

APPENDIX

Part A – Background

1. Characteristics

1.1 History of the Local Authority

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

SIC Response

Zetland County Council was established in the 19th century. Lerwick Town Council was established around the same time. Both Councils operated in parallel to each other - Zetland had responsibility for matters relating to Shetland as a whole whereas Lerwick dealt with Lerwick-specific matters. Both Councils were merged and became Shetland Islands Council in 1975 as a result of the Local Government (Scotland) Act 1973.

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

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

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

SIC RESPONSE

The Local Authority has been designated with varying forms of legal responsibility for the care, welfare and protection of children under different legislative frameworks at specific periods across the timespan in scope and undertook the provision of boarding out and fostering children as part of a wider range of duties and functions which are consistent with other Scottish local authorities in this period. (Shaw 2007) (Norrie 2017 at page 140- “PART TWO: Regulatory Structures governing particular types of accommodation. SECTION A: Boarding out and Fostering of Children”.)

Between 1930 to 1948, approval was received from the Secretary of State for Council schemes covering Education, Lunacy and Mental

Deficiency, Public Assistance and Public Health. Councils were responsible for providing Public Assistance (formerly under the Poor Law (Scotland) Act 1845) encompassing the care, welfare and protection of children under the legal framework of the Children Act 1908, the Children and Young Persons (Scotland) Acts, 1932 and 1937 and the Children Act 1948.

There is evidence of a circular letter (No 18) of 29th June 1931 from the Department for Health for Scotland in regard to the duties resting upon Public Assistance Authorities in dealing with orphan, deserted or separated children who have become chargeable to the authorities. The circular was reported as dealing generally with the boarding-out system which had been in successful operation in Scotland for many years.

Regulations under the governing legislation were: (from 1st November 1933), the Children and Young Persons (Scotland) Care and Training Regulations 1933 and from 20th October 1947, the Children (Boarding-Out etc.) (Scotland) Regulations 1947, and from 1st August 1959, the Boarding – Out of Children (Scotland) Regulations, 1959.

Norrie (2017) reports that the “Boarding-out of Children (Scotland) Regulations, 1959 continued to apply until 1st April 1986, when they were revoked and replaced by the Boarding-out and Fostering of Children (Scotland) Regulations 1985. While the 1959 Regulations were based on the understanding that boarding out was a long-term solution, the 1985 Regulations perceived fostering as a temporary placement, reflecting the shift presaged by the 1968 Act from replacement families to short-term non-institutional care. This is probably why the provisions in the 1959 Regulations permitting boarding-out outside Scotland and allowing the Secretary of State to limit the number of children boarded out in particular areas were not repeated in the 1985 Regulations”.

“One of the major innovations in the 1985 Regulations was the requirement on care authorities to establish fostering panels, whose functions were to “consider every person referred to it by the care authority as a prospective foster parent” and to make recommendations to the care authority as to the suitability of such a person to act as a foster parent either for any child, any category of child or any particular child”.

“The other major innovation in the 1985 Regulations was that the care authority became obliged to enter into an agreement with approved foster parents regarding the care to be provided for any children who might be placed with them, including details of the financial arrangements; the care authority’s policies and practice regarding the welfare of children for whom it had responsibility, the ways foster parents would be expected to follow these policies and practices and the assistance

to be provided by the care authority to that effect; and the arrangements made by the care authority to review “at appropriate intervals” its approval of foster parents for the purposes of the regulations”

“The Boarding-out and Fostering of Children (Scotland) Regulations 1985 were in force for exactly 11 years until 1st April 1997, when they were revoked and replaced by the Fostering of Children (Scotland) Regulations 1996.”

The Arrangements to Look After Children (Scotland) Regulations 1996, which required local authorities to make a care plan for each child looked after by them (whether in foster care, in a residential establishment, or otherwise), also came into force on that date.

“The Fostering of Children (Scotland) Regulations 1996 were revoked by the Looked After (Children (Scotland) Regulations 2009 which have governed public fostering arrangements from 28th September 2009 until the present day.”- Norrie 2017. Quoting from Wilkinson and Norrie he states: “Since the coming into force of the 2009 Regulations there has been no limitation on the type of family structure that potential foster carers can belong to and foster carers are assessed as suitable according to their own merits, without legally specified preconceptions about their lifestyles.”

1995-2014: The Children (Scotland) Act 1995, Adoption and Children (Scotland) Act 2007 and Children’s Hearings (Scotland) Act 2011 imposed statutory duties on the organisation.

2014-2017: The Children and Young People (Scotland) Act 2014 imposed statutory duties on the organisation.

Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Law Scotland Regulations 1934. It states “For many years the policy has been that children should not be brought up in the environment of the poorhouse, and the boarding-out system has long been a successful feature of Scottish poor law administration, though hitherto it has been without specific statutory foundation. Experience has shown that the success of the system depends upon (a) care and judgement in the selection of suitable guardians; (b) the limitation of the number of children boarded with each guardian; (c) the limitation of the number of children boarded in a particular district; and (d) the thoroughness of inspection and supervision”.

Specifically in Shetland, from 1930 to 1975 the Zetland County Council Health and Welfare Committees were responsible for fostered/boarded-out children. In 1975, the Social Work Committee under the auspices of the newly-formed Shetland Islands Council took over this role. The first meeting of Shetland Islands Council’s Social Work Committee was held on 30 March 1975. In 2000, Shetland Islands Council’s Social Work

Department was divided into two sections, one dealing with children's matters the other with adult. This is evidenced within the minutes of a meetings held by Shetland Islands Council on 7 January 2000 (Min Ref 7/00: "Management Structure of the Social Work Department" (Min Extract and Report))

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

SIC RESPONSE

The changing nature of the local authority's involvement in the provision of foster care was detailed above at question 1.1(b). However, in addition, the Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Law Scotland Regulations 1934. It refers to notifications of particulars of boarded-out children, "The notifications are required for the Central Register of Boarded-Out Children which the Department has maintained since 1913...Authorities are recommended to continue, so far as possible, their supervision of boarded-out children at least until they reach the age of sixteen, even though the children may have ceased to be chargeable. Authorities are reminded that they have no power to relieve any person residing out of Scotland, and that, accordingly, no child should be placed outwith Scotland".

1.2 Funding of Foster Care

Past

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

SIC RESPONSE

Funding for foster care operations and activities was generally provided via Central Government and by way of local taxation.

From a legislative perspective, e.g. the Children and Young Persons (Scotland) Act 1937 and the Children Act 1948, there is reference to "grants paid to local authorities" and to "monies provided by parliament to local authorities" to support the carrying out of their duties under these Acts.

Norrie 2017 at page 38 describes how, following the introduction of the Children and Young Persons Act 1932, fostering became "a major component of state care". He states further "committal to a fit person

was possible for any child or young person who was in need of care and protection or who had committed an offence. Every Education Authority was deemed a fit person with the Treasury bearing the cost.” and that the only mechanism available to them was “to board them out with private families- in other words, fostering.”

Please also refer to Appendix No. 1

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

SIC RESPONSE

From perusal and analysis of Social Work files and financial records, it was established that Shetland Islands Council did not generally provide funding to other organisations for the purposes of provision of foster care, however one record was located while Social Work staff was undertaking the file reading process. Details of this record are noted at Q 1.2 (c) below.

Please also refer to Appendix No. 1

- 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?

SIC RESPONSE

During the file reading process, one record was located that made reference to a placement within Carolina House Trust in Dundee from [REDACTED] 2001 to [REDACTED] 2004. This was considered to be a supported lodgings placement. The file indicates both the provision of foster care and a supported lodgings placement through Carolina House Trust. The file does not indicate what funding criteria were used for this placement. The file does note, however, that this was initially an emergency placement due to the child being assessed as at high risk of self-harming. There were no suitable facilities in Shetland at that time. It is Social Work’s opinion that the rate paid to Carolina House Trust was most likely the rate chargeable under the Trust’s “Care Rescue” package but the file does not provide details of what that rate was. There is also no information on the file to indicate which rate was paid to Carolina House Trust on the transfer of the individual from emergency to foster care, although an additional fee would most likely have been payable to the Trust.

Please also refer to Appendix No. 1

- 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)?

SIC RESPONSE

From perusal of financial records and files for the period covered by the scope of the Inquiry, it has been established that funding was provided by Shetland Islands Council, paid directly to foster carers, from 1975 onwards. In the 2000s, some individually-assessed payments were made to carers however the current Fee Scheme came into effect in 2017.

Foster carers were made aware of the existence of such funds by the Social Work Department.

The data was gathered from available archived Social Work Committee Reports, and current electronic information. An in depth search has been carried out and there is no further information available prior to 1975. There are also gaps between 1979 and 1984; 1988 and 1992; 1993 and 1999; 2002 and 2008.

Please also refer to Appendix No. 1

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

SIC RESPONSE

In terms of the Children and Young Persons (Scotland) Act 1937- s 88 (3) "An Education Authority may board out children and young persons committed to their care for such periods and on such terms as to payment and otherwise as they think fit..."

The local position in Shetland was as described at Q 1.2 (d) above.

Please also refer to Appendix No. 1

- 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?

SIC RESPONSE

Please refer to our response above at Q 1.2 (e). Financial support for foster carers was provided in response to requests for support in

education or on the basis of financial hardship. Fostering/Boarding Out allowances were decided by Shetland Islands Council and recorded in committee minutes and reports.

Please also refer to Appendix No. 1

- 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?

SIC RESPONSE

Foster carers were made aware of the availability of allowances through contact with the Social Work Department. These allowances were paid to carers following assessment and approval.

Please also refer to Appendix No. 1

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

SIC RESPONSE

Additional funding was available to foster carers in the form of mileage and clothing allowances.

Please also refer to Appendix No. 1

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

SIC RESPONSE

It was noted on 23rd September 1976 when that year's Boarding out allowances were agreed by the Director of Social Work that these allowances were the most generous in Scotland at the time. Boarding out allowances were reviewed in April 1976 and levels of funding maintained at the same level as in the previous year.

In 1987, allowances in Shetland were increased by a further 10%, however this increase was withdrawn in 2013/2014 as a result of reductions in the available budget.

From perusal of available files and correspondence there were no comments from foster carers that the level of funding was inadequate therefore it is Social Work's opinion that funding was adequate to properly care for children.

Please also refer to Appendix No. 1

j) If not, why not?

SIC RESPONSE

N/A

Present

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

SIC RESPONSE

No.

l) If so, please give details.

SIC RESPONSE

N/A

1.3 Legal Status

(i) Local authority

Past

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

SIC RESPONSE

Please also refer to our responses at Q 1.1 a) and Q 1.1b).

Poor Law Scotland Regulations 1934 states "The Department of Health for Scotland, in exercise of the powers competent to them under sections 9, 10 and 12 of the Poor Law (Scotland) Act, 1934, and of all other powers enabling them in that behalf, hereby make the following regulations: - ...Part III – Boarding-out of children and placing of children in institutions other than poorhouses".

The national document, Future of Adoption and Fostering Panel, refers to Boarding Out and Fostering of Children (Scotland) Regulations

1995 "Regulation 4 specifies that a care authority must appoint a fostering panel. Regulation 6 in describing the panel's function, states that a fostering panel shall consider every person referred to it by the care authority as a prospective foster parent, and that they shall make a recommendation as to whether such a person is suitable to be a foster parent. The panel must also recommend whether they consider the foster parent to be a suitable carer for any child to whom the Boarding Out Regulations apply, certain categories of children to whom the Regulations apply, or a particular child or particular children.

