer compiled under regulation 31 must be retained by the local authority for at least 25 years from the date the foster carer's approval is terminated or until their death if earlier.

(2) The requirements of paragraph (1) may be complied with either by retaining the original written record or a copy of it or by keeping all the information from the record in some other accessible form (such as by means of a computer).

(3) Each local authority must secure the safe keeping of every case record and take all necessary steps to ensure that information contained in the case record is confidential subject only to—

- (a) any provision of, or made under or by virtue of any enactment under which access to such records or information may be obtained or given;
- (b) any court order under which access to such records or information may be obtained or given.

The Scottish Government has published guidance on the interpretation and application of these regulations, and this can be found at: <https://www.gov.scot/publications/guidance-looked-children-scotland-regulations-2009-adoption-children-scotland-act-2007/pages/16/>

All aspects of the recruitment, preparation and assessment of prospective carers should be carried out in compliance with the regulations and also in line with the National Care Standards: foster care and family placement services. The Scottish Commission for the Regulation of Care ('the Care Commission') has been responsible for the registration and inspection of a range of services, including fostering and related services (sometimes known as family placement services), provided by fostering agencies since April 2002.

All fostering agencies, regardless of their status, must adhere to these Standards. When a provider applies to register their service, they must provide a statement of function and purpose. Depending on what that is will depend upon which Standards the Commission decide to apply to it.

The Standards cover the following activities:

- recruiting, selecting, approving, training and supporting foster carers;
- matching children and young people with foster carers;
- supporting and monitoring foster carers; and
- the work of agency fostering panels and other approval panels.

The National Care Standards: Foster Care and Family Placement Services 2011 sets out the following Standards:

- **Services for children (standards 1 to 4)** These standards are for children and young people who go to stay with foster carers.
- **Services for foster carers (standards 5 to 12)** These standards are for people who are or who wish to become foster carers. They also set out how agencies should work to recruit families for children.
- **Management and staffing (standard 13)** The standards in this section are addressed to everyone who uses the foster care service. They reflect the importance of knowing that the people who are responsible for the agency have the necessary experience, skills and training.

The Standards are based on a set of principles which recognise the rights of people as follows:

Dignity Your right to:

- be treated with dignity and respect at all times; and
- enjoy a full range of social relationships.

Privacy Your right to:

- have your privacy and property respected; and
- be free from unnecessary intrusion.

Choice Your right to:

- make informed choices, while recognising the rights of other people to do the same; and
- know about the range of choices.

Safety Your right to:

- feel safe and secure in all aspects of life, including health and wellbeing;
- enjoy safety but not be over-protected; and
- be free from exploitation and abuse.

Realising potential Your right to have the opportunity to:

- achieve all you can;
- make full use of the resources that are available to you; and
- make the most of your life.

Equality and diversity Your right to:

- live an independent life, rich in purpose, meaning and personal fulfilment;
- be valued for your ethnic background, language, culture and faith;
- be treated equally and to be cared for in an environment which is free from

Bullying, harassment and discrimination; and

- be able to complain effectively without fear of victimisation.

In terms of the 2011 Regulations (supra), this set out the requirements that must be complied with by service providers. In particular, regulations 3 and 4 provide that the service must be provided in a manner that promotes quality and safety and respects the independence of service users and affords them choice in the way in which the service is provided to them. Those providing the service must also adequately provide for the safety of service users, respecting their dignity. Each service user must have a personal plan detailing how their health, welfare and safety needs will be met.

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

Yes. The organization had a legal duty of care to each child in its care by virtue of the Common Law and its civil liability in Delict in terms of Scots Law. There are also issues of International Law in terms of the United Nations Convention on the Rights of the Child and the European Convention of Human Rights which may impose legal duties at a domestic level upon the organisation via the concept of vicarious liability. These are complex issues of law and there are case decisions available, however, a more detailed consideration of same is prohibited in this paper by time and resources.

Present

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

Yes

- a) Yes – the situation is now set out in The Children and Young People (Scot) Act 2014 which introduced the concept of Corporate Parenting.
- b) Yes – the Children and Young People (Scot) Act 2014 introduced new duties and responsibilities for Scottish public bodies defined as corporate parents – effective from April 2015.
- c) Yes – the Children and Young People (Scot) Act 2014 sets out the duties which are applicable.

e) If so, please give details.

The Children and Young People (Scot) Act 2014 introduced the concept of 'Corporate Parenting' in Schedule 9. Under section 58 of this Act, the organisation needs to:

Be Alert – to any matters which may affect care experienced young people and consider their wellbeing;

Improve – strive to improve the way the organisation functions in relation to care

experienced young people;

Access – make sure care experienced young people can access opportunities and make use of services and support;

Assess – the needs of care experienced young people for the services and support provided;

Promote – the interests of care experienced young people;

Opportunities – provide opportunities to participate in activities promoting wellbeing.

(ii) Foster carers

Past

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

No, they did not and Foster Carers do not have parental responsibilities or rights in relation to the children whom they foster. This has caused uncertainty, confusion, and sometimes frustration by carers attempting to look after children in their care. Accordingly, there has now been an improvement in authority delegated to Foster Carers recently and an example of this is the Decision-Making Guidance in Scotland 2015. The purpose of this was to clarify for Foster carers what decisions they can make and when to ensure that the rights of children and the rights and responsibilities of parents are respected and supported, while the welfare and wellbeing of children in care is safeguarded and promoted.

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

They are classed as self-employed and receive payment from the organization on that basis. They enter into a fostering contract, called the Foster Carer Agreement, as indicated above, for the provision of that service. They are however subject to certain controls, also as set out above, refer to answer 1.3 (a) part (ii).

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

The Looked After Children (Scotland) Regulations 2009 provide for the approval of foster carers and the procedure to be followed to achieve that, as indicated above answer 1.3 a) part (i).

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

Yes. The National Care Standards: foster care and family placement services, Services for foster carers (standards 5 to 12) apply.

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

As set out above in answer 1.3 a) part (ii).

Present

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

Yes.

g) If so, please give details.

There has now been an amendment to the Looked After Children (Scotland) Regulations 2009, in the form of the Looked After Children (Scotland) Regulations 2014 which provides as follows:

These Regulations amend the Looked After Children (Scotland) Regulations 2009 ("the 2009 Regulations") to make provision for a placement limit in relation to the number of children that may be placed with a foster carer at any one time.

Regulation 2(5) inserts regulation 27A into the 2009 Regulations to provide that a local authority must not place a child with a foster carer where the placement would result in more than 3 children being placed with that foster carer at any one time.

The limit does not apply when a group of more than 3 siblings are being placed by a local authority or when an emergency placement of a child with a foster carer in accordance with regulation 36 of the 2009 Regulations or a short-term placement of less than 4 weeks would result in more than 3 children being placed with that carer.

Regulation 2 also makes some minor amendments to the 2009 Regulations in consequence of the new placement limit.

On 1 April 2018, Scotland's Health and Social Care Standards came into effect, replacing the National Care Standards. The Care Inspectorate is required, by law, to consider the Health and Social Care Standards when making decisions during our inspections and other scrutiny and improvement work.

The standards and outcomes set out in the Standards are published in exercise of the Scottish Ministers' powers under section 50 of the Public Services Reform (Scotland) Act 2010 and section 10H of the National Health Service (Scotland) Act 1978.

They do not replace previous standards and outcomes relating to healthcare that have already been produced under section 10H of the National Health Service (Scotland) Act 1978 but they have replaced the National Care Standards, published in 2002 under section 5 of the Regulation of Care (Scotland) Act 2001.

The Health and Social Care Standards are;

- 1: I experience high quality care and support that is right for me.
- 2: I am fully involved in all decisions about my care and support.
- 3: I have confidence in the people who support and care for me.
- 4: I have confidence in the organisation providing my care and support.
- 5: I experience a high-quality environment if the organisation provides the premises.

The Standards are underpinned by five principles: dignity and respect; compassion; be included; responsive care; and, support and wellbeing. The principles themselves are not standards or outcomes but rather reflect the way that everyone should expect to be treated.

1.4 Legal Responsibility

(i) Organisation

Past

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

Other than the legal duty already mentioned in answer 1.3 (c) the legal responsibility remained with the Local Authority.

In addition, all placing local authorities and Swiss Foster Care Scotland enter into contractual arrangements which specify terms and conditions and placement specifications. The contracts that we currently provide placements under are Framework Agreements that have been the subject of procurement processes and legislation.

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

As above, see question 1.4 (i) a).

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

It depends on what it meant by 'legal responsibility' in this context. For example, the legal duty of care has always remained with the Local Authority for any children for whom it has sought the removal of from their parents. However, the parents usually retain parental responsibilities and rights unless or until there is the granting of a permanence order or the child is adopted. Where a Permanence Order has been granted in the sheriff court, under section 82 1(b)i Adoption and Children (Scotland) Act 2007, Ancillary Provisions can be shared or given to a foster carer. The Ancillary Provisions are particular to each individual child and their circumstances. The local authority and/or any other person may be given some or all of the parental responsibilities, including responsibility of guidance (except the mandatory right of residence). Ancillary provisions can include contact arrangements, matters in relation to passport applications or foreign travel, and issues relative to medical consent for the child. The main guideline is that they should always be in the best interests of the child. Parents may have some or all responsibilities and/or rights removed but not necessarily.

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

This would depend upon the basis upon which the child had been placed within Local Authority care and the relevant order conferring that change in status. As above, see question 1.4 (i) c).

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

As answered above, see question 1.4 (i) d).

Present

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

No.

g) If so, please give details.

Not applicable.

(ii) Foster carers

Past

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

It is well settled in Scots Law that any person having care and control of another but who does not have parental responsibilities and rights over them is able to make day to day decisions necessary to secure their welfare and ensure that their best interests are paramount.

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

As above, see question 1.4 (i) a).

Present

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

No.

d) If so, please give details.

Not applicable.

1.5 Ethos

Past

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

The Introduction to the Foster Carer Handbook 2004 specifies the ambition of Swiis Foster Care is to provide the best service for young people, carers and placing authorities. We believe that children who are fostered deserve the highest standards of care. As unique individuals a wide variety of placements options are required in order to meet their diverse needs and circumstances. Swiis aim to plan and deliver an effective quality service that meets those needs and circumstances and helps children achieve the best possible outcomes. In so doing Swiis supports the premise that all children have the fundamental right to love and care within a supportive and safe family which respects them as individuals.

We place particular emphasis on the importance of education and direct therapeutic work and work closely with specialists in these areas to support and maintain all young people in their placements. Swiis staff and carers will work in close partnership with young people's allocated social workers, families and any other agencies involved and will also provide or facilitate specific additional services as part of a whole care plan package if required.

Swiis also recognizes that for foster carers to feel confident and competent in their role as foster carers when there is clarity regarding the policy, procedures and practice guidelines they are to adhere to.

Our motivation is the belief that better lives, better opportunities and better outcomes can be secured for looked after young people by working in genuine partnership with priorities being:

- Ensuring the safety and protection of children and young people in foster care
- Developing partnerships with Local Authorities
- Supporting carers
- Providing staff and foster carers with training opportunities
- Promoting contact with family and significant others where appropriate
- Ensuring young people have the best opportunities to maximise their educational potential.

In relation to these priorities the Introduction to the Foster Carer Handbook (2004) states the following:

“Child Centred Philosophy

The safety, welfare and development of young people are the key priorities for all Swiss foster placements. The preparation and assessment of foster carers places great emphasis on their understanding of young people in different circumstances and with a variety of life experiences. Young people will be carefully matched with carers able to meet their specific needs and support and assist them in achieving the best possible outcomes. The rights of young people themselves to be included in the care planning process and to have their voices heard will also be protected and promoted.

