

**SCOTTISH CHILD ABUSE INQUIRY
SECTION 21 NOTICE
FOSTER CARE CASE STUDY**

RESPONSE FROM SCOTTISH BORDERS COUNCIL 9TH MARCH 2020

N.B. In many sections, references from both the past and the present are included, but are clearly defined.

Part A – Background

1. Characteristics

1.1 History of the Local Authority

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

The predecessor authorities covering the current local authority area of Scottish Borders Council are as follows:

From 1930-1975 was managed by 4 individual county councils: Berwickshire County Council, Peeblesshire County Council, Roxburgh County Council and Selkirkshire County Council.

From 1975 until 1996 governance was managed by Borders Regional Council.

Since 1996 Scottish Borders Council has provided local authority governance for the area.

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

From 1930 onwards involvement of local authorities in the Scottish Borders in the provision of various forms of alternative care – boarding-out, residential care and foster care was largely driven by national government legislation, policy and guidance (see 1.3 Legal Status), which was then enacted on a local basis. The historic evidence reviewed also gives a strong sense of the principle of the welfare of children which is apparent throughout (see 2.1 Culture).

The governance of foster care in the Scottish Borders from 1930 - 1975 was managed by 4 individual county councils: Berwickshire County Council, Peeblesshire County Council, Roxburgh County Council and Selkirkshire County Council. Within each County Council the overview and scrutiny was managed by Public health and Assistance Committees (c.1930-c.1943); Public Health and Social Welfare

Committees (c.1944-1948); Children's Committees (1948-1969) and, Social Work Committees (1969-1975).

Following regionalisation, from 1975 until 1996 governance was managed by Borders Regional Council through its Social Work Committee.

From 1996 onwards, Scottish Borders Council assumed responsibility for fostering. Governance took place through the Scottish Borders Council's Social Work Committee from 1996 until 2001 when Scottish Borders Council moved to a corporate executive scrutiny structure. From August 2009 until 2015 fostering and the Family Placement Team was managed as part of Integrated Children's Services.

Currently the provision of foster care in Scottish Borders is managed by the Scottish Borders Fostering Service which was initially registered in 22/11/2005.

The governance and practice regarding boarding-out, residential provision for children and young people and fostering in all 4 county councils from 1930-1938 was recorded in the Public Assistance Minutes; from c.1938–1947 in the Social Welfare minutes; from 1947 – c.1968 in the Children's Committee Minutes; and, from 1968–1975 in the Social Work Minutes. From 1975–1996 governance of foster care is recorded in the Borders Regional Council minutes, BRC Social Work Committee minutes, supporting papers and reports.

Current governance is through the Resources section of Children and Families Social Work. The Children and Families Leaders Meeting, the Chief Social Work Officers meeting, the multi-agency Children and Young People Leadership Group, Scottish Borders Council's Corporate Management Team and the Council all have oversight responsibilities in relation to fostering.

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

See 2.2.

1.2 Funding of Foster Care

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

Funding of boarding-out and fostering is recorded in all relevant governance and management meeting minutes from 1930 onwards (see History of the Local Authority 1.1(a)). It is not clear from many of the historic sources how and to what extent fostering was funded overall and what budget was designated specifically for the care of children. From regionalisation in 1975 onwards, there is clarity in terms of the overall social work budgets and provision for child care and fostering services.

For example, the Berwickshire Community Council Public Health and Public Assistance minutes 1931–1941, record the financing of 'public assistance' payments under the Children's Act 1908 – Public Health and Public Assistance. Finance and

payments are listed under the titles 'Children's Act 1908' (from 1931-1941); Children's Institutions and Reformatories (1935 & 1936); and, Children's Institutions and Industrial Schools (1937-1941).

There is clear evidence that since 1930, both the allowances paid to foster carers and the overall expenditure on boarding-out and fostering was regularly reviewed and increased in accordance with emerging need developing national and local legislation, policy and practice.

Following regionalisation in 1975, the overall budget commitment to fostering and the care of children is more transparent and evidenced in the documentation. An example is from the Borders Regional Council Social Work Committee Supporting Papers – Revenue Estimated Unit Costs 1987-88 – Net cost per child/week in foster care - £51. Overall estimated budget costs for fostering and adoption - £93,390.

Currently the financing of the Scottish Borders Council's Fostering Service and purchase of placements with third sector fostering providers is agreed through the council budget setting process and managed as part of Scottish Borders Council's Children and Families Social Work budget.

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

From 1930 onwards there are references to funding other local authorities in meeting the costs for the care of children who originate from the Scottish Borders. These include residential resources and boarding-out and fostering arrangements. Placements of children in establishments such as Barnardo's Homes, the Orphan Homes of Scotland, St. Ninian's House of Falkland, etc. appear to be paid on a spot purchase basis (see Selkirkshire Children's Committee minutes 16/05/1950 and 21/10/1952).

Funding of those boarded-out or fostered was more generally subject to standardised, agreed funding and differentiation was made between placement of children with relatives and with 'strangers' - Roxburghshire Public Health and Social Welfare Committee 15/11/1943 – the weekly allowances for boarded out children are recorded – (a) with strangers 12/6d for children up to 12 years of age and 15/- over 12, and (b) with liable relatives 10/- up to 12 years of age, and 12/6d over 12 years of age. However, there is also evidence of discretionary payments being made and an expectation that a parental contribution was made to the care of the child (this expectation continued into the early 2000s). Berwickshire Community Council Public Health and Public Assistance minutes 04/02/1941 – reference is made to a "Juvenile delinquent, [REDACTED] who, after appearing in the Sheriff Court in Duns on 27/12/1940... the Director of Education initiated arrangements for the girl to be received into the home of Mrs. [REDACTED], [REDACTED], Bridgend, by Linlithgow at a charge of 15/- per week recoverable from the girl's father."

Also, there are numerous references to children placed and discharged from foster placements out with the Scottish Borders Regional Council Supporting Papers – Children in Care 1973-1994.

Currently SBC Fostering Service spot purchase placements from independent fostering agencies when required. Currently Scottish Borders Council purchase 12 fostering placements from other providers at a cost of £752,613.28 per annum (based on February 2020 figures).

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

From 1930-1975 the various County Council committees and committee minutes detail payments for a number of boarding-out and fostering placements of children in other local authority areas. Payments of allowances and rates are carefully recorded against the individual carer's name and address and it appears that payments were made directly to them. There is no indication that these support payments were made to their local authority or any other body. Evidence does exist that the support and scrutiny of such placements was carried out, at times, by the local authority where the carer resided however (see 4.6 Placement of children by the local authority with foster carers approved/registered by other local authorities or organisations).

Scottish Borders Council's policy is to place all children who require an alternative placement within our own local authority area – "We will strive, where possible, to care for Scottish Borders children and young people within their own families and communities" (Placement Overview Group - Request for an External Placement or additional funding for an existing External Placement 21/102019). Placements which have been made with independent providers of foster care have been due either to the specific needs of a child (complex needs which cannot be met within our own fostering resources) or where a foster placement is available from our own service due to demand.

Currently Scottish Borders Council purchase 12 fostering placements – 10 from the independent sector and 2 from another local authority. The organisations currently being used in this capacity are as follows:

- Action for Children
- Barnardos
- Midlothian Council
- SWIIS

The spot purchasing of foster placements from the above organisations, is based on the individual needs of children.

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

There is limited evidence of what financial state support was available to foster carers; how they were made aware of such support; or, how it was accessed.

Currently any state support and Welfare Benefits foster carers would be dependent on their income and eligibility. Foster carers are informed of their financial rights and responsibilities in the Scottish Borders Council Foster Carers Handbook (2016).

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

Financial support was available to carers boarding-out and fostering children throughout the timeframe. Financial support was generally systematic and consistent.

Roxburghshire Public Health and Social Welfare Committee 15/11/1943 – the weekly allowances for boarded out children are recorded – (a) with strangers 12/6d for children up to 12 years of age and 15/- over 12, and (b) with liable relatives 10/- up to 12 years of age, and 12/6d over 12 years of age.

Berwickshire District Council Children's Committee 08/02/1950 – rates were age based and pocket money was provided - 3-5 years (15/- per week (6d per week pocket money)), 5-10 years (15/- per week (1/- per week pocket money)), 10-15 years (17/6d per week (2/6d per week pocket money)) and 15+ (rate considered on individual basis (3/6d per week pocket money)). Free school meals were also provided.

Evidence suggests financial support for carers differentiated between those boarded-out 'with relatives' and 'with strangers'.

There is also evidence that consistency of payments for foster carers between local authorities (County Councils) was discussed. Rates set by the Berwickshire District Council Children's Committee 08/02/1950 details the scale of funding for boarded-out children, using adjoining council rates as a guide (Midlothian, East Lothian and Peeblesshire). Also, in Selkirkshire Social Work Sub-Committee Meeting 12/09/1973 – Payments to Foster Parents "Consideration was renewed of the level of payment to Foster Parents, particularly those caring for teenage children, and the Clerk reported that he had ingathered information from various neighbouring Counties but that the information was not readily comparable." It was then agreed that this should be discussed with neighbouring Directors of Social Work.

Discretionary payments are also recorded, including free school meals, additional clothing and other items. An example of a discretionary payment included compensation for damage done to a foster parent's home (Selkirkshire Social Work Sub-Committee Meeting 18/06/1974).

From 1976 Borders Regional Council Social Work Committee minutes evidence an on-going review of foster carer and community carer allowances. These are usually comparable to the proposed allowances from the Convention of Scottish Local Authorities (COSLA).

Borders Regional Council Social Work Committee minutes 01/02/1983 – the level of allowances paid to foster carers for the financial year 1983/84 – 0-4 Maintenance per week £15.40, Pocket Money £0.60 and Clothing £160 per year; 5-8 Maintenance per week £17.60, Pocket Money £1.20 and Clothing £210 per year; 9-11 Maintenance per week £19.60, Pocket Money £1.35 and Clothing £230 per year; 12-15 Maintenance per week £21.00, Pocket Money £2.00 and Clothing £258 per year; and, 16-18 Maintenance per week £26.00, Pocket Money £3.00 and Clothing £310 per year. An additional payment of £12 would be made at Christmas and holiday time. The Committee also approved "payment of up to twice the fostering allowance in each

category, less allowance for clothing, pocket money and insurance, where an especially difficult and/or severely handicapped child is being fostered.”

The introduction of a foster carer fee occurred on 15/10/1991 when the Social Work Committee recommended that a fee, in addition to the COSLA Allowance, be paid to foster carers (at this point there were only 6 fostering families in the Borders). The fee was set at £30 per week. Prior to this a fee of £4,368 per year had been paid to community carers (carers of children aged 12 years and over) – the Community Carers Scheme was established c.1978. Since 1988 as an incentive to recruit more carers. The foster carers of siblings received a fee for both children from 26/11/1993 (previously they had only received one fee).

Currently Scottish Borders Council Foster Carers are provided with a Fee and an Allowance. The Fee is considered as the remuneration for the fostering task and the Allowance covers the maintenance of the child or young person within the foster placement. The level of the Allowance is based on the age of the child in placement.

Other payments and discretionary payments are detailed in the Scottish Borders Council Foster Carers Handbook (2016) and include:

- Travel expenses / mileage
- Children’s holidays
- Equipment
- Phone allowance
- Start-up allowance
- Summer holiday allowance
- Child’s birthday
- Christmas allowance
- Fostering Network membership
- Retainer fee when no child in placement
- Leisure pass
- Training

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

See 1.2(e).

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

There is little historic information about how carers were made aware of the financial support available to them, although the levels of allowances and fees has been recorded since 1930.

Currently foster carers are made aware of available fees and allowances throughout the assessment process. They also have an allocated Supervising Social Worker who will support and advise them on financial support available. The fostering rates are

published annually and foster carers receive a copy of these when they are published. All foster carers receive a copy of the Scottish Borders Council's Foster Carers Handbook which has a specific 'Finance' section. This covers fees, allowances, additional payments, mileage, carers' respite, respite care arrangements, shared care, payments and, children and young people in receipt of income.

Foster carers are paid fortnightly, payments are paid directly into their bank accounts.

Any additional requests for discretionary financial support out with the fee and allowance are considered on a case by case basis.

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

See 1.2(e)

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

Yes. As recorded in 1.2(e) there is considerable evidence over time of the scrutiny of payments to carers over time; liaison and comparison with other local authorities in terms of payment level; and, general adherence to the proposed allowances for foster carers from the Convention of Scottish Local Authorities (COSLA).

Scottish Borders Council's foster carer fees and allowances remain comparable to other local authorities and are complimented by other payments and discretionary payments detailed in 1.2(e). Current rates are as follows (2019/20):

| | |
|----------------------------------|---------|
| Foster Care Fee Level 1 | £169.59 |
| Foster Care Fee Level 2 | £215.49 |
| Foster Care Allowance 0-10 years | £127.40 |
| Foster Care Allowance 11 years + | £191.06 |

j) If not, why not?

N/A

1.3 Legal Status

(i) Local Authority

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?

Social Work (Scotland) Act 1968.

Children (Scotland) Act 1995.
Adoption and Children (Scotland) Act 2007.
Children's Hearings (Scotland) Act 2011.

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

Further to the above, the below noted matters were applicable in respect of the local authority:

Secure Accommodation (Scotland) Regulations 1983 (From 30 January 1984 to 31 March 1997),

Access (Notice of Termination and of Refusal) (Forms) (Scotland) Order 1983 (From 30 January 1984 to 31 March 1997)

Boarding-out and Fostering of Children (Scotland) Regulations 1985 (From 1 April 1986 to 31 March 1997),

Social Work (Residential Establishments-Child Care) (Scotland) Regulations 1987 (From 1 June 1988 to 31 March 1997),

Social Work (Representations Procedure) (Scotland) Order 1990 (From April 1991 to the present date),

Arrangements to Look After Children (Scotland) Regulations 1996 (From 1 April 1997 to 27 September 2009),

Children (Reciprocal Enforcement of Prescribed Orders etc. (England and Wales and Northern Ireland)) (Scotland) Regulations 1996 (From 1 April 1997 to the present date)

Emergency Child Protection Measures (Scotland) Regulations 1996 (From 1 April 1997 to 23 June 2013)

Fostering of Children (Scotland) Regulations 1996 (From 1 April 1997 to 27 September 2009),

Refuges for Children (Scotland) Regulations 1996 (From 1 April 1997 to the present date)

Residential Establishments - Child Care (Scotland) Regulations 1996 (From 1 April 1997 to 31 March 2002),

Secure Accommodation (Scotland) Regulations 1996 (From 1 April 1997 to 23 June 2013),

Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003 (From 1 April 2004 to the present date)

Adoption Agencies (Scotland) Regulations 2009 (From 28 September 2009 to the present date)

Looked After Children (Scotland) Regulations 2009 (From 28 September 2008 to the present date),

Children's Hearings (Scotland) Act 2011 (Child Protection Emergency Measures) Regulations 2012 (From 24 June 2013 to the present date)

Children's Hearings (Scotland) Act 2011 (Compulsory Supervision Orders etc.: Further Provision) Regulations 2013 (From 24 June 2013 to the present date)

Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013 (From 24 June 2013 to the present date)

Children's Hearings (Scotland) Act 2011 (Movement Restriction Conditions) Regulations 2013 (From 24 June 2013 to the present date)

Children's Hearings (Scotland) Act 2011 (Transfer of Children to Scotland - Effect of Orders made in England and Wales or Northern Ireland) Regulations 2013 (From 24 June 2013 to the present date)

Secure Accommodation (Scotland) Regulations 2013 (From 24 June 2013 to the present date)

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

Yes

(ii) Foster Carers

Past

a) Did Foster Carers have a special legal statutory or other status?

That is not thought to be the case.

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

As a person specified in terms of the applicable legislation at the applicable juncture, being one of the statutes or regulations detailed above.

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

The applicable legislation at the applicable juncture, being one of the statutes or regulations detailed above.

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

The requirement to provide care to the child that ensured their welfare was maintained and preserved.

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

Yes.

Present

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

Yes

b) If so, please give details.

Foster Care provision for children is now solely in terms of the Children (Scotland) Act 1995, Adoption and Children (Scotland) Act 2007 and Children's Hearings (Scotland) Act 2011.

During the timeframe noted to represent the present, the following legal/regulatory requirements have been applicable (unless otherwise noted, for the whole of said period):

Adoption Agencies (Scotland) Regulations 2009,
Aftercare (Eligible Needs) (Scotland) Order 2015 (from 1 April 2015),
Children (Reciprocal Enforcement of Prescribed Orders etc. (England and Wales and Northern Ireland)) (Scotland) Regulations 1996,

Children and Young People (Scotland) Act 2014 (Part 4 and Part 5 Complaints) Order 2016 (31 August 2016 to 5 October 2016),

Children and Young People (Scotland) Act 2014 (Relevant Services in relation to Children at Risk of Becoming Looked After etc.) Order 2016 (from 31 August 2016),

Children's Hearings (Scotland) Act 2011 (Child Protection Emergency Measures) Regulations 2012,

Children's Hearings (Scotland) Act 2011 (Compulsory Supervision Orders etc.: Further Provision) Regulations 2013,

Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013,

Children's Hearings (Scotland) Act 2011 (Movement Restriction Conditions) Regulations 2013,
Children's Hearings (Scotland) Act 2011 (Transfer of Children to Scotland - Effect of Orders made in England and Wales or Northern Ireland) Regulations 2013,
Children's Services Planning (Specified Date) (Scotland) Order 2016 (from 7 October 2016),
Continuing Care (Scotland) Order 2015 (from 1 April 2015),
Refuges for Children (Scotland) Regulations 1996,
Residential Establishments - Child Care (Scotland) Regulations 1996,
Looked After Children (Scotland) Regulations 2009,
Secure Accommodation (Scotland) Regulations 2013,
Social Work (Representations Procedure) (Scotland) Order 1990 (to 31 March 2017),
Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003.