"Nothing in the Regulations nor the accompanying SWSG Circular makes specific reference to the panel's composition, although Regulation 5 does place a duty on the care authority to satisfy itself that the numbers, qualifications or experience of individual members enables it to effectively discharge its functions (Appendix 3 of the Future of Adoption and Fostering Panel national document).

Future of Adoption and Fostering Panel – Appendix 3 has a copy of 'The Boarding-out and Fostering of Children (Scotland) Regulations 1985 which came into operation on 1st April 1986.

Future of Adoption and Fostering Panel – Appendix 6, 'Adoption Agencies (Scotland) Regulations 1984 Scheme for the Establishment of Adoption Panels' Function 6 states that each panel, in relation to their area, would "Consider applications by persons for approval as prospective foster parents", and under Function 7 "consider the placement of particular children with approved foster parents in appropriate cases".

- 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.

SIC RESPONSE

Please refer to our responses at Q 1.1 a) and Q 1.1b).

The legal basis referred to above obliged the local authority to meet legal and regulatory requirements in respect of children in its care.

Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Law Scotland Regulations 1934. It states "It will be noted that Article 25, which deals with the making of rules to be observed by guardians, requires that those rules shall ensure that a guardian does not make use of the services of any boarded-out child for the purpose of any trade, business or calling carried on by him, except in the performance of such light agricultural or horticultural work as may be done by the child without risk of injury to the child's health or of detriment to his educational progress and

general welfare. Authorities are reminded, however, that the employment of children in general is regulated by Part IV of the Children and Young Persons (Scotland) Act, 1932, and by any by-laws made by education authorities under that Act. Article 25 of the regulations imposes an additional restriction upon the work that may be performed by boarded-out children. Care should be taken by authorities that the rules for guardians do not permit employment which is prohibited by the statute or by-laws made under the statute or by the Department's regulations".

Future of Adoption and Fostering Panel – Appendix 3, The Boarding-out and Fostering of Children (Scotland) Regulations 1985 outline that the authority had responsibility for appointing foster carers in accordance with Schedule 1 of the Act. The authority approved foster parents under regulation 7 of the Act.

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

SIC RESPONSE

The local authority did have a legal duty of care to each child in its care. Please refer to our response at Q 1.1 a) and Q 1.1b).

Future of Adoption and Fostering Panel – Appendix 3, The Boarding-out and Fostering of Children (Scotland) Regulations 1985 outline that the authority had responsibility for appointing foster carers in accordance with Schedule 1 of the Act. The authority approved foster parents under regulation 7 of the Act.

Present

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

SIC Response

No

- e) If so, please give details.

SIC Response

N/A

(ii) Foster carers

Past

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

SIC RESPONSE

No

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

SIC RESPONSE

In terms of the Children (Boarding-out) (Scotland) Rules and Regulations 1947 "foster -parent" was defined to mean "a husband and wife, or a woman, with whom a child is boarded out by a local authority." Since the coming into force of the Looked After Children (Scotland) Regulations 2009 there has been no limitation on the type of family structure that potential foster carers must belong to and foster carers are assessed as suitable according to their own merits....the local authority is responsible for approval of foster carers..." Norrie 2017.

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

SIC RESPONSE

This was based on the legislation applicable at the time and on the regulations made thereunder.

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

SIC RESPONSE

Yes. Please refer to response to Q 1.3 (ii) c)

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

SIC RESPONSE

Yes. Children (Boarding-out etc.) (Scotland) Rules and Regulations 1947 - " foster- parents shall accordingly bring up a child placed by the local authority in their custody as one of their own children and devote to this duty the care which good parents give to their children". Norrie 2017

Present

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

SIC RESPONSE

No

- g) If so, please give details.

N/A

1.4 Legal Responsibility

- (i) Local authority

Past

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

SIC RESPONSE

Yes. Please refer to response at Q 1.1 b).

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

SIC RESPONSE

Legal responsibilities are those laid out in the relevant statutes and regulations that pertained at the time. See response at Q 1.1 a) and Q 1.1 b).

Independent Visitation Memo 1934: The memo is “regarding independent visitation of boarded-out children as called for by the poor relief regulations (Scotland), 1934 – Statutory Rules and Orders, 1934, No 1296/S.69”. It is stated that Section 21 of the regulations says where a child is boarded-out in the area of another local authority, the child is to be supervised by a ‘reliable’ person and a report provided every 6 months on the circumstances of the child.

Poor Law Scotland Regulations 1934 states under Part III of the regulations that:

“11. A local authority shall not board-out a child without a certificate of a medical officer of the local authority as to the child’s bodily health and mental condition and as to his suitability for boarding-out.

“12. A child shall not be boarded out in a house –

- a) Which is so situated, or in such sanitary condition as to be injurious or dangerous to his health;
- b) Which is not within reasonable distance from a school; or
- c) Which does not permit of suitable sleeping accommodation for the child in a room properly lit and properly ventilated.

“13. So far as reasonably practicable, a local authority shall board-out children of the same family in the same house.

“14. Except with the sanction of the Department –

- a) Not more than three children shall be boarded-out in the same house at the same time, unless all the children are children of the same family; and
- b) A child shall not be boarded-out in a house in which there are more than three other children resident unless one or more of these children is a brother or sister of the child to be boarded-out.

“15. If the number of children in a house in which a child is boarded-out by a local authority subsequently exceeds four, including that child, the child shall, unless the child is a brother or sister of one or more of the boarded-out children resident in the house or unless the Department otherwise direct, forthwith be withdrawn.

“16. A child shall not be boarded out or be allowed to remain boarded-out –

- a) In a house in which a certified lunatic or mental defective is residing;
- b) With a guardian occupying or residing in a house or premises licensed for the sale of excisable liquor;
- c) In a house where any member of the household has at any time been convicted of an offence which, in the opinion of the local authority, renders him unfit to be associated with a child; or
- d) With a guardian other than a relative, of a religious persuasion different from that to which the child belongs.

“17. A local authority shall, before boarding-out any child with a guardian, satisfy themselves that the guardian is of good character and of industrious habits, and is a person who is in all respects fit to look after the health, education and general well-being of the child.

“18. A local authority shall ensure that when a child is first boarded-out he is provided with sufficient boots and stockings and at least two outfits of outer and of under-clothing, and that thereafter the child is kept supplied with boots and stockings and suitable clothing, and for that purpose they may arrange with the guardian for an adequate supply of the same.

"19. A local authority shall arrange for the provision of the necessary medical attendance on every child boarded-out by them and for his receiving necessary dental treatment, medicines and medical or surgical appliances and extras ordered by the medical attendant and shall notify the guardian of the arrangements made.

"20. Where a local authority board-out a child in the area of another local authority, they shall immediately furnish that authority with particulars of the child and with the name and address of the guardian with whom he has been boarded-out.

"21. Where a local authority board-out a child in the area of another local authority, they shall make suitable arrangements for the child's supervision. Such arrangements shall include provision for the child to be supervised by some reliable person resident in the district where the child is boarded-out, and for the person by whom the child is supervised to furnish to the local authority a report every six months on the matters specified in paragraphs (a) to (h) inclusive of Article 23 of these regulations.

"22. A local authority shall in January of each year furnish the local authority of each area in which a child is boarded-out by them with a list giving the name, age and religion of each child boarded-out by them in that area and the name and address of his guardian.

"23. Unless the Department on the application of a local authority in any particular case otherwise direct, every child boarded out by a local authority shall be visited at least once in every twelve months by an inspector of the local authority who may be accompanied by not more than two members of the local authority, and the inspector and the members, if any, shall furnish to the local authority a report with respect to –

- a) The general conditions of the home where the child is boarded-out, including the suitability of the guardian;
 - b) The sleeping arrangements for the child and the condition of his bed, bedclothes and night apparel;
 - c) The condition of the child's clothing;
 - d) The child's health, general welfare and behaviour;
 - e) The progress the child has made at school;
 - f) The manner in which the child is occupied outwith school hours;
 - g) Any complaints made by, or concerning, the child; and
 - h) Any other matters relative to the care and supervision of the child by the guardian or to the child's welfare which they consider should be reported;
- and the local authority after taking any necessary action on such report shall retain it for reference.

"24. Where the local authority have reason to believe that a guardian is party to any contract for the purpose of ensuring the payment to him

a sum of money upon the illness or death of the child boarded-out with him, they shall forthwith withdraw the child from the guardian.

“25. A local authority shall make rules to be observed by guardians and shall furnish the Department with a copy of such rules. The rules shall contain provisions for ensuring the general welfare of every boarded-out child, including provisions with regard to general training and discipline, attendance at school, feeding, clothing, sleeping accommodation and medical attendance and for ensuring that no guardian shall make use of the services of any boarded-out child for the purposes of any trade, business or calling carried on by him except in the performance of such light agricultural or horticultural work as may be done by the child without risk of injury to the child’s health or of detriment to his educational progress and general welfare.

“26. Where it appears to the Department that an excessive number of children is boarded-out in an area, the Department may, after consultation with the Scottish Education Department, give intimation of such excessive boarding-out to any local authority who have boarded-out children in that area and the local authority shall, within the time prescribed by the Department, reduce the number of children so boarded-out by them to such number as the Department may require.

“27. No child shall be boarded-out in any area which the Department, after consultation with the Scottish Education Department, have declared to be unsuitable for that purpose.

Public Assistance Circular 1934 was written by the Secretary for the County Clerk/Town Clerk following the Poor Law Scotland Regulations 1934. “Generally speaking, the regulations do not introduce any radical changes in the arrangements hitherto in force in the spheres of poor law administration covered by the regulations...Part III (boarding-out of children) incorporates in regulation form many of the recommendations made by the Department and their predecessors in various administrative circulars, particularly in the Department’s Public Assistance Circular No. 18, dated 29th June 1931”.

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

SIC RESPONSE

People holding parental responsibilities and rights continued to have some legal responsibility for their children while they were in the care of the organisation.

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

SIC RESPONSE

Parental rights and responsibilities are now as defined in the Children (Scotland) Act 1995. Prior to that, the Social Work (Scotland) Act 1968 refers to 'rights and powers' without further definition.

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

SIC RESPONSE

N/A

Present

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

SIC RESPONSE

No although please refer to our answer at Q1.4 b) for the present legislative position.

- g) If so, please give details.

SIC RESPONSE

N/A

(ii) Foster carers

Past

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

SIC RESPONSE

Professor Norrie states in his 2017 report –" In terms of the Children and Young Persons (Scotland) Act 1932, the person to whose power the boy or girl is committed shall, whilst the order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his or her maintenance, as if he were his or her parent. The Children and Young Persons (Scotland) Act 1937 replicated this provision. The provision was repealed in the Social Work (Scotland) Act 1968 and no equivalent provision was enacted."

Thereafter, those employed to provide care at the establishment would have undertaken the provision of care for the child on behalf of

the organisation. In terms of the Fostering of Children (Scotland) Regulations 1996, "to foster was stated to mean to "arrange for a child to live as a member of the family of a person who is not a parent, does not have parental responsibilities in respect of the child and who is not a relevant person in relation to the child and who undertakes to look after the child other than in accordance with the Adoption Agencies (Scotland) Regulations 1996."