A Partnership Approach

Swiss will work in partnership with Placing Authorities, birth parents, families and other significant people or agencies involved with each young person to ensure they receive a co-ordinated service, the best educational opportunities, maintain secure attachments, strive for good outcomes and are well prepared for their next stages. Partnership with parents is a significant factor in sustaining positive placements for young people and Swiss carers and staff will place emphasis on maintaining contact and good relationships to the fullest extent of each young person’s care plan. Swiss will share information and expertise openly with all partners in the care plan and ensure that good links and communications are maintained at all times. Swiss carers, social work staff and teachers will respond flexibly wherever possible to ensure that appropriate responses are offered for each young person and that continuity and stability of care and education are supported and maintained in all possible ways.

Any child protection issues arising during the placement are initially the responsibility of the Authority in whose area the carer and child are actually living. This may be neither the Placing Authority nor the Registering Authority and this highlights the importance of clear channels of communication and willingness to work in partnership. Swiss managers and supervising link workers will maintain excellent communications with all key authorities to assist and promote the proper flow of statutory information.

Commitment to Training

Good quality training for carers, staff and fostering panel members alike is a

keystone of our service. Swiis recognises that staff at all levels feel confident and competent in their role where they have clear policies, procedures and guidelines and are offered opportunities to enhance their skills and knowledge through appropriate training. All Swiis carers are encouraged to undertake accredited training courses appropriate to their own experience and a continuing programme of specific courses focusing on issues of significance to the professional fostering task is on offer for all carers both before approval and once they are established in the role. Swiis trainers are all experienced in their specific fields and offer training tailored to specific local needs, procedures etc. where appropriate. Swiis will use TFN or BAAF accredited trainers for the delivery of key training wherever possible. SWIIS Foster Care staff will attend local, regional and national training events, workshops and seminars to ensure that their professional skills, knowledge and awareness of developments in the field are kept fully up to date.

Fostering Panel training sessions will be arranged on a regular basis to ensure that all Panel members have access to information and feedback about developments in the service. Overall, we want to develop a learning culture across the organisation and promote an atmosphere of respect for personal and professional development which will have a positive impact on adults and children alike.

Support For Carers

SWIIS Foster Carers receive a comprehensive package of support at all stages in the fostering process. Each carer has an allocated supervising link worker who provides their key contact with the organisation and their link with local authority social workers. Supervising link workers visit frequently for informal support and to discuss practical care issues but also offer structured formal supervision sessions on a monthly basis. Swiis offers a 24 hr carer support phone line allowing carers to contact a member of the social work staff at any time if they require advice, information or practical assistance regarding their current placement. The level of payments to Swiis foster carers reflect the value we place on the job they do and the total package offered which includes insurance, pension scheme, paid holidays, specific relevant training and individual membership of The Fostering Network is also designed to provide carers with the support and security they need to approach fostering as a satisfying and rewarding career.

Continuous Improvement

Swiis is committed to continuous development and improvement of its fostering service based on national policy and standards developments, integrating Messages from Research and other validated evidence and reports about what works in practice and through feedback from children and young people, their families, social workers and the carers themselves. We welcome feedback in the form of compliments, suggestions or complaints and will make every effort to respond positively to these and make changes as appropriate. Swiis staff will seek feedback in the form of end of placement reports from all Local Authorities who use our service and will conduct exit interviews where appropriate with young people. Young people and parents with experience of the looked after system will be invited to join a user/carer reference group and work in partnership with staff, carers and members of the fostering panel to develop our understanding of their experience of foster care and contribute to the continuous improvement process.”

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

As well as expecting foster carers to share the company's ethos and objectives as noted in answer 1.5 a) above, section 11.1 of the Foster Carer Agreement (2004) stated that foster carers are required:

- a) *To care for any child placed with them as if the child were a member of their family and to provide a safe, healthy and nurturing environment;*
- b) *To comply with the terms of any written placement agreement provided by the placing local authority and to have specific regard to the long- and short-term plans for the child;*
- c) *To work at all times within Swiis policies and procedures as issued on appointment, to take note of updated procedures as they are introduced and to take note of advice and guidance given to them by their supervising link worker;*
- d) *Not to administer corporal punishment to any child /young person placed with them and to adhere to the Swiis policy on physical restraint and control and discipline; guidelines on managing challenging behaviour.*
- e) *To ensure that any information relating to a child/young person placed with them or concerning the child/young person's family or any other person, that has been given to the carer in confidence in connection with the placement, is kept confidential.*
- f) *To keep daily records and communicate regularly with Swiis Foster Care staff about the development and progress of any child placed with them;*
- g) *To notify Swiis Foster Care immediately of any serious illness affecting the child/young person or any other serious occurrence or accident affecting the child/young person and to keep a record of these and all other incidents. It is essential that the placing authority social worker is also kept fully informed and this is particularly important where a child/young person is on a Child Protection Register.*
- h) *To notify Swiis Foster Care of any significant event or incident in line with Swiis guidance, including if a child/young person goes missing or is not in an authorized place and to contact the police in line with Swiis Foster Care procedures*
- i) *To attend training and support groups arranged by Swiis Foster care in order to develop their skills, competence and understanding of the fostering task*
- j) *To co-operate with the officers of the Care Commission in all aspects of the statutory duties and requirements of the Commission. This may include for example, the individual inspection of foster care households, investigations concerning individual children, specific complaints or any aspect of Swiis Foster Care as an agency or service provider.*

Carers are also statutorily required to give notice of:

- a) *Any intended change of address.*
- b) *Any change on the composition of the household.*
- c) *Any change in employment arrangements.*

- d) Any further request or application in relation to child minding or to foster or adopt from another agency.
- e) Any other changes in the personal circumstances of anyone in the carer's household and any other event affecting the carer's capacity to care for any child or young person."

Carers must allow and not hinder the termination of the placement in accordance with the care plan or otherwise in the interests of the welfare of the child. This may be carried out by the placing authority or by the local authority in which the carers live if these are different. Wherever possible Swiis Foster Care will give appropriate notice of termination of placement and carers are encouraged to contribute to planned endings for children and young people in a positive and constructive way."

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

There has not been any change to what we consider to be our function or objectives. However, the introduction of a 'standard' service to operate alongside our existing multi-disciplinary service entailed a cultural shift as noted in section d) below. The range and types of support and interventions have expanded over time to better enable us to achieve the best possible outcomes.

The company values of, understanding, committed, respectful, caring, honest and exceptional have always been implicit, but through time they have become more explicit, in the language we use and by having our values clearly displayed in all our offices and website. Our values are clearly embedded into our statement of purpose.

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

2012/3 - In response to the economic downturn, resultant budgetary constraints and listening to what local authorities were telling us they wished to commission Swiis undertook a full restructuring of the organisation to ensure the fostering business was robust enough to continue to flourish within this climate. The restructure resulted in:

- a flatter, leaner management structure led by social work rather than jointly by social work and education personnel
- a review of all processes in order to identify areas of duplication or other wastage
- strategic decision to diversify and provide a continuum of placement options. Significantly it was decided to introduce a new 'Standard' service in order to allow us to tender to provide services via the national Scotland Excel Framework Agreement. Successfully introducing this service required a cultural 'mind-shift' as rather than the range of multi-disciplinary supports being automatically available to support placements such services required to be negotiated on an as required basis.

Staff and carer briefings and recruiting carers specifically to provide this service were integral to this service successfully being introduced.

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

No, their primary functions and objectives have remained the same. However as noted in answer 1.5 d) above the introduction of a 'standard' service required a cultural mind shift particularly for existing carers who had been used to the range of multi-disciplinary interventions and supports automatically being provided rather requiring to be negotiated.

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

Please refer to answer 1.5 d) and 1.5 e) above.

Present

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

Our underpinning ethos and objectives to provide fostering placements that our Chairman would be happy to look after his own children remains the same but how we aim to achieve this has evolved over the years.

- h) If so, please give details.

Staff have stated that they consider the organisation to be more open and transparent than in the past. They consider stability within the culture, an emphasis upon company values and prioritising the children has allowed a sense of safety and learning for staff and in turn foster carers.

Over the last five years there has been a focus and drive to further improve upon the outcomes achieved by valuing and developing our staff and foster carers to meet changing needs. This has led to skills development via:

- an expansion of accredited courses facilitated by our SQA Centre to include Volunteering Skills and Personal Achievement Awards for our young people to help enhance their CVs and help them develop employability skills for the future thereby improving their life chances. Hi5 Awards for younger children have also recently been introduced.
- our SQA Centre introducing Strategic Management and Operational Management accredited awards for managers and aspiring managers, and SVQ4 Business Administration for senior administrative staff;

- supporting staff to complete training to specifically enable to them to introduce new assessments and interventions e.g. AIM3 and seasons for growth;
- supporting staff to undertake professional undergraduate and post-graduate qualifications e.g. Social Work degree, Practice Educators;
- increasing the range of topics delivered as part of our annual training calendar to ensure staff and carers are familiar with current issues e.g. child sexual exploitation, extremism & radicalisation
- utilising staff and foster carer knowledge and skills to develop and facilitate training and workshop sessions e.g. regarding 'blocked care' and behaviour management;

All of these actions have further encouraged and further embedded a learning culture across the organisation.

We have also improved our quality assurances processes with quarterly auditing of key performance indicators introduced with actions feeding into our operational improvement plans. The introduction of a purchased database (called charms) has assisted greatly in our ability to audit and identify themes and actions required, thereby allowing corrective actions to be taken more timeously.

We have embraced and effectively utilised feedback from external sources such as Investors in People in order to improve, achieving the highest-level Platinum accreditation at our last assessment in March 2019. We were also delighted to achieve Investors in Young People Gold Level Good Practice Award at our re-assessment in 2018. This is the highest level of accreditation.

We continue to be child centred in our approach and aim for high standards of care for the children.

We have underscored our committed and belief in the benefits of a multidisciplinary approach for all placements, using the opportunity when Scotland Excel retendered on behalf of Scottish local authorities in 2017 to build in additional supports as part of our package for 'standard' placements to include therapeutic and educational advice plus up to 14 nights short break provision. We did so in recognition of the increasing complexity of the children being placed on this contract and listening to feedback from our foster carers about what supports they would benefit from.

We continue to ensure cost-effective, innovative ways of meeting children's needs by expanding the range of issue-based group work, and by commissioning specialist support e.g. managing sexually harmful behaviour, to appropriately inform practice. Over time we have increased the range of social events facilitated as a means of assisting staff to build relationships with foster carers and children and provide an additional monitoring of practices.

1.6 Numbers

Past

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

The exact number of children placed at any time is dependent upon the number and type of placements that carers are approved to provide, the plans for the children e.g. rehabilitation home and ensuring robust matching is undertaken. Due to such factors the number of children accommodated at a time is subject to change. As Swiis has become more established and grown then the number of placements available has increased.

From reviewing financial records for the periods of 1st October to 30th September the total number of children who were provided with placements during the calendar year was:

Year	Total number of children provided with placements during this year
2005	22
2006	53
2007	85
2008	139
2009	150
2010	160
2011	188
2012	186
2013	201
2014	222

In total from providing our first placement in 2005 until 17/12/2014, **441** children were looked after within **196** fostering households.

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

The number of foster carers approved by the organisation is subject to change as is the number of children placed. The table included in **1.6 c)** below provides a snapshot of the number of carers approved and number of children placed on the 31st December each year as a comparator.

How many placements were in use fluctuates but between 86% and 95% placements were in use at any given time.