1.4 Legal Responsibility

(i) Local Authority

Past

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

Yes.

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

The applicable legal responsibility or responsibilities would be in terms of the relevant statutes and regulations applicable at the relevant juncture as detailed above at part 1.3.

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

Any persons possessing parental responsibilities or parental rights would continue to retain a level of legal responsibility in respect of their children during any period of their being in the care of the local authority.

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

During a period of accommodation by the local authority under voluntary measures, holders of parental responsibilities and parental rights would retain those parental responsibilities and parental rights.

Where a child was accommodated under the terms of a supervision order or child protection order, under the Children (Scotland) Act 1995, holders of parental responsibilities and parental rights would retain those parental responsibilities and parental rights, though the exercise of said parental responsibilities and parental rights, would be limited by any of the terms of the applicable order securing the child in care. Supervision orders were superseded by compulsory supervision orders in terms of the Children's Hearings (Scotland) Act 2011 on 24 June 2013, but have a similar effect. This is similarly the case with child protection orders.

In circumstances of a child being accommodated under a parental rights resolution (in terms of the Social Work (Scotland) Act 1968) or parental rights order (which replaced resolutions in terms of the Children (Scotland) Act 1995), parental responsibilities and parental rights would be removed from the parents and transferred to the local authority. Parental rights orders were replaced by permanence orders from 24 June 2013. These transfer the responsibility and right of the parent to have the child living with them to the local authority. The remaining parental responsibilities and parental rights may be removed from the parents and given to the organisation and/or another individual, or remain with some or all of the parents, in accordance with the decision of the Court.

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

The local authority did hold such responsibility.

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.

This is not applicable.

(b) Foster Carers

Past

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

It is not thought that would be the case given there was delegation of a statutory duty, except in so far as the requirements to comply with applicable criminal law were in question.

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

This is not applicable.

Present

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

No.

d) If so, please give details.

This is not applicable.

1.5 Ethos

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

There is little direct evidence of how, historically, the local authorities saw as their function, ethos and/or objective in terms of the foster care service it provided for children. Provision of family based care through arrangements where children as boarded-out with relatives or 'strangers' is evidenced from the 1930s. Individual placements were recorded, but in minimal terms – the name of the child and who they were residing with.

The Selkirkshire Public Health and Public Assistance Committee 1935 – details the "Rules to be observed by guardians of boarded-out children in terms of Section 25 Poor Relief Regulations (Scotland) 1934" – areas covered include: training and discipline (including guidance about discipline); school attendance; food (including

provision for 'extra nourishment' ordered by the Medical Officer); clothing (with provision for assistance from the Public Assistance Officer); sleeping accommodation (children of different sexes above 8 years should have different bedrooms and, the number of children sharing a room shall be approved by the Public Assistance Committee); health; visitation (any member of the Public Assistance Committee had the right to visit); reports; employment (the guardian should endeavour to find suitable employment for a child who leaves school). The reference indicates a clear responsibility in terms of the care and welfare of children but makes no specific statement to that effect.

Despite on-going recording of boarding-out and fostering arrangements, in terms of function, ethos and objective, the provision of residential care for children dominates records from 1930 to around the 1980s. In the Berwickshire County Council Social Work Committee 29/04/1970 – in terms of the function of Berwickshire Social Work Department, all forms of residential care are listed (children's homes, old people's homes, hostels for the mentally ill, etc.) but there is no reference to foster care.

The shift in balance and strategic direction from residential care towards fostering is evident from the mid-1980s, though recognition of the significant benefits of foster care for children is evident from the 1970s.

Currently Scottish Borders Council's document Definition of Foster Care (03/01/2018) describes the function, ethos and objective of foster care as follows:

"Foster Care is placing a child or young person in the temporary care of a family other than its own for a planned period of care.

Foster Care provided by Scottish Borders Council includes:

- Providing foster care where a child or young person's family is unable to provide care.
- Complimentary care to provide additional opportunities for a child.
- Respite care to give parents and their children a break.
- Short Breaks care for children affected by a disability.

Scottish Borders Council Fostering Service provide foster placements using their own resources (foster carers) and, where appropriate, use independent registered fostering agencies."

The statutory duty on the local authority is to co-operate in promoting the welfare of children and young people who are looked after by them, with a further duty on other agencies to co-operate with local authorities in fulfilling this duty. These requirement and the associated ethos behind them are enshrined in a range of legislation, regulation and guidance as well as Scottish Borders Council policy, procedure and guidance. The Scottish Borders Corporate Parenting Strategy 2018-21 states 'In Scottish Borders, the effective assurance of the wellbeing and protection and, upholding the rights of looked after children, young people and care leavers is one of our most important responsibilities. We will strive to intervene early to prevent children from becoming looked after. Where children are looked after, we will provide high

quality services for each child and young person. In doing so, we strive to reduce the inequalities experienced by them’.

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

See 1.5(a).

A foster carer’s function is to ensure a child’s day to day care and overall wellbeing are supported and promoted. They protect and promote the physical and mental health of children they look after (SBC Foster Carer Agreement, 2018).

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

From the 1930s County Councils focused on residential care, its provision and increases in the residential estate rather than boarding-out / fostering, e.g. Selkirkshire Social Welfare Sub-Committee 1948(2) refers to joint Council discussions (Peeblesshire, Roxburghshire and Berwickshire) about the establishment of children’s homes in each council area, but also a joint approach to planning provision and combining resources. There are some exceptions to this however, where individual references are made to moving children from residential services back into boarding-out / foster placements: the Berwickshire County Council Children’s Committee 15/04/1955 evidences a planned move of a child from residential care into a boarding-out arrangement with foster parents.

By the mid-1970s there is increasing evidence of an increasing awareness and understanding of the benefits of foster care. The use of adoption and the development of adoption services helped in raising the profile and understanding of foster care and strategic developments tended to focus on the development of both areas (Selkirkshire Social Work Committee Minutes 01/1974). In reviewing the allowances paid to foster carers, the minute of Borders Regional Council Social Work Committee on 02/02/1976 states “the value of good fostering care for a child is something which cannot be measured in economic terms.” Despite the increasing understanding of fostering and its benefits, the use of residential care continued to be part of the overall local child care provision strategy however, though on a more localised basis: “Attempts have been made to keep children in the community and within the Region by use of fostering and the development of family group homes. This is vitally necessary, as alternative forms of care, i.e., institutional care, can be costly and frequently inappropriate” (Borders Regional Council Social Work Committee Supporting Papers – Revenue Increase – More Children Coming into Care 1978-1979).

Evidence of the importance of family based care begins to emerge formally in the late 1970s / early 1980s. The Borders Regional Council Social Work Committee minutes, appendices 29/08/1978 – Professional Foster Parent Project Report proposed a specialised extension to normal fostering to provide care “generally for teenagers whom no suitable foster parents come forward in response to usual appeals.” The service became the Community Carer Scheme which was a fostering service for

children and young people aged 12 years and over. It aimed to provide “care for older children and those leaving residential care with no family base to return to.”

The mid 1980s saw the balance of child care provision shift away from small group home residential provision towards foster care. Minutes from the Borders Regional Council’s Social Work Committee evidence an emphasis on preventative to avoid children coming into care and the use of substitute family care. The Borders Regional Council Social Work Committee Minute of 13/02/1990 minutes the changing nature of care resource provision in the Borders with the closing of 2 residential units / homes, and the need for a community support team be established. This approach continues and following the implementation of the Children (Scotland) Act 1995, the Proposed Strategy for Residential Childcare (29/01/1996) suggests a plan aimed at moving the balance of resources from residential care towards a flexible range of services which seek to maintain young people within their own communities and family networks.

Recent approaches to fostering have largely been driven by legislation and national policy drivers, as well as emerging local and national practice. These have driven changes in the functions, ethos and objectives in terms of the foster care service Scottish Borders Council provides for children.

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

See 1.5(c).

In addition to child care legislation and regulations which directly relates to fostering, the ethos of the service has also been changed and enhanced by legislation and national policies such as the UN Convention on the Rights of the Child (UNCRC) 1989; the Children (Scotland) Act 1995; Corporate Parenting policy drivers and legislation (Looked After Children and Young People: We Can and Must Do Better (Scottish Executive, 2007), These Are Our Bairns (Scottish Government 2008) and the Children and Young People (Scotland) Act 2014); the National Care Standards (Foster Care and Family Placement Services) 2011; the Health and Social Care Standards – My Support, My Life 2018; etc. This list is not exhaustive.

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

See 1.5(c)

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

See 1.5(c)

1.6 Numbers

(i) Local authority

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

The following represents a sample of children and young people in boarding-out and foster placements over time. Numbers are fairly consistently recorded across all historic records and are currently monitored on a monthly basis.

The Roxburghshire Public Health and Public Assistance Committee 12/01/1931 records the number of boarded-out children – number (15), ages, addresses, condition (separated, orphaned, etc.) and allowance. Similarly, those boarded-out outwith the County are also recorded.

The Roxburghshire Public Health and Social Welfare Committee – Boarded-Out Children 22/01/1945 – recorded the number of boarded-out children – 10 girls aged between 3 years and 13 years and, 10 boys aged between 6 months and 13 years.

The Berwickshire Community Council Children's Committee 07/04/1961 – the first recorded reference to numbers: 8 children boarded out within the county; 1 child boarded out outwith the county; 2 in voluntary homes; and 5 in 'the Priory' [residential home in Selkirk].

Borders Regional Council Social Work Committee Supporting Paper – Number of Children in Care July 1977 – recorded the number of children in care separated into different placement categories (foster care, List 'D' schools, etc.); age groups; and legal status. Fostering figures were as follows – 27 boys and 18 girls. From 1978, placement data was produced on a monthly basis with admissions and discharges monitored.

The Borders Regional Council Social Work Committee Report 18/10/1994 – the Monitoring of Child Care Services – provided extensive information on looked after children and foster placements. On 30/08/1994 – there were 17 children placed with 22 community carers [foster carers for children aged over 12 years] and, 20 children with 11 foster carers. The report goes on to show movement activity in foster care (with no report of placement changes other than rehabilitation home or move to adopters).

The Scottish Borders Council Social Work Committee 07/02/2000 – Social Work Activity for Quarters 1 and 2 of 1999/2000 Report – 43 foster and community carers offered a total of 72 placements.

In September 2015 there were 72 children and young people in Scottish Borders Council Foster Care Service placements and 18 children and young people in foster placements provided by independent foster care providers (Children and Families Social Work – Monthly Performance Report September 2015).

Currently (January 2020) there are 60 looked after children in foster care placements (42 carer households). This does not include an additional 13 Continuing Care foster placements and 12 children in Short Breaks respite placements.

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

The recording of the number of approved / registered carers was not recorded as accurately as the numbers of children in their care, however in the earlier records, although numbers are not necessarily defined, each child placement is recorded alongside the guardian / carer responsible. The following represents a sample of the number of approved / registered foster carers and placements:

The Roxburgh Public Health and Public Assistance Committee 12/01/1931 lists 9 guardians receiving payment for looking after children (classed as Non-Resident Poor).

The Borders Regional Council Social Work Committee Report 18/10/1994 – the Monitoring of Child Care Services – on 30/08/1994 – there were 22 Community Carers and 13 Foster Carers.

The Scottish Borders Council Social Work Committee 02/04/1996 – Monitoring of Child Care Services Report – detailed the number of Community Carers (19) and Foster Carers (17).

The Scottish Borders Council Social Work Committee 07/02/2000 – Social Work Activity for Quarters 1 and 2 of 1999/2000 Report – recorded that there were 43 foster and community carers offering a total of 72 placements.

Prior to 1992 foster care was not managed centrally in the Scottish Borders but either by separate Community Councils or by individual social work fieldwork teams. Once the Family Placement Team was established, the monitoring of foster carer numbers, assessment, reviews, etc. is more systematic and easier to track. The implementation of the Boarding Out and Fostering of Children (Scotland) Regulations 1984 and the subsequent establishment of the Fostering Panel also improved the systematic monitoring of placement numbers and types.

For current figures see below 1.6(c).

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

As stated above, the recording of the number of approved / registered carers was not recorded as accurately until the 1990s. From the 1930s until the 1970s it is not always easy to differentiate between children boarded-out or fostered with relatives or 'strangers' and the level of scrutiny or assessment involved prior to placement.

Prior to the establishment of the Family Placement Team in 1992, the only significant recording of change to specific types of carer was the establishment of the Community Carer Scheme which was a fostering service for children and young people aged 12 years and over. It aimed to provide "care for older children and those leaving

residential care with no family base to return to.” (Borders Regional Council Social Work Committee minutes, appendices 29/08/1978 – Professional Foster Parent Project Report).

The Scottish Borders Council Fostering Service currently registers foster carers in the following categories:

- Short Term Foster Carers - 35 carer households (60 carers); 47 placements (and 13 Continuing Care placements in addition) – foster carers for children referred to the Resources Team (Family Placement Team), but who are not subject to Permanence Orders.
- Permanent Foster Carers - 6 carer households (12 carers); 13 placements – placements for children who have permanence orders and whose carers have been approved as Permanent Carers for specific children.
- Short Breaks Foster Carers - 8 carer households (14 carers) – respite placement for children with complex needs.
- Respite Foster Carer 2 - households (3 carers) – provision of respite placements for children (predominantly children in other foster placements).

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

See 1.5(c) regarding the shifting balance between residential care and foster care.

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

The following represents a sample of the total number of children accommodated by the local authority:

1978 – 110 children and young people (Borders Regional Council Social Work Committee Report – Discussion Paper on the Options for the Social Work Department 1978/79).

15/08/1988 – 51 children and young people (Borders Regional Council Supporting Paper – Number of Children in Care 15/08/1988).

02/04/1996 – 63 children and young people (Scottish Borders Council Social Work Committee 02/04/1996 – Monitoring of Child Care Services Report).

September 2015 – 210 children and young people (Children and Families Social Work Monthly Performance report September 2015).

There are currently a total of looked after children – 195 (January 2020)

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

See 1.5(c) regarding the shifting balance between residential care and foster care.

1.7 Children's Background/Experience

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

The historic documentation and County Council minutes from the 1930s suggest often the reasons for being boarded-out are similar to modern situations – lack of parental care, family dysfunction, etc. but there is a greater number of cases where illegitimacy, extreme poverty, parental physical illness (e.g. requiring a period in hospital), parental mental health problems (requiring hospitalisation) and children being orphaned is the primary reason for alternative care. There are many examples the experiences of children entering the care system. An example from a report to the Borders Regional Council Social Work Committee – Children in Care 30/04/1973 scrutinised placement changes and changes in circumstances of children in care. It also evidence of the needs of individual children – “These two boys are the children of a young, very immature couple. The mother, 19 years old, is expecting her third child. She was recently admitted to Dingleton Hospital [mental health hospital].

Currently children placed in local authority care have a similar shared experience. They generally meet the legal test in the Children's Hearings (Scotland) Act 2011 - Section 67 – Grounds / Statement of Grounds criteria.

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

It is very difficult to ascertain whether children were admitted into the care of the local authority, or into the care of particular foster carers until the implementation of the Social Work (Scotland) Act 1968. There is clear evidence from the 1930s of the reporting on and tracking of individual placements and where children were placed, however the process itself is vague.

There is evidence of an agreement made by a carer when taking on a child from 20/06/1944 - Intimation of Reception of Infant for Hire or Reward which details personal information of both the carer and child and, a Register of Guardians from c.1947 (Register of Guardians, Children Act 1908, Infant Life Protection) which lists names of “Persons receiving Infants, Situation of dwelling and Infants received (Name, Place of Birth, Date of Birth, Sex, Date When Child Received and Date of Notice to Parish Council)”, but again does not detail the process of admission.

Since the Social Work (Scotland) Act 1968, children are admitted into local authority care.

c) Who placed children with the local authority?

Again, the historical record is generally vague on this matter. There is evidence of children and young people being referred into care directly from the court from an early date: In the Berwickshire Community Council Public Health and Public Assistance minutes 04/02/1941 – reference is made to a “Juvenile delinquent, [REDACTED] who, after appearing in the Sheriff Court in Duns on [REDACTED] 1940... the

Director of education initiated arrangements for the girl to be received into the home of Mrs. [REDACTED], Bridgend, buy Linlithgow at a charge of 15 shillings per week recoverable from the girl's father." Also, a later reference from Selkirkshire Children's Committee 06/06/1956 records the placement of child with her maternal aunt by Lambeth Juvenile Court.