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

SIC RESPONSE

Please refer to response to Q 1.4 (ii) a)

Present

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

SIC RESPONSE

Please refer to our response at Q1.4 (ii) d) below.

- d) If so, please give details.

SIC RESPONSE

Professor Norrie describes the position thus in his 2017 report "From 1968 decision making powers relating to children in care rested with the local authority and foster carer's powers have been traced to and constrained by the applicable regulations."

1.5 Ethos

Past

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

SIC RESPONSE

Following the publication of the Monckton Report in 1945 in response to the death of a child who had been boarded out in England, the Secretary of State asked that local authorities review their arrangements to secure the wellbeing of children in their care .The following was discussed: "PRINCIPLES -The aim of boarding out is to substitute the best

obtainable guardians and homes for (a) unworthy ones and (b) those who through force of circumstances are unable properly to provide for their children; to train the child to develop into an intelligent, self – respecting ,useful citizen , to achieve a good upbringing in a working class home; to obtain for the child a strong bond of affection, if love is too strong a word, in his new surroundings ,and to give him a solid and secure anchorage; to allow him to grow happily as one of a family..... the guardian whose attraction to the amount of aliment paid is to be avoided ,for it is not board and lodging only that are necessary. The problem is to find people willing to care for children and provide home life out of affection for and interest in children and that is the real limitation. The child must, however pay his way. It is for consideration whether more generous terms or other means might attract those in more affluent circumstances to provide material advantages of a higher order than are obtainable with our present guardians, but affection cannot be purchased.”

SIC RESPONSE

From perusal of files, Social Work’s professional opinion is that Shetland Islands Council worked within the principles of the legislation and good practice guidance that was in operation during the time periods under consideration by the Inquiry. The Fostering Service was only developed from 1992 onwards as a result of a review of childcare services in Shetland which took place in 1991. A search of archival data in paper and electronic formats did not reveal records specifically produced to describe the ethos and functions of the Fostering Service however the available Committee Reports, Minutes, Corporate Plans and Service Plans from 1991 to present suggest that Shetland Islands Council placed importance on the role of foster carers in providing a nurturing and caring environment for children and young people. This is reflected in the allowances available to carers referred to in our response to 1.2 above and detailed in Appendix No. 1

Please also see Appendix No. 8 and Appendix No. 9

- 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?

SIC RESPONSE

Please refer to response at Q 1.5 (a)

Please also see Appendix No. 8

- 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?

SIC RESPONSE

There is scant information available prior to the procedures in 1997; but discussions around values and ethical issues were raised by the Divisional Manager Children & Families in 1996 and were then recorded in the Social Work Procedures in 1997.

It is clear from a Social Work Committee Minute dated 23.09.1975, which agreed the fostering, allowances (higher than anywhere else in Scotland), that a positive emphasis was placed on the value of Foster Care in Shetland, which would also evidence a positive ethos from the Local Authority.

From the 1997 Social Work procedures, it is clear that National Guidance and Legislation was referred to throughout – the values and ethos placed on all Social Work procedures and processes are evident, including Fostering.

National guidance was issued in years following 1997, with the National Care Standards – Foster Care and Family Placement Services coming in 2011 and the SSSC Standards in Fostering in 2017.

From a Shetland Islands Council perspective, new functions and objectives in respect of fostering were written in 2015 and updated in 2018 however no other relevant fostering-specific procedures, aside from the 1997 general Social Work procedures, are available prior to 2014. The practice for some time has been to overwrite previous procedures when new procedures are developed therefore the information contained within the original is lost.

Values and ethos of the Service are now recorded in the Foster Carers handbook (2019); the Fostering Service Functions and Objectives (2018); the Current Social Work Procedures (2019); and the in house Fostering procedures.

Please also see Appendix No. 8 and No. 9

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

SIC RESPONSE

Please refer to Appendix No. 8

- 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?

SIC RESPONSE

Please refer to Appendix No. 8

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

SIC RESPONSE

Please refer to Appendix No. 8

Present

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

SIC RESPONSE

From 2014 onwards, more detailed policies and procedures were developed which more clearly set out the role of the foster carer, Foster care functions and objectives were also developed in 2015 and updated on 13th September 2018. The Foster Carers Handbook was developed and came into effect in January 2019. This handbook highlights all aspects of Foster Care in Shetland.

- h) If so, please give details.

SIC RESPONSE

Please refer to our response at Q 1.5 g)

1.6 Numbers

- (i) Local authority

Past

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

SIC RESPONSE

From 1985 to 2019, the total number of children accommodated in foster placements appears to be 582, with the following caveats:-

The data has been gathered from the reading of the available Foster Carer Files, and the Child Files. An in depth search has been carried out and there are no files or other information available prior to 1985.

The Data gathered has a number of variances which include:

- A number of the early files did not record the types of placement, or how long a child was in placement.
- Often a respite placement provided a child with a number of times throughout a year one weekend per month, or one occasional night(s) throughout a year. These dates have not been specifically recorded in the early files.

Please refer to Appendix No. 2

- 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?

SIC RESPONSE

Data has been gathered from the reading of the available Foster Carer Files. An in depth search has been carried out and there are no files or other information available prior to 1985.

The Data has a number of variances which include:

- A number of files did not record deregistration dates so these figures have been obtained from the only information recorded on the files; some information is missing completely.
- The types of placements were not always recorded in the early files and therefore the number of placements may not be accurate
- The number of children each Foster Carer was approved for is often not recorded on the files, which again means the number of available placements may not be accurate.
- A number of foster carers, whilst approved for a certain amount or type of placements, did not progress to having a child in placement.

Please refer to Appendix No. 2 and Appendix No. 4

- 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.

SIC RESPONSE

From perusal of archive records, it was established that what could be termed as foster care fell into two categories – full-time foster care and respite/outreach. Figures for these from 1985 to 2019 appear to be as follows:

Full-time – 182
Respite/Outreach – 242

Please refer also to Appendix No. 4 and the caveats on figures as detailed in our response to Q 1.6 (i) a) and b)

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

SIC RESPONSE

Please refer to Appendices No. 2 and No. 4

These appendices evidence fluctuations in the number of children in foster placement however it is not possible to accurately demonstrate why material changes in numbers took place as historic files do not provide that level of detail. From early files, it was clear that carer's approval and function often changed from providing respite to emergency to short term placements to full time placements depending on need however the reasons why this was the case were not always recorded. Social Work opinion is that the changes to foster placements were often due to family circumstances, for example a foster carer may have received approval to take children for placement however there have been a period of time when they were unable to take children into their home – this could be because of ill health, holidays or some other personal reason.

Where records exist detailing reasons for material change, the following reasons were noted:-

- Carers left Shetland
- Withdrawal from fostering
- Difficulty managing particularly challenging children
- Family emergencies (e.g. illness or a bereavement)

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

SIC RESPONSE

From examination of archive records, it was established that foster care placement records only extend as far back as 1985. Records on residential care were retrieved from 1975 to 2019, however, from the information gathered of children in foster care and in other residential placements, the number of children accommodated by the local authority from 1975 to 2019 was 615.

Please also refer to Appendices No. 2 and No.3

- 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?

SIC RESPONSE

Records show that the first residential children's home was established in Shetland in 1974 although minutes from Council meetings in 1975 indicate that foster care/boarding out was already in place. Residential care remained the predominant method for accommodating children from 1974 to 1993/1994. From 1994 there was a significant increase in the number of foster placements and a reduction in the number of residential placements. Presently, foster placements account for more children accommodated by the Council than residential care.

Please also refer to Appendices No. 2 and No.3

Present

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

SIC RESPONSE

Records evidence that the number of children in foster care has increased significantly against the number of children in residential care which means that fostering is now the predominant method of accommodating looked after children in Shetland. The recording on files post 2014 is more accurate and detailed than previously and provides information on the types of placements and the age range of children that carers are approved to accommodate. The files now also record approval and de-registration dates for carers in a more accurate fashion than was customary in the past.

- h) If so, please give details.

SIC RESPONSE

Please refer to our response at Q 1.6 (i) g) above.

1.7 Children's Background/Experience

Past

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

SIC RESPONSE

Perusal of records in relation to placement of children revealed that the majority of children entered foster care via Child Protection intervention or due to neglect. Some were fostered to provide respite care if a parent was unwell and there were no other family members who could care for the child or because respite was required in order to support the child's family. The experiences of children entering foster care were broadly similar in that the majority were placed for reasons of Child Protection or neglect. The experience of children while in foster care also seems to have been broadly positive, with some exceptions which have been summarised in the Appendices

Please also refer to Appendix No. 6.

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

SIC RESPONSE

Records show that all children were admitted to the care of the local authority and placed with foster carers most suitable for their needs.

- c) Who placed children with the local authority?

SIC RESPONSE

Perusal of records shows that children were placed in care by the Social Work Department, often in conjunction with the police or with agreement from family members. Later, the Children's Hearing System had a role to play in placement. Continued suitability of any placement is by way Looked After Review following the introduction of the Looked After Children (Scotland) Regulations 2009.

- 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?

SIC RESPONSE

Our records show that Shetland Islands Council mainly received children into care by way of voluntary placements. Families would agree, through involvement with Social Work, to place children with foster carers. This was particularly true in the case of respite (if a parent or carer was unwell) or short break placements. It is more common now for children to be placed in foster care on an emergency basis prior to a Children's Hearing being convened.

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

SIC RESPONSE

Please refer to our responses at Q 1.7 c) and d)

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

SIC RESPONSE

Records show that children remained in the care of the local authority for variable periods of time. Some were long term placements however many were in care for shorter periods of time such as for respite care or under shared care with their parents.

- 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?

SIC RESPONSE

From perusal of our records it was established that the decision to admit children into care was generally made by the Social Work Department, with input from the Police Service or the children's families. Following the inception of the Children's Hearing system in 1971, the decision to place children would sometimes be made in this manner. The Looked After Children's Review now considers the appropriateness of any placement therefore this is a multidisciplinary decision involving other agencies.

Please also see our response at Q 1.7 d)

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

SIC RESPONSE

From the evidence available in our records, in making a decision to admit a child to the care of the local authority, the criteria applied were according to the operative legislation of the time which would include for reasons of Child Protection and risk of harm.

Additionally, children were also placed in foster care to provide respite or where families were struggling to cope in temporary circumstances.

- i) Were children moved between different foster care placements?

SIC RESPONSE

From the evidence obtained through file reading, it can be confirmed that children were occasionally moved between different foster care placements.

- j) If so, in what circumstances?

SIC RESPONSE

The available evidence shows that the circumstances under which children may have been moved from one placement to another included carers leaving Shetland, the placement breaking down or intermittent respite requirements which meant that a particular carer's capacity to accommodate foster children had been reached. Foster carers were also permitted respite and foster children originally placed with them would move to another carer during that period.

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

SIC RESPONSE

From our records it can be confirmed that it was not unusual for children to be accommodated in more than one foster care placement although there were a number of children who remained in their original placement on a long-term basis.

- 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?

SIC RESPONSE

Our evidence shows that the process for review of children's continued residence in foster care in relation to both a) and b) above was by way

of multi-agency discussions and reviews and, later, Looked-After Children reviews.

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

SIC RESPONSE

The process for discharge of a child from care would be by way of either a Looked After Child review or that the child reached the age of 16 (or over) and moved to his or her own accommodation.