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

Information drawn from our Care Inspectorate annual return provides a breakdown as follows:

As of 31 st December:	No. of full-time (short and long-term) foster carers	No. of foster carers providing respite only	Total no. of approved fostering households	No. of children placed
2009	99	25	124	130
2010	109	28	137	150
2011	127	29	156	161
2012	150	28	178	160
2013	150	34	184	186
2014	162	37	199	198

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

The recruitment of foster carers was a priority. As the pool of foster care placements available increased then the number of children provided with placements also increased. As the experience and skills of some carers grew their approval was expanded to enable them to look after more children thereby also contributing to the increase in the number of placements provided.

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

As noted in 1.6 a) above in total from providing our first placement in 2005 until 17/12/2014, **441** children were looked after within **196** fostering households and from 2005 until the 31st December 2019 a total of **1147** children were looked after by **328** fostering households.

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

Exclusively foster care.

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.

With reference to 1.6 a) above - Between 18/12/2014 and 31/12 2019 there were **906** children looked after by **285** fostering households. As noted in 1.6 e) above from providing our first placement in 2005 until 31st December 2019 a total of **1147** children have been looked after by **328** fostering households.

With reference to 1.6 c) above - 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.

Most of our foster carers are approved to provide more than one type of placement. As at 31st December 2019 we had 223 approved foster carers who collectively provide the following types of care:

Types of care	No. of carers households
Emergency	122
Short Break	163 (of which 32 exclusively provide short break placements)
Interim	134
Long Term	145
Permanence	63

As at 31st December 2019 there were a total of 265 children looked after by Swiis foster carers, of which 89 were classified as interim placements, 122 long-term, and, 54 permanent.

1.7 Children's Background/Experience

Past

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

Yes, most children placed with Swiis foster carers had been affected by issues such as social deprivation, poverty, neglect, parents' alcohol or substance misuse, domestic violence. Many of the children had been subjected to emotional, physical, or sexual abuse and neglect.

All of the children have experienced some level of trauma due to their lived experiences and many experienced multiple placements and moves prior to being placed with Swiis foster carers.

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

Children and young people were admitted into the care of specific foster carers following a matching process. The foster carers were all approved Swiss foster carers.

- c) Who placed children with the organisation?

Scottish and English Local Authorities placed children with Swiss Foster Care Scotland.

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

The children placed with Swiss foster carers moved from living with family members, other foster carers and residential units. The Children's hearing system authorised the move for most of the children placed.

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

They were accommodated under a 'voluntary order' signed by a parent or guardian via the placing local authority social work service under Section 25 of the Children (Scotland) Act 1995.

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

The children remained in the care of the organisation for markedly different periods of time depending upon their individual circumstances and plans. For instance, some children were placed on an interim basis pending rehabilitation plans being progressed with their parents or other family members with placement lasting for a matter of weeks or months whilst other children were placed on a long-term or permanent basis from the outset or their plan changed necessitating a foster placement until they turned 18 years of age.

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

Each local authority has differing internal mechanisms with many considering any request for a child to be accommodated in any setting at a Resource Group. Whatever their internal processes the local authority along with the child's parent or guardian could agree for a child to be looked after on a voluntary basis by foster

carers. If the local authority did not have a suitable foster placement available within its own resources, then they could elect to make a referral for a placement externally to agencies such as Swiis Foster Care Scotland. Local authorities had the choice to select the best package from Enhanced, Permanence or Standard placements for each young person. These could include additional therapy/ education or resource workers input. Following a matching process then a placement was agreed. If it was considered that there were no suitable foster placements available to meet a child's specific needs, then the local authority was advised that Swiis did not have a suitable placement available.

For children subject to statutory measures of care the local authority social worker of the council responsible for the children made a recommendation to the Children's Hearing for consideration. In turn after careful consideration of the social background reports submitted from professionals involved with the family and the best interest of the child the Children's Hearing then made the decision of whether to accommodate the child with foster carers.

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

The decision that a child required a fostering placement was not made by Swiis Foster Care Scotland.

i) Were children moved between different foster care placements?

The children were placed with one primary foster family. Any internal move of 'full-time' placement required the authorisation of the placing local authority. Where respite (now known as short break) was an agreed part of the package of support then children were also matched to carers for this purpose. Further details are included in 1.7 j) below.

j) If so, in what circumstances?

Swiis was originally set up to approve foster carers who could manage children with very complex needs, often as an alternative to residential care therefore the children and young people displayed some challenging behaviours that were difficult to manage without a break. As such up to 35 nights respite with short break foster carers was built in to the package of support provided to all carers providing 'specialist' placements.

The children were matched with a second foster family who had been identified to provide short break respite placements usually once a month for a weekend. This did not usually happen in the first three months of the foster placement to allow the children to settle.

The Swiis multi-disciplinary staff team supported the foster carers to maintain placements for children with additional needs. Occasionally the children were

moved to an alternative approved Swiss foster carer if their current carer was ill or unable to manage some of their complex and challenging behaviours. Any move of placement was agreed by the placing local authority prior to the move taking place.

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

Children normally resided in one full time placement with a second family identified to provide agreed periods of respite. However due to some children's ambivalent style of attachment and associated challenging behaviours occasionally Swiss foster carers were unable to sustain the placements without additional help. During these situations Swiss staff members known to the child and foster family would provide support in the foster carers home to allow them to take a break. Occasionally Swiss workers would offer 24-hour overnight support to avoid the child moving placement on an emergency basis.

Changes to a child's plan also necessitated some children moving placement e.g. to facilitate permanence plans.

Any move of placement was agreed by the placing local authority prior to the move taking place.

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

Each local authority has differing internal mechanisms with many considering any request for a child to be accommodated in any setting at a Resource Group. Such groups also often monitor and review the need for the child to continue to be in foster care including the need for an externally purchased placement. These are internal meetings and therefore Swiss personnel are not invited to attend.

Whatever the internal processes all looked after children have regular Looked After and Accommodated review meetings that review the child's plan including their need for a foster placement and the appropriateness of the placement provided. Swiss staff and foster carers routinely attended these meetings and provided update reports as well.

Children who are the subject of statutory supervision orders have these reviewed via the Children's Hearing at least on an annual basis. Swiss staff and foster carers routinely attended these meetings and submitted update reports as necessary.

The section 25 voluntary orders were reviewed regularly by the local authority social workers who determined if the level of risk had decreased and the children could return home to reside with parents, grandparents or guardians.

Other means of monitoring the appropriateness of the placement include foster carer supervision with their allocated Supervising Social Worker, foster carers annual

review meetings and regularly held coordination meetings attended by all Swiis personnel involved in supporting the foster carer and placement. Swiis supported foster carers development by providing appropriate training to assist foster carers to care for a child with particular health, learning or emotional needs.

At any time, a meeting with the placing local authority could be requested to consider the appropriateness of the placement.

Regular liaison meetings also took place between Swiis managers and some local authority procurement teams to ensure compliance with contractual requirements.

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

For the majority this would be via a Children's Hearing. Voluntary sect 25 orders were reviewed and discharged by the local authority social work service. A parent could request their child be returned to them if they were accommodated on a voluntary order, to do this they had to submit a request in writing 24 hours in advance of the date they wished the child to be returned to their care directly to the local authority social worker responsible for their child. The local authority would then decide if this was appropriate and end the placement with Swiis foster carers or apply for a statutory supervision or child protection order via Court or a Children's Hearing.

If placements were under jeopardy of ending in an unplanned manner, then Swiis would adhere to the Terms and Conditions outlined in the contract underpinning the placement e.g. the Scotland Excel Framework Agreement. If a placement is recognised to be at risk of ending, then Swiis/local authority would organise a meeting to consider any additional supports to the placement that could avoid an unplanned ending. If the placement could not be sustained, then Swiis would give 28 days' notice in writing including a rationale for placement ending to the local authority. Swiis and the foster carers would support the transition of the young person to their next placement /home/independent living. Swiis would ensure that any pertinent information was shared with relevant professionals. The young person's belongings and savings were transferred as per their care plan. Swiis would support the foster carers and young person to have the opportunity to say their goodbyes and to mark the occasion with their fostering family and other people important to young person.

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

This was dependant upon the individual circumstances. The Swiis foster carers and staff team would support the preparation for the move from foster care. The local authority social worker would normally facilitate the actual move however at times to avoid unnecessary distress the foster carers or Swiis staff known to the child would do this.

The placing local authority was responsible for providing support to children once they left foster care.

However, e.g. if a placement ended abruptly and the child was undergoing therapy with a Swiis therapist or was engaging in a course of issue-based work then Swiis would offer for this to continue for up to four weeks in order to end the sessions appropriately. If further sessions were considered appropriate, then the responsible local authority had the option of purchasing the service from Swiis.

With regards to foster carers many have remained in contact with children after they have left their care, offering support and advice as necessary. This is particularly the case when young people have been assisted to move on to independence.

Over the years a number of children formerly looked after by Swiis foster carers who have become disengaged with local authority staff have contacted Swiis staff seeking support and guidance. They have always been listened to and signposted to appropriate resources and made aware of their rights to after care support from the local authority.

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

Swiis staff attended regular meetings with the placing local authorities' workers and participated in LAAC reviews chaired by independent chairperson. Swiis staff would ask and be informed about children's plans. These were also recorded on the child's paper file or from 2012 within the Swiis 'charms' database.

Information was also sought directly from young people e.g. regarding their exam grades and assistance was provided to help them write CVs, apply to further educational establishments or other post-school destinations.

- p) Was such information retained and updated?

Certain information about children was retained, name date of birth, placement length however the majority of the child's documents including daily log books was returned to the local authority for safe keeping and to provide a contemporaneous record held in one place or destroyed if they were local authority paperwork that the local authority would already have in their possession.

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

If the young person had attended therapy with Swiis at the time that the placement ended, then Swiis therapists could provide an appropriate therapeutic ending depending on the needs of young person. Dependant on circumstances the Swiis foster carers could keep in touch with the young people which would offer further ongoing support if required.

Swiis staff have supported/guided young people to appropriate resources and benefits. Staff ensured that young people are aware about their entitlement, rights and responsibilities. Refer to 1.7 N) above for further details.

Present

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

Yes.

- s) If so, please give details.

From 2013 Swiis has provided a broader spectrum of placement options with 'standard' placements being introduced whereby the primary support was provided by Supervising Social Workers with the option of additional services and supports e.g. direct therapy, to be purchased and provided by Swiis by agreement. Otherwise the usage of universal services is promoted and advocated for to ensure that children's individual needs are met.

In recognition of the increasing complexity of the children placed and in response to feedback from our foster carers we increased the 'standard' package of support to include up to 10 nights short break, educational and therapeutic advice plus resource worker support. Additional services and supports can also be provided by agreement. This improved package of support has been operational since 2017.

Whilst pre-December 2014 the majority of children were placed on 'specialist' contracts the majority are now placed on the Scotland Excel Framework Agreement on a 'standard' basis.

The introduction of the 'standard' service has led to an increase in the number of younger children and sibling groups being referred and placed with Swiis foster carers.

Swiis foster carers are aware of the differences in contract types at the referral and matching stage. Foster carers consent to the terms of the placements by signing the Swiis record of financial document which includes information about the carer fee and the child's maintenance allowance and short break allowance. This form was introduced in 2017.

Swiis managers attend regular contract monitoring meetings with many of the Scottish local authorities. These meetings provide a useful opportunity to discuss any placements issues and future plans.

The introduction of the Data Protection Act 2018 has led to a review of the information that Swiis processes and stores.

1.8 Organisation staff and foster carers

- (i) Organisation

Past

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

Swiis HR Department do not retain staff records beyond 7 years however information taken from the Care Inspectorate Annual Returns indicates that 202 people were employed by Swiis from when the agency began to 17th December 2014.

See 1.8(i)(b) for information about those who were working directly with children and foster carers. This figure was only available from 2009 onwards.