From the implementation of the Social Work (Scotland) Act 1968, there is much greater clarity on the placing of children with the local authority (through Section 15) and via a disposal by the Children's Hearing.

Currently children are only placed in foster care by the local authority, generally through a Children's Hearing disposal or under Section 25 of the Children (Scotland) Act 1995).

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

Since the introduction of the Children's Hearing system there is limited data in terms of the balance between children received into care via the Hearing system and those who were received into care on a voluntary basis (Section 15 Social Work (Scotland) Act 1968 or, Section 25 Children (Scotland) Act 1995). There was however an increase in the numbers of children coming into care. It is stated in the Borders Regional Council Supporting Papers – Revenue Increase – More Children Coming into Care 1978-1979 – "Increases in the estimates for services to children are necessary insofar as there has been a marked increase in the number of children coming into care under supervision."

Data is still not routinely collected on the number of children looked after away from home who were received through the Children's Hearing system, though the current figure is that 32%* of those in care are placed under a Section 25 (of the Children (Scotland) Act 1995) and 66.2% of the total number of cases currently supported by Scottish Borders Council's Children and Families Social Work are supported in a voluntary basis.

* Not including children and young people in kinship care.

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

See 1.7(d).

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

There is little evidence of the length of time children spent in foster placements until relatively recently. There is a clear association between fostering and adoption from an early stage with a move to adoption being seen as the primary route for permanency for children.

For the children currently in foster care placement the average duration of placement is 4.3 years.

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

Between 1930 and 1975 the decision whether children should be placed in foster care was held by the various governance County Council governance bodies – the Public Health and Assistance Committees (c.1930-c.1943); Public Health and Social Welfare Committees (c.1944-1948); Children's Committees (1948-1969) and, Social Work Committees (1969-1975), though the process of decision making is vague. Each of these then delegated their duties to various staff.

The Selkirkshire Public Health and Public Assistance Committee 1935 – details the "Rules to be observed by guardians of boarded-out children in terms of Section 25 Poor Relief Regulations (Scotland) 1934" and states that in terms of visitation of children in boarding-out situations, any member of the Public Assistance Committee had the right to visit. The Midlothian, East Lothian and Peeblesshire Children's Committee 1937 minute about implementing Children and Young Person (Scotland) Act 1937 notes under Part IV (4) & (5) that the "Children's Officer will report to the County Clerk any cases in which the removal of a child to a place of safety is required and that arrangements for their reception and accommodation are the responsibility of the Children's Officer."

The Selkirkshire Social Welfare Sub-Committee 1947 – minuted that "In terms of paragraph 17 of the Rules and Orders [Children (Boarding-Out, etc.) (Scotland) Rules and Regulations 1947] the local authority is required to appoint an officer with experience and knowledge of social service for the purpose of assisting them in the performance of their functions under the Rules and Orders, including the selection of foster parents and the visitation of children boarded-out by the authority... The Committee further suggested that the time was now approaching when the care of children should be vested in a special Children's Committee as envisaged in the 'Clyde Report' and as recommended by the Prime Minister in answer to a question in the House on 24th March 1947."

Following the implementation of the Social Work (Scotland) Act 1968, specific reference is made to the role of Social Work Committees in respect of placing children in care: Berwickshire County Council Social Work Committee Report 07/05/1969 minutes the Care of Children as a key focus of the new Social Work Department and lists "the placing in care of foster parents; in need of Compulsory Measures of Care; in care of the Children's Hearings; in need of care and protection generally; and, adoption as key functions within this."

From 1975 the decision to accommodate children was largely delegated to Social Workers and specialist teams within the six area teams within the Social Work Department, however, placements would be made on individual need and admissions would be controlled by the Divisional Officer (Child Care) or the Adoption and Fostering Officer. Placements would be subject to review (Borders Regional Council Social Work Committee minutes 25/05/1983). The Family Placement Team was set up in the Scottish Borders in 1992. Prior to this the recruitment, assessment and review of carers had been the responsibility of the area Social Work teams.

Currently decisions to accommodate children in care settings is made by the Team Leader of the placing social work team (primarily Long Term Team, Duty or Throughcare Aftercare Teams). The formal process detailed in Scottish Borders Council Children and Families Social Work Accommodating Children and Young People Procedure (18/12/2019). Requests to accommodate children in out of authority or residential placements is made by the Chief Office, Children and Families Social Work.

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

See 1.7(g).

i) Were children moved between different foster care placements?

There is very little evidence of placement moves from 1930 until recent times. Moves of children to adoption placements is recorded however. Once Borders Regional Council was established there are numerous references to children placed and discharged from foster placements outwith the Scottish Borders and, evidence of planned moves from residential care into foster care and to adoptive placements (Borders Regional Council Social Work Committee Supporting Papers – Children in Care 1973-1994), however little direct reference to placement moves. There is a reference in the Borders Regional Council Social Work Committee minutes, appendices 29/08/1978 which refereed to disruptions in foster care - "Boy age 13 years admitted to care July 1974 under Section 44(1)(b) of the Social Work (Scotland) Act 1968. He had the unfortunate experience of two breakdowns in fostering situations." However, the entry does not elaborate further.

The monitoring of placement stability has been systematic since 2009 with the percentage of children placed away from home who have had 3 or more placements away from home in the current period of care reported on. Individual cases are also tracked through the Section 31 LAC reviewing process (Children (Scotland) Act 1995).

Both unplanned and planned moves of foster care placements do occur but are avoided wherever possible.

j) If so, in what circumstances?

Most movement occurs when an initial, emergency placement is made but due to the carer's approval, there is no prospect of a longer term placement. Other circumstances are when a placement disrupts due to the carer's inability to meet the child's needs.

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

See 1.7(i).

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?

There is little evidence of the reviewing of foster carers and their suitability to continue to provide either care of an individual child or foster care in general until the establishment of the Fostering Panel in 1990 (under Boarding-Out and Fostering of Children (Scotland) Regulations 1985).

However, there is reference at different stages to suggest an overview of not only the numbers of foster carers, but also their ability to undertake the task:

The Selkirkshire Public Health and Public Assistance Committee 1935 – details the “Rules to be observed by guardians of boarded-out children in terms of Section 25 Poor Relief Regulations (Scotland) 1934” – areas covered include: training and discipline (including guidance about discipline); school attendance; food (including provision for ‘extra nourishment’ ordered by the Medical Officer); clothing (with provision for assistance from the Public Assistance Officer); sleeping accommodation (children of different sexes above 8 years should have different bedrooms and, the number of children sharing a room shall be approved by the Public Assistance Committee); health; visitation (any member of the Public Assistance Committee had the right to visit); reports; employment (the guardian should endeavour to find suitable employment for a child who leaves school). A proforma – Report on Boarded-Out Child had a range of sections which included:

- a) Name of Child
- b) Name of Guardian
- c) Address of Guardian
- d) Is the guardian a suitable one?
- e) Condition of house?
- f) What are the sleeping arrangements for the child?
- g) What is the condition of the child's bed-clothes, night apparel, and ordinary clothing?
- h) Is the child in good health?
- i) Any illnesses since last report?
- j) Does the child appear happy?
- k) How is the child progressing in school?
- l) How is the child occupied outwith school hours?
- m) Any complaints as to school conduct?
- n) Any other observations regarding child or guardian?

Selkirkshire Public Assistance Sub-Committee 1938 minute “In the case of Miss SNR, the Committee fixed the number of children under 9 years of age to be kept by her to 4.” There is no further text or explanation, however clearly consideration was given to the appropriateness of placement numbers in this instance.

Following implementation of S.20 (A) of the Social Work (Scotland) Act 1968) an agreed minimum frequency of visits to foster / community carers by the Family Placement Team Social Worker occurred to ensure on-going support and review of foster carers on a consistent basis.

Borders Regional Council agreed the establishment of an Adoption and Fostering Panel in 1990 (Borders Regional Council Social Work Committee Report – The Establishment of an Adoption and Fostering Panel - 25/01/1990). The initial panel was a joint Adoption and Fostering Panel. The fostering functions (in terms of the regulations) were – to approve the placements of all children requiring permanent, substitute parents; to approve the suitability of families to be foster parents and thereby entered on the Department’s list of approved foster carers; and, to advise on matters relating to substitute child care.

Systematic review of children in foster care continues both in terms of review of the child’s situation (under Section 31, Children (Scotland) Act) and through statutory review of foster carers through the Fostering Panel. Foster carers also receive a minimum of monthly supervision by their Supervising Social Worker.

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

Currently children and young people are discharged from foster care either through the Children’s Hearing process when their Compulsory Supervision Order or the Place of Residence provision is terminated; where they are rehabilitated home following support and assessment (monitored through the Child’s Plan and statutory Section 31 reviews) or when young people move to Continuing Care (if they agree) and are eligible for support under the Children and Young People (Scotland) Act 2014.

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

There is again little in terms of clear documented evidence in the provision of support for young people who left care. Entries in committee minutes often state the move to particular employment for children who were boarded-out or in foster care but little is written about any on-going support. The Selkirkshire Public Health and Public Assistance Committee 1935 details the “Rules to be observed by guardians of boarded-out children in terms of Section 25 Poor Relief Regulations (Scotland) 1934”. This includes reference to employment stating that “the guardian should endeavour to find suitable employment for a child who leaves school.”

A report to the Borders Regional Council Social Work Committee on Children Leaving the Care of the Local Authority (April 1975) highlighted the lack of support and provision for children leaving care and recommended both a further small group ‘hostel’ for young people (there was a ‘transitional hostel’ attached to the Priors (a local authority residential Children’s Home)) and, an approach to voluntary housing associations to consider the concept of sheltered housing for young people.

Borders Regional Council established the Community Carers Scheme in c.1978 which was a fostering service for children and young people aged 12 years and over. It aimed to provide “care for older children and those leaving residential care with no family base to return to.” The scheme became subsumed into the Family Placement Team in around the mid-1990s, but the core community care support workers continued to provide individual support for both those transitioning from care to adulthood and an aftercare service.

Currently young people receive support in line with the statutory responsibilities for care leavers and care experienced young people. Scottish Borders Council have a Throughcare Aftercare team who work with young people aged from 15 to 26 years of age. As well as direct service provision, the team has close links with housing, education, further education, employability services and other relevant services,

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

There is no documented evidence of the local authority seeking information about what children leaving foster care plan to do.

Currently such information is monitored through the Education Department and Developing the Young Workforce initiative in Scottish Borders Council and in partnership with Skills Development Scotland.

p) Was such information retained and updated?

See 1.7(o).

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

See 1.7(n).

1.8 Local authority staff and foster carers

(i) Local authority

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

As detailed in 1.7(g), between 1930 and 1975 the decision whether children should be placed in foster care was held by the various governance County Council governance bodies – the Public Health and Assistance Committees (c.1930-c.1943); Public Health and Social Welfare Committees (c.1944-1948); Children's Committees (1948-1969) and, Social Work Committees (1969-1975), though the process of decision making is vague. Each of these then delegated their duties to various staff.

It is difficult to ascertain exactly how many people were responsible for foster care at certain periods. The Public Health and Assistance Committees (c.1930-c.1943) and the Public Health and Social Welfare Committees (c.1944-1948), had a joint approach for both children and adult welfare. This continued until the Children's Committees (1948-1969) were directed to separate the functions of children and adult services by the Scottish Home Department in 1949 (Berwickshire County Council Children's Committee 23/12/1948). The Public Health and Assistance Committees employed a Public Assistance Officer. Following the implementation of the Children and Young Person (Scotland) Act 1937, Children's Officers were employed until the 1970s. It is

unclear how many staff were involved in foster care, but there are references to Children's officer's assistants as well as Children's Officers themselves.

From 1975 to 1992 the function of recruiting assessing and supporting foster cares was managed by the six area generic social work teams, though a specialist Adoption and Fostering Officer co-ordinated aspects of practice across the Region. The Borders Regional Council Social Work Committee 06/03/1980 - Report on Adoption and Fostering in the Borders Region states "In the Borders Region we function through our two child care specialists, social work teams and within a consortium of voluntary and local authority organisations who co-operate together to find substitute families for children over a wide area."

The Family Placement Team, which had responsibility for Fostering and Adoption was set up in 1992. The current staff establishment of the team is as follows:

1 x Team Leader, 1.5 x Senior Social Workers, 7 Social Workers and 2 x Resource Workers.

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

As above – 1.8(i)(a).

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

The various staff involved in the support of children and foster carers had the following responsibilities:

Public Assistance Officers – there is little direct evidence of the official role of a Public Assistant Officer but it is likely they had a generic welfare role covering the support of both children and adults. A minute from the Selkirkshire Public Health and Public Assistance Committee 1934 states "A circular detailed 18th October 1934, from the Department of Health with regard to the Children and Young Persons Act of 1932 was submitted. It was noted that the Public Assistance Authority was not to be considered a fit person to take care of children under Order of Court, that the Public Assistance Officer might be appointed but in a personal, not official, capacity."

Children's Officers – the Midlothian, East Lothian and Peeblesshire Children's Committee 1937 noted that "the Children's Officer will report to the County Clerk any cases in which the removal of a child to a place of safety is required and that arrangements for their reception and accommodation are the responsibility of the Children's Officer." The same committee noted in 1947 that the responsibilities of the Children's Officer are to supervise and manage boarded-out children. This included visiting, inspection, submission of reports, etc. in relation to children boarded-out. It also stated that payment to foster-carers is the responsibility of the District Officer of the area concerned. The Roxburghshire Public Health and Social Welfare Committee – Boarded-Out Children 24/09/1945 – reporting on visits by the Social Services Officer to boarded-out children recorded the following "he had visited three of the boarded-

out children and that in each case they had found the child well cared for and in a good home with a kindly and capable guardian.”

It is difficult to ascertain the extent to which both the Public Assistance Officers and the Children’s Officers role was around the active support of foster carers. There was clearly a degree of placement oversight, but the individual recording is weighted heavily towards the child’s circumstances (though this information is also limited).

Generic Social Worker – recruitment, assessment and the support of foster cares was managed by the six area generic social work teams, though a specialist Adoption and Fostering Officer co-ordinated aspects of practice across the Region. The social worker did however also manage children’s individual cases in addition to their role in supporting carers.

Family Placement Team Social Workers – once the specialist Family Support Team was established in 1992, the team managed all recruitment, assessment and the support of foster cares. This enabled support to focus on the needs of the carers, rather than managing both carer and children’s cases, and better enable implementation and adherence to emerging legislation, policy and practice standards.

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

There is no evidence of the required experience or qualifications of staff involved in fostering until the professionalisation of the social work after the Social Work (Scotland) Act 1968.

Currently Social workers are qualified and registered in line with the requirements of the Scottish Social Services Council. Para-professional staff (Resources Workers) have relevant professional child care experience.

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

Borders Regional Council agreed the establishment of an Adoption and Fostering Panel in 1990 (Borders Regional Council Social Work Committee Report – The Establishment of an Adoption and Fostering Panel - 25/01/1990). The initial panel was a joint Adoption and Fostering Panel. The fostering functions (in terms of the regulations) were – to approve the placements of all children requiring permanent, substitute parents; to approve the suitability of families to be foster parents and thereby entered on the Department’s list of approved foster carers; and, to advise on matters relating to substitute child care.

The current Fostering Panel's role and remit is documented in Scottish Borders Council's Fostering Panel Procedure. The primary functions are:

- To receive and consider all assessments of prospective foster, respite and short breaks carers and to make recommendations to the Agency Decision Maker on approval or otherwise.
- To consider reviews of foster, respite and short breaks carers or where alterations to the criteria of approval is being sought, or following significant changes to the carers’ circumstances and make recommendations as above.

- To promote consistency, good standards and practice in fostering, short break and respite care.
 - When required, to consider all assessments of prospective adult carers for the Supported Carers' Service and Continuing Care carers for dual registration in both the Fostering Service and the adult placement Supported Carers Service and to make recommendations to the Agency Decision Maker on approval or otherwise.
- f) How were fostering panels constituted? What skills and experience were the members required to have?**

To meet local authority responsibilities in terms of the Adoption Agencies (Scotland) Regulations 1984 and the Boarding-Out and Fostering of Children (Scotland) Regulations 1985, Scottish Borders Council established a joint Adoption and Fostering Panel in 1990. Initially, the Social Work Committee proposed that the panel responsibilities continued to be carried out by the 'Home-finding Group', the group which previously fulfilled a similar function (Borders Regional Council Social Work Committee Report 20/11/1984). The decision to set up a dedicated Adoption and Fostering Panel was agreed by the Social Work Committee on 25/01/1990 following a report from the Director of Social Work which stated "I [the Director of Social Work] have formed the opinion that it is desirable that these statutory functions are undertaken rather more formally than has previously been the case. I am satisfied nonetheless that the performance of the previous groups has been entirely satisfactory. They do not however entirely fit with the requirements of the Regulations and to that end I intend implementing a number of changes."

The panel was chaired by the Assistant Director of Social Work with membership made up from a range of local authority social work staff, a legal adviser, a medical adviser and an independent representative. The Adoption and Fostering Panel split and became separate panels in April 2003

In 2007 an Independent Chairperson was appointed to the Fostering Panel to support Scottish Borders Council's commitment to transparency and confidence by assisting the council to scrutinise the service they provide and constantly strive to improve it.