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

SIC RESPONSE

Review of our records shows that various support systems were in place to support children on leaving care. This would include the child's ongoing relationship with their foster carer; Social Work support; housing support; Through Care/Aftercare support or Leaving Care Grants. Children may also find permanent placements through adoption, either with their foster carer or with another suitable family.

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

SIC RESPONSE

From details obtained from children's files, Looked After Children reviews would be held which detailed the child's plans for the future, whether that child was moving on to their own accommodation or to further/higher education or was returning to their parents.

- p) Was such information retained and updated?

SIC RESPONSE

From file evidence, it was established that some of this information was retained however we were unable to form a clear picture in regard to what extent information was retained and updated.

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

SIC RESPONSE

Please see our response to Q 1.7 n).

Present

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

SIC RESPONSE

Currently, records are kept electronically as opposed to in paper format and there is now a more consistent approach to supporting children leaving foster care. The new Continuing Care Guidance provides the mechanism for assisting children to assess their options and to be supported in their choices by the Aftercare Team. Evidence from current files shows that children are able to remain in foster placements much longer than they did in the past and there are a number who have remained with foster carers until over the age of 21.

- s) If so, please give details.

SIC RESPONSE

Please refer to our response at Q 1.7 r)

1.8 Local authority staff and foster carers

(i) Local authority

Past

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

SIC RESPONSE

Information was gathered from Social Work Committee Reports, records from Human Resources, staff knowledge and discussions with previous staff. There is no specific information available prior to 1973.

The information refers to Social Work staff only and does not include Educational or other staff from Health or other Agencies who may have had some responsibility for Fostering Services.

Please refer to Appendix No. 5

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

SIC RESPONSE

Please refer to Appendix No. 5

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

SIC RESPONSE

Social Workers had a role in writing Children's Plans and supporting children who were placed in foster care and their families. Fostering and Adoption Social Workers and Child Care Development Officers had responsibility for assessing and supporting foster carers. Managers/Divisional Managers and Principal Officers/Senior Social Workers had responsibility for some decisions in relation to review of placements and Children's Plan. The Registered Manager is registered with the Care Inspectorate for the fostering service. Team Leaders have responsibility for Fostering Service strategy. Independent Reviewing Officers had responsibility for ensuring that Children's Plans were being followed and achieved. Family Support Workers also had a role to play in supporting families, children and foster carers.

Please also refer to Appendix No. 5

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

SIC RESPONSE

Records from Human Resources, dating back to the early 1980s show that all Social Workers, including managers, Seniors and Principal Officers, would have to have a Social Work qualification. Family Support Workers were not required to have Social Work qualifications.

Please refer to our response at Q 1.8 (i) a) and to Appendix No. 5

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

SIC RESPONSE

Professor Norrie summarises the setting up of Fostering Panels in his 2017 report at page 168 - "One of the major innovations of the 1985 Regulations (Boarding - Out and Fostering of Children Regulations 1985) was the requirement on care authorities to establish Fostering panels, whose functions were "to consider every person referred to it by the care authority as a prospective foster parent" and to make recommendations to the care authority as to the suitability of such a person to act as a foster parent either for any child, any category of child or any particular child".

In the Shetland Islands Council Minute AF2 from 6th January 1986 records that the Shetland Islands Council Adoption Panel would take

on the role of placing children in foster care from 1st April 1986, and highlighted the role that the Panel would fulfil in line with the new Regulations.

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

SIC RESPONSE

Council Minute AF1 indicates that nominations were received and the Social Work Committee agreed the appointment of Panel members. Council Minute AF 1 4.3 sets out the criteria for Panel Members. They were required to have relevant experience, practice or interest in childcare.

Present

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

SIC RESPONSE

The Panel provide nominations to Social Work. Nominees must have relevant experience, interest or practice in childcare. The Agency Decision maker is responsible for deciding whether the nominees are suitable and should be further assessed by the Chair or Vice Chair of the Panel along with the Social Work Adviser to the Panel. Following a satisfactory assessment, a recommendation outlining the nominee's suitability is provided to the Chief Officer at Governance and Law with a copy of the recommendation being provided to the Legal Adviser and the Agency Decision Maker. The Chief Officer then approves or rejects the recommendation and the nominee is notified of the decision. Panel members are also subject to PVG checks. .

- h) If so, please give details.

SIC RESPONSE

Please refer to our response at Q 1.8 (i) g) above.

(ii) Foster carers

Past

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

SIC RESPONSE

Perusal of Corporate and Service Plans and available Social Work records covering the scope of this Inquiry shows that various methods were employed in the recruitment of foster carers. Those methods included Shetland-wide recruitment campaigns, public road shows, advertisements in the press and word of mouth. The majority of prospective foster carers appear to have come into the service by means of their own enquiry having been aware of recruitment campaigns.

Methods of assessment of foster carers has varied over the years with assessments being quite short at the outset but developing as time passed to include more criteria. The majority were assessed by means of Form F by a member of the Social Work department then referral and approval from the Fostering Panel.

Please also refer to Appendix No. 8

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

SIC RESPONSE

Records show that foster carers were not required to hold specific qualifications or have a specific set of skills. Experience gained through work or through caring for their own families or child-minding were factors taken into account when assessing suitability.

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

SIC RESPONSE

From our file-reading exercise, it was established that in the majority of cases foster care applicants underwent a police check, a Disclosure check or, latterly a PVG check. There was also evidence that the majority of applicants underwent medical assessment. Additionally, evidence shows that in the majority of cases applicants were expected to provide references from employers and/or character references with follow-up interviews carried out with referees in some circumstances.

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

SIC RESPONSE

Evidence obtained from reading files relating to foster placements prior to the 1990s indicated that checks carried out on other persons residing with prospective carers were sporadic. From the 1990s onward, checks on other persons residing with prospective foster carers became the

norm, with additional education, Disclosure and PVG checks being carried out when it was deemed necessary.

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

SIC RESPONSE

Please refer to our response at Q 1.8 (ii) d) above.

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

SIC RESPONSE

Our files indicate that, in the majority of cases prior to 2000, no records were kept to evidence whether the checks referred to at paragraphs (c) and (e) above were conducted on a regular basis. Some records exist from 2000 to the middle of the decade indicating that health assessments and PVG checks were carried out during that period. From the middle of the 2000s onwards, all files evidence the carrying out of health assessments and PVG checks, in line with the National Care Standards.

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

SIC RESPONSE

Prior to 2010, no official record of checks or visits was recorded on file. From 2010 onwards, our records show that, in the majority of cases, Social Work conducted regular visits to the homes of foster carers. These visits would take place in weekly, fortnightly or monthly cycles. The purpose of these visits would be to provide supervision and support for carers and to ensure that the placement and accommodation were a good "fit" for the fostered child. Official checks are now carried out annually.

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

SIC RESPONSE

Social Work records do not indicate that the gender of the foster carer had any relevance in relation to the placement of a child with particular carer.

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

SIC RESPONSE

Social Work records do not indicate that the gender of other persons (including children) had any relevance in relation to the placement of a child with particular carer.

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

SIC RESPONSE

Foster carers were expected to nurture the children in their care and help those children build independent living skills.

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

SIC RESPONSE

Records provide no evidence that children generally worked manually in their placements or externally in farming or other labour. Two records indicate that children in placement helped out on a croft however the file notes indicate that this occurred as the children enjoyed interacting with the animals.

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

SIC RESPONSE

Early records provide some evidence that fostering agreements were entered into, but this did not occur in all cases. All recent and current foster carers have entered into fostering agreements and this is evidenced by the current and recent files.

Present

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

SIC REPOSE

Current practice is that all prospective foster carers are subject to PVG, health, health and safety checks at the application stage. References from prospective carer's employers are obtained, interviews undertaken, educational references for the prospective carer's own children and PVG checks for any other relevant adult in the prospective carer's household are also undertaken at the application stage. These checks are repeated regularly in line with current Regulations, with health and safety checks carried out on an annual basis in line with SIC policy. Carers are required to present before the Fostering Panel if there is a change in their circumstances, otherwise carers are reviewed annually on an internal basis by the Family Placement Service.

All prospective foster carers must undergo a full Form F assessment and attend at the Fostering Panel. The Fostering Panel's recommendation is then presented to the Agency Decision Maker who makes the final decision and communicates that decision to the applicant.

Recruitment of Foster Carers remains high priority with Shetland Islands Council with various methods of recruitment deployed including use of social media, roadshows, mailshots and regular local advertising.

- n) If so, please give details.

SIC RESPONSE

Please refer to our response at Q 1.8 (ii) m) above.

2. Organisational Structure and Oversight

2.1 Culture

Past

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

SIC RESPONSE

From reading of files, the evidence suggests that there has always been a positive and proactive culture to the provision of foster care in Shetland and to the recruitment of foster carers. This is borne out by the evidence present in numerous committee reports covering the scope of this Inquiry and from the allowances set to support foster carers being some of the most generous in Scotland. Evidence from files also shows that foster

carers were well-supported by Social Work. This is also reflected in the first comprehensive Social Work Procedures developed in 1997.

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

Please refer to Appendix No. 8

- c) How can that be demonstrated?

SIC RESPONSE

This can be demonstrated by the content of committee reports, the level of supervision offered to Foster Carers as evidenced in files and by the level of allowances paid to Foster Carers which was increased in Shetland to take into account the higher costs of living.

Please also refer to our response at Q 2.1 a).

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

SIC RESPONSE

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?

SIC RESPONSE

Some records indicate that children were removed from placement due to isolated incidences of Foster Carers using physical chastisement. When this occurred, carers would usually cease fostering. In the event that Foster Carers did not adhere to practice, they were offered support by Social Work however if no improvement was evident, they would be deregistered.

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

SIC RESPONSE

As National Policy, legislation and Care Standards were introduced and developed, policy in relation to foster carers also developed. The 1997 Social Work procedures for Shetland Islands Council were developed by a manager whose experience had been informed by involvement with

and lessons learned on the Inquiry into the Removal of Children from Orkney in February 1991.

Please also refer to Appendix No. 8.

- 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?

SIC RESPONSE

From reading all available foster and child files, no incidents were identified that influenced any changes in culture. As previously mentioned, the Report into Child Care Provision in Shetland was influential in ensuring that fostering services were promoted. The Report also brought about the appointment of a dedicated Social Worker for fostering. The subsequent Social Work procedures detailed the provision of the Fostering Service.

Please also refer to Appendix No. 8.

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

SIC RESPONSE

There is no evidence in our records to indicate changes in culture or policy that were driven by abuse or allegations of abuse of children in foster care. There may have been changes in policy at a national level as a result of the outcome of the Orkney Enquiry, but there is no evidence to suggest that major changes took place at a local level. Shetland did not experience major issues in relation to child abuse that would have prompted any such change although a Divisional Manager with experience of the situation in Orkney brought learning points which drove discussions around the Child Protection and Social Work procedures that were developed in 1997.

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

SIC RESPONSE

N/A

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

SIC RESPONSE

Records show that external drivers for cultural change within the organisation stemmed from the BAAF Good Practice Guides, Child Protection legislation, the National Care Standards, PVG and Disclosure Legislation.

Present

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

SIC RESPONSE

Current legislation and guidance informs Shetland Islands Council policy and procedure in relation to the provision of the fostering service in Shetland. The introduction of the SSSC Standards for Foster Care and the Health and Social Care Standards, including Care Inspections and Good Practice Guidance influences practice in foster care.