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

Reporting period	2006	2007	2008	2009	2010	2011	2012	2013	2014
Date report submitted	17/5/07	18/2/08	26/2/09	28/1/10	5/2/11	16/2/12	24/1/13	13/2/14	04/2/15
Total No staff	18	49	53	103	73	88	Not known	66	76
WTE	17	35	49	56	54.38	54.38	63.22	59.45	59.45
Direct Working	Not known	Not known	34	51	51	51	46.72	49.95	49.95

Registered services are required to submit an annual return reporting on the previous calendar year. The figures detailed above are taken from Care Inspectorate Annual Returns dating from 17th May 2007 to 4th February 2015. They document the total number of staff, the working time equivalent and those directly working with children and foster carers. The number of staff working directly with children was not reported upon until 2008 and therefore not documented prior to Swiis' annual return submitted on 26/02/09.

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

Swiis HR Department do not retain records beyond 7 years that would provide information regarding the different roles and responsibilities such staff had and therefore we cannot provide accurate information in this respect. Swiis do however have a range of job descriptions and role specifications held within the archive and this information provides some insight into the range of different posts that Swiis had and which roles involved meeting directly with children and foster carers. This list is not exhaustive but covers all core positions.

Swiis appointed a Head of Service in 2004 with a view to starting up the service in Scotland. As the service grew, so did the staff team. Operational Team Managers, Education Managers and Senior Supervising Social Workers were appointed to oversee a multi-disciplinary team of Supervising Social Workers, Senior Education Case Workers, Education Support Workers, Health Advisors, Placement Support

Workers and Therapists who were responsible for supporting and monitoring the care that was provided to any children placed on an enhanced basis with Swiis approved foster carers. These staff members regularly met with children and foster carers. The 2006 Statement of Purpose summarises key roles and responsibilities to be:

“Supervising Link Social Workers

Supervising link social workers carry a minimum caseload of 12 carers and keep in close contact throughout every placement. Link workers or support workers visit each placement at least twice a month and the link worker offers monthly formal supervision as well as participating in our on-call and duty systems which give carers 24 hour support.

Education Staff

Our education workers are fully qualified teachers and education staff with experience of inclusion and support for children and young people both within and outside the education system. A young person requiring additional education support will have their individual circumstances assessed and monitored throughout their placement and specific support within school, or to attend college, work at home or through leisure activities will be provided as appropriate. The education staff work closely with young people, carers, and colleagues throughout the year and their input is not limited to school terms.

Health Advisors *Our health advisors have school, nursing or community health backgrounds and are able to provide advice and access appropriate health or therapy resources to meet young people’s assessed needs. The health advisor works closely with carers and placing social workers to identify relevant health issues, monitor progress and also works directly with young people where needed. It is an additional part of the health advisor role to provide training and raise awareness of health promotion issues with all carers, young people and staff.*

Placement Support Workers/ Education Support Workers *Placement support workers and education support workers undertake a range of activities with young people and carers to support and maintain stability in placement and in school. These could include liaising with schools, supporting carers at meetings, helping with transport, arranging respite, providing short activity sessions, direct work with young people, running young people’s groups, supervising contact or other practical support as appropriate. Placement support workers may also have involvement in foster carers recruitment, training and support group activities.”*

A summary of the core roles and responsibilities of our Therapists was not included in this summary as at that time their service was commissioned as required. Following a staffing re-structure in 2010 Therapists were employed and provided direct 1:1 therapy with children, facilitated several levels of attachment training with foster carers and provided consultations with the team around the child to better understand behaviours and appropriate ways of supporting children in placement or educational settings.

From 2013 the service began to provide core placements in addition to enhanced placements and the staff involved in supporting and monitoring the placement depended upon the individual contractual arrangements of that placement.

Swiis appointed reviewing officers to oversee the annual review process as described in the Looked After Children (Scotland) Regulations 2009.

They had no line management responsibilities or direct involvement with the foster carers being reviewed and were managed by the Head of Service to ensure a level of independence and objectivity. Matching Co-ordinators were appointed to consider best matches between carers and children. Swiis were responsible for delivering training to foster carers and as such, a Training and Development Co-ordinator was appointed.

Swiis had an administrative team to support all its functions and this included an Office Administration Manager, Officer Administrators and Office Administrative Assistant and a Receptionist.

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

As stated in 1.8 c) above, Swiis' HR Department do not retain records beyond 7 years, so we are unable to provide accurate information regarding each individual role and the experience and qualifications that such staff had. The selection of job descriptions and job specifications held within our archive however do give some insight into the essential and desirable qualifications and experience of some key roles across the service and these are detailed below.

For all positions a robust interview process took place which involved children and young people, foster carers, Swiis staff and independent panel members. Qualifications were verified at interview stage, copied and held in each individual staff file. References were sought from any previous employer where the work involved working with children or other vulnerable groups. Initially these references were only sought for the previous 5 years and then latterly this was across their entire employment history and this continues to date.

Scottish Director: Qualified and registered Social Worker. (SSSC) Management Qualification. SCQF Level 10/11 Minimum of 5 years' experience of a complex management role in a social work, social care or multi-disciplinary setting.

Head of Education & Training: Qualified teacher or educational professional Management Qualification. SCQF level 10/11 Minimum of 5 years' experience of a complex management role in a social work, social care or multi-disciplinary setting.

Operational Team Manager: Qualified and Registered Social Worker to degree level. (SSSC) SCQF Level 9/10 Minimum of 3 years' experience of a complex management role in a social work, social care or multi-disciplinary setting.

Experience of working with children and young people in the LAC system.

Senior Supervising Social Workers/Senior Practitioners: Qualified and Registered Social Worker. (SSSC) SCQF Level 9/10 A minimum of 2 years' experience of work in a child care setting. (Fieldwork or residential)

Supervising Social Workers: Qualified and Registered Social Worker. (SSSC) SCQF Level 9/10 A minimum of 2 years' experience of work in a child care setting. (Fieldwork or residential)

Senior Education Case Worker: SCQF Level 9/10 Relevant qualification in teaching/education/childcare. Experience of direct work with children and young people in an education setting.

Education/Placement Support Worker: Relevant qualification in education/childcare SCQF Level 7. Experience of direct work with children and young people in an education setting.

Health Advisor: RGN Qualification School, nursing or community health experience

Therapist: Qualified and registered therapist (within a recognised therapeutic modality which possesses a firm theoretical and/or research base). SCQF Level 9/10 Experience of working with children with emotional and behavioural difficulties and children in the Looked After system.

Reviewing Officer: Registered Social Worker. (SSSC) Substantial Experience in Children and Families work in a Local Authority or Independent Sector Setting. Knowledge of the Foster Care Task (including knowledge of Care Commission Standards)

Training Coordinator: Degree level qualification Should hold or be able to demonstrate the capacity to obtain Graduate level membership of the Chartered Institute of Personnel and Development.

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

Swiis Fostering Panel was set up in 2005 and their purpose and remit was in keeping with the Looked After Children (Scotland) Regulations, Part IV. The panel's primary responsibility was to act in the best interests of children and young persons placed in foster care and they did this by making recommendations to the Agency Decision Maker about the approval and continued approval of foster carers and specify recommendations regarding the terms of this approval. The panel also had a monitoring and quality assurance function in terms of the quality of paperwork presented to the panel and an advisory function to the agency if they were faced with difficult and contentious issues.

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

The composition of the panel was in keeping with the Looked After Children (Scotland) Regulations. There was a requirement that the panel consisted of at least 6 people and when it was set up in 2005 and as such, 8 independent panel members were appointed including a medical and legal advisor. 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 services as foster carers themselves or have experienced care themselves. No business was conducted unless 3 or more of the panel members were present.

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.

Staffing

In respect of the number of staff that Swiis employ who have some responsibility for foster care services for children, we currently have 66 staff members (59.45 whole time equivalent)

The breakdown is as follows:

- 1 Director of Scotland
- 1 Business and Administration Manager
- 1 Panel and Review Manager
- 1 Learning and Development Manager
- 4 Operational Team Managers
- 2 Depute Team Managers
- 2 Senior Practitioners
- 1 Reviewing Officer
- 1 Carer Assessment and Approval Coordinator
- 21 Supervising Social Workers*
- 1 Form F Assessor
- 10 Resource Workers*
- 4 Education Workers*
- 3 Part Time Therapists*
- 1 Trainee Social Worker*
- 1 Panel and Review Coordinator
- 1 Referral and Enquiry Coordinator
- 1 Compliance Coordinator
- 1 Senior Administrator
- 5 Team Administrators
- 1 Team Coordinator
- 1 Administrator
- 1 Admin Assistant

***indicates the staff who predominately work directly with children and foster carers.**

Job descriptions for each post is available upon request.

Fostering Panel

The Swiis Fostering Panel purpose and remit remain the same. At the time of writing, we currently have 17 panel members on our central list including a medical advisor and legal advisor. The skills and experience of the panel members remains diverse. We have representatives from social work, education, health, police and those who have used both adoption and fostering services either as adopters/foster carers or as people who have experienced care themselves. The recruitment process remains robust and we have now developed a Panel Member Handbook which provides much clearer guidance to panel members regarding their role and remit and the panel functions generally. We also allocate a 'buddy/mentor' for any newly recruited panel member to support them as they develop their confidence and skills.

Whilst the Swiis Fostering Panel is independent and objective, it operates within the agency structure that is underpinned by management responsibility and administrative support.

The Agency Decision Maker is the person within Swiis who makes decisions which are based on recommendations made by the Fostering Panel. This responsibility is normally delegated to a senior manager and the designated agency decision maker within Swiis is currently the Director of Scotland. Swiis have a Panel and Review Manager who has overall responsibility for the work of the Swiis Panel and is the identified point of contact for any professional issues arising before, during or after panel. This person is also an advisor to the panel which is in keeping with BAAF good practice guidance. There is also a dedicated administrative team including a Panel and Review Coordinator which supports the panel, ensuring that all paperwork is in place in good time, all practical arrangements are made, and a written record of the panel business is recorded and agreed.

(ii) Foster carers

Past

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

Swiis recruited prospective foster carers in a variety of ways. Some examples include recruitment events, advertising campaigns on buses and radio and word of mouth. An initial screening call and home visit took place before a decision was taken to proceed to assessment stage and Skills to Foster Preparation Training was a pre-requisite to any approval.

Swiis carried out an assessment of any person who 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. Swiis identified a second assessor to be involved in all assessments and would discuss the completed Form F with prospective carers prior to panel. Feedback from the panel conveyed this is a vital part of the Swiis assessment process.

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 regarding suitability to foster and the terms of approval. The Agency Decision Maker would then decide based on this recommendation within 14 days of the panel meeting taking place and the applicants would be notified of this decision in writing within 7 days thereafter and Swiis and the carer would enter into a written agreement.

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

Swiis did not discriminate against applicants who wish to become foster carers on the grounds of race, ethnic or cultural origin, gender, marital status, sexual orientation, disability, age or religious beliefs as far as the legislation would allow. It should be noted that the Looked After Children (Scotland) Regulations did not allow same sex couples to be assessed to foster until it was amended on 28th September 2009. The overriding principle for carers to be appointed to the agency was their assessed ability to care appropriately for the looked after children referred.

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

The following checks were undertaken –

- 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 be emphasised throughout the recruitment process and applicants were required to sing 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

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

The requirement to disclose any criminal conviction or significant life event was also expected of any other person 16+ residing in the household. Alongside this, they were to have an enhanced disclosure check and these checks were repeated every two years. Swiis also sought Disclosure Scotland checks for regular visitors to the household. Interviews were undertaken with the applicant's own birth children and any other children/adult who lives in the household.