Currently members of the Panel are individuals with a range of knowledge and experience, particularly in relation to fostering and to children and young people separated from their families. It includes professionally qualified and experienced social work staff, a health professional, independent representation, access to medical and legal representatives and, an independent chairperson.

(ii) Foster carers

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

There is little evidence of how carers were formally approved or registered prior to the establishment of the Adoption and Fostering Panel in 1990, though situations of boarding-out and fostering were clearly registered. Practice in the 1970s and 1980s was led by the social work area teams and by 1980, two child care specialist were employed with a particular specialism in adoption and fostering. The Borders Regional

Council Social Work Committee 06/03/1980 - Report on Adoption and Fostering in the Borders Region stated that "Since the appointment of the Divisional Officer (Child Care) and the Adoption and Fostering Officer, considerable improvements have been made in relation to the quality of care against an increased number of children referred to the Department."

Currently recruitment and registration of foster carers is carried out under the requirements of the Fostering of Children (Scotland) Regulations 1996. This involves a comprehensive assessment process (using the Coram BAAF guidelines).

Prospective foster carers approach SBC to enquire how to become a foster carer. They then attend an office visit with a qualified Social Worker. Statutory checks are carried out (see 1.8(ii)c) below) and a full fostering assessment is completed with the prospective foster carers and their family. The resulting assessment is then presented to the Fostering Panel with a recommendation. The Agency Decision Maker makes the final decision regarding registration of foster carers for Scottish Borders Council's Fostering Service.

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

No formal experience or qualifications are necessary to become a foster carer, though obviously a range of skills are required. Registration and approval is based on a comprehensive assessment of prospective carers' abilities to fulfil the task of a foster carer.

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

There is little evidence of what checks were carried out for prospective carers prior to regulation in 1985, though this does not mean that such checks were not completed.

As previously referenced the Selkirkshire Public Health and Public Assistance Committee 1935 – details the "Rules to be observed by guardians of boarded-out children in terms of Section 25 Poor Relief Regulations (Scotland) 1934" The checks detailed took place after a child was placed and included:

- a) Is the guardian a suitable one?
- b) Condition of house?
- c) What are the sleeping arrangements for the child?
- d) What is the condition of the child's bed-clothes, night apparel, and ordinary clothing?
- e) Is the child in good health?
- f) Any illnesses since last report?
- g) Does the child appear happy?
- h) How is the child progressing in school?
- i) How is the child occupied outwith school hours?
- j) Any complaints as to school conduct?

There is also evidence of checks in an early version of a Foster Carer Agreement - Intimation of Reception of Infant for Hire or Reward 20/06/1944, which was essentially

an agreement made by a carer when taking a child. As well as personal information of both the carer and child, the document includes the payment (30/-) the number of rooms in the house, the number of people in the dwelling and, whether there are "fireguards to prevent burning or scalding."

Checks and assessment of prospective foster carers were in line with legislation requirements and recent practice has been led by Schedule 1 of the Boarding-out and Fostering of Children (Scotland) Regulations 1985; Schedule 1 of the Fostering of Children (Scotland) Regulations 1996; and, Schedule 3 of the Looked After Children (Scotland) Regulations 2009.

Currently checks are carried out with the police, Enhanced Disclosure Checks, other local authorities, NHS, home health and safety checks and Education (if applicable). References are received from employers and 3 referees suggested by the applicant. Other family members are also interviewed as part of the process.

Enhanced Disclosure Checks are completed on persons over the age of 16 residing in the same household as prospective foster carers.

d) 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?

See 1.7(ii)(c).

Currently all family members are interviewed within the household and adult members of family living out with the household as part of any on-going assessment. Enhanced Disclosure Checks are completed on persons over the age of 16 residing in the same household as prospective foster carers.

e) 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?

Checks were carried out in accordance with legislation and practice led through the National Care Standards. Service inspection by the Care Inspectorate and its predecessor has provided external scrutiny on Scottish Borders Council's compliance, helping ensure checks are carried out and reviewed appropriately.

Currently PVG and Medical checks are completed every 2 years (unless advised otherwise by Medical Adviser). On-going monthly supervision by Supervising Social Worker include review of home health and safety.

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

See 1.7(ii)(c) and 1.7(ii)(e).

Currently an initial visit to the household is completed by the Family Placement Team before the formal assessment begins. This acts as an initial check of the suitability of the accommodation. A formal health and safety check is included as part of the assessment process and presented to the Fostering Panel. On-going monthly supervision by Supervising Social Worker include review of home health and safety.

g) 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?

There is no historic reference to gender issues in relation to either the approval of foster carers or placement of children.

Currently, in certain circumstances (e.g. a child's previous experience or trauma), the gender of a foster carer can be of direct relevance to the suitability of a placement.

h) 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?

Again, in certain circumstances (e.g. a child's previous experience or trauma), the gender of other persons living with a foster carer can be of direct relevance to the suitability of a placement.

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

Not as such, but there is an implication throughout the historical record that a foster carer was expected to provide for the overall wellbeing of any child placed with them. This included having regard to the child's health and education.

As well as meeting children's physical and material needs, currently foster carers are expected, with support and training, to provide nurturing, reparative care to children who have in the majority of situation experienced significant trauma in their lives.

j) 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.

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

See 1.7(ii)(c).

Currently the contents of Scottish Borders Council's Fostering Service Foster Carer Agreement is prescribed by legislation.

Present

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

2. Organisational Structure and Oversight

2.1 Culture

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

Generally the historic evidence reviewed gives a strong sense of the principle of the welfare of children throughout. Evidence from the 1930s onwards shows the weight given to the care of children (and adults) and emerging development of practice in relation to fostering (see 2.1(c)).

At certain points however, the commitment to best practice in relation to the provision of childcare was, in retrospect, questionable. In 1948 Berwickshire County Council rejected the suggestion from the Secretary of State for the Scottish Home Department that a Children's Officer be appointed who did not also have responsibility for adult welfare. A discussion was then held between neighbouring local authorities about sharing a full-time Children's Officer post, but this was rejected by Selkirkshire, Roxburghshire and Berwickshire Councils (Berwickshire County Council Children's Committee minute 23/12/1948).

Evidence that the use of residential care was perhaps favoured over foster care for children was evidenced in the minute of Selkirkshire Children's Committee on 06/06/1956 - "Submitted communication from the Scottish Home Department urging the Children's Committee to do their utmost to board-out children rather than retain them in a Children's Home. It was pointed out that according to the last return of children in care, only 42% are children who are boarded-out, as compared with an average in Scotland of 61.5%." However, the minute goes on to say that "the Committee were satisfied that there are at present no children in 'The Priory' [children's home] who should be boarded-out. It was explained that owing to the small number of children dealt with in this County, percentages were not a proper reflection of the position."

The late implementation of a specific Fostering Panel to meet local authority responsibilities in terms of the Adoption Agencies (Scotland) Regulations 1984 and the Boarding-Out and Fostering of Children (Scotland) Regulations 1985, is perhaps another indication where the culture and practice could have been better (see 1.8(i)(e)).

Provision of foster care is now seen as integral to the provision of quality alternative care to looked after children in the Scottish Borders. Foster care remains the primary alternative care provision for children and quality family based care is regarded as

providing the best outcomes for the majority of looked after children. The resourcing and organisational support of the Family Placement Team is at an appropriate level and the recruitment and retention of foster carers is monitored by the Corporate Management Team in Scottish Borders Council.

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

There are few specific policies and procedures in relation to fostering until the establishment of the Family Placement Team in 1992. The development of policy and procedure is an iterative process and there is currently a comprehensive range of guidance, policies and procedures which reflect the importance of fostering to the local authority in terms of best outcomes for looked after children.

See below 2.1(c).

c) How can that be demonstrated?

There are a number of references to the perception of fostering children as being positive. Selkirkshire County Council's Children's Committee agreed the principle of providing pocket money for boarded-out children and increased the allowance to guardians (15/11/1949) and instructed the Children's Officer to send a gift to all boarded-out children (21/11/1950).

When Borders Regional Council was first established, the Social Work Committee referenced the importance of foster care in its overall childcare strategy - "the value of good fostering care for a child is something which cannot be measured in economic terms" (02/02/1976). This approach continued with further minutes of support for the work of foster carers - "the Committee agreed that the Chief Executive should express to foster parents and community carers its appreciation of the work done by them, and to advise the press" (July 1987) and "The Committee agreed that a small reception should be held for existing foster parents and community carers to allow the Committee to thank them personally for the services they have provided" (c. August 1987).

The on-going development of the provision of foster care in the Scottish Borders (see 1.8) further demonstrates a positive culture within the Scottish Borders in relation to the provision of foster care

Foster care continues to be the primary type of alternative care for children who are unable to remain at home in the Scottish Borders. The positive Care Inspection Reports evidence the quality of our current service and our comprehensive Fostering guidance, policies and procedure documents are intended to promote and deliver best practice.

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

Yes.

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

N/A

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

There are several examples where the provision of care by foster carers reflect the local authority's culture, policies and procedures.

There are several examples where the payment and remuneration of carers was directly influenced by foster carers and their experiences. In 1983 recognition was given to the complexity of the foster caring task: the Borders Regional Council Social Work Committee minutes 01/02/1983 approved "payment of up to twice the fostering allowance in each category, less allowance for clothing, pocket money and insurance, where an especially difficult and/or severely handicapped child is being fostered." Paying foster carers fees (as well as allowances) was agreed by Borders Regional Council Social Work Committee on 15/10/1991 as it was accepted that in order to recruit and retain foster carers, appropriate financial support was required. This was further enhanced in 1993 when individual fees were extended for care of individuals in a sibling group.

Other areas recruitment and training were also driven by national and local policy and by foster carers in terms of changes in expectations of the fostering role (See 4.4).

Changes in culture were also driven by incidents of abuse (see 2.1(h) & (i)).

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

Yes. See below (h).

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

Yes – two relatively recent cases (these cases are detailed further in Part D – Abuse and Response).

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

In 2011 A Scottish Borders Council foster carer was convicted of the sexual abuse of a 2 young people in his care. Following the disclosures and review of the case, the practice of statutory visits to children in care placements was reviewed. The Children and Families Practice Standards were changed to ensure children and young people in placements are visited at least monthly. Children should also be seen on their own.

In 2014 a foster carer was deregistered following a series of incidents of concerning supervision of children in her care, and subsequent minimisation of the potential consequences of this lack of supervision. Following the case, guidance was issued for managing situations where there are incidents of repeated allegations of poor practice about carers - Multiple Allegations against Foster Carers - Guidance for Staff (implemented on 24/01/2014). The guidance includes the provision of independent review of the case to make recommendations about the future support / deregistration of the foster carer.

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

Culture has been driven by legislation, regulation, national policy and the National Care Standards.

Present

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

As above.

l) If so, please give details.

As above.

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

As above.

A specific 'Allegations against Foster Carers' section was added to the Scottish Borders Child Protection Procedures in 2008.

2.2 Structure, leadership and accountability

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

See 1.8(i)(a) in relation to the structure of responsibility pre 1975.

From 1975 to 1992 the function of recruiting assessing and supporting foster cares was managed by the six area generic social work teams, though a specialist Adoption and Fostering Officer co-ordinated aspects of practice across the Region. The Borders Regional Council Social Work Committee 06/03/1980 - Report on Adoption

and Fostering in the Borders Region states “In the Borders Region we function through our two child care specialists, social work teams and within a consortium of voluntary and local authority organisations who co-operate together to find substitute families for children over a wide area.”

The Family Placement Team, which had responsibility for Fostering and Adoption was set up in 1992. The team was a ‘centralised’ team and had, and continues to have, responsibility for foster care across the Scottish Borders Council area (and previously across the Borders Region).

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

See 1.8(i)(a) in relation to the oversight and supervision arrangements by senior management pre 1975.

From 1975 to 1992 fostering was managed by the six area generic social work teams. These six teams were managed Senior Social Workers. The six teams were managed by 2 Service Managers, one covering the East of the local authority and the other, the West. The Social Work Department was ultimately managed by the Director of Social Work and governance was through the Social Work Committee.

From 1992 when the Family Placement Team was established, fostering became managed centrally with its own group manager who reported in turn to the Chief Officer, Children and Families Social Work and the Director of Social Work.

From August 2009 until 2015 the Family Placement Team was managed as part of Integrated Children’s Services – essentially Children and Families Social Work and special needs Education.

Currently The Family Placement Team is operationally managed by a Team Leader who is in turn is managed by the Resources Group Manager within Children and Families Social Work. The Team Leader has responsibility for the operational management of the team and the supervision of staff. The Resources Group Manager supervises the Team Leader and has a strategic and quality assurance role in relation to foster care. Children and Families Social Work is managed by the Chief Officer who reports to the Chief Social Work Officer.

c) What were the lines of accountability?

As above 2.2(b).

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

As above 2.2(b).

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

See 1.7(g) and 1.8(i)(a) in relation to decisions on matters of policy, procedure and/or practice in relation to foster care.

From 1992 decisions relating to policy, procedure and practice are largely delegated to the Resources Group Manager and the Team Leader, Family Placement Team. Overarching policy decisions and annual financial remuneration (fees and allowances) are made by the Scottish Borders Council Corporate Management Team.

f) To whom were foster carers accountable?

See 2.2(a) & 2.2(b).

Currently foster carers are accountable to the Family Placement Team and the Scottish Borders Council Fostering Panel (in accordance with the Part VI of the Looked After Children (Scotland) Regulations 2009).

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

See 2.2(a) & 2.2(b).

h) To whom were fostering panels accountable?

As detailed in 1.8(i)(e) the Fostering and Adoption Panel were set up in the Scottish Borders in 1990. Prior to this panel responsibilities were carried out by the 'Home-finding Group' which previously a similar function. This group was overseen by the Director of Social Work. The Agency Decision Maker in Scottish Borders was the Director of Social Work until 2014, when the role was taken over by the Chief Social Work Officer.

Currently the Fostering Panel is responsible to the Scottish Borders Council's Agency Decision Maker (currently Stuart Easingwood, Chief Social Work Officer).

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

See 2.2(h).

The Agency Decision Maker makes all formal decisions following recommendations from the Fostering Panel. The Fostering Panel has an independent Chairperson and its practice is scrutinised by the Care Inspectorate during agency inspections.

2.3 External Oversight

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

There is limited information or direct evidence of external oversight and scrutiny of foster care in the Scottish Borders prior to around 2000. As detailed in 2.2(a) there was clear correspondence between central government, the Scottish Home Department and County Councils around child welfare issues in the late 1940s, but no reference to inspection until Berwickshire County Council Children's Committee's minute 07/04/1961 – "An Inspector from the Scottish Home Department visited Duns for 3 days, when she inspected the records of the Children's Department and visited various children under the council's care."

There are no further references until the 1990s. In 1991 a Borders Regional Council Social Work Committee paper reports of Social Services Inspectorate for Scotland's legal powers to "inspect any place where children are privately fostered" and the Borders Regional Council Social Work Committee Minute of 01/06/1993 –references the consultation document from the Secretary of State entitled 'Inspecting Social Work Services in Scotland'.

The Scottish Borders Council Social Work Committees 1995-2000 minute annual reports from the Registration, Inspection, Comments and Complaints Unit (set up in line with the Social Work (Scotland) Act 1968 and the Registered Establishments (Scotland) Act 1987, and the National Health Service and Community Care Act 1990). The unit inspected residential services, including children's residential services, but had no responsibility to inspect fostering services. This was redressed by the White Paper 'Aiming for Excellence' and the proposed transfer of the responsibilities of Registration and Inspection to the Scottish Commission for the Regulation of Care. This would encompass inspection of fostering services – the first statutory requirements governing the registration and inspection of fostering services. The Scottish Commission for the Regulation of Care, (the Care Commission), carried out registration and inspection of Scottish Borders Fostering Service between 2002 and 2011, before the role was taken over by the Social Care and Social Work Improvement Scotland (the Care Inspectorate).

Scottish Borders Council's Fostering Service is subject to scrutiny and an annual inspection by the Care Inspectorate. As well as inspections, the service complies with all expectations and requirements of the Care Inspection in operating the service on an on-going basis.

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

See above 2.3(a).

c) How often did this occur?

Inspection of the Fostering Service takes place annually.

d) What did these visits involve in practice?

See 2.3(a) for the 1961 reference.

Currently inspection visits involve a comprehensive inspection of the service, including case file auditing; meetings with foster carers; Family Placement Team staff; children and young people and fieldwork social work staff; scrutiny of developmental and strategic planning; leadership; etc. in relation to the National Care Standards, relevant legislation and best practice.

Part B – Current Statement

3. Retrospective Acknowledgement/Admission

3.1 Acknowledgement of Abuse

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

There is knowledge of children cared for in foster care who were abused. These incidents as set out at Part D.

- b) If so, what is the local authority's assessment of the extent and scale of such abuse?**

The records available only allow identification of the incidents set out at Part D which would indicate limited extent and scale.

- c) What is the basis of that assessment?**

Review of minutes of the foster care review which are possessed for the relevant period. It is reasonably concluded that any issues in relation to abuse would have been discussed and noted in said minutes.