- l) If so, please give details.

SIC RESPONSE

Please refer to our response as Q 2.1 k) 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?

SIC RESPONSE

From perusal of 77 available foster care files, 9 allegations were identified. There were no allegations of sexual abuse against foster carers. There were 2 allegations against foster carers in relation to the hitting or slapping of children in their care. The allegations were admitted by the foster carers. There were no charges brought by the police and no prosecutions or convictions. There are also no known cases of former foster children making complaints of historic abuse to Shetland Islands Council.

The evidence on file supports appropriate responses being taken at the time of these allegations and there is no evidence to show that any particular incident led to a change in policies or procedures either in the past or presently.

It is the opinion of Social Work and Shetland Islands Council that:

- There has been no systemic abuse within Foster Care in Shetland
- Any abuse/allegations of abuse were minor and infrequent
- There were no systemic failures regarding the protection of children in foster care;
- That Shetland Islands Council acted appropriately and investigated abuse and allegations of abuse accordingly under the Guidance / Procedures in place at that time.
- There were no failures or deficiencies with Shetland Islands Council's response to abuse or allegations of abuse
- No changes needed to be implemented to Shetland Island Council's policies, procedures or practice in relation to the above

Please also refer to Appendix No. 6.

2.2 Structure, leadership and accountability

Past

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

SIC RESPONSE

Please refer to Appendix No. 5.

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

SIC RESPONSE

Please refer to Appendix No. 5.

- c) What were the lines of accountability?

SIC RESPONSE

Please refer to Appendix No. 5.

- 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?

SIC RESPONSE

Please refer to Appendix No. 5.

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

SIC RESPONSE

Our records show that decisions on matters of policy were taken by the Social Work Committee and then by the Children and Families Committee. Some decisions were taken by local managers in conjunction with the Legal Team, particularly in relation to the development of Social Work operational procedures in 2014 and 2019. Line managers were responsible for supervising individual Social Workers in line with the local Handbook and Functions and Objectives documents. Officers are permitted to implement operational procedures and guidelines which do not require Committee or Council approval however Policies are considered higher level strategy and must be approved by Committee or Council.

- f) To whom were foster carers accountable?

SIC RESPONSE

Foster carers were accountable to the Social Work Teams.

- 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?

SIC RESPONSE

All Social Work staff were responsible for the implementation of and compliance with the Authority's policies, procedures and practices in relation to foster care. Other Council staff also had a role to play in implementation such as Social Work Committee, Chief Social Work Officer and Executive Manager.

- h) To whom were fostering panels accountable?

SIC RESPONSE

Foster panels were accountable to the Local Authority and the Agency Decision Maker.

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

SIC RESPONSE

The Panel is comprised of independent individuals and assisted by a Legal and Medical Advisers. Ultimately, the recruitment process and extending Panel members' membership of Panels was the responsibility of the Head of Legal Services in conjunction with the Agency Decision Maker and the Chief Social Worker. The Fostering Panel is also supervised by the Care Inspectorate, however the Local Authority has overall responsibility for the Panel.

Present

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

SIC RESPONSE

Please refer to Appendix No. 5.

- k) If so, please give details.

SIC RESPONSE

Please refer to Appendix No. 5.

2.3 External Oversight

Past

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

SIC RESPONSE

Arrangements for external oversight of local authorities foster care services was as per the external oversight arrangements applying to local authorities over the period in question. That could be the Social Work Inspection Agency, the Care Inspectorate, the Scottish Public Services Ombudsman or Audit Scotland.

From 2002, the Care Inspectorate or the Care Commission would have a duty to ensure the functioning of the Panel and report on this to the Local Authority.

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

SIC RESPONSE

Please refer to our response at Q 2.3 a) above.

c) How often did this occur?

SIC RESPONSE

Please refer to Appendix No. 7.

These inspections would have included inspections of the Fostering Panel. Copies of reports are available if required.

d) What did these visits involve in practice?

SIC RESPONSE

The Care Inspectorate would ensure the functioning of the Panel was in line with the operative legislation, Regulations and the National Care Standards. The Inspectorate would ensure that the Foster Panel decision maker made timely and appropriate recommendations or decisions in line with the overriding objectives to promote the welfare of children in foster care. The Inspectorate would also ensure that Panel members had appropriate experience and that sufficient numbers of members were attending Panels.

Present

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

SIC RESPONSE

No

f) If so, please give details.

SIC RESPONSE

N/A

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?

SIC RESPONSE

The Council has concluded that, during the period covered by the Children Files to December 2014, certain instances and allegations of abuse of children in foster care did occur. However, instances and allegations of abuse were extremely infrequent and minor. There were no regular or substantial instances or allegations of abuse during this period.

In summary:

- There are eight recorded incidents of abuse and allegations of abuse involving nine children in foster care between 1985 to December 2014.
- Of the eight cases, four cases were found to be actual instances of abuse, three of which were admitted instances of abuse by a foster carer to a foster child.
- For the other four cases, no evidence could be found to support the allegations of abuse.
- For all children involved in the incidents, other than one child (Child F), instances or allegations of abuse were isolated events and non-repetitive incidents.
- For all foster carers involved in the incidents, instances or allegations of abuse were isolated events and non-repetitive incidents.
- No disciplinary action was taken against any of the fosters carers involved in the eight cases.

In addition, there have been no historical disclosures nor claims made against the Council for abuse of foster children in foster care.

We have set out full details of the instances and allegations of abuse that are recorded in the Children Files at Appendix 6.

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

SIC RESPONSE

As mentioned above at 3.1(a), the Council concludes that the extent and scale of the recorded instances and allegations of abuse to be extremely infrequent and minor.

Please refer to Appendix 6 for more details.

- c) What is the basis of that assessment?

SIC RESPONSE

The Council's assessment is based on the analysis that was undertaken by the Council's Social Work professionals of the information contained within the Children Files.

Since no formal complaints were made in relation to the instances or allegations of abuse (at the time or retrospectively), the Council does not hold separate records for these incidents. The only information the Council holds is contained within the Children Files.

As summarised above at 3.1(a), between 1985 to December 2014 there have only been eight recorded incidents of abuse or alleged abuse involving foster children. This demonstrates that instances and allegations of abuse were very infrequent given this is an objectively low number of incidents to have occurred in the span of almost 30 years. Further, it can be seen from the information contained within Appendix 6 that the forms of abuse that occurred towards a child in foster care were not repetitive nor severe.

Finally, in relation to the three cases where foster carers admitted to abuse of foster children, the abuse admitted in these cases would be deemed to be minor if considered under the Council's Child Protection Procedures in 2020.

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?

SIC RESPONSE

The Council does not accept that its systems failed to protect children in foster care during the period covered by the Children Files.

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

SIC RESPONSE

From analysing the information contained within the Children Files, it has been concluded that the Council would have ensured (and, in more recent years, did ensure) it had implemented the appropriate systems and procedures in relation to foster care, as were relevant during the period covered by the Children Files to December 2014. The Council

would have taken (and, in more recent years, did take) all the appropriate steps to ensure the welfare of children in foster care was safeguarded and that foster children were protected from abuse occurring.

- c) What is the basis of that assessment?

SIC RESPONSE

The above assessment is based on the Council's Social Work professionals' analysis of the information contained within the Children Files. Namely, the fact that instances and allegations of abuse were extremely infrequent and minor and that there is no evidence available to the Council which demonstrates any systemic failures, systemic abuse nor repeated abuse in relation to foster children.

In terms of more recent years, the Council is able to demonstrate that it ensured it had in place the required safeguards to protect children in foster care. More information on this can be found in the Council's response to Part C and in Appendix 8.

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

SIC RESPONSE

Please refer to the responses above at 3.2(a)-(c).

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?

SIC RESPONSE

The Council does not accept that there were any failures and/or deficiencies in its response to abuse, and allegations of abuse, of children in foster care during the period covered by the Children Files to December 2014.

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

SIC RESPONSE

On review and analysis of the Children Files, it has been concluded that the Council would have followed (and, in more recent years, did follow) the relevant and appropriate guidance and procedures in place at the time to properly respond to any instances or allegations of abuse, as recorded in the Children Files. There is nothing within the Children Files

to suggest that the Council failed or was deficient with its response to abuse and allegations of abuse.

- c) What is the basis of that assessment?

SIC RESPONSE

The above assessment is based on the Council's Social Work professionals' analysis of the information contained within the Children and Foster Carer Files.

Any instances or allegations of abuse were isolated events that were addressed at the time they occurred. In terms of repeated abuse or allegations, there is only one record of repetitive instances of abuse or alleged abuse against one child in foster care (Child F). This demonstrates that cases were dealt with appropriately by the Council. It is the Council's Social Work professionals' assessment that all the appropriate decisions and actions were taken at the time when responding to abuse and allegations of abuse.

Appendix 6 sets out how the Council investigated and addressed the instances and allegations of abuse during the period covered by the Children Files to December 2014. It can be seen that the Council followed the relevant procedures and liaised with the Police where required to investigate allegations. For most of the cases, the child in question was moved to another placement if deemed appropriate, even if no evidence could be found to support the allegation. Where children remained in the placement, this was determined to be in the best interest of the child based on the Council's investigation of the response, including obtaining the views of the child in question. Where further action was required following an investigation of an incident, the appropriate actions were taken by Social Work, as detailed in Appendix 6.

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

SIC RESPONSE

Please refer to the responses at 3.3(a)-(c).

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?

SIC RESPONSE

Given the responses provided at 3.1 – 3.3, the Council would not have been (and in more recent years, was not) required to implement any changes to its policies, procedures and practices in relation to foster care as a result of the Council's failings or deficiencies in this area.

It has been demonstrated above and in Appendix 6 that the Council appears to have (and, in more recent years, did) responded to all instances and allegations of abuse in an appropriate manner, following the relevant procedures in place at the time. The Council also ensured that safeguards were in place to protect children in foster care. As a result, there have been very few instances and allegations of abuse and accordingly there would have been no requirement for the Council to amend the way it responded to instances or allegations of abuse or the level of protections it had in place. Further, it appears that the Council kept up-to-date with and implemented any changes in this area that would have been required, for instance in order to comply with relevant legislation or central government policy. For more recent years, it can affirmatively be stated that the Council ensured it implemented changes that were required in this area.

The above response can be further evidenced through the Council's response to Part C and in Appendix 8.

Part C - Prevention and Identification

4. Policy and Practice

4.1 National

Past

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

SIC RESPONSE

Yes - such policy/guidance is referenced by Professor Kenneth Norrie in his report to the Scottish Child Abuse Inquiry, 'Legislative Background to the Treatment of Children and Young People Living Apart from their Parents'. In particular, please refer to pages 140-184 of Professor Norrie's 2017 report which details relevant, historic fostering out legislation. Publications such as Shaw (2007), Kendrick and Hawthorne (2012) and the research reports commissioned by the Inquiry provide a comprehensive overview of the range of national policy/guidance governing the provision of residential childcare.

Further, Appendix 8 of the Council's response lists the history of the relevant national policy, legislation and guidance that related to the provision of foster care.

