

Appendix No. 8

Shetland Islands Council

Response to S.21 Enquiry

Shetland Fostering Services; Child Protection Procedures; Social Work Procedures; and Fostering Procedures

This data has been gathered from electronic files; Committee Reports, discussions with staff members and current Procedures.

National Child Protection Legislation and Guidance

1889	Cruelty to Children Act
1968/69	The Social Work (Scotland) Act 1968 (the "1968 Act") requires local authorities to appoint a single Chief Social Work Officer ("CSWO") for the purposes of listed social work functions. The requirement for every local authority to appoint a Chief Social Work Officer is set out in section 3 of the 1968 Act. This provision of the Act came into force on 1st April 1969.
1970	Social Work Services Act – setting out social work provision
1973	Death of Marie Colwell led to start of Child Protection (CP) systems
1984	Further changes to CP following further child deaths.
06.01.1986	Boarding Out & Fostering Children (Scotland) Regulations.
1990	National Health Service and Community Care Act 1990
31.10.1991	Scottish Office Guidance – Protection from Abuse
1995	Children (Scotland) Act 1995 provided the legal framework.
1996	Fostering of Children (Scotland) Regulations 1996
April 2000	National Fostering Standards were introduced.
2001	Regulation of Care (Scotland) Act 2001
2009	Looked After Children (Scotland) Regulations 2009
2009	Guidance on the Looked After Children (Scotland) Regulations 2009
2014	National Guidance for Child Protection in Scotland - Child Protection is closely linked to the matter of significant harm which is defined by The National Guidance for Child Protection in Scotland 2014 as: "Harm" means the ill treatment or the impairment of the health or development of the child, including, for example,

impairment suffered as a result of seeing or hearing the ill treatment of another. In this context, "development" can mean physical, intellectual, emotional, social or behavioural development and "health" can mean physical or mental health. Whether the harm suffered or likely to be suffered by a child or young person is 'significant' is determined by comparing the child's health and development with what might be reasonably expected of a similar child.'

- April 2017 Scottish Social Services Council introduced 'The Standard for Foster Care'.
- April 2018 The 'Health and Social Care Standards' came into effect replacing the National Care Standards for Fostering.

SIC Fostering Services – Context, Guidance and Practice

- Pre 1970's No Fostering structure or Fostering Service – children were 'boarded out'.
- 04.01.1986 The Shetland Adoption Panel took on the role of the Shetland Islands Council Fostering Panel and was set up as a dual role. All applicants for fostering services to be seen by this Panel.
- 15th March '91 Child Care Review in Shetland identified gaps in SIC's Fostering Service. Recommendations made were:
- Specialist fostering Social Worker to be appointed and set up functioning fostering service for SIC
 - Recruitment campaign to enable full range of foster carers
 - Flexible system of payments to carers
 - Formal Policy on Enhanced payments to be done for more challenging placements
 - Foster care tasks to be clear in Child's Plans & clear contracts to be in place for foster carers
 - Support Groups for Foster carers to be set up.
- 18 May '91 A Children and Young People's Services Forum was held – a discussion paper on this by the Service Manager for Looked After Children acknowledged challenges in recruiting and retaining foster carers in Shetland. Assessment of carers and placement of children regulated by legislation and guidance, backed up by the National Fostering Standards as introduced in April 2000. These standards were adhered to by SIC.
- 1992 Pre 1992 there was no separate Fostering Service – it came under generic Social Work. Following the 1991 Review the Fostering Service became a separate Service in 1992.
- Pre 1992 – no Fostering procedures. Following on from 1992; visits and supports were in place for foster carers and training was being rolled out to them.
- Hame fae Hame Service was set up to provide respite and occasional accommodation for children with ASN. This was discontinued sometime late 1990's early 2000.

- 6th Jan 1992 Following Guidance from the Scottish Office on 31 October 1991 - Protection from Abuse. This brought about the implementation of coordination of local services regarding Child Protection. This also set out the remit of the Child Protection Committee. This was agreed by Shetland Islands Council Social Work Committee on this date and implemented immediately.
- There are no documents held detailing this, but the Social Work Committee Minutes states the Principles of the Process which included :- Conduct and Management of each case; the importance of Child's Plans; Response & collaboration of police; clear management oversight of cases; information to the Reporter; Procedure for investigating Child Protection cases.
- From speaking with older staff members, this is the first Child Protection process which Shetland Islands Council had.
- Child Protection guidance developed by Social Work Divisional Manager following the above Guidance and following the findings of the Orkney Enquiry in 1991. The Divisional Manager had come from Orkney and developed the first Shetland Islands Council Social Work procedures at this point.
- Sept 1992 Recruitment campaign set up for foster carers – included enhanced payment scheme. This followed the above review and a review of residential services in Shetland in Feb 1992.
- Nov 1995 It was agreed by Council Committee that all vacancies and appointments to the Fostering Panel were now delegated to the Social Work Committee.
- 1996 SIC's Social Work complaints handling procedure updated in line with national guidance and legislation.
- 1998 The first Shetland Interagency Child Protection procedures are dated May 1998, followed by updates in Feb 2001, July 2003, Nov 2004, August 2007, July 2012, August 2015, and May 2019.
- Pre 1998/9 – the CP process would be that Social Work would speak to police and agree a course of action/investigation, which may have included a form of joint interviewing. No other agencies were referring to Child Protection.
- (Child Protection Committee (CPC) Minutes from 1999 – in archives; CPC annual reports from 2000/01 to 2017/18 and first Public Protection Committee Report for 2018/19 available if needed).
- 1999 Joint Interview Training Introduced.
- 2000 Findings from death of Victoria Climbié. (Lord Lamming Report 2003), informed further changes to the Shetland Interagency Child Protection Procedures.
- 2001 Fostering Fee Scheme devised – only for one or two specialist carers.
- 18 May 2001 It was noted in records that the Fostering Panel sent its records to the Head of Social Care Services for approval.
- April 2017 SIC's Social Work Complaints Handling Procedure updated and implemented in accordance with SPCO guidance.