3.2 Acknowledgement of Systemic Failures

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

The local authority do not consider that this would be a suitable inference to draw based on the information available.

- b) What is the local authority's assessment of the extent of any such systemic failures?**

Please see above.

c) What is the basis of that assessment?

Analysis of the available documents that would be expected to contain relevant details.

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

Please see above.

3.3 Acknowledgement of Failures/Deficiencies in Response

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

The local authority do not consider that this would be a suitable inference to draw based on the information available.

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

Please see above.

c) What is the basis of that assessment?

Analysis of the available documents that would be expected to contain relevant details.

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

Please see above.

3.4 Changes

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

There have not been any particular implementations in light of the confirmations given above.

Part C - Prevention and Identification

4. Policy and Practice

4.1 National

a) Was there national policy/guidance relevant to the provision of foster care for children?

The majority of references to the national agenda in relation to changes to foster care legislative. There are clear changes to policy and practice evidenced from 1930 onwards which are in direct response to new legislation and regulation. The use of national policy and guidance is not so clear. Early influences on practice which are not legislative trend to be in the form of political directives: Selkirkshire Children's Committee 15/01/1957 –“Submitted circular from the Scottish Home department. No.8958 dated 21st December, asking the Committee to display in various public offices the Home Department poster appealing for foster parents.”

References to national policy become much more explicit from the late 1980s in various Social Work Committee and other decision making body minutes - Scottish Borders Council Social Work Committee 02/04/1996 – following the establishment of Scottish Borders Council, the Social Work Committee's Service Aims document included the following statements: “where care is required, to provide a quality service based on published standards, which accords with people's needs and which respects their rights.” Use of national policy and guidance covered such things as child protection, children's rights and participation, management of challenging behaviour, etc. (see below). In recent times the use of national policy and guidance is much better referenced in terms of its impact on foster care practice, for example the National Care Standards, Getting It Right For Every Child etc.

b) If so, to what extent was the local authority aware of such?

See above 4.1(a).

Although not explicit, as well as the documented use of national policy and guidance, the development of foster care and the care of looked after children in the Scottish Borders follows good practice across the country. For example in 1992 the Borders Regional Council Social Work Committee agreed to employ a part-time development officer post from 'Who Cares? Scotland'. The post was primarily aimed at supporting the rights of children and young people in care and leaving care, and would include independent support in raising complaints, having their views heard and participating in residential staff and foster carer training.

c) If there was national policy/guidance in respect of any of the following in relation to provision of foster care for children, to what extent was the local authority aware of such?

i. Child welfare (physical and emotional)

Currently Getting It Right For Every Child is the primary policy driver for children's welfare.

ii. The child's views

The incorporation of the child's views in fostering has been led by both national and international legislation (UN Convention on the Rights of the Child (1989) and national policy and guidance. The National Care Standards - Foster care and family placement services (2011); the Health and Social Care Standards (2017); These Are our Bairns (2008); and Getting It Right For Every Child (2008) have all influenced ensuring children and young people have a voice in foster care.

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

iv. Child protection

The development of child protection in the Scottish Borders followed legislation and national policy and best practice guidance. The Borders Regional Council Social Work Committee Report 10/08/1990 recommended the creation of the multi-agency Area Review Committee on Child Protection following Scottish Office guidance paper Effective Intervention in Child Abuse – Guidance and Co-operation in Scotland (1989).

Inclusion of the specific 'Allegations Against Foster Carers' section of the Scottish Borders Child Protection Procedures was influenced by Managing Abuse Allegations Against Foster Carers (The Fostering Network 2003) and later by the Scottish Government guidance 'Managing allegations against foster carers and approved kinship carers - How agencies should respond' (2013).

v. Discipline

Support around discipline and challenging behaviour are currently included in the Foster Carers handbook and through individual support of carers through monthly supervision. An example of the use of national guidance in relation to this is included in the Borders Regional Council Social Work Committee Report 29/01/1991 - Handbook for carers on Handling Difficult Behaviour – essentially guidance for carers on dealing with challenging behaviour. The guidance references the 1989 national campaign, "End Physical Punishment of Children" launched at the 1990 R.S.S.P.C.C. conference and the national consultation from the National Foster Care Association and their subsequent guidelines regarding management of difficult behaviour.

vi. Complaints handling

vii. Whistleblowing

viii. Record retention

ix. Recruitment and training of foster carers

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

Legislation and regulation have been the primary drives for items above which have not been answered directly.

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

All legislative requirements have been, and continue to be implemented. National policy and guidance are considered, and acted upon in accordance with the needs of Scottish Borders Council's children's services and the Foster Care Service.

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

Policy and guidance is implemented or amended in accordance with legislation, policy guidance and best practice as appropriate.

f) If not, why not?

See above 4.1(e).

4.2 Local Authority

(i) Policy

a) Was there local authority policy/guidance in relation to the provision of foster care?

There is limited information on formal policy or practice guidance in relation to foster care prior to the establishment of the Family Placement Team in 1992. The development of policy and practice guidance is iterative and, other than current policies and procedures, there are few original policy, procedure and practice guidance documents available.

Early examples of policy and practice guidance were largely led by changes in legislation and focused on a limited range of areas. As referenced earlier in the report, the Selkirkshire Public Health and Public Assistance Committee 1935 – details the “Rules to be observed by guardians of boarded-out children in terms of Section 25 Poor Relief Regulations (Scotland) 1934” – areas covered include: training and discipline (including guidance about discipline); school attendance; food (including provision for ‘extra nourishment’ ordered by the Medical Officer); clothing (with provision for assistance from the Public Assistance Officer); sleeping accommodation (children of different sexes above 8 years should have different bedrooms and, the number of children sharing a room shall be approved by the Public Assistance Committee); health; visitation (any member of the Public Assistance Committee had the right to visit); reports; employment (the guardian should endeavour to find suitable employment for a child who leaves school). Similarly reference is made to recommended number of children looked after by an individual foster carer in the Selkirkshire Public Assistance Sub-Committee 1938 and, the Intimation of Reception of Infant for Hire or Reward 20/06/1944 – essentially an agreement made by a carer when taking a child included a rudimentary health and safety question - whether there are “fireguards to prevent burning or scalding.”

By the 1970s there is a greater understanding of the need for specialist support of foster carers and for the children they look after. Selkirkshire Social Work Committee Minutes 01/1974 recognised that “until January 1973, no effective structured fostering system existed within this authority’s area... The ultimate extent of the development of the fostering service will depend on (1) the assessment of individual children’s needs and (2) the ability of the Priory Children’s Home to provide more appropriate measures of care than has been the case hitherto. For proper assessment, it is essential to have an effective input of specialist skills; and sufficient time must be allowed for staff to make really valid assessments.”

Currently there is a comprehensive range of policy, procedures and guidance relating to foster care and looked after children (see 4.2(i)(d)).

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

There is no explicit aim or intention detailed in the historic record other than ensuring practice complied with legislation, however there is a clear desire to improve practice in relation to the care of children and the support of foster carers.

Currently the aim and intention of policy and procedure is to ensure that the service both meets the support needs of foster carers and those they care for and, to reflect best practice and be compliant with legislation and national policy.

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

From 1992 and prior to the introduction of electronic computer data bases, a ‘Fostering Manual’ contained policies, procedures and practice guidance documents.

Currently all Children and Families Social Work policies, procedures and guidance (including fostering specific documents) are recorded and accessible on the Scottish Borders Council Intranet and in an internal drive within the Family Placement Team.

d) What did the policies and/or procedures set out in terms of the following:

There is limited information on formal policy or practice guidance in relation to foster care prior to the establishment of the Family Placement Team in 1992. Unless otherwise stated, the list below reflects current practice. All areas are comprehensively covered in the Scottish Borders Council Children and Families Social Work suite of policies, procedures and practice guidance unless otherwise indicated.

i. Child welfare (physical and emotional)

Policy, procedure and guidance in Child welfare is found across the Children and Families suite of policy, procedural and guidance documents. These are both general and focus on particular areas – child protection, permanence planning, Safer Caring, etc.

ii. The child’s views

There is no specific policy on The Child's Views, but there is an expectation that a child's views are sought at all stages of assessment, planning, in formal meetings and in on-going intervention.

iii. **Placement of siblings**

Current policy and guidance in place.

iv. **The placement of a child in foster care**

Current procedure in place.

v. **The particular placement of a child with foster carers**

Current procedure in place.

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

Current policy, procedure and guidance in place.

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

Current policy and guidance in place.

viii. **Information sharing with the child's family**

Current procedure in place.

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

Current policy and procedure in place.

x. **Recruitment and training of foster carers**

Current policy and guidance in place (also detailed in the Scottish Borders Council's Foster Carers Handbook).

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

Current policy and procedure in place.

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

Current policy and procedure in place.

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

Current policy and procedure in place.

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

There is currently no policy or procedure in relation to the transfer of a child from one placement or another.

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

There is currently no policy or procedure in relation to the transfer of a child between foster care and residential care.

xvi. Child protection

The Borders Regional Council Supporting Papers – Child Abuse – Registrar 31/12/1976 – reference to the Social Work Department’s responsibility to compile a list of “children considered to be ‘at risk’ of non-accidental injury.” Reference states the register had been established 18 months prior to the meeting and that there were 15 children on the register. There are brief case studies included in the papers, but none refer to children looked after in foster care.

Current policy and procedure in place. A specific ‘Allegations against Foster Carers’ section was added to the Child Protection Procedures in 2008.

xvii. Complaints handling

Current policy and procedure in place.

xviii. Whistleblowing

Current policy and procedure in place.

xix. Record retention

Current policy and procedure in place.

e) Who compiled the policies and/or procedures?

Practice since 1992 has been for senior operational staff and managers to compile policies and procedures. The development of policy and procedure is overseen by either a relevant senior strategic manager or a specific working group. Policies and procedures were previously agreed and signed off by the Social Work Committee and

are currently signed off by the Children and Families Social Work Leaders Group. Corporate policies and procedures are agreed by Scottish Borders Council's Corporate Management Team.

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

See 4.2(i)(a)

g) Were such policies and/or practices reviewed?

Currently policies and procedures are reviewed every 3 years.

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

This is in line with Scottish Borders Council's standard practice in relation to procedural review.

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

Changes to policy, procedure and guidance are based on the implementation of legislation and regulation, national and local policy and the emergence of good practice. At times policy and procedure has been changed due to significant case incidents (see 2.1(h)).

j) Why were changes made?

See above 4.2(i)(i)

k) Were changes documented?

Currently changes are noted in a 'Version Control' document which tracks changes to policies and procedures over time.

l) Was there an audit trail?

See above 4.2(i)(k).

(ii) Practice

See 4.2(i)(a)

There is little evidence or information on formal policy or practice guidance in relation to foster care prior to the establishment of the Family Placement Team in 1992. This makes answering the following questions from a historic perspective impossible. Therefore unless otherwise stated, the list below reflects current practice.

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

Yes, with generally minor exceptions due to particular circumstances or staff oversight. From our review of cases, these did not knowingly result in a failure to protect children.

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

Unless otherwise stated, the local authority did adhere in practice to its policies and procedures listed below (with minor exceptions due to particular circumstances or staff oversight).

i. Child welfare (physical and emotional)

See 2.1(h) and 5.8.

ii. The child's views

iii. Placement of siblings

iv. The placement of a child in foster care

v. The particular placement of a child with foster carers

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

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

viii. Information sharing with the child's family

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

x. Recruitment and training of foster carers

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

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

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

See 2.1(h) and 5.8.

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

- xv. **Transfer of a child between foster care and residential care (including preparation and support)**
- xvi. **Child protection**
- xvii. **Complaints handling**
- xviii. **Whistleblowing**
- xix. **Record retention**

c) How was adherence demonstrated?

Adherence can be demonstrated by recording in individual case files (of both children and young people and, foster carers); Fostering Panel review minutes; Care Inspection reports; and, complaints investigations and documentation.

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

Other than individual case files and complaints investigations, the above documentation can be produced for the Inquiry and, are listed in Appendix 3 Inventory of Supporting Documents. Individual case files (of both children and young people and, foster carers) can be produced by request.

e) Were relevant records kept demonstrating adherence?

See above 4.2(ii)(d).

f) Have such records been retained?

See above 4.2(ii)(a) & 4.2(ii)(d).

Scottish Borders Council have complied with file retention regulations over time.

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

See above 4.2(ii)(a) & 4.2(ii)(e).

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

See above 4.2(ii)(a) & 4.2(ii)(e).

4.3 Children

(i) Policy

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

There is limited information on formal policy or practice guidance in relation to the care of children in foster care prior to the establishment of the Family Placement Team in 1992 and Scottish Borders Council in 1996. Reference is made to policy and procedure, but there are few examples of specific documents, other than current policies and procedures. The development of policy and practice guidance is iterative and there are few original policy, procedure and practice guidance documents available.

Examples of policy and practice guidance include a clear register of children who were boarded-out or in foster care from the 1930s. The Berwickshire County Council Children's Committee 15/04/1955, County Welfare Officer reports progress of children who are boarded-out, and this is repeated in successive committee minutes. Foster carers were generally listed as part of the individual child's record.

Policy shifts to a more preventative, child-centred approach following the implementation of the Social Work (Scotland) Act 1968. The Berwickshire County Council Social Work Committee Report 07/05/1969 – lists "placing [of children] in care with foster parents". It also lists those "In need of Compulsory Measures of Care – Children's Panels, Children's hearings, Children's Reporter, etc." The minutes of the meeting where the report was presented lists the Care of Children as a key focus of the new Social Work Department and lists "the placing in care of foster parents; in need of Compulsory Measures of Care; in care of the Children's Hearings; in need of care and protection generally; and, adoption as key functions within this." This policy approach continues: the 4. Borders Regional Council Social Work Committee report - Strategies for Supporting Staff 1982 states that "Emphasis to be continued in preventative work to avoid where possible, children coming into care. Permanent substitute families to be sought where rehabilitation is not possible."

The preventative approach of supporting children within their own families and communities where possible continues once the Scottish Borders Council was established in 1996, but the children's rights agenda begins to emerge in policy and strategy – the Scottish Borders Council Social Work Committee 02/04/1996 – following the establishment of Scottish Borders Council, the Social Work Committee's Service Aims document included the following statements: "where care is required, to provide a quality service based on published standards, which accords with people's needs and which respects their rights"; "wherever possible services will be made on a local basis"; and, "where care is required, to provide it in ways which enable children and young people to live as full and normal a life as possible".

Since 1996 Scottish Borders Council have had a comprehensive range of policy, procedures and guidance relating to meet the holistic support needs of children and young people in foster care (also see 4.2(i)(d)).

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

There is no explicit aim or intention detailed in the historic record other than ensuring practice complied with legislation, however there is a clear desire to improve practice in relation to the care of children in care.

Currently the aim and intention of policy and procedure is to ensure that the service both meets the holistic needs of looked after children and young people, to reflect best practice and be compliant with legislation and national policy.

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

From 1992 and prior to the introduction of electronic computer data bases, the 'Foster Care manual' and the 'Children's Manual' contained policies, procedures and practice guidance documents.

Currently all Children and Families Social Work policies, procedures and guidance are recorded and accessible on the Scottish Borders Council Intranet and in an internal drive within the Family Placement Team.

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

There is limited information on formal policy or practice guidance in relation to foster care prior to 1992. Unless otherwise stated, the list below reflects current practice. All areas are comprehensively covered in the Scottish Borders Council Children and Families Social Work suite of policies, procedures and practice guidance unless otherwise indicated.

i. Safeguarding

Safeguarding is essentially covered by the comprehensive suite of Scottish Borders Council Children and Families Social Work suite of policies, procedures and practice guidance.

ii. Child Protection

Child Protection is covered under the Scottish Borders Child Protection Procedures (which have been in place since 2000).

iii. Medical care

Current procedure in place (also information in the Foster Carers Handbook)

iv. Children's physical wellbeing

There is no specific policy, procedure or guidance about children's physical wellbeing, but it is contained within other Children and Families and multi-agency policies and practice including the policies and practice relating to assessment and planning (incorporating the Getting It Right for Every Child Wellbeing Indicators), information in the Foster Carers Handbook), etc.

v. Children's emotional and mental wellbeing

As above

vi. Schooling/education

There is no specific policy, procedure or guidance in relation to schooling / education for children in foster care.

vii. Discipline

There is no specific policy or guidance in terms of discipline (other than that corporal punishment of children in foster care is forbidden). The role of the supervising social worker is key in supporting children in foster placement with challenging behaviour. The Foster Carer Handbook states under the 'Role the Family Placement Team Social Worker' that "during supervision sessions the Social Worker will encourage you to reflect on any issues being presented in order to discuss alternative understandings and/or responses to the challenges you are presented with in your role as a Foster Carer and to identify any additional supports or resources that could promote the wellbeing of the children in your care and other household members."

viii. Activities and holidays for children

There is no specific policy, procedure or guidance about activities and holidays for children in foster care.

ix. Sharing a bedroom

Current procedure in place in line with the Guidance on Looked After Children (Scotland) Regulations 2009.

x. Contact with family members

Current policy and guidance in place.

xi. Contact with siblings

Current policy and guidance in place.

xii. Celebration of birthdays and other special occasions

There is no specific policy, procedure or guidance around the celebration of birthdays and other special occasions for children looked after in foster care.

xiii. Information sharing by the foster carer with family members

There is specific reference to confidentiality in both the Foster Carers' Agreement and the Foster Carers Handbook, but there is no direct reference to family members.

e) Who compiled the policies and/or procedures?