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

SIC RESPONSE

Though the Council does not hold a large volume of records which enable it to demonstrate it was aware of such national policy/guidance as far back as 1930, the records we do hold, including the information contained within the Children and Foster Carer Files, would suggest that the Council was aware of and ensured it complied with national policy, guidance and legislation in relation to the provision of foster care.

Council records contain a note of the relevant national policy and guidance as at 2008, as set out in the Council's 2008 Children Services Plan, which demonstrates that the Council was aware of and had regard to national policy, guidance and legislation in relation to the provision of foster care:

"2008 – CHILDREN'S SERVICES PLAN – ETHOS – UNDER "VISION AND THEMES" – WHAT SHAPED THE PLAN: LEGISLATION:

"National policy and guidance that shapes this plan includes "For Scotland's Children", the Children (Scotland) Act 1995, "Its Everyone's job To Make Sure I'm Alright", "Quality Improvement Framework for

Children's Services", "Getting it Right For Every Child", "Extraordinary Lives" and "Looked after Children: we can and must do better".

- 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?

SIC RESPONSE

Please see response to 4.1(b) and information contained in Appendix 8, which details the position from the early 1990's. As mentioned, it is felt that the Council was aware of, had regard to and adhered to all national policy, guidance and legislation that related to the provision of foster care (including the items listed below at i-x) as it was published/brought into force.

- i. Child welfare (physical and emotional)
- ii. The child's views
- iii. Reviewing a child's continued residence in a foster care placement
- iv. Child protection
- v. Discipline
- 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

SIC RESPONSE

The early Foster Carer Files do not record whether employers were asked to divulge details of complaints, etc. in relation to prospective foster carers. However, Police/ Disclosure checks/PVGs were in place during the period covered by the Foster Carer Files, and personal references are included in the majority of files. Later records contain evidence of employer references, which would suggest that employers were asked to provide references at that time.

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

SIC RESPONSE

See response to 4.1(b) and (c) and Appendix 8.

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

SIC RESPONSE

See response to 4.1(b) and (c) and Appendix 8. In addition, the Council ensured that such policy/guidance was brought to the attention of foster carers during assessments, through ongoing training of foster carers and through the general support the Council offered foster carers.

f) If not, why not?

SIC RESPONSE

N/A

Present

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

SIC RESPONSE

Please refer to Appendix 8 for a note of the current national policy/guidance that relates to the provision of foster care. It can be seen that the Council is aware of and has implemented the relevant national policy/guidance and legislation. Such implementation is embodied through its own Social Work procedures, including its fostering procedures.

There are clearer foster carer guidelines now than previously. For instance, employee references are now required to be done, as standard procedure, for each applicant. At the Council, there is currently a Foster Care Handbook in place advising about good practice and guidance, discipline, child protection, complaints, whistleblowing, foster carers record keeping, and record retention for foster carer files. There are also Social Work procedures in place detailing Reviews of Placements and Child's Plans, etc.

In addition, the Scottish Government's "Getting it right for every child" ("GIRFEC") approach provides all local authorities with a common approach to working together to deliver better outcomes for children to ensure they reach their full potential. It promotes a shared approach and accountability that:

- builds solutions with and around children, young people and families
- enables children and young people to get the help they need when they need it
- supports a positive shift in culture, systems and practice
- involves working better together to improve life chances for children, young people and families.

The Council has regard to and adheres to the GIRFEC approach, together with other local authorities in Scotland, when exercising its foster care functions.

h) If so, please give details.

SIC RESPONSE

Please see response to 4.1(g).

4.2 Local Authority

SIC RESPONSE

PLEASE NOTE – In relation to questions 4.2 to 4.9 SIC's records in relation to such policies and procedures is extremely limited – the information available to us at this time dates back to the early 1990's. In particular, from the information available to us, it was found that the majority of historic SIC social work and fostering policies and procedures are not kept on file, either electronically or in hardcopy. When a policy or procedure was updated or revoked the previous version was not kept on file. Accordingly, on the whole, we have only been able to provide general responses to questions 4.2 to 4.9, as opposed to detailed responses addressing each aspect of the questions. Where possible we have provided a response to specific aspects of questions 4.2 to 4.9.

(i) Policy
Past

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

SIC RESPONSE

Yes – please see Appendix 8 regarding the policy development for Social Work which included policy on the provision of foster care and development of the Council's in-house Fostering Service procedures.

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

SIC RESPONSE

Yes – please see Appendix 8 for information on the Council's procedural aim/intention at "Values & Ethos". In addition, please refer to the response to question 1.5 in Part A and Appendix 9 on the Council's wider ethos in relation to Children Services and, in particular, the Council's ethos in relation to fostering services.

The Council's values and ethos, in conjunction with relevant national policy and guidance (e.g. currently the National Care Standards),

shaped (and currently shapes) the aim and intention of the Council's social work and foster care policies and procedures.

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

SIC RESPONSE

The Council does not hold records which provide information on where its previous social work and foster care policies and procedures were recorded. When a policy or procedure was updated the previous version was rendered obsolete and not kept on file.

However it is considered that such policies and procedures would have been recorded by and with the Council's Social Work Department. This is currently the case.

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

SIC RESPONSE

As mentioned above, the Council has been unable to provide detailed responses to the items noted below at i-xix. Where possible, we have provided some commentary next to certain responses. Further, we can confirm that the National Care Standards would have included all these items and what was/is expected of the Council in relation to each item when providing its fostering services. In addition, these items were and are covered in the Care Inspectorate's inspections of the Council's Social Work services, including its foster care services (please see Appendix 7 for more information).

In terms of the "present" position, the items noted below are covered by the Council's social work and fostering policies and procedure, as noted in Appendix 8.

- i. Child welfare (physical and emotional)
- ii. The child's views
- iii. Placement of siblings
- iv. The placement of a child in foster care
- v. The particular placement of a child with foster carers
- vi. Contact between a child in foster care with his or her family
- vii. Contact between a child in foster care and other siblings in foster care
- viii. Information sharing with the child's family
- ix. Fostering panels (including constitution, remit, frequency and record keeping)
- x. Recruitment and training of foster carers
- xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the 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)
- 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

SIC RESPONSE

Please see response to 4.7.

- xviii. Whistleblowing

SIC RESPONSE

Whistleblowing came into effect via The Public Interest Disclosure Act 1998, which came into force in July 1999 and made amendments to the Employment Rights Act 1996. As such, whistleblowing would not have been included in the Council's policies and procedures until the late 1990's.

- xix. Record retention

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

SIC RESPONSE

We hold limited information about this, however it appears that Social Work policies and procedures, including those on fostering, would have been compiled by Social Work managers in conjunction with the Council's Legal Services department. This is currently the case.

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

SIC RESPONSE

See Appendix 8. From our records it can be seen that the first fostering procedures were written in 1997. Policies and procedure were then updated over the years in accordance with national policy, guidance and legislation.

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

SIC RESPONSE

As above, we hold limited information about this. We have detailed the information we have about policy and procedure reviews in Appendix 8.

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

SIC RESPONSE

As above, we hold limited information about this. It appears that any reviews of policies and procedures would have been done in line with a change in national policy/guidance and legislative requirements.

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

SIC RESPONSE

As above, we hold limited information about this. It would appear that any substantive changes in national policy, guidance and legislation would have been reflected in the Council's policies and procedures.

j) Why were changes made?

SIC RESPONSE

As above – in line with the requirements of national policy, guidance and legislation.

k) Were changes documented?

SIC RESPONSE

As above, we hold limited information about this, although it appears changes were documented as appropriate (for instance, see response to 4.7 on Complaint Handling).

l) Was there an audit trail?

SIC RESPONSE

As above, we hold limited information about this, although it would appear this was not the case.

Present

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

SIC RESPONSE

We have made comments above and in Appendix 8 in relation to the present position.

All of the policies and procedures asked about in questions 4.2 to 4.9 are contained within the Council's current Social Work and Fostering policies and procedures. The procedures are recorded by and with the Council's Social Work Department and are compiled by Social Work in conjunction with the Council's Legal Services. The policies and procedures are reviewed as appropriate to reflect best practice and changes in national policy, guidance and legislation.

n) If so, please give details.

(ii) Practice

Past

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

SIC RESPONSE

We have limited information in our records about adherence with policies and procedures relating to the provision of foster care. However, from analysis of the Children and Foster Carer Files it is apparent that the Council did adhere to its policies and national requirements (please also see our response to Part B). For instance, it can be seen from the files that: assessments were carried out using the BAAF Form F which continues to be used today (albeit Form F has evolved over time to reflect new research, good practice and legislation); applicants went to Panels for approval/review; reviews took place to review placements and children's plans; Social Work support was given to foster carers and foster children.

The Files would indicate that good practice was undertaken and relevant guidance was followed by the Council.

In addition, the Council's adherence with its Social Work policies and procedures, including those relating to the provision of foster care, can be demonstrated through the findings of the Care Commission and Care Inspectorate inspections of the Council's Social Work practices. Please see Appendix 7 for more details on this.

Please also see Appendix 8 for more information on the Council's practices in relation to its Social Work function and fostering service.

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

SIC RESPONSE

For the items below at i-xix, please see response to 4.2(ii)(a).

- i. Child welfare (physical and emotional)
- ii. The child's views
- iii. Placement of siblings
- iv. The placement of a child in foster care
- v. The particular placement of a child with foster carers
- vi. Contact between a child in foster care with his or her family
- vii. Contact between a child in foster care and other siblings in foster care
- viii. Information sharing with the child's family
- ix. Fostering panels (including constitution, remit, frequency and record keeping)
- x. Recruitment and training of foster carers
- xi. Requiring employers to divulge details of complaints etc. in relation to prospective foster carers to the 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)
- 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?

SIC RESPONSE

Please see response to 4.2(ii)(a).

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

SIC RESPONSE

Please see response to 4.2(ii)(a).

e) Were relevant records kept demonstrating adherence?

SIC RESPONSE

We have limited information about this, although given the lack of records the Council holds on file about adherence with policies and procedures, it appears relevant records demonstrating adherence specifically were not kept. Although, information on adherence can be gathered from the Children and Foster Carer Files and findings from external inspections.

- f) Have such records been retained?

SIC RESPONSE

Please refer to 4.2(ii)(e) above.

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

SIC RESPONSE

It appears from the records available to us that the Council did adhere to policy/procedure in practice.

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

SIC RESPONSE

As above, it appears from the records available to us that the Council did adhere to policy/procedure in practice.

Present

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

SIC RESPONSE

In terms of adherence with the Council's current policies and procedures relating to the provision of foster care, it can be seen from the information provided in Appendix 7 that no issues have been noted by the Care Inspectorate in relation to the Council's Social Work practices, including those relating to fostering services. In addition:

- The Council ensures it follows the relevant national policy, guidance and legislation when carrying out its fostering services, such as the National Care Standards.
- The Council has a very structured process of supervision of its Social Workers, where managers supervise their caseloads. Such supervision involves ensuring the Social Workers comply with current policies and procedures.
- The Council's Social Workers are bound by professional codes of conduct (e.g. as relate to their Social Worker registration and qualifications) that require them to conduct their duties in line with best practice.

- j) If so, please give details.

SIC RESPONSE

Please see response to 4.2(ii)(i).

4.3 Children

SIC RESPONSE

Where possible, we have responded to certain questions below. However, please also refer to the corresponding questions and responses at 4.2.