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

Any family member or friend who was likely to be of significant support to a prospective carer and have regular unsupervised contact with any child placed was subject to a Disclosure Scotland Check. Records do not detail any references and interviews that were done with the purpose of 'checking' family members and friends specifically however they were offered to attend Skills to Foster Training to gain insight into the fostering task that would be being undertaken by their family member/friends with a view to them offering support.

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

The checks prescribed in Schedule 3 of the Looked After Children (Regulations) 2009 have not changed and as such, the checks required have remained relatively unchanged. Disclosure Scotland introduced the Protection of Vulnerable Group Scheme in February 2011 and Swiis begin to undertake PVG Checks for all prospective carers thereafter and updates on a 3-yearly basis. Enhanced Disclosure Checks continued for any adult 16+ residing in the household and Basic Disclosure Checks continued for those who had regular, unsupervised contact with the children placed. Regular audits were undertaken to ensure we were meeting our policy requirements in this respect.

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

Swiis staff were responsible for ensuring that approved foster carers fulfilled the expected competency to provide a safe, healthy and nurturing environment for children and young people placed.

They did this in three ways – There was an expectation that Supervising Social Workers would inspect the foster home at assessment stage and thereafter annually to ensure it could comfortably accommodate all who live there and that it met the required health and safety standards. There was an additional check done if a carer moved to a new house/carried out any major structural work to their property or changed their car. If there were any issues arising from any of these checks, these would be fully discussed with the carer and an action plan would be identified to address the problem. In line with the National Care Standards for Foster Care and Family Placement Services, an unannounced visit was undertaken at least once a year and findings were documented in an Unannounced Visit Report, addressing any issues of concern directly with the foster carers. Alongside this, during supervisory visits, the Supervising Social Worker was expected to ensure that the home was warm, adequately furnished and decorated and maintained to a good standard of cleanliness and hygiene. Carers were also provided with Safety at Home written guidelines which outlined their health and safety responsibilities. This formed part of their Foster Care Handbook.

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

Gender of a foster carer was not considered relevant to whether a foster carer was approved or not. If for any reason, the gender of a foster carer was specified by the local authority when seeking a placement, this would be considered by Swiis in relation to matching.

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

The terms of a foster carer's approval specified the maximum number of children they were assessed as being able to care for, the age range, the gender and the placement type whether that be full time or for respite care. These terms reflected the carer's capacity and the age and gender of others living in the household and what would be assessed as being the best match for their family.

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

Foster carers were expected to meet the requirements outlined in their Foster Carer Written Agreement. Alongside providing day to day care to any child placed, there was an expectation that foster carers would provide a therapeutic caring experience. There were occasions where there was an expectation that foster

carers would facilitate contact between a child/young person and their birth family members, whether that be birth parents or siblings.

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

No.

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

Foster carers did enter into a written agreement with the agency following approval and before any child was placed. These forms were in a prescribed form and there was an expectation that every carer would enter into this agreement without exception. Swiss Foster Carer Agreement was revised regularly to reflect the requirements of the agency's contracts with individual local authorities and the National Scotland Excel Framework.

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.

Current checks carried out on prospective foster carers – In accordance with Swiss policy the following checks are required:

- Satisfactory PVG for any applicant*
- Satisfactory Enhanced Disclosure for any adult in the household
- Satisfactory Local Authority Checks for any applicant and adult in the household
- Satisfactory Overseas Checks if anyone has lived or worked outside the UK
- Satisfactory SSAFA Check for anyone who has served in the armed forces
- Personal References (with interviews where possible) for all applicants – 2 personal character references and 1 reference from a family member
- Interview applicant's children who live both within or without the home
- 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

- 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.
- Check of membership of professional body (if appropriate) – SSSC, GTC, GMC, Nursing and Midwifery Council Etc.
- Financial Check – verify pay slips, bank statements, reference from landlord, credit reference check if known financial issues historically.
- AH Medical with Medical Advisor Report for all applicant.
- Health and Safety Check for all households.
- Pet Assessment if appropriate.
- Care Inspectorate Check for any registered childminders.
- Social Media Check to see what is in public domain.

*Applicants are still expected to share any criminal history they may have however there are now two exemptions to this rule; If the offence is considered to be 'protected' as per the new class of 'protected conviction' which was implemented in Scotland in September 2015 to comply with European Convention of Human Rights or if a Sheriff has ordered the removal of the conviction information from the disclosure and have considered it not to be relevant under the Police Act 1997 and PVG (Scotland) Act 2007 Remedial Order 2018.

A quarterly audit system is now in place to ensure that all statutory policy requirements are met in respect of applications of prospective foster carers and the ongoing approval of existing carers. A designated person was appointed a Compliance Coordinator in 2019 to oversee these audits and highlight any issues that arise.

The Foster Carer Written Agreement was most recently updated by Swiis' Legal Advisor in 2018 to reflect the changes to contractual requirements. Each time a placement is made, a placement financial agreement is created which is specific to that individual child in that household. It details the contract in which the child is placed on, the placement type, the foster carer fee and maintenance element and weekly mileage allocation. In addition to this, it outlines short break entitlement and any additional payments for birthdays, religious festivals and summer activities. This document is to be read and understood by foster carers alongside the Swiis Foster Carer Financial Guidance (2019) which provides information regarding how the maintenance element of the payment should be used.

2. Organisational Structure and Oversight

2.1 Culture

Past

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

Swiis Foster Care is a national, independent fostering agency, it was set up in 2000 with a vision to provide the highest quality care for children and young people. Swiis Foster Care Scotland has been operational since 2005 as the sister company to Swiis Foster Care.

The ambition of Swiis is to provide the best service for young people, carers and placing authorities. Our motivation is the belief that better lives, better opportunities and better outcomes can be secured for looked after young people by working in genuine partnership with a focus on the following themes: -

- Child-centered philosophy.
- Partnership approach.
- Commitment to training, the value of education and a learning culture.
- Support for carers.
- Continuous improvement.

Initially set up primarily for complex children as an alternative to secure or residential, there was a multi-disciplinary approach, the team consisted of supervising social workers, support workers, education workers, health advisors, with therapeutic services commissioned as required. This allowed for a range of interventions and supports to be provided in a timely manner to achieve the best possible outcomes. Supporting children's educational attainment was particularly emphasised with a separate parallel management structure operational to support educational and support staff. This meant that multi-disciplinary teams were matrix managed by social work and educational personnel.

Staff had and continue to have monthly supervision with carers where the culture and practice is explored. The aim of supervision is to ensure carers are equipped to offer therapeutic re-parenting to the children they look after. The carers have annual reviews to ensure we are regularly assessing and monitoring good practice and any areas for development.

Staff also have regular supervision and yearly appraisals as a way of assessing and monitoring practice. Managers operate an 'open door' policy to ensure timely access to support and advice and on call social workers and manager are contactable out of hours.

The carers and the staff have mandatory training that they need to complete, including first aid, child protection, safer caring and managing behaviour. This is provided and/ or sourced by a dedicated Learning and Development team that produced an annual calendar of training and other learning opportunities. Staff and carers are encouraged to develop their skills and attend training that is relevant such as attachment training, child protection training, supervision and many more.

To further enhance our commitment to learning and development and being a 'learning organisation' we became an approved SQA Centre in 2011 delivering the SVQ III Health & Social Care (Children & Young People) to enable our foster carers and staff to further develop their skills and gain a recognised qualification at the same time. Over time the range of accredited awards available has increased to include ones pertinent to staff e.g. SVQ levels II, III and IV Business Administration, and in more recent times SQA Personal Achievement and Volunteering Skills awards for young people.

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

Yes. The policies and procedures were created to encourage a culture of safeguarding, putting children in the centre and ensuring clear guidance for staff and foster carers.

The Foster Carers Handbook 2004 (and subsequent updated editions) clearly outlines the approach expected by Swiis.

Any practice concerns were addressed with staff or foster carers respectively as part of their supervision or more formally as part of agreed Action Plans with staff disciplinary and carer de-registration being actioned if necessary. 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.

c) How can that be demonstrated?

This would be demonstrated through providing copies of the Foster Carer Handbook, policies, procedures, guidance documents, training calendar, training attendance records, case notes, supervision recordings, reports for carers and children. Regular team meetings were minutes are taken, which demonstrate discussion around providing high levels of care and nurturing to children and how to deal with poor practice.

The culture has continued to develop and improve, and this is noticeable in the feedback received from the care inspectorate. Inspection reports can be provided or are available on the Care Inspectorate's website.

We have continued to develop our policies and procedures to ensure we are safeguarding and protecting young people and in 2018 the care inspectorate report stated *"There was very regular recorded supervision of carers, and it was evident that, if required, robust discussions took place around practice. While the number of child protection concerns raised by young people was relatively small for a service of this size, those that had occurred had been dealt with promptly with very good liaison with statutory agencies and a clear emphasis on safeguarding young people"*.

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

On the whole foster carers care did reflect the organisations culture, policies and procedures. However, at times over the years there have been concerns around some foster carers and staff members practice falling short and not complying with the organisational expectations. These were managed under the Concerns, Complaints and Allegations against foster carers policy or staff disciplinary policies.

e) If not, please provide a representative range of examples and explain, by reference to those examples, why particular foster carers did not, in

material ways, work in accordance with the organisation's then culture, policies and procedures and what, if anything, was done to change that?

Practice did not always reflect the mission statement, and this impacted on the culture. At times when carers were not working in accordance with the organisational policies and procedures, there were a number of steps that would be taken, additional training would be offered, a review at panel would be held and at times this meant that carers approval would be changed. On occasion carers have resigned and then been taken to panel to be deregistered as a result of relationships breaking down and practice not being of a standard that is acceptable. Below is a list of some examples, this is not an exhaustive list but demonstrates our approach to a spectrum of situations.

Example 1:

Carers have mandatory training that they must complete to remain approved. This is a requirement as stated in Swiss Training Policy, Safeguarding Policy, Assessment & Approval Policy, and is agreed to by the foster carers in signing their Fostering Agreement. The national care standards 8, 10 and 11 also make reference to the importance of foster carer training. If carers were not fully compliant with requirements, then an early foster carer review was convened. Various actions could then result. These included naming the placement, setting a timeframe for the outstanding training to be completed, holding another carer review to monitor progress, exploring the carer's learning style to identify and address any barriers to their attendance, reducing the carer's annual bonus payment to reflect their non-compliance. As well as attending mandatory training it is expected that carers also attend any specific developmental training identified to ensure they have the skills to meet the child's needs.

An example of how this was implemented is one experienced foster carer, who was seen to provide a very good standard of physical care and encouraged and supported the twin boys he was looking after to attend a wide range of activities and interests and on to independence. Once they had moved on then younger boys were placed. While doing very well with all aspects of their physical and practical care the foster carer did less well in the area of emotional nurture, not seeming to understand or accept the implications from trauma and attachment and how this affected behaviour. He also did not always work well with social workers and could see issues as very black and white which meant that he could come across as 'harsh' or overly rigid and unyielding in his approach.

It was a decision from a foster care review that the foster carer should attend the Attachment Module 1 Course-(6 sessions) run by the team therapist. This course provided information on child development and attachment and the implications for the effect of trauma on these areas and how it impacts on looking after a child who has experienced this. The carer attended this course and his supervising social worker followed up on the learning through their monthly supervision sessions. The supervising social worker was also able to refer to this learning when issues came up. While attending a course and being guided consistently by a supervising social worker does not change a type of personality it did, over time, offer alternative understanding and strategies which allowed the foster carer to develop the skills to continue in his role. This is an example of how national care standards, 8,10 and 11 and the Fostering Agreement is implemented.

Currently to ensure compliance with our policies and procedures, quarterly audits of compliance issues are undertaken. This includes carers attending training.