Practice since 1992 has been for senior operational staff and managers to compile policies and procedures. The development of policy and procedure is overseen by either a relevant senior strategic manager or a specific working group. Policies and procedures were previously agreed and signed off by the Social Work Committee and are currently signed off by the Children and Families Social Work Leaders Group. Corporate policies and procedures are agreed by Scottish Borders Council's Corporate Management Team.

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

See 4.3(i)(a)

g) Were such policies and/or practices reviewed?

Currently policies and procedures are reviewed every 3 years.

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

This is in line with Scottish Borders Council's standard practice in relation to procedural review.

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

Changes to policy, procedure and guidance are based on the implementation of legislation and regulation, national and local policy and the emergence of good practice. At times policy and procedure has been changed due to significant case incidents (see 2.1(h)).

j) Why were changes made?

See above 4.3(i)(i)

k) Were changes documented?

Currently changes are noted in a 'Version Control' document which tracks changes to policies and procedures over time.

l) Was there an audit trail?

See above 4.2(i)(k).

(ii) Practice

See above 4.3(i)(a).

There is little evidence or information on formal policy or procedures in relation to the care of children in foster care prior to the establishment of the Family Placement Team

in 1992. This makes answering the following questions from a historic perspective impossible. Therefore unless otherwise stated, the list below reflects current practice.

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

Yes, with generally minor exceptions due to particular circumstances or staff oversight. From our review of cases, these did not knowingly result in a failure to protect children.

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

Unless otherwise stated, the local authority did adhere in practice to its policies and procedures listed below (with minor exceptions due to particular circumstances or staff oversight).

i. Safeguarding

See 2.1(h) and Part D – Abuse and Response.

ii. Child Protection

See 2.1(h) and Part D – Abuse and Response.

iii. Medical care

iv. Children’s physical wellbeing

v. Children’s emotional and mental wellbeing

vi. Schooling/education

vii. Discipline

viii. Activities and holidays for children

ix. Sharing a bedroom

x. Contact with family members

xi. Contact with siblings

xii. Celebration of birthdays and other special occasions

xiii. Information sharing by the foster carer with family members

c) How was adherence demonstrated?

Adherence can be demonstrated by recording in individual case files (of both children and young people and, foster carers); formal assessment reports (currently a Universal Information and Assessment (UIA)); LAC S.31 Review minutes; Fostering Panel review minutes; Care Inspection reports; and, complaints investigations and documentation.

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

The majority of this information is contained in individual case files. Individual case files (of both children and young people and, foster carers) can be produced by request. Other documentation is listed in Appendix 3 Inventory of Supporting Documents.

e) Were relevant records kept demonstrating adherence?

See above 4.3(ii)(d).

f) Have such records been retained?

See above 4.3(ii)(a) & 4.3(ii)(d).

Scottish Borders Council have complied with file retention regulations over time.

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

See above 4.3(ii)(a) & 4.3(ii)(e).

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

See above 4.3(ii)(a) & 4.3(ii)(e).

4.4 Foster carers

(i) Policy

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

As with 4.2 and 4.3, there is limited information on formal policy or practice guidance in relation to foster carers prior to the establishment of the Family Placement Team in 1992. Reference is made to policy and procedure, but there are few examples of specific documents, other than current policies and procedures. The development of policy and practice guidance is iterative and there are few original policy, procedure and practice guidance documents available.

Evidence from 1930 both evidences and indicates a range of policy and procedural approaches to foster carers, though is largely focused on children.

Early direct evidence includes the Selkirkshire Public Health and Public Assistance Committee 1935 which details the “Rules to be observed by guardians of boarded-out children in terms of Section 25 Poor Relief Regulations (Scotland) 1934” (referenced in 4.2(i)(a)); evidence from 1938 of a restriction of numbers of children in placement (see 4.2(i)(a)); and, a formal boarding-out agreement with a carer from 1944 (Intimation of Reception of Infant for Hire or Reward 20/06/1944).

A more formal approach to the boarding-out and fostering of children is evident in the minutes of the Selkirkshire Social Welfare Sub-Committee 1947 – “The Committee expressed the opinion that it was becoming more and more difficult to obtain good guardians and that the new Regulations [Children (Boarding-Out, etc.) (Scotland) Rules and Regulations 1947] would not assist in improving the position... In terms of paragraph 17 of the Rules and Orders the local authority is required to appoint an officer with experience and knowledge of social service for the purpose of assisting them in the performance of their functions under the Rules and Orders, including the selection of foster parents and the visitation of children boarded-out by the authority... The Committee further suggested that the time was now approaching when the care of children should be vested in a special Children’s Committee as envisaged in the ‘Clyde Report’ and as recommended by the Prime Minister in answer to a question in the House on 24th March 1947.”

The formal training of foster carers and greater inclusion as ‘professionals’ in terms of the care of children begins to emerge in the late 1970s. Borders Regional Council Social Work Committee appendices of 29/08/1978 state “In any kind of fostering arrangement, however, a great deal of support is required from social workers, and it is hoped to introduce discussions of a modicum of training for foster carers.” By 1980-81, reference is formally made to systematic foster carer training in the Borders Regional Council Social Work Committee Supporting Paper, Staff Training – 1980-81.

Also, in the late 1970s, it was increasingly recognised that foster and family based care provided a generally better alternative than residential care for children and young people. Previous policy had focused on residential care as the preferred option for older children and young people but a Borders Regional Council Social Work Committee Report in 07/10/1982 – Potential Changes in Relation to Child Care details the development of fostering (with the help of the British Association of Fostering and Adoption (BAAF)) in providing substitute families for most children, including sibling groups under 12. It goes on to discuss the difficulties faced in placing children over 12 and adolescents in foster placements and with families.

As stated previously in the report, the development of fostering and adoption services often went hand in hand. A Borders Regional Council Social Work Committee Report on 03/09/1987 – Work on Adoption Procedures, reported on the progress of the adoption procedures but said that “the Fostering procedures are still being worked on.” Establishment of the Fostering Panel in 1990 and the discreet Fostering Service in 1992 had a clear impact on development of policy and procedures in relation to foster carers. The Social Work Committee report – Service Plan 1997/98 and Annual Action Plan 1997/98 in relation to Substitute Family Care plans to “Continue the development of a skills-based fostering scheme which recognises and rewards the skills of carers; and, continue the recruitment and training of carers to meet the needs of those young people requiring to be looked after.”

Currently there are a comprehensive range of policies, procedures and guidance to meet the holistic support needs of foster carers.

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

There is no explicit aim or intention detailed in the historic record other than ensuring practice complied with legislation and, increasingly national policy and best practice.

Currently the strategic aim and intention is to ensure we were both meeting the support needs of foster carers; compliant with legislation, national policy and best practice; and, meeting the requirements of the Care Inspectorate.

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

From 1992 and prior to the introduction of electronic computer data bases, the 'Foster Care Manual' and the 'Children's Manual' contained policies, procedures and practice guidance documents.

Currently all Children and Families Social Work policies, procedures and guidance are recorded and accessible on the Scottish Borders Council Intranet and in an internal drive within the Family Placement Team.

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

There is limited information on formal policy or practice guidance in relation to foster carers prior to 1992. Unless otherwise stated, the list below reflects current practice. All areas are comprehensively covered in the Scottish Borders Council Family Placement Team and Children and Families Social Work suite of policies, procedures and practice guidance unless otherwise indicated.

i. Recruitment

There is no specific policy or procedure on recruitment, however it has been a focus of attention for many years. The Selkirkshire Children's Committee 09/12/1954 minuted "The Children's Officer reported that he had recently advertised for foster parents in the Selkirk District with a view to having some of the children who have been a long time in 'The Priory' [children's home] boarded-out. Few replies have been received and of those the prospective guardians would like children in the age groups that are not available at the moment." The Borders Regional Council Social Work Committee Paper – Children in Care 31/07/1977 reported that "Considerable work continues to be undertaken in the recruitment of suitable foster parents and with experience, our new foster parents will no doubt develop the skills which will enable them to care for some of our older, more difficult children. At the moment our major effort has concentrated on finding suitable foster homes for children under five years of age but future developments in fostering should include a development of the fostering service to cater for the needs of older children."

Currently recruitment of foster care is a key element of the Fostering Service. Recruitment sits with in the team's Development Plan and is managed with support from the Communications and Marketing Team. Recruitment is also overseen by the Corporate Management Team.

ii. Standard and size of accommodation

Requirements are currently detailed in the Placement Numbers and Bedroom Sharing Policy

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

Requirements are currently detailed in the Placement Numbers and Bedroom Sharing Policy and is compliant with the Looked After Children (Scotland) Regulations 2009 and the National Foster Care Review 2013.

iv. Pre-approval/registration checks

Current procedure in place – Standard Assessment Procedure.

v. References

Current procedure in place – Standard Assessment Procedure.

vi. Foster care agreements

Foster Carer Agreement is in place

vii. Induction

A Foster Carer Induction Pack is in place and contains a Caring about health folder, safer caring book, SBC Foster Carers Handbook, Training Calendar and foster carer contract.

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

Scottish Borders Council uses nationally agreed guidance in this respect.

ix. Review/supervision

Current procedures in place – Fostering Panel Procedures and Foster Carer Supervision Guidance. Supervision and review are also detailed in the Foster Carers Handbook (2016).

x. Training

Foster Carer Learning and Training Framework is currently in place. See references to foster carer training in 4.4(i)(a).

xi. Personal development

As above.

xii. Disciplinary actions

Current procedures in place – detailed in the Investigations of Allegations of Abuse of Children in Foster Care (Child Protection Procedures), Multiple Allegations Against Foster Carers Guidance and the Fostering panel Procedures.

xiii. Removal of approval/registration

Current procedure in place – detailed in the Fostering Panel Procedures.

e) Who compiled the policies and/or procedures?

Practice since 1992 has been for senior operational staff and managers to compile policies and procedures. The development of policy and procedure is overseen by either a relevant senior strategic manager or a specific working group. Policies and procedures were previously agreed and signed off by the Social Work Committee and are currently signed off by the Children and Families Social Work Leaders Group. Corporate policies and procedures are agreed by Scottish Borders Council's Corporate Management Team.

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

See 4.4(i)(a)

g) Were such policies and/or practices reviewed?

Currently policies and procedures are reviewed every 3 years.

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

This is in line with Scottish Borders Council's standard practice in relation to procedural review.

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

Changes to policy, procedure and guidance are based on the implementation of legislation and regulation, national and local policy and the emergence of good practice. At times policy and procedure has been changed due to significant case incidents (see 2.1(h)).

j) Why were changes made?

See above 4.4(i)(i)

k) Were changes documented?

Currently changes are noted in a 'Version Control' document which tracks changes to policies and procedures over time.

l) Was there an audit trail?

See above 4.4(i)(k).

(i) Practice

There is little evidence or information on formal policy or procedures in relation to foster carers prior to the establishment of the Family Placement Team in 1992. This makes answering the following questions from a historic perspective very difficult. Therefore unless otherwise stated, the list below reflects current practice.

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

Yes, with generally minor exceptions due to particular circumstances or staff oversight. From our review of cases, these did not knowingly result in a failure to protect children or significantly disadvantage foster carers.

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

Unless otherwise stated, the local authority did adhere in practice to its policies and procedures listed below (with minor exceptions due to particular circumstances or staff oversight).

i. Recruitment

Practice in relation to recruitment has been consistent and evidenced over time, for example a report to Borders Regional Council Social Work Committee in 19/09/1978 – Advertising for Substitute Families, reported advocating the wide use of media for recruiting foster parents and prospective adopters. Currently foster carers themselves are involved in both planning and delivering aspects of carer recruitment.

ii. Standard and size of accommodation

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

iv. Pre-approval/registration checks

v. References

vi. Foster care agreements

vii. Induction

- viii. **Transfer of foster carers to or from other organisations or local authorities**
- ix. **Review/supervision**
- x. **Training**
- xi. **Personal development**
- xii. **Disciplinary actions**
- xiii. **Removal of approval/registration**

c) How was adherence demonstrated?

Adherence can be demonstrated by recording in individual case files (primarily of foster carers, but also children and young people); foster carer assessment reports; Fostering Panel review minutes; Care Inspection reports; complaints investigations and documentation; and Family Placement Team planning documentation.

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

Much of this information is contained in individual case files. Individual case files (of both foster carers and children and young people) can be produced by request. Other documentation is listed in Appendix 3 Inventory of Supporting Documents.

e) Were relevant records kept demonstrating adherence?

See above 4.4(ii)(d).

f) Have such records been retained?

See above 4.4(ii)(a) & 4.4(ii)(d).

Scottish Borders Council have complied with file retention regulations over time.

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

See above 4.4(ii)(a) & 4.4(ii)(e).

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

See above 4.4(ii)(a) & 4.4(ii)(e).

4.5 Other members of the foster carer's household

(i) Policy

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

As with previous answers in this section, there is limited information on formal policy and procedures relating to relating to other members of the foster carer's household other than current processes. There is virtually no reference to other family members of foster carer's households until very recently. The development of policy and practice guidance is iterative and there are few original policy, procedure and practice guidance documents available.

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

The current policy and procedural intention in relation to other members of the foster carer's household is to ensure that temporary care arrangements for foster children and their contact with members of the foster carer's network of friends and family are safe and appropriate. The scope of the current policy includes baby-sitting arrangements for a child in foster care; temporary care provided by a member of the foster carer's family and friend's network; unsupervised contact between the foster child and members of the foster carer's family and friends; assessment requirements, etc.

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

The current policy is the Friends and Family of Foster Carers who provide temporary care to foster children (03/07/2018) and is available on Scottish Borders Council's intranet as part of the Fostering Service suite of policies and procedures.

d) Who compiled the policies and/or procedures?

Practice since 1992 has been for senior operational staff and managers to compile policies and procedures. The development of policy and procedure is overseen by either a relevant senior strategic manager or a specific working group. Policies and procedures were previously agreed and signed off by the Social Work Committee and are currently signed off by the Children and Families Social Work Leaders Group. Corporate policies and procedures are agreed by Scottish Borders Council's Corporate Management Team.

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

The current policy replaces the Assessment of Friends and Family of Foster Carers to provide temporary care to foster children policy. The date of the original policy is 22/09/2010.

f) Were such policies and/or practices reviewed?

Currently policies and procedures are reviewed every 3 years.

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

This is in line with Scottish Borders Council's standard practice in relation to procedural review.

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

In terms of friends and family members of carers, disclosure checks were introduced in 2002 for all carers and adults living in the household; this changed to PVG checks in 2011 in line with legislative requirements. These are updated every 2 years.

Changes to policy, procedure and guidance are based on the implementation of legislation and regulation, national and local policy and the emergence of good practice.

i) Why were changes made?

See above 4.5(h).

j) Were changes documented?

Currently changes are noted in a 'Version Control' document which tracks changes to policies and procedures over time.

k) Was there an audit trail?

See above 4.5(j).

(ii) Practice

There is little evidence or information on formal policy or procedures in relation to policy and practice for other members of the foster carers household prior to the establishment of the Family Placement Team in 1992. This makes answering the following questions from a historic perspective very difficult. Therefore unless otherwise stated, the list below reflects current practice.

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

Yes, with generally minor exceptions due to particular circumstances or staff oversight. From our review of cases, these did not knowingly result in a failure to protect children or significantly disadvantage foster carers or their family members.

b) How was adherence demonstrated?

Adherence can be demonstrated by recording in individual case files (primarily of foster carers, but also children and young people); foster carer assessment reports; Friends and Family assessment reports; Fostering Panel review minutes; Care Inspection reports; and, complaints investigations and documentation.

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

Much of this information is contained in individual case files. Individual case files (of both foster carers and children and young people) can be produced by request. Other documentation is listed in Appendix 3 Inventory of Supporting Documents.

d) Were relevant records kept demonstrating adherence?

See above 4.5(ii)(c).

e) Have such records been retained?

See above 4.5(ii)(c).

Scottish Borders Council have complied with file retention regulations over time.

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

See 4.5(ii)(a).

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

(i) Policy

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

As with previous answers in this section, there is limited information on formal policy and procedures relating to the placement of children with foster carers approved / registered by other local authorities or organisations prior to the establishment of the Family Placement Team in 1992. Reference is made to policy and procedure, but there are few examples of specific documents, other than current policies and procedures.