(i) Policy

Past

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

SIC RESPONSE

From reviewing the Children and Foster Carer Files, it appears that carers were provided with support and guidance to ensure they were best able to foster children. In addition, regular supervision of carers appeared to take place by the Council's Social Work Department of both carers and children in placements.

Please also refer to our response to Part B for more information on the Council's assessment regarding the safeguarding of children in foster care.

- ii. Child Protection

SIC RESPONSE

As above, at 4.3(i)(d)i.

- iii. Medical care
- iv. Children's physical wellbeing
- v. Children's emotional and mental wellbeing
- vi. Schooling/education

SIC RESPONSE

Information on the schooling/education of children in foster care would often be included in the Child's Plan.

- vii. Discipline

SIC RESPONSE

Guidance would have been given by the Council's Social Work Department to foster carers in relation to appropriate discipline of children in foster care.

- viii. Activities and holidays for children

SIC RESPONSE

Information on the activities and holidays of children in foster care would often be included in the Child's Plan.

- ix. Sharing a bedroom

SIC RESPONSE

There is no evidence within the Children Files of children sharing bedrooms except on a few earlier occasions and this would have been with siblings.

- x. Contact with family members

SIC RESPONSE

Information on the contact children in foster care would have with their family members would often be included in the Child's Plan.

- xi. Contact with siblings

SIC RESPONSE

Information on the contact that children in foster care would have had with their siblings would often be included in the Child's Plan.

- xii. Celebration of birthdays and other special occasions

SIC RESPONSE

Information on the celebration of birthdays and other special occasions would often be included in the Child's Plan

- xiii. Information sharing by the foster carer with family members

SIC RESPONSE

Details of information sharing by the foster carer with family members of children in foster care would often be included in the Child's Plan.

- e) Who compiled the policies and/or procedures?
- f) When were the policies and/or procedures put in place?
- g) Were such policies and/or practices reviewed?
- h) If so, what was the reason for review?
- i) What substantive changes, if any, were made to the policies and/or procedures over time?
- j) Why were changes made?
- k) Were changes documented?
- l) Was there an audit trail?

Present

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

SIC RESPONSE

Please refer to response at 4.2(i)(m).

- n) If so, please give details.

(ii) Practice

SIC RESPONSE

Please see response to 4.2(ii)(a). It appears from our records and the Children and Foster Carer Files that the Council adhered to its policies and procedures in relation to the care of children in foster care.

Past

- a) Did the local authority adhere in practice to its policy/procedures relating to the care of children in foster care?
- b) Did the local authority adhere in practice to its policy/procedures in terms of the following?
 - i. Safeguarding
 - ii. Child Protection
 - iii. Medical care
 - iv. Children's physical wellbeing
 - v. Children's emotional and mental wellbeing
 - vi. Schooling/education
 - vii. Discipline
 - viii. Activities and holidays for children
 - ix. Sharing a bedroom
 - x. Contact with family members
 - xi. Contact with siblings

- xii. Celebration of birthdays and other special occasions
- xiii. Information sharing by the foster carer with family members

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

Present

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

SIC RESPONSE

Please see response to 4.2(ii)(i).

- j) If so, please give details.

4.4 Foster carers

SIC RESPONSE

Where possible, we have responded to certain questions below. However, please also refer to the corresponding questions and responses at 4.2.

(i) Policy

Past

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

SIC RESPONSE

It appears that the Council's historic policies in relation to foster carers reflected BAAF guidance.

- b) Was there a particular policy and/or procedural aim/intention?
- c) Where were such policies and/or procedures recorded?
- d) What did the policies and/or procedures set out in terms of the following?

SIC RESPONSE

In relation to items i-vi below, it is suggested that these were completed at the assessment stage for foster carers using the relevant BAAF forms and following the relevant BAAF guidance.

- i. Recruitment
- ii. Standard and size of accommodation
- iii. Number, age and gender of children accommodated/in the household

SIC RESPONSE

Some of the Foster Carer Files contain details of the age and numbers of children that individual foster carers were approved to care for.

- iv. Pre-approval/registration checks
- v. References
- vi. Foster care agreements
- vii. Induction

SIC RESPONSE

It appears that inductions of foster carers would have been carried out by the Council's Social Work Department.

- viii. Transfer of foster carers to or from other organisations or local authorities
- ix. Review/supervision

SIC RESPONSE

It appears from the Foster Carer Files that reviews and supervision of foster carers was conducted by the Council's Social Work Department, for instance by a social worker.

- x. Training

SIC RESPONSE

It appears from the Foster Carer Files that training for foster carers was provided by the Council's Social Work Department. In addition, there is evidence in some of the Foster Carer Files from the late 1990's and early 2000's that training was provided to foster carers by external consultants (e.g. Sally Wassell, Child Care Consultant and Trainer; and the Fostering Network etc.).

- xi. Personal development
- xii. Disciplinary actions
- xiii. Removal of approval/registration

SIC RESPONSE

Certain Foster Carer Files show that foster carers were deregistered by the Council's Fostering Panel.

- e) Who compiled the policies and/or procedures?
- f) When were the policies and/or procedures put in place?
- g) Were such policies and/or practices reviewed?
- h) If so, what was the reason for review?
- i) What substantive changes, if any, were made to the policies and/or procedures over time?
- j) Why were changes made?
- k) Were changes documented?
- l) Was there an audit trail?

Present

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

SIC RESPONSE

Please refer to response at 4.2(i)(m).

- n) If so, please give details.

(ii) Practice

Past

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

SIC RESPONSE

Please refer to 4.2(ii)(a).

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

SIC RESPONSE

In relation to items i-xiii below, it is suggested that the Council would have followed the relevant BAAF guidance.

- i. Recruitment
- ii. Standard and size of accommodation
- iii. Number, age and gender of children accommodated/in the household
- iv. Pre-approval/registration checks
- v. References
- vi. Foster care agreements
- vii. Induction

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

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

Present

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

SIC RESPONSE

Please see response to 4.2(ii)(i).

- i) If so, please give details.

4.5 Other members of the foster carer's household

SIC RESPONSE

Where possible, we have responded to certain questions below. However, please also refer to the corresponding questions and responses at 4.2.

(i) Policy

Past

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

SIC RESPONSE

Certain Foster Carer and Children Files indicate that other members of the foster carer's household undertook Disclosure and PVG checks, if applicable.

- b) Was there a particular policy and/or procedural aim/intention?
- c) Where were such policies and/or procedures recorded?
- d) Who compiled the policies and/or procedures?
- e) When were the policies and/or procedures put in place?
- f) Were such policies and/or practices reviewed?

- g) If so, what was the reason for review?
- h) What substantive changes, if any, were made to the policies and/or procedures over time?
- i) Why were changes made?
- j) Were changes documented?
- k) Was there an audit trail?

Present

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

SIC RESPONSE

Please refer to response at 4.2(i)(m).

- m) If so, please give details.

(ii) Practice

Past

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

SIC RESPONSE

Please refer to response at 4.2(ii)(a).

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

Present

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

SIC RESPONSE

Please see response to 4.2(ii)(i).

- h) If so, please give details.

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

SIC RESPONSE

Where possible, we have responded to certain questions below. However, please also refer to the corresponding questions and responses at 4.2.

(i) Policy

Past

- 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?

SIC RESPONSE

We have very limited information on this from our records, however the Children Files show that less than five children were placed with other local authorities/other organisations such as independent providers.

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

Present

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

SIC RESPONSE

Please refer to response at 4.2(i)(m). In addition, the Council would now follow procurement procedures and Scotland Excel Protocols.

- m) If so, please give details.

(ii) Practice

Past

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

SIC RESPONSE

Please refer to response at 4.2(ii)(a).

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

Present

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

SIC RESPONSE

Please see response to 4.2(ii)(i).

- h) If so, please give details.

4.7 Complaints and Reporting

SIC RESPONSE

Where possible, we have responded to certain questions below. However, please also refer to the corresponding questions and responses at 4.2.

(i) Policy

Past

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

SIC RESPONSE

Our records show that the Council has had complaints procedures in place specific to its Social Work function, including those services which relate to children, from 1991. Such procedures were implemented in accordance with relevant legislation (e.g. Social Work (Scotland) Act 1968 and National Health Service and Community Care Act 1990), Scottish Government Circulars and Guidance (SW5/1991 and SWSG5/1996) and Directions made by the Secretary of State requiring local authorities to have such procedures in place and to update such procedures accordingly.

From our records it can be seen that the Council's procedures were updated in June 1996 and April 2017 (the Council's current procedure). The procedures were updated to remain in line with the legislation in force at the time and following advice from the Scottish Government via the above noted Circulars and Guidance. The Council's current Social

Work Complaints Handling Procedure was drafted and implemented in accordance with guidance from the Scottish Public Services Ombudsman (“SPSO”) and was developed specifically for Social Work services.

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

SIC RESPONSE

On review of our records, it can be seen that the purpose of the Council’s Social Work historic complaints procedures was to allow service users, clients and/or their representatives a clear, accessible and quick route to raise issues and complaints with the Council about its Social Work services. Further, the procedures were intended to provide complaints procedures that assisted to ensure quality assurance and service objectives were being achieved.

In relation to the Council’s current Social Work Complaints Handling Procedure, this procedure states the following:

“[The Council’s] complaints handling procedure reflects [the Council’s] commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, [the Council] can make evidence-based decisions on the facts of the case.”

“[The] procedure aims to help [the Council] ‘get it right first time’. [The Council wants] quicker, simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff.”

“The complaints handling procedure will help [the Council] do [its] job better, improve relationships with [its] customers and enhance public perception of [the Council]. It will help [the Council] keep the user at the heart of the process, while enabling [the Council] to better understand how to improve [its] services by learning from complaints.”

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

SIC RESPONSE

Our records show that these policies were recorded by and with Social Work Department. They may also have been recorded with the Council’s Human Resources Department.

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

SIC RESPONSE

As mentioned above, the Council's complaints procedures encompass the Council's entire Social Work function and therefore do not touch specifically on many of the items noted below at i-viii. We have provided a response to these items where possible.

i. Complaints by children

SIC RESPONSE

The Council's complaints procedure from 1996 does not specifically refer to children, foster carers, parents or relevant third parties, however such individuals (or their representatives) would have been able to make complaints to the Council under this procedure if they were, for instance, persons for whom the Council provided a service to either directly or indirectly.

Under the Council's 2017 Social Work Complaints Handling Procedure:

"Anyone who receives, requests, or is affected by [the Council's] social work services can make a complaint. This is not restricted to 'service users' and their relatives or representatives, but may also include people who come into contact with or are affected by these services... In this procedure these people are termed 'customers', regardless of whether they are or were using a service."

"Sometimes a customer may be unable or reluctant to make a complaint on their own. [The Council] will accept complaints from third parties, which may include relatives, friends and advocates... This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves."

In addition, the 2017 complaints procedure sets out guidance on handling more complex social work complaint scenarios, including those relating to (i) child protection concerns and (ii) looked after and accommodated children. In relation to the former, the procedure states:

"Customers may express concerns that a child... is at risk, but frame their concern in terms of dissatisfaction that 'nothing has been done about this'. The member of staff will need to consider whether the person is authorised to make complaints on behalf of the child... in question, whether they expect the matter to be handled as a complaint and whether the professional view is that these matters are best addressed through initiating the applicable protection procedures."