SIC Social Work Procedures

1992 – There is a reference to some Social Work procedures but there are no records found.

1997 – Full Social Work procedures: Fostering refers to Fostering of Children (Scotland) Regulations 1996 regarding the quality of Service to Children, Families and Foster Carers.

The Shetland Islands Council Children's Social Work Services Policy highlights the duties of the Service and incorporates:

- The main principles of the Children (Scotland) Act 1995
- Welfare and Child Care Principles
- Child Protection in conjunction with Shetland's Inter-Agency Child Protection Procedures
- Children who are Looked After – including welfare, protection and support
- Foster Care – Ethos and Values

The 1997 (and subsequent updated) Social Work Procedures cover the following:

- Aims and Intentions of Fostering Service
- Assessment of need
- Child welfare, Safeguarding; Child Protection; Medical and Wellbeing Care; Child views and Family Views
- Information sharing with Families; Family and Sibling Contact
- Placement of children and siblings; Matching
- Fostering payments applications and enhanced payment applications.
- Recruitment of foster carers including expectations of carers; Fostering Packs; Approvals; Fostering Panel role; and Foster Care Agreement;
- Looked After Child reviews and foster placement reviews; transfer of children to other placements; review and support provision to individuals leaving care; deregistration of carers
- Social Work visits, line management responsibility and support; training for carers; supervision of carers
- School and Educational activities
- Assessments of Foster Carers - Assessments will be carried out in accordance with the requirements of the British Agencies for Adoption and Fostering (BAAF) Form F and the detailed BAAF guidance. This will include all the requirements specified in the Fostering of Children (Scotland) Regulations 1996. This includes accommodation; employer and character references; other members of the household; accommodation and bedroom requirements.
- Fostering and Adoption Panel - The Fostering and Adoption Panel is responsible for considering the assessment of prospective foster carers and respite carers. The Panel will inform the Director of Social Work in writing of its recommendations. The Director of Social Work's decision will be communicated in writing to the applicants by the Child Care Development Officer.

Social Work Procedures were then subsequently updated in 2007; 2011; 2014; draft 2019.

SIC Fostering Procedures (in-house)

There were no Fostering procedures/processes prior to 1996 and they were only developed within the 1997 Social Work procedures in 1997, and then in the early 2000's.

In addition to the Social Work Procedures, records show specific in-house Fostering procedures, were developed around 2015 and updated in 2018. There are no records of previous in house procedures.

The Foster Carers Handbook was previously in circulation in 2011 although a copy of this has not been kept. The new Handbook was completed in Jan 2019, which covers all aspects of Foster Care in Shetland.

The Current in house Fostering Procedures include:

1. Planning and Managing the Service
2. Professional Competence and Management of the Family Placement Service (Fostering Service)
3. Placements – Linking and Matching
4. Adopter and Foster Carer Recruitment and Initial Information
5. Preparation and Assessment of Foster Carers
6. Foster Carer Agreements
7. Payment of Allowances
8. Post Approval Training and Support for Carers
9. Review of Carers Approval; Termination or Deregistration
10. Unannounced Visits
11. Smoke Free Policy
12. Second Opinion Visits
13. Participation Policy
14. Functions and Objectives – Fostering. This includes the ethos and values of the Agency and the Service, and the support to Foster Carers.
15. Foster Carers Handbook (the “Handbook”)

These procedures and the Handbook cover all aspects mentioned above under the 1997 Social Work procedures but also include:

- Birthdays, Leisure and activities
- Induction and training support to carers
- Foster Carers Recordings
- Complaints; Disciplinary and Allegations against Carers.
- Provision of foster care
- Care of children in foster care
- Role of Foster carers
- Other members of the foster carer’s household
- Placement of children with foster carers approved/registered by other local authorities or organisations
- Complaints and reporting about foster care
- Internal investigations relating to abuse or alleged abuse of children in foster care

- Record keeping in relation to foster care

Additionally the Child Protection Procedures also detail the process regarding allegations of foster carers.

Values & Ethos

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.

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.