There are practice examples relating to the use of foster carers approved/registered by other local authorities or organisations, and placements in other local authority areas (see 4.6(ii) Practice), but little in the way of policy. Reference is made in minutes from the Selkirkshire Public Assistance Sub-Committee 1943 to the oversight of children placed out with the Borders, "with regard to boarded-out children in the area of another local authority some reliable person in the district might visit and report every six months on the state of the children and the conditions of the home, and that save in exceptional circumstances it should not be necessary for the Local Authority's own Inspector and members to make an annual visit of inspection, particularly to remote areas." In documentation about children in foster placements in the Borders Regional Council Social Work Committee, reference is made to procedure - "following the necessary procedures, the relative was accepted as a 'foster parent' and they are now maintaining this child and an assessment has been made relative to the father's contribution", however there is no evidence of what these 'procedures' were (Borders

Regional Council Supporting Papers – Children in Care 30/04/1973). In the Borders Regional Council Supporting Papers – Children in Care 1973-1994, there are numerous references to children placed and discharged from foster placements out with the Scottish Borders but no evidence of how this was procedurally managed.

Currently there is no specific policy or procedure as such about placement of children with local authority with foster carers approved/registered by other local authorities or organisations, though the policy of keeping children within their own homes and community was recognised for some time (see 1.5(c)).

All placements of children out with the Scottish Borders are heavily scrutinised agreed at a senior management level. Applications are made using the Placing Request for External Fostering or Residential Placements (2019). Any foster placement made out with the Scottish Borders is with registered foster care agencies, purchased on a spot purchase basis and contractually monitored through an Individual Placement Agreement.

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

There is no explicit aim or intention detailed in the historic record other than ensuring practice complied with legislation and, national policy and best practice.

The current policy and procedural aim and intention is to ensure we are meeting the needs of children; compliant with legislation, national policy and best practice; and, meeting the requirements of the Care Inspectorate. The intention is also to meet the policy aim detailed in the Placing Request for External Fostering or Residential Placements (2019) procedure – “We will strive, where possible, to care for Scottish Borders children and young people within their own families and communities.”

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

From 1992 and prior to the introduction of electronic computer data bases, the ‘Foster Care Manual’ and the ‘Children’s Manual’ contained policies, procedures and practice guidance documents.

Currently all Children and Families Social Work policies, procedures and guidance are recorded and accessible on the Scottish Borders Council Intranet.

d) Who compiled the policies and/or procedures?

As 4.4(i)(e).

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

See 4.6(a).

f) Were such policies and/or practices reviewed?

As 4.4(i)(g).

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

As 4.4(i)(h).

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

Changes to policy, procedure and guidance are based on the implementation of legislation and regulation, national and local policy and the emergence of good practice.

i) Why were changes made?

As above (4.6(i)).

j) Were changes documented?

Currently changes are noted in a 'Version Control' document which tracks changes to policies and procedures over time.

k) Was there an audit trail?

See above (4.6(k)).

(ii) Practice

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

There is little evidence or information on Scottish Borders Council's historical adherence in practice to its policy/procedures in relation to placement of children with foster carers approved/registered by other local authorities or organisations. The following answers therefore primarily relate to current practice.

b) How was adherence demonstrated?

Adherence can be demonstrated by recording in individual children's case files and of Individual Placement Agreements.

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

Individual case files and Individual Placement Agreements can be produced by request. Historical documentation and references to placements of children out with the Scottish Borders is listed in Appendix 3 Inventory of Supporting Documents.

d) Were relevant records kept demonstrating adherence?

See above 4.6(i)(a).

e) Have such records been retained?

Scottish Borders Council have complied with file retention regulations over time.

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

See above 4.6(ii)(a) & 4.6(ii)(b).

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

See above 4.6(ii)(a) & 4.6(ii)(b).

4.7 Complaints and Reporting

(i) Policy

As with previous answers in this section, there is limited information on formal policy and procedures relating to complaints and reporting prior to the establishment of the Family Placement Team in 1992 and Scottish Borders Council in 1996. Reference is made to policy and procedure, but there are few examples of specific documents, other than current policies and procedures.

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

There are 2 formal procedures in relation to complaints about a foster carers: the Scottish Borders Council Complaints Procedure (14/09/2012) and in the Scottish Borders Child Protection Procedures – Allegations Against Foster Carers. Both are available to the public on the internet.

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

The Scottish Borders Council Complaints Procedure is a corporate procedure for members of the public who want to raise an issue or complaint with the Council. The public website defines complaint as “[an issue] in relation to our action or lack of action, or about the standard of service we have provided.” The Complaints Procedure itself defines a complaint as “An expression of dissatisfaction by one or more members of the public about the local authority’s action or lack of action, or about the standard of service provided by or on behalf of the local authority.”

The Complaints Procedure is robust and covers the following areas:

- What is a complaint?
- The complaints handling process (including response timescales, etc.)
- Investigation
- Governance of the complaints handling procedure

As stated in 4.1(c)(iv), the development of child protection in the Scottish Borders followed legislation and national policy and best practice guidance. The Borders Regional Council Social Work Committee Report 10/08/1990 recommended the creation of the multi-agency Area Review Committee on Child Protection following Scottish Office guidance paper Effective Intervention in Child Abuse – Guidance and Co-operation in Scotland (1989).

Inclusion of the specific 'Allegations Against Foster Carers' section of the Scottish Borders Child Protection Procedures was influenced by Managing Abuse Allegations Against Foster Carers (The Fostering Network, 2003) and later by the Scottish Government guidance 'Managing allegations against foster carers and approved kinship carers - How agencies should respond' (2013).

The intention of the 'Allegations Against Foster Carers' section in the Child Protection Procedures was to recognise the unique circumstances of a foster carer in their relationship with children they care for, their families and the expectations placed on them by their registration as foster carers. The section itself states that "It is important to emphasise that the expectations of staff or substitute carers are different from those of birth parents and that while the process of investigation may be similar the range of outcomes is very different. It is important that consideration is given to the specific circumstances of the placement being investigated. One major difference between these procedures and those for investigating allegations of abuse of children in the community is that registration is not included within the process for dealing with allegations of abuse in foster care." The procedures are robust and detail the following:

- Deciding how to respond
- Immediate action
- Deciding on how the matter should be investigated and by whom
- Advising relevant others
- Role of the link worker: Resources team (Family Placement Team)
- Consideration re. other placements
- Maintaining records
- Medicals
- Outcomes

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

The policies are currently available on both the public Scottish Borders Council internet website and the Council's internal intranet. Previously, the Scottish Borders Council corporate policies were available in paper form, as was both the Child Protection Procedures and the Fostering policies and procedures.

d) What did the policies and/or procedures set out on the following:

i. Complaints by children

The Scottish Borders Council's Complaints Procedure does not differentiate between children and adults. Children have the same rights as adults in making a complaint – "Anyone who receives, requests or is affected by our services can make a complaint" (Scottish Borders Council's Complaints Procedure, 2012).

The 'Allegations Against Foster Carers' section of the Child Protection Procedures states the following – "When a child makes an allegation a decision has to be made regarding whether it is in fact an allegation of abuse. If it appears that the child may have suffered or is at risk of suffering significant harm from a foster carer then it should be dealt with as an allegation of abuse."

ii. Complaints by foster carers

Both the corporate Complaints Procedure and the 'Allegations Against Foster Carers' section of the Child Protection Procedures do not differentiate between a foster carer and any other adult making a complaint.

iii. Complaints by family members of children

As above 4.7(i)(d)(ii). The procedures do not differentiate between a parent and any other adult making a complaint.

iv. Complaints by third persons

As above 4.7(i)(d)(ii).

v. Whistleblowing

Scottish Borders Council's 'Whistleblowing' policy is contained within the Code of Conduct policy. It is for employees only and does not apply to foster carers. The Foster Carer Handbook (2016) does reiterate the foster carer's right to make a complaint about any issue.

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

Children or foster carers making a complaint through the Scottish Borders Council's Complaints Procedure can receive support from their social worker / supervising social worker.

Children and young people who make complaints or allegations against their foster carers are supported by their own social worker and also have access to support and advocacy through Who Carers? Scotland. Foster carers receive support from their own supervising social worker. All Scottish Borders Council foster carers are given membership of the Fostering Network and carers can receive independent advice and support from them (detailed in the Foster carer handbook (2016)).

vii. Response to complaints (including response by the local authority)

Complaints through the corporate Complaints Procedure are subject to robust reporting timescales.

In cases where allegations are made through the Child Protection Procedures, the 'Allegations Against Foster Carers' procedure states "When the investigation is concluded the investigating social worker, and the link social worker and the senior social worker resources team shall meet with the carers to share the outcome report. The foster carers' independent supporter should be invited to attend this meeting. If the carers and or independent support choose not to attend this meeting this and the reasons for non-attendance should be recorded and a copy sent to the carer".

viii. External reporting of complaints

As above 4.7(i)(d)(vii).

e) Who compiled the policies and/or procedures?

The corporate Complaint Policy was compiled by the Scottish Borders Council Human Resources Department.

The compilation and review of the Child Protection Procedures is overseen by the Scottish Borders Child Protection Committee.

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

See 4.7(i)(a) & (b).

g) Were such policies and/or practices reviewed?

Currently policies and procedures should reviewed every 3 years. The Child Protection procedures are under constant review.

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

This is in line with Scottish Borders Council's standard practice in relation to procedural review.

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

Changes to policy, procedure and guidance are based on the implementation of legislation and regulation, national and local policy and the emergence of good practice.

j) Why were changes made?

See 4.7(i)(b).

k) Were changes documented?

Currently changes are noted in a 'Version Control' document which tracks changes to policies and procedures over time.

l) Was there an audit trail?

See above 4.7(i)(k).

(ii) Practice

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

There is little evidence or information on Scottish Borders Council's historical adherence in practice to its policy/procedures in relation to complaints and reporting about foster care. The following answers therefore primarily relate to current practice.

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

Unless otherwise stated, the local authority did adhere in practice to its policies and procedures listed below (with minor exceptions due to particular circumstances or staff oversight). From our review of cases, these did not knowingly result in a failure to protect children or significantly disadvantage children young people or foster carers.

- i. Complaints by children**
- ii. Complaints by staff**
- iii. Complaints by family members of children**
- iv. Complaints by third persons**
- v. Whistleblowing**
- vi. Support, including external support, for those who made the complaint or those who were the subject of complaint**
- vii. Response to complaints (including response by the local authority)**
- viii. External reporting of complaints**

c) How was adherence demonstrated?

Adherence can be demonstrated by recording in individual case files (of foster carers, children and young people); Human Resources complaints reports; Fostering Panel review minutes; Care Inspection reports; and, complaints investigations and documentation.

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

Much of this information is contained in individual case files. Individual case files (of both foster carers and children and young people) can be produced by request. Other documentation is listed in Appendix 3 Inventory of Supporting Documents, or can be provided on request.

e) Were relevant records kept demonstrating adherence?

Yes. See above 4.7(ii)(d).

f) Have such records been retained?

See above 4.7(ii)(d).

Scottish Borders Council have complied with file retention regulations over time.

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

See 4.7(ii)(a).

4.8 Internal Investigations

(i) Policy

Past

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

See 4.7(i)(a).

The Scottish Borders Council Fostering Service adhere to the Allegations against Foster Carers procedure but also have an internal Disruption Policy (03/01/2018) and Multiple Allegations against Foster Carers Guidance (03/01/2018).

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

See 4.7(i)(b).

The Disruption Policy is aimed at to providing good practice guidance in the management of disruptions, and promoting a learning culture which will enable prevention / minimisation of further disruptions, ultimately for the child/young people in our care, but also for the foster family and the agency as a whole.

In 2014 a foster carer was deregistered following a series of incidents of concerning supervision of children in her care, and subsequent minimisation of the potential consequences of this lack of supervision. Following the case, guidance was issued for managing situations where there are incidents of repeated allegations of poor

practice about carers - Multiple Allegations against Foster Carers - Guidance for Staff (implemented on 24/01/2014). The guidance includes the provision of independent review of the case to make recommendations about the future support / deregistration of the foster carer.

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

See 4.7(i)(c).

d) What did the policies and/or procedures set out on the following:

i. Approach to/process of internal investigations

See 4.7(i)(b) and 4.8(i)(b).

ii. Identifying lessons/changes following internal investigations

The Disruption Policy's aim is to "provide good practice guidance in the management of disruptions, and promote a learning culture which will enable us to prevent / minimise further disruptions, ultimately for the child/young people in our care, but also for the foster family and the agency as a whole" and goes on to detail the responsibilities for the Family Placement Team Leader in disseminating learning.

The Multiple Allegations against Foster Carers Guidance is primarily aimed at aiding decision making in respect of foster carers following a series of repeated, low level concerns about aspect of their care of children.

iii. Implementation of lessons/changes following internal investigations

See above 4.8(i)(d)(iii).

iv. Compliance

Compliance in the Child Protection Procedures is technically voluntary, however where an allegation leads to a criminal investigation, this is not the case.

In terms of the Disruption Policy, "The foster carer(s) will be expected to attend and, in some situations, it may be beneficial for the child/young person to attend for all or part of the meeting."

v. Response (to child and abuser)

See 4.7.

The Child Protection Procedures detail responses to both the child and abuser at different stages of the process. Responses are determined by the individual circumstance so of the case, the child and the alleged abuser.

vi. Response to complaints (including response by local authority)

See 4.7(i)(b) and 4.8(i)(b).

In terms of 'Allegations Against Foster Carers' – "The decision to initiate child protection procedures should be conveyed to the foster carer by the investigating social workers, unless it would jeopardise the child's safety or hamper inquiries. They should generally be advised of the procedures to be used and the likely timescale. They should be advised of the availability of support from the Family Placement Team. This should normally be provided by the link worker who should not be involved in the process of investigating the allegation. Foster carers should be advised of the availability of support from independent sources e.g. Fostering Network. Where an investigation is to be undertaken in terms of child protection procedures the manager responsible for the child must ensure that the child's birth parents are advised or record in writing the reasons why this is not appropriate."

vii. External reporting following internal investigations

Child protection investigations and their outcomes are overseen by the Scottish Borders Child Protection Committee.

All allegations resulting in internal investigation are routinely reported to the Care inspectorate as a Notifiable Incident.

e) Who compiled the policies and/or procedures?

See 4.7(i)(e).

In terms of the Disruption Policy and Multiple Allegations against Foster Carers Guidance, practice since 1992 has been for senior operational staff and managers to compile policies and procedures. The development of policy and procedure is overseen by either a relevant senior strategic manager or a specific working group. Policies and procedures were previously agreed and signed off by the Social Work Committee and are currently signed off by the Children and Families Social Work Leaders Group. Corporate policies and procedures are agreed by Scottish Borders Council's Corporate Management Team.

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

See 4.7(i)(a) & (b) and 4.8(i)(a).

g) Were such policies and/or practices reviewed?

See 4.7(i)(g).

Currently policies and procedures should reviewed every 3 years.

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

This is in line with Scottish Borders Council's standard practice in relation to procedural review.

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

Changes to policy, procedure and guidance are based on the implementation of legislation and regulation, national and local policy and the emergence of good practice.

j) Why were changes made?

See 4.7(i)(b) and 4.8(i)(b).

k) Were changes documented?

Currently changes are noted in a 'Version Control' document which tracks changes to policies and procedures over time.

l) Was there an audit trail?

As above 4.8(i)(k).

(ii) Practice

There is little evidence or information on Scottish Borders Council's historical adherence in practice to its policy/procedures in relation to internal investigations. The following answers therefore primarily relate to current practice.

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

Unless otherwise stated, the local authority did adhere in practice to its policies and procedures listed below (with minor exceptions due to particular circumstances or staff oversight). From our review of cases, these did not knowingly result in a failure to protect children or significantly disadvantage children young people or foster carers.

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

i. Approach to/process of internal investigations

It was identified that the use of the Disruption Policy and process was not used in all cases where it was appropriate. This resulted in a review and reissuing of the policy in 08/04/2016 (the previous iteration) and a greater focus on ensuring disruption process is followed where appropriate.

ii. Identifying lessons/changes following internal investigations

As above – 4.8(ii)(b)(ii).

iii. Implementation of lessons/changes following internal investigations

As above – 4.8(ii)(b)(ii).

iv. Compliance

As above – 4.8(ii)(b)(ii).

v. Response (to child and abuser)

vi. Response to complaints (including response by local authority)

vii. External reporting following internal investigations

c) How was adherence demonstrated?

Adherence can be demonstrated by recording in individual case files (of foster carers, children and young people); Fostering Panel review minutes; Care Inspection reports; and, complaints investigations and documentation.

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

Much of this information is contained in individual case files. Individual case files (of both foster carers and children and young people) can be produced by request. Other documentation is listed in Appendix 3 Inventory of Supporting Documents.

e) Were relevant records kept demonstrating adherence?

Yes. See above 4.8(ii)(d).

f) Have such records been retained?

See above 4.8(ii)(d).

Scottish Borders Council have complied with file retention regulations over time.

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

See 4.8(ii)(a) & 4.8(ii)(b)(ii).

4.9 Record keeping

(i) Policy

As with previous answers in this section, there is limited information on policy, procedure and practice prior to the establishment of the Family Placement Team in 1992 and Scottish Borders Council in 1996. Reference is made to policy and procedure, but there are few examples of specific documents, other than current policies and procedures.

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

Prior to around 1996, there is no reference to specific record keeping policies around foster care or children in foster care.