If training requirements are not adhered to then the supervising social worker and team manager are informed so that they can encourage attendance and a formal letter is sent out from the Learning & Development Manager advising the carer that they are overdue, highlighting dates that training is taking place and offering to discuss any barriers to attendance. We have also introduced more on-line training options to better support learning styles. If the training is still not completed, then this is raised at an internal annual review or panel with actions to address the issue identified.

Example 2:

We had a situation where a foster carer was allowing a twelve-year-old to play 18 approved computer games, these contained themes of violence and strong language. Swiis supervising social worker raised this with the carers and the local authority who were all reluctant to remove the games. Swiis continued to raise the unsuitability of the games with the placing local authority, including at management level, and this issue was fully explored at a LAAC review. The Reviewing Officer agreed that the games were inappropriate, and it was agreed that he was no longer allowed to play them in the foster carer's home in accordance with our Child Protection, Internet and New Technology Policy. The supervising social worker spent time with the foster carer discussing the importance of safeguarding and ways to appropriately manage the young person's behaviour. Relations were strained but the issues were worked through resulting in a very positive placement for the young person where he learnt appropriate boundaries. As part of re-building relationships and upskilling the foster carer the supervising social worker advocated the foster carer attend further training. The carer went on to successfully complete SVQ III Health and Social Care (Children & Young People) Award via our SQA Centre.

Example 3:

This is an extreme example included to demonstrate our approach and range of responses. In 2013 a foster carer was deregistered and a member of staff, a social worker's employment was terminated. This was as a result of the main foster carer passing on information to the short break carer who then reported this information to Swiis staff. The information included concern that the foster carer was "sitting in the bathroom while the young person showered to stop him pleasuring himself" as well as other punitive ways of managing the children's behaviour. This information was shared with the placing local authority. A member of the public also raised a concern directly with the Police as they had witnessed the foster carer driving slowly in a carpark with the young person walking alongside with his hand on the vehicle. When asked the foster carer had said she was calming him down. As a parent of a child with additional support needs, the member of the public was concerned about the appropriateness of this approach.

An IRD meeting attended by the Police, placing local authority and Swiis staff was held. The outcome of this IRD meeting was that at this stage the issues raised would be most appropriately investigated as a 'serious concern' in accordance with the Swiis Concern, Complaints and Allegations Policy. The local authority also decided that the placement should end, and the children were removed from her care as it was apparent that their needs were not being appropriately met. The Police did not consider a crime to have been committed and so decided to take no further action at this time.

From staff undertaking an investigation in accordance with our Concerns, Complaints & Allegations Policy numerous concerns about the foster carer's ability to manage the children's age and stage of development, for example not allowing them a mobile phone, not letting them out with friends, threatening to remove Christmas presents as a sanction, sitting in the bathroom while the male child showered. Most of this information was recorded in the foster carer logbook and the carer maintained that she had discussed all such issues with her supervising social worker. Other concerns noted in the logbooks included the mention of the carer having restrained the boy.

This led to Swiis also investigating the member of staff under the staff Disciplinary Policy. This resulted in the staff member being dismissed for gross misconduct as she had either signed but not fully read the logbooks or she had read and not taken any action to address the issues the carer had documented (no case recordings nor incident reports being held on file that demonstrated that issues had been raised and addressed with the foster carer). It was considered that the member of staff had breached various Swiis policy and procedures e.g. Safer Caring Policy, Protection of Children and Young People Policy, Reporting Incidents Policy and Staff Case Recording Policy. Swiis had supported the staff member to undertake and complete the post-graduate Certificate in Child Welfare and Protection and she had also completed other pertinent training. It was therefore considered that she had an appropriate knowledge base from which to draw upon. The staff member challenged being dismissed by referring the matter to an Employment Tribunal which found in Swiis' favour.

A referral was also made to the SSSC and following their investigation into the matter her registration was withdrawn.

The investigations into the foster carer also considered that she had failed to adhere to various Swiis policies and had not acted in accordance with National Care Standards e.g. Safer Caring. In accordance with Swiis Unplanned Endings Policy an end of placement meeting was held to explore what caused the placements to end abruptly and to consider any learning. Whilst it was accepted that the foster carer had not hidden her actions and had not been appropriately supported by her supervising social worker it was also noted that the carer had attended all mandatory plus additional developmental training and that her actions were contrary to the messages presented and contrary to the information contained within her Foster Carer Handbook. Due to the range of issues identified and the carer's views regarding these, de-registration was recommended by Swiis. The foster carer decided to resign, and a fostering panel was convened, at which the findings of the investigation and placement ending meeting were considered. The foster was deregistered as she had resigned, the relationship between the agency and carer had broken down and practice grounds. The carer was advised of external/ additional supports available to support her throughout the investigation and to attend meetings. She was encouraged to seek representation from the Fostering Network legal service which she did and was also supported through the process by an independent social worker commissioned by Swiis.

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

The ethos and the values of the agency have remained the same, we always seek to evolve and improve in line with changes in theory, practice and legislation and we aim to be at the forefront of childcare practice. Swiis is committed to continuous development and improvement of its fostering service based on national policy and standard developments, integrating messages from research and other validated evidence and reports about what works in practice and through feedback from all stakeholders, children and young people, their families, local authority staff, and Swiis staff and foster carers themselves.

Changes have been made to our policies and procedures and training for carers following changes in government policy and procedures for example e.g. we have been committed to the national approach to improving outcomes for children and young people in Scotland Getting it right for every child (GIRFEC) (Scottish Government, 2015). This provides a framework for those working with children and their families to provide the right support at the right time.

The company values of, understanding, committed, respectful, caring, honest and exceptional have always been implicit, but through time they have become more explicit, in the language we use and by having our values clearly displayed in all our offices and website. Our values are clearly embedded into our statement of purpose.

Key organisational changes that have contributed to our culture evolving are:

- In 2010 Swiis set up a designated permanence service in response to the national shortage of carers for children who cannot return to their birth family and for whom adoption is not considered appropriate. These children are generally aged between 4 and 12 years and require a 'Family for Life', in which they can settle, feel secure and develop their potential. Foster carers were specifically recruited to provide permanent placements for children whose agreed plan was for a Permanence Order to be sought via the Courts to secure their future.
- During 2012/13 in response to the economic downturn, resultant budgetary constraints and listening to what local authorities were telling us they wished to commission, Swiis undertook a full restructuring of the organisation to ensure the fostering business was robust enough to continue to flourish within this climate. The restructure resulted in:
 - a flatter, leaner management structure led by social work rather than jointly by social work and education personnel;
 - a review of all processes in order to identify areas of duplication or other wastage; and,
 - a strategic decision was made to diversify and provide a continuum of placement options. Significantly it was decided to introduce a new 'Standard' service in order to allow us to tender to provide services via the national Scotland Excel Framework Agreement. Successfully introducing this service required a cultural 'mind-shift' as rather than the range of multi-disciplinary supports being automatically available to support placements such services required to be negotiated on an as required basis. Staff and carer briefings and recruiting carers specifically to provide this service were integral to this service successfully being introduced.

- In 2017 in recognition of the increasing complexity of the children and young people being referred for 'Standard' placements and from listening to our foster carers we decided to increase the level of support automatically available for such placements to include educational and therapeutic advice and up to 10 nights short break provision as well as social work supervision and resource workers providing placement support. Additional supports and services can also be negotiated and provided by agreement.

We recognise that our investors in people journey, inspection reports and staffing changes over the years have contributed to the development of our culture, with us wanting to achieve even better outcomes. We have numerous examples of staff suggesting new innovations that have been piloted and then become embedded into practice e.g. sports leadership awards for children. Over time the enormous value of children achieving accredited awards has been embraced and developed to include sports leadership at a range of levels with the success of these sessions contributing to us introducing further accredited awards, including SQA qualifications. Please also refer to Part A question 1.5 (h).

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

Yes, following any allegations of abuse, early reviews or end of placement meetings have taken place. This encourages the team around the child to explore our practice and how we could manage this better in the future. We involve the local authority in this process and regularly ask for feedback.

An increased focus upon undertaking a range of audits and collating compliance on a quarterly basis has provided evidence and impetus for corrective actions to be taken to remedy any issues identified. This has led to expectations being revisited across the service. The undertaking of such audits is now commonplace and embedded in our culture.

Another example of a change in culture being driven by internal influences is we chose to increase the range of supports and services provided as part of our 'standard' placement package following feedback from our foster carers regarding what considered was required to assist them to appropriately meet the children's needs.

As well as making changes due to internal influences we have also made changes due to external situations as well e.g. we have introduced an Extremism and Radicalisation Policy and WRAP training were introduced following Ahmed Hassan, whose homemade bomb injured 51 people on a London Tube train in 2017. Police Scotland has facilitated this training on our behalf.

Please also refer to 2.1 f) above.

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

Yes.

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

Within our organisation any allegation of abuse has impacted on our culture and our practices. Regular practice development sessions are held, and we have explored issues such as challenging foster carers, challenging poor practice, how best to gather children's views and areas of assessment to ensure we are rigorous. We have had young people who were previously looked after involved in training for staff and carers, heightening their awareness of what we should be providing for children. We continue to work on our recording and the carers recording ensuring we have detailed and accurate accounts of events.

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

External influences or factors that have influenced changes include recommendations made by Inspectors or as part of our Investors in People assessments, changes in legislation, serious case reviews and changes in the contractual basis of providing placements on behalf of local authorities. Practice has been informed by national policy and what is recommended by Coram BAAF and the Fostering Network. Serious case reviews such as City and Hackney (2014) and Croydon safeguarding review "Claire" (2014). Have influenced practice, such as ensuring the young people are seen regularly, completing unannounced visits, and while carers are still seen as a valued resource, social work staff should continue to challenge and criticise practices.

Present

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

Yes.

l) If so, please give details.

We have continued to develop our policies and procedures to ensure we are safeguarding and protecting children and adults. Through time the culture of the organisation has changed, as we learn and develop.

In 2012 an IT system called Charms was introduced this has made recording and the analysis of data and any emerging themes thereby allowing corrective actions to be taken timeously.

Quarterly audits are now routinely carried out regarding a range of compliance indicators e.g. to ensure that child specific risk assessments and mandatory training are up to date.

The 'charms' database also makes the retention and storage of confidential information more secure.

We make better use of utilising people's knowledge and skills and encourage staff and carers to be part of developing and delivering training.

Since 2014 we have become more aware of child sexual exploitation, child trafficking and have adapted our policies and procedures and training offered to reflect this. We have also introduced GDPR training, attendance at which is mandatory for the main foster carer. We are more congruent with ensuring our policies and procedures are reflected in practice.

We have continued to seek feedback and opportunities to benchmark ourselves against others. An example of this is our Investors in People journey that began in 2009 when we achieved Bronze level accreditation. At each subsequent reassessment we have achieved a higher-level achieving Platinum IIP status in 2019. In 2015 we also achieved the Investors in Young People Best Practice Award. At our re-assessment in 2018 we were graded against a new set of criteria and achieved the highest level of Gold. We have also been Shortlisted for IIP awards and were winners of the Value for Money category in the Scottish Excel Provider Excellence Awards 2018. We were also shortlisted for the Customer Service award. We have recently been shortlisted in four categories of the Scottish Excel Provider Excellence Awards 2020, namely: Value for Money, Customer Excellence, Workforce Development; and, Small Business or Third Sector. Winners will be announced at an awards ceremony on 20th February 2020.

Such achievements inspire us to achieve more and demonstrate our openness to outside assessment and critique.

Changes in our culture and focus upon improvement can also be demonstrated in our last three inspection reports (2015, 2016 and 2018). Since Inspections have been put in place the average outcome from each inspection was 4.6; in the last three years the average is 5.1 and for these years there have been no requirements or recommendations made of the service. It is important that this is maintained and improved on and there is a variety of structures and strategies in place to achieve this.