In relation to the latter, the procedure states:

"[The Council] has a special duty of care to children in its care... Special care should be taken when investigating complaints made by or on behalf of those individuals."

“Children who are looked after by [the Council] may complain. They may have little in the way of a support network and may be estranged from their family. It may also be inappropriate for the family to represent the child’s interests. Particular care, therefore, should be taken to ensure that the child’s complaint is understood and, particularly for younger children, that the response is understood by them.”

ii. Complaints by foster carers

SIC RESPONSE

Please refer to 4.7(i)(d)(i). In addition, the Council’s 2017 Social Work Complaints Handling Procedure contains a section on “Complaints brought by foster carers”. This section states as follows:

“Complaints brought by foster carers can relate to the support services they receive from [the Council], the way [the Council’s] staff engage with them, or services a child in their care is or was receiving or has requested from [the Council].

Any complaint brought by a foster carer on behalf of a foster child in their care, or formerly in their care, should be considered under this CHP. A foster carer has sufficient interest in the wellbeing of a child to complain on their behalf. Where possible, the views of the child should also be taken into account and if they are different from the views of the foster carer, this should be referred to in the response.

Foster carers who are recruited and supported by [the Council] may bring complaints about these services. However, approval and de-registration of the carer by [SIC] may be considered through alternative appeal mechanisms. As noted under this section “Complaints and appeals”, these appeals must be handled in line with the CHP timescales and end with signposting to the SPSO.

Complaints from foster carers supported by private agencies will not be addressed within this CHP if the complaint is wholly about their own circumstances and support rather than those of the child. Such complaints should be directed to the complaints process of the relevant agency.

An agency foster carer may still complain about the way [the Council’s] staff have interacted with them or about any element of service that they might reasonably expect to be provided by [the Council][...]

Where a complaint cannot be considered in part or whole by [the Council], the customer must be given a clear explanation

as to why this is, what (if any) part of their complaint will be investigated and how they may refer the matter to the SPSO.”

- iii. Complaints by family members of children

SIC RESPONSE

Please refer to 4.7(i)(d)(i).

- iv. Complaints by third persons

SIC RESPONSE

Please refer to 4.7(i)(d)(i).

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

SIC RESPONSE

The Council's 1996 complaints procedure explains that the Council will offer advice and guidance to those that raise complaints about the procedure.

The Council's 2017 Social Work Complaints Handling Procedure contains a section on "Supporting the customer", the first paragraph of which sets out the following;

"All members of the community have the right to equal access to [the Council's] complaints procedure. It is important to recognise the barriers that some customers may face complaining. These may be physical, sensory, communication or language barrier, but can also include their anxieties and concerns. Customers may need independent support to overcome these barriers to accessing the complaints system."

In terms of external support, the 2017 procedure provides that complaints can be made to the Care Inspectorate as well as, or instead of, to the Council. Customers can also raise concerns with/refer their matter to other external bodies such as the SPSO, the Mental Welfare Commission, the Children's Commissioner and the Scottish Social Services Council.

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

SIC RESPONSE

The Council's 1996 complaints procedure includes details of receipt and investigation of complaints, including information on how complaints are handled by the Council's Complaints Review Committee ("CRC"). The role of the CRC was to examine objectively and independently the facts presented by the complainer and to make a recommendation accordingly.

The Council's 2017 Social Work Complaints Handling Procedure sets out the various stages and timescales associated with raising a complaint. It also sets out guidance on handling more complex social work complaint scenarios, including those relating to (i) child protection concerns, (ii) looked after and accommodated children and (iii) complaints raised by foster carers.

viii. External reporting of complaints

SIC RESPONSE

In relation to the Council's 1996 complaints procedure, please refer to the response at 4.7(i)(d)vii.

The Council's 2017 Social Work Complaints Handling Procedure states the following in relation to reporting and publicising complaints:

"[The Council publishes] on a quarterly basis the outcome of complaints and the actions [the Council has] taken in response. This demonstrates the improvements resulting from complaints and shows that complaints can influence [the Council's] services. It also helps ensure transparency in [the Council's] complaints handling service and will help to show [the Council's] customers that [the Council] values their complaints.

[The Council] must:

- *Publicise on a quarterly basis complaints outcomes, trends and actions taken.*
- *Use case studies and examples to demonstrate how complaints have helped improve services.*

This information should be reported regularly (and at least quarterly) to [the Council's] Corporate Management Team."

"[The Council] also report on [the Council's] performance in handling complaints annually in line with SPSO requirements. This includes performance statistics showing the volumes and types of complaint and key performance details, for example

on the time taken and the stage at which complaints were resolved."

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

SIC RESPONSE

It appears that these procedures were compiled by the Council's Social Work Department, with assistance from the Council's Legal Services.

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

SIC RESPONSE

Please refer to response at 4.7(i)(a).

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

SIC RESPONSE

Please refer to response at 4.7(i)(a).

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

SIC RESPONSE

Please refer to response at 4.7(i)(a).

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

SIC RESPONSE

As mentioned above, any substantive changes to the policies/procedures were made to ensure compliance with national policy, guidance and legislation, in particular Secretary of State Directions, Scottish Government Circulars and Guidance and SPSO guidance.

- j) Why were changes made?

SIC RESPONSE

Please refer to response at 4.7(i)(a).

- k) Were changes documented?

SIC RESPONSE

We have some records to demonstrate that changes were made, however we do not appear to hold specific records on changes being made to complaints procedures.

Please refer to response at 4.7(i)(a).

- l) Was there an audit trail?

SIC RESPONSE

Please refer to response at 4.7(i)(k).

Present

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

SIC RESPONSE

Please refer to the above responses for 4.7(i).

- n) If so, please give details.

(ii) Practice

Past

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

SIC RESPONSE

We hold very limited information on this, however from review of the Children and Foster Carer Files it can be seen that no specific complaints were raised in relation to the Council's fostering services (for the past and present position), as further explained in Part D.

Please also refer to response at 4.2(ii)(a).

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- b) Did the local authority adhere in practice to its policy/procedures on the following:
- i. Complaints by children
 - ii. Complaints by staff
 - iii. Complaints by family members of children
 - iv. Complaints by third persons
 - 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?
- d) How can such adherence be demonstrated to the Inquiry?
- e) Were relevant records kept demonstrating adherence?
- f) Have such records been retained?
- g) If policy/procedure was not adhered to in practice, why not?

Present

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

SIC RESPONSE

Please see response to 4.2(ii)(i).

- i) If so, please give details.

4.8 Internal Investigations

SIC RESPONSE

Where possible, we have responded to certain questions below. However, please also refer to the corresponding questions and responses at 4.2.

(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?

SIC RESPONSE

The first interagency Child Protection procedures started in May 1998 followed by revised procedures in February 2001, July 2003, November 2004, August 2007, July 2012, August 2015 and May 2019. These procedures were followed by the Council when conducting internal investigations relating to abuse or alleged abuse of children in foster care.

Please refer to Appendix 8 for more details.

- b) Was there a particular policy and/or procedural aim/intention?
- c) Where were such policies and/or procedures recorded?
- d) What did the policies and/or procedures set out on the following:
 - i. Approach to/process of internal investigations
 - ii. Identifying lessons/changes following internal investigations

- iii. Implementation of lessons/changes following internal investigations
- iv. Compliance
- v. Response (to child and abuser)
- vi. Response to complaints (including response by local authority)
- vii. External reporting following internal investigations
- e) Who compiled the policies and/or procedures?
- f) When were the policies and/or procedures put in place?
- g) Were such policies and/or practices reviewed?
- h) If so, what was the reason for review?
- i) What substantive changes, if any, were made to the policies and/or procedures over time?
- j) Why were changes made?
- k) Were changes documented?
- l) Was there an audit trail?

Present

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

SIC RESPONSE

Please refer to response at 4.2(i)(m).

- n) If so, please give details.

(ii) Practice

Past

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

SIC RESPONSE

We have limited information in our records on this, however the Children Files would suggest that the Council did adhere to its policies/procedures and best practice in relation to its internal investigations (e.g. conducting investigations, decision making in relation to the investigation, actions taken and support given) of abuse or alleged abuse.

See our response to Part B for more details. Please also refer to response at 4.2(ii)(a).

- b) Did the local authority adhere in practice to its policy/procedures on the following:
 - i. Approach to/process of internal investigations
 - ii. Identifying lessons/changes following internal investigations

- iii. Implementation of lessons/changes following internal investigations
- iv. Compliance
- v. Response (to child and abuser)
- vi. Response to complaints (including response by local authority)
- vii. External reporting following internal investigations
- c) How was adherence demonstrated?
- d) How can such adherence be demonstrated to the Inquiry?
- e) Were relevant records kept demonstrating adherence?
- f) Have such records been retained?
- g) If policy/procedure was not adhered to in practice, why not?

Present

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

SIC RESPONSE

Please see response to 4.2(ii)(i).

- i) If so, please give details.

4.9 Record keeping

SIC RESPONSE

Where possible, we have responded to certain questions below. However, please also refer to the corresponding questions and responses at 4.2.

(i) Policy

Past

- a) What policies and/or procedures did the local authority have on record keeping in relation to foster care?
- b) What policies and/or procedures did the local authority have on record keeping by foster carers?
- c) In relation to (a) and (b) above, was there a particular policy and/or procedural aim/intention? Where were such policies and/or procedures recorded?
- d) What did the policies and/or procedures set out in relation to record keeping on the following:
 - 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
- e) Who compiled the policies and/or procedures?
 - f) When were the policies and/or procedures put in place?
 - g) Do such policies and/or procedures remain in place?
 - h) Were such policies and/or practices reviewed?
 - i) If so, what was the reason for review?
 - j) What substantive changes, if any, were made to the policies and/or procedures over time?
 - k) Why were changes made?
 - l) Were changes documented?
 - m) Was there an audit trail?

Present

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

SIC RESPONSE

Please refer to response at 4.2(i)(m).

- o) If so, please give details.

(ii) Practice

Past

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

SIC RESPONSE

Please refer to response at 4.2(ii)(a).

- b) Did the local authority check adherence in practice to its policies and/or procedures in relation to record keeping by foster carers?
- c) Did the local authority adhere in practice/check adherence in practice to its policy/procedures in relation to record keeping on the following:
 - 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?
- e) Were relevant records kept demonstrating adherence?
- f) Have such records been retained?
- g) If policy/procedure was not adhered to in practice, why not?
- 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?
- i) If so, when did the reviews take place, what documentation is available, and what were the findings?
- j) How have the outcomes of investigations been used to improve systems, learn lessons?
- k) What changes have been made?
- l) How are these monitored?
- m) Did the local authority afford former children in care access to records relating to their time in foster care?
- n) If so, how was that facilitated?
- o) If not, why not?

Present

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

SIC RESPONSE

Please see response to 4.2(ii)(i).

- 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

SIC RESPONSE

Records of all children currently in foster care are kept and maintained by the Council's Social Work Department.

- ii. Staff with responsibilities for foster care

SIC RESPONSE

Records of all staff currently responsible for foster care services are kept and maintained by the Council's Social Work and Human Resources Department.

- iii. Foster carers

SIC RESPONSE

Records of all current foster carers are kept and maintained by the Council's Social Work Department.

- iv. Complaints
- v. Investigations (both internal and external)

SIC RESPONSE

Records of all Care Inspectorate Inspections are held on file by the Council's Social Work Department.

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