Record keeping in the various County Councils' minutes and reports from 1930-1979 varies but in general, it tracks children's admission and discharge into boarded-out, fostering and residential settings. It often states the reasons for admission and the parents' circumstances, but rarely mentions the child's situation. With whom the child resides is also recorded. Subsequent recording after admission is almost exclusively about finance and any additional financial support (for clothing, footwear or equipment). Recording on Children's Officers' visits to children and their placements is recorded, but entries are inconsistent, brief and usually cover whether the child is well fed, clean and the condition of the house. The carers are rarely mentioned. Placement breakdowns are not recorded as such. References of children moving on from a boarding-out situation due to them 'being unsettled', 'relationships strained' or not 'being a good fit' are common. Basic information about education are included. More individual information is recorded on children and young people from around 1960 onwards, where, as they develop, they essentially become case updates presented to the Committee. The information is very 'factual' however with little sense of the impact on children, and has no information on foster carers.

In the Borders Regional Council Social Work Committee minutes and supporting papers from 1979-1994, there are extensive, regular records of changes in circumstance, admission and discharge and other issues relating to children in foster placements. There are also regular reports on data relating to children in foster care – numbers, age ranges, legal status, etc. References are made to foster carers, but only by name (surnames only) with little, if any information on their circumstances, assessment, review, etc.

Currently record keeping for Children and Families Social Work is set out in the Children and Families Social Work Practice Standards and, in terms of record keeping expectations of foster carers, guidelines are set out in the Foster Carers Handbook.

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

See above 4.9(i)(a).

Guidelines for foster carers are set out in Foster Carers Handbook.

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

The Children and Families Social Work Practice Standards sets out generic guidelines for all social workers (including Family Placement Team staff) in the 'Good Practice in Case Recording' section. Its contents include the following:

- If there has been a significant incident records need to be updated immediately.
- All contact relating to the case must be recorded within a maximum of 5 working days.
- Records need to be accurate and clearly show when a child has been seen, spoken to and their wishes and feelings are included.
- All direct work and assessment tools used should be identified and analysed.

In terms of guidelines for foster carers are set out in Foster Carers Handbook the following statement is made "Children who are looked after may have a succession of moves during their childhood and can often struggle to make sense of their identity as they have little information about their past. Foster Carers records can assist a young person to make sense of their earlier life experiences, including helping them to understand why particular decisions were made throughout their time in your care."

Foster carers are provided with a diary in which they are expected to record the following:

- Significant events in a child's life.
- Observed patterns of behaviour and instances of progress or regression, e.g. sleeping, eating, bed-wetting.
- The child's needs.
- Contact with the birth family and the child's reaction before and after contact with members of their birth family, including if planned contact does not take place.
- Accidents, illness or medical/dental appointments including requests for help to any agency.
- Specific care arrangements for the child if they are staying elsewhere.
- Anything the child says or does which causes you concern, including what happened before and after significant events including changes in circumstances.
- Details of occasions when the child has gone missing and where they were found.
- Police involvement.
- Damage to property.
- Information from school and leisure activities including attainments and achievements.

- Visits, meetings and arrangements with professionals, including Hearings and Reviews.
- Activities e.g. birthday parties, day trips and visitors to your home.

d) What did the policies and/or procedures set out in relation to record keeping on the following:

See 4.9(i)(a) and 4.9(i)(c) unless otherwise indicated.

i. Children in foster care

ii. Foster carers

iii. Visits to children and foster carers

iv. Complaints

See 4.7.

v. Investigations (both internal and external)

See 4.7 and 4.8

vi. Discipline

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

Scottish Borders Council Social Work Open Access Policy (August 2019) sets out the policy for providing access to personal information held on individuals by Scottish Borders Council Social Work. The policy states that "Open Access by service users of Social Work to information held on their personal file is part of good practice, and sharing information with service users should be the norm, rather than an exception brought about by service users wishing to exercise their rights under the General Data Protection Regulation 2016."

viii. Other issues relevant to foster care

e) Who compiled the policies and/or procedures?

The Foster Carers handbook (2016) was compiled by the Family Placement Team staff group (in consultation with foster carers and other relevant partners).

Scottish Borders Council Social Work Open Access Policy (August 2019) was compiled by the Data Protection Team.

The process for compilation of the Children and Families Social Work Practice Standards was as follows - practice since 1992 has been for senior operational staff and managers to compile policies and procedures. The development of policy and procedure is overseen by either a relevant senior strategic manager or a specific working group. Policies and procedures were previously agreed and signed off by the Social Work Committee and are currently signed off by the Children and Families

Social Work Leaders Group. Corporate policies and procedures are agreed by Scottish Borders Council's Corporate Management Team.

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

See 4.9(i)(a) and 4.9(i)(e)

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

Yes.

h) Were such policies and/or practices reviewed?

Currently policies and procedures are reviewed every 3 years.

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

This is in line with Scottish Borders Council's standard practice in relation to procedural review.

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

Record keeping by foster carers was developed to ensure more detailed description of child's day to day life, etc. to inform formal assessment and subsequent support, intervention, legal proceedings, etc.

k) Why were changes made?

Changes have been made to assist young people to make sense of their experiences whilst in foster care. Recordings also assist with professional assessments and care planning decisions. They can also be used as evidence where an allegation is made against a foster carer, member of their family or foster child.

Changes to policy, procedure and guidance are based on the implementation of legislation and regulation, national and local policy and the emergence of good practice.

l) Were changes documented?

Currently changes are noted in a 'Version Control' document which tracks changes to policies and procedures over time.

m) Was there an audit trail?

See above 4.9(i)(l).

(ii) Practice

There is little evidence or information on Scottish Borders Council's historical adherence in practice to its policy/procedures in relation to complaints and reporting about foster care. The following answers therefore primarily relate to current practice.

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

Unless otherwise stated, the local authority did adhere in practice to its policies and procedures listed below (with minor exceptions due to particular circumstances or staff oversight).

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

Yes - Scottish Borders Council did follow our policies and procedures in relation to records kept by foster carers (with minor exceptions due to particular circumstances or staff oversight).

c) Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following:

Unless otherwise stated, the local authority did adhere in practice to its policies and procedures listed below (with minor exceptions due to particular circumstances or staff oversight). From our review of cases, these did not knowingly result in a failure to protect children or significantly disadvantage children young people or foster carers.

- i. Children in foster care**
- ii. Foster carers**
- iii. Visits to children and foster carers**
- iv. Complaints**
- v. Investigations (both internal and external)**
- vi. Discipline**
- vii. Responding to requests from former children in foster care for information/records**
- viii. Other issues relevant to foster care**

d) How was adherence demonstrated?

Adherence can be demonstrated by recording in individual case files (of foster carers, children and young people); Care Inspection reports; and, complaints investigations and documentation.

e) Were relevant records kept demonstrating adherence?

See statement at the beginning of 4.9(ii).

f) Have such records been retained?

See statement at the beginning of 4.9(ii).

Scottish Borders Council have complied with file retention regulations over time.

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

See 4.9(ii)(a).

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

No collective review or analysis of records to establish what abuse or alleged abuse of children cared for in Scottish Borders Council foster care may have taken place has occurred. Review and analysis has taken place on an individual case basis however.

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

See above 4.9(ii)(i).

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

See 2.1(h), 4.7 and 4.8.

k) What changes have been made?

See 2.1(h), 4.7 and 4.8.

l) How are these monitored?

As well as standard reviews of policy and procedure, Children and Families Social Work practice is monitored and scrutinised on an on-going basis. Quality assurance mechanisms are in place and reported on to both the multi-agency Children and Young People's Leadership Group and the Child Protection Quality Assurance Sub-Group.

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

Yes, when requested – see 4.9(i)(d)(vii).

n) If so, how was that facilitated?

This occurs in two ways. Young people can make a Subject Access Request and receive a redacted copy of their case file or they can be supported to go through their file by a social worker.

o) If not, why not?

See 4.9(ii)(m).

Present

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

See above 4.9.

q) If so, please give details.

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

i. Children in foster care

Case file held on Mosaic (Scottish Borders Council's electronic case file system) – this comprehensively records all case notes, chronology, assessments, documents, minutes, etc. associated with the child's case.

ii. Staff with responsibilities for foster care

Human Resources staff files and monthly staff supervision notes.

iii. Foster carers

Case file held on Mosaic (Scottish Borders Council's electronic case file system) – this comprehensively records all case notes, chronology, documents, assessments, minutes, Fostering Panel minutes, etc. associated with the child's case.

iv. Complaints

Complaints against foster carers are recorded on their individual file, recorded centrally (and retained for three years) and, sent to the Care Inspectorate as Notifiable Incidents.

External complaints are recorded by the Complaints Team in Scottish Borders Council.

v. Investigations (both internal and external)

Investigations against foster carers are recorded on their individual case file. External investigations may be retained, where relevant, by the Child Protection Committee.

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

Recorded by the Data Protection Team.

Part D – Abuse and Response

The questions in Part D should be answered in respect of abuse or alleged abuse relating to the time frame 1930 to 17 December 2014 only.

N.B. Individual incidents of abuse and alleged abuse discussed in Part D – Abuse and Response are of cases from 1990 to 17 December 2014 only. This is due to the limited systematic recording of incidents and allegations of abuse prior to this date. The individual incidents are primarily sources from the Fostering Panel minutes and cross-references with foster carer and children's files.

5. Abuse

5.1 Nature

- a) **What was the nature of abuse and/or alleged abuse of children in foster care, for example, sexual abuse, physical abuse, emotional abuse?**

5.2 Extent

- a) **What is the local authority's assessment of the scale and extent of abuse of children in foster care?**

Scottish Borders Council believe the scale and extent of abuse of children in foster care to be minimal. This does not detract however from the very serious nature of any incident of abuse, particularly when it has occurred within a foster care setting.

- b) **What is the basis of that assessment?**

This assessment is based on the small number of incidents of abuse and alleged abuse which have been reported since 1990, set against the numbers of children and young people cared for by the Scottish Borders Council Fostering Service over this period (see 1.6).

- c) **How many complaints have been made in relation to alleged abuse of children in foster care?**

8 individuals but in two cases, concerns were around general care, discipline and inappropriate chastisement and are likely to have involved a number of children.

- d) **Against how many foster carers have the complaints referred to at (c) above been made?**

10 carer households (14 individual carers).

- e) How many foster carers have been convicted of, or admitted to, abuse of children?**

One foster carer has been convicted of the abuse of children (see 5.8. 5.9 and 5.13).

- f) How many foster carers have been found by the local authority to have abused children?**

7 carer households (9 individual carers).

- g) Against how many family members of foster carers have complaints been made in relation to alleged abuse of children?**

None.

- h) How many family members of foster carers have been convicted of, or admitted to abuse of children?**

None.

- i) How many family members of foster carers have been found by the local authority to have abused children?**

None.

- j) Against how many other children placed in foster care in the same placement have complaints been made in relation to the alleged abuse of children?**

During this period, there have been no recorded complaints of other children placed in foster care in the same placement made in relation to the alleged abuse of children. There have been complaints of behaviour which has been assessed as age appropriate however.

- k) How many other children placed in foster care in the same placement have been convicted of, or admitted to abuse of children?**

None.

- l) How many other children placed in foster care in the same placement have been found by the local authority to have abused children?**

None.

5.3 Timing of Disclosure/Complaint

- a) **When were disclosures and complaints of abuse and/or alleged abuse of children in foster care made to the local authority?**

Disclosures were made while the child/ren was in the care of the foster carer or on respite.

- b) **To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent?**

This was the case in all cases.

- c) **To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse?**

There have been no complaints made many years after the alleged abuse.

- d) **Are there any patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse?**

No.

5.4. External Inspections

- a) **What external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children?**

There is little evidence or information of external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children in Scottish Borders Council prior to the current period. The following answers therefore primarily relate to current practice.

Within the Inquiry timeframe and as far as Scottish Borders Council is aware, no external inspections have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children.

For each such external inspection please answer the following:

- b) **Who conducted the inspection?**
- c) **Why was the inspection conducted?**
- d) **When was the inspection conducted?**
- e) **What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children in foster care?**
- f) **What was the local authority's response to the inspection and its outcome?**
- g) **Were recommendations made following the inspection?**
- h) **If so, what were the recommendations and were they implemented?**
- i) **If recommendations were not implemented, why not?**

5.5 External Investigations

- a) What external investigations have been conducted relating to children in foster care which have considered issues relating to abuse and/or alleged abuse of children?**

There is little evidence or information of external investigations have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children in Scottish Borders Council prior to the current period. The following answers therefore primarily relate to current practice.

Within the Inquiry timeframe and as far as Scottish Borders Council is aware, no external investigations have been conducted relating to children in foster care which considered issues relating to abuse and/or alleged abuse of children.

For each such external investigation please answer the following:

- b) Who conducted the investigation?**
- c) Why was the investigation conducted?**
- d) When was the investigation conducted?**
- e) What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children in foster care?**
- f) What was the local authority's response to the investigation and its outcome?**
- g) Were recommendations made following the investigation?**
- h) If so, what were the recommendations and were they implemented?**
- i) If recommendations were not implemented, why not?**

5.6 Response to External Inspections/Investigations

- a) What was the local authority's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse of children in foster care?**

There is little evidence or information of external inspections or investigations relating to abuse, and/or alleged abuse of children in foster care in Scottish Borders Council prior to the current period. The following answers therefore primarily relate to current practice.

Current whole service inspections are carried out on the Fostering Service annually by the Care Inspectorate. Resulting Requirements and Recommendations are actioned through an action planning process and reviewed by the Care Inspectorate at subsequent service inspection.

Any allegation of abuse is notified to the Care Inspectorate. The Care Inspectorate can choose to inspect the service's response to any incident and again, would issue

Requirements and Recommendations if it felt they were necessary. This has not occurred within the timeframe stipulated by this report.

Child Protection Committee oversee Serious Case Reviews and Practice Reviews of cases which are deemed to require significant multi-agency scrutiny. In terms of Serious Case Reviews the National Guidance for Child Protection Committees for conducting a Significant Case Review (31 March 2015) is followed.

b) What was the local authority's procedure/process for responding to the outcomes of such external inspections and/or investigations?

See above (5.6(a)). Inspections and investigations, depending on their nature and status, are formally reported to the Children and Young People's Leadership Group, Corporate Management Team and / or the Child Protection Committee.

The learning from Serious Case Reviews and Practice Reviews overseen by the Child Protection Committee is disseminated through the multi-agency Child Protection Quality Assurance and Improvement Sub-group.

c) What was the local authority's procedure/process for implementing recommendations which followed from such external inspections and/or investigations?

See 5.6(a) and 5.6(b).

Investigations and reviews of children who were abused are reported to the Child Protection Committee (who make decisions about the need for a Serious Case Review or Practice Review). The recommendations and learning points from investigations, Significant Case Reviews and Practice Reviews are disseminated through a number of multi-agency meetings – the Child Protection Committee, the Child Protection Quality Assurance and Improvement Sub-Group and the Child Protection Operational Management Meeting. Learning is also disseminated to operational practice teams through Team Meetings and other meetings. The key agencies involved in operational child protection – local authorities, police and health all have their own processes for ensuring recommendations and practice learning are disseminated to operational staff.

5.7 Impact

a) What is known about the impact of abuse on those children in foster care who were abused, or alleged to have been abused?

See 5.8 and 5.9

For those children and young people who were abused or were alleged to have been abused in foster care, the impact on them is difficult to ascertain, as it is dependent on a range of circumstances including the, nature of the abuse, learning disability, individual responses, etc. In some instances the young people did not remain open

social work cases long after the alleged abuse took place so tracking the subsequent impact of abuse or alleged abuse is difficult. Others have remained open cases supported by adult social work services, however in these cases the young people also had diagnosed learning disabilities.

There is however no doubt that the impact of abuse or alleged abuse was significant for some children and young people. This is evidenced by such things as subsequent frequent placement breakdowns, challenging behaviour and on-going, intensive support.

b) Where does the local authority's knowledge/assessment of that impact come from?

Individual children's case files and subsequent presentation. The numbers of children and young people is relatively small however, so the assessment of the impact of abuse or alleged abuse is assessed on an individual basis.

c) What is known about the impact of abuse on the families of those children in foster care who were abused, or alleged to have been abused?

There is little information in case files about the specific impact of abuse on the families of those children in foster care who were abused. Where siblings were also looked after (either in the same placement, or in a separate placement) there is evidence of individual and joint work to address the abuse or allegations of abuse, but there is little evidence of wider the family impact.

d) Where does the local authority's knowledge/assessment of that impact come from?

See 5.7(b)

Again this comes from individual case file of individual children directly or indirectly affected by abuse or allegations of abuse. It also comes from the case files of siblings.

5.8 Known Abusers and Alleged Abusers

See attached Appendix 1

5.9 Specific Complaints

See attached Appendix 1

5.10 Civil Actions

See attached Appendix 1

5.11 Criminal Injuries Compensation Awards

a) Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for in foster care?

There are two known cases where criminal injuries compensation was awarded in respect of abuse, or alleged abuse, of children cared for in foster care.

b) If so, please provide details if known.

The criminal injuries compensation awards related to the case identified in Appendix 1 – 5.9 (Case 4).

5.12 Police

See attached Appendix 2

5.13 Crown

See attached Appendix 2