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

As noted above, external case reviews have guided our practice. We try to keep up to date, with national policy and guidance and ensure our foster carers are aware of this as well. Safeguarding children in our care is paramount, therefore any allegations of abuse are taken seriously and dealt with through the correct procedures.

Reportage in the media regarding e.g.

- o child sexual exploitation e.g. Rochdale resulted in us developing policy and practice guidance specifically regarding this and child trafficking as part of our safeguarding policies and procedures. Police Scotland has facilitated training sessions with staff and foster carers to upskill us all.

- Ahmed Hassan, whose homemade bomb injured 51 people on a London Tube train in 2017, resulted in us developing an Extremism and Radicalisation Policy and introducing WRAP training.

2.2 Structure, leadership and accountability

Past

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

Dev Dadral, who is an experienced qualified Social worker, founded Swiis as an organisation in England in 1988 focusing on staff recruitment. He developed the range of services and in 2000 established Swiis Foster Care, which was operational in England, followed by Swiis Foster Care Scotland in 2005.

Dev Dadral is Chairman of the Swiis Group of companies. He and his wife, Kamla along with the Chief Executive Officer constitute the Board and hold overall responsibility for the strategic direction of Swiis Foster Care Scotland.

The Director of Scotland (formerly called Head of Service) is the most senior manager based within Scotland and is responsible for the day to day running and development of the service.

The Scottish Director held overall responsibility for the entire service and directly managed and supported the Social Work Managers, Reviewing Officers and the Head of Education and is answerable to the Chief Executive Officer of the Swiis Group of companies and then to Dev Dadral as Chairman.

The Head of Education managed the education and training staff.

Within the multi-disciplinary practice teams a matrix management system consisting of both a social work operational manager and education manager managing the staff team was operational. These team managers were accountable directly to the either the education or operational team managers depending upon their role. The Supervising Social Workers were responsible for supervising and supporting foster carers.

This structure changed in 2012. The Head of Education post was terminated with a new Deputy Director post created. The management of the practice teams was also streamlined with social work qualified managers heading up the teams meaning there was one clear line of accountability up to the Director in Scotland whilst retaining the line to the CEO and Chairman.

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

The Chief Executive Officer who was based in London visited the Dunfermline office on a regular basis, met with the Scottish management team and with a group of representative foster carers on a regular and formal basis.

The Director of Scotland also met with Dev Dadral in London and in Scotland on a regular planned basis. More recently there is an expanded national management group which meets on a regular basis and the Scottish Director is part of that group. The Director of Scotland and the Head of Education provided regular supervision to their direct reports and had an 'open door' policy whereby support, and guidance was readily available even out of hours.

c) What were the lines of accountability?

Accountability goes through the management structures referred to above and set out in the organisation's statement of purpose. It comes down from the Chairman to Chief Executive Officer to the Director of Scotland. Accountability then flows to the 4 practice team managers and 3 other managers who have responsibility for Business, the Fostering Panel and Reviews and Learning and Development. The 4 practice team managers are responsible for their team which includes social workers, resource workers, education workers and therapists.

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

The Chairman, Chief Executive Officer and the Scottish Director hold the senior corporate responsibility within Swiis. The Director of Scotland links directly to the practice team managers in each team who in turn manage the multi-disciplinary staff in providing services for children placed with their foster carers.

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

Staff and carers are routinely consulted on policy, procedures and practice and their contributions are considered as part of the decision-making process. Other stakeholders such as Panel Members and young people may also be consulted. The final decision making on policy, procedure and practice is discussed and signed off at management meetings within Scotland HQ. The CEO in England is also made aware of any changes so that it is agreed at a Swiis national level.

f) To whom were foster carers accountable?

Foster carers are approved through an assessment that goes to a Fostering Panel and is signed off by the Agency Decision Maker who is the Scottish Director. Foster Carers are formally supervised by a social worker once a month. Each carer has a foster care review on an annual basis and any changes to registration requires to go through the Fostering Panel and the Director as ADM. Foster carers are accountable to the Agency through these channels.

Foster carers and the agency are also accountable to the children, their families and the Local Authorities who have placed children with them. This accountability is reflected in the feedback information requested from children, their family and the Local Authority staff which is used in the Foster Care Reviews and Unplanned Ending Meetings.

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

The responsibility starts with the Director of Scotland and through that role to the 7 Managers who manage and supervise staff. Staff are supervised on a monthly basis and are subject to appraisals annually.

Social workers hold responsibility for their foster carer's compliance and practice. This is managed through their monthly written supervision sessions with foster carers as well as unannounced visits; the reading and signing off of the log books written up daily by foster carers on the children's day to day life; and the requirement on foster carers for mandatory training.

This work is monitored through quarterly Audits shared at a management level, the review process and the Fostering Panels and the outcomes of these are discussed with the designated managers.

h) To whom were fostering panels accountable?

The Swiis Fostering Panel is seen as independent and objective with all members recruited for this sole purpose. It operates however within the agency structure and management responsibility for the panel is part of the overall responsibility of the organisation. Previously the Chair of the Panel linked directly to the Director of Scotland.

In October 2014 there was the appointment of a Panel and Review Manager who has the responsibility for the recruitment and reviewing of the panel members. They also have the responsibility for the work of the Swiis Panel and is the identified point of contact for any professional issues identified before, during or after the Panel. This Manager is not a Panel Member and is not there to offer a view or influence a decision but to answer any questions that the Panel may have with regard to agency policy, legislation and advice required about good practice.

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

The Panel and Review Manager has the responsibility for the recruitment and reviewing of the panel members.

Panel Member appraisals took place within the first year of appointment and then three yearly thereafter. This appraisal addressed issues of performance and any changes including a decision about continued panel membership. The Panel Chair facilitated these appraisals with panel Members whilst the Director of Scotland appraised the Panel Chair.

Swiis request feedback from the panel and from both Swiis staff and applicants/foster carers attending Panel to assess how well the Panel carry out their function. This feedback was collated and fed back to the relevant manager.

Panel Business Meetings, attended by Panel Members and Managers, were held twice a year to reflect upon the functioning of the Panel and provide Panel Members with updates regarding the organisation. The Panel Chair also provided feedback from the BAAF Panel Chair Forum to attendees.

Present

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

The answers have reflected that there have been changes during the period of 2005-Dec 2014. Since then there has been a period of stability in terms of the structure of the Agency and the lines of accountability.

k) If so, please give details.

As indicated in the answers, since original set up of the Agency in Scotland in 2005 there have been changes to the structure notably in 2012 and 2014. The change in 2012 made the lines of accountability clearer and offered a clarity that this was a social work organisation and that was the focus of the work. In 2014 there was a change to the accountability of the Panel with a designated manager and separating this from the Director's role. This has led to an increased focus upon quality with changes such as Panel Members being appraised on an annual basis jointly by the Panel & Review Manager and the Panel Chair whilst in turn the Panel Chair is appraised by the Panel & Review Manager and the Director of Scotland. If issues arise then meetings can be arranged as required. Other changes include quarterly Panel Chair and Managers meetings have been introduced and the Panel Business Meetings now take place annually unless there is a need is identified to meet more frequently. A more comprehensive Panel Member Handbook has been introduced to strengthen the Panel Member induction process.

Overall since 2014/15 there has been a period of stability in terms of structure and accountability. This has been the foundation for the increasing focus on standards and the quality assurance of all aspects of the service through quarterly audits and feedback being consistently sought from young people, their families and social workers. There has been a focus on up-dating and improving the Policies and Procedures to ensure that Swiis provide a high-quality service and that staff and carers are clear on what is required.

This focus on improvement has been reflected in the outcomes of the last 3 Inspections (2015-18) by the Care Inspectorate. Since Inspections have been put in place the average outcome from each inspection was 4.6; in the last 3 years the average is 5.1 and for these years there have been no requirements or recommendations made of the service. It is important that this is maintained and improved on and there is a variety of structures and strategies in place to achieve this.

2.3 External Oversight

Past

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

1. Local Authorities place children with Swiis as an agency and following matching with a particular foster carer. Each child has their own allocated social worker with a legislative responsibility as designated through the Local Authority and the Children (Scotland) Regulations 2009 to visit their children on a regular, and not less than 3 monthly basis.

The progress of looked after children is reviewed by the LA on a 6 monthly basis where all aspects of their care, health and educational progress is considered. In addition, many of the Local Authorities ask Swiis for placement up-dates on each child and meet formally with Swiis to review this information on a commissioning basis. These meetings can be 3-monthly, 6-monthly or annually. Other local authority workers may also be involved e.g. in supervising contact or undertaking issue-based work with a child.

2. Children's Hearings are part of the legal and welfare system in Scotland. The work is carried out by 3 specially trained tribunal members who are termed a children's panel. The child attends these meetings and could also be entitled to legal assistance and support to attend. If a supervision order is made it must be reviewed by a further meeting within a year. The Hearing may also appoint and ask for a report from an independent person known as a Safeguarder who is charged to act in the best interests of the child. The Safeguarder would meet with the child or young person and other relevant people in their lives before compiling a report.
3. The Scottish Commission for the Regulation of Care (Care Commission) carried out the legal duty to regulate services care services in Scotland between 2002 and 2011. This was then changed when the Care Inspectorate was set up in April 2011 by the Scottish Government as a single regulatory body for social work and social care services and took over from the Care Commission. The regulation is carried out through registration, inspection, complaints investigation and enforcement. Services are given grades on 4 quality themes on a six-point scale (1-6) reflecting Unsatisfactory, Weak, Adequate, Good, Very Good and Excellent.
4. Since 2009 Swiis Foster Care has also elected to be assessed for accreditation through the Investors in People standards which are evaluated by IIP staff through visits to the workplace; surveys of staff; and examination of practice. Since 2009 Swiis has remained within this scheme, their standards and practice being evaluated every 18 months against a selection of themes as part of an overall three yearly re-accreditation cycle.
5. Since 2011 Swiis has been an accredited SQA Centre offering qualifications to foster carers, and staff. This supports workforce planning to allow individuals to grow and develop and improve the qualification and understanding of carers and some staff. SQA qualifications are subject to internal and external verification procedures including site visits regarding each of the courses we deliver. The verifier undertakes a sampling exercise regards candidates work and looks at our policies and systems to ensure that our internal and external QA meets SQA requirements for continued accreditation. A report of the visit with any recommendations is received helping the SQA Centre to continuously improve.

- 6 Whilst not external to the organisation the Fostering Panel is independent and provides an invaluable quality assurance function and an objective perspective of the work of the agency.
- 7 Again, although employed by Swiis carer reviews are undertaken by a Reviewing Officer who has no direct line management responsibility thereby providing independent overview and scrutiny of the service and supports provided.

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

1. As stated above each individual social worker visits their child in the foster home on a regular basis to ensure that they are happy and thriving. Some local authorities specifically call these visits safeguarding visits and monitor that they do occur through the commissioning meetings and ask for the dates in the placement up-date forms compiled by Swiis staff.

One Local Authority (Falkirk Council) has in the past chosen to visit the Agency and inspect files, systems and the office generally as part of their quality assurance and compliance agenda. These visits were undertaken by a senior manager.

There is also a facility whereby children can have access to independent advocacy services, 'Who Cares?' and Local Authority advocacy services. This is often done through the child's social worker but a child or young person, their foster carer or Swiis staff can support the children to initiate it themselves.

2. With regards to the Children's Hearing, although panel members do not visit the children in placement the children usually attend the meetings and sometimes request that they speak to the Panel Members on their own. It is therefore an opportunity for a young person to be heard by an external body. If a Safeguarder has been appointed it is usual for the Safeguarder to visit the child in placement to ascertain their views. The Safeguarder may also interview others e.g. foster carers and Swiis staff as part of their assessment.
3. Initially there was expected to be annual inspections from the Care Commission and then the Care Inspectorate, and in the period of 2006 to 2014 Swiis experienced 6 Inspections. These consisted of one or more Inspectors visiting our three offices, selecting children to track and reading the child, foster carer(s) case files, meeting with staff, foster carers and children and on occasion panel members too. Views were also sought via the use of questionnaires and by distributing the Inspectors contact details in case anyone else wished to share their views. The aim of inspections is to ensure that the agency meets the requirements for continued registration as a care service and to assess the quality of care provided and of where improvements are either required or would be beneficial. It allows for a focus on the point of view of the service user.

4. With regards to Investors in People accreditation IIP appoints an assessor who evaluates our progress against a range of quality themes and indicators with different requirements exiting depending upon the level of accreditation being assessed. The assessment involves the Assessor selecting to meet with a percentage of the staff from across disciplines and roles, as well as reviewing documents and meeting with others such as foster carers too.
- 5 Foster carers and some staff have been able to achieve SVQ3 Social Services (children and young people) previously called SVQ3 Health & Social Care (children & young people) through the Swiis SQA Centre. SQA also ensures that Swiis policies are fit for purpose and in addition they made regular site visits for each course that is delivered and undertakes sampling exercises on candidate's work. They evaluate the candidate's portfolios to ensure that expected standards are met and review the Centre's policies and procedures to ensure that SQA standards and requirements are met. These visits are undertaken by SQA appointed personnel.

c) How often did this occur?

- 1) There is a requirement that the child's local authority social worker visits the foster child on at least a 3-monthly basis, but expectation would be for it to be much more regular with frequency linked to the care plan and needs of the child.
- 2) Children's Panels are held annually but they may also be held on a much more frequent basis especially at the start of accommodation when the grounds of referral are being established.
- 3) 6 Care Commission/Inspectorate inspections took place over a 9-year period.
- 4) The expectation with Investors in People was to be assessed every 3 years although Swiis asked for mid-point reviews meaning that some themes and indicators were reviewed at the 18-month stage.
- 5) SQA visits as and when required re candidates.

d) What did these visits involve in practice?

1. With the Local Authority Social Worker or other local authority staff involved with the child the visit was dependent upon the child's circumstances and the focus for the visit. Usually the child was seen on their own for at least some of the visit. On occasion the worker would undertake an activity or an outing as a means of seeing the child on their own. The children would also have the opportunity to give their feedback on their fostering placement at their 6 monthly Looked After care Review through information to their worker; forms and also for some local authorities electronically. Local authority staff may also assist the child to complete 'Having Your Say' feedback regarding their fostering placement as part of the foster carer's

annual review.

- 2 If the child is on a supervision order to the Children's Hearing then they could have the opportunity to speak to or put in writing their views about all aspects of their care either in paper or electronically.
- 3 Care Commission/Inspectorate inspections involve one or more Inspectors visiting our three offices, selecting children to track and reading the child, foster carer(s) case files, meetings with staff, foster carers and children and on occasion panel members too. Views were also sought via the use of questionnaires and by distributing the Inspectors contact details in case anyone else wished to share their views. Policies, procedures and training were also considered as part of the inspection. The aim of inspections is to ensure that the agency meets the requirements for continued registration as a care service and to assess the quality of care provided and of where improvements are either required or would be beneficial. It allows for a focus on the point of view of the service user. Everything that is said is anonymised and confidential but if concerns are raised by anyone the Inspectors would raise these with the agency and it would form part of the overall assessment and grading of the agency.
- 4 Investors in People involves the IIP appointed Assessor selecting to meet with a percentage of the staff from across disciplines and roles, as well as reviewing documents and meeting with others such as foster carers too.
- 5 SQA site visits involve the sampling of candidate's work and a review of the Centre's policies and procedures to ensure that SQA standards and requirements are met.

Present

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

Yes.

- f) If so, please give details.

Many of the legislative responsibilities have remained the same as has the corporate responsibilities on Local Authorities.

The frequency that inspections take place as changed in that if an Agency such as Swiis has consistent positive outcomes and are considered to be 'low risk' then they are considered to only require Inspections every 2nd year while for other Agencies they might require it to be more frequently and for there to be more emphasis on unannounced Inspections.

Since 2014 Swiis have had Inspections in 2015, 2016, 2018. In the last 4 Inspections Swiis' scoring average has increased from 4.6 to 5.1 and there have been no complaints, enforcements, recommendations nor requirements.

Another change is that the last 2 inspections have involved young inspectors meeting with some of the looked after children. In addition, the Inspection in 2018 sought evidence and feedback from a wider variety of sources and included birth parents.

Our Investors in People journey has continued. In 2015 we elected to be assessed for the Investors in Young People Good Practice award and were delighted to achieve this accreditation. We were subsequently re-assessed in 2018 achieving the highest possible Gold level Good Practice Award. This assessment involved some young people being interviewed. Young people's involvement was extended in our 2019 mid-point assessment with the Assessor meeting directly with a group of young people to ascertain their views and experiences and conducting telephone interviews with others.

In 2019 we were re-assessed and achieved Platinum, the highest level, Investors in People accreditation. This assessment involved all staff taking part in a survey as well as the usual interviews and document review. Comments from this visit include Swiis' 'performance and quality parameters have significantly improved over the last few years. I applaud how your children outcomes have improved both in terms of awards and in educational attainment.'

Part B – Current Statement

3. Retrospective Acknowledgement/Admission

3.1 Acknowledgement of Abuse

- a) Does the organisation accept that between 1930 and 17 December 2014 any children cared for in foster care were abused?

We know from research findings that due to the vulnerabilities that led to children to be removed from home in the first place, targeting by perpetrators, systemic factors and inequalities of power within the care system, that children living in care (including foster care) are more vulnerable to further victimisation. Children with disabilities associated with interpersonal and behavioural difficulties have been identified as being most at risk.

A 2014 study by Biehal, Cusworth, Wade, and Clarke found that in the UK in 2011, 3 to 4 allegations per 100 children in foster placements was made with a significantly lower rate of 0.8 to 0.88 cases of abuse confirmed. Within Scotland the rates were demonstrated to be lower with 1 child per 100 placed making an allegation with only 0.14 to 0.23 cases of abuse confirmed. More than half of cases of alleged abused were neither actively proven nor disproven.

As such whilst no members of staff nor foster carers have been convicted of any abuse offence during this timeframe (or subsequently) we accept that abuse can and does occur within foster placements. We can but apologise to anyone to whom this applies and state that this is never acceptable.

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

Given the nature of disclosure with many victims waiting until adulthood before speaking out it remains a possibility that other allegations may be made in time. It is also possible that other children have been abused and may never disclose thereby making it impossible to ever know the exact scale.

What can be reported is that from an analysis of the information collated for Part D of this report and included in Appendix 5.1 a total of 177 complaints/allegations relating to 127 children were made from 2005 to 2014. In 2014 355 children were looked after by Swiss foster carers and 22 complaints/allegations of possible abuse were raised against carers equating to 6%. This is clearly significantly higher than national statistics. This is believed to be due to the broad range of issues that were reported for consideration rather than a narrow definition of abuse being utilised and also a recognition that in 2014 the majority of children fostered with Swiss were very complex and provided with 'enhanced' supports.

None of our staff or foster carers have been convicted regarding charges of abuse nor has there been any civil claims been made against the organisation. We are however aware of two former foster carers who have subsequently been convicted of abuse offences. Both former Swiss foster carers had transferred to other organisations, one a local authority and the other to another independent fostering agency, a period of time prior to these offences being committed. Further information regarding this is included in Appendix 5.8 and 5.13.

c) What is the basis of that assessment?

A review and collation of data from the following records:

- archived foster carer records for all who provided a service prior to 17 December 2014
- archived child records pertaining to children whose placement had ended prior to 17 December 2014
- case file records of current foster carers who were approved and provided foster placements prior to 17 December 2014
- case file records regarding children who are currently fostered whose placement commenced prior to 17 December 2014.

Newspaper articles regarding the two former foster carers convictions.

3.2 Acknowledgement of Systemic Failures

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

We consider the abuse of any child represents a failure for the organisation responsible for caring for them. Whilst allegations of abuse have been made no convictions have resulted. We accept that this does not mean that abuse has never occurred. We also fully accept that if abuse has occurred that this means that our policies and procedures have not been adhered to.

b) What is the organisation's assessment of the extent of any such systemic failures?

From undertaking a review of the allegations of abuse of which we are aware we have not identified any pattern nor underlying themes that would indicate systemic failures.

c) What is the basis of that assessment?

A review and collation of data from the following records:

- archived foster carer records for all who provided a service prior to 17 December 2014
- archived child records pertaining to children whose placement ended prior to 17 December 2014
- case file records of current foster carers who were approved and provided foster placements prior to 17 December 2014
- case file records regarding children who are currently fostered whose placement commenced prior to 17 December 2014.

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

Not applicable.

3.3 Acknowledgement of Failures/Deficiencies in Response

a) Does the organisation accept that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of children in foster care between 1930 and 17 December 2014?

No. Swiis believes that whenever an allegation of abuse has been made that these have been shared with the local authority responsible for the child in placement and/or police and we have cooperated fully with their inquiries. If different from the placing local authority the local authority in which the foster carer resides was also notified if an allegation was made against them.

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

Not applicable.

c) What is the basis of that assessment?

A review and collation of data from the following records:

- archived foster carer records for all who provided a service prior to 17 December 2014
- archived child records pertaining to children whose placement ended prior to 17 December 2014
- case file records of current foster carers who were approved and provided foster placements prior to 17 December 2014
- case file records regarding children who are currently fostered whose placement commenced prior to 17 December 2014.

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

Not applicable.

3.4 Changes

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

Swiis recognises that the organisation has a fundamental responsibility to make sure that children and adults at risk are protected and kept safe from harm and are supported to address the impact of any abuse experienced.

As noted in 3.1 a) we recognise that children who are fostered are vulnerable to being victimised therefore it is always important to remain alert to the possibility of abuse and to update our policies, procedures and the training we deliver to ensure that these encompass the latest findings from research, serious case reviews and changes to legislation to promote best practice. Policies and procedural documents are therefore reviewed at intervals of 2- 3 years or sooner if a need is identified.

Changes that we have made to our range of Safeguarding policies include:

- Reviewing and updating definitions and the language used throughout the documents
- Incorporating any legislative changes
- Introducing specific guidance regarding Internet Safety, Child Sexual Exploitation, Child Trafficking, Forced Marriage, Breast Ironing, Sexually Harmful Behaviours, and Extremism and Radicalisation
- As policies have been reviewed hyperlinks to relevant legislation, national guidance documents, e-learning and other useful resources have been added.

Other changes include:

- Police Scotland has facilitated child sexual exploitation, internet safety and WRAP (anti-radicalisation) training with our staff and foster carers

- Training regarding Adverse Childhood Experiences (ACEs) has been introduced
- A member of staff has become a CEOP Ambassador and delivers training about various topics e.g. 'nude selfies' with staff and carers
- Child Protection training was updated to include more information regarding the specific vulnerability of children with disabilities associated with interpersonal and behavioural difficulties to be abused.
- Introduced post-approval carer induction training incorporating more information regarding managing behaviour appropriately.
- Commissioning a practitioner with considerable experience to facilitate training with staff and foster carers regarding sexually harmful behaviours
- Increasing the range of issue based 1:1 and group-work undertaken with children to help build resilience and address past trauma
- More robust quarterly auditing of key compliance data with corrective action taken accordingly.